

THE
PEW
ENVIRONMENT GROUP

What States Want from Rio+20: **The Ocean**



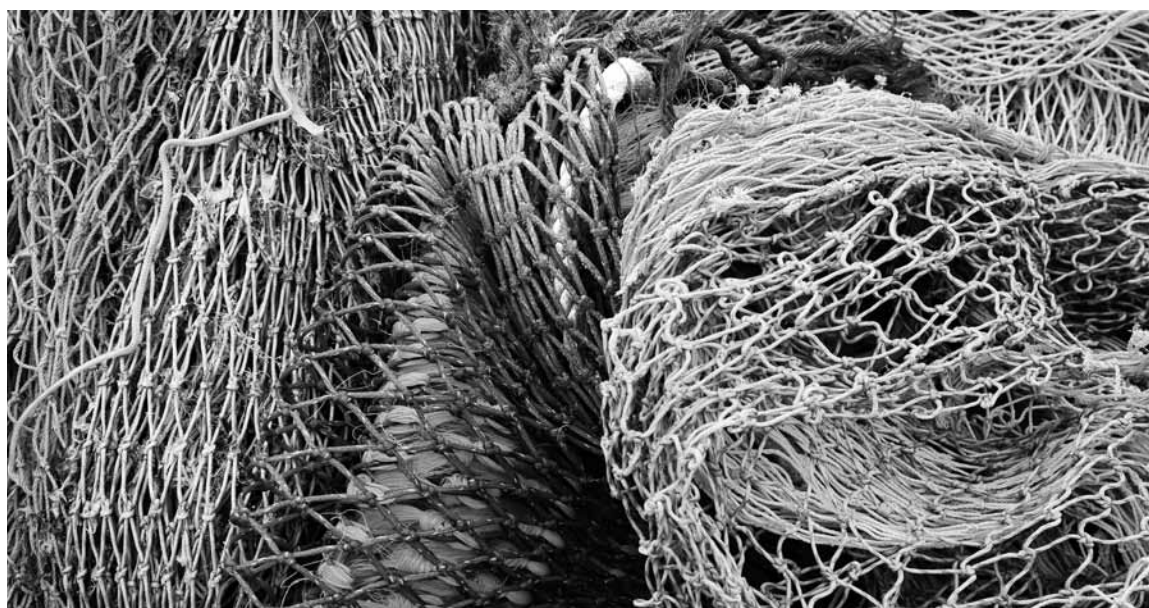
THE OCEAN AS A PRIORITY

Sustainable use of the ocean and precautionary, science-based management of marine resources and biodiversity are essential for achieving sustainable development. During the preparatory process for the United Nations Conference on Sustainable Development (UNCSD or Rio+20), restoring the health and economic viability of ocean ecosystems arose as prominent issues among all stakeholders. Political groups, States and non-governmental organizations identified ocean issues as critical in submissions to the compilation document. Additionally, the UNCSD Bureau has indicated that management of the ocean will be one of the seven priority areas addressed. Momentum is mounting for leaders to agree to a strong ocean outcome as a critical part of meeting the objectives of UNCSD and fulfilling the promise of sustainable development.

THREATS TO THE OCEAN

Overexploitation of fish stocks, destruction of marine ecosystems and a steady trend of biodiversity loss threaten food security, economic stability and the livelihoods of millions. Many threats to the ocean are consequences of harmful anthropogenic activities including, in particular, industrial fishing. In their submissions to the compilation document, political groups and States provide specific reference to ocean threats which should be addressed in the outcome document of UNCSD¹.

What follows is an analysis of submissions from political groups and States on threats to the ocean and the ramifications for sustainable development. The Pew Environment Group has attempted to highlight commonalities and to offer recommendations to address these threats to ensure a healthy ocean for future generations.



Industrial fishing nets, © Shutterstock

¹ For the compilation document, UNCSD received and posted almost 700 submissions. In addition to submissions from political groups and States, submissions came from regional preparatory meetings, UN entities, Intergovernmental Organizations (IGOs), and Non-governmental Organizations (NGOs). We recognize and value these submissions, many of which also highlighted the importance of the ocean.

The full submission of the Pew Environment Group to UNCSD can be found at:
http://www.uncsd2012.org/rio20/content/documents/239Pew%20Environment%20Group%20zero%20draft%20submission_FINAL.pdf

For additional background and analysis regarding ocean issues and Rio+20, please see our supporting materials, *Ocean Earth: How Rio+20 Can and Must Turn the Tide*²; and *Rio+20: Time to Turn Back the Tide*, an analysis of the gaps in the implementation of the ocean-related outcomes of the major summits on sustainable development.³

Submissions of political groups and States relied on in this paper can be found at:
<http://www.uncsd2012.org/rio20/index.php?menu=115>

ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU FISHING)

Numerous submissions identify illegal⁴, unreported and unregulated fishing (IUU fishing) as a significant threat.⁵ IUU fishing undermines efforts to sustainably manage global fisheries⁶ and several submissions emphasize that IUU fishing deprives many States of a crucial natural resource.⁷ The activities of distant water fishing nations (DWFNs) are noted particularly.⁸ The European Union (EU) and Monaco point out that IUU fishing in effect penalizes those fishermen who do follow international maritime laws. Several submissions refer to the Johannesburg Plan of Implementation (JPOI) target on IUU — to implement the FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) by 2004. Submissions also call for DWFNs⁹ or the greater international community to strengthen and renew their commitment to this target and/or other existing measures to prevent and combat IUU fishing.¹⁰

To address IUU fishing, the EU urges States to adopt and implement effective tools including ratification of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) which would contribute to stronger flag State control and monitoring.¹¹ Monaco and New Zealand join the EU in this call for ratification. Monaco also calls for improved flag State control of vessels and nationals — including both individuals and companies and encourages improved monitoring, control, surveillance and enforcement. Monaco also encourages methods to document catch and trade and supports capacity building to implement the above suggestions. New Zealand urges the international community to implement increased monitoring, control and surveillance measures and enhance flag and port State measures, including full compliance with reporting obligations and implementation of clear and equitable market measures.

2 <http://www.pewenvironment.org/news-room/reports/ocean-earth-how-rio20-can-and-must-turn-the-tide-858993652>

3 <http://www.pewenvironment.org/news-room/other-resources/rio20-time-to-turn-back-the-tide-85899361026>

4 Jamaica

5 G77 & China, EU, PSIDS, Australia, Japan, New Zealand, Norway, United States, Chile

6 Monaco

7 G77 & China, PSIDS

8 G77 & China, PSIDS, Chile

9 G77 & China, Chile

10 G77 and China, Australia, Chile, Jamaica,

11 As of this writing, only three parties have ratified the Agreement. The Agreement requires 25 parties in order for it to enter into force.

New Zealand, recognizing the connection between IUU fishing activities and flags of convenience, calls on the International Maritime Organization (IMO) and the Food and Agriculture Organization (FAO) to continue coordination on this issue. New Zealand also calls for development of appropriate catch certification schemes, international standards for fisheries product certification, Regional Fisheries Management Organization (RFMO) blacklists and encourages States to take action against those responsible for IUU fishing activities.

On IUU, the Group of 77 & China (G77 & China) call for coordinated efforts between flag and port States, and request capacity building and enhanced support for monitoring, control, surveillance, compliance and enforcement systems. The connection between fisheries subsidies which contribute to over-capacity and the occurrence of IUU fishing is emphasized by the G77 & China who call for the elimination of such subsidies.

The Pew Environment Group supports the call for States to immediately implement the IPOA-IUU fishing, which was to have been completed by 2004. Pew also supports efforts to strengthen flag State, port State, national and market measures, particularly by encouraging States to become parties to the PSMA. Pew applauds the calls to implement effective monitoring, control and surveillance measures and additionally urges States to implement effective compliance and enforcement measures to ensure that conservation and management measures are implemented and enforced. Pew also urges action at all levels to recognize that illegal fishing is a criminal activity and often linked to organized crime; and ensure that appropriate resources are deployed to combat this form of crime.



Trawler surrounded by seagulls under covered sky, © Shutterstock

DESTRUCTIVE FISHING PRACTICES

Several submissions highlight the need to address destructive fishing practices¹² including bottom fishing¹³, and bottom trawling.¹⁴ The submission from the Pacific Small Island Developing States (PSIDS) describes high seas bottom trawling as “ecologically unsustainable.” States committed to the elimination of destructive fishing practices through the JPOI, and while some progress has been made, the occurrence of bottom fishing continues to have significant adverse impacts on biodiversity in deep sea ecosystems.¹⁵ Through their zero draft submissions it is clear that States are calling on the international community to reduce significant adverse impacts¹⁶ on vulnerable ecosystems and to tackle bottom fishing¹⁷ and end bottom trawling.¹⁸

The PSIDS advocate for a recommitment to ending destructive fishing practices by adopting the principle that biodiversity in areas beyond national jurisdiction should be managed to minimize adverse impacts from human activities. This could be done by requiring prior environmental impact assessments (EIAs), including cumulative assessments, for human activities which may cause a significant adverse impact on deep sea biodiversity on the high seas. Noting the special needs of developing countries, Chile calls for enhanced capacity building for the establishment and implementation of mechanisms for oversight and control of fishing practices, including elimination of bottom trawling and other destructive fishing practices. Monaco calls for the elimination by 2015 of destructive fishing practices, including bottom trawling, in sensitive areas.

The Pew Environment Group is supportive of the submissions detailed above and joins the call to renew commitment to achieve the JPOI target to eliminate destructive fishing practices. Pew also strongly supports the call to eliminate, by 2015, destructive fishing practices, including bottom trawling in sensitive areas. Indeed, recognizing that deep sea bottom trawling is the single most destructive fishing method on the high seas, Pew calls upon States to agree to phase out this practice by 2015. Pew also calls on the international community to implement its commitments under Principle 15 of the Rio declaration to ensure that precautionary management is utilized to avoid significant damage to the environment before it takes place. Additionally, Pew urges States to take action at all levels to end destructive fishing practices which damage vulnerable marine ecosystems and recognize that bottom fishing in violation of previous UNGA resolutions is IUU fishing and should cease immediately.

12 United States

13 G77 & China

14 PSIDS, Chile, Monaco

15 G77 & China, PSIDS

16 EU

17 G77 & China

18 PSIDS, Chile, Monaco

SCIENCE-BASED, PRECAUTIONARY MANAGEMENT

There is recognition that healthy fish stocks are essential for maintaining balance in the marine ecosystem, for food security, economic prosperity and the social and cultural well being of many States.¹⁹ Despite national, regional and international efforts, the current international fisheries management system has failed to stem the alarming decline in global fish stocks. Monaco's submission recognizes that current rates of exploitation are unsustainable; others affirm that restoring stocks to sustainable levels and implementing science based²⁰ approaches are essential. In addition to science-based management, the European Union encourages the application of ecosystem based and precautionary approaches as well. Brazil notes that in order to promote sustainable food production and income creation, the maintenance and recovery of fish stocks to sustainable levels is critical. A number of States call on the international community to implement the JPOI target to maintain or restore fish stocks to maximum sustainable yield (MSY) by 2015 and to commit to implementing science-based management plans for rebuilding stocks by 2015, including reducing or suspending fishing catch and effort for all stocks being overfished or at risk of overfishing.²¹

Japan notes that achieving sustainable use and effective management of global fish stocks is an international objective, whether accomplished through domestic action or action at the RFMO level. In order to achieve this goal, resource management should be based on scientific data. The United States is supportive of maintaining or restoring fish stock harvest to levels that do not exceed MSY and supports integrated, ecosystem-based, and science-based conservation and management.

The EU calls for States to step up their actions to achieve sustainable fisheries including through universal adoption of the United Nations 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 (UNFSA). Monaco also urges States to become parties to the UNFSA. Recognizing the global growing demand for food and the depleted state of fish stocks, Brazil requests that Rio+20 offer guidance on sustainable harvest practices for fisheries.

Pew supports action on the issues detailed above and joins States in their call to maintain commitment to the JPOI target to restore global fish stocks to levels which can produce MSY— a minimum standard of sustainability — by 2015. Pew also supports the calls for reducing or suspending fishing catch and effort for all stocks being overfished or at risk of overfishing. Additionally, Pew encourages action on all levels to prohibit fishing in a given area or on a given stock if the fishery is not fully in accordance with relevant international commitments and resolutions and if precautionary, science-based management measures are not in place. These measures should include adequate bycatch mitigation measures. Pew also recommends leaders make strong commitments to shark conservation, including by prohibiting the take of threatened or endangered species of sharks, according to the International Union for the Conservation of Nature (IUCN) or national legislation.

19 G77 & China

20 G77 & China, PSIDS

21 G77 & China, PSIDS

RFMO ACCOUNTABILITY AND TRANSPARENCY

There is recognition that more must be done to improve the effectiveness of Regional Fisheries Management Organizations and Arrangements (RFMO/As) managing global fish stocks.²² The G77 & China and the PSIDS applaud the efforts of some RFMOs to undertake independent performance reviews, but acknowledge that these should be expanded and insist that more must be done to improve transparency and accountability. Other submissions call for strengthening RFMOs by encouraging sustainable fisheries and ecosystem based management approaches²³ and improved cooperation between States.²⁴ More broadly, Brazil calls for increased transparency in fisheries regulation and management; the US supports increased transparency in enforcement. Australia notes improvements in RFMO performance through enhanced management practices could deliver improved economic benefits to developing countries.

Pew is encouraged by States' calls for increased transparency and accountability of RFMOs. To build on the above suggestions and further promote the conservation and long-term sustainable management of marine resources, States should take action to ensure transparency and accountability of RFMO/As through UNGA oversight.

MARINE BIODIVERSITY CONSERVATION

Marine biodiversity loss driven by anthropogenic activities is increasingly harming the ocean's ability to provide vital ecosystem services to humanity. The rate of marine biodiversity loss continues to increase. A widely endorsed tool to address this problem is the establishment of marine protected areas (MPAs). A number of submissions identify this tool as an important instrument for conservation.²⁵ Others reference the Convention on Biodiversity (CBD) target which includes conservation of 10% of coastal and marine areas through the establishment of MPAs²⁶ and endorse ongoing work to protect and identify vulnerable marine ecosystems.²⁷ Monaco notes that well managed MPAs have yielded economic returns for local communities, particularly in Small Island Developing States.

However, despite widespread recognition that MPAs are a constructive tool for marine conservation, existing legal frameworks are inadequate to ensure MPAs can be established and managed on the high seas. Several submissions acknowledge this crucial ocean governance gap and encourage the international community to initiate the negotiation of a new implementing agreement under the United Nations Convention on the Law of the Sea (UNCLOS) for the conservation and sustainable use of marine biological diversity, with a particular mandate to addressing high seas MPAs, EIAs, and benefits arising from marine genetic resources originating from areas beyond national jurisdiction.²⁸

22 EU, Australia

23 Australia

24 EU

25 G77 & China, EU, PSIDS, Canada, Japan, Liechtenstein, New Zealand

26 Japan

27 PSIDS, New Zealand

28 G77 & China, EU

Pew strongly supports calls for establishing MPAs and encourages States to implement agreed commitments under the JPOI and CBD targets to establish MPAs, including marine reserves. Renewed commitment to implementing Principle 17 of the Rio Declaration to undertake EIAs and the JPOI and Millennium Development Goal (MDG) targets to reduce global biodiversity loss is also urgently needed. Pew strongly endorses calls to initiate the negotiation of a new implementing agreement under UNCLOS for the conservation and sustainable use of marine biological diversity and urges leaders to adopt language to this effect.²⁹ Gaps which could be addressed through an implementing agreement include:

- Strategic environmental assessments (SEAs) in addition to EIAs, and ongoing monitoring of the marine environment;
- Identification, designation and management of a global network of high seas MPAs, including in particular no-take reserves;
- Implementation of the precautionary principle and ecosystem approach in decision making and fisheries management;
- Reform of RFMOs to incorporate a broader ecosystem conservation focus;
- Provision of access to and dissemination of information and transparency in decision making processes; and
- A regime for access to and sharing of benefits derived from marine genetic resources in areas beyond national jurisdiction.



Underwater with light rays, © iStockphoto

²⁹ In A/66/119, the Ad Hoc Open-ended Informal Working Group recommended that a process be initiated by the General Assembly, with a view to ensuring that the legal framework for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction effectively addresses those issue by identifying gaps and ways forward, including through the implementation of existing gaps and the possible development of a multilateral agreement under the United Nations Convention on the Law of the Sea. A/66/199 went on to say that this process would address the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including the sharing of benefits, measures such as area based management tools, including marine protected areas, and environmental impact assessments, capacity-building and the transfer of marine technology. The Pew Environment Group fully supports these recommendations and looks forward to continued engagement in this process.

SUBSIDIES

As noted above, harmful subsidies, including those that contribute to overcapacity, overfishing and the prevalence of IUU fishing, provide a considerable obstacle for sustainable fisheries management. The existence of subsidized fishing fleets coupled with unsustainable fishing capacity pose an unfair challenge to developing States and undercut conservation efforts.³⁰ New Zealand supports the need to eliminate marine capture fisheries which contribute to overcapacity and overfishing and to recognize the needs of developing and least developed States. Additionally, fisheries subsidies can create perverse economic incentives which impact the long term sustainability of global fisheries, and add pressure on the last remaining, not fully exploited fisheries.³¹ A significant number of submissions identify harmful subsidies as incompatible with sustainable development objectives and recognize the existence of environmentally harmful subsidies as an issue that needs to be urgently addressed.³² Particular emphasis is placed on the importance of tackling this issue to achieve development priorities, poverty reduction and to address livelihood³³ and food security concerns.³⁴

The G77 & China along with the PSIDS urge States to reinforce their Doha and Hong Kong³⁵ commitments to prohibit subsidies that contribute to overcapacity and overfishing and to strengthen discipline in the fisheries sector. The EU calls on States to implement previous commitments to eliminate subsidies that harm the environment including the Convention on Biological Diversity (CBD) Aichi biodiversity target to eliminate harmful subsidies that contribute to overcapacity and overfishing by 2020. Monaco calls on States to increase action towards achieving the JPOI commitment to eliminate subsidies that contribute to IUU fishing and over-capacity and to implement World Trade Organization (WTO) approaches to clarify and improve disciplines on fisheries subsidies. In addition to calling for the elimination of harmful fisheries subsidies, the United States supports the reduction of excess fishing capacity. New Zealand urges the international community to use Rio+20 as a platform to build on the ongoing WTO negotiations and to re-commit to the elimination of harmful fishing subsidies. Furthermore, New Zealand calls upon international leaders to commit to improving the transparency of subsidy programmes and to consider greater accountability mechanisms for non-notification.

Several submissions also reference the need to phase out fossil fuel subsidies that undermine sustainable development.³⁶ The United States highlights the need to remove market distortions, including phasing out fossil fuel subsidies. Switzerland, notes that inefficient fossil fuel subsidies encourage wasteful consumption and undermine sustainable development. Likewise, New Zealand notes that perverse incentives that encourage harmful environmental practices and inhibit economic growth are a key obstacle to achieving a green economy. New Zealand further notes

30 G77 and China, PSIDS

31 New Zealand

32 G77 & China, EU, PSIDS, Argentina, Australia, Brazil, Grenada, Israel, Liechtenstein, New Zealand, Norway, United States

33 New Zealand

34 G77 & China, PSIDS

35 World Trade Organization Fourth Ministerial Declaration, Doha, 2001, and World Trade Organization Sixth Ministerial Declaration, Hong Kong, 2005.

36 New Zealand, Singapore, Switzerland, United States

the G20³⁷ and Asia Pacific Economic Cooperation (APEC)³⁸ commitments to phase out inefficient fossil fuel subsidies that encourage wasteful consumption and undercut sustainable development, while mitigating adverse impacts on vulnerable groups. They call upon Rio+20 to extend these commitments to all UN members and Rio+20 Parties.

Pew supports the recommendations to tackle harmful environmental and fisheries subsidies set forth in the submissions above. Pew also encourages the international community to recommit efforts to implement the JPOI and CBD targets to eliminate harmful subsidies that contribute to overcapacity and overfishing by 2020. To complement efforts on combating harmful subsidies, Pew urges States to immediately implement the FAO International Plan of Action for the Management of Fishing Capacity which was to have been completed by 2005.



Kelp burst, © Shutterstock

37 G20 Members: Argentina, Australia, Brazil, Canada, China, European Union, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, Republic of Korea, Turkey, United Kingdom, United States of America.

38 APEC's 21 member economies are: Australia, Brunei Darussalam, Canada, Chile, People's Republic of China, Hong Kong, China, Indonesia, Japan, Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, The Republic of the Philippines, The Russian Federation, Singapore, Chinese Taipei, Thailand, United States of America, and Viet Nam.

CONCLUSION

Rio+20 will mark the 3rd Earth Summit, the third time leaders will come together on the international stage to discuss the future of sustainable development and the future of the environment. With regard to the ocean, it is critical that governance mechanisms, including international conventions, and effective institutional mechanisms, such as UN oversight and review mechanisms be instituted. Effective governance and institutional mechanisms are particularly important for the high seas, where no State has jurisdiction and where results depend heavily on international cooperation, and compliance and enforcement mechanisms. The international community must seize this critical opportunity to take meaningful action to ensure the long term conservation and sustainable use of the ocean and its resources. The very future of the ocean and the food security of billions of people, dependant on a healthy ocean cannot wait.



Underwater with light rays, © iStockphoto

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ABOUT THE PEW ENVIRONMENT GROUP

The Pew Environment Group is the conservation arm of The Pew Charitable Trusts, a non-governmental organization that works globally to establish pragmatic, science-based policies that protect our oceans, preserve our wildlands and promote clean energy.