

The Main Global instruments and the FAO Instruments

Session 2

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International Instruments and Guidances

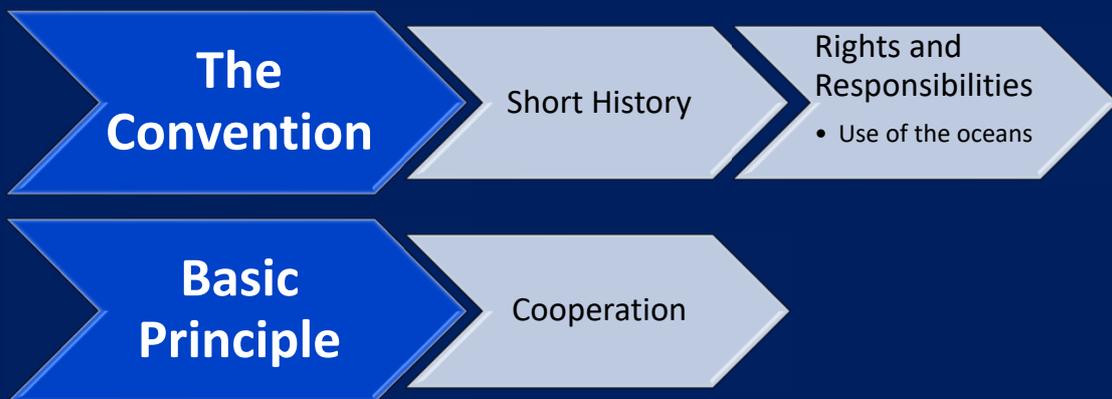
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The Main International Instruments setting the Applicable Overall Framework



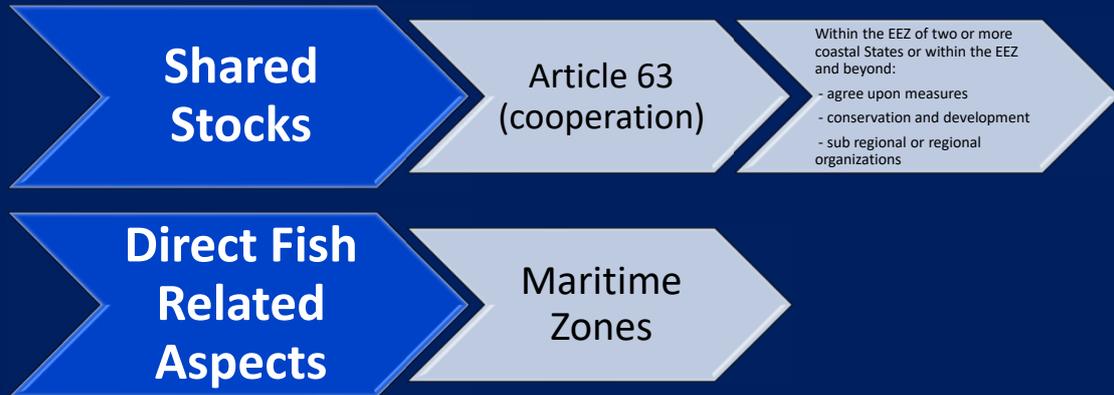
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UN Convention on the Law of the Sea (UNCLOS)

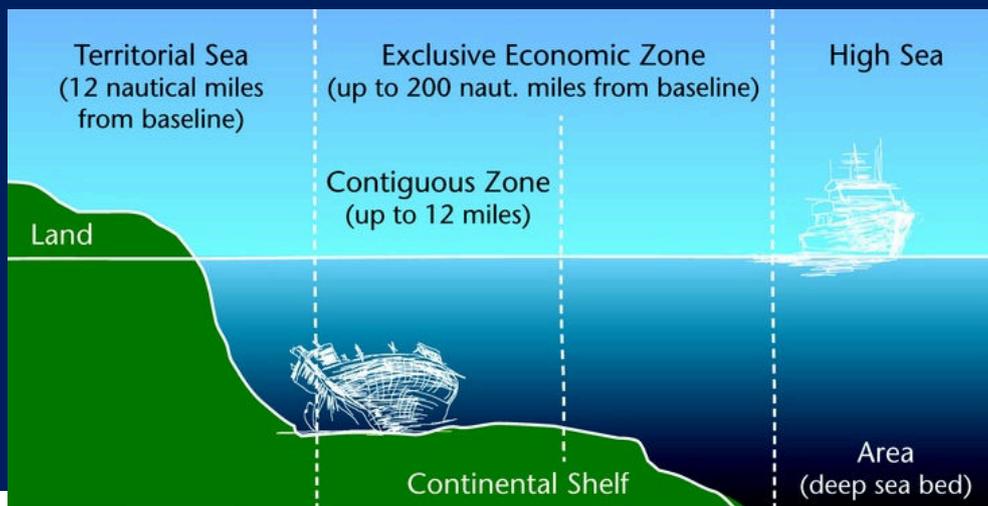


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UN Convention on the Law of the Sea (UNCLOS)



UNCLOS Maritime Zones



UNCLOS – Most Relevant Articles

Article 61 Conservation of the Living Resources

- Total Allowable Catch (TAC)
- Scientific Evidence

Article 62 Utilization of the Living Resources

- Optimum utilization
- Capacity

Article 63 Shared Stocks

- Stocks within the EEZ of two or more coastal States or within the EEZ and beyond
- Cooperation
- Agreement on conservation measures



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UN Fisheries Stock Agreement (UNFSA)

Objective

Managing and
Conserving Fish
Stocks

Straddling and
highly migratory
fish stocks

Relationship with UNCLOS

Complementarity



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UN Fisheries Stock Agreement (UNFSA)



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UN Fisheries Stock Agreement (UNFSA)

Regional Fisheries Management Organizations (RFMOs)



Responsibilities of Countries

Data collection

Monitoring of fishing vessel activities



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The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

1973 Convention

“International trade does not threaten in specimens of wild animals and plants their survival”

Tackle a global environmental problem

Multilateral framework

Based on trade measures and international cooperation

35 000 species

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The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

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Appendix I

- Threatened species (endangered)
- 3% of the species
- General prohibition on international commercial trade

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Appendix II

- Species “in risk” of extinction
- 96% of the species
- Trade conditions: legal, sustainable and traceable

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Appendix III

- National regulations
- Cooperation emphasis
- 1% of the species

Regulates export, re-export and import (permits and certificates)

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WTO Agreement on Fisheries Subsidies

Adopted at the
WTO 12th
Ministerial
Conference (2022)

Major step
forward for ocean
sustainability

Prohibits certain
forms of harmful
fisheries subsidies

First WTO
agreement to
focus on the
environment

Political, legal and
diplomatic
response to the
SDG 14.6 and
WTO mandate

Focused on
subsidies' adverse
effects on the
sustainability of
natural resources

Not addressing:
aquaculture, inland
fisheries processing
after landing,
payment for access
agreements

Enforceable
through the
WTO dispute
settlement
system

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WTO Agreement on Fisheries Subsidies In a Nutshell

Prohibitions (Three Pillars)	Subsidies Contributing to Illegal, Unreported and Unregulated IUU fishing	Subsidies Contributing to Overfished Stocks	Fishing in the unregulated high seas
Additional Disciplines	Special care and exercise of due restraint when subsidizing	Vessels not flying that Member's flag	Fishing on unassessed stock

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WTO Agreement on Fisheries Subsidies In a Nutshell

Special and Differential Treatment (Peace Clause)	Applicable to Developing Countries and LDCs		2 years with no dispute settlement on prohibited subsidies
Cross-Cutting Elements	Institutional Arrangement WTO Committee on Fisheries Subsidies to oversee the implementation and review notifications	Notification and Transparency Information on subsidies, type and kind of fishing activity, fish stocks, catch data, vessels receiving subsidies, vessels operators engaged in IUU Every 2 years <i>(4 years for LDCs)</i>	Technical Assistance To Developing Countries and LDCs for implementation of the Agreement, supported by a WTO funding mechanism

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FAO Code of Conduct for Responsible Fisheries

Comprehensive Instrument

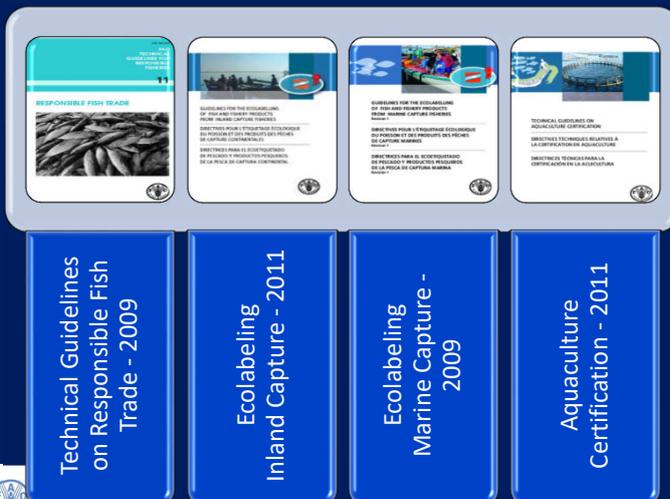
Basic Axiological Values

- Solid, sustainable, precautionary and inclusive actions
- Shared responsibilities
- Holistic approach
- Good source of guidance for the main pillars of WTO Fisheries Subsidies negotiation process

Main Covered Areas

- Fisheries management
 - Overfishing
- Small-Scale Fishers
 - Specific approach
- Post-Harvest Issues

FAO Important Guidelines



To certify and promote labels from well-managed fisheries

- principles
- general considerations
- terms and definitions
- substantive requirements and criteria
- procedural and institutional aspects

**Additional
Information
Sources**



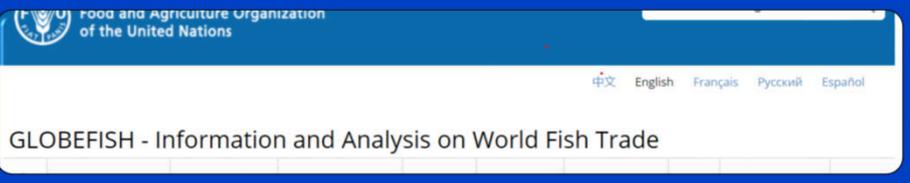
State of World Fisheries and Aquaculture (SOFA)

Every two years



Sub-Committee on Fish Trade (COFI:FT)

Every two years



GLOBEFISH - Information and Analysis on World Fish Trade

