

# **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

UN Convention  
of the Law of the  
Sea (UNCLOS)

UN Fisheries  
Stock Agreement  
(UNFSA)

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

FAO Instruments



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## UN Convention on the Law of the Sea (UNCLOS)

The  
Convention

Short History

Rights and  
Responsibilities  
• Use of the oceans

Basic  
Principle

Cooperation



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# UN Convention on the Law of the Sea (UNCLOS)

**Shared Stocks**

**Article 63  
(cooperation)**

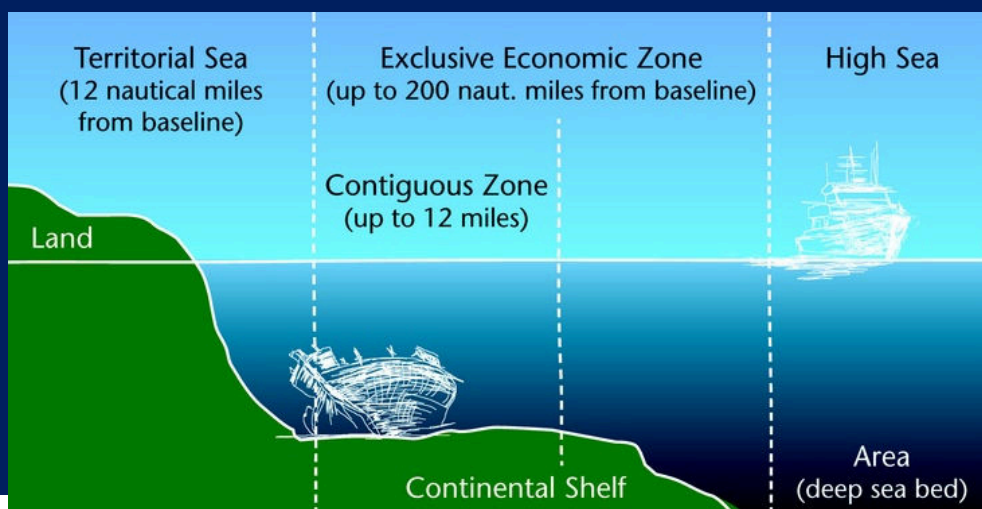
Within the EEZ of two or more coastal States or within the EEZ and beyond:

- agree upon measures
- conservation and development
- sub regional or regional organizations

**Direct Fish Related Aspects**

**Maritime Zones**

## 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)



# UN Fisheries Stock Agreement (UNFSA)

Regional Fisheries Management Organizations (RFMOs)



Responsibilities of Countries

Data collection

Monitoring of fishing vessel activities

## 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

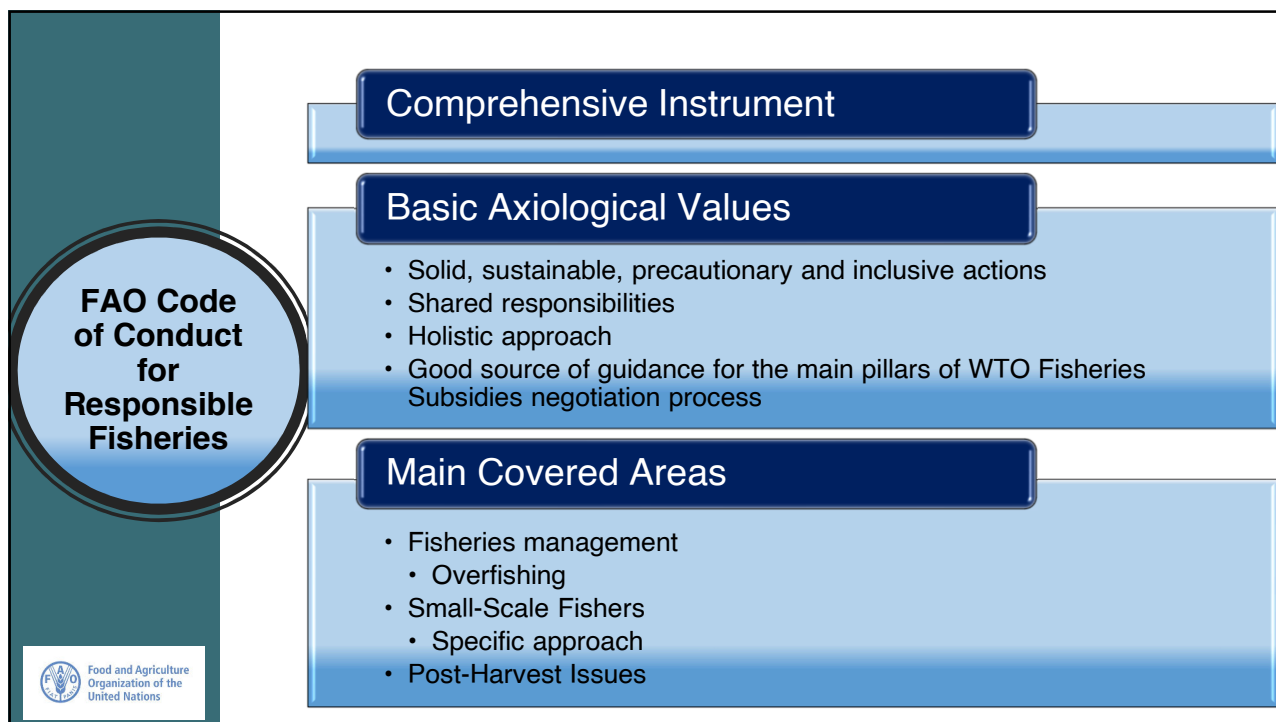
|  |   |   |   |
|--|---|---|---|
| <b>Special and Differential Treatment (Peace Clause)</b> | <b>Applicable to</b><br><br>Developing Countries and LDCs   | 2 years with no dispute settlement on prohibited subsidies  |   |
| <b>Cross-Cutting Elements</b>                            | <b>Institutional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

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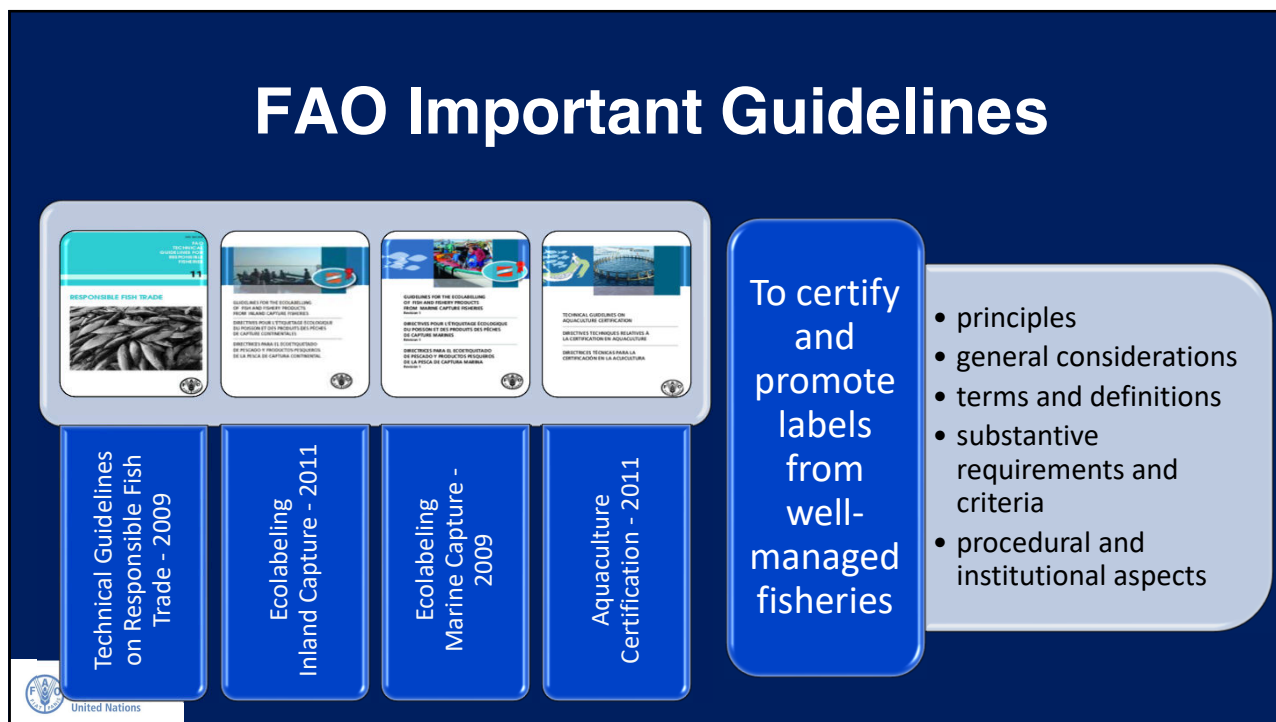


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## Additional Information Sources



### State of World Fisheries and Aquaculture (SOFIA)

Every two years



### Sub-Committee on Fish Trade (COFI:FT)

Every two years

