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COMMITTEE ON FISHERIES

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Ocean Governance and the Outcomes of Rio+20

Executive Summary

Oceans, seas and coastal areas are key to sustaining life on Earth. While they are a vital source of nutritious food, employment, recreation, trade and economic well-being for millions of people around the world, ocean resources, ecosystems and habitats are becoming increasingly degraded and used in an unsustainable manner. Rio+20 has prioritized oceans in its outcome document *The Future We Want*¹. This paper provides a brief overview of the existing institutional and legal frameworks for ocean governance, identifies some of the key challenges in overcoming weaknesses and gaps, and reports on recent initiatives that have been taken to address them. The paper concludes with some considerations on the role that fisheries may play in reformed and strengthened ocean governance arrangements.²

The Committee is invited to:

- review the current institutional and legal arrangements for ocean governance and examine current challenges and gaps at global, regional and national levels;
- advise on the appropriate roles and functions FAO could be taking to strengthen ocean governance through measures such as enhanced partnership across the UN system and with organizations such as international financial institutions; and
- advise on the measures that need to be taken at national and regional levels to ensure a better representation of fisheries stakeholder interests in ocean governance mechanisms and the support FAO could be providing in this regard including through further development of the principles of fisheries governance, policy assistance and capacity.

¹ <http://www.uncsd2012.org/thefuturewewant.html>. A summary is given in the Appendix to this document.

² The United Nations Conference on Sustainable Development (Rio+20) will take place on 20-22 June. For this reason, its outcomes will be presented and discussed in an addendum to this document that will be made available shortly after the conference.

INTRODUCTION

1. Oceans, seas and coastal areas provide a vital source of nutritious food, employment, recreation, trade and economic well-being for millions of people around the world and other goods and services that are vital for the very existence of life on earth. Capture fisheries and aquaculture provide about 4.3 billion people with about 15 percent of their average per capita intake of animal protein and contribute, either directly or indirectly, over 200 million jobs globally, with marine aquaculture expanding rapidly from the coasts to offshore areas and potentially to the high seas. Travel and tourism, ports and associated infrastructures, mining activities and energy production are also sectors that use oceans and seas to create jobs and economic and social benefits for millions of people globally.

2. Marine phytoplankton produces half of the oxygen in the earth's atmosphere and the organic matter that sustains the food web up to fish and marine mammals. Currently the ocean absorbs more than 26 percent of the carbon dioxide emitted to the atmosphere from human activities, through marine living organisms and habitats including mangroves, salt marshes, sea grasses and seaweed, the so-called blue forests. Oceans play a key role in atmospheric and climate regulation, while coastal areas provide flood protection and erosion control for low-lying coastal communities.

3. Over the last century a multitude of threats have eroded the ocean's ability to sustain the benefits it can provide for present and future generations. Furthermore, poorly managed human activities and resulting negative impacts have been eroding the resilience of the oceans, including to climate change. While marine ecosystems become more vulnerable, population growth, especially along the coasts, makes more people depend on marine ecosystem services for their health and livelihoods. While the international community has long recognized the need for action to improve ocean governance, and clear targets have been set for the sustainability of the oceans³, their implementation has been incomplete and gaps remain in this regard.

4. Because of their perceived importance, oceans were identified as one of the main priority areas to be discussed in connection with the United Nations Conference on Sustainable Development (UNCSD, usually referred to as Rio+20) and oceans and coasts have had a prominent role in the discussions leading up to the Conference. The Conference focus is on two themes: (a) a green economy in the context of food security and poverty eradication; and (b) the institutional framework for sustainable development.

5. In preparation for Rio+20, FAO collaborated in two interagency reports on the sustainable use and management of oceans. A "Blueprint for Ocean and Coastal Sustainability"⁴ prepared with Intergovernmental Oceanographic Commission of the United Nations Educational, the Scientific and Cultural Organization (IOC-UNESCO), the United Nations Development Programme (UNDP), the International Maritime Organization (IMO); and the "Green Economy in a Blue World"⁵ report prepared with the United Nations Environment Programme (UNEP), the United Nations Department of Economic and Social Affairs (UNDESA), IMO, UNDP, the International Union for Conservation of Nature (IUCN), the WorldFish Center, and GRID-Arendal. The two reports provide a context for the Rio+20 discussions through analysis of current challenges in ocean and coastal management around the world, and elaborate a set of concrete proposals and objectives to transition to a Blue-Green Economy.

³ The United Nations Conference on Environment and Development (UN CED) in 1992; the World Summit on Sustainable Development (WSSD) in 2002; Convention on Biological Diversity's (CBD) Aichi Biodiversity Targets and the Millennium Development Goals (MDGs).

⁴ IOC/UNESCO, IMO, FAO, UNDP. (2011). A Blueprint for Ocean and Coastal Sustainability. Paris: IOC/UNESCO. http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/interagency_blue_paper_ocean_rioPlus20.pdf

⁵ UNEP, FAO, IMO, UNDP, IUCN, World Fish Center, GRID Arendal. 2012, Green Economy in a Blue World. http://www.unep.org/pdf/green_economy_blue.pdf

6. This paper aims to provide an overview of existing legal and institutional frameworks for ocean governance and related issues, outlines existing initiatives and discuss the possible role of the fishery sector and of FAO for consideration by the Committee. An addendum to this document will become available shortly after the end of the Rio+20 Conference to discuss the implications of resolutions for member countries and FAO relevant to ocean governance.

OCEAN GOVERNANCE AND EXISTING INSTITUTIONAL AND LEGAL FRAMEWORKS

7. The report of the High level Panel on Global Sustainability set up by the Secretary-General of the United Nations in 2009 to develop a new vision for sustainable growth and prosperity, entitled “Resilient people, resilient planet: a future worth choosing”⁶ provides key recommendations for sustainable development. Strengthening institutional governance is one of three main areas highlighted, in addition to empowering people to make sustainable choices, and working towards a sustainable economy. Governance is especially highlighted in the section covering marine and coastal ecosystems. The perception that improved ocean governance is key to its sustainability is also reflected in discussions taking place in international fora dealing with ocean issues as well as the many ongoing initiatives that focus on this topic and aimed at improving coordination among institutions and stakeholders (see section 4).

8. The term governance is widely used to cover **institutions, instruments and processes** ranging from short term operational management to long term policy development and planning and from conventional forms of administration to modern forms of participative decision-making processes. These include policy (high level governance) and management (practical implementation of policies). Governance is expected to establish overriding principles and objectives relevant to maintain productive socio-ecological systems; develop policies and regulatory frameworks; ensure that societal interests are fairly represented in decision making; harmonize individual, sectoral and societal perspectives; maintain coherence across jurisdictional, space and time scales; define the rules for allocation of power, resources and benefits; ensure interaction with other governance systems; enforce decisions and regulations; and, maintain the capacity to learn and change.

9. Ocean governance in its most comprehensive implementation would entail a complex web of institutional arrangements that link policy cycles occurring at different scales within a given sector (from local, national, regional and global scales) and, within each scale, and coordinate policy cycles across sectors, potentially resulting in a complex web of inter-related, converging or competing actions and interests.

10. Governance can also be seen in a broader perspective to cover all interactions among players (actors or stakeholders), the institutions, whether formal or informal, that shape these interactions, and all forms of steering that are less hierarchical and open to self organization.⁷

Existing Institutions and Processes Relevant to Ocean Governance

11. At the **global scale**, and as part of the UN system a sizeable number of the agencies and programmes are involved in ocean affairs.

12. The UN General Assembly (UNGA), one of the main bodies of the UN, deals regularly with ocean issues and annually reviews developments in ocean affairs and the law of the sea. These reviews are supported by the work of specific working groups such as the Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP) that looks at emerging ocean issues; the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects (Regular Process), that aims at developing institutional arrangements and

⁶ UNGA, 2012. Resilient people, resilient planet: a future worth choosing. Report of the High-level Panel of the Secretary-General on Global Sustainability. A/66/700, pp 6-102.

⁷ Mahon, R. , Fanning,L., McConney,P. 2011. CLME TDA update for fisheries ecosystems: governance issues. GEF, UNDP, IOC-UNESCO, UNOPS. 113 p.

strategy to conduct the first global integrated marine assessment; the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) including examining legal frameworks and governance issues in areas beyond national jurisdiction (ABNJ).

13. The UN Division for Ocean Affairs and Law of the Sea (UNDOALOS), IMO, the International Sea-bed Authority (ISA) and IOC-UNESCO are exclusively devoted to ocean affairs: IMO for shipping, ISA for sea-bed mining and IOC for ocean sciences and ocean services. FAO, UNEP and UNDP have broader mandates but also deal with ocean matters. FAO's Committee on Fisheries (COFI) is the global forum which provides the platform for States and other interested parties to meet and discuss global fisheries and aquaculture issues. COFI deals specifically with policies, priority setting, development of instruments and guidance and capacity building with respect to responsible fisheries and aquaculture, management and enhancing the contribution of fisheries to food security and the alleviation of poverty.

14. The Secretariats of Multilateral Environmental Agreements (MEAs), such as the Convention of Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Convention on Migratory Species (CMS), all cover aspects related to conservation and sustainable use of specific living resources of the oceans from different perspectives.

15. The UN-Oceans network, composed of the relevant specialized agencies, programmes and other entities of the UN system and the secretariats of the relevant international conventions was established, among others, to strengthen coordination and cooperation of the UN activities related to ocean and coastal areas; the UN Development Group (UNDG), including country level initiatives in support of Rio+20 and the UNDG Task Team on Environmental Sustainability, Climate Change and Rio+20.

16. Ocean governance is also debated in a number of non-governmental, inter-governmental and multi-stakeholder forums and coalitions. Examples include IUCN, the largest global environmental organization with more than 200 government and 900 non-government organizations⁸, which has a specific programme devoted to ocean issues.

17. Another example is the Global Ocean Forum⁹ a coalition of ocean experts from governments, UN agencies, nongovernmental organizations, science groups and the private sector that aims at tracking progress in the implementation of the targets set by WSSD (Johannesburg Plan of Implementation) and anticipating emerging ocean policy issues.

18. At the **regional scale**, many regional programmes and organizations exist, sometimes with overlapping mandates.

19. Regional fishery bodies (RFBs) are mechanisms through which States and organizations work together towards the conservation, management and/or development of fisheries and related issues. Some RFBs have an advisory mandate, and provide advice, decisions or coordinating mechanisms that are not binding on their members. Other RFBs have a management mandate and have binding regulatory powers on the management area. Such RFBs are called Regional Fisheries Management Organizations or Arrangements (RFMOs) that focus on fisheries governance at the regional level. Their role and relationship to other initiatives are based on and guided by global governance legal frameworks, in particular the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

20. Currently there are more than 50 RFBs worldwide, only about half of which are RFMOs with a management mandate. However, only a limited number of RFMO/As are able to institute binding measures on members in areas beyond national jurisdiction.

21. The UNEP Regional Seas Programme was launched in 1974, and aims to address the accelerating degradation of the world's oceans and coastal areas through the sustainable management

⁸ <http://www.iucn.org/about/>

⁹ <http://www.globaloceans.org/content/about-global-ocean-forum-0>

and use of the marine and coastal environment. Today, more than 143 countries participate in 13 Regional Seas programmes established under the auspices of UNEP¹⁰. Some of these programmes are administered by UNEP, such as The Action Plan for the Protection and development of the Marine and coastal areas of the East Asian Region approved in 1981 and coordinate by COBSEA (Coordinating Body on the Sea of East Asia), or are administered independently, such as the case of The Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), established in 1995. OSPAR (The Convention for the Protection of the marine Environment of the North-East Atlantic), is a mechanism by which fifteen Governments of the western coasts and catchments of Europe, together with the European Community, cooperate to protect the marine environment of the North-East Atlantic. It should be noted that while it closely collaborates with the Regional Seas Programme, OSPAR was not established under the auspices of UNEP.

22. The IOC-UNESCO has established Sub-Commissions (such as the IOC Sub-Commission for the Caribbean and Adjacent Regions (IOCARIBE) and the IOC Sub-Commission for the Western Pacific (WESTPAC)) and Regional Committees (such as Regional Committee for the Western Indian Ocean (IOCWIO), the Regional Committee for the Central Indian Ocean (IOCINDIO), the Regional Committee for the Central Eastern Atlantic (IOCEA) and the Black Sea Regional Committee (BSRC)). These are intergovernmental subsidiary bodies of the Commission, responsible for the co-ordination and supervision of the scientific and service activities at the regional level.

23. In addition to these regional bodies, there are several large scale initiatives that address issues related to ocean governance.

24. The Global Environment Facility (GEF) Large Marine Ecosystem (LME) Programmes promote ecosystem based, integrated ocean and coastal management. GEF has been supporting 17 LME projects since 1998, leading to the establishment of multi-sectoral LME Commissions in some of them¹¹. LMEs implement a 5-module strategy for measuring the changing states of LMEs using a suites of indicators relating to (i) productivity and oceanography, (ii) fish and fisheries, (iii) pollution and ecosystem health, (iv) socioeconomics and (v) governance.

25. Other regional initiatives have also been developing as alliances of government and non-government institutions. One example is the Coral Triangle Initiative, a partnership of Indonesia, Malaysia, Papua New Guinea, the Philippines, Solomon Island and Timor Leste, supported by six formal “development partners” – Australia, the United States, the Asian Development Bank, The Nature Conservancy, Conservation International, and World Wildlife Fund (WWF). The Initiative targets regional, national and local scales, and aims at providing a flexible framework that ensures actions at different levels are mutually supportive. Good governance at the regional level is being promoted through the concept of “seascapes”, aiming at establishing good governance for ocean health at a large scale (hundreds of thousands or millions of square kilometres) through collaboration among governments of bordering nations, stakeholder groups and partner organizations¹².

26. Institutions and processes at the national level are most directly relevant and significant to ocean governance and implementation of policy and legal instruments. Their role is particularly important in light of the fact that Exclusive Economic Zones (EEZs) represent a vast amount of ocean space now under the jurisdiction of coastal States. Therefore, at the **national scale** many ministries and agencies have authority in relation to regulating the use of the seas and their resources and the protection and conservation of such resources within the countries’ EEZs.

27. The increasing use of ocean space and resources, and increased interest of civil society in ocean issues, has led to a feeling that existing, sector-based national governance arrangements are not able to efficiently and effectively address wider ocean governance issues. The institutional and legal frameworks are often not designed in a manner that enables them to deal with the range and

¹⁰ <http://www.unep.org/regionalseas/about/default.asp>

¹¹ http://www.lme.noaa.gov/index.php?option=com_content&view=article&id=47&Itemid=28

¹² <http://www.conservation.org/sites/marine/initiatives/seascapes/Pages/seascapes.aspx>

complexity of multi-sectoral issues and decision-making. Despite the obvious challenges, there are several examples of progress being made in some countries.

Governance and Implementation Instruments, Approaches and Tools

28. Considered the main legally binding framework for ocean governance, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a comprehensive regime, covering all aspects of ocean space from delimitation to environmental control, scientific research, fishing and other economic and commercial activities, technology and the settlement of disputes relating to ocean matters. UNCLOS Part V relates to the EEZs. Articles 55-57 establish EEZ and provide the rights and responsibilities of coastal State in the EEZ including "sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living" and establish the outer limit of the EEZ. Part VII of UNCLOS relates to conservation and management of the living resources of the high seas (Section 2). Part XII of UNCLOS provides for the protection and preservation of the marine environment. While UNCLOS also envisages duties and responsibilities in relation to ABNJ, and has been strengthened by the UN Agreement on the Implementation of UNCLOS Part XI¹³ in respect of deepsea mining, the UN Fish Stocks Agreement (1995)¹⁴ in respect of conservation and management of straddling and highly migratory fish stocks and the FAO Compliance Agreement relating to compliance with conservation and management measures by fishing vessels on the high seas, major challenges remain in ensuring that obligations are honoured.

29. In addition to UNCLOS, oceans or aspects thereof are also regulated by a vast array of bilateral and multilateral binding agreements¹⁵ and non-binding instruments dealing with various aspects of ocean governance and relating to a myriad of sectors and national, regional and international organizations. These provide immense challenges for institutions responsible for their implementation to ensure compliance and enforcement. The current governance and regulatory framework is also characterized as consisting of both binding law (such as the UNCLOS) and "soft law", i.e. non-binding guidelines, standards and codes such as the Code of Conduct for Responsible Fisheries (CCRF, 1995) and its supporting instruments such as the International Plans of Action (IPOAs).

30. The Convention on Biological Diversity (CBD) is an example of overarching legally binding instrument that is relevant to a specific aspect of ocean governance, namely the conservation and utilization of aquatic biodiversity. The CBD and the non binding Chapter 17 of Agenda 21 which resulted from the United Nations Conference on Environment and Development (UNCED, 1992), are seen as instruments that launched the idea of integrated management of the oceans and the concept of "ecosystem approach". The 1995 decision II/10 of the 2nd Conference of the parties to CBD addresses the conservation and sustainable use of marine and coastal biological diversity and "*Encourages the use of integrated marine and coastal area management as the most suitable framework for addressing human impacts on marine and coastal biological diversity and for promoting conservation and sustainable use of this biodiversity*".

31. The FAO CCRF is a good example of a globally recognized non binding and sectoral instrument which, among others, promotes responsible fisheries including through the integrated approach to fisheries management. The CCRF is a well-known fisheries governance instrument that provides the basis for other global non-binding instruments on responsible fisheries and technical guidelines including the IPOA Sharks, IPOA Capacity, International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and the IPOA-Seabirds. The holistic approaches promoted by the CCRF are now elaborated in such approaches as EAF.

¹³ Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982

¹⁴ 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

¹⁵ <http://iea.uoregon.edu> (as cited by IOC/UNESCO, IMO, FAO, UNDP. 2011)

32. Implementation **tools** and **approaches** for integrated ocean governance in support to sustainable use of the oceans have been developed and guidance exists to facilitate practical implementation¹⁶.

33. Some approaches and related tools have developed from a specific sector perspective based on the recognition of the need to interlink with other sectors, but without encompassing the overarching integrated governance framework. Examples include the Ecosystem Approach to Fisheries (EAF)¹⁷ and Ecosystem-Based Fisheries Management (EBFM)¹⁸. In these approaches fisheries (as other sectors operating in a given area) are managed consistently with the overall principles and objectives set for a given ecosystem. Interactions with other sectors are considered and, where relevant, links are established for harmonization purposes. Other approaches are fully holistic (cross-sectoral) and take into account all human activities impacting on a given ecosystem simultaneously. Examples include EBM¹⁹ and Integrated Coastal and Ocean Management (ICM). Integrated Coastal Zone or Area Management (ICZM or ICAM), a concept was born in 1992 during the Earth Summit of Rio de Janeiro also belongs to this category.

34. The following definition can be useful to illustrate the interpretation of integrated management that is largely valid also for ocean areas:

“ICZM is a dynamic, multidisciplinary and iterative process to promote sustainable management of coastal zones. It covers the full cycle of information collection, planning (in its broadest sense), decision making, management and monitoring of implementation. ICZM uses the informed participation and cooperation of all stakeholders to assess the societal goals in a given coastal area, and to take actions towards meeting these objectives. ICZM seeks, over the long-term, to balance environmental, economic, social, cultural and recreational objectives, all within the limits set by natural dynamics....”

35. Related to ICZM we also find the Integrated Coastal Area and River Basin Management (ICARM) that combines two schools of spatial and resource use planning: Integrated Water Resources Management (IWRM) and Integrated Coastal Zone Management (ICZM), as process of linking the management activities in the river basin and the coastal zone, where linked issues make this necessary and appropriate. A toolbox for application of this integrated coastal-water basin management has been developed²⁰.

36. Marine spatial planning (MSP) is another approach for integrated planning of ocean activities that emphasizes the need to explicitly consider the spatial and temporal distribution of human activities in ocean areas, through a public process to achieve ecological, economic, and social objectives that usually have been specified through a political process. Characteristics of marine spatial planning include ecosystem-based, area-based, integrated, adaptive, strategic and participatory²¹.

37. The use of Marine Protected Areas (MPAs) is receiving much attention as a way of protecting marine ecosystems and reverse the degradation of marine habitats. MPAs are therefore considered as a tool for biodiversity conservation in support to the implementation of ecosystem approaches.²²

38. All the above approaches and tools share similarities and all advocate principles of sectoral integration and coordination, use of participatory approaches and the need to balance ecological, social and economic objectives.

¹⁶ E.g. <http://ec.europa.eu/environment/iczm/biblio.htm> for a bibliographic list

¹⁷ FAO 2003. The ecosystem approach to fisheries. FAO Technical Guidelines for Responsible Fisheries. No. 4, Suppl. 2. Rome.

¹⁸ E.g. <http://www.nmfs.noaa.gov/sfa/EPAPrpt.pdf>

¹⁹ http://www.unep.org/publications/contents/pub_details_search.asp?ID=6200

²⁰ http://www.gwptoolbox.org/index.php?option=com_tool&id=31

²¹ http://www.unesco-ioc-marinesp.be/marine_spatial_planning_msp

²² FAO, 2011. Fisheries Management 4. Marine protected areas and fisheries. FAO Technical Guidelines for Responsible Fisheries. No 4, Suppl. 4, 198 p.

Science for Integrated Ocean Governance

39. Improved and shared knowledge of the oceans is seen as a prerequisite for an effective system of marine governance. Knowledge helps framing issues and is fundamental for decision making at the strategic (policy-related) and tactical levels (management). The uncertainty that characterizes socio-ecological systems, and the need for knowledge to be perceived as legitimate by stakeholders, poses special challenges particularly in relation to its objectivity on the one hand, and the possibility of stakeholders to understand science-based knowledge, on the other.

40. The UN General Assembly has established the “Regular Process for global reporting and assessment of the state of the marine environment, including socio-economic aspects”. The regular process aims at producing a first global integrated assessment joining together natural sciences with socio-economic information, by 2014. UNEP also plays a key role in providing science-based knowledge on the state of the marine environment and has recently launched a new initiative, i.e the International Panel on Biodiversity and Ecosystem Services (IPBES), meant to provide information on the state of marine and terrestrial biodiversity, based on a bottom-up approach to information gathering and strong participation of national institutions. It is still unclear however what the relationship will be between this process and existing efforts such as the Regular Process, FAO’s own global reviews on the state of resources for food and agriculture (e.g. the State of World Fisheries and Aquaculture (SOFIA)) and the proposed process to review the state of Aquatic Genetic Resources for Food and Agriculture.

41. IOC-UNESCO, CBD and IUCN are also providers of global reviews on the state of marine ecosystems and biodiversity. Ocean-related knowledge, in support of policy making is also generated by special bodies such as the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP), an advisory body, established in 1969, that advises the UN system on the scientific aspects of marine environmental protection. The Intergovernmental Panel on Climate Change (IPCC) is the leading international body for the assessment of climate change. It was established by UNEP and the World Meteorological Organization (WMO) to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts. The Scientific Committee on Oceanic Research (SCOR) is the leading international non-governmental organization for the promotion and coordination of international oceanographic activities.

42. Knowledge generated at the global level forms the basis for policy development at the international level, and is being integrated and mainstreamed to varying extent at lower (regional, national and local) scales.

43. At the regional and national scales knowledge is produced by dedicated institutions or as a result of academic programmes. Often however, the link between the production of knowledge and its use in policy and decision making is weak.

CHALLENGES FOR IMPROVED OCEAN GOVERNANCE

44. The above overview of existing institutional, policy and legal frameworks and approaches serves as a useful backdrop for identifying key challenges and existing gaps in ocean governance.

- Many institutions and initiatives dealing with ocean issues exist at the local, national, regional and global levels. They often overlap geographically and/or in their mandates, are seldom well coordinated and are often driven by specific sectoral or subject matter agendas that result in weak coherence. While many of these initiatives reflect the perceived need for integrated management of the oceans, resulting in self-organization processes that have a merit in their own right, it is also becoming evident that this situation results in waste of resources and negatively affects governance particularly in those cases where parallel and uncoordinated processes take place.
- There is a need to meaningfully link institutions that deal directly or indirectly with ocean issues across spatial and jurisdictional scales in ways that are both efficient and effective thus

avoiding duplications and conflicts, making sure that fisheries and aquaculture are fully integrated.

- Despite existing guidance, the task of creating a robust governance structure that brings together and coordinates the sectors, different agencies and multiple levels of government, is still a major challenge.
- Sustainable development, based on the pillars of ecological, social and economic sustainability, entails reconciling several intersecting agendas related to conservation and use, this within an overall human rights approach. Often agendas are promoted that reflect either the economic, or the social or conservation objectives while there is a clear need to address these three pillars concurrently in any context relevant to decision making, also in relation to oceans.
- Sustainable development and derived principles are largely defined at the interface between productive sectors and conservation. This makes the decision-making process aimed at optimizing both production and conservation challenging at the institutional level as well as the political level. For example, often conservation is dealt with by a Ministry of Environment, while sectoral management is the responsibility of a specific agency such as a Department or Ministry of Fisheries.
- Eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. Coasts and the ocean provide multiple opportunities for addressing poverty, through a range of economic sectors that create opportunities for livelihoods. However, it is also fundamental that equitable distribution in relation to these opportunities is practiced as a way to address poverty eradication.
- The primary responsibility to develop strategies for sustainable development and poverty eradication is with national governments that are the cornerstone of the integrated governance architecture across scales and sectors. However, developing institutional arrangements and capacities to develop solid ocean governance arrangements that address comprehensively and adequately system complexities are challenging tasks for most countries, not least also because many nations still struggle with implementing well functioning national governance systems (see World Governance Index²³).
- Marine aquaculture is rapidly expanding from coastal zones to offshore areas. Should aquaculture continue its expansion into the high seas, although some UNCLOS provisions would apply, there would be no specialised body of international law dealing with its regulation.
- The knowledge needed for integrated ocean governance poses challenges in relation to its perceived objectivity and legitimacy, particularly vis-à-vis the high level of uncertainty characterizing ocean-related processes. In particular, assessing the ecosystem impacts and the relative contribution of various sectors in addition to trying to disentangle the impacts of climate change, is a major challenge.

ONGOING AND NEW²⁴ GLOBAL INITIATIVES FOR INTEGRATED GOVERNANCE

45. As a result of the perceived lack of coordination and collaboration for improved ocean governance at all scales, new initiatives – both in the form of institutional frameworks and partnerships for sustainability – are being promoted from a diversity of sources to fill what is felt to be a major gap. These include the FAO led GEF Areas Beyond National Jurisdiction (ABNJ) Programme and the Global Partnership for Oceans (GPO) initiated by the World Bank. These vary in degree of formality, composition, structure, financing and substantive coverage.

²³ http://www.world-governance.org/IMG/pdf_WGI_full_version_EN-2.pdf

²⁴ In this context “new” will be considered as any initiative that came about in the course of the past two years or is under development.

46. With the sustainability of the oceans identified as one of seven critical issues and the institutional framework for sustainable development as one of two main themes of Rio +20²⁵, these initiatives are also very much a part of the build up to Rio+20.

UN-Oceans

47. Currently under review, UN-Oceans was set up in 2003 by the United Nations High-Level Committee on Programmes as an inter-agency coordination mechanism on oceans and coastal issues within the United Nations system and is comprised of the relevant specialized agencies, programmes and other entities of the UN system and the secretariats of the relevant international conventions, including the International Seabed Authority and the Convention on Biological Diversity.

48. Formally, it is tasked to:

- Strengthen coordination and cooperation of United Nations activities related to oceans and coastal areas;
- Review the relevant programmes and activities of the United Nations system, undertaken as part of its contribution to the implementation of the United Nations Convention on the Law of the Sea (UNCLOS), Agenda 21 and the Johannesburg Plan of Implementation;
- Identify emerging issues, define joint actions and establish specific task teams to deal with these, as appropriate;
- Promote the integrated management of oceans at the international level;
- Facilitate, as appropriate, the inputs to the annual report on oceans and the law of the sea of the Secretary-General; and
- Promote the coherence of United Nations system activities on oceans and coastal areas with the mandates of the General Assembly, and the priorities contained in the Millennium Development Goals, the Johannesburg Plan of Implementation and of governing bodies of all members of UN-Oceans.

49. Membership includes the relevant specialized agencies, programmes and other entities of the UN system and the secretariats of the relevant international conventions, including the International Seabed Authority and the Convention on Biological Diversity. In addition, it operates using Task Forces open to NGOs and other international stakeholders.

50. Substantively, UN-Oceans focuses on and responds to a wide range of topics such as biodiversity in areas beyond national jurisdiction, the development of a regular process for a global assessment of the marine environment, the Global Partnership for Climate Change, fisheries and Aquaculture (PaCFA), as well as marine protected areas (MPAs) and other area-based management tools.

The GEF "Areas Beyond National Jurisdiction (ABNJ)" Programme

51. With the FAO serving as the Global Programme Coordination Unit, the time-bound (5 year) GEF ABNJ Programme brings together UNEP, UNDP, the World Bank, RFMO/As, the private sector and NGOs. It has a global Steering Committee and a Technical Advisory Group that work to ensure participation of key partners from the policy, technical, and scientific communities as well as industry.

52. Focusing on tuna and deep-sea fisheries, in parallel with the conservation of biodiversity, the ABNJ programme aims to promote efficient and sustainable management of fisheries resources and biodiversity conservation in the ABNJ and to meet related global targets agreed in international fora. The global resources governance of the ABNJ poses serious and distinctive challenges, and the high-value fisheries and associated biodiversity in the ABNJ are now subject to mounting threats such as overcapacity, IUU fishing, increased hardship for fishers, foregone wealth, threatened food supplies, inappropriate fishing practices and inadequate conservation of the related ecosystems. And, whilst there have been significant developments over the years in terms of improved ecosystem-based

²⁵ <http://www.uncsd2012.org/rio20/isfd.html>

methodologies, tools, practices and the implementation of rights-based systems by a number of RFMO/As, there has been a general lack of progress on meeting the global targets agreed in international forums.

53. The GEF Council has approved 50 million USD in financing for the ABNJ Programme which is leveraged with over 270 million in partner financing and the goal of the Programme is “to promote efficient and sustainable management of fisheries resources and biodiversity conservation in the ABNJ, in accordance with the global targets agreed in international forums”. Given the relatively modest institutional capability of most public actors in the ABNJ for now, the Programme will follow a prudent gradual approach; several of the activities will be carried out on a pilot basis and in a number of selected areas only and through mutually-reinforcing interventions in four projects:

Project 1: Sustainable management of tuna fisheries and biodiversity conservation in the ABNJ,

Project 2: Sustainable fisheries management and biodiversity conservation of deep-sea ecosystems in the ABNJ,

Project 3: Ocean Partnership Fund, and

Project 4: Strengthening Global Capacity to Effectively Manage ABNJ.

54. The ABNJ Programme highlights and addresses the challenges and interventions that are possible to achieve in the near future. Without the Programme, some of these developments would perhaps materialize but much more slowly and in a more piecemeal and less focused manner, with far more limited prospects of useful uptake and impact. There would be considerable additional risks to biodiversity conservation as a result of such a slower, fragmented approach.

Global Partnership for Oceans (GPO)²⁶

55. First announced in February 2012, the World Bank initiated Global Partnership of Oceans is a growing coalition of more than 100 partners including governments, international organizations, civil society groups and members of the private sector. . The GPO seeks to draw on the knowledge, expertise, and financial support of all its partners to address major threats to ocean and coastal resources, including overfishing and habitat loss in a number of priority regions around the world.

56. Formally launched during Rio+20, the goal of the GPO is to sustainably enhance the economic, social and ecological performance of the ocean’s ecosystems and living resources, with improved benefits captured by coastal and island developing countries and global benefits accruing to the planet as a whole. To do this, much greater public and private finance is needed, and the GPO is a means for the partners²⁷ to align relevant existing resources and investment instruments under one catalytic new financing instrument.

57. The financing mechanism would finance i) investments towards healthier oceans in 8-10 geographic areas that will be identified over the next few months according to a set of criteria, and ii) a global knowledge platform and advocacy/communications effort. The activities will be described in a detailed work programme to be agreed with the interested donors, and formed around three categories of activities:

²⁶ Source: Global Partnership for Oceans Discussion Paper as at 28/03/2012. See also www.globalpartnershipforoceans.org.

²⁷ The diverse partnership of the GPO currently includes, amongst others, Conservation International, Darden Restaurants, Environmental Defense Fund, FAO, Global Environment Facility, GRID Arendal (UNEP), Global Ocean Forum, International Seafood Sustainability Foundation, International Union for Conservation of Nature (IUCN), Marine Stewardship Council, National Fisheries Institute, National Geographic Society, The Nature Conservancy, Oceana, Pain Partners, RARE, Sailors for the Sea, Seafood Experience Australia (SEA), UNDP, UNEP, Intergovernmental Oceanographic Commission (IOC)-UNESCO, World Ocean Council, World Bank Group, and WWF. A full list is provided at the Partnership web site.

- 1) Valuation of enhanced ocean ecosystem services and identification of reforms – to better inform decisions about the use of the oceans and identify needed investments;
- 2) Investments in governance reforms and innovative best practice examples in priority ocean areas around the world, to support rights-based fisheries management, encourage sustainable aquaculture development, internalize the costs of marine pollution and conserve and enhance ocean habitats; and
- 3) Global knowledge and advocacy for the living oceans, in support of the above investments, including an oceans knowledge platform and promotion of sustainable seafood certification, among others.

58. Successful implementation of these activities aims to make long-term sustainability of the living ocean a viable proposition, so that long-term private investment contributes much more to productive and essential ecosystem services – in effect bringing the living ocean into the global economy.

The Global Ocean Forum²⁸

59. The Global Ocean Forum was first mobilized in 2001 to help the world's governments place issues related to oceans, coasts, and Small Island Developing States (SIDS) on the agenda of the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa (the ten-year review of progress achieved (or lack thereof) in the implementation of the outcomes of the 1992 Earth Summit in Rio de Janeiro), and was later formalized at the 2002 World Summit.

60. Composed of experts from governments, intergovernmental and international organizations, and non-governmental organizations (environmental, scientific/technical, industry, and foundations), the Global Ocean Forum provides a home for pursuing the common goal of encouraging the sustainable development of oceans, coasts, and islands.

61. Funding in support of Global Ocean Forum activities has been provided mainly by the Global Environment Facility through the project on Fostering a Global Dialogue on Oceans, Coasts, and SIDS, and on Freshwater-Coastal-Marine Interlinkages (GEF/MSP) (September 2005-July 2008) and the GEF IW:LEARN: Portfolio Learning in International Waters with a Focus on Oceans, Coasts, and Islands and Regional Asia/Pacific and Coral Triangle Learning Processes (July 2009-July 2013). In addition, support has come from over 40 additional sources.²⁹

62. The breadth of the coverage of the Forum reveals the sheer enormity and complexities of intersectoral initiatives addressing the oceans.

Summing Up

63. Perhaps the biggest challenge for these ocean governance initiatives is to re-enforce and complement their efforts and articulate clear roles and responsibilities of all the respective partners and stakeholders. Without such clarity, it is and will be difficult to coordinate efforts and activities as well as financing in order to ensure maximum impact towards realizing existing and new ocean commitments made at Rio+20.

THE ROLE OF FISHERIES AND AQUACULTURE IN OCEAN GOVERNANCE

64. The strategic role that fisheries and aquaculture play in relation to food security and poverty alleviation, in addition to creating opportunities for economic growth, places this sector in a special position vis-à-vis other sectors benefitting from the oceans. Furthermore, this sector is most dependent on healthy marine ecosystems and therefore has the highest stakes in relation to its sustainable use. This perception is reflected for example in the responsiveness that the sector showed in developing

²⁸ <http://www.globaloceans.org/content/about-global-ocean-forum-0>

²⁹ Source: <http://www.globaloceans.org/content/funding-support>.

international instruments such as the CCRF agreed to by the international community in 1995, three years only after UNCED. A commitment for sustainable fisheries in the marine ecosystem was made already in 2001 (Reykjavik, 2001) and guidelines for the Ecosystem Approach to Fisheries, aimed at helping member countries with practical implementation of the principles of sustainable development in fisheries, were developed shortly after (FAO, 2003) and later on for aquaculture (Ecosystem Approach to Aquaculture, EAA, FAO 2010³⁰). While much remains to be done for the practical realization of sustainable fisheries in the broader ecosystem context, the overall normative framework exists making fisheries an innovative sector in terms of embracing the principles of sustainable development. Here the natural next step in the direction of responsible and sustainable fisheries could be to define further, based on the CCRF and in a voluntary instrument, the main principles for any good fisheries and aquaculture governance system should be based on so as to fulfill its objectives

65. The extent to which fisheries administrations have wider ocean governance responsibilities varies among countries. Intersectoral coordination is a challenging task and requires adequate institutional arrangements and human and financial resources that are often not currently available with fisheries line agencies. On the other hand, the fisheries and aquaculture sector interests can be severely compromised without appropriate mechanisms and capacities for fisheries and aquaculture stakeholders to actively participate in decision-making over the use and management of ocean and coastal resources. In the absence of such participation, the future food security and livelihoods contribution of oceans could be at risk. The combination of the above factors, i.e. dependency/high stakes, risk of being marginalised and long ongoing experience in establishing governance systems at different scales, place fisheries in a special position in relation to integrated ocean governance and in providing leadership through the fostering of enhanced dialogue, coordination and cooperative action.

66. Ensuring that fisheries and aquaculture plays a central role in ocean governance is also consistent with the recommendation found in the “Green economy in a blue world” report³¹:

Fishers and fish-farmers should, given the dependence of their businesses and livelihoods on ecosystem services, be stewards of the marine environment. Greening the fisheries and aquaculture sectors requires the overall recognition of their wider societal roles – in particular that of small-scale operations for local economic growth, poverty reduction and food security – through a comprehensive governance framework managing externalities from and on the sector, implementing an ecosystem approach to fisheries and aquaculture with fair and responsible tenure systems that foster stewardship and greater social inclusiveness, and integrating fisheries and aquaculture into watershed and coastal area management, including through spatial planning.

67. FAO’s Fisheries and Aquaculture Department could assist in strengthening the capacity and capability of national fisheries agencies and RFBs to more effectively engage in ocean governance tasks. It could help in catalyzing efforts and developing collaborative initiatives for sustainable use of the oceans.

³⁰ FAO 2010. Aquaculture development.4. The Ecosystem Approach to Aquaculture. FAO Technical Guidelines for Responsible Fisheries. No 5, suppl. 4. Rome, FAO. 2010. 53 p.

³¹ http://www.unep.org/pdf/green_economy_blue.pdf

Appendix

Summary of the oceans and seas section and fisheries and aquaculture related provisions of the Rio+20 outcome document The Future We Want

With 19 paragraphs, oceans and seas are among the best covered thematic areas and cross-cutting issues in the Rio+20 outcome document. It recognizes the multiple benefits of oceans (food, livelihoods, biodiversity, global life support systems, blue economy) and the severity of the multiple threats oceans and their living resources face including overfishing, ocean acidification, habitat loss, and pollution. The importance of the United Nations Convention on the Law of the Sea (UN Convention) is recognized as the legal framework for the conservation and sustainable use of the oceans and their resources and its near universal adoption by States. Existing commitments by the international community to addressing oceans threats with renewed urgency are re-iterated including the Plan of Implementation of the 2002 World Summit on Sustainable Development, Convention on Biological Diversity Nagoya Aichi targets; IMO conventions relating to marine litter and invasive species, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and coral reef protection as well as the implementation of the Code of Conduct for Responsible Fisheries, the FAO International Plans of Action and technical guidelines.

The document urges States to ratify the UN Fish Stocks Agreement and the FAO Port State Measure Agreement to address illegal, unreported and unregulated fishing. It calls for the strengthening of regional fisheries management organizations, and to conclude a fisheries subsidy agreement in the framework of the WTO Doha Development Agenda and encourages voluntary efforts of eliminating fishing capacity and effort enhancing subsidies. In relation to subsidies as well as other aspects of the outcome document recognition is given that appropriate and effective special and differential treatment is accorded for developing and least developed countries.

The document recognizes the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans through technology transfer, research, and support in the implementation of the UN Convention and the major summits on sustainable development. Support is expressed for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment. The importance of the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction is recognized and the related need for international cooperation including by taking a decision on the development of an international instrument under the UN Convention before the end of the sixty-ninth session of the General Assembly.

The document takes note of the serious threats faced by many coastal regions and islands of climate change related impacts including sea level rise, coastal erosion and ocean acidification and calls for enhanced efforts to addressing them. The importance is highlighted of access to fisheries and markets by subsistence, small-scale and artisanal fishers and women fish workers, as well as indigenous peoples and their communities particularly in developing countries, especially small island developing States.

There are also references in the section on “Food security and nutrition and sustainable agriculture” to sustainable fisheries and aquaculture and their roles in nutrition and food security and in providing for the livelihoods of millions of people. In this section countries are encouraged to give due consideration to implementing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Specific references to fisherfolk are also contained in the sections on “Engaging major groups and other stakeholders” and “Green economy in the context of sustainable development and poverty eradication”.