

REFLECTIONS ON THE PAST 25 YEARS OF OCEAN LAW & POLICY

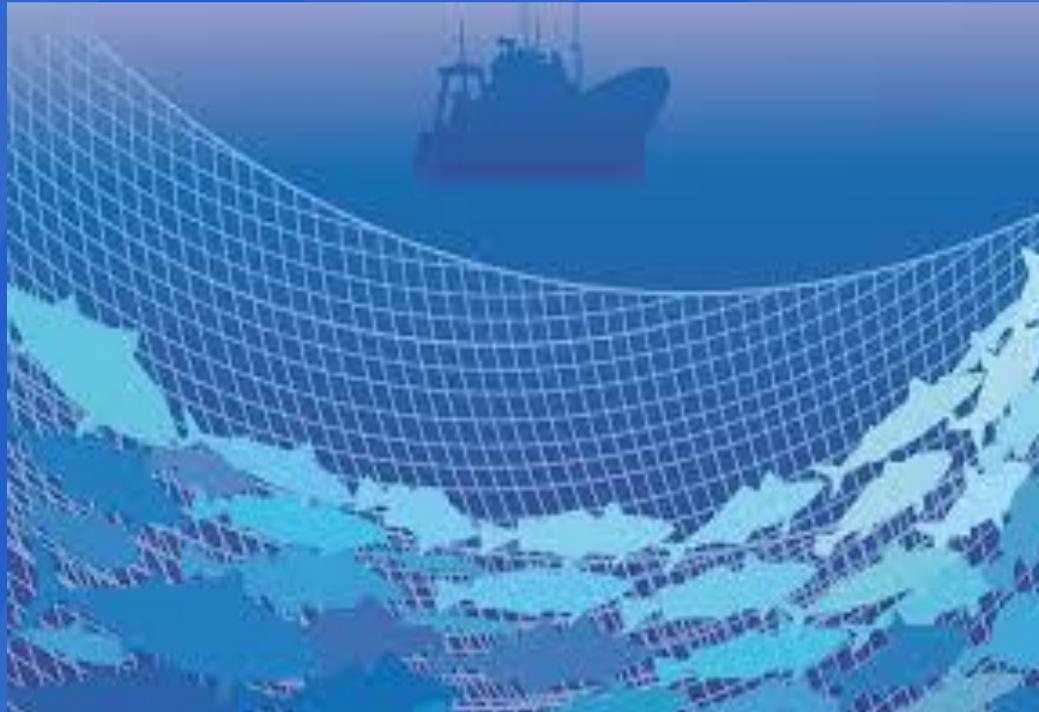
42nd Annual Conference of
the Center for Oceans Law & Policy

May 23-26, 2018
Beijing, China

David Balton
Senior Fellow, Polar Initiative

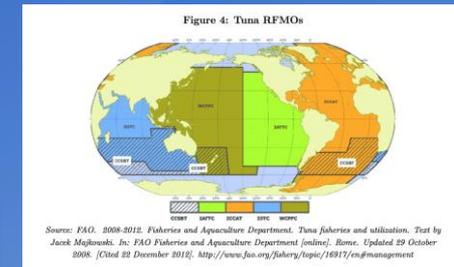
The Quest for Sustainable Fisheries

In 1993, a fragmented, spotty regime for managing shared international fisheries



Building a Coherent System

- UNFSA, FAO Compliance Agreement & Code of Conduct
- New RFMOs
- UNGA and FAO Oversight
- RFMOs working together



Fighting IUU Fishing

IPOA 2001

PSMA 2009

RFMO and
National Efforts

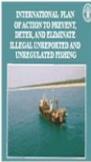
Private,
consumer-based
schemes

International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU)

IPOA-IUU (2001) falls within the framework of:

- 1995 FAO Code of Conduct for Responsible Fisheries
- 1993 FAO Compliance Agreement
- 1995 UN Fish Stocks Agreement

Primary responsibility is the **flag State**, using **all available jurisdiction** in accordance with **international law**.



Rise in Concern for Marine Environment

- Overfishing
- Bycatch restrictions
- Bottom trawling and other destructive fishing practices



International Agreements Negotiated via Arctic Council



2011 Arctic Search and Rescue Agreement



2013 Arctic Marine Oil Pollution Agreement



2017 Arctic Science Cooperation Agreement



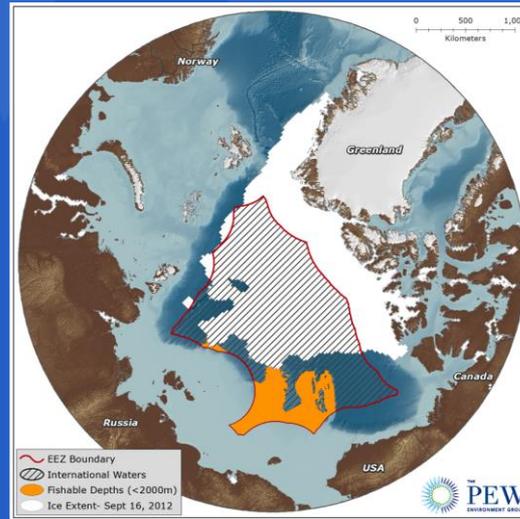
INTERNATIONAL
MARITIME
ORGANIZATION

POLAR CODE

SHIPPING IN POLAR WATERS

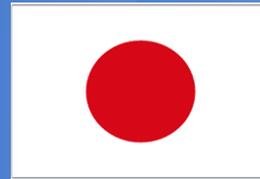
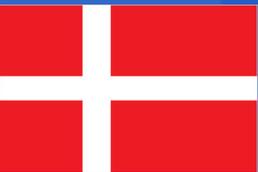


New Arctic Fisheries Agreement



Elements

- ✓ No Unregulated Commercial Fishing
- ✓ Joint Program of Scientific Research
- ✓ Consensus Decision-Making
- ✓ Stepwise Process



THE GLOBAL OCEAN





- 4 Conferences so far
 - \$16.1 billion (U.S.)
 - 12.4 million square kilometers protected
- 3 Conferences (at least) to come
 - 2018 Indonesia
 - 2019 Norway
 - 2020 Palau

Sustainable Development Goal 14

2030 Agenda for Sustainable Development

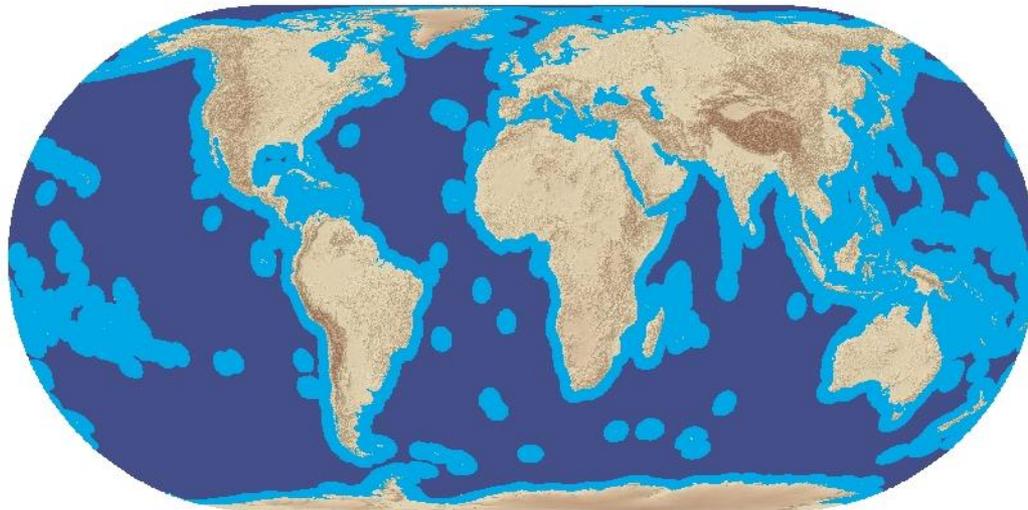
SDG 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development

UN OCEANS CONFERENCE 2017 ... and 2020(?)



Biodiversity Beyond National Jurisdiction

WORLD OCEANS



71%
of Earth is covered
by ocean

64%
of the ocean is
considered the
high seas /
international waters

45%
of the Earth's
surface is covered
by the high seas

 Jurisdictional waters
 High seas

Source:
National Geographic
<http://theterramarproject.org>

WHERE ARE WE HEADED?