

Thank you very much.

Excellencies, distinguished delegates, colleagues,

It gives me great pleasure to be here today for this briefing on the fisheries regulatory framework at the multilateral level.

I'd like to begin by thanking very much UNCTAD for organizing this very noteworthy event and for inviting the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs within the United Nations Secretariat to participate therein.

2017 promises to be an important year for the oceans. The inclusion of a stand-alone goal for oceans, Sustainable Development Goal 14, in the 2030 Agenda for Sustainable Development, and the decision to explore ways and means to promote the implementation of this goal through the holding of the Ocean Conference in June this year have given a new impetus to international efforts to address the current state of our oceans and seas.

This high-level focus on the oceans is both welcome and long overdue. Indeed, our oceans require our urgent attention. The First Global Integrated Marine Assessment completed in 2015 provides a stark picture of the current state of our oceans. Anthropogenic pressures on marine ecosystems such as marine pollution, overexploitation of living marine resources, coastal degradation, climate change and ocean acidification are challenging the resilience of the oceans and their resources, as well as their continued ability to provide important ecosystem goods and services to humankind.

The United Nations General Assembly has noted with concern the findings of the assessment that the world's ocean is facing major pressures simultaneously with such great impacts that the limits of its carrying capacity are being or in some cases have been reached.

The 10 targets in Goal 14 present an ambitious roadmap for the international community's efforts to sustainably manage the oceans and their resources.

Fortunately, we already have a comprehensive legal and policy framework for oceans to guide our collective efforts and provide many of the keys to achieving the targets of Goal 14.

In the fisheries context, important parameters for global action are provided by the 1982 United Nations Convention on the Law of the Sea, and the 1995 United Nations Fish Stocks Agreement.

While I will focus my remarks on the legal framework provided by these two instruments, it is important to note that there are a number of global and regional instruments including the fisheries instruments developed under the auspices of the Food and Agricultural Organization of the United Nations, FAO, which complement this framework.

I will also touch briefly on the role of the General Assembly in further developing the global policy framework for the oceans.

The United Nations Convention on the Law of the Sea often referred to as the constitution for the oceans sets out the legal framework within which all activities in the oceans and seas must

be carried out, including fishing activities. The Convention stipulates the extent of various maritime zones, and the rights and obligations of states in these zones.

In relation to fisheries, the Convention sets out the sovereignty of the coastal state over its territorial sea.

Although foreign vessels are able to exercise the right of innocent passage and transit passage through the territorial sea, they are not permitted to engage in fishing activities absent the express consent of the coastal state.

The Convention also provides for, inter alia, the sovereign rights of coastal states over the conservation and management of living marine resources in the exclusive economic zone, the EEZ, where it is estimated that up to 90% of the world's commercial species are located.

Such sovereign rights are accompanied by an obligation to conserve and manage living marine resources by determining the total allowable catch so as to avoid overexploitation.

Nationals of other states fishing within the EEZ are required to comply with the conservation measures and other terms and conditions established by the coastal state.

Similarly, the right of vessels from all states to fish on the high seas is accompanied by an obligation for states to take or cooperate with other states in taking measures for their respective nationals necessary for the conservation of the living resources of the high seas, and to cooperate with each other in the conservation and management of such resources.

The Convention also requires cooperation in the conservation and management of straddling and highly migratory fish stocks. This duty to cooperate is given effect to and elaborated upon through an Implementing Agreement to the Convention, namely the United Nations Fish Stocks Agreement.

It is important to note that the Convention also contains a dispute settlement mechanism which includes compulsory procedures and binding decisions. The Convention is near universal in its participation with 168 States-Parties which include the EU, it is near universal and, moreover, most of its provisions are considered to reflect customary international law.

The United Nations Fish Stocks Agreement sets out a comprehensive legal framework for the implementation of those provisions of the Convention that relate to the conservation and management of straddling and highly migratory fish stocks. And you see some of them on the chart there, the tuna. These two categories comprise the wide variety, wide majority, excuse me, of high seas fish stocks, including some of the world's most commercially traded species such as tuna.

The innovative provisions of the Agreement serve to support and strengthen the regime set out in the Convention by providing a detailed framework for its implementation, which includes robust tools and modern conservation and management approaches.

Among other things, the Agreement establishes general principles for conservation and management such as the precautionary and ecosystem approaches. Standard requirements for data collection and sharing, mechanisms for compliance and enforcement of measures, including port state measures, compatibility of conservation and management measures established for

the high seas and those adopted for areas within national jurisdiction, and dispute settlement procedures.

The Agreement sets out the rights and obligations for flag states and coastal states. It also recognizes the role of regional fisheries management organizations and arrangements, RFMO/As, as constituting the primary mechanism for cooperation between coastal states and high seas fishing states under the Agreement.

These organizations and arrangements have substantial responsibilities in relation to conservation and management of straddling and highly migratory fish stocks, as well as non-target and associated or dependent species.

Importantly, the Agreement also recognizes the special requirements for developing states, including in the development of their own fisheries and in their participation in the relevant high seas fisheries.

The Agreement currently has 85 States-Parties, including most of the world's distant water fishing nations. Despite the limited number of ratifications and accessions in the 22 years since its adoption, the Agreement has already had a considerable impact on the practice of states and RFMO/As and has provided the impetus for the further development of international law and policy. This includes the establishment of new RFMO/As, the reform of existing RFMO/As, and the adoption of robust measures at the regional and national levels.

Provisions of the Agreement have been incorporated into General Assembly's resolutions on sustainable fisheries and have provided the benchmark for the development of new instruments by the FAO, such as the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, and the Voluntary Guidelines for Flag State Performance.

Moreover, the relevance of the general principles in the United Nations Fish Stocks Agreement to discreet high seas fish stocks has been recognized by the General Assembly and the Review Conference on the Agreement.