

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

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SUSTAINABLE FISHERIES:

International Trade, Trade Policy and Regulatory Issues



UNITED NATIONS

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Acronyms and abbreviations

2G	Second-generation biofuels
AHS	effectively applied
BND	bound tariff rates
CBD	Convention on Biological Diversity
EBSAs	ecologically or biologically significant areas
EEZs	economic exclusive zones
EPA	economic partnership agreement
EU	European Union
FMSs	fisheries management systems
GDP	gross domestic product
GVCs	global value chains
HACPP	hazard analysis and critical control point
HS	Harmonized Commodity Description and Coding System
IsPOA	Istanbul Programme of Action for Least Developed Countries for the Decade 2011–2020
IUU	illegal, unreported and unregulated fishing
IMO	International Maritime Organization
LDCs	least developed countries
MFN rates	most favoured nation tariff rates
MPAs	marine protected areas
MSC	Marine Stewardship Council
MSY	maximum sustainable yield
NAMA	non-agricultural market access (WTO)
NGERs	National Green Export Reviews (UNCTAD)
NGESAP	National Green Export Strategy and Action Plan
NTMs	non-tariff measures
OHI	Ocean Health Index
PICs	Pacific island countries
RoO	rules of origin
RFMOs	regional fisheries management organisations
SDGs	Sustainable Development Goals
SIDS	small island developing states
SRFC	West African Sub Regional Fisheries Commission
SPS	WTO Agreement on Sanitary and Phytosanitary Measures
SCM	WTO Agreement on Subsidies and Countervailing Measures
SVEs	small, vulnerable economies
TBT	WTO Agreement on Technical Barriers to Trade
UNCLOS	United Nations Convention on the Law of the Seas
UN FAO	United Nations Food and Agriculture Organization
UN GA	United Nations General Assembly
UNCTAD	United Nations Conference on Trade and Development
UVI	unique vessels identifiers
WTO	World Trade Organization

ABSTRACT

This note proposes an agenda for sustainable fisheries that promotes the conservation and sustainable use of, and sustained trade in, fish by all and ensures that development benefits accrue to fishing nations and their populations, in developing countries in particular. It provides a stock-taking of the present situation regarding fish, and a forward-looking view on future actions that need to be supported by renewed mandates for action by governments, the private sector and other fisheries stakeholders.

Our stocktaking finds that from humankind's earliest recorded history to today, fish (wild oceanic species) and other marine species have constituted an important natural resource. They are a source of food and nutrition, health, culture, income, employment and trade, which can support livelihoods for coastal, as well as in-land, populations. Fish use and management is therefore intrinsically interwoven with humanity and nature. In the past, fish resources have been abundant and easily accessible. Unfortunately, this is no longer the case today. Fish stocks, especially of large predatory fish, have been severely affected and, in some cases, depleted. This tragedy is due to over- and harmful fishing, often aided by advanced fishing technology, to meet high-food demand from growing populations. Such practices have also been to the detriment of natural fish habitats, namely oceans, regional seas, lakes, rivers and adjacent coastal ecosystems.

A multitude of national, regional and multilateral/international initiatives, frameworks, regulatory and voluntary codes of conduct, standards and institutions have been developed over the past two decades to rebuild fish stocks, conserve marine species, halt destructive fishing practices, and preserve related ecosystems and oceans. Fishing agreements have also been concluded to facilitate sustainable harvest and trade in fish. The awareness of consumers has also been raised to encourage the purchase and consumption of sustainably caught fish which, in turn, is bringing about changes in supermarket chains and restaurants in terms of their buying, selling and producing fish products and meals made from sustainably harvested fish. These positive efforts have resulted in some progress; however, overall they have been unable to stop and reverse the deterioration of global fish populations and marine ecosystems.

The expiry of the United Nations Millennium Development Goals (MDGs) in 2015 and recent launch of the UN 2030 Agenda for Sustainable Development includes a specific goal (Goal 14) on conserving and sustainably using oceans, seas and marine resources. The Sustainable Development Goals (SDGs) are accompanied by several management-related targets on fish. They denote the strong aspirations of the global community at the highest political level to prioritise and focus attention on restoring the health and resilience of our oceans and resources, including fish, over the next 15 years. This accord presents a new opportunity, but also some challenges for the international community to mobilise actions. These actions must be considered within the myriad of fishing-related instruments, including fisheries partnership agreements and trade agreements, so as to concretely and significantly arrest the 'tragedy of commons' in fish today and instead transform the situation into a 'triumph of commons' for fish in the future.



1. INTRODUCTION

Fish¹ is important to humanity and the environment in many respects. It is a particularly valuable resource for fishing nations and communities, especially in developing countries and least developed countries (LDCs) with sea zones, and in small island developing states (SIDS). However, over successive generations the human race has over-exploited marine resources. This has been particularly so since the dawn of the industrial age, and then subsequently since globalisation processes have accelerated. In a 'business-as-usual' scenario, only half the amount of fish harvested in 1970 will be probably available by 2015 and only one-third by 2050.² In contrast, fish consumption can be expected to expand substantially, as the global population is predicted to increase from over 7 billion presently to about 9–10 billion by 2050. These trends raise serious questions about the sustainability of the sector globally and related sector practices.

A new opportunity for robust actions to revitalise sustainable fisheries management practices and ocean health comes from Goal 14 of the recently adopted Sustainable Development Goals (SDGs).³ It commits United Nations member states to: 'Conserve and sustainably use the oceans, seas and marine resources for sustainable development'. Prior to the SDGs, a set of internationally agreed commitments on the conservation and sustainable use of fish found expression in *The Future We Want*, the Rio+20 outcome document (paras. 111, 113, 168–175); *The Samoa Pathway*, the UN Conference on SIDS outcome document (paras. 53 and 58); and recent resolutions of the United Nations General Assembly (UN GA).⁴ It is notable that the language in the SDGs and other international summit decisions focuses on oceanic marine resources. It is

equally notable that all these commitments endeavour to seek a balance in addressing, positively, inherent conflicts between the conservation, rebuilding and restoration of fish stocks and ecosystems services on the one hand, and the sustainable use (harvest, trading and consumption) of fisheries resources on the other. Further complicating this 'public good conundrum' of contrasting priorities is the need to ensure equitable access to marine resources.

The opportunity being presented by the SDGs and the challenges they seek to redress can be summarised in terms of bringing about a transformation from the present situation, which is characterised as being a 'tragedy of commons', towards a more fortuitous 'triumph of commons'.

In presenting the argument for this change, this note is structured as follows. In Section 2, we review the relevance and importance of sustainable fisheries management. In Section 3, we make reference to the new global agenda on oceans and fisheries, including the 2030 Agenda for Sustainable Development. Further to outlining this overarching framework, in Section 4 we proceed to review market access (tariffs) and market entry regulatory (non-tariff) measures and certification on raw fish and processed fish products; this includes a review of World Trade Organization (WTO) negotiations under the Doha Round to liberalise fish trade and address harmful fish subsidies. In Section 5, we review measures to address destructive fish practices especially illegal, unreported and unregulated fishing. In Section 6, we refer to complementary fish management arrangements. Finally, we conclude with a transformative agenda for future sustainable fisheries and how to turn the current tragedy of the commons into a triumph.

2. FISH IMPORTANCE, DECLINE AND RECOVERY: SOME FACTS

There is a high geographic concentration of fisheries. Around 18 countries account for 76 per cent of the estimated total global wild catch.⁵ The most caught species include: anchovy, Alaska pollock, skipjack tuna, Atlantic herring, yellow fin tuna and chub (or Pacific) mackerel. Overall ten species accounted for around a quarter of the total global marine catch in 2011.⁶ Most of these species are already fully exploited and some are overfished.

2.1 The multifunctional role of fish in development

The fish sector plays a substantial multifunctional role in the progress of many developing countries, and in particular in LDCs with sea zones and SIDS. First, the contribution of international trade flows in fish (exports + imports) in gross domestic product (GDP) is especially important for SIDS. This share averages about 3 per cent in SIDS, and less than 1 per cent in LDCs, other developing countries and developed countries (see Figure 2.1). The share is higher in several countries. In some SIDS and some West African countries, this share ranges from 5 to 12 per cent. Second, fishing licensing fees are an important source of government revenue and foreign exchange earnings for developing countries that have concluded such licenses with countries with distant water fishing fleets. For example, in 2010, the eight Pacific Island country parties⁷ to

the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest ('The Nauru Agreement') earned approximately 90 million US dollars (US\$) from fishing license fees.⁸ They have negotiated substantial increases in the following years. Thus in 2013, the revenue from fisheries licenses of just one member (Kiribati) reached US\$86 million, representing approximately 43 per cent of total government revenue.⁹

Third, more than 3.2 billion people live close to coastlines¹⁰ and rely on the oceans and seas and their resources, especially fish, for their livelihoods. In addition, approximately 97 per cent of the world's fishermen and women live in developing countries, and more than 90 per cent are employed in small-scale activities.¹¹ Fourth, about 60 million people are engaged in artisanal and subsistence fishing activities worldwide, of which 15 per cent are women.¹²

On the employment front, globally, some 350 million jobs are linked to fisheries, port management and other related activities.¹³ Engaging in transforming raw fish into value-added products in processing plants in developing countries can scale up and expand opportunities for employment creation for a broad range of people with limited economic prospects, and thus contribute to reducing poverty. Value addition can be supported through both upstream and downstream fish-processing activities, including but not exclusively linked to cleaning, cutting, drying, freezing and the processing of fish into oils, seafood such as canned fish, meals and fertilizer. Some upstream activities include maritime services, port services, insurance and other financial services linked to the sector.

Figure 2.1. Trade in fish as percentage of GDP (2013)

Small island developing states

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