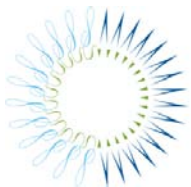


BRINGING THE
OCEAN BACK
INTO THE
EARTH SUMMIT



THE
PEW
ENVIRONMENT GROUP

INTRODUCTION

The United Nations Conference on Sustainable Development (UNCSD) will take place in Brazil in 2012 to mark the 20th anniversary of the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, and the 10th anniversary of the 2002 World Summit on Sustainable Development (WSSD) in Johannesburg. It is being convened under United Nations General Assembly (UNGA) resolution 64/236.¹

UNCED and WSSD are remembered as **Earth Summit 1** and **Earth Summit 2** respectively; it is likely that UNCSD will be remembered as **Earth Summit 3**. With 70% of the Earth covered by the ocean, and given the importance of the ocean as the life support system of Planet Earth, it is time for UNCSD to pay due attention to the needs of the ocean, and to the hundreds of millions of people who depend on healthy ocean ecosystems for their very survival. It is especially fitting as 2012, the year UNCSD will take place, marks the 30th anniversary of the UN Convention on the Law of the Sea (UNCLOS, Montego Bay, December, 1982).

BACKGROUND

The major documents underpinning UNCSD include² the Rio Declaration on Environment and Development,³ Agenda 21,⁴ the Programme for the Further Implementation of Agenda 21,⁵ the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, also known as the Johannesburg Plan of Implementation. Chapter 17 of Agenda 21 adopted at UNCED remains the fundamental programme of action for achieving sustainable development with respect to the oceans.

Member States designated an objective and two themes for UNCSD. The objective is to secure renewed political commitment for sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges.⁶ The UNCSD themes are: (a) a green economy in the context of sustainable development and poverty eradication (GESDPE) and (b) the institutional framework for sustainable development (IFSD).⁷ UNCSD will also carry out an overall appraisal of the implementation of Agenda

¹ UN General Assembly resolution 64/236, Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development, at <http://www.un.org/Depts/dhl/resguide/r64.shtml>.

² See UNGA resolution 64/236, preamble.

³ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution I, annex I.

⁴ Ibid., Annex II.

⁵ Resolution S-1 9/2, annex.

⁶ UNGA resolution 64/236, para. 20(a).

⁷ UNGA resolution 64/236, para. 20(a).

21 to ensure the balanced integration of economic development, social development and environmental protection, as interdependent and mutually reinforcing components of sustainable development.⁸ The objectives, themes and assessment work to be done for UNCSD provide an opportunity to raise the profile and the level of political will necessary to ensure better oceans management.

RECOMMENDATIONS

Oceans are currently managed through a fragmented system where national and international bodies possess separate and overlapping jurisdictions. This has created an international structure of governance that lags far behind the threats posed to marine ecosystems. Moreover, measures established by existing institutions to tackle gaps and inadequacies in ocean governance have not been broadly and effectively implemented. The Pew Environment Group has compiled a number of recommendations to bridge existing gaps and reform ocean governance in line with the themes of UNCSD.

(a) GESDPE: a green economy in the context of sustainable development and poverty eradication

Sustainability is at the heart of UNCSD, as it was at the heart of Rio and WSSD, but the goal of sustainability has yet to be achieved. At UNCSD, sound and comprehensive policies and action for the protection of the marine environment must be a high priority for sustainable development and poverty eradication.

To bridge existing gaps in implementation of the outcomes of the major summits on sustainable development and address new and emerging challenges, Pew recommends that the international community:

- Identify, establish, and effectively manage protected areas in the ocean. Together with other organizations and some governments, the Pew Environment Group has called for 20% of the world's ocean to be fully protected by 2020. The CBD Nagoya goal of creating Marine Protected Areas (MPAs) in 10% of the ocean by 2020 is insufficient, even though today only around 1% of the world's oceans is currently somewhat protected;
- Stop overfishing, including by:
 - addressing overcapacity, subsidies, illegal, unregulated and unreported (IUU) fishing,
 - following scientific advice, and
 - assessing sustainable catches and allocating catches equitably and effectively;
- Implement effective and comprehensive monitoring, control, surveillance, compliance and enforcement (MCSCCE) to ensure that conservation and management

⁸ UNGA resolution 64/236, para. 20(d).

- measures are implemented, and to prevent IUU fishing, including through the use of flag State, port State, national and market measures;
- End destructive fishing practices, including:
 - preventing damage to vulnerable marine ecosystems through bottom trawling and other destructive fishing gear and practices, and
 - ending the current depletion of shark species through unmanaged fisheries, finning and other unsustainable practices;
 - Advance sustainable fishing practices in developing States, including through capacity building, technology transfer and financial assistance, and through fair, equitable and sustainable fisheries access agreements;
 - Implement prior environmental impact assessments and strategic environmental assessments to prevent or minimize anthropogenic impacts on the ocean for new and emerging activities as well as for fishing activities;
 - Implement effective conservation and management measures regionally and globally, by:
 - using the precautionary principle and ecosystem approach when undertaking management activities, and
 - using modern environmental principles and tools, for all marine species, particularly in areas requiring new management techniques such as the Arctic Ocean, due to the changes brought about by climate change.

(b) IFSD: the institutional framework for sustainable development

In order for GESDPE measures to be relevant and effective for the ocean, international environmental governance must be overhauled in critical areas pertaining to the marine environment. This is particularly pertinent with regards to the ocean, where governance measures for this global commons are either insufficient to deal with the realities of the 21st Century, or have not yet been adequately implemented.

To strengthen the institutional framework, Pew's recommendations include:

- Ensuring that international environmental governance mechanisms are in place to implement the GESDPE measures, including reforms such as an implementing agreement under UNCLOS, providing a clear mandate to conserve and protect biodiversity on the high seas, based on the precautionary principle and the ecosystem approach to biodiversity conservation;
- Reforming regional ocean governance, to ensure that either existing organizations are reformed to meet contemporary challenges or new organizations are put in place such that organizations have the mandate, operational ability and flexibility to implement and enforce the GESDPE reforms. Fisheries management organizations should urgently be reformed to become ocean management organizations (OMO), with a broad ecosystem conservation focus such as that currently operationalized by the

Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR); and

- Securing transparency and accountability and international best practice within all Regional Fisheries Management Organizations and Agreements (RFMO/As) and other relevant organizations such as, *inter alia*, the International Whaling Commission (IWC), and to the international community through specific provisions for oversight by the UN General Assembly.

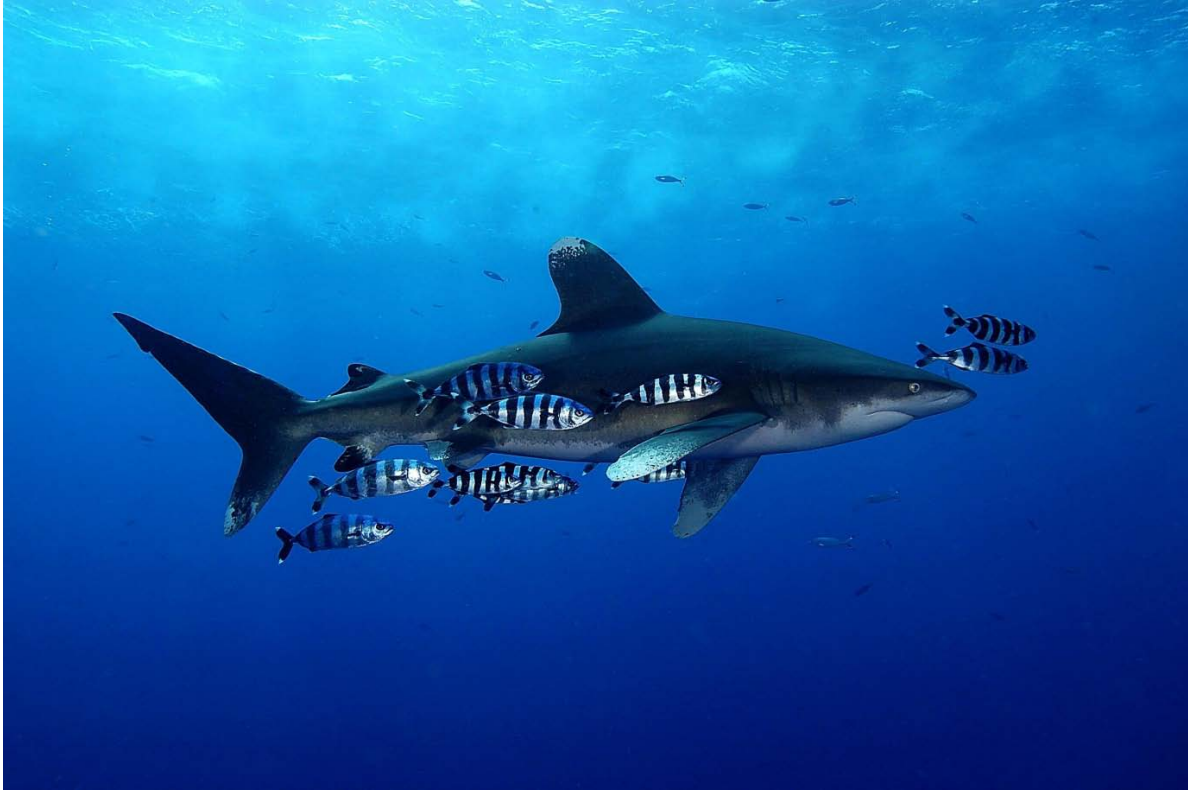
INSTITUTIONAL REFORMS FOR OCEAN GOVERNANCE

International cooperation is essential for achieving sustainable development in the context of the marine environment. In addition to encouraging the effective implementation of existing agreements, the Pew Environment Group strongly urges the UNCSD to initiate a negotiating process towards a new implementing agreement under the United Nations Convention on the Law of the Sea (UNCLOS) for the protection and conservation of high seas biodiversity. A new implementing agreement would complement the two existing implementing agreements (on deep sea-bed mining and highly migratory and straddling fish stocks) for the protection and conservation of the marine environment.

A negotiating process towards a new implementing agreement could provide crucial momentum to stimulate cooperation between existing international institutions that manage the marine environment. Pew envisions an implementing agreement based on the precautionary principle and ecosystem approach that ensures the long term conservation and sustainable management of marine biological diversity and marine ecosystems.

Current gaps which could be specifically addressed include:

- The establishment of regional ocean management organizations;
- Comprehensive prior environmental assessments and strategic environmental assessments, together with ongoing monitoring of the marine environment;
- Identification, designation and management of a global representative network of high seas marine reserves;
- The provision of access to and dissemination of information, and transparency in decision-making processes;
- The establishment of an effective centralized monitoring, control, surveillance, compliance and enforcement mechanism for human activities in areas beyond national jurisdiction; and
- Mechanisms and impetus for implementation at local, national and regional levels.



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ABOUT THE PEW ENVIRONMENT GROUP

The Pew Environment Group is the conservation arm of The Pew Charitable Trusts, a nongovernmental organization that works globally to establish pragmatic, science-based policies that protect our oceans, preserve our wildlands and promote clean energy.