

# **International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook**

**Theme II**  
Environment and Sustainable Development



**International Collective in Support of Fishworkers**  
27 College Road, Chennai, India

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## Introduction

This theme provides information on four binding instruments, four non-binding conference declarations and three plans of action.

The beginning of the 1970s saw the emergence of instruments that highlighted the need for a holistic approach to environment and sustainable development. The instruments cover a broad range of issues, from the sustainable use of wetland resources, conservation of natural heritage, species and biodiversity, to the sustainable development of natural resources, environment protection and small island developing States (SIDS).

The 1971 Ramsar Convention was the first binding instrument to highlight the importance of sustainable use of natural resources. It outlines the principles of “wise use”, defined as “sustainable utilization of wetland resources in such a way as to benefit the human community while maintaining their potential to meet the needs and aspirations of future generations”. This is also highlighted in Principle 2 of the declaration of the United Nations Conference on the Human Environment (UNCHE) (Stockholm Conference, 1972): “...representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.” Two decades later, the United Nations Conference on Environment and Development (UNCED, 1992) and the Rio Declaration highlighted the need for sustainable development—socially responsible economic development that protects the resource base and the environment for the benefit of future generations. The Convention on Biological Diversity (CBD), which was one of the outcome instruments of the UNCED process, also highlights the need for conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. Ten years later, the Johannesburg Declaration and the Plan of Implementation arising from the World Summit for Sustainable Development (WSSD, 2002) reconfirmed the commitment of States to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development—economic development, social development and environmental protection—at the local, national, regional and global levels.

The World Heritage Convention (WHC, 1972) recognizes the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of cultural and natural heritage as part of the life of the community.

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention, 1979) calls for the conservation and effective management of migratory species of wild animals, fishes, marine mammals and marine reptiles (turtles).

The Conference on Small Island Developing States (Barbados Conference, 1994) highlighted the importance of island biodiversity as an ecological corridor linking major areas of biodiversity around the world. The conference called for international co-operation and partnership to support the SIDS in their efforts to conserve, protect and restore their ecosystems. The Barbados Plan of Action recognizes the importance of the coastal zone as a source of subsistence and economic development.

The WSSD Plan of Implementation calls for the application of an ecosystem approach to fisheries management by 2010, establishment of marine protected areas based on scientific information, including representative networks, by 2012, and asks States to implement the provisions in the 1971 Ramsar Convention and the CBD, including the Jakarta Mandate.

These instruments make specific reference to conservation and sustainable use of inland, marine and coastal biodiversity, including fisheries resources and protection of aquatic species, and highlight the importance of fishing communities participating in decision-making processes to manage such resources. They also highlight the importance of women in communities and their right to participate in resource management processes. These instruments highlight the need for an ecosystem approach to fisheries resource management.

# Convention on Wetlands of International Importance especially as Waterfowl Habitat

## SHORT TITLE

Convention on Wetlands or the Ramsar Convention

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To provide a framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

## DATE OF ADOPTION

2 February 1971

## PLACE OF ADOPTION

Ramsar, Iran

## DATE OF ENTRY INTO FORCE

21 December 1975

## RATIFICATIONS

144 contracting parties (as of 16 February 2005)

## INITIATING BODY

International Union for the Conservation of Nature and Natural Resources (IUCN - now called the World Conservation Union) and International Wildfowl Research Bureau (IWRB)

## CONTENTS

Preamble and 12 Articles

## ADDITIONAL INSTRUMENTS

- Paris Protocol amending the Convention 1982: Articles on

proposals for amendments were added between Article 10 and Article 11 of the Convention.

- Regina Amendments 1987: provides for the establishment of the Standing Committee and permanent secretariat and the rules of working of the Conference of the Parties (COP)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Conference of the Contracting Parties (COP)

### *Subsidiary bodies*

Standing Committee

Scientific and Technical Review Panel (STRP)

### *Periodicity of meetings*

The COP meets once every three years. (The COP has met eight times till May 2004.)

The Standing Committee meets every year. (The Standing Committee has met 30 times till May 2004.)

### *Participation in meetings*

*Voting rights:* Article 7, paragraph 2, of the Convention states that "Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention"

*Observers:* According to Rule 7 of the Rules of procedure for the COP,

1. Any body or agency, national or international, whether governmental or non-governmental, qualified in



fields relating to the conservation and sustainable use of wetlands, which has informed the Bureau of its wish to be represented at meetings of the Conference of the Parties may be represented at the meeting by observers, unless at least one third of the Parties present at the meeting object.

2. Bodies or agencies desiring to be represented at the meeting by observers shall submit the names of these observers to the Convention Bureau at least one month prior to the opening of the meeting.
3. Such observers may, upon the invitation of the President, participate without the right to vote in the proceedings of any meeting unless at least one third of the Parties present at the meeting object.
4. Proposals made by observers may be put to the vote if sponsored by a Party.

For rules of participation in subsidiary bodies, please check [www Ramsar.org](http://www Ramsar.org)

### *Secretariat*

Ramsar Convention Secretariat  
 Rue Mauverney 28  
 CH-1196 Gland, Switzerland  
 Tel: 41 22 999 0170  
 Fax: 41 22 999 0169  
 Email: [ramsar@ramsar.org](mailto:ramsar@ramsar.org)  
 Website: [www.ramsar.org](http://www.ramsar.org)

### **GUIDELINES**

(Brought out under the Convention)

- Guidelines for the operation of the Montreux Record, 1996
- Guidelines for international cooperation under the Ramsar Convention, 1999
- Guidelines for establishing and strengthening local communities' and indigenous people's

participation in the management of wetlands, 1999

- The Criteria for identifying Wetlands of International Importance, 1999
- New Guidelines for management planning for Ramsar sites and other wetlands, 2002
- Principles and guidelines for wetland restoration, 2002
- Principles and guidelines for incorporating wetland issues into Integrated Coastal Zone Management (ICZM), 2002
- Programme on communication, education and public awareness (CEPA) 2003-2008 of the Convention on Wetlands, 2002
- A Framework for Wetland Inventory, 2002
- Guidelines for Global Action on Peatlands (GAP), 2002
- Guidance for identifying and designating peatlands, wet grasslands, mangroves and coral reefs as Wetlands of International Importance, 2002
- Guidelines for the allocation and management of water for maintaining the ecological functions of wetlands, 2002
- General guidance for interpreting "urgent national interests" under Article 2.5 of the Convention and considering compensation under Article 4.2, 2002

### **REGIONAL INSTRUMENTS**

Strategic guidelines and plans for management for the following regions:

- Mediterranean Wetland Strategy
- Small Island Developing States
- South America and
- Western Asia

### **REGIONAL AGENCIES**

Mediterranean Wetland Committee was formed under the aegis of the Ramsar Convention in 1996. Its goal is "to stop

and reverse the loss and degradation of Mediterranean wetlands, as a contribution to the conservation of biodiversity and to sustainable development in the region.”

## **SELECTED ARTICLES**

### *Article 1*

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

### *Article 2*

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as “the List” which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

### *Article 3*

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.
2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any

wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

### *Article 4*

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.
2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.
3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.
4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.
5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

**Article 5**

1. The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

**KEYWORDS**

Biodiversity, CBD, coastal areas, coastal zone, community based management, conservation, cooperation, dams, ecosystems, EIA, environment, fauna, fish species, guidelines, habitat, ICZM, indigenous peoples, local communities, MEA, migratory stocks, nature reserves, participatory management, policy, pollution, protected areas, Ramsar, regulations, resource management, restoration, risk assessment, SIDS, sovereign rights, traditional knowledge, waterfowl, wetland management, wetlands, wise use, women

**RELEVANCE TO FISHERIES/  
FISHWORKERS**

Coastal wetlands are known to be highly productive and are extensively used as feeding and spawning grounds and nurseries by fish and shellfish, including those with open-water adult stages. Healthy and productive wetlands are essential for healthy fisheries and, hence, the emphasis on their conservation and sustainable management is vital from a fisheries perspective.

Notably, Resolution VI.2 (COP6, Brisbane 1996) was on the "Adoption of specific criteria based on fish for identifying Wetlands of International Importance".

The preamble to the resolution emphasized the importance of the increased recognition of the importance of wetlands as fish habitats. It also noted that in many instances commercial fisheries are regulated by statutes whose objectives are compatible with the sustainable exploitation of fishing resources with due regard for the aquatic environment.

The Resolution adopted the specific criteria based on fish, and guidelines for their application, appended as an Annex to the Resolution, and called on Contracting Parties to use these criteria and guidelines to identify sites for inclusion in the Ramsar List. Criteria 7 and 8 proposed that a wetland should be considered of international importance if it supports a significant proportion of indigenous fish subspecies, species or families and populations, or if it provides important food sources for fishes, or are spawning grounds, nursery areas and/or is on their migration path.

**RELEVANCE TO SMALL-SCALE  
FISHERIES/FISHWORKERS**

Resolution VII.8 (COP7, San Jose, 1999) on "Local communities and indigenous people" is of importance to small-scale fisheries. It refers to ILO's Convention C169 concerning Indigenous People and Tribal Peoples in independent countries as well as to the fact that in many contexts, indigenous people and local communities are already involved in managing and using wetlands sustainably, and have long-standing rights, ancestral values, and traditional knowledge and institutions associated with their use of wetlands. The Resolution adopted, as an Annex, the Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands. These specifically mention that "local" is a relative term and may also include

## **Environment and Sustainable Development**

groups such as migrating fishermen who live at some distance from the wetland but have traditional claims to its resources.

The guidelines emphasize the need to encourage active and informed participation, and the assumption of responsibility, by local communities and

indigenous people in the management of Ramsar-listed sites and other wetlands and the implementation of the wise-use principles at the local, watershed, and national levels. It also calls for priority and special attention to involving women, youth and their representative organizations wherever and whenever possible.

# Convention concerning the Protection of the World Cultural and Natural Heritage

## SHORT TITLE

World Heritage Convention

## ACRONYM

WHC

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To establish an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods.

## CONTENTS

Preamble with 38 Articles

## DATE OF ADOPTION

16 November 1972

## PLACE OF ADOPTION

General Conference of UNESCO

## DATE OF ENTRY INTO FORCE

17 December 1975

## RATIFICATIONS

179 States Parties (as of 7 January 2005)

## INITIATING BODY

United Nations Educational, Scientific and Cultural Organization (UNESCO)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

- The General Assembly of States, Party to the Convention

- The World Heritage Committee or The Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage
- The Bureau of the World Heritage Committee

### *Advisory bodies*

- IUCN-The World Conservation Union, for natural properties
- The International Council on Monuments and Sites (ICOMOS), for cultural properties
- The International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), for cultural properties (restoration and training)

### *Periodicity of meetings*

General Assembly of the States: meets every two years (The General Assembly has met 13 times till December 2004)

World Heritage Committee: meets once a year in June (The Committee has met 28 times till December 2004)

Bureau of the World Heritage Committee: meets once a year in April

### *Participation in meetings*

According to the Rules of Procedure

*Voting rights:* representatives of States party to the Convention have voting rights

*Observers:* The representatives of Member States of UNESCO not parties to the Convention and permanent observer missions to UNESCO may participate in the work of the Assembly as observers, without the right to vote, and subject to Rule 7.3.

Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations which have concluded

mutual representation agreements with UNESCO, as well as observers of intergovernmental and international non-governmental organizations invited by the Director-General, may participate in the work of the Assembly, without the right to vote, and subject to Rule 7.3.

For further information on participation in other committees, check <http://whc.unesco.org>

**Secretariat**

World Heritage Centre  
7 place de Fontenoy  
F-75352 Paris 07 SP  
France  
Tel: 33 1 45 68 18 76  
Fax: 33 1 45 68 55 41  
Website: [www.whc.unesco.org](http://www.whc.unesco.org)

**GUIDELINES**

Operational Guidelines for the Implementation of the World Heritage Convention, July 2002

**RECENT UNGA RESOLUTIONS**

Resolution 58/124 (adopted at the 75th plenary meeting at the 58th session of the United Nations General Assembly on 17th December 2003) on “United Nations Year for Cultural Heritage, 2002”. It adopted the Declaration concerning the Intentional Destruction of Cultural Heritage by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 October 2003 and invited Member States and observers to continue to promote education and raise public awareness so as to foster respect for national and world cultural heritage.

**SELECTED ARTICLES**

**Article 2**

For the purposes of this Convention, the following shall be considered as “natural heritage”:

- natural features consisting of

physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

- geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
- natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

**Article 4**

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

**Article 5**

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:

- a. to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;

- b. to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- c. to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- d. to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- e. to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

*Article 6*

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.
2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conserva-

tion and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

**KEYWORDS**

Heritage, conservation, protection, culture, Convention, UNESCO, natural resources, biodiversity, education, natural heritage, cultural heritage

**RELEVANCE TO FISHERIES/  
FISHWORKERS**

Natural heritage, as defined in the Convention, includes several inland and marine areas, important for fisheries. Some of the World Heritage Sites important from a fisheries perspective, include the Great Barrier Reef of Australia, the Sunderbans Biosphere Reserve in India and Bangladesh, and the Tubbataha Reef Marine Park in the Philippines. The list also includes wetlands that are in the Ramsar Wetlands list. The 172 natural and mixed sites included in the World Heritage List cover as much as 13 per cent of the world's protected areas.

Article 5 of the Convention calls on States to adopt a general policy that aims to give the cultural and natural heritage a function in the life of the community, and to integrate the protection of that heritage into comprehensive planning programmes.

# Convention on the Conservation of Migratory Species of Wild Animals

## SHORT TITLE

Bonn Convention

## ACRONYM

CMS

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

Acknowledging the importance of conservation of migratory species, Parties:

- a. Should promote, co-operate in and support research relating to migratory species;
- b. Shall endeavour to provide immediate protection for migratory species included in Appendix I (list of species which are endangered); and
- c. Shall endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II (list of species not in immediate danger of extinction).

## CONTENTS

20 Articles and two Appendices

## OPENED FOR SIGNATURE

23 June 1979

## DATE OF ENTRY INTO FORCE

1 November 1983

## SIGNATORIES

Three

## RATIFICATIONS

89 (as of 1 February 2005)

## ADDITIONAL INSTRUMENTS

Agreements (According to Article IV.2 of the Convention "Parties that are Range States of migratory species listed in Appendix II shall endeavour to conclude Agreements where these should benefit the species and should give priority to those species in an unfavourable conservation status.")

## INITIATING BODY

United Nations Environment Programme (UNEP)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Conference of Parties (COP)

### *Subsidiary bodies*

Standing Committee  
Scientific Council

- Working Groups

### *Periodicity of meetings*

The COP meets once in three years (The COP has met seven times till May 2004)

### *Participation in meetings*

According to the Rules of Procedure for the COP

*Voting rights:* All States party to the Convention can vote.

*Observers:* a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located can participate as observers.



**Secretariat**

UNEP / CMS Secretariat,  
 Martin-Luther-King-Strasse  
 8, D-53175 Bonn  
 Germany  
 Tel: 49 228 815 2401 / 02  
 Fax: 49 228 815 2449  
 Website: www.cms.int

**REGIONAL INSTRUMENTS**

**Selected Agreements**

- Agreement on the Conservation of Seals in the Wadden Sea, 1990
- Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS), 1991
- Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), 1996
- Agreement on the Conservation of Albatrosses and Petrels, 2001

**Selected MOU**

- Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa, 1999
- Memorandum of Understanding concerning Conservation Measures for Marine Turtles and their habitats of the Indian Ocean and South-East Asia (IOSEA), 2001

**SELECTED ARTICLES**

**Article II**

Fundamental Principles

1. The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking

individually or in co-operation appropriate and necessary steps to conserve such species and their habitat.

2. The Parties acknowledge the need to take action to avoid any migratory species becoming endangered.
3. In particular, the Parties:
  - a) should promote, co-operate in and support research relating to migratory species;
  - b) shall endeavour to provide immediate protection for migratory species included in Appendix I; and
  - c) shall endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II.

**Article III**

Endangered Migratory Species: Appendix I

4. Parties that are Range States of a migratory species listed in Appendix I shall endeavour:
  - a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;
  - b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and
  - c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.

5. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:
  - a) the taking is for scientific purposes;
  - b) the taking is for the purpose of enhancing the propagation or survival of the affected species;
  - c) the taking is to accommodate the needs of traditional subsistence users of such species; or
  - d) extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.
6. The Conferences of the Parties may recommend to the Parties that are Range States of a migratory species listed in Appendix I that they take further measures considered appropriate to benefit the species.

### KEYWORDS

Migratory species, management, conservation, endangered species, habitat, UNCLOS, subsistence users, CMS, trade

### RELEVANCE TO FISHERIES/ FISHWORKERS

The aim of the Convention is the conservation and effective management of migratory species of wild animals, fishes, marine mammals and marine reptiles (turtles), as listed in Appendices I and II.

The Convention obliges Range States to prohibit the taking (i.e. hunting, fishing, capturing, harassing and deliberate

killing) of animals of Appendix I species, except for specified reasons, and endeavours to conserve and restore important habitats of Appendix I species, to counteract factors impeding their migration, and to control other factors that might endanger them. From a fisheries perspective, Agreements on the conservation of seals, cetaceans and certain seabirds, as well as the Memoranda of Understanding on protection and conservation of marine turtles are important, as these species may be affected by certain kinds of fishing operations.

Appendix II lists migratory species that require, or would benefit significantly from, international co-operation. The Convention provides for separate international legally binding instruments between Range States of certain migratory species or groups of species listed in Appendix II.

Resolution 7.10 (COP7, Bonn, 2002) urged Parties to integrate the conservation and sustainable use of migratory species and their habitats into their policies, plans and programmes, which are consistent with the provisions in the Convention, in order to implement the WSSD Plan of Implementation.

### RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS

Article III.5 states that taking of species under Appendix I should be prohibited. However, Article III.5 (c) notes that exceptions may be made if the taking is to accommodate the needs of traditional subsistence users of such species.

The aims of CMS are the conservation and management of migratory species. For this purpose, management programmes for specific species of

migratory animals are being developed. The term “management” in connection with CMS includes sustainable use. Therefore, traditional hunting practices are allowed under CMS. This is of special importance for indigenous peoples. Even Appendix I species, i.e. endangered species, may be taken by traditional

subsistence users, as long as this taking is not further endangering the species. Appendix II species may be taken subject to certain conditions, e.g. sustainability. However, according to the structure of CMS, this would require a formal Agreement between the respective Range States.

# Convention on Biological Diversity

## ACRONYM

CBD

## LEGAL STATUS

Binding

## TYPE OF INSTRUMENT

Convention

## OBJECTIVES

To provide for the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources

## CONTENTS

Preamble, 42 Articles, 2 Annexes  
Annex I. Identification and Monitoring  
Annex II. Part 1. Arbitration  
Annex II. Part 2. Conciliation

## DATE OF ADOPTION

22 May 1992

## PLACE OF ADOPTION

Nairobi, Kenya

## OPENED FOR SIGNATURE

Rio de Janeiro, Brazil, 5 June 1992

## DATE OF ENTRY INTO FORCE

29 December 1993

## SIGNATORIES

168

## RATIFICATIONS

188 (as of 24 March 2005)

## ADDITIONAL INSTRUMENTS

Cartagena Protocol on Biosafety, 2000:  
This seeks to ensure adequate level of

protection in transfer, handling and use of LMO's resulting from modern biotechnology that may have diverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health. (It has 117 ratifications, and 103 signatures (as of 24 March 2005), and entered into force on 11 September 2003)

## INITIATING BODY

United Nations Environment Programme (UNEP)

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Conference of Parties (COP)

### *Subsidiary bodies*

Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)

### *Working Groups*

- Working Group on Article 8 j
- Ad Hoc Open-ended Working Group on Access and Benefit-Sharing
- Ad Hoc Open-ended Working Group on Protected Areas
- Ad Hoc Open-ended Working Group on Review of Implementation of the Convention
- Ad hoc technical expert groups

### *Periodicity of meetings*

COP: meets once in two years (The COP has met seven times till May 2004).  
SBSTTA: meets once a year (The SBSTTA has met nine times till May 2004).

### *Participation in meetings*

According to the rules of procedure

*Voting rights:* States Party to the Convention.

*Observers:* The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers is subject to the rules of procedure adopted by the Conference of the Parties.

For rules of participation in SBSTTA and in Ad Hoc expert technical group meetings, check [www.biodiv.org](http://www.biodiv.org)

#### *Secretariat*

Secretariat of the Convention on Biological Diversity  
World Trade Centre  
393 rue St Jacques  
Suite 300  
Montreal, Quebec  
Canada H2Y 1N9  
Tel: 1 514 288 2220  
Fax: 1 514 288 6588  
Website: [www.biodiv.org](http://www.biodiv.org)

### GUIDELINES

- Bonn Guidelines on Access to Genetic Resources and Benefit sharing, 2002;
- Akwé: kon voluntary guidelines for the conduct of cultural, environmental and social impact assessment, 2004;
- Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity, 2003;
- The Principles and Guidelines of the ecosystem approach;
- The Guiding Principles for the prevention, introduction and

mitigation of impact of alien species that threaten ecosystems, habitats or species;

- The Guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment; and
- Guidelines on Biodiversity and Tourism Development.

### SELECTED ARTICLES

#### *Article 8. In situ Conservation*

- (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

#### *Article 10. Sustainable Use of Components of Biological Diversity*

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- (b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;

- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and
- (e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

### KEYWORDS

Conservation, alien species, biodiversity, biotechnology, CBD, customary use, ecosystems, environment, equitable sharing, genetic resources, indigenous communities, IPR, local communities, marine environment, natural resources, protected areas, resource management, sustainable development, endangered species, traditional knowledge, UNCLOS, Cartagena protocol, Convention, biosafety, governance, indigenous communities, local knowledge, sustainable use, ecosystem approach, cultural practices

### RELEVANCE TO FISHERIES/ FISHWORKERS

The Convention recognizes that conservation of biological diversity is a common concern of all and an integral part of the development process. Biodiversity issues are addressed for the first time in a comprehensive manner. The Convention calls on States to introduce appropriate procedures to minimize adverse impacts of projects, programmes and policies on biological diversity, and to prevent the introduction of, control or eradicate those alien species that threaten ecosystems, habitats or species.

COP2 (Jakarta, 1995) expressed deep concern at the serious threats to marine and coastal biological diversity caused by physical alteration, destruction and degradation of habitats, pollution, invasion of alien species, and overexploitation of living marine and coastal resources. It referred to the FAO Code of Conduct for Responsible Fisheries as well as the United Nations Fish Stocks Agreement (UNFSA) as two important fisheries instruments, supporting their implementation. The Jakarta Mandate addresses marine biodiversity conservation and management. It proposed integrated marine and coastal area management (IMCAM) 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. COP5 (Nairobi, 2000) called for the application of the ecosystem approach for the management of resources.

COP7 (Kuala Lumpur, 2004) emphasized the importance of setting up marine and coastal protected areas (MCPA) as one of the essential tools and approaches in the conservation and sustainable use of marine and coastal biodiversity, and the need for networks of such areas.

### RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS

The Convention has several provisions that are of relevance to, and can protect the interests of, small-scale and artisanal fishing communities. Article 8(j) recognizes the need to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, and to promote their wider application. The need to encourage the

equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices, is also highlighted. Article 10 (c) calls on States to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

The Basic Principles in Annex II of the Programme of Work on Marine and Coastal Biodiversity, under Decision II.10 (COP2, Jakarta, 1995), noted that the implementation of the programme of work should be carried out with the full and effective participation of indigenous and local communities and called for respect of their rights under domestic and applicable international law (Annex II para 3.d).

Decision V/3 of COP5 (Nairobi, 2000) urged Governments to implement response measures to the phenomenon of coral bleaching by identifying and instituting additional and alternative measures for securing the livelihoods of people who directly depend on coral-reef services, and by building stakeholder partnerships, community participation programmes and public education campaigns and information products that address the causes and consequences of coral bleaching. It also recommended gathering information on approaches to

the management of marine and coastal living resources in relation to those used by local and indigenous communities, and to make the information available through the clearing-house mechanism.

The Basic Principles in Annex I on the Elaborated Programme of Work On Marine and Coastal Biological Diversity, under Decision VII/5 (COP7, Kuala Lumpur, 2004), stress that the programme of work should be carried out with the full and effective participation of indigenous and local communities. Specific reference is made to Article 6.18 of the FAO Code of Conduct for Responsible Fisheries that highlights the need to protect the preferential access rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to traditional fishing grounds and resources. The programme of work also aims to make a direct contribution to poverty alleviation, in accordance with the Millennium Development Goals.

Programme Element 2 on Governance, participation, equity and benefit sharing under the Programme of Work in Protected Areas (COP7, Kuala Lumpur, 2004), emphasizes the full and effective participation of local and indigenous communities in protected area management.

# United Nations Conference on the Human Environment

## SHORT TITLE

Stockholm Conference

## ACRONYM

UNCHE

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Conference Declaration

## OBJECTIVES

To develop a common outlook and common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment.

## CONTENTS

7 statements of proclamation and 26 principles

## NAME OF DECLARATION

Stockholm Declaration

## PLACE OF DECLARATION

Stockholm, Sweden

## DATE OF DECLARATION

16 June 1972

## INITIATING BODY

United Nations General Assembly

## PLAN

Action Plan for the Human Environment

- Educational, Informational, Social and Cultural Aspects of Environmental Issues
- Framework for environmental action
- Recommendations for action at the international level

## SUBSEQUENT MEETINGS

United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, Brazil, 1992  
World Summit for Sustainable Development (WSSD), Johannesburg, 2002

## ADDITIONAL INFORMATION

This was the first conference that brought together heads of nations to deliberate on the status of the environment. The UN Environment Programme (UNEP) was set up subsequent to this conference. The UNEP has been instrumental in organizing subsequent conferences (UNCED 1992, WSSD 2002) and in initiating a number of Conventions including the CBD that are of great importance to fisheries.

## SELECTED PRINCIPLES

### *Principle 2*

The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.

### *Principle 3*

The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

### *Principle 7*

States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage



amenities or to interfere with other legitimate uses of the sea.

***Principle 10***

For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management, since economic factors as well as ecological processes must be taken into account.

***Principle 11***

The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

***Principle 12***

Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

***Principle 13***

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is

compatible with the need to protect and improve environment for the benefit of their population.

***Principle 21***

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

**KEYWORDS**

Environment, pollution, seas, development, resources management, environmental management, Stockholm declaration, developing countries

**RELEVANCE TO FISHERIES/  
FISHWORKERS**

This landmark conference, held in 1972, brought to the forefront the growing concern for environmental degradation worldwide, and put environmental issues firmly on the international agenda. Principle 2 talked about the need to safeguard the environment for the benefit of both present and future generations, first outlining the concept of sustainable development. The Declaration clearly reflected the concerns of developing countries, and the need to ensure compatibility between development and environment. Specific reference to the growing problem of marine pollution was made in Principle 7, which highlighted the need to prevent pollution of the seas by substances that can harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.

# United Nations Conference on Environment and Development

## SHORT TITLE

Earth Summit, Rio Conference

## ACRONYM

UNCED

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Conference Declaration

## ADDITIONAL INSTRUMENTS

Convention on Biological Diversity (CBD)  
United Nations Framework Convention on Climate Change (UNFCCC)

## NAME OF DECLARATION

Rio declaration

## PLACE OF DECLARATION

Rio de Janeiro, Brazil

## DATE OF DECLARATION

3-14 June 1992

## INITIATING BODY

United Nations General Assembly

## PLAN

Agenda 21: The Programme of Action for Sustainable Development

## SUBSEQUENT MEETINGS

Earth Summit +5 in 1997  
World Summit on Sustainable Development in 2002

## RECENT UNGA RESOLUTIONS

Resolution 55/199 (adopted at the 55th session of the United Nations General Assembly on 20 December 2000) on the "Ten-year review of progress achieved

in the implementation of the outcome of the United Nations Conference on Environment and Development", decided to organize a world summit to review the progress of implementation of the United Nations Conference on Environment and Development in 2002. It also decided that the Summit should ensure a balance between economic development, social development and environment protection, as these are interdependent and mutually reinforcing components of sustainable development.

## SELECTED PRINCIPLES

### *Principle 1*

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

### *Principle 2*

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

### *Principle 4*

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

### *Principle 5*

All States and all people shall cooperate in the essential task of eradicating

poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

***Principle 6***

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

***Principle 10***

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

***Principle 13***

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

***Principle 15***

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

***Principle 16***

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

***Principle 17***

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

***Principle 20***

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

***Principle 22***

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

**KEYWORDS**

Sustainable development, resources, environment, management, conservation, indigenous communities, EIA, pollution, legislation, precautionary approach, polluter pays principle, women, poverty eradication, developing countries

**RELEVANCE TO FISHERIES/  
FISHWORKERS**

The UNCED process and the Rio Declaration highlighted the need for sustainable development—socially responsible economic development that protects the resource base and the environment for the benefit of future generations. It put human beings at the centre of concerns for sustainable development and emphasized the importance of eradicating poverty as an indispensable requirement for sustainable development.

The Rio Declaration (Principle 15) emphasized the need for a precautionary approach—where there are threats of serious or irreversible damage, lack of

full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. This has since become an important concept in fisheries management. Principles 16 and 17 stress the need to promote the “polluter pays” principle, and environmental impact assessments (EIAs) for activities likely to have an adverse impact on the environment.

**RELEVANCE TO SMALL-SCALE  
FISHERIES/FISHWORKERS**

The perspective on sustainable development elaborated in the Rio Declaration, particularly the emphasis on poverty eradication, is very important from the perspective of the millions of small-scale and artisanal fishworkers who depend on fisheries for a livelihood, but whose lives continue to be characterized by poverty and vulnerability. Significantly, the Rio Declaration also affirms the important role of women and of indigenous peoples and their communities in environmental management and development.

# Agenda 21: The Programme of Action for Sustainable Development

## SHORT TITLE

Agenda 21

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Plan of Action

## OBJECTIVES

To function as a comprehensive blueprint for action to be taken globally by Governments, UN organizations, development agencies, NGOs, and independent-sector groups in every area in which human activity impacts on the environment.

## CONTENTS

40 Chapters

Chapter 15 is on Conservation of Biological Diversity

Chapter 17 is on Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources.

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Economic and Social Council (ECOSOC) and through this to the second committee of the General Assembly of the United Nations

### *Monitoring and implementation*

Commission on Sustainable Development (CSD)

### *Periodicity of meetings*

The CSD meets once a year. (There have been 13 sessions of the CSD till April 2005.)

### *Participation in meetings*

#### *Monitoring and implementation*

*Voting rights:* 13 members are elected from Africa, 11 from Asia, 10 from Latin America and the Caribbean, six from Eastern Europe, and 13 from Western Europe and others, to the CSD. One-third of the members are elected annually and outgoing members are eligible for re-election.

*Observers:* To participate in official meetings of the CSD as a representative of the major groups, each individual participant must belong to, or be associated with, an international, regional, sub-regional, or national non-governmental, non-profit, or voluntary organization that is accredited (meaning that it is in consultative status) with ECOSOC, or on the CSD Roster.

In February 2004, ECOSOC decided that non-governmental organizations and other major groups accredited to the World Summit on Sustainable Development can participate in the first two-year implementation cycle of the Commission on Sustainable Development. The major groups of civil society, as defined by Agenda 21 are women, children and youth, indigenous people, non-governmental organizations, local authorities, workers and trade unions, business and industry, scientific and technological communities, and farmers. These groups have participated in meetings of the Commission on Sustainable Development (CSD) as

representatives of a variety of different organizations who have been accredited to the United Nations. Fishers are considered as part of the farmers major group in this process.

**Secretariat**

Division for Sustainable Development  
Department of Economic and Social  
Affairs (DESA)

2 United Nations Plaza

Room DC2-2220

New York, NY 10017

USA

Tel: 1 212 963 2803

Fax: 1 212 963 4260

Website: [www.un.org/esa](http://www.un.org/esa)

**RECENT UNGA RESOLUTIONS**

Resolution 58/218 (adopted at the 58th session of the United Nations General Assembly on 23 December 2003) on “Implementation of Agenda 21, the programme for the further implementation of Agenda 21 and the outcome of the WSSD” reiterated that sustainable development is the key element of the overarching framework for United Nations activities, in particular for achieving the internationally agreed development goals, including those contained in the United Nations Millennium Declaration and in the Johannesburg Plan of Implementation. It called upon Governments to implement the commitments, programmes and time-bound targets adopted at the WSSD.

**SELECTED PARAGRAPHS**

*Chapter 17*

17.1. The marine environment—including the oceans and all seas and adjacent coastal areas—forms an integrated whole that is an essential component of the global life-support system and a positive asset that presents opportunities for sustainable development. International law, as

reflected in the provisions of the United Nations Convention on the Law of the Sea, referred to in this chapter of Agenda 21, sets forth rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources. This requires new approaches to marine and coastal area management and development, at the national, subregional, regional and global levels, approaches that are integrated in content and are precautionary and anticipatory in ambit, as reflected in the following programme areas:

- (a) Integrated management and sustainable development of coastal areas, including exclusive economic zones;
- (b) Marine environmental protection;
- (c) Sustainable use and conservation of marine living resources of the high seas;
- (d) Sustainable use and conservation of marine living resources under national jurisdiction;
- (e) Addressing critical uncertainties for the management of the marine environment and climate change;
- (f) Strengthening international, including regional, cooperation and coordination;
- (g) Sustainable development of small islands.

17.15. Coastal States should promote and facilitate the organization of education and training in integrated coastal and marine management and sustainable development for scientists, technologists, managers (including community-based managers) and users, leaders, indigenous peoples, fisherfolk, women and youth, among others. Management and development, as well as environmental protection concerns and local planning issues,

should be incorporated in educational curricula and public awareness campaigns, with due regard to traditional ecological knowledge and socio-cultural values.

17.74. States commit themselves to the conservation and sustainable use of marine living resources under national jurisdiction. To this end, it is necessary to:

- (a) Develop and increase the potential of marine living resources to meet human nutritional needs, as well as social, economic and development goals;
- (b) Take into account traditional knowledge and interests of local communities, small-scale artisanal fisheries and indigenous people in development and management programmes;
- (c) Maintain or restore populations of marine species at levels that can produce the maximum sustainable yield as qualified by relevant environmental and economic factors, taking into consideration relationships among species;
- (d) Promote the development and use of selective fishing gear and practices that minimize waste in the catch of target species and minimize by-catch of non-target species;
- (e) Protect and restore endangered marine species;
- (f) Preserve rare or fragile ecosystems, as well as habitats and other ecologically sensitive areas.

17.79. Coastal States, individually or through bilateral and/or multilateral cooperation and with the support, as appropriate of international organizations, whether subregional, regional or global, should *inter alia*:

- (b) Implement strategies for the sustainable use of marine living

resources, taking into account the special needs and interests of small-scale artisanal fisheries, local communities and indigenous people to meet human nutritional and other development needs.

17.81. Coastal States should support the sustainability of small-scale artisanal fisheries. To this end, they should, as appropriate:

- (a) Integrate small-scale artisanal fisheries development in marine and coastal planning, taking into account the interests and, where appropriate, encouraging representation of fishermen, small-scale fishworkers, women, local communities and indigenous people;
- (b) Recognize the rights of small-scale fishworkers and the special situation of indigenous people and local communities, including their rights to utilization and protection of their habitats on a sustainable basis;
- (c) Develop systems for the acquisition and recording of traditional knowledge concerning marine living resources and environment and promote the incorporation of such knowledge into management systems.

17.82. Coastal States should ensure that, in the negotiation and implementation of international agreements on the development or conservation of marine living resources, the interests of local communities and indigenous people are taken into account, in particular their right to subsistence.

17.83. Coastal States, with the support, as appropriate, of international organizations should conduct analyses of the potential for aquaculture in marine and coastal areas under national jurisdiction and apply appropriate

safeguards as to the introduction of new species.

17.84. States should prohibit dynamiting, poisoning and other comparable destructive fishing practices.

17.94. Coastal States, with the support of relevant subregional, regional and global agencies, where appropriate, should:

- (a) Develop research capacities for assessment of marine living resource populations and monitoring;
- (b) Provide support to local fishing communities, in particular those that rely on fishing for subsistence, indigenous people and women, including, as appropriate, the technical and financial assistance to organize, maintain, exchange and improve traditional knowledge of marine living resources and fishing techniques, and upgrade knowledge on marine ecosystems;
- (c) Establish sustainable aquaculture development strategies, including environmental management in support of rural fish-farming communities.

### **KEYWORDS**

Agenda 21, conservation, sustainable development, biodiversity, wastes, management, indigenous communities, rights, environment, fisheries, overfishing, EEZ, coral reefs, coastal habitats, marine environment, fishing gear, small-scale fisheries, artisanal fisheries, fishworkers, fishermen, women, fisheries management, traditional knowledge, sustainable use, sustainable aquaculture

### **RELEVANCE TO FISHERIES/ FISHWORKERS**

Agenda 21 reflects a global consensus and political commitment at the highest level on development and environment

co-operation. Chapter 17 of Agenda 21 provides a comprehensive action plan for the protection and sustainable development of the marine and coastal environment. It calls for a precautionary and anticipatory, rather than a reactive, approach to prevent the degradation of the marine environment.

### **RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS**

From the perspective of the artisanal and small-scale fisheries sector, Chapter 17 of Agenda 21 takes into account several concerns, including: formalizing fishworkers' rights to participate in decision-making processes for formulation and implementation of policies with regard to fisheries development and management; the right of women to have equal opportunities with men in fisheries management and greater selectivity of fishing gear and techniques.

Section 17.74 b emphasizes that States must take into account the traditional knowledge and interests of local communities, small-scale artisanal fisheries and indigenous people in development and management programmes. Section 17.81 asks coastal States to support the sustainability of small-scale artisanal fisheries by integrating small-scale artisanal fisheries development into marine and coastal planning as well as by recognizing the rights of small-scale fishworkers. Section 17.94 asks States to provide support to local fishing communities, in particular those that rely on fishing for subsistence, indigenous people and women, including, as appropriate, the technical and financial assistance to organize, maintain, exchange and improve traditional knowledge of marine living resources and fishing techniques, and upgrade knowledge on marine ecosystems.



# World Summit on Sustainable Development

## ACRONYM

WSSD

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Conference Declaration

## OBJECTIVES

To focus the world's attention and direct action toward meeting difficult challenges, including improving people's lives and conserving our natural resources in a world that is growing in population, with ever-increasing demands for food, water, shelter, sanitation, energy, health services and economic security.

## CONTENTS

37 points in 6 parts

## NAME OF DECLARATION

Johannesburg Declaration on Sustainable Development

## PLACE OF DECLARATION

Johannesburg, South Africa

## DATE OF DECLARATION

4 September 2002

## INITIATING BODY

Commission on Sustainable Development (CSD), United Nations

## PLAN

Johannesburg Plan of Implementation

## RECENT UNGA RESOLUTIONS

The Johannesburg declaration and Plan of Implementation were endorsed by the

UNGA in its resolution 57/253 adopted at its 78th Plenary Meeting on 20th December 2002.

Resolution 58/218 (adopted at the 78th plenary meeting in the 58th session of the United Nations General Assembly on 23 December 2003) on "Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development" called upon States to take action to ensure the effective implementation of, and follow-up to, the commitments, programmes and time-bound targets adopted at the Summit, and encouraged them to report on concrete progress in that regard.

## SELECTED PARAGRAPHS

5. Accordingly, we assume a collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development—economic development, social development and environmental protection—at the local, national, regional and global levels.
11. We recognize that poverty eradication, changing consumption and production patterns and protecting and managing the natural resource base for economic and social development are overarching objectives of and essential requirements for sustainable development.
13. The global environment continues to suffer. Loss of biodiversity continues, fish stocks continue to be depleted, desertification claims more and more fertile land, the adverse effects

of climate change are already evident, natural disasters are more frequent and more devastating, and developing countries more vulnerable, and air, water and marine pollution continue to rob millions of a decent life.

14. Globalization has added a new dimension to these challenges. The rapid integration of markets, mobility of capital and significant increases in investment flows around the world have opened new challenges and opportunities for the pursuit of sustainable development. But the benefits and costs of globalization are unevenly distributed, with developing countries facing special difficulties in meeting this challenge.
20. We are committed to ensuring that women's empowerment, emancipation and gender equality are integrated in all the activities encompassed within Agenda 21, the Millennium development goals and the Plan of Implementation of the Summit.
21. We recognize the reality that global society has the means and is endowed with the resources to address the challenges of poverty eradication and sustainable development confronting all humanity. Together, we will take extra steps to ensure that these available resources are used to the benefit of humanity.
24. We shall continue to pay special attention to the developmental needs of small island developing States and the least developed countries.
25. We reaffirm the vital role of the indigenous peoples in sustainable development.

26. We recognize that sustainable development requires a long-term perspective and broad-based participation in policy formulation, decision-making and implementation at all levels. As social partners, we will continue to work for stable partnerships with all major groups, respecting the independent, important roles of each of them.

### **KEYWORDS**

Sustainable development, environment, biodiversity, fish stocks, globalization, poverty eradication, indigenous peoples, gender equality

### **RELEVANCE TO FISHERIES/ FISHWORKERS**

The Johannesburg Declaration reaffirms the commitment of States to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development—economic development, social development and environmental protection—at the local, national, regional and global levels. It acknowledges that the global environment, including fisheries and marine resources, continue to suffer even as the gap between the rich and the poor, and the developed and developing worlds continues to increase, posing a major threat to global prosperity, security and stability. States are committed to expediting the achievement of the time-bound socioeconomic and environmental targets contained in the WSSD Plan of Action.

The Declaration acknowledges the vital role of women and of indigenous people in sustainable development, and suggests that special attention should be given to the developmental needs of small island developing States and the least developed countries.

# Johannesburg Plan of Implementation

## ACRONYM

JPoI

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Plan of Action

## OBJECTIVES

- To build on the achievements made since UNCED and expedite the realization of the remaining goals.
- To undertake concrete actions and measures at all levels and to enhancing international cooperation, taking into account the Rio Principles, including, *inter alia*, the principle of common but differentiated responsibilities as set out in principle 7 of the Rio Declaration on Environment and Development.
- To promote the integration of the three components of sustainable development – economic development, social development and environmental protection – as interdependent and mutually reinforcing pillars.

## CONTENTS

153 paragraphs spread over 11 chapters

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Economic and Social Council (ECOSOC) and through this to the second committee of the General Assembly of the United Nations

### *Monitoring and implementation*

Commission on Sustainable Development (CSD)

### *Periodicity of meetings*

The CSD meets once a year. (There have been 13 sessions of the CSD till April 2005.)

### *Participation in meetings*

#### *Commission on Sustainable Development*

*Voting rights:* 13 members are elected from Africa, 11 from Asia, 10 from Latin America and the Caribbean, six from Eastern Europe, and 13 from Western Europe and others, to the CSD. One-third of the members are elected annually and outgoing members are eligible for re-election.

*Observers:* To participate in official meetings of the CSD as a representative of the major groups, each individual participant must belong to, or be associated with, an international, regional, sub-regional, or national non-governmental, non-profit, or voluntary organization that is accredited (meaning that it is in consultative status) with the ECOSOC, or on the CSD Roster.

In February 2004, ECOSOC decided that non-governmental organizations and other major groups accredited to the World Summit on Sustainable Development can participate in the first two-year implementation cycle of the Commission on Sustainable Development. The major groups of civil society, as defined by Agenda 21, are women, children and youth, indigenous people, non-governmental organizations, local authorities, workers

and trade unions, business and industry, scientific and technological communities, and farmers. These groups have participated in meetings of the Commission on Sustainable Development (CSD) as representatives of a variety of different organizations who have been accredited to the United Nations. Fishers are considered as part of the farmers major group in this process.

*Secretariat*

Division for Sustainable Development  
Department of Economic and Social  
Affairs (DESA)  
2 United Nations Plaza  
Room DC2-2220  
New York, NY 10017  
USA  
Tel: 1 212 963 2803  
Fax: 1 212 963 4260  
Website: [www.un.org/esa](http://www.un.org/esa)

**RECENT UNGA RESOLUTIONS**

The Johannesburg Declaration and Plan of Implementation were endorsed by the UNGA in its resolution 57/253 adopted at its 78th Plenary Meeting on 20th December 2002.

Resolution 58/218 (adopted at the 78th plenary meeting in the 58th session of the United Nations General Assembly on 23 December 2003) on "Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development" called upon States to take action to ensure the effective implementation of, and follow-up to, the commitments, programmes and time-bound targets adopted at the Summit, and encouraged them to report on concrete progress in that regard.

**SELECTED PARAGRAPHS**

7. Eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, particularly for developing countries. Although each country has the primary responsibility for its own sustainable development and poverty eradication and the role of national policies and development strategies cannot be overemphasized, concerted and concrete measures are required at all levels to enable developing countries to achieve their sustainable development goals as related to the internationally agreed poverty-related targets and goals, including those contained in Agenda 21, the relevant outcomes of other United Nations conferences and the United Nations Millennium Declaration. This would include actions at all levels to:
  - (j) Transfer basic sustainable agricultural techniques and knowledge, including natural resource management, to small and medium-scale farmers, fishers and the rural poor, especially in developing countries, including through multi-stakeholder approaches and public-private partnerships aimed at increasing agriculture production and food security;
30. Oceans, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security and for sustaining economic prosperity and the well-being of many national economies, particularly in developing countries.

Ensuring the sustainable development of the oceans requires effective coordination and cooperation, including at the global and regional levels, between relevant bodies, and actions at all levels to:

- (b) Promote the implementation of Chapter 17 of Agenda 21 which provides the programme of action for achieving the sustainable development of oceans, coastal areas and seas through its programme areas of integrated management and sustainable development of coastal areas, including exclusive economic zones; marine environmental protection; sustainable use and conservation of marine living resources; addressing critical uncertainties for the management of the marine environment and climate change; strengthening international, including regional, cooperation and coordination; and sustainable development of small islands;
  - (d) Encourage the application by 2010 of the ecosystem approach, noting the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and decision 5/6 of the Conference of Parties to the Convention on Biological Diversity;
  - (g) Assist developing countries in coordinating policies and programmes at the regional and subregional levels aimed at the conservation and sustainable management of fishery resources, and implement integrated coastal area management plans, including through the promotion of sustainable coastal and small-scale fishing activities and, where appropriate, the development of related infrastructure;
31. To achieve sustainable fisheries, the following actions are required at all levels:
- (c) Implement the 1995 Code of Conduct for Responsible Fisheries, taking note of the special requirements of developing countries as noted in its article 5, and the relevant Food and Agriculture Organization of the United Nations (FAO) international plans of action and technical guidelines;
  - (d) Urgently develop and implement national and, where appropriate, regional plans of action, to put into effect the FAO international plans of action, in particular the international plan of action for the management of fishing capacity by 2005 and the international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing by 2004. Establish effective monitoring, reporting and enforcement, and control of fishing vessels, including by flag States, to further the international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing;
  - (e) Encourage relevant regional fisheries management organizations and arrangements to give due consideration to the rights, duties and interests of coastal States and the special

requirements of developing States when addressing the issue of the allocation of share of fishery resources for straddling stocks and highly migratory fish stocks, mindful of the provisions of the United Nations Convention on the Law of the Sea and the 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, on the high seas and within exclusive economic zones;

- (f) Eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to over-capacity, while completing the efforts undertaken at WTO to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;
- (g) Strengthen donor coordination and partnerships between international financial institutions, bilateral agencies and other relevant stakeholders to enable developing countries, in particular the least developed countries and small island developing States and countries with economies in transition, to develop their national, regional and subregional capacities for infrastructure and integrated management and the sustainable use of fisheries;
- (h) Support the sustainable development of aquaculture, including small-scale

aquaculture, given its growing importance for food security and economic development.

- 32. In accordance with chapter 17 of Agenda 21, promote the conservation and management of the oceans through actions at all levels, giving due regard to the relevant international instruments to:
  - (a) Maintain the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction;
  - (b) Implement the work programme arising from the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity of the Convention on Biological Diversity, including through the urgent mobilization of financial resources and technological assistance and the development of human and institutional capacity, particularly in developing countries;
  - (c) Develop and facilitate the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas consistent with international law and based on scientific information, including representative networks by 2012 and time/area closures for the protection of nursery grounds and periods, proper coastal land use; and watershed planning and the integration of marine and coastal areas management into key sectors;

- (d) Develop national, regional and international programmes for halting the loss of marine biodiversity, including in coral reefs and wetlands;
- (e) Implement the RAMSAR Convention, including its joint work programme with the Convention on Biological Diversity, and the programme of action called for by the International Coral Reef Initiative to strengthen joint management plans and international networking for wetland ecosystems in coastal zones, including coral reefs, mangroves, seaweed beds and tidal mud flats.

33. Advance implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities, with particular emphasis in the period 2002-2006 on municipal wastewater, the physical alteration and destruction of habitats, and nutrients, by actions at all levels to:

- (c) Elaborate regional programmes of action and improve the links with strategic plans for the sustainable development of coastal and marine resources, noting in particular areas which are subject to accelerated environmental changes and development pressures;

*VII. Sustainable development of small island developing States*

58. Small island developing States are a special case both for environment and development. Although they continue to take the lead in the path towards sustainable development in their countries, they are increasingly constrained by the interplay of adverse factors clearly underlined in Agenda 21, the Programme of Action for the Sustainable Development of Small Island Developing States and the decisions adopted at the twenty-second special session of the General Assembly. This would include actions at all levels to:

- (b) Further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the recently established Caribbean Regional Fisheries Mechanism and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;
- (c) Assist small island developing States, including through the elaboration of specific initiatives, in delimiting and managing in a sustainable manner their coastal areas and exclusive economic zones and the continental shelf (including, where appropriate, the

continental shelf areas beyond 200 miles from coastal baselines), as well as relevant regional management initiatives within the context of the United Nations Convention on the Law of the Sea and the UNEP regional seas programmes;

- (e) Effectively reduce, prevent and control waste and pollution and their health-related impacts by undertaking by 2004 initiatives aimed at implementing the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities in small island developing States

VIII. *Sustainable development for Africa*

- 62. (i) Develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment;
- 67. Achieve significantly improved sustainable agricultural productivity and food security in furtherance of the agreed millennium development goals, including those contained in the Millennium Declaration, in particular to halve by 2015 the proportion of people who suffer from hunger, including through initiatives at all levels to:
  - (a) Support the development and implementation of national policies and programmes, including research programmes and development plans of African countries to

regenerate their agricultural sector and sustainably develop their fisheries, and increase investment in infrastructure, technology and extension services, according to country needs. African countries should be in the process of developing and implementing food security strategies, within the context of national poverty eradication programmes, by 2005.

**KEYWORDS**

Sustainable development, fisheries management, conservation, ecosystem approach, fisheries subsidies, marine protected areas, IPOAs, fishing capacity, IUU Fishing, SIDS, MDGs, CBD, RAMSAR, FAO, UNFSA, marine pollution, conservation, environment, biodiversity, fish stocks, globalization, women

**RELEVANCE TO FISHERIES/  
FISHWORKERS**

The Plan of Implementation seeks to promote the implementation of Chapter 17 of Agenda 21. It highlights the need for better management of marine and fisheries resources, and, in this context, the need to ratify or accede to, and implement, the United Nations Convention on the Law of the Sea (UNCLOS) and the UNFSA, to implement the FAO Code of Conduct for Responsible Fisheries and the International Plans of Action (IPOAs) for the management of fishing capacity and to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. It also highlights the need to implement the working programme from the Jakarta Mandate of the CBD, on integrated coastal area management.



It further calls for the elimination of subsidies that contribute to IUU fishing and overcapacity, while completing the efforts undertaken at the WTO to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries.

The Plan of Implementation also sets certain targets in the context of marine and fisheries resources, namely, to encourage the application by 2010 of the ecosystem approach, and to maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and, where possible, not later than 2015.

It also stresses the need to establish representative networks of MPAs by 2012.

#### **RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS**

The Plan of Implementation reaffirms that poverty eradication, changing unsustainable patterns of production and consumption, and protecting and managing the natural resource base of economic and social development are overarching objectives of, and essential requirements for, sustainable development. It is unequivocal that

eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, particularly for developing countries. To meet targets for poverty reduction, it agrees to establish a world solidarity fund to eradicate poverty and to promote social and human development

It emphasizes the need to promote women's equal access to, and full participation, on the basis of equality with men, in decisionmaking at all levels. It further recognizes that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continue to be essential to the cultural, economic and physical well-being of indigenous peoples and their communities. The Plan of Implementation calls for a multi-stakeholder approach for the transfer of technology with regard to small-scale fisheries.

The Plan of Implementation places special emphasis on the developmental needs of small island developing States and the least developed countries, particularly in Africa. It also highlights the need to enhance corporate environmental and social responsibility and accountability.

# Global Conference on the Sustainable Development of Small Island Developing States

## SHORT TITLE

Barbados Conference on Small Island Developing States

## ACRONYM

Barbados SIDS

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Conference Declaration

## OBJECTIVES

To translate Agenda 21 into specific policies, actions and measures to be taken at the national, regional and international levels to enable Small Island Developing States to achieve sustainable development.

## NAME OF DECLARATION

Barbados Declaration

## PLACE OF DECLARATION

Bridgetown, Barbados

## DATE OF DECLARATION

5 May 1994

## INITIATING BODY

United Nations General Assembly

## PLAN

Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Plan of Action (BPoA))

## REGIONAL AGENCIES

Pacific SIDS, Caribbean SIDS and the Atlantic, Indian Ocean, Mediterranean, and the South China Sea (AIMS) SIDS

## RECENT UNGA RESOLUTIONS

Resolution 57/262 (adopted at the 57th session of the United Nations General Assembly on 20 December 2002) on "Further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States" decided to convene a comprehensive review meeting in 2004, which would seek a renewed political commitment by all countries to implement the Programme of Action, as called for in the Johannesburg Plan of Implementation, and also decided that it should focus on practical and pragmatic actions for the further implementation of the Programme of Action.

Resolution 58/213 (adopted at the 58th session of the United Nations General Assembly on 23 December 2003) on "Further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States" reiterated the urgent need for the full and effective implementation of the Programme of Action, the Declaration of Barbados and the review document adopted by the General Assembly at its twenty-second special session so as to assist small island developing States in their efforts to achieve sustainable development. It also decided that the International Meeting to be organized in 2004 will seek a renewed political commitment by the international community and will also focus on practical actions required for the further implementation of the Barbados Programme of Action, taking into consideration the new and emerging issues, situations and challenges.

## SELECTED PARAGRAPHS

### Part One

Affirm that:

#### I.

1. The survival of small island developing States is firmly rooted in their human resources and cultural heritage, which are their most significant assets; those assets are under severe stress and all efforts must be taken to ensure the central position of people in the process of sustainable development.
2. Sustainable development programmes must seek to enhance the quality of life of peoples, including their health, well-being and safety.
3. Full attention should be given to gender equity and to the important role and contribution of women, as well as to the needs of women and other major groups, including children, youth and indigenous people.

#### II.

Small island developing States have sovereign rights over their own natural resources. Their biodiversity is among the most threatened in the world and their ecosystems provide ecological corridors linking major areas of biodiversity around the world. They bear responsibility for a significant portion of the world's oceans and seas and their resources. The efforts of small island developing States to conserve, protect and restore their ecosystems deserve international cooperation and partnership.

#### III.

2. While small island developing States are among those that contribute least to global climate change and sea level rise, they are among those

that would suffer most from the adverse effects of such phenomena and could in some cases become uninhabitable. Therefore, they are among those particularly vulnerable States that need assistance under the United Nations Framework Convention on Climate Change, including adaptation measures and mitigation efforts.

3. Small island developing States share with all nations a critical interest in the protection of coastal zones and oceans against the effects of land-based sources of pollution.
4. Limited freshwater resources, increasing amounts of waste and hazardous substances, and limited facilities for waste disposal combine to make pollution prevention, waste management and the transboundary movement of hazardous materials critical issues for small island developing States.

#### VI.

There is an urgent need in small island developing States to address the constraints to sustainable development, including scarce land resources, which lead to difficult land and agriculture use decisions; limited fresh water; education and training needs; health and human settlement requirements; inordinate pressures on coastal and marine environment and resources; and limited means available to exploit natural resources on a sustainable basis.

## KEYWORDS

SIDS, fisheries, biodiversity, coastal management, marine resources, sea level rise, global warming, sustainable development, hazardous wastes, pollution, gender equality, women, UNFCCC

### **RELEVANCE TO FISHERIES/ FISHWORKERS**

SIDS bear responsibility for a significant portion of the world's oceans and seas and their resources. At the same time, their ecosystems provide ecological corridors linking major areas of biodiversity around the world. However, the biodiversity of SIDS is among the most threatened in the world by, among other things, sea level rise and marine pollution. The protection, conservation and restoration of coastal and marine ecosystems of SIDS, as called for in the Declaration, is thus very important from a fisheries perspective.

### **RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS**

The Declaration unequivocally acknowledges the central position of people in the process of sustainable development, and emphasizes that sustainable development programmes must seek to enhance the quality of life of peoples, including their health, well-being and safety. It thus seeks to balance and protect environmental, developmental and livelihood concerns, vital from a gender and small-scale fisheries perspective.

# Programme of Action for the Sustainable Development of Small Island Developing States

## SHORT TITLE

Barbados Programme of Action

## ACRONYM

BPoA

## LEGAL STATUS

Non-binding

## TYPE OF INSTRUMENT

Plan of Action

## OBJECTIVES

To address the special challenges and constraints facing small island developing States by means of actions and policies that should be implemented over the short, medium and long terms.

## WORKING OF THE INSTRUMENT

### *Decision-making body*

Economic and Social Council (ECOSOC) and through this to the second committee of the General Assembly of the United Nations

### *Monitoring and implementation*

Commission on Sustainable Development (CSD)

### *Periodicity of meetings*

The CSD meets once every year. (There have been 13 sessions of the CSD till April 2005.)

### *Participation in meetings*

#### *Monitoring and implementation*

*Voting rights:* Thirteen members are

elected from Africa, eleven from Asia, ten from Latin America and the Caribbean, six from Eastern Europe, and thirteen from Western Europe and others, to the CSD. One-third of the members are elected annually and outgoing members are eligible for re-election.

*Observers:* To participate in official meetings of the CSD as a representative of the major groups, each individual participant must belong to, or be associated with, an international, regional, sub-regional, or national non-governmental, non-profit, or voluntary organization that is accredited, (meaning that it is in consultative status) with the ECOSOC, or on the CSD Roster.

In February 2004, ECOSOC decided that non-governmental organizations and other major groups accredited to the World Summit on Sustainable Development can participate in the first two-year implementation cycle of the Commission on Sustainable Development. The major groups of civil society, as defined by Agenda 21, are women, children and youth, indigenous people, non-governmental organizations, local authorities, workers and trade unions, business and industry, scientific and technological communities, and farmers. These groups have participated in meetings of the Commission on Sustainable Development (CSD) as representatives of a variety of different organizations who have been accredited to the United Nations.

## SECRETARIAT

Division for Sustainable Development  
Department of Economic and Social Affairs  
(DESA)

2 United Nations Plaza

Room DC2-2220

New York, NY 10017, USA

Tel: 1 212 963 2803

Fax: 1 212 963 4260

Website: [www.sidsnet.org](http://www.sidsnet.org)

## RECENT UNGA RESOLUTIONS

Resolution 57/262 (adopted at the 57th session of the United Nations General Assembly on 20 December 2002) on "Further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States" decided to convene a comprehensive review meeting in 2004, which would seek a renewed political commitment by all countries to implement the Programme of Action, as called for in the Johannesburg Plan of Implementation, and also decided that it should focus on practical and pragmatic actions for the further implementation of the Programme of Action.

Resolution 58/213 (adopted at the 58th session of the United Nations General Assembly on 23 December 2003) on "Further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States" reiterated the urgent need for the full and effective implementation of the Programme of Action, the Declaration of Barbados and the review document adopted by the General Assembly at its twenty-second special session so as to assist small island developing States in their efforts to achieve sustainable development and also approved the provisional rules of procedure of the International Meeting

(to be held in 2004) to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

## SELECTED PARAGRAPHS

Preamble

13. Sharing a common aspiration for economic development and improved living standards, small island developing States are determined that the pursuit of material benefits should not undermine social, religious and cultural values or cause any permanent harm to either their people or their land and marine resources, which have sustained island life for many centuries. In Agenda 21, the international community committed itself to:

- (a) Adopt and implement plans and programmes to support the sustainable development and utilization of the marine and coastal resources of small island developing States, including meeting essential human needs, maintaining biodiversity and improving the quality of life for island people;
- (b) Adopt measures that will enable small island developing States to cope effectively, creatively and sustainably with environmental change, as well as to mitigate impacts on and reduce threats posed to marine and coastal resources.

### *Part IV*

#### *Coastal and marine resources*

##### Basis for action

25. Sustainable development in small island developing States depends largely on coastal and marine resources, because their small land

area means that those States are effectively coastal entities. Population and economic development—both subsistence and cash—are concentrated in the coastal zone. The establishment of the 200-mile exclusive economic zone has vastly extended the fisheries and other marine resources available to small island developing States. Their heavy dependence on coastal and marine resources emphasizes the need for appropriate and effective management.

A. National action, policies and measures

- (ii) Design comprehensive monitoring programmes for coastal and marine resources, including wetlands, in order to determine shoreline and ecosystem stability, and also document and apply, as a basis for integrated coastal zone planning and decision-making, traditional knowledge and management practices that are ecologically sound and include the participation of local communities.
- (iii) Develop and/or strengthen national capabilities for the sustainable harvesting and processing of fishery resources and provide training and awareness programmes for the managers (Government and local communities) of coastal and marine resources.
- (iv) Ratify and/or adhere to regional and international Conventions concerning the protection of coastal and marine resources and combat unsustainable fishing and related practices.

B. Regional Action:

- (i) Develop and/or strengthen the capacity of regional organizations to undertake activities in coastal and marine areas, including research into commercial and non-commercial fisheries with a view to sustainable harvesting and utilization, as well as surveys on reef, estuary, wetland and lagoon resources. Also monitor and promote innovative ways to sustainably develop territorial waters and exclusive economic zones, including providing support for aquaculture, mariculture, coral reef and mangrove programmes.
- (iv) Develop programmes to enhance negotiating and related skills for the management and exploitation of coastal and marine resources, including the negotiation of fisheries agreements.

C. International Action,

- (ii) Cooperate in facilitating mutually advantageous fishing agreements between small island developing States and foreign fishing groups; take account of the concerns and characteristics of those States within the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; and encourage and facilitate the full participation of small island developing States in the Conference and in the implementation of the Conference outcomes.
- (iv) Support small island developing States in establishing national and regional capabilities for the effective surveillance and

monitoring of activities within their exclusive economic zones, setting up regional and other joint-venture fishing enterprises, developing inventories of marine resources and regional approaches to the sustainable management of their exclusive economic zones, and strengthening regional marine research centres.

### **KEYWORDS**

Agenda 21, aquaculture, biodiversity, capacity building, conservation, coral reefs, customary practices, environment, equitable sharing, fisheries agreements, fisheries, fishing communities, ICZM, indigenous communities, indigenous technology, livelihoods, local communities, management, marine pollution, marine resources, SIDS, sustainable development, sustainable use, traditional knowledge, monitoring and surveillance

### **RELEVANCE TO FISHERIES/ FISHWORKERS**

The BPoA, recognizing the heavy dependence of SIDS on coastal and marine resources, emphasizes the need for their appropriate and effective management. It calls for strengthening of national capabilities for the

sustainable harvesting and processing of fishery resources.

It calls for co-operation in facilitating mutually advantageous fishing agreements between SIDS and foreign fishing groups, taking account of the provision of the UNFSA. It further calls for international support in establishing national and regional capabilities for the effective surveillance and monitoring of activities within their exclusive economic zones.

### **RELEVANCE TO SMALL-SCALE FISHERIES/FISHWORKERS**

The preamble to BPoA stresses that pursuit of material benefits should not undermine social, religious and cultural values or cause any permanent harm to either their people or their land and marine resources, which have sustained island life for many centuries.

The BPoA further stresses the need for the involvement of non-governmental organizations, women, indigenous people and other major groups, as well as fishing communities and farmers, in the conservation and sustainable use of biodiversity. Significantly, it calls for integrated coastal zone planning that takes into account traditional knowledge and management practices, and for the participation of local communities.



**International Legal Instruments Relevant  
to Fisheries and Fishing Communities:  
A Handbook**

**Published by**

International Collective in Support of Fishworkers (ICSF)  
27 College Road, Chennai 600 006, India  
Tel: +91 44 2827 5303 Fax: +91 44 2825 4457  
Email: [icsf@icsf.net](mailto:icsf@icsf.net)  
Website: <http://www.icsf.net>

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**Principal Researchers**

Ramya Rajagopalan  
Ahana Lakshmi

**Edited by**

KG Kumar

**Designed by**

Satish Babu

**Layout and Composition by**

P. Sivasakthivel (Jaisakthi Computers)

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# International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook

*International Legal Instruments Relevant to Fisheries and Fishing Communities: A Handbook* provides detailed information for a wide range of legal instruments relevant to fisheries and fishworkers. It covers 114 legal instruments, categorized into the following seven themes:

- Human Rights, Food Security, Women and Development
- Environment and Sustainable Development
- Oceans and Fisheries Management
- Environmental Pollution
- Fishing Vessels and Safety at Sea
- Labour
- Trade

The handbook also includes the working of the instruments (decision-making bodies, monitoring and implementation agencies, periodicity of meetings, rules for participation in meetings of the decision-making bodies and implementation agencies for States and non-governmental organizations), regional instruments/agencies and follow-up. Apart from being a ready reckoner to the instruments, it highlights the important sections of relevance to fisheries/small-scale fisheries/fishworkers.

The companion CD-ROM provides the full texts of the instruments in a searchable database. The handbook will be useful for fishworker and non-governmental organizations, and also for researchers and others interested in fisheries issues. It is also available online at [www.icsf.net](http://www.icsf.net)



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. Registered in Geneva, ICSF has offices in Chennai, India and Brussels, Belgium. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and actions, as well as communications.

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