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(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

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**United Nations Convention on the Law of the Sea: fisheries aspects**

**European Parliament resolution of 12 April 2016 on Fisheries aspects within the international agreement on marine biodiversity in areas beyond national jurisdiction, United Nations Convention on the Law of the Sea (2015/2109(INI))**

(2018/C 058/01)

*The European Parliament,*

- having regard to the United Nations Convention on the Law of the Sea (UNCLOS) and its two implementing agreements: the Part XI Implementation Agreement and the United Nations Fish Stocks Agreement (UNFSA),
- having regard to the UN General Assembly resolution on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (ABNJ),
- having regard to the outcome document of the UN Conference on Sustainable Development, held in Rio de Janeiro in 2012, entitled 'The Future We Want',
- having regard to the UN Ad Hoc Open-ended Informal Working Group reports,
- having regard to the Convention on Biological Diversity (CBD) and to the Aichi Biodiversity Targets adopted by the parties to the CBD, and in particular Targets 6, 10 and 11,
- having regard to the 2009 Azores Scientific Criteria and Guidance for identifying ecologically or biologically significant marine areas (EBSA) and designing representative networks of marine protected areas in open ocean waters and deep sea habitats of the CBD,
- having regard to the CBD process for the description of EBSAs, which has already led to the description of 204 areas that meet the criteria, many of which are located in ABNJ,
- having regard that while EBSAs have been described in the Southern Indian Ocean, Eastern Tropical and Temperate Pacific, North Pacific, South-Eastern Atlantic, Arctic, North-West Atlantic, Mediterranean, Western South Pacific, Wider Caribbean and Western Mid Atlantic, other regions are not yet covered,

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- having regard to the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Declaration on Sustainable Development and the Plan of Implementation),
  - having regard to the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries, adopted in October 1995 by the FAO Conference and its associated instruments, in particular the 1995 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,
  - having regard to the UN 2030 Agenda for Sustainable Development (UNGA A/RES/70/1 adopted in 2015), and the Sustainable Development Goal 14 to conserve and sustainably use the oceans, seas and marine resources for sustainable development,
  - having regard to Goal 14 of the UN sustainable development programme,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A8-0042/2016),
- A. whereas the sea covers 71 % of the Earth's surface and contains 97 % of the planet's water; whereas the sea is home to a significant part of the world's biodiversity much of which is still unexplored;
- B. whereas an estimated 64 % of the sea, notably the high seas and the deep seabed, are areas beyond the national jurisdiction of states and are governed by international law;
- C. whereas the ocean plays an integral role in many of the Earth's systems including climate and weather and is the place where a wide range of human activities are conducted such as fishing, energy, transport and trade;
- D. whereas less than 1 % of areas beyond national jurisdiction are protected as a result of the establishment of marine protected areas, and whereas in the vast majority of ocean regions there is no management framework in place with a legal mandate to establish marine protected areas;
- E. whereas the preservation and conservation of marine biological diversity is a common concern for all humankind and should be treated as such;
- F. whereas the maintenance of healthy marine habitats and sustainable fish stocks is essential for the long-term sustainability of fisheries;
- G. whereas, in 2014, protected ecosystems covered 15,2 % of land and only 8,4 % of marine areas worldwide;
- H. whereas climate change and acidification are exacerbating the negative impact of over-exploitation, pollution, marine litter and the destruction of marine habitats and ecosystems;
- I. whereas the outcome document of the UN Conference on Sustainable Development (Rio de Janeiro, 2012) entitled 'The Future We Want' underlined that protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development;
- J. whereas the seas and oceans have a potential for blue growth that is still largely untapped, such as in the areas of renewable energy and pharmaceutical products, which could also be seen as a valid development path for today's developing countries; whereas a prerequisite for maritime development, and its potential for blue growth, is development of the knowledge of marine species and the marine environment, its bathymetry and the mapping of vulnerable marine ecosystems;

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- K. whereas the conservation of marine biodiversity and its sustainable use are directly connected to long-term sustainable development and therefore have a social, economic and environmental relevance for all countries and territories;
- L. whereas the existing relevant legal framework for areas beyond national jurisdiction, developed more than 30 years ago, based on the doctrine of the freedom of the high seas, requires further elaboration in order to successfully promote the conservation and sustainable use of marine biodiversity in areas beyond jurisdiction;
- M. whereas the number of activities developed in the marine environment has increased in the last decades; whereas we acknowledge the dynamics between the different activities that take place on the high seas and how they affect marine biodiversity;
- N. whereas we acknowledge the interactions and cumulative effects of different activities that take place on the high seas and whereas they have an impact on marine biodiversity;
- O. whereas, in 2004, the UN General Assembly established the Ad Hoc Open-ended Informal Working Group with the purpose of studying and analysing the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;
- P. whereas, in 2011, the Working Group recommended that a process be initiated that would identify gaps and ways forward, including the possible development of a multilateral agreement under UNCLOS, and that the process should address, taken together, marine genetic resources (including questions on the sharing of benefits), measures such as area-based management tools (including marine protected areas), environmental impact assessment processes, capacity-building and the transfer of marine technology;
- Q. whereas the summary by the co-chairs of the 2011 Working Group acknowledged the gap between the scientific process for describing ecologically and biologically significant areas and the actual identification/designation of such areas since no global forum had a formal mandate at that time, and existing regional and sectoral forums were facing legitimacy issues in doing so;
- R. whereas the summary by the co-chairs of the 2011 Working Group noted that there was a general recognition of the limitations and shortcomings of the status quo;
- S. whereas, in the outcome document from Rio+20, in June 2012, heads of state and government committed to address, on an urgent basis, building on the work of the Working Group, and before the end of the 69th session of the UN General Assembly, the issue of the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, including by taking a decision on the development of an international instrument under the Convention on the Law of the Sea;
- T. whereas fishing both as a stand-alone activity and in conjunction with climate change, marine pollution or other human marine activities, has a significant impact on marine biomass and biodiversity, and thus the impact of fishing on marine biodiversity in ABNJ should be comprehensively addressed by all maritime conservation and management measures, in order to avoid or minimise such impacts; whereas, additionally, fisheries are not the only human-induced mortality factor on the oceans resources and should not be the only levy of international action;
- U. whereas, amongst other things, mineral extraction, energy drilling and the use of land space by urban platforms are other mortality factors for fishery resources today, and future maritime development could result in unanticipated mortality factors against which vigilance must be exercised;

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- V. whereas marine biodiversity has already suffered a significant decline; whereas there is a close link between the preservation of fishing opportunities for future generations and the protection of marine biodiversity and conservation of marine ecosystems;
- W. whereas sustainable and selective fishing techniques are a vital tool for the sustainable management of fishery resources and for minimising incidental catches, thereby helping to conserve marine biodiversity;
- X. whereas coordination and consultation between all actors concerned in maritime activity is vital to ensure the conservation of marine biological diversity and sustainable use of resources;
- Y. whereas the EU's outermost regions have, by their very nature, special geographical and sometimes geopolitical circumstances and are included in specific regional cooperation mechanisms;
- Z. whereas fisheries are a very important activity that take place both in national jurisdiction areas and in those beyond this jurisdiction;
- AA. whereas the EU plays a key role in the world governance of the seas and oceans and exerts great influence internationally with regard to fisheries, also because of its participation in 17 regional fisheries management organisations (RFMOs); whereas this leading role implies that the EU is responsible for adopting a proactive policy regarding the protection of marine biodiversity worldwide;
- AB. whereas the UNFSA, which establishes the rights and obligations of state parties with respect to the conservation and management of straddling and highly migratory fish stocks, is a comprehensive and forward-thinking document that should not be changed, undermined or watered down and whose full implementation must be ensured through the enhanced cooperation processes to be adopted in the new international instrument;
- AC. whereas lessons should be learned from the EU's recent disagreements with the Faroe Islands and Iceland, in order to enable stocks to be managed sustainably worldwide;
- AD. whereas every country has the right to benefit from the conservation and sustainable use of their resources, as provided for by the UNCLOS;
- AE. whereas we recognise the obligation of the states to protect and preserve the marine environment, including the protection of rare and fragile ecosystems and the habitats of vulnerable, depleted, threatened and endangered species and other forms of marine life;
- AF. whereas the UNFSA provides a framework for the application of the precautionary approach and ecosystem-based approaches to fisheries management, for conservation and management measures for straddling and highly migratory fish stocks, for international cooperation, through the work of the regional and sub-regional fisheries management organisations (RFMOs) and arrangements; whereas its effective implementation should be improved;
- AG. whereas UNGA resolutions 61/105 and 64/72 call upon states and RFMOs to adopt a range of measures to ensure the effective conservation of deep sea resources and to prevent bottom fishing from having a significant adverse impact on vulnerable marine ecosystems (VMEs) in ABNJ;
- AH. whereas we recognise and support the rights and special requirements of developing states in the context of capacity-building in order for them to be able to benefit from the conservation and sustainable use of resources and of straddling fish stocks and highly migratory fish stocks;

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- AI. whereas the course of action of the so-called 'Kobe Process' recognises the efforts already made by those RFMOs which manage tuna stocks and that have undertaken independent performance reviews, and calls on those RFMOs to regularly undertake such reviews and make the results publicly available and fully implement the recommendations made by them; whereas authorities such as the UNGA and COFI have also called on the other RFMOs to do likewise and whereas those reviews have been conducted;
- AJ. whereas RFMOs are in place and some are working towards establishing marine protected areas in order to conserve and restore fish stocks to a sustainable level;
- AK. whereas the CBD has facilitated a series of workshops to describe EBSAs including in ABNJ and the results of these workshops are now widely available for management consultation purposes on a CBD website;
- AL. whereas the need for gathering and sharing scientific data and knowledge is of the utmost importance in order to take decisions in good faith and based on the best available scientific advice;
- AM. whereas the environmental problem of plastic marine litter poses a direct threat to maritime diversity, and whereas the extent and means of combating the problem remain inadequately researched, and whereas overcoming it might prove to be an economic opportunity;
- AN. whereas the Working Group, in its document of 23 January 2015, stressed the need for the comprehensive global regime to better address the conservation and management of marine biological diversity in areas beyond national jurisdiction;
- AO. whereas the EU actively develops and encourages best practices in order to accomplish a sustainable use of fish stocks, and through its programs like Horizon 2020 encourages and finances data collection, research and sustainable development;
- AP. whereas, on 23 January 2015, the Working Group expressed support for a recommendation to develop an international legally binding instrument under the Convention;
- AQ. whereas, on 19 June 2015, the UNGA adopted a resolution on the development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;
1. Welcomes the decision taken by the UNGA to develop an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity in ABNJ in order, amongst other things, to address the current shortcomings; stresses that this process will not undermine existing relevant instruments and frameworks nor relevant global, regional and sectorial bodies (e.g. RFMOs); highlights the importance of making swift yet careful progress in developing this new instrument and of achieving the aim of finalising the draft text by the end of 2017;
  2. Highlights the vision, the opportunity and the consequences for good relations between the states and for the sustainable exploitation of the resources under UNCLOS, while recognising that the new pressures and opportunities require that adjustments be made;

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3. Stresses the importance of the conservation and sustainable use of the oceans and seas and of their resources; calls on the EU and the international community to promote conservation and sustainable use of marine biodiversity by implementing, among other measures, modern and sustainable concepts of marine ecosystem management, principles of ocean governance, managing the exploitation of marine resources (be it exploitation of minerals, energy drilling, etc.) and fisheries, incorporating science-based marine governance, restoring and maintaining stocks above levels which are capable of producing maximum sustainable yield, ecosystem-based management and conservation of marine biodiversity, enforcement of existing legislation, and the precautionary approach;
4. Points out that in order to deal with the pressure on marine biodiversity by 2020, Member States will have to take steps to implement management plans, monitor the application of the rules, deepen their knowledge base and strengthen research networks and the coordination of information on marine biodiversity;
5. Recognises and supports the positive and leading role played by the EU and the Commission, taking into consideration the major actor position of the EU fishing industry and market and the fact that the European fisheries policy is geared towards sustainability;
6. Recognises the important role that the EU has been playing in securing the sustainable management of marine living resources, particularly in the fight against illegal, unreported and unregulated (IUU) fishing; stresses that IUU fishing, by its very nature, is a threat to marine biodiversity and seriously undermines the preservation of marine ecosystems; points out that the EU has made combating IUU fishing a priority and that international cooperation is paramount in order for the fight to succeed; encourages the FAO and RFMOs to strengthen their efforts to improve multilateral cooperation;
7. Highlights the positive role of environmental labelling in the seafood products sector, which enables consumers to contribute to the sustainability of resources and the preservation of marine biodiversity, whilst making an informed choice;
8. Encourages the Commission to further promote, coordinate, and ensure that the impact of human activities, including fisheries and all forms of sea bed and ocean exploitation, on biodiversity in ABNJ is effectively addressed within the context of this new international agreement; notes therefore the need to further promote the enforcement of existing legislation and to develop the necessary management tools to ensure coherence and consistency;
9. Encourages RFMO to ensure full implementation of their recommendations, to continue to undertake regular independent assessment and to ensure proper implementation of such assessments;
10. Urges the Commission to support and promote a holistic and comprehensive approach with regard to marine protected areas (MPAs) because no genuine coordination and cooperation on conservation efforts is possible without the participation of the widest possible circle of stakeholders involved in a comprehensive variety of human marine activities in oceans and seas;
11. Encourages and urges the Commission and Member States to promote the designation and implementation of EBSA in ABNJ;
12. Urges the Commission to work with all the relevant stakeholders to continue to support and promote, within the context of the new international agreement under UNCLOS, the development of an institutional mechanism for the designation, management and establishment of necessary provisions concerning monitoring and enforcement of connected, coherent, workable and representative networks of MPAs as essential tools to ensure ecological and biological connectivity;

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13. Calls on the Commission to process a set of comprehensive data on marine biodiversity in Europe's regional seas; takes the view that it is a necessary challenge to collect that data, given that 80 % of species and habitats covered by the Marine Strategy Framework Directive are classified as unknown;
  14. Calls for the EU to take a leading role in combating plastic marine litter and for the relevant research to be funded under the blue economy;
  15. Stresses that this new international agreement should secure a level playing field among all stakeholders; considers that the new international agreement should, moreover, address the specific needs of developing countries, in particular small island states, in terms of capacity-building with a view to achieving the goals of the international community concerning MPAs, among other things;
  16. Urges the Commission to promote enhanced cooperation, coordination, transparency and accountability between all concerned stakeholders, including between the new instruments negotiated, the existing UNFSA and FAO instruments, RFMOs and other sectoral bodies such as, inter alia, the International Seabed Authority and the International Maritime Organisation;
  17. Calls on the UN to work with states to implement more effectively existing rules, and where necessary to create additional rules that could indirectly help protect biodiversity on the high seas and improve social, safety and monitoring conditions, such as the establishment of global management tools, i.e. a centralised instrument for vessel registration such as the Global Record of Fishing Vessels being developed under the authority of the FAO, but avoiding an increase in the bureaucratic burden for fishermen;
  18. Stresses that the impacts of fisheries on marine biodiversity in ABNJ will need to be part of the RFMOs mandate;
  19. Urges the Commission and Member States to support and promote, within the mandate of the new international agreement under UNCLOS, the development of an institutional mechanism for the implementation of prior Environmental Impact Assessment for activities with a potential significant impact on the marine environment, as required under Article 206 UNCLOS, including for the exploitation of marine resources, with a solid scientific basis as far as practicable and that these activities are accompanied by detailed environmental and socio-economic monitoring;
  20. Calls on the Commission, in the context of the new international agreement, to push for recognition of environmental damage at sea and identification of the chain of responsibility for such damage;
  21. Urges the Commission to call upon states that have not done so to ratify or accede to the UNCLOS;
  22. Instructs its President to forward this resolution to the United Nations General Assembly (UNGA) and to the preparatory committee responsible for drafting the text of the future international agreement.
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