

# **INTERNATIONAL AND NATIONAL LEGAL AND REGULATORY CONTEXT**

**THE CHALLENGES TO IMPLEMENTING SDG 14**



# NATIONAL

- Three Branches of Government
  - Legislative
  - Executive/Enforcement
  - Judicial

# NATIONAL

- Pros:
  - Enforcement is possible
  - Can review decisions with an independent judiciary

# NATIONAL

- Cons:
  - Need strong Political will for many conservation measures
  - Limited scope and range

# INTERNATIONAL

- Limited governance bodies
  - Legislative
  - Executive
  - Judicial



# IMO

- UN Body that regulates shipping
- Goal: Universally adopted and implemented regulations creating a level playing field for global shipping



# IMO

- Legislation
  - Underlying treaties: SOLAS, MARPOL
- Executive
  - Port State Controls
  - Flag State Controls
- Enforcement/Judicial



# IMO

- 2020 Fuel Standard
  - Lowering allowable sulfur content in fuel to .5% worldwide
  - Enforcement authority resides with flag states
  - 4 proposed solutions
    - ◆ Provide for Port State enforcement
    - ◆ Potential Loss of Insurance coverage
    - ◆ Enlist large retailers/social pressure
    - ◆ Ban carriage of non compliant fuel





# ICCAT

- Regional Fishery Management Organization for Atlantic Highly Migratory species
  - Makes scientific recommendations on catch levels
  - Plenary Body not bound by scientific recommendations



# ICCAT

- Legislation
  - ◆ ICCAT treaty
- Limited Enforcement Authority
  - ◆ Trade sanctions are authorized
  - ◆ Social Pressure
    - Give swordfish a break campaign



## IWC

- International Body to Regulate the Harvest of Whales
  - Original intent was to manage global harvest of whales
  - 1982 instituted a global moratorium on whaling
    - ◆ Was meant to be a temporary moratorium
    - ◆ Allows for subsistence and scientific harvest



## IWC

- Iceland left the IWC in 1992
  - Objected to the non temporary nature of the moratorium
- Iceland rejoins IWC in 2002
  - Holds a reservation that does not recognize the moratorium
  - Other members of IWC voted to allow Iceland back in with the reservation



# IWC

- US Pelly amendment
  - Allows the US to certify a country that is not complying with conservation measures of an international agreement
  - US may ban the importation of fish and wildlife products from a certified country
- Vigilante Enforcement
  - Sea Shepherd and Greenpeace

# QUESTIONS?

# CONTACT



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