

The History of the United Nations influence on the United States Oceanic Environmental Policy (1973-2010)

Research documented for Southeastern Fisheries Association, Inc.

By

Bradley W. Compton, Ph.D.

September 13, 2010

Introduction

This article outlines the history of the United Nations' influence on the United States' oceanic environmental policy and its relevance to the US fishing industry from 1973 to 2010. The general timeline covered begins with the United Nations Convention on the Law of the Sea, follows UN development of the Convention on Biological Diversity, Agenda 21 presented at the United Nations Conference on Environment and Development and articulates US congressional and executive positions and actions with regard to United Nations Convention on the Law of the Sea ending with the early stages of the Obama administration in 2010.

... Agenda 21

At the United Nations Conference on Environment and Development (UNCED), Agenda 21 was presented as a comprehensive blueprint of action to be taken globally—from now into the twenty-first century—by Governments, United Nations organizations, the development agencies, non-governmental organizations and independent-sector groups, in every area in which human activity impacts on the environment (United Nations, 1992, p. 3).

A fundamental theme throughout Agenda 21 is international, State, local government, and non-governmental organizational conformity with UN policies and committees¹ as well as the call for trade liberalization as an essential component for environmental sustainability. Several items in the Agenda are relevant to the fishing industry, particularly chapter 15: “Conservation of biological diversity,” and chapter 17: “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.” Chapter 15 will be addressed in the following section devoted to the Convention on Biological Diversity. **In the management and protection of marine and coastal environments, Agenda 21, as well as UNCLOS, utilizes Europe’s Precautionary Principle², in dubio pro natura or “If in**

doubt, decide in favour of the environment” (Kogan, 2009, p. 4). In dubio pro natura calls for preventative, precautionary, and anticipatory approaches rather than reactionary ones attending to problems as they arise.

Principle 15 of Agenda 21 states In order to protect the environment, the precautionary approach shall be widely applied by the 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 [emphasis added] (United Nations, 1992, p. 10).

Agenda 21 posits, in no uncertain terms, the need for “increased national and international efforts” promoting “sustainable and environmentally sound development in all countries” as well as an “intergovernmental follow-up” to the UNCED “within the framework of the United Nations system” appointing the General Assembly as “the supreme policy-making forum” providing “overall guidance to Governments, the United Nations system and relevant treaty bodies” (United Nations, 1992, p. 274). It states that in addition to governing bodies, local authorities should work with citizens and local and private agencies to co-opt “a local Agenda 21” (United Nations, 1992, p. 233)...

... References

... Hohn, A. (1997). Essential fish habitat: Essentially biodiversity conservation. The South Atlantic update, October.

International, S. (1998). How the Convention on Biodiversity was defeated. Retrieved August 15 2010, from <http://www.sovereignty.net/p/land/biotreatystop.htm>

Kogan, L. (2009). What Goes Around Comes Around: How UNCLOS Ratification Will Herald Europe's Precautionary Principle as US Law. Santa Clara Journal of international Law, 7(1), 21-166.

United Nations. (1992). Earth Summit: Agenda 21--The United Nations Programme of Action from Rio. Paper presented at the United Nations Conference on Environment and Development, Rio de Janeiro.

Obama, B. (2010). Executive Order 13547: Stewardship of the Ocean, Our Coasts, and the Great Lakes. Retrieved August 13, 2010. from <http://edocket.access.gpo.gov/2010/2010-18169.htm> ...