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## DECLARATION OF CANCUN

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### Declaration of the International Conference on Responsible Fishing

Cancun, Mexico, 6-8 May 1992

Considering:

The importance of fish products as a source of nutrition for the peoples of the world;

The importance of preserving the marine environment;

That high seas fisheries have expanded over the last decade, that the management of high seas fisheries, including the adoption, monitoring and enforcement of effective conservation measures, is inadequate in many areas and that in some areas resources are overutilized, causing serious concerns for some States with regard to the impact on their fisheries;

The severe problems of excess fishing capacity in many of the world's fisheries;

The need to improve fishing practices and fisheries management to avoid overexploitation of fisheries resources or loss of biodiversity;

The vital need for fishing to continue and develop within a comprehensive and balanced system under the concept of "responsible fishing";

That this concept encompasses the sustainable utilization of fisheries resources in harmony with the environment; the use of capture and aquaculture practices which are not harmful to ecosystems, resources or their quality; the incorporation of added value to such products through transformation processes meeting the required sanitary standards; the conduct of commercial practices so as to provide consumers access to good quality products;

The existence of various measures, already adopted, to achieve a better relationship between fishing activities, the Conservation of the environment and biodiversity, and the recommendations issued by the World Conference on Fisheries Management and Development, convened by the Food and Agriculture Organization of the United Nations (FAO) in 1984;

The relevance of the deliberations of this Conference to the United Nations on Environment and Development (UNCED);

That the United Nations Convention on the Law of the Sea (UNCLOS), done at Montego Bay on 10 December 1982, contains relevant legal principles applying to fishing in areas under national jurisdiction and on the high seas;

The proposal presented within the framework of FAO's Committee on Fisheries during its meeting in April 1991 regarding the drafting of an International Code of Conduct for Responsible Fishing;

***Declares:***

1. States<sup>\*</sup>, with a view to ensuring supply of fish products to feed present and future populations, should adopt effective fisheries planning and management standards which, within the context of sustainable development, will promote the maintenance of the quantity, quality, diversity and economic availability of fisheries resources;
2. States should take steps to improve management systems as part of the practice of responsible fishing. They recognize the principle of sustainable utilization of marine living resources as the basis for sound fisheries management policies. In this regard, they consider as one of the most important objectives the application of policies and measures which result in a level of fishing effort commensurate with the sustainable utilization of fisheries resources, taking into account the specific characteristics of particular fisheries;
3. States should improve scientific knowledge regarding the biology, abundance, distribution and fluctuation of fisheries resources, both in their own jurisdictions and on the high seas, taking into account geographic and climatic characteristics;
4. States should promote and enhance collection of data necessary for the conservation and sustainable utilization of fisheries resources;
5. States, in the design and subsequent introduction of new fishing gear and practices, should take into account qualified assessments of impacts on the sustainability of fisheries, giving due consideration to the specific characteristics and biodiversity of different fishing areas;
6. States should promote the development and use of selective fishing gear and practices that minimize waste of catch of target species and minimize bycatch of non-target species;
7. States should systematically assess the impacts of fishing, aquaculture and other activities affecting the marine environment, particularly in coastal areas;
8. States should take necessary measures to protect coastal wetlands and other areas of critical fisheries habitat from all kinds of degradation;
9. States should take measures to ensure respect for the interests of small-scale artisanal and indigenous fishers;
10. States should implement appropriate mechanisms to ensure responsible fishing in exclusive economic zones and other areas under national jurisdiction;

11. States should cooperate on bilateral, regional and multilateral levels to establish, reinforce and implement effective means and mechanisms to ensure responsible fishing on the high seas, in accordance with relevant provisions of UNCLOS;

12. The freedom of States to fish on the high seas must be balanced with the obligation to cooperate with other States to ensure conservation and rational management of the living resources, in accordance with relevant provisions of UNCLOS;

13. States should take effective action, consistent with international law, to deter reflagging of vessels as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas;

14. States should promote educational programmes and dissemination about knowledge about responsible fishing;

15. States recognize that environmental policies should deal with the root causes of environmental degradation, thus preventing environmental measures from resulting in unnecessary restrictions to trade. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing international environmental problems should, as far as possible, be based on an international consensus. Domestic measures targeted to achieve certain environmental objectives may need trade measures to render them effective. Should trade policy measures be found necessary for the enforcement of environmental policies, certain principles and rules should apply. These could include, *inter alia*, the principle of non-discrimination; the principle that the trade measure chosen should be the least trade-restrictive necessary to achieve the objectives; an obligation to ensure transparency in the use of trade measures related to the environment and to provide adequate notification of national regulations; and the need to give consideration to the special conditions and developmental requirements of developing countries as they move towards internationally agreed environmental objectives;

16. States, to promote the objectives of responsible fishing, should foster international cooperation in the development of effective mechanisms for joint research, information exchange and transfer of relevant technology and know-how;

17. International cooperation should include the financial support required by developing countries to enhance their capacity to exercise their sovereign rights by improving their systems for marine scientific research and fisheries management, including surveillance and enforcement;

18. States should enhance international cooperation to prevent illicit fishing that constitutes an obstacle to achieving responsible fishing objectives;

19. International cooperation in responsible fishing should also take the shape of greater financial support for investments by countries, channelled through existing international and regional financial organizations, association mechanisms and forms of cooperation. The goals of that

support should be to improve and broaden activity, consistent with responsible fishing, ranging from capture and fish farming to processes incorporating added value to products destined for domestic consumption and international trade;

20. The implementation of the foregoing principles should be consistent with the sovereign rights, jurisdiction and duties of coastal States within their exclusive economic zones and other areas under national jurisdiction;

*Agrees:*

I. To call upon the Food and Agriculture Organization of the United Nations to draft, in consultation with relevant international organizations, an international Code of Conduct for Responsible Fishing, taking into account this Declaration;

II. To recommend to the United Nations that the next ten years be declared the Decade of Responsible Fishing;

III. To promote, within the legal framework provided by the UNCLOS, effective international cooperation towards the achievement of rational and sustainable management and conservation of the living resources of the high seas;

IV. To call upon States to resolve as soon as possible the differences which still exist on the proposal made at the Fourth Session of the Preparatory Committee for UNCED to convene an intergovernmental conference on high seas fisheries;

V. That tariff and non-tariff barriers affect international trade in fish products and rational utilization of fisheries resources and that, in this regard, there is a need to reach agreement on measures to promote international trade in fish products consistent with the negotiations taking place in the Uruguay Round of the GATT, general principles of the GATT and the principles of responsible fishing;

VI. To request the Government of Mexico to convey this Declaration to the Secretary-General of the United Nations, the Director-General of the Food and Agriculture Organization of the United Nations and the Secretary-General of the United Nations Conference on Environment and Development.

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\* For the purpose of this Declaration the term "State" should, where appropriate, be read as including the European Community.