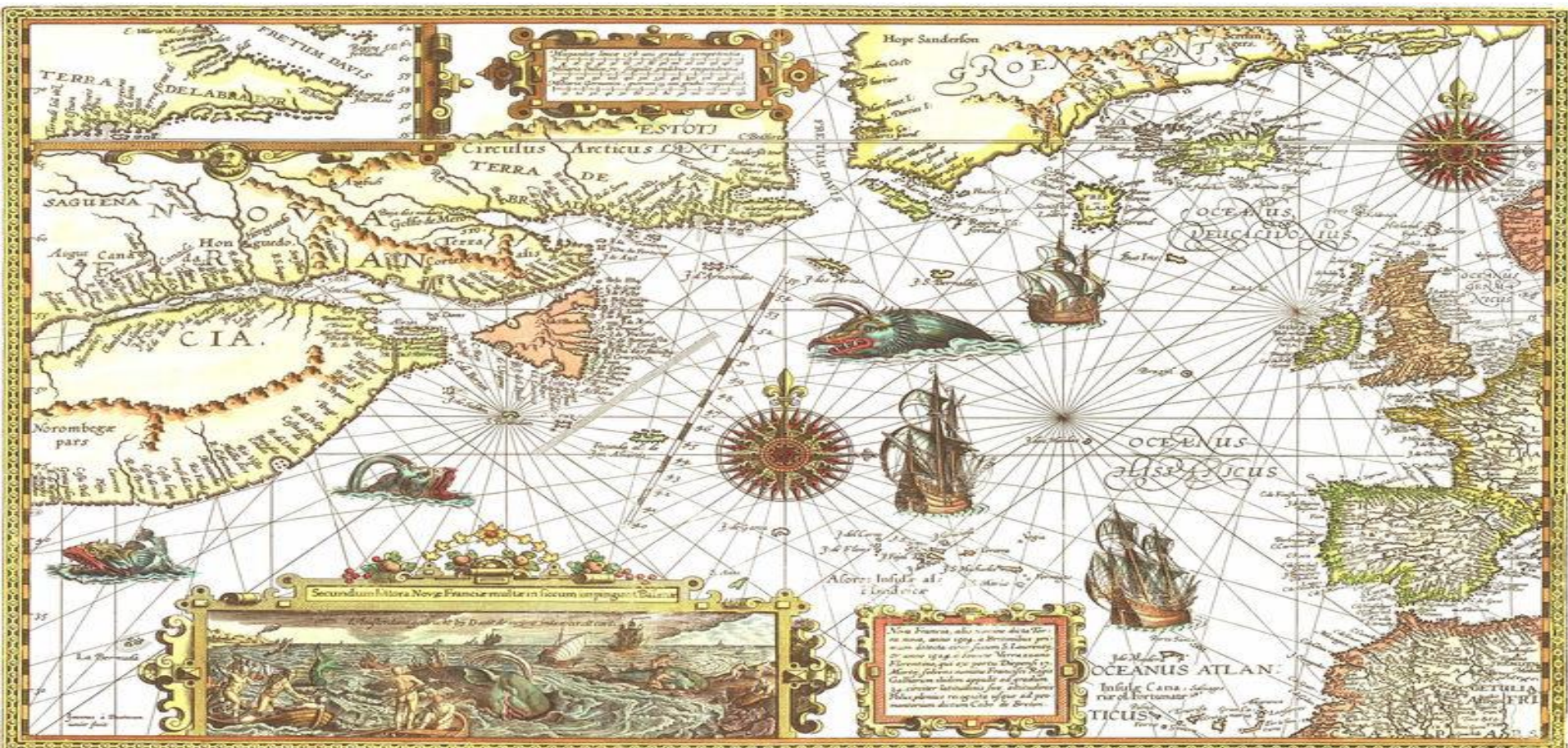


GOVERNANCE ON THE HIGH SEAS: AN EU FISHERIES STAKEHOLDERS' PERSPECTIVE

LDAC – FARFISH Kick-off Mtg. – CETMAR Vigo, 27 June 2018





THE EU ADVISORY COUNCILS - LDAC

Advisory Councils are one of the main achievements of the EU Common Fisheries Policy (CFP) of 2002. They acquired enhanced advisory role with the entry into force of the last CFP on 1/1/2014.

Mission:

To advise European Institutions on questions concerning:

- a. Fisheries Agreements with third countries,
- b. Relations with the RFMOs of which the EU is a signatory or in whose waters the EU fleet operates,
- c. International fish markets and trade.

To contribute to the effective implementation of the CFP External Dimension outside Community waters.





CENSUS AND CAPACITY

LONG DISTANCE
"NATIVE" FISHING FLEET:
+700 industrial boats
from 13 MS
25% of Gross Tonnage

PLUS

FISHERIES INVESTMENTS
IN 3rd COUNTRIES
(CEPPT, 2013)
118 companies
321 boats in 24 flag MS
500,000 t/year catches



CATCHES

**(EU CFP FACTBOOK AND
STECF AER 2015)**

21% of the total EU
catches in volume
1 million tons of total
catches for the EU long
distance fleet
6% of the global fishing
capacity of the EU fleet
22 EU Fisheries
Agreements with third
countries (2016)



IUU FISHING

10-23 billion USD a year
in estimated value
15% of world catches
11-26million tons a year
in volume
(2014)

FISH CONSUMPTION

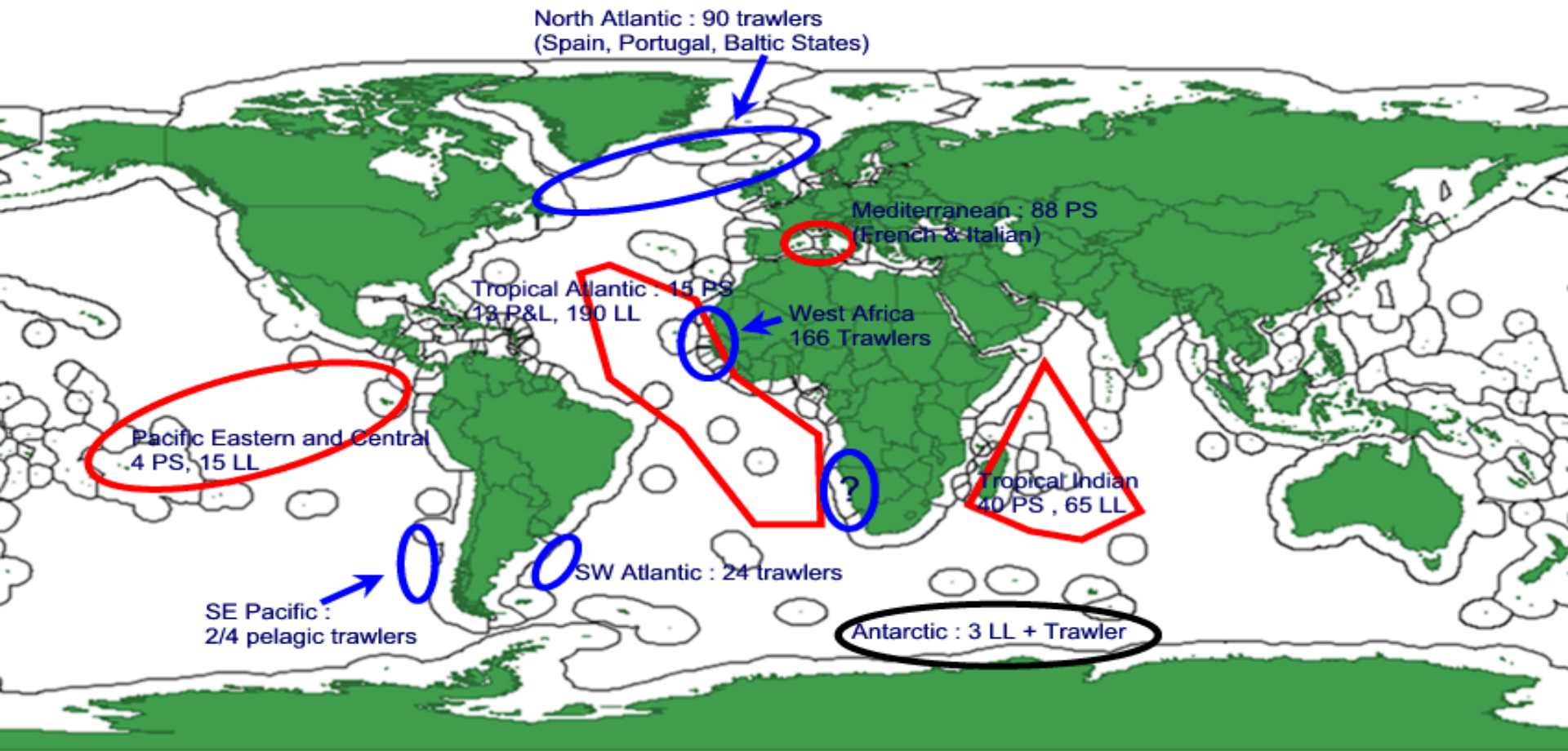
EU-28 per capita
24,9kg (2011).
Source: FAO-
EUROSTAT-EUMOFA



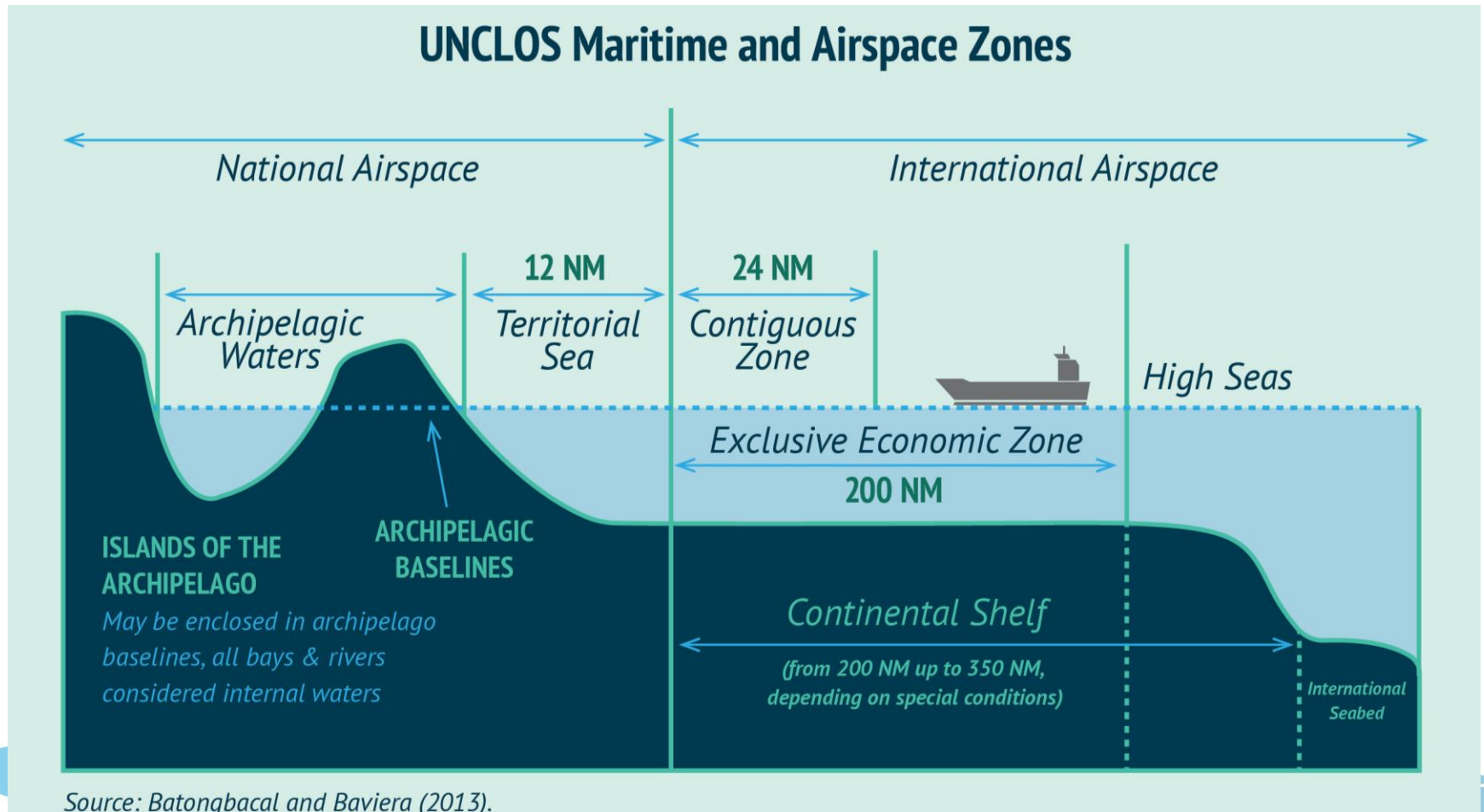
MARKETS - IMPORTS

EU is the 1st market in
the world both in
TRADE SUPPLY(2011): a
volume of 12.3 million
tons and a value of 52,2
thousand million euro
IMPORTS: 66% of fishing
and aquaculture
products (2014)
1st Importer of the
World: 24% of trade
exchanges in value

WHERE THE EU FLEET OPERATES? BIRDS' EYE VIEW




First thing first, what are the high seas?





The HS: Definition and main features

- Definition by UN Resolution CoP16: *Those marine areas beyond the areas subject to the sovereignty or sovereign rights of a State, consistent with international law, as reflected in UNCLOS, i.e. outside the EEZ (200nm from the coast baseline)*
- 71% of the Earth is covered by ocean;
- 64% of the ocean is considered high seas/international waters;
- The HS cover near 45% of the Earth surface
- Important not only for fisheries but also for climate regulation, biodiversity, transport, communications, research for chemical compounds, etc.  ***“blue economy”***



Are high seas the “wild wild” west for fishing?

FREE ACCESS TO HIGH SEAS VS MANAGEMENT & CONTROL



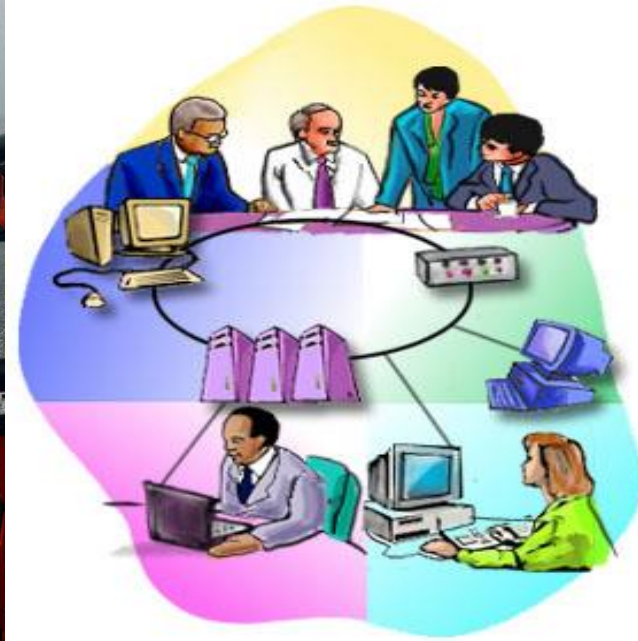


Is there a magic formula to manage the HS?

Not really, but we can figure out one...

“United we stand, divided we fall” (W. Churchill)

LEGISLATIVE FRAMEWORK + EFFECTIVE MCS COORDINATED ACTION + MULTI ACTOR DIALOGUE





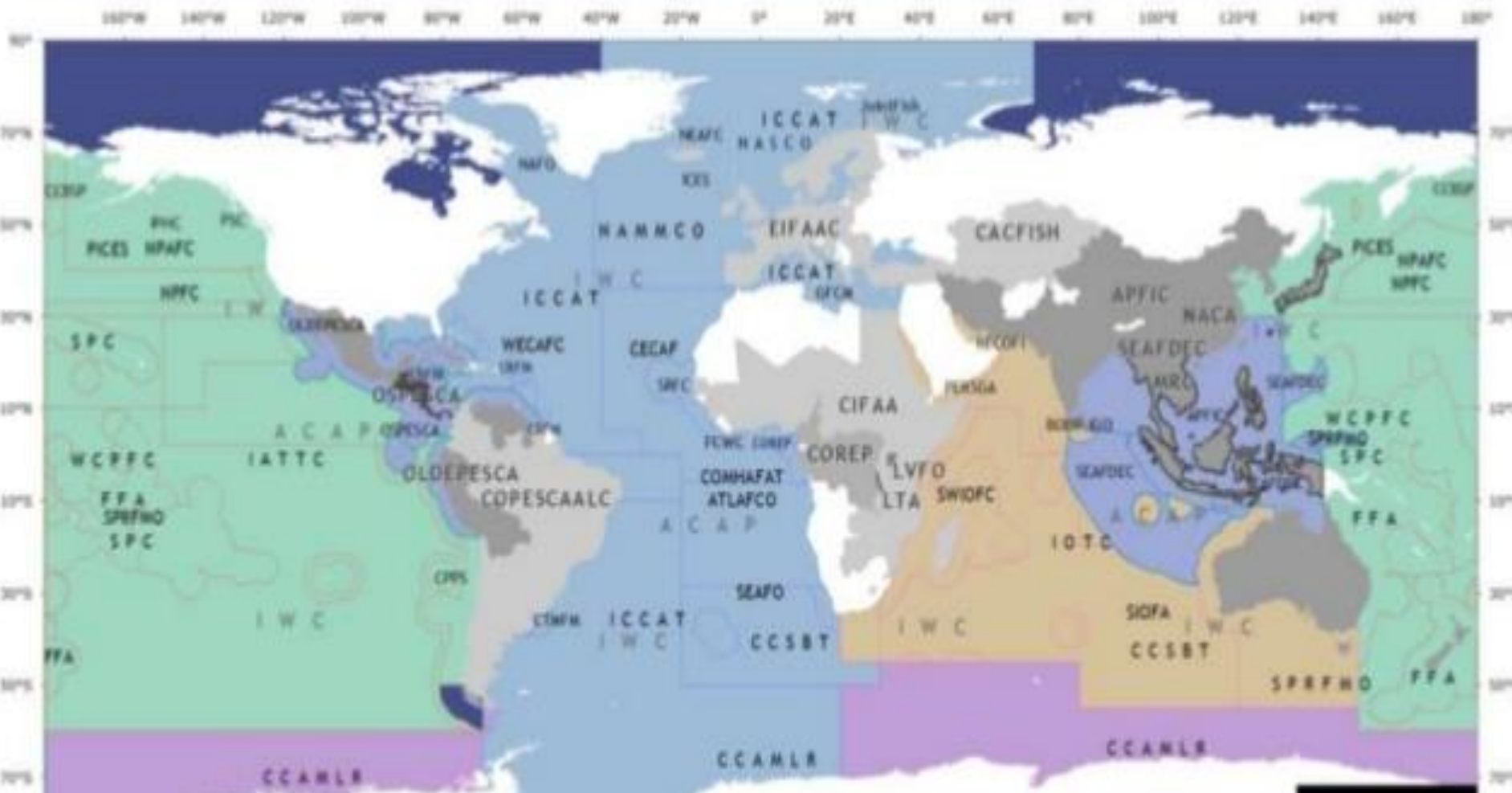
Legislative Toolbox: LDAC International Fisheries Law Provision Post UNCLOS

- UNCLOS 1982 + UNFSA 1995 implementation for straddling and highly migratory stocks
- FAO Compliance Agreement
- FAO Code of Conduct for Responsible Fisheries 1995
- FAO IPOAs (Sharks, IUU, VMEs, High Seas)
- FAO Technical Guidelines (e.g.
- COFI Resolutions
- UN Resolutions (incl. Review of Conference UNFSA)
- Other Political Declarations (on IUU)
- 2001 Reykjavik Declaration on Responsible Fisheries
- FAO Port State Measures Agreement 2016



Compartmentalisation of the Oceans

(RFMOs) and Regional Fishery Bodies (RFBs)



Why is important involving Stakeholders in Decision Making on Fisheries?

**From “Tragedy” to “Government” of the Commons:
Joint Management of Natural Resources, Collective Action,
Participation and Inclusiveness, Good Governance,
Transparency, Shared responsibility, Level Playing Field**



1. International Ocean Governance

- Strengthening role of RFMOs for fisheries conservation and management of the high seas (“*Kobe-like*” process)
- FAO Blue Growth Initiative: participation of Fisheries stakeholders
- Impact assessment of other maritime activities (deep-sea mining)
- Coherent network of MPAs / VMEs in high seas in line with EBAFM
- Transparency and harmonization of Access Agreement Conditions to Coastal States and coherent management of straddling stocks

2. Fight IUU fishing (flag/coastal/port/market states)

- Adequate control of imports and full traceability of value chain
- Improving CDS including electronic catch certificates
- Setting a Global Register of Vessels + compulsory IMO No. for DWFs
- Regional Observer Programs + Port Control & Inspection Schemes
- Coordination of RFMO “black lists” of vessels



Our recommendations for HS

- Level playing field for fishing operators from EU and non EU – abiding by same international rules and standards
- Creation of RFMOs for uncovered areas, e.g. ASW FAO 41 (or expansion of existing ones like SEAFO). Upgrading of CECAF as a true RFMO for West Africa demersal and small pelagic stocks
- Enhanced MCS systems (ERS-VMS-AIS), integrated aerial surveillance and satellite imaging, etc.
- Flag State responsibility “due diligence” - ITLOS Advisory Opinion 21 of 2 April 2015 by request of African sub-regional Committee SRFC
- Regional approach and cooperation between Flag States, coastal, port and market states – Control both at sea and at ports (PSMA).
- Prohibition of at sea (unmonitored) transshipments
- Conservation of sensitive biological features: Implementation of UN Resolution no 61/105 on conservation of Vulnerable Marine Ecosystems in the High Seas (already in place in EU-Spain)



How the future will look like?

Recent developments on ocean governance at UN level

- Sustainable Development Goals (2030 Agenda): SDG14
- BBNJ process: New legally binding instrument to regulate conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.
- “Our Ocean” Conferences: Multi actor (governmental / private companies / NGOs) commitments
- EU Leadership on International Ocean Governance
- “Brexit” effects in UK role on RFMOs and their influence on outermost regions / overseas territories



Some questions for debate

- How to balance equity, sovereignty and independence of States in the access to shared resources in the high seas?
- Should there be an enhanced role of RFMO (e.g. to fill the geographic and species gaps?)
- Does industry and civil society (NGOs) have a role to play in terms of promoting transparency of fishing activities of HS?
- Should there be a regional approach to FM by fleet segments?
- How to obtain reliable and robust scientific data for stock assessment (including environmental factors)?
- Will Brexit be an opportunity or a threat to the current governance system?
- How to improve flag state responsibility in terms of their conservation and cooperation duties?



THANK YOU

www.ldac.eu / Twitter: [@ldac_eu](https://twitter.com/ldac_eu)