



| What? | Summary of the Workshop on Sustainability on the High Seas (FAO 41) Madrid, 18 September 2019 |
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| What for | - Understanding the potential paths for cooperation in the FAO 41 Area to support sustainable fisheries management and to enhance the level playing field among international operators |
| Participants | - ANAMER, ARVI, CEPESCA, OPRAS, CONEPE, SAKANA, FAO, EFCA, SGP MAPA, LDAC, CETMAR, MATIS, USP, UiT. |

1. General framework

- State of the art in FAO-41:
 - The European Distant Water Fleet operating in the area is bound by the EU Common Fisheries Policy and the applicable obligations acquired under International Law.
 - Given the presence of its fleet in this area, Spain is the only EU flag state that has so far approved a national regulation implementing the UNGA Resolution 61/105 and EC Regulation 734/2008 protecting 9 marine areas as Vulnerable Marine Ecosystems in the South Atlantic with an extension over 41.000 sq. km.
 - The Coastal States have expressed their willingness to cooperate at the international level to enhance the sustainable management of resources.
 - Data show an exponential increase in the fleets targeting straddling stocks in the adjacent high seas. Currently, near 400 non-EU vessels are operating in the area. The increased number of fishing vessels, which do not abide by the same rules under their national flags, has impacted on the stocks productivity and jeopardize the biological sustainability of the resources.
- Legislative and institutional challenges:
 - There is a lack of a level playing field: some operators develop social and biological dumping practices as they do not abide by UN and IMO rules regarding safety at sea (e.g. SWTC-F, SOLAS) and environmental issues (e.g. MARPOL), as well as ILO regulations on labour conditions for fishing (i.e. C188). There are also cases of convenience flags and even vessels without nationality which are linked to IUU fishing practices.
 - The lack of enforcement of port state control measures, and the non-ratification of FAO Port State Measures (PSMA)¹, can lead to different levels of compliance on control of fishing activities.
 - The uncertainty and alternative scenarios which are associated to the Brexit in terms of access to the EU market, change of trade and tariff policies and fisheries management (including joint ventures regime) in the Falklands, amongst others.
 - The Argentinian regulations that authorize oil prospection in marine waters, which might potentially affect the right of innocent passage, in particular to the port of Montevideo.
 - The ongoing negotiations of the Intergovernmental Conference on an international legally binding instruments under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (ABNJ).

2. Core ideas from the speakers

- What is the EU long Distance Fleet and what is the difference in standards/sustainability are questions that need to be addressed.
- Facts and figures (FAO): **the High Seas are not the “wild west”**.
 - 62% of the world’s oceans are areas beyond national jurisdiction (ABNJ).
 - 77% of ABNJ is managed by Regional Fisheries Management Organizations (RFMOs) regulating deep-sea bottom fisheries.

¹ <http://www.fao.org/iuu-fishing/international-framework/psma/en/>



- 5% of this managed ABNJ is “potentially fishable” for bottom fishing.
- 76% of these potentially fishable areas are either closed to bottom fishing or subject to other access regulations.
- Significant progress has been made in the last 15 years both from scientific research (e.g. IEO ATLANTIS Project²) since the adoption of UNGA Resolution 61/105 (VMEs); and from management of deep-sea fisheries in the High Seas through the FAO International Guidelines. Since 2003 to date, we have seen from 4 to 8 RFMOs regulating both deep-sea fisheries and Vulnerable Marine Ecosystems. Where there is a fishing area non-regulated by and RFMO, then it is the Flag State responsibility to implement national legislation measures to be in compliance with international law.
- The European Fisheries Control Agency (EFCA) has catalysed regional cooperation in monitoring, control and surveillance between EU and non EU countries³ (e.g. Strait of Sicily). For the area FAO-41, the EFCA could act as an international agency with experience in the fields of training, capacity building and design and implementation of Joint Deployment Plans for monitoring, control and compliance of fishing activities in the area.

3. Views from operators from Spain, Argentina and Brazil

- Lack of reporting on catch data and IUU fishing is the main problem and several tools could be combined to address it:
 - Ratification and implementation of the FAO PSMA⁴ is a must to deal with the problem of transshipments at sea and at port (e.g. case of landings from Chinese jiggers in Montevideo).
 - The FAO Global register of vessels⁵ and the coordination of RFMOs IUU lists will help to improve transparency and control of the fishing activities (not only illegal but also unregulated and unreported fishing included).
 - Reflect on existing market tools and activate new ones to tackle and prevent unfair competition through more effective control of imports of fish into the EU market (to avoid social and economic dumping).
 - Psychological component: there is a risk associated to stakeholders’ fatigue, i.e. frustration from EU fleet operators complying with many rules without fair play in a global context.
- The **solutions proposed to improve governance and transparency of fishing activities in the South West Atlantic (FAO-41):**
 - Not “magic formula” BUT suite of options or “toolbox”. International cooperation and research is a pre-condition. Operators agree with adopting a “baby steps” strategy.
 - Inclusiveness and participation of all concerned agents (administration, scientists and operators) is essential to gather momentum for initiatives such as the FAO ABNJ Deep-sea Project or the implementation of the EU IUU Regulation of the Carding system.
 - Find an “entry point”: start with exchange of information system, plus reinforce “scientific diplomacy” before setting up any regulatory management body. For instance, promote and build on existing initiatives (e.g. joint Falkland-Argentina research and oceanographic surveys).
 - Consider support from Spanish industry to OPRAS proposal to create a regional structure to regulate FAO 41 based on technical, institutional and scientific cooperation.

² The Atlantis Project started in 2007-. For the Atlantis 3 see

http://www.ieo.es/es/proyectos?p_p_id=ieoproyectosmain_WAR_IEOProyectosportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_pos=1&p_p_col_count=2&ieoproyectosmain_WAR_IEOProyectosportlet_acronimo=ATLANTIS-3

³ Art. 30 of the Regulation 1380/2013 provides the legal basis for action by EFCA on external dimension linked to Joint Development Plans in the RFMOs and high seas.

⁴ <http://www.fao.org/iuu-fishing/international-framework/psma/en/>

⁵ International Maritime Organization (IMO) Ship Identification Number Scheme <http://www.fao.org/global-record/background/unique-vessel-identifier/en/>



4. Best practices and cooperation paths

- The South Pacific RFMO⁶ has been quite successful in advancing management measures for squid. The fleet operating in that area is similar to the one in FAO-41. Exchange of information could be an entry point.
- Memorandum of Understanding for the Bilateral Cooperation in Fisheries and Aquaculture between Argentina and Spain⁷, focused in straddling stocks, the fight against IUU and the research cooperation in the adjacent area of the Argentinian EEZ.
- The South Atlantic Fisheries Commission (SAFC) allows for exchange of data, joint research and scientific analysis and coordinated conservation advice between Argentina and Falkland Islands.

5. Ideas and actions agreed

- To organize a Regional Conference (2020/2021):
 - **Multinational scope:** including all the fishing nations with an interest in the FAO 41 area
 - **Scientific conference** to share knowledge advances in the area: stocks and conservation of biodiversity. Other topics to be discussed may include governance frameworks, monitoring, control and surveillance tools, regional governance programmes and effective enforcement of measures in place.
 - **Stakeholders event** to allow a digested summary of research findings and promoting networking and outreach among international operators
- To combine efforts to advance into the **Intergovernmental approach:** work at EU level to engage Distant water fleet flag states. The EU may propose the topic and raise the fact at the next FAO COFI⁸ as a priority area for work. Such a request could be included in a future LDAC Advice.
- To use a **stepwise process:** definition of scientific content, identification of stakeholders and invitation to FAO to facilitate the meeting.
- The Conference will be the landmark to allow advances in other cooperation areas, including Monitoring, Control and Surveillance. Currently, installation of the VMS on fishing vessels and reporting of their activities to flag states is a mandatory requirement under EU Regulation on IUU Fishing.
 - Advances in analysis and research are hampered by data confidentiality and sensitivity of some of the fisheries data (e.g. who will be the data holder).
 - Willingness to cooperate from all international operators in the area (e.g. EU, Argentina, China, Korea, etc.) needs to be explored and stated. The Regional Conference might be a first step on this direction.
 - A potential pilot project on regional control scheme in the area would be conditioned by having first a clear set of rules and principles (e.g. closed areas as Vulnerable Marine Ecosystems, zonal management or time based closures or other technical measures).
 - Once the general principles are agreed, the EFCA could play a role in developing a risk based assessment methodology under the European Commission's explicit request.
 - Proposal to involve the IUU unit from DG MARE in the project and also the officials dealing with the MoU EU-China on Blue Partnership Initiative for further MCS in the area (control of transshipments included).

⁶ <https://www.sprfmo.int>

⁷ https://tratados.cancilleria.gob.ar/tratado_ficha.php?id=kp6nIzk=

⁸ The Committee of Fisheries (COFI) is a subsidiary body of the FAO and presently constitutes the only global inter-governmental forum where major international fisheries and aquaculture problems and issues are examined and recommendations addressed to governments, regional fishery bodies, NGOs, fishworkers, FAO and international community, periodically on a world-wide basis.

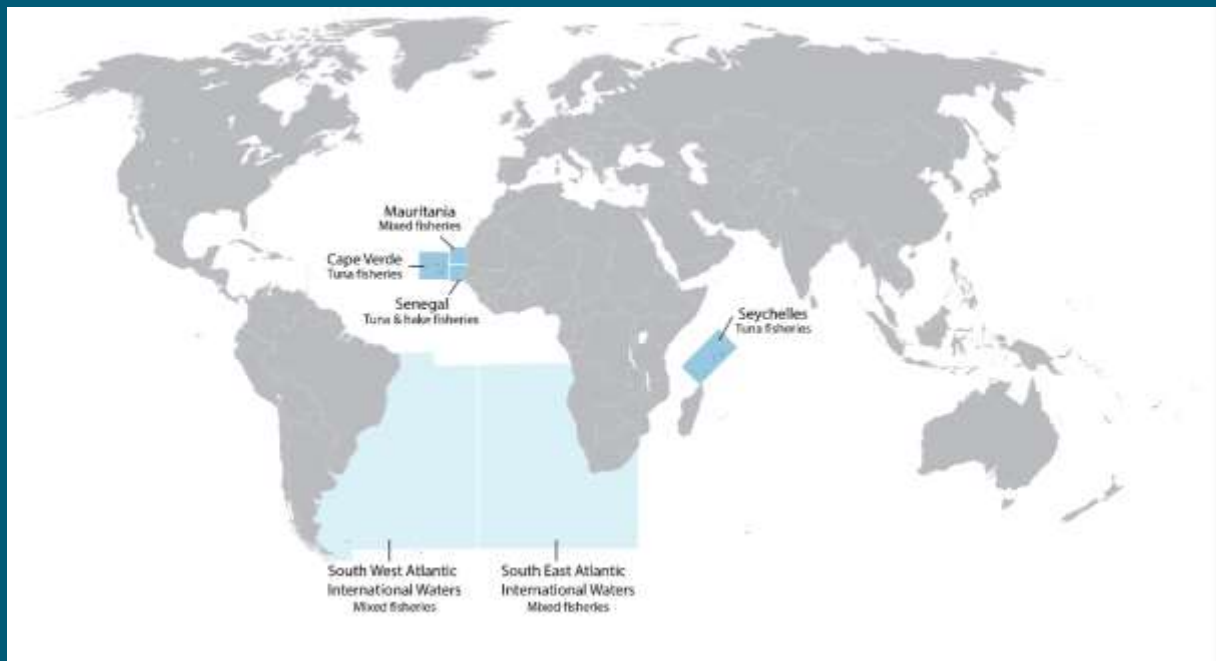


The FarFish Project

Improving knowledge and management of European Union fisheries outside Europe, while contributing to sustainability and long-term profitability.

FarFish aims to provide knowledge, tools and methods to support responsible, sustainable and profitable EU fisheries outside European waters. The research is carried out through the collaboration of scientists, policy makers, resource users and other stakeholders aimed to improve fisheries management competences. FarFish will provide a better knowledge base of these fisheries and encourage resource users to actively take part in the management, thus empowering them, generating a sense of ownership and enhancing compliance.

FarFish focuses on six selected case studies, all of which contain fisheries that are important for the fishing fleets of multiple EU countries or respond to the priorities of Regional Fisheries Management Organisations and the Common Fisheries Policy.



Where can I get more information? At the FarFish Website www.farfish.eu or getting in contact with the Project Coordinator jonas@matis.is



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