

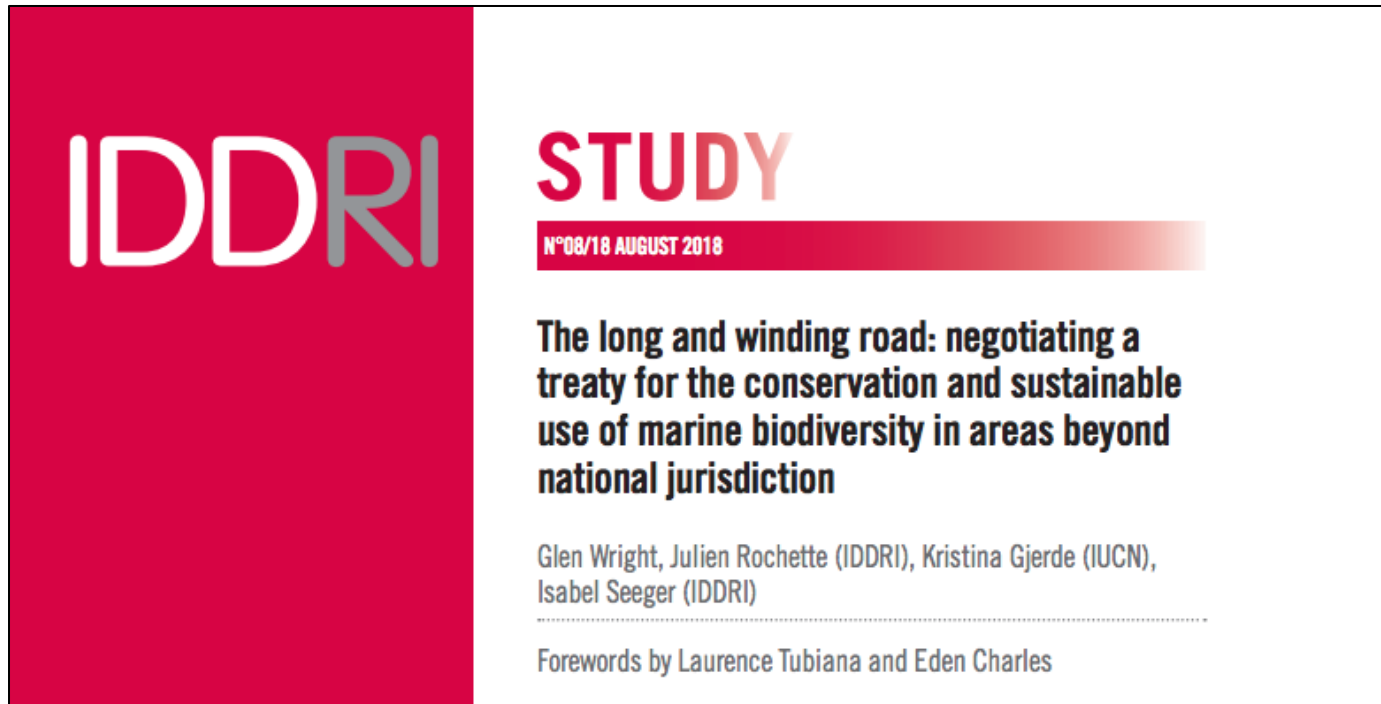
# Fisheries in a new high seas treaty: Opportunities and challenges

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Workshop on Future High Seas Governance  
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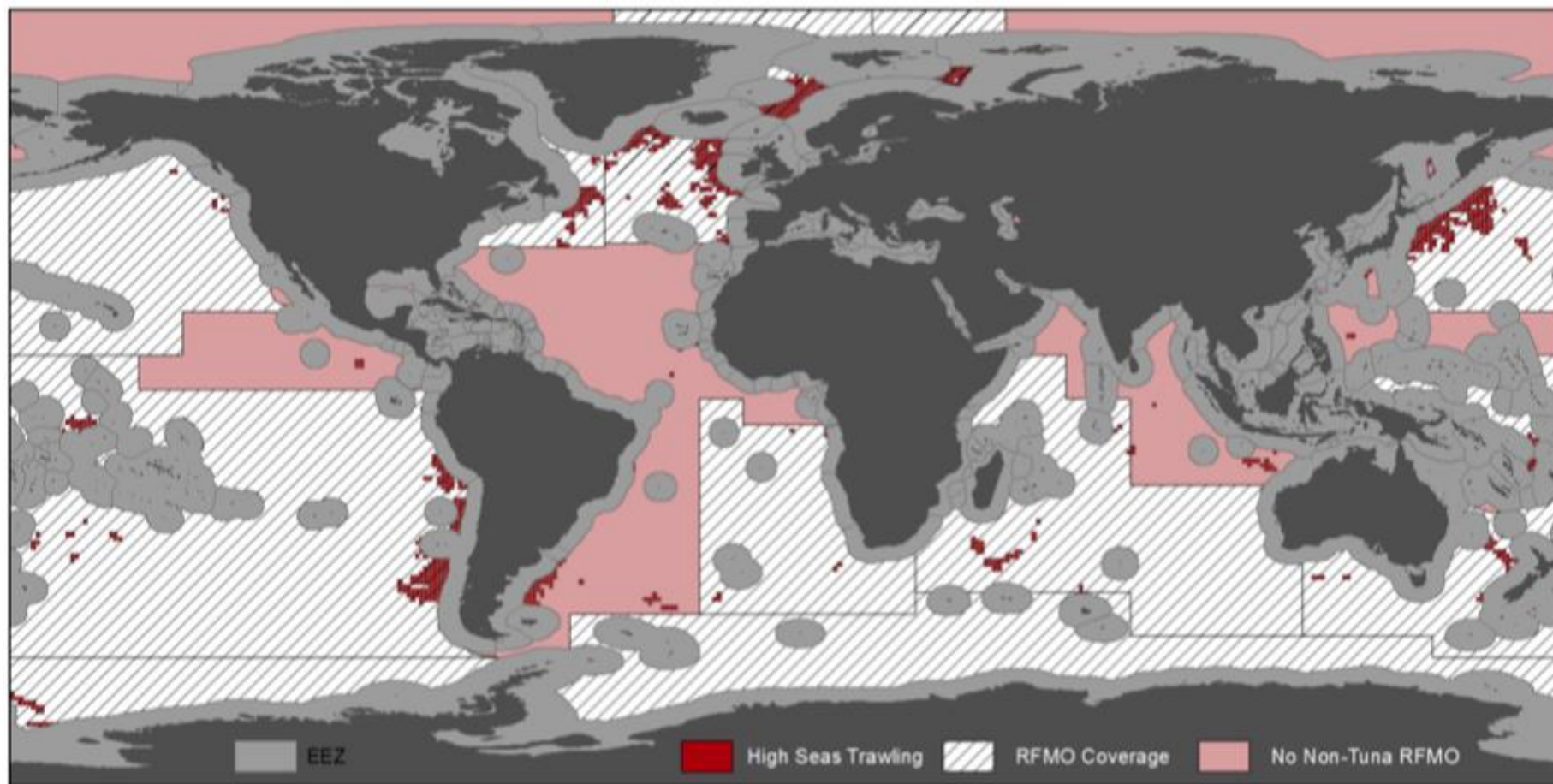
- Negotiations for new high seas treaty began in September 2018 after 10+ years of discussions
- A “package deal”:
  - Marine genetic resources (MGRs)
  - Area-based management tools (ABMTs), inc. marine protected areas (MPAs)
  - Environmental impact assessments (EIA); and
  - Capacity-building & technology transfer
- Negotiations/treaty “should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies.”



Available at: <http://bit.ly/2LQR2B6>

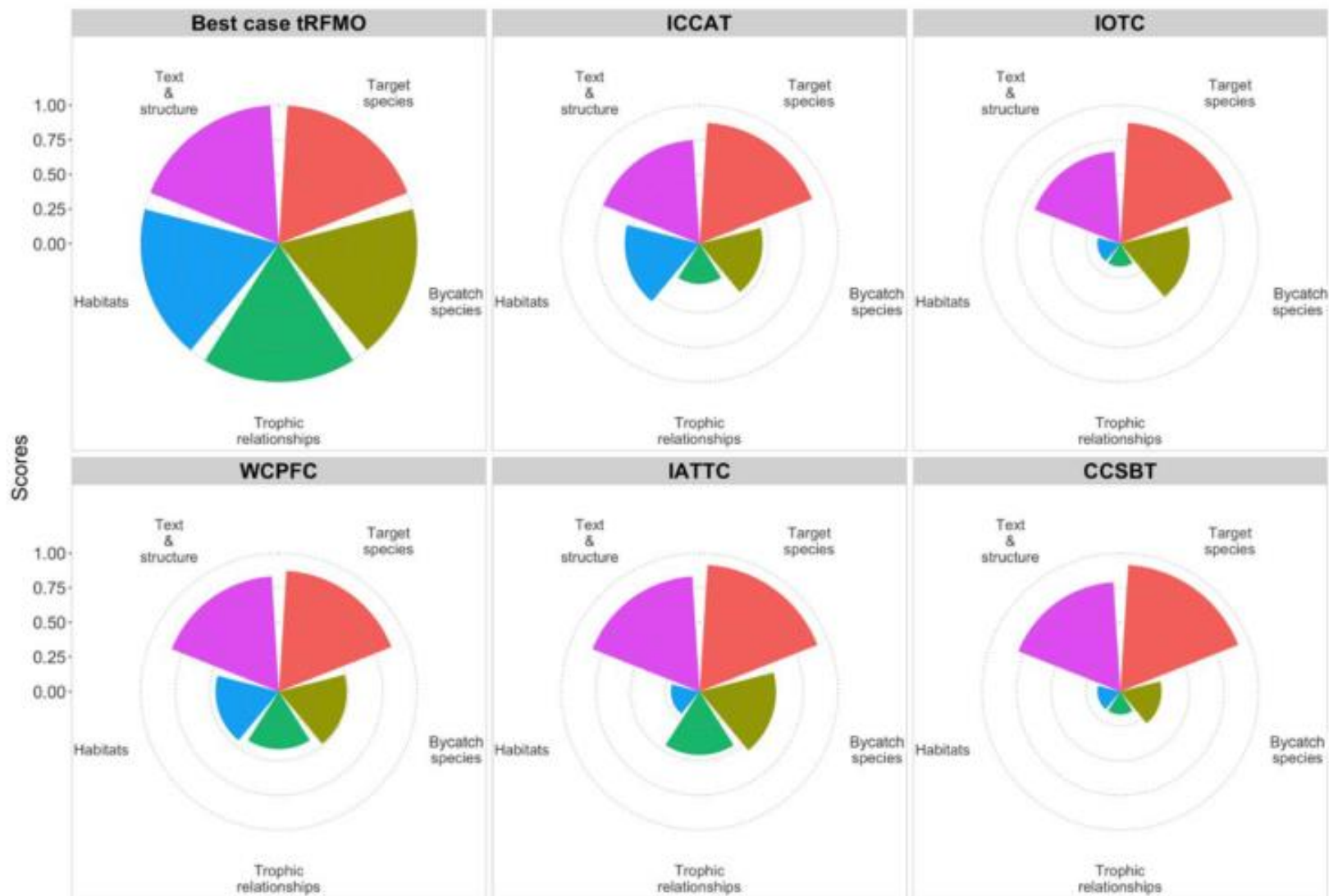
- UNCLOS: UN Convention on the Law of the Sea (1982)
- UNFSA: [implementing agreement] Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("UN Fish Stocks Agreement", 1995)
- UNGA Resolutions on bottom fisheries (2004, 2006)
- FAO Guidelines

- Several areas not covered by RFMO
- RFMOs primarily address straddling and highly migratory fish stocks.
  - RFMOs generally do not manage:
    - Discrete deep-sea fish stocks;
    - Other target species, such as sharks or squid;
    - Non-target species (i.e. bycatch).
- RFMOs historically mandated to manage the exploitation of specific fish stocks, not biodiversity as a whole
  - Therefore they do not manage the vast majority of fish species

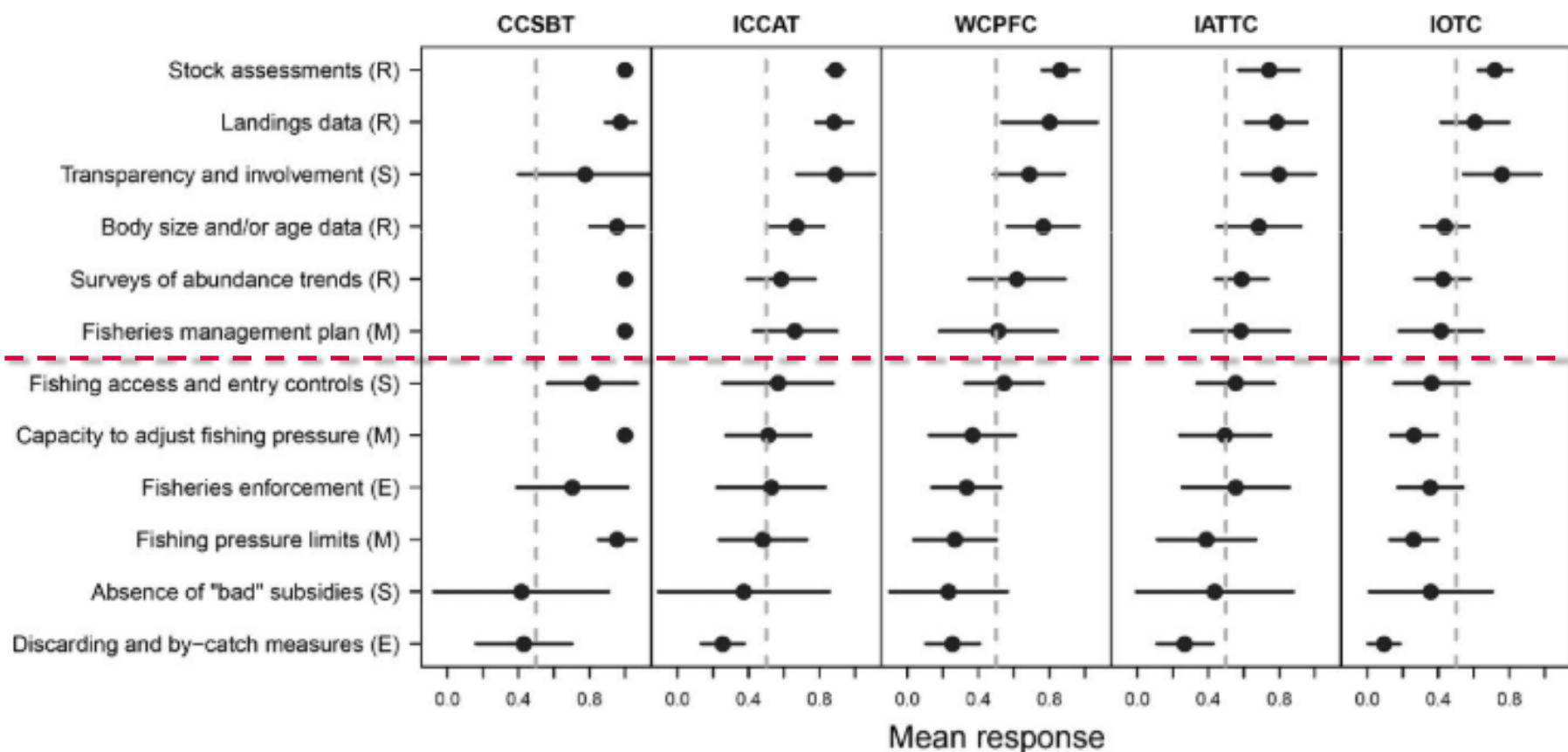


**Considerable progress** has been made in recent years, **but:**

- Limited implementation of ecosystem-based management
- Focus on research/data; less progress on management measures
- States often act counter to advice of RFMO scientific bodies
- Uneven/incomplete implementation of UNGA bottom fisheries resolutions
- Consensus decisionmaking processes = political decisions
- Limited cooperation between RFMOs







# Challenges

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- “not undermining”
  - A few States taking narrow view: any provisions on/affecting fisheries inevitably undermine
- Politics/national interests
  - Fishing States incredibly reluctant to address fisheries
- Patchy existing framework
  - How to develop provisions that can bring coherence?
- Freedom of the high seas
  - Strong attachment to legal principle (though outdated and unfit for purpose)

# Opportunities

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- New treaty will cover conservation and sustainable use of biodiversity as a whole
- Majority of States recognize that biodiversity includes fish and that treaty should too
- Fisheries implicated in all aspects of package deal, especially ABMTs and EIA – RFMOs will be implicated in implementation
- RFMOs represent few States: opportunity to involve non-fishing States & ensure management reflects broader interests of global community
- Framing: undermining vs. strengthening, enhancing, supporting etc.

## Synonyms for **undermine**

verb weaken

blunt	sabotage
cripple	sap
erode	subvert
frustrate	threaten
hurt	thwart
impair	torpedo
ruin	undercut

## Antonyms for **undermine**

aid	construct	fix	strengthen
assist	create	help	support
build	encourage	relieve	fill

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disable	tunnel	poke full of holes
enfeeble	wear	whittle away

# Options

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- Do nothing = status quo, limited progress, or deterioration
- “Hands-off” treaty (fisheries largely excluded; repetition of existing provisions) = “status quo +”.
- **Ambitious treaty** = explicit coverage of fisheries; strong provisions to support RFMOs, enhance coordination & cooperation; greater oversight and accountability
- Ban on high seas fisheries



- Overarching provisions
  - Provide common principles and objectives
  - Reiterate the need for an ecosystems approach
  - Place obligations on States/reinforce Flag State duties
  
- Explicitly define RFMO role
  - Clarify mandates
  - Specify relationship to package deal elements
  - Expand MCS to include biodiversity monitoring/protection
  
- Strengthen RFMOs
  - Extend mandates (e.g. to cover discrete deep-sea fish stocks, unmanaged target species, impacts on non-target species & associated/dependent ecosystems)
  - Increase capacity/resources

- Data & information sharing
- Involvement of non-fishing States
- Reporting and accountability, oversight, default mechanism
- Cooperation between RFMOs and other organizations
- Integration of biodiversity protection into decision-making processes
- Empower other institutions to manage fish biodiversity not regulated by RFMO

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