

Monitoring, control and surveillance in areas beyond national jurisdiction

Human activities, such as fishing and shipping are intensifying in marine areas beyond national jurisdiction (ABNJ), with emerging activities, such as deep seabed mining, possibly becoming a reality in the future. To help ensure that agreed upon management measures are adhered to, States use monitoring, control, and surveillance (MCS) tools to monitor and regulate human activities at sea.

Such efforts have been made since the Middle Ages, but effective MCS remains challenging, especially in the deep and distant waters of ABNJ where management responsibilities are spread across numerous organisations and, in some marine areas, are non-existent.

MCS is broadly defined as a wide range of tools, technologies and policies that aim to promote compliance and ensure the conservation and sustainable use of marine resources.

Monitoring of human activities (e.g., in the form of data collection and reporting)

Control of human activities and their impacts on marine biodiversity (e.g., through regulation, licensing, and controls on how, where and when activities in the ocean take place)

Surveillance of vessels (e.g., through observer programmes and electronic surveillance systems)

Encourage compliance with regulations through transparency, sanctions, and other measures (e.g., sustainability certification schemes)

Enforcement actions, e.g., to tackle illegal, unreported, and unregulated (IUU) fishing and transnational illegal activities, such as human trafficking, forced labour, and trafficking in arms, drugs and wildlife

A range of existing international instruments, institutions and guidelines are relevant to MCS in ABNJ. Traditional approaches to MCS, such as on-board observers, logbooks, and surveillance planes and boats/vessels, are increasingly being supplemented by a range of innovative new technological tools, e.g. automatic identification systems (AIS), vessel monitoring systems (VMS) and satellite-based remote sensing.

Challenges for MCS in ABNJ



Flag State responsibility

Ineffective exercise of flag State responsibility allows vessels with a 'flag of convenience' to fish in ABNJ without investing in the due diligence required to ensure compliance with international rules.



Fragmented governance framework

MCS rules and standards vary widely, and procedures are often not implemented in a uniform manner across States and regional fisheries management organizations (RFMOs.)



Lack of capacity

Differences between States in terms of available capacity and capital for investment and varying levels of willingness of governments to eliminate non-compliance.

'Flags of convenience'

In ABNJ, flag States are responsible for the control of vessels flying their flag. A flag State may register vessels in exchange for a fee, without exercising effective control over the vessel. These so-called 'flags of convenience' are attractive to vessel operators as they reduce the costs associated with, e.g. MCS equipment, safety, insurance and training.

Examples of MCS efforts

- **Regional Fisheries Management Organisations (RFMOs)** strengthen MCS at the regional level, since they are in a unique position to develop MCS standards, guide the development of efficient and effective MCS systems, and facilitate coordinated efforts to ensure effective implementation of conservation and management measures of their member States.
- **International MCS platforms and networks** (e.g., the International Monitoring, Control and Surveillance Network; the Tuna Compliance Network) have been established to strengthen cooperation and coordination on MCS at a global, regional, or sectoral level. These platforms and networks provide opportunities for MCS experts to exchange best practices and enhance their capacity to conduct MCS activities.
- **Fisheries improvement projects** are multi-stakeholder initiatives that aim to improve the sustainability of a fishery. Such initiatives have resulted in collaborative efforts between fishing businesses and NGOs to develop their own, private MCS systems to meet standards for ecolabel certification schemes.
- **Civil society initiatives** (e.g., the Project Eyes on the Seas, Global Fishing Watch or the FISH-i Africa Task Force) aim to increase transparency in fisheries globally. They take innovative approaches to using AIS data and create a common platform for information exchange between RFMOs and/or States that can enhance regional and global goals for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

Options to strengthen MCS in ABNJ

Improve MCS data and standards

- Flag States and RFMO members should work together to harmonise MCS systems and improve VMS data interoperability;
- International Maritime Organization (IMO) registration numbers should be made mandatory for all fishing vessels operating in ABNJ;
- Flag states should mandate VMS on vessels flying their flag and proactively share this data with RFMOs, coastal states and the public to facilitate the tracking of vessel activity.

Strengthen cooperation and collaboration

- Mutual assistance through joint MCS and enforcement;
- Increase data sharing;
- Improve of States' capacities to collect, share and analyse data.

Improve transparency and the sanctions system

- Ensure that States have an adequate and effective penalty system, with sanctions severe enough to deter illegal activities;
- Improvement accountability and transparency, e.g. through mandatory performance assessments of flag States.

The **STRONG High Seas** project, coordinated by the Institute for Advanced Sustainability Studies (IASS) and implemented together with six partners based in Europe, South America, and Africa, and its regional partners the Secretariat of the Permanent Commission for the South Pacific (CPPS) and the Abidjan Convention Secretariat, is a five-year project that aims to strengthen regional ocean governance for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction.

For more information visit: www.prog-ocean.org/our-work/strong-high-seas/

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