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WHAT ROLE FOR RFMO'S?

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WHAT ROLE FOR RFMOS ?¹

1. This presentation focuses on the rôle that Regional Fishing Management Organizations (RFMOs) could be called on to play in global efforts to combat Illegal, Unreported and Unregulated (IUU) fishing. The key elements entail the need to improve operational efficiency and to mobilize political will.
 2. Two possible approaches open to RFMOs are identified:
 - a) Ignore IUU fishing until stocks become self-regulating (i.e. fishing is no longer sustainable); or
 - b) Improve current, and develop new, initiatives to combat IUU fishing.
 3. Option (a) is dismissed since it is contrary to current “best practice” and is certainly not sanctioned by international law. Option (b) is examined in more detail.
 4. Effective Coastal State enforcement is seen as essential to option (b). However, it is relatively expensive and generally not fully applicable to high seas areas, given the nature of fisheries in such areas and their geographic extent. A series of specific considerations are elaborated (Table 1). An additional five considerations are also considered. The latter relate to potential synergies, and/or contradictions, concerning trade measures, Port-Flag State modalities, institutional competencies and the rôle of related measures.
 5. Finally, the elements of “political will” necessary to combat IUU fishing are discussed and it is suggested that there may be merit in considering development of an international fisheries policing organization (FISHPOL), following the precedent of INTERPOL and building on the current Monitoring Control and Surveillance Network (MCS Network).
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Box 1: Some issues to be addressed in improving RFMO Enforcement

Resolve Jurisdictional Issues [Flag/Coastal State]
[Avoid "Creeping" Expansion of Coastal State Rights]

Operationalize Key LOSC Provisions
[Especially Articles 116-119]

Improve Institutional Enforcement & Co-Operation

Improve Links Between Vessels & Flags [FOC]

Improve Compatibility Between National/International Measures

Elaborate "Nationals" [Beneficiaries] Responsibilities/Obligations
[e.g. Following LOSC 116-119 & UNFSA Article 10.(l)]

Standardise Sanctions

Address *NCP* Rôle in *RFMOs* [UNFSA Article 17]

Promote Cult of Responsible Fishing Activity
[As Per FAO Code of Conduct]

Implement FAO IPOA-IUU

Build Regional/National Enforcement Capacity
[As Per UNFSA Articles 24-26]