The Role of Regional Fisheries Management Organisations

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The Role of Regional Fisheries Management Organisations (RFMOs)

In the most simple terms:

RFMOs are a tool for States to fulfil their legal duty to cooperate and to set the appropriate conservation and management measures, and thereby have the right under international law for their nationals to engage in fishing on the high seas.
Core function of RFMOs

International Fisheries Management:

• TACs and allocation
• Technical measures
• Control and enforcement
• Protection of the other parts of the marine ecosystem
TACs and allocation

Main species NEAFC manages:

- Herring
- Blue whiting
- Mackerel
- Redfish
- Haddock
- Deep-sea species
Technical measures

Examples:

• Mesh size limitations
• Seasonal closures for spawning
• Conversion factors
• Limited fishing seasons
• Limits on the use of certain types of fishing gear (e.g. area limits, depth limits)
Control and enforcement

Main areas:
- At-sea inspections
- VMS system
- Port State Control
- Control of non-Contracting Parties
- IUU lists
Protection of the other parts of the marine ecosystem

Vulnerable Marine Ecosystems (VMEs)

• Identifying VMEs and adopting appropriate management measures (including area closures)
• Adopting precautionary measures in areas where VMEs are likely to occur but have not been identified
• Ensuring that encounters with VMEs result in an appropriate reaction (such as temporary closures)
• Ensure that new areas are only open to bottom fisheries after assessing results from fishing under exploratory fishing plan
Important to keep in mind

Conservation and management measures adopted by RFMOs are relevant for all States:

• Directly legally binding for most major fishing States, including non-members of the relevant RFMO.
• Directly or indirectly affect the ability of all States to legally fish.
Only those States which are members of such an organization or participants in such an arrangement, or which agree to apply the conservation and management measures established by such organization or arrangement, shall have access to the fishery resources to which those measures apply.
UNCLOS Article 87
Freedom of the high seas

1. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States:

(a) freedom of navigation;
(b) freedom of overflight;
(c) freedom to lay submarine cables and pipelines, subject to Part VI;
(d) freedom to construct artificial islands and other installations permitted under international law, subject to Part VI;
(e) freedom of fishing, subject to the conditions laid down in section 2;
(f) freedom of scientific research, subject to Parts VI and XIII.
UNCLOS Articles 116-119

The right of States for their national to fish in the high seas is subject to:

• “the rights and duties as well as the interests of coastal States”

• The duty to conserve the living marine resources of the high seas

• The duty to cooperate in conservation and management
Important to keep in mind

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Arctic High Seas

NEAFC has legal competence regarding parts of the Arctic.

This includes high seas areas, among them a part of the central Arctic high seas.
Important to keep in mind

The legal framework for fisheries management in the high seas already exists.

There is no legal vacuum.

Additional RFMOs/As may need to be established.
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