

Interaction of the RFMOs and the High Seas Regime

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The legal regime for areas beyond national jurisdiction (ABNJ) under the 1982 LOS Convention is primarily characterized by the recognition of high seas freedoms (including navigation, fishing, overflight and marine scientific research), minimum conservation obligations, and a high degree of deference to flag state jurisdiction over vessels. Provisions for regulation of high seas activities tend to be sectoral in nature, built around particular human activities or resources (e.g. shipping, marine scientific research, fisheries, non-living resource extraction).

In recent years there have been significant challenges to the effectiveness of this regime, as new threats to marine biodiversity in ABNJ emerge. Flag state jurisdiction has not proven adequate for ensuring compliance, especially in the management of living resources, and some existing and new human activities, such as bioprospecting, are not subject to an international regulatory regime. Moreover, the sectoral approach by which human activities are currently governed is not capable of delivering integrated ecosystem-based governance, nor of providing for area-based management measures such as high seas MPAs

RFMO's, despite their identified shortcomings, represent the most extensive attempt to deal with high seas conservation issues, albeit restricted to fisheries, and to certain categories of fisheries. This presentation will examine the extent to which RFMOs might be utilized as part of a more coordinated effort to provide for regional *oceans* management, rather than *fisheries* management, through coordination with other legal instruments and regimes to create a form of virtual integrated management, including area-based measures, in areas beyond national jurisdiction. The experience of NAFO, NEAFC and CCAMLR all point to the potential for such initiatives, given the leadership of like-minded states.