

'One Ocean' Symposium

Saturday 24th August 2019—9am to 5pm

Scandinavia House, 58 Park Ave, New York, NY 10016, USA

Information Paper

Keeping an Eye on the High Seas

Klaudija Cremers, Glen Wright and Julien Rochette (IDDRI)¹

Effective monitoring, control and surveillance (MCS) is a prerequisite for the success of area-based management tools (ABMTs), including marine protected areas (MPAs), and can play a key role in many aspects of a future high seas treaty. The negotiations provide an opportunity to facilitate the development of a more efficient and harmonised system of MCS and raise both the capacity and ambition of States.

In addition to traditional MCS approaches, such as on-board observers and logbooks, innovative technological tools and monitoring systems are now being developed that are set to revolutionise the way the marine environment is monitored. However, some key challenges to effective MCS include: 1) the varying commitment of flag States to eliminate non-compliance by their flagged vessels, 2) the fragmented governance framework and the gaps in coverage of the high seas and 3) the lack of capacity and capital needed for processing and analysis for effective data-based policy and the implementation of MCS.

MCS can play a role in all four elements of the 'Package Deal' under discussion, and may in turn be strengthened through provisions that place obligations on States to facilitate cooperation and coordination, reporting and transparency:

Marine genetic resources	Monitoring of MGR activities could help to track activities and their impacts, while reporting could provide insight into who is conducting what kind of MGR activities, where, and for what purpose.
Area-based management tools, including MPAs	MCS could play a role in the development of ABMT proposals, implementation of any management measures ultimately adopted, and monitoring their outcomes.
Environmental impact assessments	Reporting and information exchange provisions in relation to EIAs could be an important incremental step towards more effective compliance and enforcement overall.
Capacity building and transfer in technology	The draft text includes a non-exhaustive overview of types of capacity-building and technology transfer activities that could provide the basis for enhancing MCS capacity.

Many of the key provisions in the draft text remain in brackets, so negotiators may wish to keep in mind the need to include strong MCS provisions when further debating and refining the text. In addition, four potential pathways for strengthening MCS provisions are outlined below:

- **Consolidating and reinforcing key MCS principles**, such as transparency, cooperation and coordination as well as reporting, in its provision on general principles and approaches (Article 5);
- **Developing a strong MCS role for the clearing-house mechanism** by specifying that it shall serve as a platform to share best MCS practices, exchange data on MCS activities, and match capacity-building needs in relation to MCS tools (Article 51);
- **Standardising the application of MCS rules and reporting across RFMOs** in order to ensure best practice;
- **Requiring submission of a MCS strategy in ABMT proposals** that considers the possible technological tools and institutional frameworks available to ensure compliance and to encourage States Parties to consider the kinds of MCS tools they have at their disposal for different kinds of ABMTs.

¹ The STRONG High Seas project is part of the International Climate Initiative (IKI; www.international-climate-initiative.com/en/). The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) supports this initiative on the basis of a decision adopted by the German Bundestag. This report does not necessarily reflect the views of the funding agencies.