

# **Fishing on the High Seas: Participation of African Countries**

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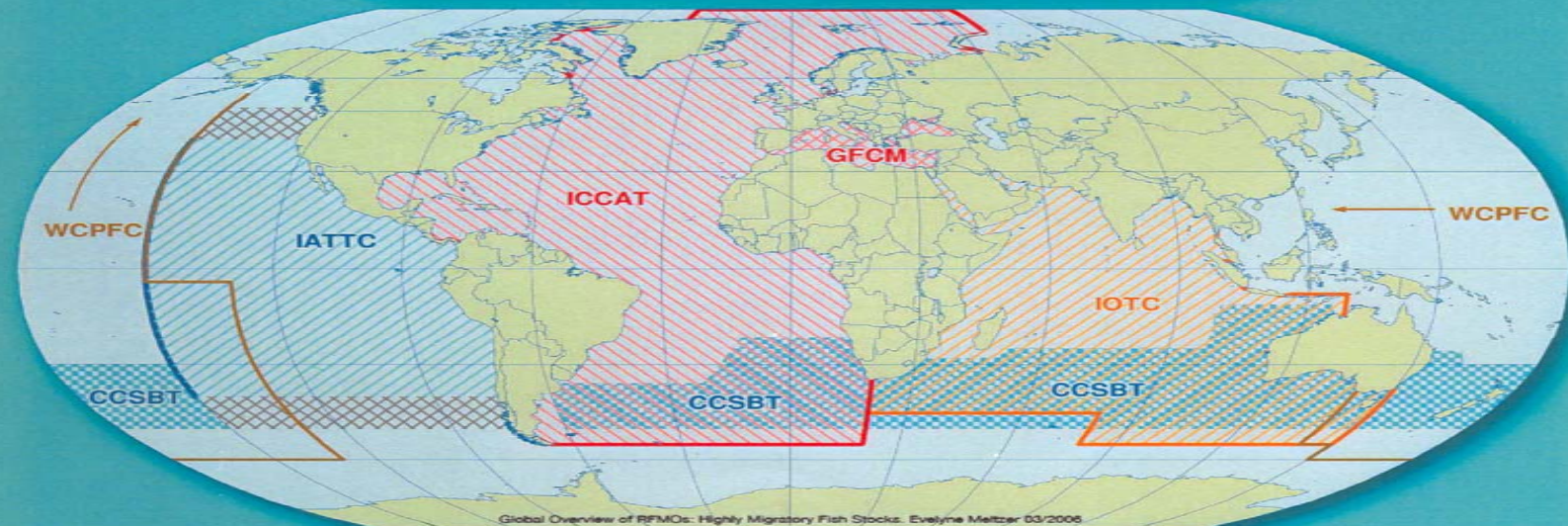
Windhoek

# Focus of the Presentation

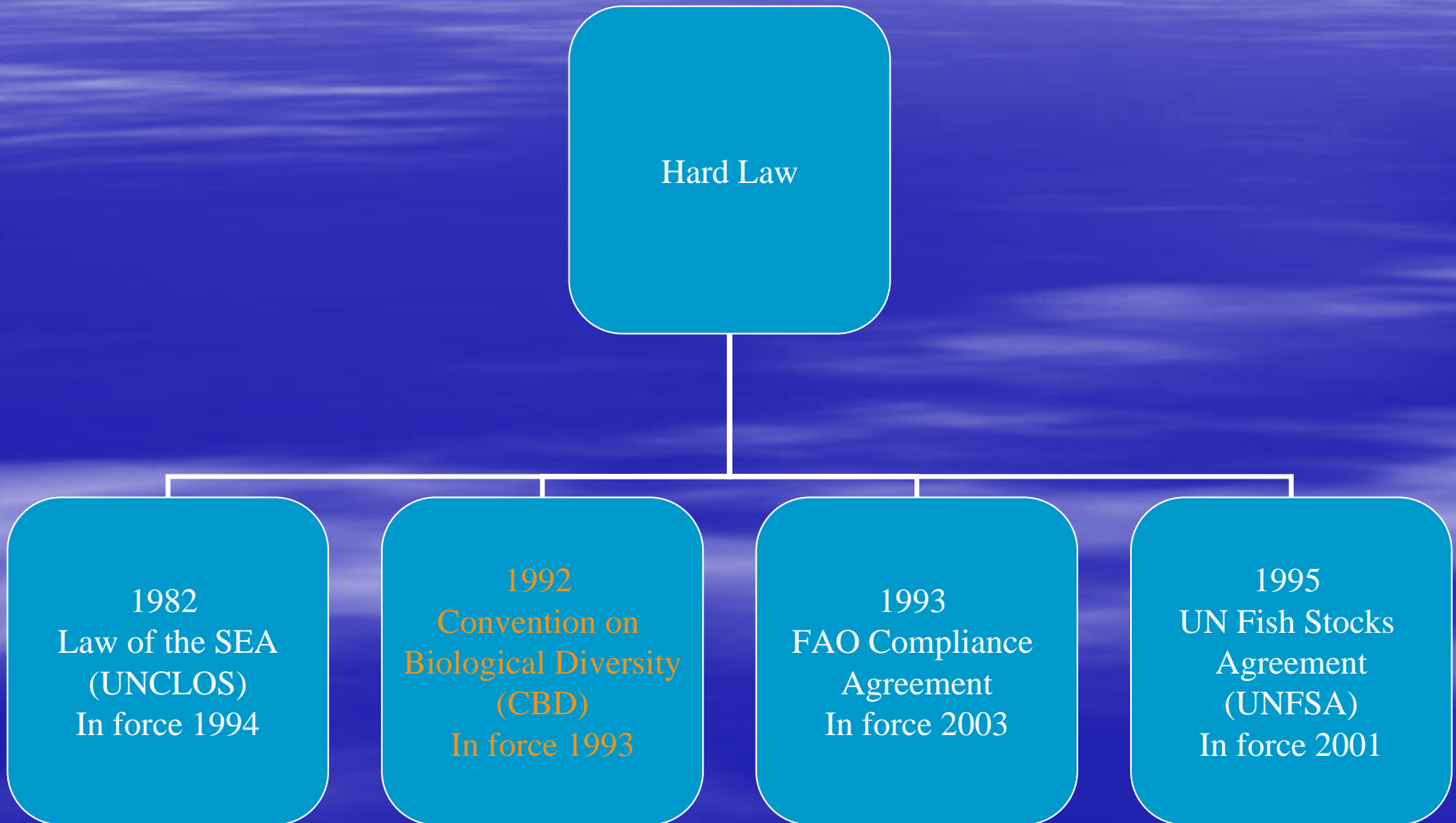
- Legal basis for fishing in the high seas: RFMOs
- Status of ratifications of international fisheries instruments by African States
- Membership of African States in RFBs
- Participation of African States in high seas fishing activities
- Some Challenges and Opportunities
- Concluding Remarks

# Post-UNFA Overview of RFMO Regulation of Straddling Fish Stocks and Highly Migratory Fish Stocks

by  
Evelyne Meltzer



# International Fisheries Related Instruments



# International Fisheries Related Instruments



# Relevant Provisions in UNCLOS

- **Article 61:** Coastal State shall determine the allowable catch of the living resources in its EEZ
- **Article 116:**
  - All States have the right for their nationals to engage in fishing on the high seas
- **Article 118:**
  - States whose nationals exploit identical living resources, or different living resources in the same area, shall enter into negotiations with a view to taking the measures necessary for the cons. of the living resources concerned
  - States shall, as appropriate, cooperate to establish subregional or regional fisheries organizations (also article 63)

# STATUS OF UNCLOS (AFRICAN PERSPECTIVES: 37+1)

#	State (Yr)	#	State (Yr)	#	State (Yr)
2	Zambia 83	25	Cameroon 85	54	Zim. 93
5	Namibia 83	29	Nigeria 86	61	Comoros 94
6	Ghana 83	30	G.Bissau 86	67	Mauritius 94
9	Egypt 83	33	C. Verde 87	69	S. Leone 94
10	C. d'Ivoire 84	34	S.T. Principe 87	93	Algeria 96
12	Gambia 84	38	DRC 89	102	Mauritania 96
14	Senegal 84	39	Kenya 89	115	Moza. 97
15	Sudan 85	40	Somalia 89	117	E. Guinea 97
17	Togo 85	42	Botswana 90	120	Benin 97
18	Tunisia 85	43	Uganda 90	122	South Afr. 97
21	Mali 85	44	Angola 90	123	Gabon 98
23	Guinea 85	48	Seychelles 91	137	Madaga 01

# Relevant Provisions in UNFSA

- Article 7: Compatibility of conservation and management measures
- Article 8: **Only** those **States** which are **members** of such an organisation or participants in such arrangement, or which **agree** to apply the cons. and mgt measures established by such organisation or arrangement, **shall have access** to the fishery resources to which those measures apply.

# Status of UNFSA: African Perspective-8

#	STATE (YR)
10	Senegal 97
13	Mauritius 97
16	Seychelles 98
17	Namibia 98
35	South Africa 03
52	Kenya 04
55	Guinea 05
56	Liberia 05

# General Criteria for Membership in RFBs

- Membership open to States that are members of the UN or one of its specialized agencies or any inter-governmental economic integration organization constituted by States that have transferred to it competence
  - ICCAT, IOCT, CCSBT, SEAFO, CCAMLR, SIOFA)

# African Members to RFBs

<b>ICCAT -14</b>	<b>IOCT- 5</b>	<b>CCAMLR- 3</b>	<b>SEAFO- 2</b>	<b>SIOFA-4</b>
Angola	Kenya	Namibia	Angola	Kenya
Namibia	Comoros	South Africa	Namibia	Mozamb
RSA	Madaga	Mauritius	+2 Others	Comoros
Morocco	Mauritius	+30 Others		Seychelles
C. D'Ivoire	Sudan			+ 3 Others
Gabon	+15 Others			
C. Verde	RSA (CNP)			
S.T. Princi				
Rep. Guinea				
Equatorial G				
Libya				
Tunisia				
Algeria				
Senegal				
+28 Others				

# How can African States Have Access to the Resources in High Seas?

- **Become a Party:** actively participate in all affairs of RFMO (e.g. scientific, decision-making Commission)
- (Gov.) to **defend their rights** under international law for **fair and equitable** allocation of the resources
- (Gov.) to **create conducive conditions** for private businesses and development of fishing industries [e.g., **securing country quota** within RFMOs]

# Some Challenges in Participating in High Seas Fisheries

- Capacity (human, technical, financial, infrastructural etc): for activities in key areas such as:
  - port State duties
  - flag State responsibilities
  - MCS
  - data collection
  - scientific research
  - managerial and legal responsibilities

# Opportunities to Participate

- Abundant tuna resources e.g. in IOCT management area (catches of over 1.5 million per year),
- Abundant krill in CCAMLR Conv. Area
- High-valued species (Orange roughy, alfonsino, toothfish) in SEAFO and SIOFA?
- New exploratory fisheries could appear in high seas due to:
  - discovery of new stocks, the
  - dev. of market of previous discarded species
  - use of new technology or expansion into new areas

# Concluding Remarks

- African States must be part of **decision-making process** [as a Party] in RFMOs to collectively shape the course of high seas fisheries governance
- Opportunities exist, to **enter or expand** e.g., in tuna fisheries of IOCT or in krill fisheries in CCAMLR
- **Capacity** need to be **sufficiently developed** with governments taking the lead and with dev. partners' support

# Concluding Remarks (cont)

- Benefits in high seas fisheries may not be immediate; focus must not be in fishing alone as participation in RFBs contribute immensely to, among others:
  - long-term conservation and sustainable use of living aquatic resources
  - protection of ecosystems and
  - preserving of biodiversities ✕

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