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JOINT STAFF WORKING DOCUMENT

Synopsis of the outcome of the consultation on international ocean governance

Accompanying the document

JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

International ocean governance: an agenda for the future of our oceans

{JOIN(2016) 49 final}

Introduction

The call for action on ocean governance has gained international momentum, notably in the 2030 Agenda for Sustainable Development. International ocean governance is linked to three EU policy areas: sustainable development, growth and jobs, and the EU's role as a global actor. For Europe, the importance of the maritime economy and international competitiveness is as relevant in this context as the increasingly worrying state of the world's oceans and the impact of human activity on them. In both respects, successful management is a challenge that has to be tackled at global level, and through the EU and its Member States acting more strongly together.

Karmenu Vella, the Commissioner for the environment, maritime affairs and fisheries, has given the subject priority, in line with his mandate from President Juncker ('to engage in shaping international ocean governance in the UN, in other multilateral fora and bilaterally with key global partners').

The consultation process described below was launched in order to prepare an initiative on international ocean governance proposing first steps to tackle the above challenges. It consisted of a formal consultation and a 'listening tour', with the personal participation of the Commissioner, to exchange views with stakeholders on the subject.

1. CONSULTATION

The Commission launched a public consultation on international ocean governance on 4 June 2015. It was targeted at all private and public stakeholders and international governmental and non-governmental organisations, and aimed to gather input on how the EU could contribute to improving international governance of oceans and seas. The consultation ended on 15 October 2015. The text of the consultation report is attached.

The objective of the stakeholder consultation activities was to seek views from all stakeholders on the effectiveness of the current ocean governance framework, on possible gaps, and on ways to improve both at international and regional levels.

A total of 154 contributions were received. Respondents included governments, public bodies, business representatives, associations, NGOs, academics and citizens.

In addition to the consultation, Commissioner Vella conducted a 'listening tour' to collect stakeholders' and international partners' views at the highest political level and discuss possible ways forward.

2. PROFILE OF RESPONDENTS

As illustrated below, the largest group of respondents were public authorities (26 %), followed by citizens (19 %), NGOs (17 %) and businesses (17 %).

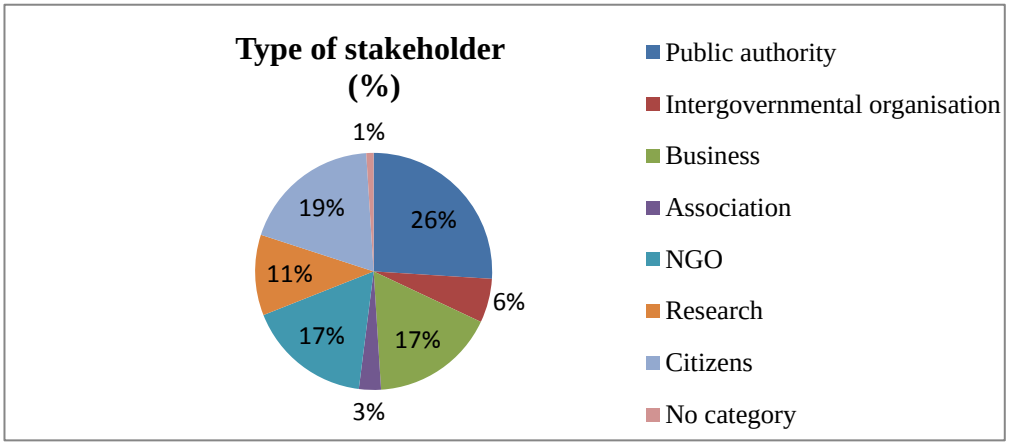

Figure 1: Replies by type of stakeholder (%)

Contributions were received from representatives of 13 Member States, Iceland, Norway, the United States, Korea and international organisations, including the UN DOALOS, UNESCO and UNEP. Some 15 % were from stakeholders who could be considered as international or from countries outside Europe.

3. LISTENING TOUR

Commissioner Vella participated in 27 events with partners and stakeholders to discuss international ocean governance[1] and a number of regular service-level meetings with maritime stakeholders and Member States were used to explore further the subjects raised in their responses to the consultation.

In particular, specific discussions on international ocean governance took place at the launch of the consultation[2] and on European Maritime Day in 2016.[3]

4. SUMMARY OF RESPONSES AND CONTRIBUTIONS

4.1. The ocean governance framework

Nearly all contributors consider that the current framework for ocean governance is not effective enough in ensuring sustainable ocean management**.** They argue that this is not due to the framework itself, but to inefficient implementation and insufficient coordination.

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1 http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/ocean-governance/doc/ocean-governance-summary_en.pdf

2 World Ocean Summit (3-5 June 2015);
Announcement of ocean governance public consultation and listening tour (Lisbon, 4 June 2015); https://ec.europa.eu/commission/2014-2019/vella/announcements/announcement-ocean-governance-public-consultation-and-listening-tour-world-ocean-summit-lisbon-4_en

3 Thematic Session II: Improving ocean governance;
https://ec.europa.eu/maritimeaffairs/maritimeday/en/programme-items/thematic-session-ii-improving-ocean-governance
Conference report: https://ec.europa.eu/maritimeaffairs/maritimeday/sites/mare-emd/files/2016-emd-conference-report.pdf

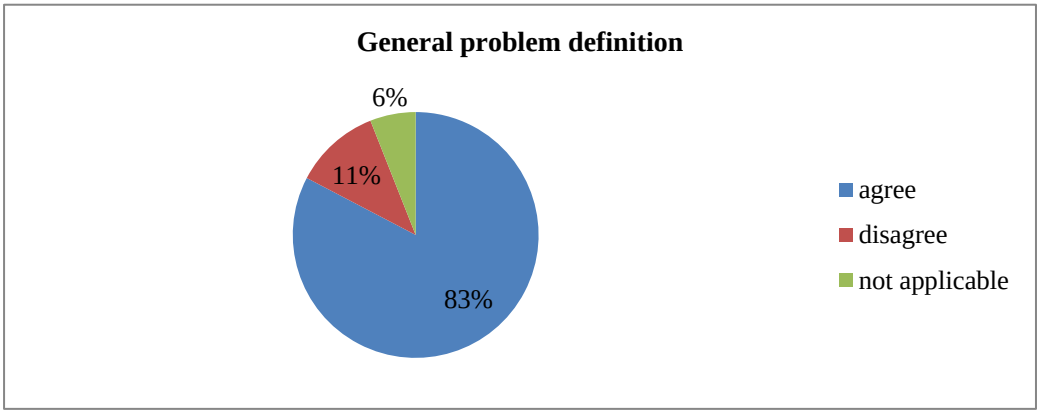

Figure 2: ***Responses to question on general problem definition – ineffectiveness of current framework for international ocean governance***

A need for better implementation and better coordination

There is broad agreement that the system is fragmented and existing instruments are not implemented or enforced uniformly. Better implementation and coordination are crucial to improve ocean governance.

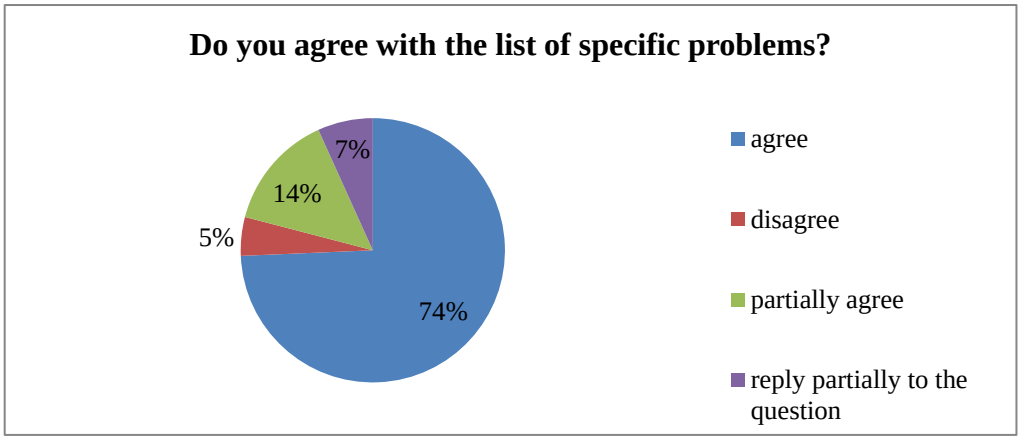

Figure 3: ***Responses to the question on specific problems listed in the consultation:***
(1) gaps in the existing international ocean governance framework;
(2) inefficient implementation and insufficient coordination; and
(3) lack of knowledge about oceans

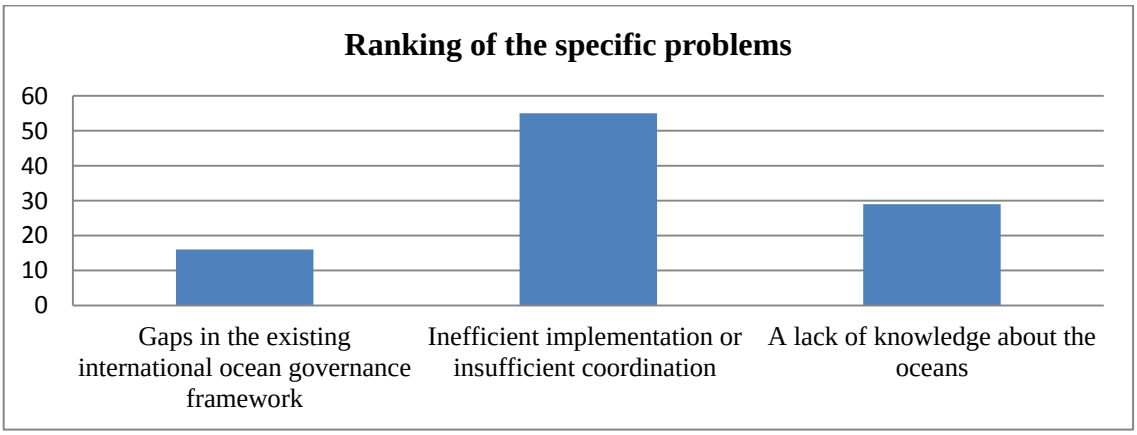

Figure 4: ***Ranking of specific problems (%)***
(includes only respondents who provided a ranking)

Many respondents refer to instruments that have been signed but either have not been ratified or are not effectively implemented. *Promoting good application of existing agreements within maritime fora*, *sanction mechanisms* and *capacity-building* are the most frequently cited forms of action needed to address the implementation gap.

Many point to the fragmentation of the ocean governance framework, due, for example, to the prevalence of sectoral 'silos'. Increasing competition for marine space means that the current approach is inadequate and more cooperation is needed, including when it comes to protecting marine biodiversity.

All respondents call for better coordination at global and regional levels. This should be both 'horizontal' (i.e. between UN agencies and programmes, and between regional organisations) and 'vertical' (i.e. between the global, regional and national levels).

A minority of respondents argue for the creation of an overarching body to act as coordinator. For most, better coordination should be achieved by making better use of existing structures. Any coordinating body should ensure closer cooperation between organisations involved in ocean affairs, thus reducing potential conflicts and overlaps.

Several respondents call for more transparency in the decision-making process and greater stakeholder participation in the new governance structure, which are also central to improving its functioning.

Filling the legal gaps

Many point to gaps in the legal framework applicable to areas beyond national jurisdiction (ABNJ) and the regulatory framework applicable to new activities.

Biological diversity in areas beyond national jurisdiction (BBNJ)

There is broad agreement on the need for an international legal instrument, under UNCLOS, on the conservation and sustainable use of marine biodiversity in ABNJ. Some respondents refer to the possible creation of an international mechanism to establish marine protected areas in the high seas, modalities for carrying out environmental impact assessments in the high seas and the legal status of marine genetic resources.

The future formulation of such an instrument is also regarded as a good opportunity to strengthen coordination and cooperation between international and regional organisations and across sectors.

Emerging activities

Legal gaps are highlighted by several respondents with regard to emerging activities such as offshore renewable energy, deep-water hydrocarbon exploitation and seabed mining. These are linked to the need to ensure that such activities are properly regulated and managed, *inter alia* through the promotion of best practice. Defining clear rules also provides legal certainty for businesses and secures new investment.

Principles and new arrangements that should guide future action

Respondents call for future action to be guided by the ecosystem approach, the precautionary and polluters-pay principles and, in a broader sense, the cross-sectoral approach. They also underline the importance of environmental impact assessments.

Many refer to the 2030 Agenda for Sustainable Development and, more specifically, SDG 14 ('conserve and sustainably use the oceans, seas and marine resources'), the implementation of which is essential for better ocean governance.

The regional ocean governance framework

Many contributors consider that international ocean governance cannot be limited to the global framework. They regret the fact that the consultation document does not refer to the regional framework.

They recommend better cooperation between international and regional organisations. Many emphasise the relevance of the regional approach for states sharing a sea basin.

All acknowledge the importance of regional seas conventions (RSCs) and regional fisheries management organisations (RFMOs), which both play a key role in the protection of the marine environment and the sustainable management of fish stocks, are confronted by challenges such as marine pollution and overexploitation – and need to rise to the task, including through improved performance.

Regional seas conventions

Perceived shortcomings of RSCs by many respondents include geographical fragmentation, lack of implementation, lack of capacity and the lack of coordination between entities. Some also underline the limited scope of their action, e.g. in ABNJs.

Structures could address issues such as marine pollution more effectively if they were better coordinated; this applies not only to cooperation among RSCs, but also to RFMOs. Respondents mention the memoranda of understanding between OSPAR and NEAFC, and between UNEP/MAP/Barcelona Convention and the General Fisheries Commission for the Mediterranean (GFCM) as good models for this.

Regional fisheries management organisations

Most respondents recognise the positive role and functioning of RFMOs. However, some highlight the persistence of overexploitation and IUU fishing, and propose that capacities related to RFMOs in developing countries be improved.

Several respondents believe that IUU fishing should be addressed in a more cross-cutting way, so as to tackle the complete chain from catch to market. This requires commitment from all stakeholders and strong cooperation between RFMOs and the IMO and FAO, the ratification and application of existing instruments such as the FAO's world register of fishing vessels and vessel monitoring system, and the use of new technologies such as satellite monitoring.

4.2. Ocean knowledge

Knowledge gaps

Nearly all respondents confirm that the lack of knowledge about oceans weakens the international ocean governance framework, particularly when it comes to assessing the impact of maritime activities.

The major difficulties seem to lie in how to coordinate data collection better, ensure data-sharing among stakeholders and secure research funding. The EU's role in providing the latter is highlighted.

Areas where better knowledge is needed

Economic activities

All economic activities would benefit from greater availability of maritime knowledge. Some consider that this would primarily benefit the emerging sectors. Others think that it would also provide traditional sectors with solutions to address challenges such as ocean warming and reducing greenhouse gas emissions, and with opportunities to develop sustainable technologies.

Improving knowledge is crucial for the sustainable management of ocean resources, including the better assessment of fish stocks and the impacts of certain fishing methods. More broadly, a better understanding of the marine environment will help operators to act in a more informed manner and authorities to plan activities at sea.

Marine environment

Some participants stress the need for better knowledge to improve application of an ecosystem-based approach to planning activities, and for a greater understanding of the role of oceans in the global climate and the consequences of climate change for oceans.

Improving coordination and data-sharing

Nearly all respondents mention coordination and data-sharing in marine research. Most believe this is more about the effective use of existing data and making data available than about more comprehensive databases, which are expensive and take time to set up.

The current system is seen as fragmented, leading to a potential duplication of data or failure to use it. Respondents point to the EU's EMODnet as a good example and support the creation of a global EMODnet, with common standards and contributions from all data providers, including the private sector.

Other ways of improving data-sharing and cooperation suggested by respondents include:

- strengthening the Intergovernmental Oceanographic Commission;
- establishing 'knowledge bridges' between regional and international organisations (e.g. cooperation between ICES, OSPAR and HELCOM);
- international research alliances (such as the Galway Statement);
- creating synergies between research programmes; and
- dialogue between scientists and policymakers.

4.3. The EU's role in shaping ocean governance

Many respondents believe that the EU has a major role to play in improving international ocean governance, because:

- ✓ it is an active player in relevant global and regional fora and negotiations;
- ✓ it is a global player in maritime activities; and
- ✓ it has the expertise to contribute to better international ocean governance.

Leadership

Many respondents see the EU as a major actor in all international and regional maritime organisations. Together with the Member States, it has the ability and legitimacy to play a significant role in promoting the ratification and effective implementation of existing agreements and improving the coordination of international and regional arrangements. A majority of respondents point to the need for the EU to play an active role in the BBNJ negotiations and in promoting SDG 14 and other SDGs.

Some argue that the EU should be a frontrunner in ensuring a level playing-field for maritime stakeholders and supporting innovation and sound competition between businesses. It should take advantage of its economic weight to participate actively in developing rules for emerging activities.

Some also see the EU as well placed to (continue to) take the lead in the fight against IUU fishing and the promotion of decent working conditions in maritime sectors. It should continue to act, notably with regard to improving the enforcement of existing rules.

Expertise

The majority of respondents see the added value of the EU in its expertise in several areas. They stress that it has developed tools to manage maritime activities better, promote sustainable growth and protect the marine environment. In particular, they mention EU maritime policy, the Marine Strategy Framework Directive, the Maritime Spatial Planning Directive and the reformed common fisheries policy.

Cooperation with non-EU partners

Several contributors acknowledge that developing countries may lack the capacity to ensure the proper application of existing agreements and the sustainable development of their maritime activities. They call on the EU to cooperate closely with developing countries and provide them with the expertise fully to seize ocean-related opportunities and participate in international and regional fora.

A few respondents mention the need for cooperation with neighbouring countries on oceans and maritime activities. They consider that the EU neighbourhood policy could be useful in this area.

5. CONCLUSION

The consultation process including the listening tour broadly confirmed the assessment that action on international ocean governance needs to be more robust and more coherent. The Commission has fed the findings into its ocean governance initiative.

The contributions confirm that there are gaps in international ocean governance that need to be addressed, including through better implementation, more support for developing countries, the closing of legal gaps and improved coordination.

They also points to continued need for more and better research.The Ocean Governance Communication takes these views into account, both in the analysis of the state of play on international ocean governance, and in its set of proposed actions.

The Commission has therefore proposed 14 actions to address the issues raised by stakeholders in three priority areas. In particular:

- The call for better implementation and coordination of the international and regional ocean governance framework is reflected in actions 1, 2 and 3 of the Joint communication. Action 1 also aims at addressing legal gaps.
- Cooperation with third countries is reflected in most actions, and notably in actions 3, 4, 13 and 14.
- Actions 6 to 11 attempt to reduce pressure on oceans, which was highlighted by several stakeholders.
- Actions 12, 13 and 14 intend to strengthen international ocean research and data.

The actions set out in the Joint Communication are integral to the EU's response to the 2030 Agenda, and notably SDG 14 and related SDGs, in line with the call for action from respondents, on the basis of these agreed commitments.

ANNEX: LIST OF ACRONYMS

ABNJ: area beyond national jurisdiction

BBNJ: biological diversity in ABNJ

CBD: Convention on Biological Diversity

UN DOALOS: UN Division for Ocean Affairs and the Law of the Sea

EMODnet: European Marine Observation and Data Network

FAO: UN Food and Agriculture Organisation

GFCM: General Fisheries Commission for the Mediterranean

HELCOM: Baltic Marine Environment Protection Commission (also known as the Helsinki Commission)

ICES: International Council for the Exploration of the Sea

IMO: International Maritime Organisation

ISA: International Seabed Authority

IUU fishing: illegal, unregulated and unreported fishing

NEAFC: North-East Atlantic Fisheries Commission

OSPAR: Convention for the Protection of the Marine Environment of the North-East Atlantic

PSMA: Port State Measures Agreement and flag state performance

RFMO: regional fisheries management organisation

RSC: regional seas convention

SDG: sustainable development goal

UNEP/MAP: UN Environment Programme/Mediterranean Action Plan

UNESCO: UN Educational, Scientific and Cultural Organisation