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Monitoring, control and surveillance: A key tool for the conservation and the sustainable use of the marine environment

Authors

Klaudija Cremers

Senior Research Fellow, International Ocean Governance

Morgane Bouvet

Research Fellow, International Marine Policy

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Longstanding human activities in the high seas are intensifying, such as fishing and shipping, and novel activities are developing (e.g. bioprospecting and seabed mining). In order to ensure that the marine environment is used in an environmentally sustainable manner, States use monitoring, control and surveillance (MCS) tools (such as onboard observers, coast guards, logbooks and satellite imagery with new technologies continuously under development) to keep an eye on human activities and for compliance and enforcement actions. Strengthening MCS is a key way to assure the effective management of the deep and distant waters of marine areas beyond national jurisdiction (ABNJ) where vessels can violate various international, regional and national regulations. IDDRI's recent workshop on the subject, organised in the context of the [STRONG High Seas project](#), explored the challenges of MCS in ABNJ in Western Africa, and identified some key pathways to overcome these.

The high seas are characterised by a fragmented governance framework with on the one hand a great variety of sector-based international organisations and conventions that often manage the same area while on the other hand there are governance gaps with not all regions or human activities being regulated.¹ In ABNJ, flag States are responsible for controlling the vessels flying their flag, but they are not always willing or capable to conduct MCS activities. In many regions, MCS capacity is limited by a lack of staff with expertise in this domain and a lack of resources to analyse data; thus, the focus is on nearshore areas.²

The negotiations for the development of a legally binding instrument on high seas biodiversity (BBNJ negotiations) provide an opportunity to strengthen MCS in ABNJ.³ This is especially relevant in the context of area-based management tools (ABMTs) including marine protected areas (MPAs). The international community has made various commitments to establish a network of MPAs, including targets to cover a significant percentage of the ocean.⁴ The new treaty aims to create a global mechanism to establish MPAs beyond national jurisdictions, while coordinating the use of area-based management tools already available to existing management organisations.⁵ Negotiators may wish to include the requirement of submitting a MCS strategy when submitting MPA proposals to anticipate implementation issues and to avoid “paper parks” without real protection on the water.⁶

Another way in which States can strengthen MCS is by enhancing regional cooperation and coordination (e.g. joint patrol activities or data sharing).⁷ In the national waters off the coast of Western Africa, the lack of cross-sectoral coordination has led to pressures on resources and conflicts between different users of the marine space. Illegal fishing is a major concern in the region, accounting for about 65% of the legal reported catches.⁸ The economic losses of weak MCS frameworks are estimated at 2.3 billion USD annually, with only 13 million USD recovered through effective MCS.⁹ Even though most States in the region have limited capacity to access and explore ABNJ adjacent to their EEZ,¹⁰ effective governance of ABNJ is crucial as coastal livelihoods are affected by activities taking place in the high seas.

In order to improve coordination and cooperation around MCS in the region and in the context of the [STRONG High Seas project](#), IDDRI organised a two-day interactive virtual workshop on May 5-6, 2021, with the Secretariat of the [Abidjan Convention](#). The workshop gathered around 45 representatives from the Coastguard, Navy, Ministry of Fisheries, Ministry of Transport and others involved with MCS activities in West African countries, and provided an opportunity for them to exchange on the subject.

Participants discussed the key challenges they experience in the Western African region, and pathways towards effective MCS. This allowed discussions on aspects rarely discussed, such as the language barrier which prevents the correct flow of information between relevant stakeholders. States have limited resources, and participants highlighted the fact that their respective exclusive economic zones (EEZ) are poorly managed; focusing on ANBJ was therefore less of a priority.

The workshop also focused on the role regional ports can play in MCS of human activities in ABNJ. Whereas flag States are responsible for the enforcement of maritime laws on the high seas, port States can play a key role in the MCS of vessels that have conducted illegal activities in both national and international waters in case flag States fail to meet their commitments. Port State control of foreign ships in West African ports has become increasingly efficient. However, the projected increase of human activities in ABNJ in the region and the BBNJ negotiations calls for a re-evaluation of the role of ports and coastal States in the MCS of these activities.

In this context, participants discussed the 2016 FAO Port State Measure Agreement (PSMA)¹¹ and its application in the region. In the Gulf of Guinea, for example, all countries except Guinea Bisseau signed the agreement and are in the process of implementing it. However, participants highlighted that poor cross-sectoral coordination and weak information sharing are a major obstacle to the effective implementation of the PSMA, both at national and regional

levels.

Key recommendations for robust MCS in the region include:

- **Improving information-sharing**, through efficient data collection frameworks at the national level and robust knowledge sharing platforms at the regional level;
- **Harmonising legislations and sanctions**, both within States (inter-institutional) and among Western African States;
- **Addressing the lack of capacity** at different scales, with adequate resources and qualified staff;
- **Enhancing cross-sectoral coordination** at the regional and international level.

The workshop provided key insights on how increased regional cooperation can strengthen the [MCS capacity of States](#), such as the recent launch of a MCS regional center to support operational cooperation, improve communication and build capacity in the Gulf of Guinea to tackle Illegal, Unreported and Unregulated (IUU) fishing. In general it should be noted that there are many initiatives by both States and non-State actors to improve MCS in the West African region, but most focus on national waters. Future efforts in the region could focus on strengthening the MCS of human activities in ABNJ, including new emerging activities such as bioprospecting and seabed mining.

¹ Wright, G., Rochette, J., Gjerde, K., Seeger, I. (2018). The long and winding road: negotiating a treaty for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. IDDRI, Studies N°08/18, 82 p.

² Cremers, K., Wright, G., Rochette, J., "Strengthening Monitoring, Control and Surveillance in Areas Beyond National Jurisdiction", STRONG High Seas Project, 2020.

³

<https://www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20iddri/Autre%20Publication/Briefing%20for%20negotiators%20on%20Strengthening%20MCS%20in%20the%20Gulf%20of%20Guinea>

⁴ The Conference of the Parties (COP) of the Convention on Biological Diversity (CBD) is negotiating the content of a Post-2020 Global Biodiversity Framework. One of the key targets of the zero draft is the creation of a protected area system covering 30% of the planet by 2030. See Schumm R., Rochette J., Rankovic A. (2021). Giving greater attention to the ocean in the development and implementation of the Post-2020 Global Biodiversity Framework. IDDRI, Study N°04/21

⁵ Cremers, K., Rochette, J., Wright, G., Gjerde, K., Harden-Davies, H. (2020). A preliminary analysis of the draft high seas biodiversity treaty. IDDRI, Study N°01/20. Several international organisations have established ABMTs and MPAs in ABNJ, but these are only binding on Parties, or on other States or bodies on a voluntary basis and only apply to a limited number of activities (Wright et al., 2018).

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<https://www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20iddri/Autre%20Publication/Briefing%20for%20negotiators%20on%20Strengthening%20MCS%20in%20the%20Gulf%20of%20Guinea>

⁷ Cremers, K., Wright, G., Rochette, J. (2020). "Options for Strengthening Monitoring, Control and Surveillance of Human Activities in the Southeast Pacific Region", STRONG High Seas Project.

⁸ Doumbouya, A. et al. (2017). 'Assessing the Effectiveness of Monitoring Control and Surveillance of Illegal Fishing: The Case of West Africa', Frontiers in Marine Science. Frontiers Media S. A, 4(MAR). doi: 10.3389/ fmars.2017.00050.

⁹ Ibid

¹⁰ Five of the 22 States in the Abidjan Convention region are active in ABNJ with most fishing resources being caught by European (France and Spain) and Asian (Japan and Taiwan) vessels. See: Spiteri C., Senechal T., Hazin C., Hampton S., Greyling L., Boteler, B. (2021). 'Study on the Socio-Economic Importance of Areas Beyond National Jurisdiction in the Southeast Atlantic Region', STRONG High Seas Project.

¹¹ Legally binding instrument aiming at deterring IUU fishing by preventing the access to ports for vessels suspected of engaging in illegal activities, see: <http://www.fao.org/port-state-measures/en/> .