

# IMLI<sup>e</sup>-News

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## EUROPEAN COMMISSIONER FOR MARITIME AFFAIRS AND FISHERIES VISITS IMLI

The Institute had the pleasure of welcoming Mr. Karmenu Vella, the Commissioner for Maritime Affairs and Fisheries, European Commission, on Thursday, 3 February. Mr. Vella was met on his arrival by Professor David Attard (Director of IMLI), who introduced him to the IMLI Class of 2015-2016.



*Professor David Attard (Director of IMLI) and Mr. Karmenu Vella (The European Commissioner for Maritime Affairs and Fisheries) with the IMLI Class of 2015-2016*

Professor Attard expressed his pleasure at Commissioner Vella's visit to the Institute. He noted Commissioner Vella's dedication and attention to maritime affairs, most notably in ocean governance. Professor Attard praised the Commissioner's active involvement in increasing global awareness of the importance of ocean governance.



*L-R: Mr. Louis Mbanefo (Member of IMLI Governing Board and President of the Nigerian Maritime Law Association), Mr. Karmenu Vella (The European Commissioner for Maritime Affairs and Fisheries) and Professor David Attard (Director of IMLI)*

Commissioner Vella, in his speech, emphasized the urgency and importance of international ocean governance, which featured high in his agenda.

He stated that oceans are fundamental for global climate regulation, trade, food, security, energy, sustainable development and tourism. He is concerned that emerging issues and threats, such as global maritime security, illegal fishing, marine litter and global competition for marine mineral

resource would deteriorate the sustainability of the oceans and its resources. Therefore, he stated further that international community should share the responsibility of protecting and managing the oceans, which can be addressed effectively by the implementation of a clear and comprehensive ocean governance framework at both regional and global level.

His speech is recaptured below:

Dear Professor Attard,

Ladies and gentlemen,

Thank you for inviting me. It is indeed a pleasure for me to be with you here today.

As experts on International Maritime Law, you might know that international ocean governance is high on my agenda.

Why? Because our oceans are under pressure. These pressures know no borders. And they are expected to increase. Faced with pollution, climate change, overexploitation, we, the international community, have a shared responsibility to protect our seas. We have a shared responsibility to manage them sustainably. That is why we need a sound ocean governance framework. Not just at EU level, but also at regional and global level.

*But does today's ocean governance framework deliver?*

Last year we asked our partners, in Europe and around the globe, for their views. And nearly all replied saying that *the current international ocean governance is not sufficiently effective*.

This is *not* necessarily because we don't have the right legal framework. Instead, it is often a case of inefficient implementation and insufficient coordination.

We, the international community, can put this right - together. But it requires action. Let me give you three examples:

- Firstly, we need to strengthen existing bodies, like Regional Fisheries Management Organisations – RFMOs.
- Secondly, we need to ratify and properly implement existing agreements.
- And thirdly, we need to fill ocean governance gaps.

**RFMOs** have proven very useful in managing fisheries resources in high seas. But while some provide good results, others need to catch up. The EU is working hard to improve the performance of RFMOs across the board – but we need other Contracting Parties to support us.

We need to discuss how we deal with high seas fisheries in the Arctic. This discussion should involve all key actors, including the EU. Maybe one day it will even lead to the creation of an Arctic RFMO! In any case, for the EU, commercial fisheries in the Arctic should not begin before a science-based and precautionary management regime is in place.

Sometimes the international community has developed tools for ocean governance, but until they are widely ratified, they cannot unfold their full effect.

UNCLOS, for example, has been ratified by 167 States. As a result, most of its provisions are today considered as customary international law.

On the other hand, the 1995 UN Fish Stocks Agreement has been ratified by only 81 States. And, so far, only 19 States and the EU have ratified the FAO Port State Measures Agreement. But 25 ratifications are required for it to enter into force! And we need this agreement in force, urgently: to harmonise port State measures, enhance international cooperation and prevent illegally caught fish from entering the market. And we need this agreement to be implemented.

The Conventions adopted by the International Maritime Organisation (IMO) are a key part of the ocean governance framework. But, like other agreements, they only become meaningful when ratified and implemented effectively and universally. Examples of treaties which are still to enter into force include the 2004 Ballast Water Management Convention and the Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea. These will both play a role when it comes to protecting the marine environment.

Furthermore, the issue of updating older Convention texts should continue to be addressed, which may also help ensure full ratification and implementation. An example is the ongoing comprehensive review of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). Besides addressing safety of life issues during fishing operations, it also has the aim of minimising potential threats to the safety of navigation and to the marine environment.

We think all States should become party to such important instruments. Why? Because all States should play by the same global rules.

For all the **existing instruments** that we have, there are still gaps that need to be filled. The EU is already working on some of these. For instance, we are committed to developing an UNCLOS implementing agreement for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. As you know, in 2018 the UN General Assembly will decide whether to convene an Intergovernmental Conference on this topic. We need to make sure we have developed a common understanding on all the relevant issues by then.

Ladies and gentlemen,

International ocean governance needs to be strengthened, but there is no need to start from scratch. We need an upgrade, not a redesign. I hope that we can count on you and your legal expertise in this important work.

Thank you.

In an interview with the IMLI e-news Editor following his speech, Commissioner Vella noted the Institute's role in training specialists in International Maritime Law. He noted further that IMLI has world-widely recognized as a leading institute, developing and disseminating knowledge and expertise in this area including marine environmental law. He commented the role of the Institute which has played in pioneering learning and research on ocean governance.

He encouraged IMLI students *"to accelerate the promotion and implementation of ocean governance from regional to global level"*.

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*\* Photo No.1 courtesy of MatthewMirabelli Photography*

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