



WEBINAR

Fisheries Subsidies that Contribute to Overcapacity and Overfishing:

A Review of Key Concepts and Data

Friday, March 3, 2023

2:00 p.m. to 5:00 p.m. CET





Disciplines on Overcapacity and Overfishing:

A reminder of key concepts



International Institute for
Sustainable Development

Maritime areas

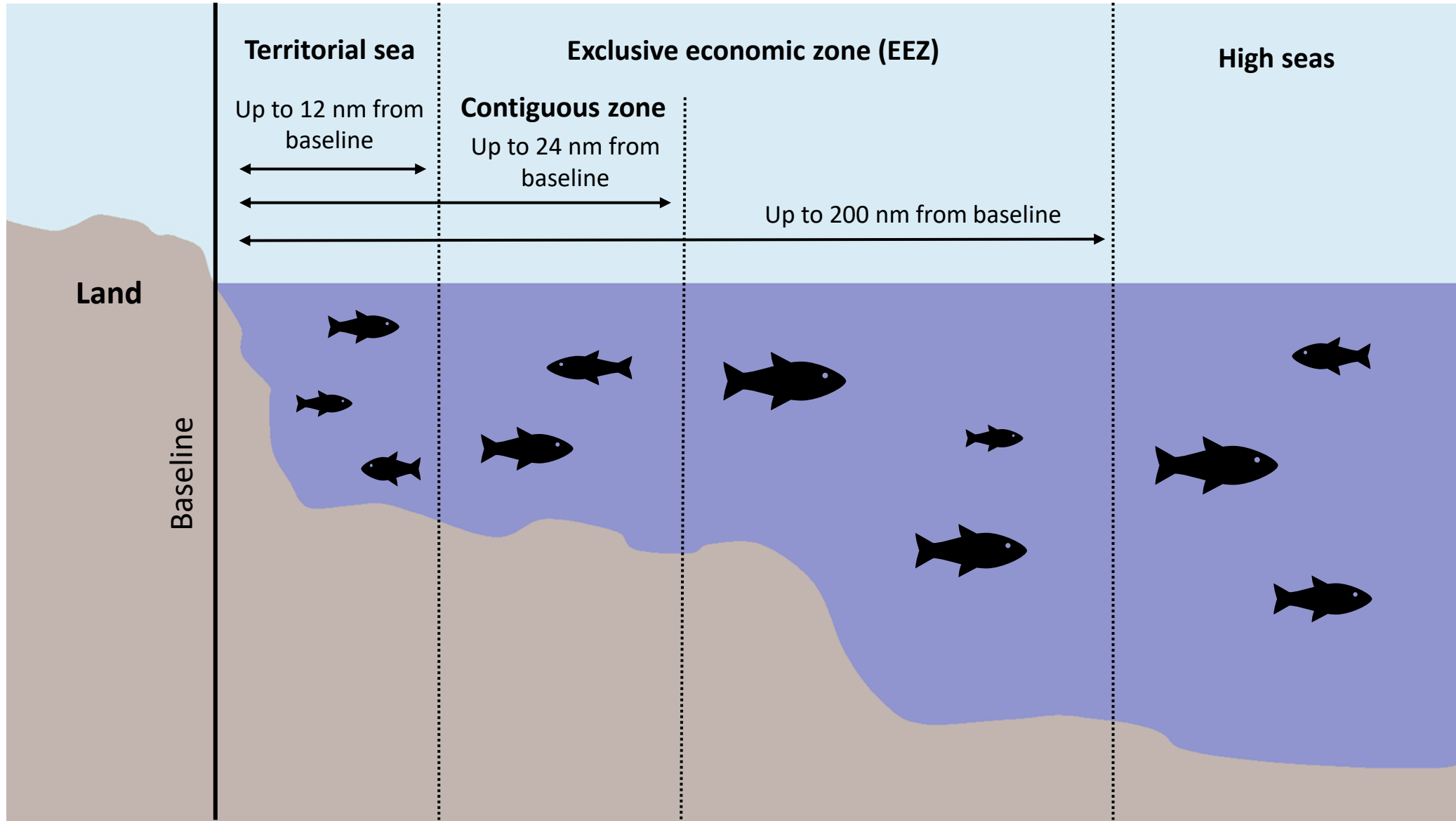
Territorial sea (UNCLOS Articles 3-16): The area of water extending at most **12 nautical miles** from the baseline of a coastal state (usually the low-water line of the open coasts), and over which the coastal state exercises **full control**, except for the innocent passage of foreign vessels.

Contiguous zone (UNCLOS Article 3-16): The area of water extending at most **24 nautical miles** from the baseline of a coastal state (usually the low-water line of the open coasts), and over which a state can exert **limited control** for the purpose of preventing or punishing infringement of its customs, fiscal, immigration or sanitary laws and regulations.

Exclusive economic zone (EEZ; UNCLOS Articles 55-75): The area of water extending at most **200 nautical miles** from the baseline of a coastal state (usually the low-water line of the open coast), and within which the coastal State has **sovereign rights** regarding the exploration, exploitation, conservation and management of **natural resources**, and the obligation to manage those resources sustainably, with reference to maximum sustainable yield.

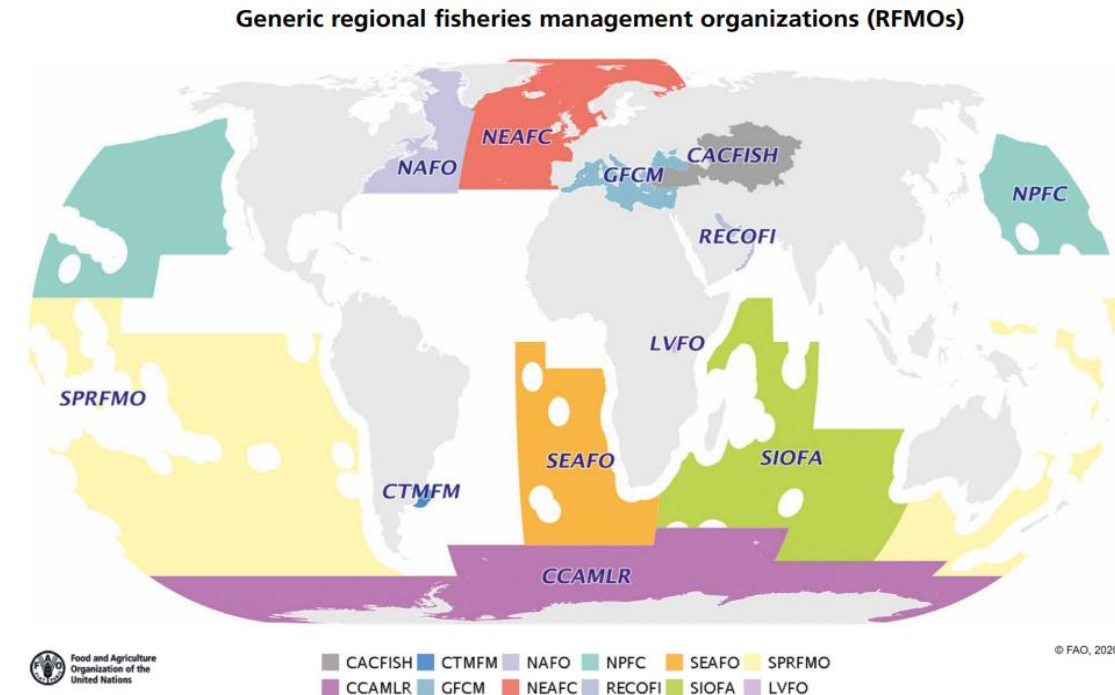
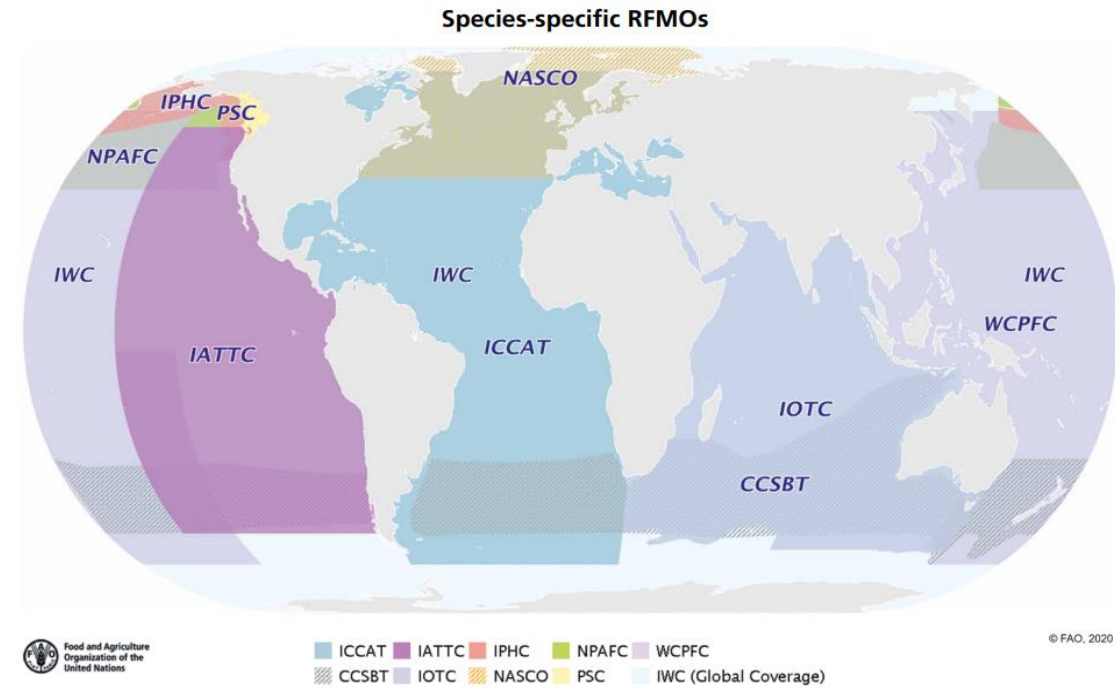
Areas beyond national jurisdiction (ABNJ, also called high seas, or international waters): All areas of the sea that are not included in the internal waters, the territorial sea, or the EEZ of a state, and over which **no particular state has jurisdiction**. For specific fishing rules to apply in these areas, states must cooperate.

Maritime areas



RFMO/As

- Regional Fisheries Management Organizations or Arrangements (RFMO/As) are agreements among states to manage shared marine resources.
- Some govern only certain species (e.g. tuna RFMOs), while others cover all species in a geographic area (e.g. CCAMLR)
- Governments have agreed to give different RFMO/As different roles. Under some, states agree to strict conservation measures (e.g. catch limits for certain species). Under other RFMO/As, governments have agreed to less strict measures.
- Most high seas fishing is covered under an RFMO/A:
 - Most commercially valuable stocks covered almost everywhere
 - Generic RFMOs also cover most of the high seas



Overcapacity and overfishing

Overcapacity

Fishing capacity is the amount of fish or fishing effort that a fleet can produce within a given period, if fully utilised. Various indicators can be used (e.g. number of boats, engine power).

Overcapacity is a situation where fishing capacity exceeds the level required to sustainably achieve the desired management objective (often a given amount of catch, MSY).

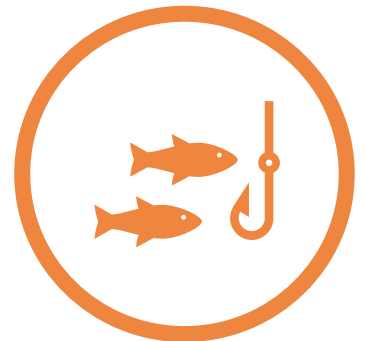
Put simply: *A fleet is too big and has the ability to catch too many fish.*



Overfishing

A situation where, for a given fish stock, the amount of fish caught is excessive in relation to the stock's biomass and its reproduction rate, so that the desired management objective (often a given amount of catch, MSY) cannot be achieved or maintained sustainably.

Put simply: *Too many fish are being caught.*



Overfished stocks

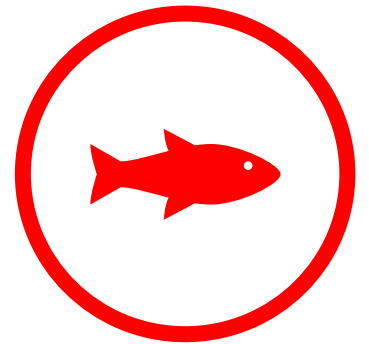
Overfished stock

A fish stock that has been fished beyond a set limit below which its biomass – i.e. the quantity of fish in the water – is considered too low (often in relation to the level that can produce MSY).

Put simply: *there are too few fish left.*



When too many fish are caught (there is overcapacity, and overfishing is occurring) for too long, it leads to a stock being in an overfished condition, meaning its absolute level is too low.



MSY and other reference points

Maximum sustainable yield (MSY)

The maximum sustainable yield (MSY) is the maximum amount of catch that can be continuously taken from a fish stock for an indefinite period under constant environmental conditions.

Used to derive reference points commonly used in fisheries management:

- F_{msy} : the fishing mortality allowing to produce MSY in the long term → Used to determine if overfishing is occurring
- B_{msy} : the level of biomass that can produce MSY. Or a proportion of B_{msy} . → Used to determine if a stock is in an overfished condition

Other reference points

In WTO negotiations on fisheries subsidies, some members have highlighted that there are circumstances where MSY-based reference points can be difficult to use because they have significant data requirements.

Footnote 11 thus explicitly allows coastal members to use “other reference points, commensurate with the data available for the fishery” to determine what is the sustainable level is for a stock. The same approach was envisaged for the management exemption from the prohibition of subsidies that contribute to overfishing and overcapacity.

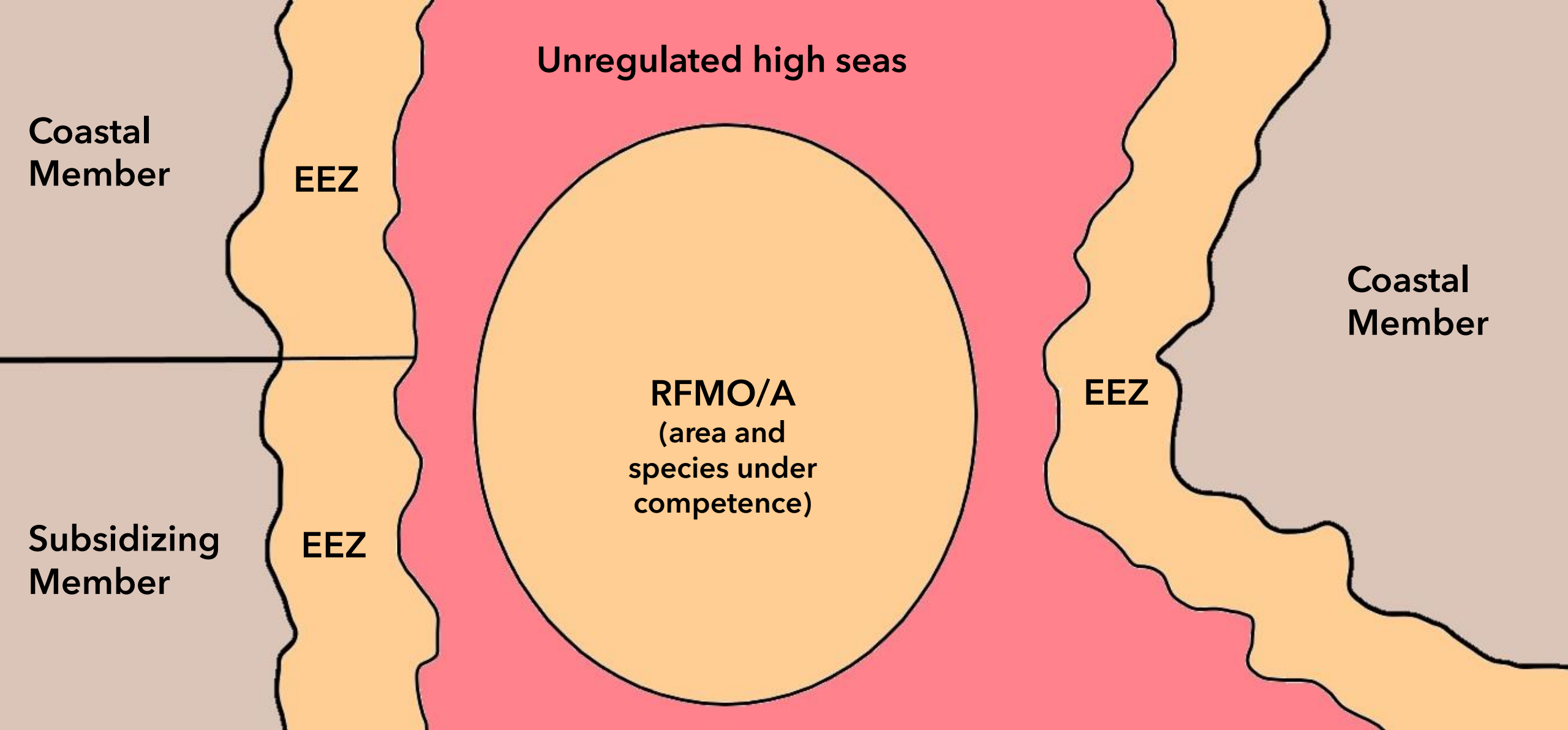
A word on where we are

The Fisheries Subsidies Agreement establishes framework for rules + deals with “red light” situations

- Cases of IUU fishing
- Fishing where stocks are declared to be overfished
- Fishing on high seas outside the competence of an RFMO

What is left? “orange light” situations:

- Subsidies to fishing **in EEZs (domestic and foreign)** and fishing within **the competence of RFMOs**, when fish stocks are not overfished and there is no determination of IUU fishing



All subsidies are prohibited



Subsidies only prohibited **when**:

- A valid **IUU** determination is made
- A stock is recognized as **overfished**



If that is not the case, subsidies that contribute to overfishing and overcapacity can still be provided

Thank you!

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