



4TH GLOBAL CONFERENCE ON OCEANS, COASTS, AND ISLANDS

Organization of Working Group on Compliance and Enforcement



POLICY BRIEF ON COMPLIANCE AND ENFORCEMENT



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Global Forum on Oceans, Coasts, and Islands--Strategic Oceans Planning to 2016

The Global forum on Oceans, Coasts, and Islands has undertaken a strategic planning effort for the period 2006-2016 to develop policy recommendations for specific next steps needed to advance the global oceans agenda aimed at governments, UN agencies, NGOs, industry, and scientific groups. To this effect, Working Groups have been organized around 12 major topic areas related to the global oceans commitments made at the 2002 World Summit on Sustainable Development and to emerging issues facing the global oceans community.

The Working Groups have been organized and coordinated by the Global Forum Secretariat, under the direction of Dr. Biliانا Cicin-Sain, Co-Chair and Head of Secretariat, Global Forum on Oceans, Coasts, and Islands, and involving the following staff from the Gerard J. Mangone Center for Marine Policy, University of Delaware: Miriam Balgos, Kateryna Wowk, Caitlin Snyder, Shelby Hockenberry, and Kathleen McCole.

Working Group on Compliance and Enforcement

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Global Forum on Oceans, Coasts, and Islands
Working Group on Compliance and Enforcement

Policy Brief:
Compliance and Enforcement

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Foreword

While the international community has made significant strides in developing agreements, rules, and regulations to improve ocean and coastal management, compliance and enforcement of these instruments often lags. This is true at the international, national, and sub-national levels. This is due variously to insufficient institutional mechanisms and mandates, capacity, and political will. Improving compliance and enforcement of ocean and coastal management, then, requires a range of initiatives. These include developing and strengthening compliance mechanisms at the international level, as well as enhancing national and sub-national capacity to implement and enforce. The approaches will necessarily include a suite of regulatory and nonregulatory mechanisms (including incentives, planning, and information-based approaches).

Compliance and enforcement is an important topic that is relevant to all the issues discussed at the 4th Global Conference on Oceans, Coasts, and Islands. The Global Forum Secretariat is in the process of mobilizing a Working Group to address compliance and enforcement. We are grateful to the efforts of Carl Bruch, Kathryn Mengerink, Fuensanta Candela-Castillo and Daniela Chitu to develop this policy brief, as well as advance the development of the Working Group.

Biliana Cicin-Sain
Global Forum on Oceans, Coasts, and Islands

POLICY BRIEF:

OCEAN COMPLIANCE AND ENFORCEMENT

Compliance and enforcement cut across all ocean and coastal management sectors. This policy brief considers challenges, actions, options for improving ocean compliance and enforcement at the national, regional, and international levels.

Overview of General Status and Trends

Major Challenges

Over the past several decades, a number of national laws and multilateral environmental agreements (MEAs) have been adopted to promote the sustainable management of marine and coastal resources. Unfortunately, the effectiveness of these laws and MEAs is frequently limited by poor implementation and insufficient enforcement necessary to ensure compliance. Many parties to these agreements have limited technical, financial, and personnel capacity, lack political will, and face other pressing priorities, making it difficult for them to fully implement each agreement. In addition, lack of compliance and enforcement in some nations in turn makes it politically difficult for other nations to enforce against their own citizens. Without effective compliance and enforcement, these laws and MEAs can do little to conserve ocean and coastal ecosystems or ensure sustainable use of resources.

The legal and regulatory framework governing the marine environment relies on international, regional, and national laws and institutions. However, in most instances relating to ocean resources, enforcement occurs at the national level—including enforcement on land, within a nation’s exclusive economic zone, or enforcement of vessels registered to a particular nation. There are few effective regional or international institutions for enforcing legal frameworks governing ocean and coastal resources.

Regulation of activities taking place on the high seas is problematic, as not all nations adhere to international treaties regulating this area. In instances where vessels are registered to uncooperative nations and act in contravention to governing treaties, their activities may not violate international laws but are rather “unregulated,” a critical challenge facing international ocean law.

At-sea enforcement is particularly difficult due to the vast space, challenging conditions, difficulties in detection, lack of clear enforcement mandate (especially on the high seas), and expensive equipment needed to conduct enforcement operations. Dockside or onshore enforcement may be comparatively less expensive and easier to conduct, but experience has shown that these measures alone cannot achieve effective compliance. The nature of ocean resources and the human activities conducted at sea make it necessary for nations and individuals to cooperate in order to improve ocean compliance and enforcement.

Remote Marine Protected Areas: An Example of the Challenges and Opportunities

A rough estimation suggests that only a limited number of islands (likely well less than 100 of the thousands across the Pacific) still support large and healthy shark populations. In the Central Pacific, remote islands that are largely uninhabited still have relatively intact ecosystems. Many of these islands are formally designated as protected areas where fishing is not allowed. For example, within the island nation of Kiribati, the uninhabited islands of the southern Line Islands are protected as Kiribati Wildlife Sanctuaries, and the Phoenix Islands have just been granted protection as the Phoenix Islands Protected Area.¹ Among United States protections in the Pacific, islands are variously protected as US Fish and Wildlife Refuges, National Monuments, and other designations.² Despite these legal protections, the remote nature of the islands makes it difficult to rigorously enforce against illicit fishing operations.

Legal fishing operations often take place in the EEZ and high seas waters abutting these remote reefs. Fishing vessels are principally part of the Pacific tuna fleets and are flagged by various states. Anecdotal reports suggest that some of the longline vessels occasionally come closer to shore during the night to set lines to catch reef sharks. Only the fins are collected and are sold at home ports providing additional, illicit income for the captain and crew. By operating at night, the vessels avoid detection by airplane-based monitoring programs, while their daytime, open-ocean fishing activities are legal and permitted. Because of the slow growth of shark populations, these removals have dramatic impacts on the population dynamics of protected sharks.

Technological advances in remote sensing may provide the best opportunity to enforce management measures on these remote reefs. One approach would be to employ underwater acoustic receivers to 'listen' for sounds characteristic of nearshore boating and fishing activity. For example, repeated engagement and disengagement of engines is characteristic of deployment and retrieval of longline fishing gear. A transmitter attached to such an acoustic receiver can send a signal when characteristic sounds are detected. A second candidate approach would employ satellites or unmanned drones to image reef areas documenting the presence of fishing vessels in shallow reef areas. Other novel technologies may be available to detect spatial infractions around protected reef areas and to notify authorities. Small island developing states (SIDS) would likely need technical and financial assistance in deploying and utilizing these technologies.

The detection of infracting vessels is notably only one step in ensuring compliance and enforcing conservation measures on remote reefs. Of critical importance is establishment of approaches to track illegally operating vessels and punish responsible parties either at sea or when the vessels reach their destination ports.

One of the greatest challenges for international and multilateral approaches to vessel-based ocean activities—e.g., commercial shipping and fishing—is the issue of flags of convenience. Flags of convenience vessels circumvent existing management regimes and regulations by registering with states not party to management arrangements or those that fail to adequately enforce existing obligations. These, so called flags of convenience serve as loopholes for evading necessary controls. For example, commercial vessels may seek to avoid the costs of compliance by registering with countries that have minimal pollutant discharge regulations or minimal enforcement of existing laws.³ Similarly fishing vessels may register with countries that are not party to regional fishery management organizations to circumvent these multilateral regulatory frameworks—a problem that is exacerbated by fishing fleet overcapacity (another challenge to compliance).⁴

¹ See Phoenix Islands Protected Area, <http://www.phoenixislands.org>.

² U.S. Fish & Wildlife Service, Pacific Islands, <http://www.fws.gov/pacificislands>.

³ U.S. ENVIRONMENTAL PROTECTION AGENCY, CRUISE SHIP WHITE PAPER (August 22, 2000), http://www.epa.gov/owow/oceans/cruise_ships/white_paper.pdf.

⁴ See, e.g., Rome Declaration on Illegal, Unreported and Unregulated Fishing (Mar. 12, 2005), "[r]ecognizing that there is often a relationship between fleet overcapacity and IUU fishing and

Land-Based Marine Pollution: Compliance and Enforcement Challenges

International and multilateral agreements that attempt to address land based sources of marine pollution and include the following:

- United Nations Convention on the Law of the Sea, Articles 207 and 213
- Agenda 21 of the United Nations Conference on Environment and Development
- The Global Programme of Action for the Protection of the Marine-Environment from Land-Based Activities (GAP); and
- UN Millennium Goals.

Complicating the ability to address transboundary land-based marine pollution is the difficulty of identifying pollution from nonpoint and atmospheric sources. Inability to easily identify violations prevents governments from determining responsibility, extracting payments, and enforcing compliance. Furthermore, the need for compliance may be masked by the lack of mechanisms to value the full set of ecosystem services affected rather than just the more easily measured cash values generated by destructive activities. Also, environmental impacts may seem small and inconsequential for individual actors but cause major changes to ecosystems in the aggregate.⁵ Fragmented management systems and the number of distinct stakeholders and sectors responsible for polluting further complicates attempts at addressing compliance and enforcement of land based marine pollution. Additionally, financial constraints, such as cost of appropriate infrastructure facilities and equipment, and the potential implications for local livelihoods, serve as obstacles to compliance and enforcement. This is especially true in Small Island Developing States (SIDS), where marine degradation can be acutely felt, and resources for addressing land-based pollution are limited.⁶

Another major obstacle to effective compliance and enforcement—and perhaps underlying some open-access countries’ lack of enforcement—is the cost of attaining compliance through enforcement and other means in comparison to the value of the resource to a country’s economy. For some countries that do not have substantial fisheries or commercial shipping operations, the value of the resource lies in vessel registration fees and access permits. In the absence of international pressure, such as trade sanctions used by the International Commission for Conservation of Atlantic Tuna, open access countries have little financial incentive to change registration and enforcement policies.

Vessel Pollution: Compliance and Enforcement Challenges

The International Maritime Organization (IMO), an agency of the United Nations, is the central governing body that deals with issues of vessel pollution. Several key conventions established by the IMO constitute the core legal framework governing vessel pollutants. These include: International Convention for the Prevention of Pollution from Ships (MARPOL), 1973/78, the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990, and the International Convention for Safety at Sea (SOLAS), 1974.⁷ Other international, regional and national agreements exist to address vessel pollution as well.

The most common violations are the result of discharge of waste through bypass equipment, false

acknowledging the economic incentives that drive these phenomena.”

⁵ http://www.gpa.unep.org/documents/2006_npa_handbook_for_english.pdf, at p. 16.

⁶ Arwen L Edsall, *Integrating Watershed and Coastal Resource Management: Wider Caribbean* (2007) http://www.csc.noaa.gov/cz/2007/Coastal_Zone_07_Proceedings/PDFs/Poster_Abstracts/3452.Edsall.pdf.

⁷ *Prevention of Marine Pollution Conventions*. www.imo.org.

records, repeated tampering with monitoring system, discharge of bilge waste and sludge through bypass equipment, and obstruction of investigations.⁸ The estimated operational oil discharge from compliant tankers is 34 tons per year, and the estimated operational oil discharge from non-compliant tankers is 1,129 tons per year.⁹ Worldwide it is estimated that 85 percent of commercial vessels and 70 percent of other vessels are compliant with MARPOL regulations on bilge oil discharge.¹⁰ Compliance rates for fuel oil sludge discharge regulation is assumed to be at 95 percent for tankers with 18,400 tons of discharge per year, and 85 percent for non-tankers with sludge discharge of 237,299 tons per year.¹¹

Technical tools can aid in enforcement and achieve compliance. For example, tamper-resistant recording systems, alarms, and printouts to verify equipment operation, valve position, flow, incineration, and ship's position can ease the challenges of vessel pollution enforcement.¹² Vessel monitoring systems (VMS), remote sensing, database systems, and technical assistance programs help to achieve compliance and enforcement in fisheries, as well as with respect to illegal discharges and dumping. However, in many cases, technological disparities (including the lack of internet access) hinder the dissemination of information to countries and fishing communities, preventing optimal implementation of policies. While new technologies can be expensive, over time these costs may drop and provide more inexpensive means to conduct monitoring, surveillance, and enforcement operations. However, many developing countries are likely to require technical, financial, and personnel assistance in deploying and utilizing these technologies to improve compliance and enforcement.

Goals and Options: Increasing Compliance with and Enforcement of Ocean Law and Policy

This section highlights nine key goals for improving ocean compliance and enforcement, as well as some options for achieving those goals.

Goal 1: Increase international support for existing international and multilateral instruments that seek to increase compliance with ocean laws and policies.

Increasing international support for existing instruments is essential to improving ocean compliance and enforcement. It is necessary to expand the number of countries that are party to the relevant agreements. Increased political and financial support are also essential. Options for achieving this goal include:

- Expanding accession to the High Seas Compliance Agreement.
- Strengthening the Straddling Stocks Agreement.

⁸ Intertanko, *Criminal Vessel Enforcement*. March 21, 2005.

www.intertanko.com/upload/presentations/INTERTANKOLESSPHOTOS.UDELL.PPT.

⁹ Committee on Oil in the Sea: Inputs, Fates, and Effects, National Research Council. *Oil in the Sea III: Inputs, Effects and Fates*, 2003. http://books.nap.edu/openbook.php?record_id=10388&page=208.

¹⁰ Committee on Oil in the Sea: Inputs, Fates, and Effects, National Research Council. *Oil in the Sea III: Inputs, Effects and Fates*, 2003. http://books.nap.edu/openbook.php?record_id=10388&page=210.

¹¹ Committee on Oil in the Sea: Inputs, Fates, and Effects, National Research Council. *Oil in the Sea III: Inputs, Effects and Fates*, 2003. http://books.nap.edu/openbook.php?record_id=10388&page=210.

¹² The Shipping Industry's Guide to Oily Water Separators (2006), <http://www.marisec.org/ows/OILYWATER6pp.pdf>.

- Expanding non-party implementation of the treaties and resolutions adopted by regional fishery management organizations.
- Encouraging states to develop national plans of action to prevent, deter, and eliminate IUU fishing.

Goal 2: Strengthen flag state control over registered vessels.

In the last two decades, international and multilateral bodies have taken several approaches to addressing IUU fishing from developing action plans to calling upon state parties to take trade restrictive measures against vessels registered to states that are not in compliance with regional agreements.¹³ However, flag-of-convenience vessels continue to undermine multilateral efforts to conserve increasingly limited resources.

Potential approaches to strengthening flag state control include:

- Expanding accession to the High Seas Compliance Agreement.
- Building support for a common definition of “genuine link” that is adopted in practice to provide the basis for a definition accepted as customary international law. Article 91 of the United Nations Convention on the Law of the Sea provides the key legal language to address flag of convenience countries. It requires that a “genuine link” exist between the vessel and the country of registry. However, “genuine link” is not defined by UNCLOS, and there is not agreement among states as the definition “genuine link.”
- Encourage states to have a centralized VMS receiving station in multilateral fisheries to prevent tampering with VMS data.
- Exploring the development of dedicated access privilege (DAP; also known as individual transferable quotas or catch shares) programs in international fisheries. Facilitative programs, which place limits on access and utilize transferable quotas have successfully increased compliance with catch limits, helped rebuild depleted fish stocks, improved science and monitoring, reduced bycatch, reduced fishing impacts on the environment, made fishing safer, and improved economic performance.¹⁴

Technology-based approaches can include use of the following electronic monitoring tools:

- VMS are electronic transmitters installed onboard vessels that transmit information via satellite to a receiving station on land. Enforcement officials can use this information to track the location of vessels and to verify that they comply with area closures. One drawback to the use of technology such as VMS is the current cost of equipment and monitoring stations, as well as ensuring that there are sufficient human resources with specialized knowledge. For example, VMS is approximately \$4,735 USD.¹⁵ While this cost may be low for developed countries or large-scale fishing operations, it may be prohibitively high especially for small-scale and subsistence fishing communities. Another drawback is concern that monitoring may reveal the

¹³ See, e.g., FAO, International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

¹⁴ ENVIRONMENTAL DEFENSE, SUSTAINING AMERICA’S FISHERIES AND FISHING COMMUNITIES: AN EVALUATION OF INCENTIVE BASED MANAGEMENT (2007).

¹⁵ US EPA, *Fisheries of the Northeastern United States*, <http://www.epa.gov/fedrgstr/EPA-IMPACT/2005/June/Day-02/i10988.htm>.

locations where specific vessels fish, so that other vessels may also try to fish there.

- Electronic monitoring uses video technology to observe catch and bycatch obviating the need for human observers. This approach has been tested in Canada's halibut fishery and shows promise as an alternative to onboard observers.¹⁶
- Expand the use of the automatic identification system (AIS) beyond commercial shipping vessels to include fishing vessels: AIS is a broadcast system that operates on the VHS mobile broadband allowing ship to ship, ship to shore, and shore to ship information transfers regarding identification, position, course, and speed. The International Maritime Organization (IMO) requires commercial ships to use AIS; however, this requirement does not apply to fishing vessels.

Goal 3: Increase compliance of existing marine protected areas in remote EEZs.

Technology can improve compliance of existing marine protected areas, particularly in remote EEZs. Expanded use of remote sensing can help to detect illegal activity. Passive acoustic sensing can be used to monitor vessel traffic and fishing activities. Passive acoustic sensors are listening devices that could be used to detect the presence of vessels and in some circumstances used to determine if a vessel is fishing.

Another approach is satellite monitoring to detect illegal discharges or IUU fishing. High-quality satellite imagery can monitor the emission of pollution from vessels or land based sources. It can also be used to detect the presence of IUU fishing vessels in remote areas. For example, RADARSAT-1 is used for fisheries enforcement in Norway.¹⁷

Goal 4: Strengthen regional collaborative approaches to achieving compliance.

Shared databases and web-based dissemination of information can help to overcome the challenge of information dissemination by providing easy access to information. The Monitoring, Control and Surveillance Network (MCS Network) is one web-based information-sharing approach that allows enforcement officers to share information about suspicious fishing vessel activity. Dissemination of positive or negative lists of vessels through regional management organizations is another web-based data-sharing approach.

Goal 5: Increase use of market-based approaches to achieve compliance.

Certification programs take advantage of consumer choice to drive sustainable practices. Catch certification can also be a useful tool to ensure that catches are legal: for example, the Northeast Atlantic Fisheries Commission requires a catch certification in order for fisheries products to be imported. For example, the creation of environmental certification or labeling systems, which provide information to consumers regarding the environmental impact of a product, can provide incentives for increased compliance. Ecolabeling programs should include compliance measures to ensure labeled programs or industries are in compliance with the certification

¹⁶ See ARCHIPELAGO MARINE RESEARCH, LTD., ELECTRONIC MONITORING, <http://www.archipelago.ca/highlight.aspx?ID=9EEE0F65-6A30-4B0C-AA11-573F1D7F8022>.

¹⁷ Terje Wahl, *Using RADARSAT-1 for Fisheries Enforcement Operations*, <http://ieeexplore.ieee.org/iel3/4810/13413/00615795.pdf?arnumber=615795>.

requirements. Taxes and subsidies can also influence markets, positively or negatively.

Goal 6: Increase political will to expand compliance and enforcement programs through non-governmental approaches.

NGOs and business associations can have an important role in promoting compliance and in enforcing, complementing government agencies and international institutions. For example, many NGOs lead campaigns to raise public awareness about high profile illegal fishing activities such as those occurring in the Patagonian toothfish fishery and encourage consumers to avoid purchasing fish from potentially illegal operators. Also, in the case of the toothfish fishery, legal fishing industry operators have launched a website that publicizes information about alleged illegal fishing operations.¹⁸ Collaborative efforts by the shipping industry, through organizations such as the Maritime International Secretariat Services Limited (MARISEC)¹⁹ and InterTanko,²⁰ have been established to help facilitate compliance through education-based approaches.

Goal 7: Encourage compliance through increased public participation and education.

Programs to increase public participation can also increase compliance rates by raising public awareness, creating pressure groups, and heightening transparency, accountability, and monitoring.²¹ Tools that can effectively demonstrate to stakeholders the costs of coastal and marine degradation can increase the willingness to take steps to conserve ocean resources. Accounting systems that demonstrate the value of coastal preservation are a useful tool for monitoring the impact of human activities on water resources and identifying the economic valuations, costs, and social impacts of management systems.²² By defining the value of ecosystems, stakeholders can more concretely see the costs and benefits of preserving the environment, thereby increasing willingness to comply with regulations. Scenario development and integrated assessment modeling tools, like those used to predict climate change and the impact of greenhouse gases, can be used to examine alternative perspectives regarding consequences for stakeholders.²³

Goal 8: Promoting integrated control measures.

Most countries have extremely limited resources to devote to promoting compliance or effectively and vigorously enforcing their ocean and coastal laws. Moreover, these resources are often allocated sectorally to fishing, commercial shipping, energy development, and so forth. Integrated control measures can enhance compliance and enforcement by helping to validate data through cross-referencing information. In addition, integrated control measures can help to use scarce financial, personnel, and technical resources more efficiently and effectively.

¹⁸ See Coalition of Legal Toothfish Operators, <http://www.colto.org>.

¹⁹ Maritime International Secretariat Services Limited. <http://www.marisec.org/index.htm>.

²⁰ InterTanko and International Chamber of Shipping,

²¹ <http://www.euro.who.int/document/e68690.pdf>.

²² United Nations Statistics Division. <http://unstats.un.org/unsd/envaccounting/default.asp>.

²³ NPA- p.51

An ongoing EU pilot project in the Mediterranean illustrates the potential, through integrating marine surveillance systems. The project aims to validate and show that in practice bringing together information collected from various maritime surveillance systems and fusing them into a common operational picture creates cross-border and cross-sectoral advantages and can lead to more effective government actions against illegal activities. Ongoing projects²⁴ are already testing integrated solutions based on emerging capabilities such as e-navigation, satellite observation, etc.

Goal 9: Increase penalties to reflect damage to the resource and deter continued violations.

“Command-and-control” methods, in which governments prescribe desired management through regulations and standards, can work effectively when implemented along with sufficient penalties and threat of enforcement. The certainty and severity of the penalties imposed must be sufficient to deter would-be violators. In many instances, however, penalties are nominal and readily incorporated into the cost of doing business. Moreover, penalties are rarely applied. There is a large body of experience in setting effective penalties – as well as options for creative alternative penalties – from the sectors outside the specific ocean context can inform the reform of penalty regimes.

Conclusions and Future Directions

While the international community has made significant strides in developing agreements, rules, and regulations to improve ocean and coastal management, compliance and enforcement of these instruments often lags. This is true at the international, national, and sub-national levels. This is due variously to insufficient institutional mechanisms and mandates, capacity, and political will. Improving compliance and enforcement of ocean and coastal management will require a range of initiatives, including a suite of regulatory and non-regulatory mechanisms (such as incentives, planning, and information-based approaches) to develop and enhance compliance mechanisms and approaches at the international level, as well as to enhance national and sub-national capacity to implement and enforce.

At the Fourth Global Conference on Oceans, Coasts, and Islands – in Hanoi, Vietnam on April 7-11, 2008 – the Global Forum will launch a Working Group on Compliance and Enforcement. This Working Group seeks to advance effective approaches for compliance and enforcement of laws and treaties affecting ocean resources. The Working Group will bring together ocean resource managers, law enforcement personnel, decisionmakers, and scholars to:

- Identify priorities and challenges for improving ocean compliance and enforcement;
- Share lessons learned between the ocean management community and the compliance and enforcement community; and

²⁴ GSE MARISS (<http://www.gmes-mariss.com>), FP6 LIMES (<http://www.fp6-limes.eu/LIMES/jsp/index.jsp>), FP6 TANGO (<http://www.teladnetgo.eu>), GSA MARUSE (<http://ec.europa.eu/transport/gsa/rd/rcmaruse.html>), FP6 MARNIS (<http://www.marnis.org>).

- Develop specific options for short- and long-term measures to improve ocean compliance at different levels.

Initial organizers of the Working Group are the Global Forum on Oceans, Coasts, and Islands, the Environmental Law Institute, and the European Commission Maritime Policy Task Force. The initial organizers include: Biliana Cicin-Sain and Kateryna Wowk (Global Forum), Carl Bruch and Kathryn Mengerink (Environmental Law Institute), and Maria De La Fuensanta Candela Castillo, Daniela Chitu, and Paul Nemitz (European Commission Maritime Policy Task Force).

The work of the Working Group will be organized as follows:

Task 1. Lead an In-Depth Dialogue at the 2008 4th Global Conference on Oceans, Coasts, and Islands: Advancing Ecosystem Management and Integrated Coastal and Ocean Management by 2010 in the Context of Climate Change, Hanoi, Vietnam April 7-11, 2008 to Explore Key Challenges, Potential Solutions, and Priorities

The Working Group will convene at the Hanoi conference to identify challenges to and options for improving ocean compliance and enforcement, including short-term and long term approaches. The Working Group will be led by the Global Forum, ELI, Maritime Policy Task Force, European Commission, and will seek to include representatives from the Bucerius Law School, IUCN Commission on Environmental Law, and the UNEP Division of Environmental Law and Conventions. The Working Group will also seek the involvement of the International Tribunal for the Law of the Sea and the International Foundation for the Law of the Sea.

The Global Forum dialogue will also engage a broader group of stakeholders, especially from industry, in the process of identifying options for improving compliance and enforcement, with the aim of building political and technical support. The Working Group will work on addressing the obstacles facing both developed and developing nations as they attempt to enforce and comply with international oceans agreements, such as scarce domestic resources, corruption, and limited stakeholder participation. Actions which can be taken to mitigate these issues will be considered, including capacity building, regional and international cooperation, technology transfer, and legal assistance.

Task 2. Conduct Background Research and Convene a Preliminary Meeting to Outline Major Challenges and Options

- Conduct background research to identify challenges to and options for improving ocean compliance and enforcement; and
- Convene a select group of ocean and compliance and enforcement experts in Fall 2008 to outline major challenges to and options for effective compliance and enforcement of ocean agreements.

Task 3. Develop a Draft White Paper Summarizing Challenges and Options

Based on the preliminary research and outcomes of the preliminary meeting, draft a white paper summarizing current compliance and enforcement challenges nations face

when implementing ocean agreements, as well as options on how to best assist nations with promoting and enhancing effective and equitable compliance and enforcement mechanisms.

Task 4. Foster a Dialogue on Next Steps to Improve Ocean Compliance and Enforcement

The Working Group will revise, refine, and expand the white paper surveying the importance of ocean compliance and enforcement, challenges to effective compliance and enforcement, and ways in which to promote effective and equitable compliance and enforcement at the international, national, and local levels. The final report will serve as a roadmap of options and considerations for improving compliance and enforcement.

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* Please note: Members of the Steering Committee participate in their individual capacities.