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粮食及
农业组织

FOOD AND
AGRICULTURE
ORGANIZATION
OF THE
UNITED NATIONS

ORGANISATION
DES NATIONS
UNIES POUR
L'ALIMENTATION
ET L'AGRICULTURE

ORGANIZACION
DE LAS NACIONES
UNIDAS PARA
LA AGRICULTURA
Y LA ALIMENTACION

منظمة
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والزراعة
للأمم
المتحدة

Viale delle Terme di Caracalla,
00100 Rome, Italy

Cables:
FOODAGRI ROME

Telex: 625852 FAO I
610181 FAO I

Facsimile: +39 0657053152

Telephone: +39 0657051

Our Ref.: C-7293 D-10186

Your Ref.:

Rome, 19 JAN 2009

Dear Mr Mikulka,

I refer to the letter of the Under-Secretary General for Legal Affairs, the Legal Counsel, of 10 December 2008 in relation to UNGA Resolution 63/111 on Oceans and the Law of the Sea.

I am pleased to attach FAO's response to this letter.

Yours sincerely,

Ichiro Nomura
Assistant Director-General
Fisheries and Aquaculture Department

Mr Václav Mikulka
Director
Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs
DC2-0450
United Nations
New York NY 10017
United States of America

**REPORT OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED
NATIONS CONCERNING UNITED NATIONS GENERAL ASSEMBLY RESOLUTION
63/111 ON OCEANS AND THE LAW OF THE SEA**

January 2009

In her letter of 10 December 2008 to the Director-General of FAO, the Under-Secretary-General for Legal Affairs and Legal Counsel, United Nations, sought, in accordance with the relevant paragraphs of United Nations General Assembly (UNGA) Resolution 63/111, input from FAO in matters relating to ocean affairs and the law of the sea. Information provided by FAO will form part of a comprehensive report to be considered by the seventh Meeting of the United Nations Open-ended Informal Consultative Process which will be held at United Nations Headquarters in New York from 17 to 19 June 2009.

In accordance with UNGA Resolution 63/111, this FAO report focuses on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings. The report is presented in tabular form and is attached.

Most of the issues addressed by the Consultative Process are directly relevant to FAO's fisheries mandate and programme of work and are addressed in the 1995 FAO Code of Conduct for Responsible Fisheries. This instrument overarches the FAO Programme of Work and Budget in fisheries and aquaculture. FAO focuses on the issues considered by the Consultative Process in its efforts to promote the Code's implementation.

Furthermore, most of the issues addressed by the Consultative Process have been reviewed, sometimes on an ongoing basis, by FAO's Governing Bodies, including the Committee on Fisheries (COFI). Some of the issues (e.g. illegal, unreported and unregulated (IUU) fishing and related topics) have been considered by the Committee in depth and have been the subject of intensive capacity-building efforts.

Other issues such as sustainable development, the ecosystem approach to fisheries and the protection of vulnerable marine ecosystems are core FAO issues. Quite independent of the Consultative Process they would have been addressed by COFI and other specialist FAO meetings.

FAO INPUT REQUESTED CONCERNING THE IMPLEMENTATION OF OUTCOMES OF THE CONSULTATIVE PROCESS INCLUDING A REVIEW OF ACHIEVEMENTS AND SHORTCOMINGS IN THE FIRST NINE MEETINGS

Year	Principal topics	Relevance of topics to FAO's fisheries mandate and work programme	Impact of the topic on FAO's fisheries mandate and work programme	Main achievements and outputs	Main shortcomings and/or challenges
2000: First meeting	Responsible fisheries and illegal, unreported and unregulated (IUU) fisheries	Highly relevant to FAO's mandate and work programme	IUU fishing and associated activities is a major work area. It is being treated comprehensively in the context of port State measures, the global register of fishing vessels, monitoring, control and surveillance (MCS), traceability schemes and flag State performance.	FAO has led the international debate on IUU fishing. Extensive capacity building to support the implementation of the 2001 IPOA-IUU, the 2005 Model Scheme for port State measures and more effective MCS programmes. The Code of Conduct Technical Guideline on IUU fishing has been prepared, translated and disseminated. Experts and technical consultations have been convened and the negotiation of a binding international instrument on port State measures is likely to be concluded in 2009.	Political reluctance to address IUU fishing, in some cases a lack of technical competence to implement measures at the national level, especially in developing countries. Insufficient funding to support fully capacity building activities.
	Economic and social impacts of marine pollution and degradation, especially in coastal areas	Not directly relevant to FAO's mandate and work programme	Marine pollution and degradation affects the availability of fish in coastal areas and the economic and social benefits derived by these activities. FAO is concerned to ensure that coastal fisheries remain healthy and the livelihoods of coastal communities are secured and not impaired.	FAO's mandate and work in fisheries does not address directly mitigating the impacts of marine pollution and degradation. However, in aquaculture FAO promotes vigorously environmentally friendly and sustainable aquaculture so as to avoid adverse environmental effects in coastal areas. Limited work is undertaken on integrated coastal area management primarily with a view to ensure that the interests of coastal marine fisheries are not prejudiced vis-à-vis other interests in the coastal zone.	Inadequate human and financial resources to address the economic and social impacts in a more systematic and in-depth manner.

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2001: Second meeting	<p>Marine science and the development and transfer of marine technology as mutually agreed, including capacity building</p> <p>Coordination and cooperation in combating piracy and armed robbery at sea</p>	<p>Not directly relevant to FAO's mandate and work programme</p>	<p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>
2002: Third meeting	<p>Protection and preservation of the marine environment, (including "Data and information for decision-making on ocean management"; "Assessment of the marine environment at global and regional levels"; "Moving from diagnosis to action on the marine environment"; "Integration of policies on fisheries management and the conservation of biological diversity.."; "Ensuring cooperation and coordination between international organizations").</p>	<p>Relevant to FAO's mandate and work programme principally within the context to the ecosystem approach to fisheries</p>	<p>FAO has been working on several aspects relevant to the issues discussed under the protection and preservation of the marine environment. It is recognized that although these issues were already considered as important, the attention received by the Consultative Process has strengthened the feeling of urgency in dealing with them.</p>	<p>FAO developed a "Strategy on Improving information on Status and Trends of Capture Fisheries", as a contribution to improving the information base for fisheries management at the national, regional and global levels. Following up on the recommendations made in connection with the 2001 "Reykjavik Conference on Sustainable Fisheries in the Marine Ecosystem", FAO produced guidelines for the implementation of the Ecosystem Approach to Fisheries (FAO, 2003), that addresses several of the key items under this topic (as referred to in column 2).</p>	<p>The recognition of the interrelatedness of the problems affecting the marine environment and the need for holistic approaches resulted in the Consultative Process to advocate the need for collaboration and coordination between international organizations. This does not seem to have happened, at least to a satisfactory extent. Unclear responsibilities and competencies of international organizations, including UN agencies, lead to overlap and poor coordination.</p>
	<p>Capacity-building, regional cooperation and coordination and integrated ocean management</p>	<p>Highly relevant to FAO's mandate and work programme</p>	<p>Capacity building to promote more responsible and sustainable fisheries is a major FAO activity. It is pursued at different levels and in many fora and situations. Discussion of the topic has reinforced the importance of capacity building as a global fisheries issues and as a key aspect of FAO's work programme</p>	<p>Delivery of up to 10 regional capacity building exercises in fisheries and a larger number at national level. FAO also inputs into a wide range of other non-FAO capacity building initiatives.</p>	<p>Major shortcoming is a lack of funding to support national and regional capacity building exercises. Available funding is insufficient to meet demand.</p>

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2003: Fourth meeting	<p>Safety of Navigation; for example, Capacity-building for the Production of Nautical Charts</p> <p>Protecting Vulnerable Marine Ecosystems</p>	<p>Not directly relevant to FAO's mandate and work programme</p> <p>Highly relevant to FAO's mandate and work programme</p>	<p>Not applicable</p> <p>FAO has been working on several aspects relevant to the issues discussed under this topic. It is recognized that although these were already considered as important, the attention received by the Consultative Process has strengthened the feeling of urgency in dealing with these.</p>	<p>Not applicable</p> <p>FAO developed a "Strategy on Improving information on Status and Trends of Capture Fisheries" as a contribution to improving the information base for fisheries management at the national, regional and global levels. Following up on the recommendations made in connection with the 2001 "Reykjavik Conference on Sustainable Fisheries in the Marine Ecosystem", FAO produced guidelines for the implementation of the Ecosystem Approach to Fisheries (FAO, 2003), that addresses several of the key items under this topic (as referred to in column 2).</p>	<p>Not applicable</p> <p>The recognition of the interrelatedness of the problems affecting the marine environment and the need for holistic approaches resulted in the Consultative Process to advocate the need for collaboration and coordination between international organizations. This does not seem to have happened, at least to a satisfactory extent. Unclear responsibilities and competencies of international organizations, including UN agencies, lead to overlap and poor coordination.</p>
2004: Fifth meeting	<p>New Sustainable Uses of the Oceans, including the Conservation and Management of the Biological Diversity of the Seabed in Areas beyond National Jurisdiction</p>	<p>Highly relevant to FAO's mandate and work programme</p>	<p>The conservation, sustainable use and management of living aquatic resources and of biological diversity in the seas are part of FAO's mandate and work. FAO monitors developments of world fisheries and promotes the conservation and sustainable use of the marine biological diversity, including in areas beyond national jurisdiction. The Code of Conduct for Responsible Fisheries and the ecosystem approach to fisheries give particular</p>	<p>The meeting addressed the issue in the wider context of biological diversity of the seabed in areas beyond national jurisdiction but focussed its attention on the specific question of high seas bottom trawling and on the proposal made by some participants of an immediate moratorium of these activities. No consensus was reached on that proposal. FAO stated the views of the Organization on this matter and informed the meeting on the process leading to consideration of the issue of deep sea fisheries by COFI.</p>	<p>Implementation of agreed measures is a challenge for all countries.</p>

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2005: Sixth meeting	Fisheries and their contribution to sustainable development	Highly relevant to FAO's mandate and work programme	attention to the conservation and sustainable use of biological diversity, including in the seabed beyond national Jurisdiction. The long-term sustainable development of fisheries is a key goal for FAO's work. The promotion of greater responsibility in all areas of fisheries is essential if fisheries are to maintain their leading role in food and livelihood security. The promotion of sustainability in fisheries is facilitated through the implementation of the Code of Conduct for Responsible Fisheries and other regional and international instruments and initiatives. FAO works with its Members, especially developing countries, to implement these instruments through the development of appropriate policies, legislation and measures.	These debates led to the subsequent negotiation and adoption of FAO technical guidelines on deep sea fisheries in 2008. A movement to better managed fisheries and enhanced livelihoods for coastal communities.	A major challenge is for developing countries to translate international instruments and outcomes into implementable policies and measures that will promote and secure sustainable results.
	Marine debris	Highly relevant to FAO's mandate and work programme	Reducing Abandoned, Lost or otherwise Discarded Fishing Gear (ALDFG) will reduce the number of fish and other animals (including endangered, protected and threatened species) inadvertently killed by fishing. Reduction of ALDFG is a component of FAO work program 2KA09 – Impacts of fishing on the environment	Joint study with UNEP to carry out a global review of the impacts of abandoned, lost or otherwise discarded fishing gears. Provision of technical advice to IMO related to the review of MARPOL Annex V and its guidelines.	Major shortcomings are a lack of funding to support: (1) national and regional capacity building, (2) long term monitoring of ALDFG in regions of the world where little to no data is available, (3) Implementation of innovative economic incentives to prevent/reduce ALDFG, and (4) Development and utilization of technologies to reduce losses

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2006: Seventh meeting	Ecosystem approaches and oceans	Highly relevant to FAO's mandate and work programme	Implementation of the ecosystem approach to fisheries is an integral part of FAO's mandate and work. The approach is promoted widely among FAO Members as a means of encouraging long-term sustainability in fisheries	Several member countries received support and training in concepts and methodologies for planning and implementing the ecosystem approach to fisheries. Further guidance is being developed, including: "Best practices for ecosystems models for Ecosystem Approach to Fisheries"; "The human dimensions of applying the EAF"; "Toolbox for the application of EAF (in preparation); indicators for EAF (in preparation). Furthermore, FAO provided technical guidance to an international conference on the EAF and a book is being published. FAO is preparing a review on the use of GIS in support of EAF implementation	and minimize impacts of ALDFG. Despite the fact that a broad understanding has developed as regards what the ecosystem approach actually entails, there are still great difficulties in its actual application. Additional resources are required to provide support to the many FAO Members that wish to progress in this respect.
2007: Eighth meeting	Marine Genetic Resources	Highly relevant to FAO's mandate and work programme	FAO gives enormous importance to the conservation, sustainable use and exchange of genetic resources for food and agriculture. Their conservation and sustainable use is a prerequisite to achieve global food security, and to enhance a sustainable and nutritionally rich global food supply.	FAO has developed a number of international instruments in relation to genetic resources. The Code of Conduct refers, in its Article 9, to the need to conserve and to use genetic diversity in a sustainable manner, including the promotion of research in this field. FAO has also developed the Ecosystem Approach to Fisheries. Also, given the fundamental role of genetic resources for food security, the FAO Conference established the intergovernmental Commission on Genetic Resources for Food and Agriculture which reviews	Limited funding for FAO to be more active on this subject matter

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2008: Ninth meeting	Maritime security and safety	Highly relevant to FAO's mandate and work programme	Fishing is the world's most dangerous occupation. Improving the safety of fishing operations is a part of FAO's mandate and work programme. The discussion of the topic underlined the urgent need of addressing the issue and the ongoing cooperation between FAO, IMO and ILO was encouraged.	and advises FAO on policy, programmes and activities related to the conservation, sustainable use and equitable sharing of benefits derived from the utilization of genetic resources of relevance to food and agriculture, including fisheries and aquaculture. In 2006 FAO convened a workshop to review the status and trends of genetic resources for aquaculture and fisheries (ftp://ftp.fao.org/ag/cgrfa/bsp/b sp37e.pdf). Raised awareness on the issue of safety of fishermen.	Lack of provision of safety at sea measures in national legislation and the non- implementation of legislation where measures exist and non-acceptance of international instruments relating to safety at sea.