

**REPORT OF THE FOOD AND AGRICULTURE ORGANIZATION CONCERNING UNITED NATIONS
GENERAL ASSEMBLY RESOLUTION A/58/L.19 ON OCEANS AND THE LAW OF THE SEA**

January 2004

In his letter of 30 December 2003 to the Director-General of FAO, the Under-Secretary-General for Legal Affairs, United Nations, sought, in accordance with various paragraphs of United Nations General Assembly Resolution A/58/L.19, 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 Fifth Meeting of the United Nations Open-ended Informal Consultative Process which will be held at United Nations Headquarters in New York from 7 to 11 June 2004.

This report covers relevant FAO activities during the period January to December 2003.

In accordance with United Nations General Assembly Resolution A/58/L.19, this FAO report focuses on two main areas:

- Salient fisheries issues that have arisen or continued to be of importance during 2003, and
- Matters that may require further action (including recommendations) with an emphasis on areas where coordination and cooperation at the inter-agency level could be enhanced.

A. SALIENT FISHERIES ISSUES THAT HAVE ARISEN OR CONTINUED TO BE OF IMPORTANCE DURING 2003

1.0 Implementation of international fishery instruments

1.1 Implementation of the 1995 UN Fish Stocks Agreement

In the execution of its fisheries work programme, FAO gives high priority to the full and effective implementation of international fishery instruments, especially those that have been concluded in the post-United Nations Conference and Environment and Development (UNCED) period. These instruments, including the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks Agreement (1995 UN Fish Stocks Agreement), seek to promote long-term sustainability in the management of straddling and highly migratory fish stocks.

Action by FAO

At the Twenty-fifth Session of FAO Committee on Fisheries (COFI) in Rome in February 2003, many Members made specific reference to the importance of the 1995 UN Fish Stocks Agreement. Members welcomed the announcement by Canada that it would convene an international Conference in 2004 or 2005 concerning the Agreement. The primary purposes of the Conference, which also reflect FAO's goals, would be to encourage ratification of, or accession to, the Agreement, review its implementation to date and prepare for the Review Conference mandated by Article 36 of the Agreement.

In addition, Members expressed support for FAO's involvement in the voluntary Trust Fund under Part VII of the 1995 UN Fish Stocks Agreement, to be established within the UN system to support developing States Parties in their efforts to implement the Agreement. It was stressed that the creation of such a Fund would constitute one means, among others, of assisting developing countries to participate in the implementation of the Agreement.

Subsequently, the Hundred and Twenty-fourth Session of the FAO Council in Rome in June 2003 agreed that the Director-General should enter into consultation with the UN Secretary-General to define practical modalities in implementing this Trust Fund.

At the Twenty-third Session of the FAO Conference in Rome in November/December 2003 the Secretariat pointed out that FAO, as part of its forward looking strategies to address illegal, unreported and unregulated (IUU) fishing, would continue to encourage States that have not done so to accept, accede or ratify, as appropriate, the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement and to give full

effect to the principles, intent and implementation of the 1995 FAO Code of Conduct for Responsible Fisheries. The FAO Conference noted that Members welcomed the designation of FAO as the implementing office for the Assistance Fund under Part VII of the 1995 UN Fish Stocks Agreement.

FAO is working to establish the Part VII Trust Fund with a view to having it operational prior to the Third Informal Meeting of the States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This Meeting is expected to be held in New York in mid-2004.

1.2 1995 FAO Code of Conduct for Responsible Fisheries

The 1995 FAO Code of Conduct for Responsible Fisheries overarches FAO's fisheries work programme. All of FAO's normative and field activities in fisheries seek to promote the implementation of the Code of Conduct by building on and consolidating past work achievements and ensuring that current and programmed activities reflect the principles and intent of the Code.

Action by FAO

The Twenty-fifth Session of COFI spent considerable time deliberating on the Code of Conduct and its implementation. In so doing, the Committee recognized:

- the crucial importance of the Code and its related International Plans of Action (IPOAs) in promoting long-term sustainable development in fisheries and aquaculture;
- urged FAO to broaden and deepen its efforts to promote the implementation of the Code of Conduct and its IPOAs, building on positive past experience, and
- noted the first analysis based on sixteen case studies of Code of Conduct implementation, allowing a more substantive analysis of the challenges being faced in its implementation.

In 2003 actions by FAO in this respect included:

- the production of a new Technical Guidelines to support the implementation of the Code of Conduct. This was Technical Guideline 2 Suppl 2 that addresses the ecosystem approach to fisheries;¹
- the production, translation and distribution of a simple language version based on Technical Guideline 6 – Inland Fisheries²;
- the production, translation and distribution of the 2003 FAO Strategy for Improving Information on Status and Trends of Capture Fisheries³;
- the production of a revised and updated version of the CD-ROM on the Code of Conduct, which will be distributed in early 2004;
- the distribution of approximately 1,500 copies of the original tri-lingual version of the CD-ROM on the Code of Conduct;
- the distribution of approximately 10,000 copies of the Code of Conduct, technical guidelines and international plans of action (IPOAs);
- the maintenance of the Code of Conduct web page (<http://www.fao.org/fi/agreem/codecond/codecon.asp>) on the FAO/Fisheries web site, and
- the initiation of a review of progress with the implementation of the Code of Conduct since its inception.⁴

In addition, an important and highly successful activity was the Regional FAO Workshop on the Implementation of the Code of Conduct for Responsible Fisheries: A Call to Action that was held in Fiji in October 2003.⁵ It was attended by 32 participants from FAO Members from the Pacific Islands region, inter-governmental and non-governmental organizations and by five resource persons. The discussion in the Workshop was of a high level reflecting the calibre of the participants. Most of them were senior officers and

¹ FAO. 2003. FAO Technical Guidelines for Responsible Fisheries 4 Suppl. 2. Fisheries Management: 2. The ecosystem approach to management. FAO. Rome. 112p.

² FAO. 2003. Inland Fisheries. FAO. Rome. 14p. The publication is available in English, French and Spanish.

³ FAO. 2003. Strategy for Improving Information on Status and Trends of Capture Fisheries. FAO. Rome. 34p. (single volume containing English, French and Spanish version of the Strategy).

⁴ This review will be published in 2004 as a Fisheries Circular.

⁵ This was the second such Workshop to be held by FAO. The first Workshop was held in the West African region in 1997. The report of the Workshop is currently in print but will be available by March 2004. See FAO. 2004. Report of the Workshop on the Implementation of the 1995 FAO Code of Conduct for Responsible Fisheries in the Pacific Islands: A Call to Action. FAO Fisheries Report. No 731. FAO. Rome. 151p.

some of them had been responsible for the completion of the FAO Code questionnaire in 2002. The Workshop endorsed several national, regional and global follow-up actions.⁶

1.3 1993 FAO Compliance Agreement

The 1993 Compliance to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 FAO Compliance Agreement) is an integral component of the Code, even though it has a different legal status. Currently, twenty-seven States⁷ and the European Community have accepted the Compliance Agreement. It entered into force on 24 April 2003, when the twenty-fifth instrument of acceptance was received by the Director-General of FAO. Three Members accepted the Agreement in 2003. These were Ghana, Mauritius and the Republic of Korea.

The purpose of the 1993 FAO Compliance Agreement is to provide an instrument for countries to take effective action, consistent with international law, to ensure compliance with applicable international conservation and management measures for living marine resources of the high seas. The Agreement stipulates the special responsibility of flag States to this end, in particular with respect to granting authorization to fish on the high seas. They may do so only when satisfied that they are able to exercise effectively their responsibilities and they must comply with the detailed provisions of the Agreement concerning the granting of such authorization to vessels previously registered in the territory of another State. Such authorization should, as a result, enhance flag State control in high-seas fisheries, enable these fisheries to be more effectively managed and contribute to a reduction in the incidence of illegal, unreported and unregulated fishing on the high seas.

Importantly, the 1993 FAO Compliance Agreement also provides for the creation of an international database of information concerning high seas fishing vessels, to be maintained by FAO, which will be of great value to States and regional fishery management organizations or arrangements (RFMOs). Some countries have already provided vessel data to FAO for the database. Canada, Japan, Norway, United States of America and the European Community (13 countries) have provided a total of 5,517 entries for the database, which can be accessed by the parties to the Agreement.

Action by FAO

Parties to the 1993 FAO Compliance Agreement have voiced concern in international fora about the low level of acceptance of the Agreement. FAO continues to urge Members to accept the Agreement as a means of enhancing the management of high seas fisheries and in combating IUU fishing. In 2003 FAO took steps to remind Parties to the Agreement of their obligations under Article VI to provide the relevant vessel data to FAO, the Depositary.

1.4 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)

Illegal, unreported and unregulated (IUU) fishing remains a high issue of concern on the international fisheries agenda. In recognition of its international importance, the matter continues to be addressed in fora of the United Nations and its Specialized Agencies and by other national, regional and international organizations. Industry groups opposed to IUU fishing are also addressing such fishing more actively, urging that stricter measures be adopted by States and RFMOs in dealing with IUU fishing and its related activities.

Information available to FAO indicates that IUU fishing is increasing in both intensity and scope and that it is continuing to undermine national and regional efforts to sustainably manage fisheries, as called for in all international fishery instruments concluded since the 1992 United Nations Conference on Environment and Development (UNCED).

A very large proportion of the IUU fishing would be eliminated if all States exercised effective control over the fishing vessels they flag. IUU fishing is flourishing mainly because a number of States fail to meet their international obligations with respect to flag State control, many of which operate open registries and confer so-called 'flag of convenience' or 'flags of non-compliance'. However, contributing to IUU fishing is:

- ineffective fisheries management that fails to regulate fishery inputs and outputs;

⁶ The Workshop was funded by the FAO FishCode Programme through Project GCP/INT/823/JPN (SIDS: Responsible Fisheries for Small Island Developing States) and the FAO Regular Programme.

⁷ Argentina, Barbados, Benin, Canada, Chile, Cyprus, Egypt, Georgia, Ghana, Japan, Madagascar, Mauritius, Mexico, Morocco, Myanmar, Namibia, Norway, Peru, Republic of Korea, Saint Kitts and Nevis, St. Lucia, Seychelles, Sweden, Syrian Arab Republic, Tanzania, United States of America and Uruguay.

- excess fleet capacity and the 'pushing out' and re-flagging of vessels from managed fisheries as regulations tighten to other fisheries that are unmanaged or poorly managed;
- the masking of the real economic costs of vessel construction and fishing operations through the payment of fisheries-related subsidies; and
- the lack of adequate measures by some States concerning individuals or legal persons of their nationality, whose activities contribute directly or indirectly to IUU fishing, including, for instance, making it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing.

There are no comprehensive global data on the full extent and cost of IUU fishing. The nature of this type of fishing does not readily permit estimation. However, some RFMOs are working to assess the regional extent and impacts of IUU fishing. FAO is working with its Members and RFMOs to determine a more accurate global picture of IUU fishing and its consequences for responsible fisheries management.

As a consequence of national and RFMO assessments of the scope and effects of IUU fishing, it should be possible to consolidate a broader perspective on IUU fishing across regions and determine more accurately how such fishing is hindering national fishing authorities and RFMOs from fulfilling their mandates and achieving more responsible fisheries.

Action by FAO

To prevent, deter and eliminate IUU fishing FAO is seeking to:

- as a priority, promote, and where possible facilitate, the full and effective implementation of post-UNCED international fishery instruments;
- improve flag State control over fishing vessels;
- strengthening port State measures to combat IUU fishing, and
- strengthen human and institutional capacity in developing countries as means of enabling them to more adequately meet their international obligations and commitments with respect to IUU fishing.

The Twenty-fifth Session of the COFI in February 2003, within the context of the Code of Conduct, addressed IUU fishing. The Committee:

- expressed concern about the continuing high and growing incidence of IUU fishing and the lack of effective implementation of the IPOA-IUU;
- reaffirmed the need for the global implementation of measures against IUU fishing;
- agreed that there is a linkage between fleet overcapacity and IUU fishing;
- endorsed a proposal by Japan that FAO should convene a Technical Consultation at FAO Headquarters in Rome in early 2004 to review progress and promote the full implementation of the IPOA-IUU and the IPOA-capacity;
- agreed that this Consultation should not lead to the re-negotiation of the IPOAs on capacity and IUU fishing; endorsed the proposal of the Expert Consultation to convene a technical consultation to address substantive issues relating to the role of the port State to prevent, deter and eliminate IUU fishing, and
- recommended that IUU fishing be included in the Agenda of the Thirty-second Session of the FAO Conference with a view to calling attention of Members to this issue.

In September 2003 an Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing was convened by FAO in cooperation with the Government of the United States of America in Miami, Florida, USA. Experts for this Consultation were selected because of their experience with, and knowledge of, open registries and/or their backgrounds in the field of fisheries.

The Experts at the Consultation focused discussions on the effects of IUU fishing on global fishery resources and on lessons that might be learned from the experiences of flag States, including those operating an open registry, which have already implemented tighter control over the activities of their fishing vessels. Background papers presented to the Consultation covered topics including:

- a global assessment of the extent of IUU fishing;
- fishing vessels operating under open registries and the exercise of flag State responsibility;
- standards relating to flag State responsibility over fishing vessels contained in recent international instruments, and
- the International Network for the Cooperation and Coordination of Fisheries-related Monitoring, Control and Surveillance Activities.

Three case study presentations were also invited from Experts from selected open registry countries.

A round table discussion following the presentations led to the adoption of a number of recommendations for more effective application of flag State control over fishing vessels, particularly those operating under open registries, as a means to reduce the incidence of IUU fishing. These recommendations identified measures to be adopted by all States, flag States, coastal States and port States, as well as for assistance to developing States.

The results of this Expert Consultation will form an input for the FAO Technical Consultation on IUU fishing and fleet capacity in June 2004.

In November 2003 FAO held its first Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Southern and East Africa Subregion. Kariba, Zimbabwe.⁸ The purpose of the Workshop was to assist countries in the southern and eastern African region to develop capacity so that they would be better placed to elaborate national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOAs–IUU). The Workshop addressed:

- the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) in detail and the Technical Guideline that had been developed to support the implementation of the IPOA–IUU;
- two case studies;
- decision-making about IUU fishing and skills development through identification of key issues relating to the NPOA–IUU, the vehicle through which the IPOA–IUU will be implemented by countries.⁹

Such Workshops for other regions are scheduled for 2004 and 2005.

The Thirty-second Session of the FAO Conference in November/December 2003 discussed IUU fishing in depth. During debate, Members reiterated that the continuing "... high and growing ..." incidence of IUU fishing and the lack of effective implementation of the 2001 FAO International Plan of Action on Illegal, Unreported and Unregulated Fishing (IPOA-IUU) had far reaching adverse consequences for the sustainable management of fishery resources and the livelihoods of small-scale fishers. This situation was aggravated by, *inter alia*:

- the use of vessels flying "flags of convenience";
- fishing overcapacity, and
- lack of political will and/or resources for addressing IUU fishing problems effectively.

In some instances, it was noted that States had shown a lack of commitment to meet their obligations under international law.

The FAO Conference adopted Resolution 6/2003 on 9 December 2003 concerning Agenda Item 9: Progress Report on Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. Resolution 6/2003 is attached in the Annex to this report.

COFI, at its Twenty-fifth Session, recommended that FAO convene two Technical Consultations relating to IUU fishing. These Technical Consultations will:

- review progress and promote the full implementation of the International Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the Management of Fishing Capacity (FAO Headquarters, Rome, June 2004), and
- address the establishment of international instruments on port States measures to combat IUU fishing (FAO Headquarters, Rome, September 2004). This Consultation will build on the work of the FAO Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (FAO Headquarters, Rome, 4-6 November 2002).

The papers prepared for these two Technical Consultations and their respective outcomes should enhance significantly the current level of knowledge and understanding about IUU fishing.

⁸ FAO. Report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Southern and East Africa Subregion. Kariba, Zimbabwe, FAO Fisheries Report. No. 730. FAO. Rome. 2004. 42p.

⁹A document for the Workshop entitled "National plans to combat illegal, unreported and unregulated fishing: Models for coastal and small-island developing States" was funded through FishCode Programme component projects GCP/INT/849/USA ("Support for the Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing") with Trust Fund support from the Government of the United States of America, and GCP/INT/823/JPN ("Responsible Fisheries for Small Island Developing States (SIDS)"), with Trust Fund support from the Government of Japan.

During 2003 a new web page for the IPOA-IUU was developed. It is expected that it will be released in the early 2004.

1.5 1999 FAO International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-seabirds)

Action by FAO

The Twenty-fifth Session of COFI considered the IPOA-seabirds and encouraged Members to establish and implement NPOAs-Seabirds. Some Members informed the Committee that their efforts to develop NPOAs to implement the IPOAs-seabird had not progressed to a significant extent. Several Members indicated that a lack of technical assistance had been partly the cause for this lack of progress with implementation, while others noted that they did not yet have enough data to complete their assessments. The Committee encouraged Members to establish and implement their NPOAs-seabirds.

In facilitating the implementation of the IPOA-seabirds in 2003, FAO provided support to several Members to develop their NPOAs. A regional Workshop on the Implementation of NPOAs-seabirds and the Conservation of Albatrosses and Petrels was organized jointly with Bird Life International in Chile in December 2003.

During 2003 a new web page for the IPOA-seabirds was developed. It is expected that it will be released in the early 2004.

1.6 1999 FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-sharks)

In the course of discussions at the Twenty-fifth Session of COFI some Members advised that their efforts to develop NPOAs to implement the IPOA-sharks had not progressed to a significant extent. Several Members indicated that a lack of technical assistance had been partly the cause for this lack of progress with implementation, while others noted that they did not yet have enough data to complete their assessments. The Committee encouraged Members to establish and implement their NPOAs-sharks.

It has been a continuing challenge for FAO to assist its Members implement the IPOA-sharks. Available information indicates that the status of many shark stocks continues to deteriorate and this situation can only be remedied by reducing the fishing mortality imposed on these species. Such a reduction requires countries to undertake management action such as:

- reducing fishing effort;
- closing some portions of fishing areas;
- introducing closed seasons, and
- cancelling fishing licences and restricting bycatch.

Such action, which is invariably unpopular and difficult, requires strong national commitments to management and the implementation of the IPOA-sharks..

Action by FAO

In November 2003 in New Zealand FAO co-sponsored with the Department of Environment, Food and Rural Affairs, United Kingdom, a Workshop on the conservation and management of deepwater chondrichthyan fishes. The Workshop provided an opportunity for international specialists to review the ecology, taxonomy, stock status and threats to deep-sea chondrichthyans and to discuss conservation and management recommendations for these highly vulnerable fish.

The Workshop noted that management of these fishes, especially those that inhabit the relatively unproductive deep-sea areas, is difficult as their stock sizes and potential yields are lower than for other more traditionally-fished species. Thus, it is essential that the precautionary approach to their management be taken to ensure the sustainability of these fishes and fisheries.

The Workshop found that basic identification guides necessary for accurate data collection needed for their management are lacking, many species are undescribed and a large number of sympatric species complexes are unresolved. Further, the understanding of age, growth, reproduction, trophic ecology and physiology is poorly known, if at all, for many species. Age estimates for deepwater chondrichthyans are not yet validated and the reproductive cycle of many species is non-seasonal and annual fecundity estimates are

not available. Diet information, also not available, will help define community structure and provide data for ecosystem models.

The Workshop further found that much additional information is required to identify unit stocks and define geographic and depth distributions and that the movement patterns of deepwater elasmobranchs is often unknown. These data and stock structure information are essential for determining the proportions of stocks exploited by fisheries and thus in developing appropriate management plans.

FAO provides technical assistance to Members on a request basis in relation to the IPOA-sharks. During 2003 only two Members sought such assistance. However, an FAO international workshop on the management of Galeorhinid sharks is planned for 2004.

During 2003 a new web page for the IPOA-sharks was developed. It is expected that it will be released in the early 2004.

1.7 1999 FAO International Plan of Action for the Management of Fishing Capacity (IPOA-capacity)

Management of Fishing Capacity

The management of fishing capacity is a main issue facing fisheries governance. It has increasingly been addressed over the last decade in a wide range of national and international fora.

Action by FAO

Since its adoption, the IPOA has been widely disseminated and steps have been taken by numerous countries and RFMOs in view of its implementation. FAO has taken steps to develop and disseminate related documentations. Technical documentation elaborated relates to measurement and assessment aspects as well as to policy aspects arising in the measures that can be taken to manage and eventually reduce fishing capacity. FAO has also been working with selected regional fisheries organizations to assess issues and develop policies for the management of fishing capacity. Additional technical documentation was produced by FAO in 2003 regarding the measurement and assessment of fishing capacity. A technical report on capacity reduction is being finalized.

Sustained effort will continue to monitor progress made in the implementation of the IPOA-capacity. FAO reported on this matter at the Twenty-fifth Session of COFI in 2003. The Committee:

- agreed that strenuous efforts should be made to control fleet capacity, particularly that of large-scale fishing vessels, and, as appropriate, implement measures to reduce overcapacity and prevent it from migrating to other fully exploited or overexploited fisheries;
- noted the need to monitor fleet capacity of large scale fishing vessels on a global basis, and
- endorsed a proposal by Japan that FAO should convene a Technical Consultation in 2004 to review progress and promote the full implementation of the IPOA-IUU and the IPOA-capacity.

Other activities in 2003 included the:

- organization of a series of case studies on the management of fishing capacity in Latin America;
- undertaking of a review of major vessel buyback schemes undertaken in connection with capacity reduction, and
- organization of a regional workshop on access regulation and fishing capacity management in West Africa.

In 2003 FAO also pursued a major initiative on the management of tuna fishing capacity. This 3-year project is being implemented in collaboration with the tuna RFMOs.

During 2003 a new web page for the IPOA-capacity was developed. It is expected that it will be released in the early 2004.

FAO will organize a Technical Consultation on the implementation of the IPOA-capacity and IPOA-IUU in June 2004.

1.8 Strategy for Improving Information on Status and Trends of Capture Fisheries

Objective, reliable and credible information on the status and trends of capture fisheries is the foundation of policy development for fisheries, and of fisheries management actions. There are many legal instruments that require such information, including the 1982 UN Convention, the 1995 UN Fish Stocks Agreement, the Code of Conduct and the recently-adopted IPOAs.

For decades FAO has compiled information on the status and trends of fisheries and such reports have been received by COFI with great interest. Similar reports are prepared by some Members and by RFMOs for the fisheries under their jurisdictions. Information on the status and trends of fisheries has, in part, stimulated important initiatives to make fisheries more responsible. For example, concerns about clear signs of over-exploitation of important fish stocks prompted COFI to undertake preparation of the Code of Conduct. At the national and regional levels information on the status and trends of fisheries has also stimulated important initiatives to make fisheries more responsible.

In 1997 the First Session of FAO's Advisory Committee on Fisheries Research (ACFR) raised several concerns about the way fishery status and trends information is assembled and disseminated and the Committee recommended that improvements be made. Following endorsement of the ACFR Report by the Twenty-third Session of COFI in 1999, ACFR and its technical Working Party on Status and Trends in Fisheries considered shortcomings of the current approach for assembling and disseminating information on the status and trends of fisheries. ACFR recognized that this information could be much improved in terms of transparency, quality assurance, credibility, comprehensiveness, scope of information, and partnerships between organizations and scientists at the local, national and regional levels which could make valuable contributions on the status and trends of fisheries. ACFR reported that ultimately, information on status and trends of fisheries, at the local, national, regional, and global levels, depended on the quality of the data and assessments that are available for individual fisheries or fishery resources. ACFR made a proposal to COFI for a plan of action to improve the information.

The Twenty-fourth Session of COFI in 2001 recommended that a technical consultation be held to consider the ACFR proposal. The Technical Consultation on Improving Information on the Status and Trends of Capture Fisheries (FAO Headquarters, in March 2002) negotiated and agreed a draft Strategy for Improving Information on Status and Trends of Capture Fisheries based upon the proposal from ACFR and this draft Strategy was presented in 2003 to the Twenty-fifth Session of COFI for consideration.

Action by FAO

The 2003 FAO Strategy for Improving Information on Status and Trends of Capture Fisheries (FAO Strategy-STF) was adopted by consensus at the Twenty-fifth Session of COFI (February 2003) and endorsed by the Hundred and Twenty-fourth Session of the FAO Council (June 2003). UNGA Resolution A/58/L.18 adopted in December 2003 on sustainable fisheries invited States to support the implementation of the FAO Strategy-STF at national and regional levels, giving particular attention to capacity-building in developing countries.

The FAO Strategy-STF is a voluntary instrument that applies to all States and entities. Its overall objective is to provide a framework, strategy and plan for the improvement of knowledge and understanding of fishery status and trends as a basis for fisheries policy-making and management for the conservation and sustainable use of fishery resources within ecosystems. Following the introductory section, the nature and scope of the Strategy is specified. This is followed by the Strategy's objective, guiding principles and the required actions. These required actions fall under nine major areas, with a primary emphasis on the need for capacity building in developing countries. Finally, promotion and implementation mechanisms are specified, including the roles of States, RFMOs, FAO, development partner agencies and non-governmental organizations.

In its deliberations on the proposed FAO Strategy-STF, COFI reaffirmed that improved data and information are of fundamental importance for effective policy-making and fisheries management, essential for implementation of the Code of Conduct and central to the mandate of FAO. It was recalled that ACFR at its Session in December 2002 considered that the Strategy is now even more necessary following WSSD as better information will be needed to monitor progress towards time bound goals for fisheries. COFI also stressed that high priority should be given to capacity-building and the provision of technical assistance to developing countries, as emphasised in the FAO Strategy-STF. The particular requirements for the small-scale fisheries sector were emphasised because of its importance to food security and poverty reduction.

Furthermore, COFI recognized the need for improved regional cooperation in improving data and information on status and trends of fisheries and the roles of RFMOs and FAO as stated in the draft Strategy. In this regard, the important role of the FAO Fisheries Global Information System (FIGIS) in support

of the Strategy by facilitating the more systematic assembly of status and trends data and information from the national to the regional and global levels was noted. Many Members renewed their commitments to supply or make readily available information on their fisheries and to participate in the Strategy. Several Members noted their desire that FAO provide assistance on methodology and training. It was noted that in relation to inland fisheries in developing countries, a major effort would be required.

COFI recognized the need for additional funding requirements for implementation of the Strategy and endorsed the proposal to seek extra-budgetary funds from donors for projects implementing the Strategy under FAO's FishCode Programme. FAO has developed a proposal for a project within the FishCode Programme to support implementation of the Strategy—STF. The project proposal has been made available to prospective donors for them to consider for support funding. Three Members have so far committed funds in support of the project and a project document is being developed in consultation with donors. It is expected that the project will become operational in 2004. Further donor support is being sought for additional components of the project.

2.0 Ecosystem-based approach to fisheries

The Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem in October 2001 adopted the Reykjavik Declaration. The Declaration was noted by the WSSD. In its Plan of Implementation (POI) the WSSD encouraged all bodies to apply by 2010 the ecosystem approach to fisheries (EAF), noting the Reykjavik Declaration and decision V/6 of the Conference of Parties to the Convention on Biological Diversity.

Action by FAO

In 2003 FAO has continued to pursue the issues raised in the Reykjavik Declaration, taking note of the renewed emphasis arising from the WSSD-POI. These actions address a range of marine ecosystems and should contribute to their protection. FAO actions undertaken in 2003 include:

- FAO Technical Guidelines on the Ecosystem Approach to Fisheries have been printed in English and widely distributed, including at the Twenty-fifth Session of COFI. They have also been translated into Spanish and French and should be available in these languages very shortly;
- Sponsorship of Working Group 119 "Ecosystem Indicators for Fisheries Management" of the Scientific Committee for Oceanic Research (SCOR), UNESCO. FAO continued to participate in the activities of the Group. FAO has assisted in the organisation of the International Symposium on Quantitative Ecosystem Indicators for Fisheries Management being held under the auspices of the SCOR Working Group and will be participating in it. The results from this Working Group should contribute to progress in implementation of EAF;
- Implementation of the project "The Scientific basis for ecosystem-based management in the Lesser Antilles including interactions with marine mammals and other top predators" is continuing and progress has been made in developing an ecosystem model of the pelagic ecosystem around the lesser Antilles islands and assembling available information relevant to the project;
- Coordinating a project under the GEF Benguela Current Large Marine Ecosystem (BCLME) Programme entitled "Ecosystem Approaches for Fisheries (EAF) Management in the BCLME". The project aims to investigate the feasibility of EAF management in the BCLME region and using the best available scientific and other relevant information, to evaluate different management options for achieving sustainable management of the resources at an ecosystem level. Angola, Namibia and South Africa are participating in the project. The first Steering Committee meeting was held in January 2004 and project activities are starting immediately; and
- Acting as Executing Agency for a GEF PDF-B project "Preparation of a Programme for the Protection of the Canary Current Large Marine Ecosystem". The project is being implemented by UNEP. It will involve seven West African countries: Cape Verde, Guinea, Guinea-Bissau, Mauritania, Morocco, Senegal and The Gambia. The primary objective of this PDF Activity is the preparation of a Transboundary Diagnostic Analysis (TDA) to identify the principal shared problems and their root causes, as well as national, regional and, particularly, transboundary priorities in the region. The TDA will provide the basis for the subsequent development of an agreed regional Strategic Action Programme (SAP) and the development of the Full Project. A suitable project manager is currently being sought.

3.0 Regional cooperation

One of important aspects of FAO's fisheries capacity-building work is the facilitation of cooperation among Members in support of regional fishery bodies (RFBs).¹⁰

FAO's work with RFBs focuses on two main areas:

- technical and administrative support to FAO's RFBs with a view to strengthening their roles, and
- the promotion of collaboration and consultation among all fisheries bodies on matters of common concern.

Action by FAO

The Twenty-fifth Session of COFI, in considering the role and work of RFBs:

- identified priority areas for FAO action including the strengthening of regional fishery bodies in particular to appropriately assist developing countries in improving their fisheries management;
- agreed that measures of positive listing for fishing vessels should be adopted by RFBs;
- recognized the need for improved regional cooperation in improving data and information on status and trends of fisheries and the roles of RFBs and FAO as stated in the FAO Strategy-STF;
- agreed that capacity building is necessary to fulfil national needs, the needs of RFBs, existing obligations for reporting fisheries data to FAO, and so that developing countries can more fully participate in, and benefit from, the FAO Strategy-STF;
- agreed that States, RFBs and international institutions should develop and implement mechanisms for the improvement of fisheries information, the application of research to enhance the availability of best scientific evidence, and the adoption of a continuing process for the enrichment of fishery status and trends information to support conservation, management and sustainable use of fishery resources at local, regional and global levels;
- agreed that RFBs, within the limits defined by their conventions and to the extent mandated by their members, should participate in the implementation of FAO Strategy-STF, by providing support to their members, participating in global programmes and decisions on the development and adoption of standards and guidelines for information on the status and trends fisheries, becoming a partner in FIGIS.

FAO served as Secretariat of FAO's RFBs including Fishery Committee for the Eastern Central Atlantic (CECAF), General Fisheries Commission for the Mediterranean (GFCM), Western Central Atlantic Fishery Commission (WECAFC), Asia-Pacific Fishery Commission (APFIC), Regional Commission for Fisheries (RECOFI), Committee for Inland Fisheries of Africa (CIFA), Commission for Inland Fisheries of Latin America (COPESCAL), European Inland Advisory Fisheries Commission (EIFAC) and Coordinating Working Party on Fishery Statistics (CWP).

FAO also served as depository for some FAO and non-FAO RFBs including the Indian Ocean Tuna Commission (IOTC), International Convention for the Conservation of Atlantic Tunas (ICCAT), Lake Victoria Fisheries Organization (LVFO) and South East Atlantic Fisheries Organization (SEAFO). FAO participated in processes for the establishment of new RFBs including the Southwest Indian Ocean Fisheries Commission (SWIOFC) and Western and Central Pacific Fisheries Commission (WCPFC).

To maintain close collaboration with, and among, RFBs, FAO also observes meetings of some RFBs including the International Baltic Sea Fishery Commission (IBSFC), International Commission for the Conservation of Atlantic Tunas (ICCAT), Northwest Atlantic Fisheries Organization (NAFO), North-East Atlantic Fisheries Commission (NEAFC) and Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

In March 2003, FAO hosted the Third Meeting of Regional Fishery Bodies in Rome for facilitating discussion and coordination among regional fishery bodies.¹¹ The Meeting deliberated on a number of important issues including a review of the decisions of the Twenty-fifth Session of COFI relating to RFBs including:

- external factors affecting the management of fisheries;

¹⁰ RFBs also include RFMOs as defined in this paper.

¹¹ FAO. 2003. Report of the third Meeting of Regional Fishery Bodies. FAO Fisheries Report. No. 703. FAO. Rome. 2003. 26p.

- status of partnership between regional fishery bodies and FAO to develop the Fishery Resources Monitoring System (FIRMS);
- implications for RFBs from the World Summit on Sustainable Development (WSSD);
- approaches to incorporate ecosystems considerations into fisheries management by RFBs, and
- relations between RFBs and UNEP.

FAO also prepared a report on the role of RFBs concerned with the conservation and management of living aquatic resources.¹²

4.0 Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

Action by FAO

In 2003 FAO has actively collaborated with UN/DOALOS, IOC and UNEP in the development of a process for the Global Marine Assessment (GMA), responding to UNEP/World Conservation Monitoring Centre (WCMC) questionnaires, assisting the IMO/FAO/UNESCO-IOC/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) in GMA related discussions, participating in two informal meetings (Paris in September and November 2003) and reacting positively to the requests for cooperation.

5.0 Inter-agency coordination and cooperation

FAO cooperates with a range of UN and other agencies in the execution of its fisheries work programme. The nature of the cooperation varies, ranging from collaboration on matters of mutual concern to the joint execution of meetings and projects.

Action by FAO

FAO, IMO and ILO

The International Maritime Organization (IMO) continues to assist FAO with advice on port State control as it relates to IUU fishing. The relevant agenda item on IMO's Sub-Committee on Flag State Implementation (FSI) has also been expanded to read "Illegal, unregulated and unreported (IUU) fishing and implementation of Resolution A.925(22)".¹³ In December 2003 FAO prepared and submitted a paper to IMO for the Twelfth Session of FSI to be held in London in March 2004 on this item. FAO's paper provided background information on IUU fishing and initiatives being taken by FAO to address such fishing. The Annex to the paper contained FAO Conference Resolution 6/2003 relating to IUU fishing. The Sub-Committee was invited to note the continuing high and growing incidence of IUU fishing and its deleterious effects on sustainable fisheries management. The Sub-Committee was further invited, in the course of its deliberations, to take into consideration FAO Conference Resolution 6/2003, and in particular its operative paragraphs 10 and 11.

IMO has been conducting workshops to encourage its Members to ratify the Torremolinos Protocol on Fishing Vessel Safety and the Convention for the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). For smaller fishing vessels FAO continues to cooperate with the International Labour Organization (ILO) and IMO in an Inter sessional Working Group on the revision of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels. FAO will also cooperate with IMO in a Workshop on Fishing Vessel Safety in Fiji in February 2004.

The Twenty-fifth Session of COFI welcomed advice from the ILO that a convention on labour conditions on fishing vessels would be elaborated by ILO, commencing in 2003.

FAO participated in the preparatory ILO Tripartite Meeting of Experts on Labour Standards for the Fishing Sector at which it was decided that all existing ILO Conventions and Recommendations concerning labour standards in the fishing industry would be updated and combined into one Convention and one set of

¹² Swan, J. 2003. Summary information on the role of international fishery organizations or arrangements and other bodies concerned with the conservation and management of living aquatic resources. FAO Fishery Circular. No. 985. FAO. Rome. 114p.

¹³ The Resolution addresses the low number of countries ratifying the Torremolinos Protocol on Fishing Vessel Safety and the Convention for the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F).

Recommendations. This is expected to be completed in ILO Conferences to be held in July 2004 and July 2005.

FAO and the Administrative Committee on Coordination's Subcommittee on Oceans and Coastal Areas

Since the abolition of the Administrative Committee on Coordination's Subcommittee on Oceans and Coastal Areas (ACC-SOCA) by the UN Commission on Sustainable Development (CSD), inter-agency collaboration has been *ad hoc* and less effective. FAO has actively collaborated, formally through the UN System Chief Executive Board for Coordination (CEB) and informally through the interactions with UN/DOALOS and IOC, to the discussions on the establishment of the successor mechanism to SOCA. FAO has agreed to participate in the new Ocean and Coastal Network (OCAN).

FAO and IMO/FAO/UNESCO-IOC/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection

FAO continued to collaborate in the framework of IMO/FAO/UNESCO-IOC/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) in particular in the development of a strategy for its enhancement and consolidation which included formulation of a new Memorandum of Understanding among the GESAMP partner agencies, a Strategic Vision and Implementation Plan, and technical advice in support of GESAMP's advisory role in the envisaged Global Scientific Panel of the GMA process. In addition to hosting the Thirty-third Session of GESAMP, FAO's support to GESAMP included provision of technical secretariat to GESAMP Working Groups on Environmental Risk Assessment and Communication in Coastal Aquaculture, and Environmental Exposure Models for Application in Seafood Risk Analysis.

FAO and International Atomic Energy Agency

FAO continued to follow International Atomic Energy Agency (IAEA) activities related to the development and implementation of preparedness and response measures for actual, potential or perceived nuclear or radiological emergencies affecting the food and agricultural sectors.

FAO and the UN Atlas of the Oceans

The UN-funded project for the development of the UN Atlas of the Oceans terminated in December 2002. However, this integrated web-based information system on the sustainable development of the oceans continued to operate in 2003 as a partnership between UN institutions, national centres of excellence, non-governmental organizations and elements of the private sector. FAO contributed actively to the UN Atlas and its activities and will continue to do so.

FAO and the Global Ocean Forum

FAO participates actively in this partnership including in the Steering Committee of the Forum. In November 2003 FAO participated in, and presented a paper¹⁴ at, the Global Conference on Oceans, Coasts and Islands: Mobilizing for Implementation of the Commitments Made at the 2002 World Summit on Sustainable Development.

FAO and the World Bank

FAO, the World Bank and World Wide Fund for Nature (WWF) are developing a programme for channelling substantial external support for promotion of sustainable capture fisheries in Sub-Saharan Africa over a 10-year period. At the end of 2003 the three organizations were drafting a proposal for as to how this programme would be developed jointly with African governments during 2004. The proposal will be submitted to GEF for funding.

¹⁴ Garcia, Serge M. and David J. Doulman. 2003. Towards Responsible Ocean and Coastal Capture Fisheries: The FAO Programme in a WSSD Perspective. FAO. Rome. 25p.

6.0 Other issues

6.1 Subsidies

The magnitude of subsidies and their effects on the sustainability of fishery resources, on trade of fish and fish products and on other economic and social aspects of sustainable development is a matter of primary concern for the international fisheries community.

Since October 1999 FAO has been reporting about the Organization's work on fisheries subsidies to relevant major international meetings, including those of the Committee of Trade and Environment of the World Trade Organization (WTO) and of the Committee on Fisheries of the OECD as well as several technical meetings organised by UNEP and international non-governmental organisations.

The Twenty-fifth Session of COFI confirmed the importance of the subsidies issue, especially in the light of the debates and conclusions reached at the WSSD and the Fourth WTO Ministerial Conference (Doha 2001). COFI urged FAO to accelerate its work in relation to the impact of subsidies on fisheries resources sustainability and sustainable development. It also encouraged FAO to continue its leading role in promoting cooperation and coordination with other relevant intergovernmental organizations such as the WTO, OECD, UNEP and others in the field of fisheries. COFI agreed that FAO should convene a Technical Intergovernmental Consultation on the issue of subsidies in fisheries. In this Consultation, planned to be held in June 2004, attention should be given to a practical mandate to consider the effects of subsidies on fisheries resources, such as effects on IUU fishing and overcapacity, taking into account the impacts of subsidies on sustainable development, trade in fish and fishery products, food security, social security and poverty alleviation, especially in the context of recognizing the special needs of developing countries and small island developing States as recognized in international instruments.

Action by FAO

FAO hosted the Third *Ad hoc* Meeting of Intergovernmental Organizations on Work Programmes related to Subsidies in Fisheries (Rome, July 2003).¹⁵ [fn1# fn1](#) Like the previous two meetings held in 2001 and 2002, this meeting was intended to be an occasion to exchange information regarding ongoing activities, in order to create synergies and to avoid duplication of work. In addition, it also provided an opportunity for participant organizations to present and discuss the methodologies used by them to establish the effects and impacts of subsidies and to review in depth a proposed FAO's work programme.¹⁶ Taking into account such methodologies and the development of new ones, FAO is proposing that country specific empirical case studies be carried in different parts of the world. The overall objective of the case studies is to improve the current knowledge about environmental, economic and social impacts of subsidies and about the mechanisms that create these effects.

For the purpose of the realization of empirical studies of effects of subsidies, FAO has prepared a Guide for Identifying, Assessing and Reporting on Subsidies in the Fisheries Sector.¹⁷ It was reviewed by the second FAO Expert Consultation on Fishery Subsidies¹⁸ and was subsequently considered by COFI to provide a useful technical tool.

In 2003 an introductory guide on fisheries subsidies aiming at facilitating a broader access to the understanding of this complex issue was published.¹⁹ Additionally, the FAO continues to monitor the economic performance of capture fisheries and to review fisheries financial transfers in capture fisheries.

6.2 Fisheries monitoring, control and surveillance including vessels monitoring systems

Fisheries monitoring, control and surveillance (MCS), including the application of vessels monitoring systems (VMS) is an integral part of fisheries management. For this reason FAO gives priority to assisting countries develop polices directed towards the implementation of cost-effective MCS/VMS programmes. The IPOA-IUU also identifies MCS as an important tool to address such fishing.

¹⁵ The following intergovernmental organizations attended: APEC, ASEAN, CARICOM, CPPS, FAO, OECD, UNEP and WTO.

¹⁶ Report of the Third *Ad hoc* Meeting of Intergovernmental Organizations on work Programmes Related to Subsidies in Fisheries (Rome, 23-25 July 2003)

¹⁷ Westlund L. "Guide for Identifying, Assessing and Reporting on Subsidies in the Fisheries Sector" - FAO Fisheries Technical Paper 438 (in press).

¹⁸ FAO. 2003. Report of the Expert Consultation on Identifying, Assessing and Reporting on Subsidies in the Fishing Industry. FAO Fisheries Report No. 698. FAO. Rome.

¹⁹ Schrank, W. 2003. "Introducing Fisheries Subsidies". FAO Fisheries Technical Paper 437. FAO. Rome

Action by FAO

The Twenty-fifth Session of COFI:

- reviewed the current status of MCS and VMS as tools for responsible fisheries management;
- recognized the need for international cooperation in making VMS more effective as part of the MCS toolkit and particularly for dealing with the serious and growing problems of IUU fishing;
- noted the activities of the International MCS Network and encouraged Members to join in this voluntary effort, and
- agreed that FAO should continue to be closely involved with the work of the MCS Network, including provision of strengthened technical support for the coordination of communications and facilitation of awareness raising among Members for Network activities depending on the availability of resources to do so.

FAO also:

- cooperated with IOTC in holding a VMS Workshop in the Seychelles for countries of the South West Indian Ocean.²⁰
- convened a Seminar on VMS that was held in Rome concurrently with COFI to create awareness among the delegates of the contribution that VMS can make to the management of fisheries. Further VMS Workshops are planned for Central America and the Caribbean and for the Bay of Bengal region in 2004;
- published the Technical Guidelines on Fishing Vessel Monitoring Systems in French and Spanish, and
- participated in the meeting of the International MCS Network (Rome, 22-23 February, 2003) and the workshop on fisheries MCS hosted by the Economic Commission for Cattle, Meat and Fishery Resources (CEBEVIRHA) (Libreville, Gabon, 3- 6 November 2003).

The use of electronic logbooks as a means of near real time reporting of catches continues to expand and FAO plans to hold an Expert Consultation on Data Formats to be used in VMS and electronic logbooks in Norway in 2004. This will ensure that different national systems and regional systems are compatible. The EU plans to introduce electronic logbooks to its fishing fleet in 2004.

Satellite monitoring of fishing vessels has been the subject of research at the European Research Centre in Ispra, Italy with an European Union funded consortium of monitoring agencies and electronic companies. An operational system is expected to be in place in Europe this year and the ability to detect fishing vessels which are not reporting by VMS will add considerably to the effectiveness of MCS in detecting IUU fishing vessels.

In December 2003 the FAO trust-fund project (GCP/INT/722/LUX) to support MCS through the Sub-regional Fisheries Commission, Dakar, Senegal, terminated due to discontinuation of funding by the donor.

6.3 Mitigation of adverse environmental impact of fishing operations

Action by FAO

Following the joint approval by GEF and UNEP of a global project to reduce the environmental impact from tropical shrimp trawling, focussing on 12 countries over the period 2002-07, activities for its execution were carried out.

Contractual arrangements for the implementation of specific activities by national institutions in each participating country were established. These arrangements address detailed observations on the actual current operations, catches, by-catches and discards by the commercial shrimp trawler fleets; field experimentation with various types of by-catch reduction devices (BRDs) so as to adapt them to local conditions; and the conduct of comparative fishing trials using commercial vessels of traditional shrimp trawls without BRDs, versus the new trawls fitted with BRDs.

These basic activities are and will be complemented by more general considerations of the economics of commercial fishing with new gear, before recommending the obligatory use of the improved

²⁰ The countries participating in the Workshop were the Seychelles, South Africa, Mozambique, Kenya, Tanzania, Madagascar, Mauritius, Comoros, France (Reunion) and the United Kingdom (Chagos).

gear, and more rigorous measures for sustainable management of shrimp fisheries, including more effective MCS measures.

To initiate the introduction of gears fitted with by-catch reduction devices (BRDs) and of gears with improved selectivity, a series of training/ demonstration courses has been undertaken in Indonesia, the Philippines (in cooperation with the Southeast Asian Fisheries Development Center (SEAFDEC) and Mexico. A similar training course for the Near East region addressed to countries not participating in the project was organized and held in Iran to demonstrate the use of BRDs on traditional dhow boats.

Additional regional workshops to disseminate knowledge on mitigation measures for by-catch and discards and improved utilization of by-catch were held in Thailand (South East Asia) and in Kenya (East Africa). The outcome of these workshops was the estimation of discard figures from selected fisheries, and proposals for improved utilization of by-catch and measures to avoid discards.

B. MATTERS THAT MAY REQUIRE FURTHER ACTION (INCLUDING RECOMMENDATIONS) WITH AN EMPHASIS ON AREAS WHERE COORDINATION AND COOPERATION AT THE INTER-AGENCY LEVEL COULD BE ENHANCED

7.1 Environment crime and IUU fishing

International opinion is shifting from regarding IUU fishing as an administrative offence to being 'environmental crime'. Such crime is deemed to have occurred when individuals and companies deliberately evade national and international environmental laws and regulations in the pursuit of personal financial benefit. Where there is a movement of goods across boundaries or a transboundary impact to offences, such as occurs with illegal fishing in zones of national jurisdiction or in areas covered by RFMOs, the environmental crime is said to be 'international' or 'transboundary' in nature. Environmental crime is now recognized by the G-8, Interpol, European Union, UNEP and the UN Interregional Crime and Justice Research Institute.²¹

7.2 Derelict fishing gear

Derelict fishing gear is an international issue that should be addressed. It concerns discarded or lost fishing gear being carried thousand of miles by ocean currents and being deposited on reefs and beaches far from the original fishing area. It was recently reported from Korea that a nylon rope fouling the propeller on a twin screw ferry contributed to its capsize with the loss of more than 200 lives. In addition to the aesthetic issues of such fishing gear being deposited on reefs and shores there is also serious concern that it can act as a vector for the introduction of alien species. Although it would appear that debris of marine origin is a small percentage compared to that of land origin debris ending up in the sea, there is no doubt that the fishing industry will be called upon to use recycling technologies to reduce the quantity of debris discarded or lost by the fishing industry at sea. Under these circumstances countries should again consider, and address, the implementation of the recommendations of the 1991 FAO Expert Consultation on the Marking of Fishing Gear.

²¹ Hayman, G. and D. Brack. 2002. "International Environment Crime: Nature and Control of Environmental Black Markets". The Royal Institute of International Affairs. London.42p.

RESOLUTION 6/2003

PROGRESS REPORT ON IMPLEMENTATION OF THE INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

(Adopted by the FAO Conference at its Thirty-second Session on 9 December 2003)

THE CONFERENCE,

Noting the continuing high and growing incidence of illegal, unreported and unregulated (IUU) fishing and related activities and the lack of political will and capacity by some Governments to deal effectively with such fishing;

Noting the lack of commitment by some States to meet their obligations under international law;

Noting further that IUU fishing seriously undermined national, regional and international efforts to achieve long-term sustainability in fisheries;

Recalling the adoption on 11 March 1999 of the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries at the FAO Ministerial Meeting on Fisheries wherein it was agreed, *inter alia*, that States would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying "flags of convenience";

Noting further the increasing incidence of vessels flying "flags of convenience" and the inability or lack of will on the part of some countries to apply any controls over the vessels they flag;

Recalling the endorsement of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) by the Hundred and Twentieth Session of the FAO Council on 23 June 2001 wherein States were encouraged to develop and implement, as soon as possible but not later than three years after the adoption of the International Plan of Action, national plans of action to further achieve its objectives and to give full effect to its provisions as an integral part of their fisheries management programmes and budgets;

Recalling the Johannesburg Plan of Implementation adopted on 4 September 2002 by the World Summit on Sustainable Development wherein States were urged to implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing through national and, where appropriate, regional plans of action by 2004;

Recalling the relevant provisions of Resolutions (A/58/L.18 and A/58/L.19) on Oceans and the law of the sea adopted by the United Nations General Assembly on 24 November 2003:

1. **Urges**, as a matter of priority and urgency, States that have not done so to accept, accede to, or ratify, as appropriate, the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement and to implement and give full effect to the 1995 FAO Code of Conduct for Responsible Fisheries and the international plans of action and fisheries management guidelines developed in the framework of the Code of Conduct for Responsible Fisheries;
2. **Calls upon** States to ensure that they exercise full and effective control over fishing vessels flying their flags, in accordance with international law, to combat IUU fishing and to implement the IPOA-IUU;
3. **Encourages** States, and as appropriate, Regional Fisheries Management Organizations (RFMOs), to develop and implement National, and as appropriate, Regional Plans of Action to combat IUU fishing as soon as possible, but no later than 2004;
4. **Urges** States, to the greatest extent possible, to take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing;
5. **Requests** port States to take measures, in accordance with international law, to combat IUU fishing and as a means of implementing the IPOA-IUU;
6. **Urges** that States take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by relevant RFMOs to have been engaged in IUU fishing being traded or imported into their territories;
7. **Calls upon** States to ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant RFMOs;
8. **Encourages** States to participate actively in the inter-governmental Technical Consultations to review progress towards full implementation of the IPOA-IUU and the IPOA-Capacity to be organised by the FAO in June 2004;
9. **Encourages** the full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations;

10. **Invites** relevant competent international organizations to study, examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;
11. **Encourages** States, the FAO, the International Maritime Organization (IMO), RFMOs and other relevant competent international organizations dealing with maritime issues to cooperate in the development of measures to combat IUU fishing, including through the sharing of information, and
12. **Encourages** States, on their own initiative, or with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA-IUU and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25 of the IPOA-IUU.