

**PARAGRAPH 102 OF RESOLUTION 62/215: OCEANS AND THE LAW OF THE SEA, ADOPTED BY THE UNGA ON 22 DECEMBER 2007 IN RELATION TO INFORMATION CONCERNING ASSISTANCE AVAILABLE TO AND MEASURES THAT MAY BE TAKEN BY DEVELOPING STATES, IN PARTICULAR THE LEAST DEVELOPED COUNTRIES AND SMALL ISLAND DEVELOPING STATES, AS WELL AS COASTAL AFRICAN STATES, TO REALIZE THE BENEFITS OF SUSTAINABLE AND EFFECTIVE DEVELOPMENT OF MARINE RESOURCES AND USES OF THE OCEANS WITHIN THE LIMITS OF NATIONAL JURISDICTIONS.**

**March 2008**

In his letter of 17 January 2008 to the Director-General of FAO, the Under-Secretary-General for Legal Affairs and Legal Counsel, United Nations, sought, in accordance with paragraph 102 of United Nations General Assembly Resolution 62/215, input from FAO in matters relating to ocean affairs and the law of the sea. Information provided by FAO will form part of a study to be presented at the sixty-third session of the General Assembly.

**ACTIVITIES IN AFRICA**

FAO assistance to coastal African States for 2006 and 2007 to enable them to realize benefits was channelled through some States, subregional fisheries bodies (RFBs) and the Fishery Committee for the Eastern Central Atlantic (CECAF), which covers 22 of these States on the Atlantic coast.

An FAO executed project, the Nansen Programme, conducted resource evaluation surveys for at least 20 States to assess the marine resources that constitute the base for effective and sustainable development to sustain livelihoods of the fishers and economies that depend on their exclusive economic zones (EEZs).

In order to monitor the available resources documented, stock assessment working groups assessed selected demersal and small pelagic stock levels in some of the countries. The results indicated that there were fully exploited and overexploited species in the assessed stocks. These results were communicated to countries through CECAF sessions as management measures for sustainability.

FAO facilitated the setting up of the Fishery Committee for the West Central Gulf of Guinea (FCWC) in 2006 to complement the hitherto two subregional bodies in the northwest (Subregional Fisheries Commission) and southern Gulf of Guinea (COREP) respectively. These management bodies were supported technically on gathering information and developing plans that contributed to improving the sustainable management of marine fisheries resources.

Protection of the marine fisheries resources continue to be of great concern to the coastal States and efforts continue on setting up effective monitoring, control and surveillance (MCS) systems that can complement the few national vessel monitoring systems (VMS) installed to monitor licensed/authorized fishing vessels. FAO assisted one of the subregional fisheries bodies to develop a comprehensive MCS plan that will be implemented soon through donor funding.

Stakeholder fora have also been facilitated to sensitize fishers and fishery managers on the management of shared marine fisheries resources for their sustainable development for the benefit of all.

The results of the consultations and the resource assessments will continue to be used as reference in the assistance being formulated by FAO for countries and fisheries

bodies requesting partnerships on effectively and sustainably managing and developing their marine fisheries resources.

In the interest of assisting coastal countries to monitor and manage the high seas resources in the region such as tuna, FAO continues to collaborate with the International Commission for the Conservation of Atlantic Tunas (ICCAT) in the region.

## **ACTIVITIES IN THE CARIBBEAN**

### Western Central Atlantic Fishery Commission (WECAFC) and its ad hoc Working Groups

#### ***Working Group on Queen conch (Strombus gigas)***

*Regional Workshop on the Monitoring and Management of Queen conch, Strombus gigas, Jamaica, 1–5 May 2006*

The objective of the workshop was to assist wider Caribbean countries in the development of effective management plans for Queen conch fisheries and, consequently, to improve their capacity to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulations concerning exploitation and international trade of Queen conch, as well as the obligations under the Protocol Concerning Specially Protected Areas and Wildlife (SPA) of the regional Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention).

The workshop, was jointly organised by FAO/WECAFC and UNEP Caribbean Environment Programme (UNEP-CEP) and sponsored by the FAO Project "CITES and Commercially-exploited Aquatic Species, including the Evaluation of Listing Proposals – GCP/INT/987/JPN", UNEP-CEP, the Caribbean Fishery Management Council (CFMC) and the Caribbean Regional Fisheries Mechanism (CRFM).

The workshop covered the main topics of a fisheries management cycle through presentations and practical work. A considerable part of the workshop was devoted to assisting countries in developing/improving elements of their management plan for their Queen conch fisheries through group and individual work. Each participant prepared a draft of the key operational elements of a management plan for the Queen conch fishery in his/her country. These draft management plans will be published by FAO.

The workshop recognised the need: for greater regional cooperation in standardizing of regulations and definitions to improve reporting obligations for management and trade purposes; to establish indicators and reference points to monitor the performance of management strategies; and to employ a combination of management tools given the uncertainties in data and ecological processes and the need to maintain cost effectiveness in the Queen conch fishery.

#### ***Working Group on Caribbean Spiny Lobster (Panulirus argus)***

*Regional Workshop on the Assessment and Management of Caribbean Spiny Lobster (Panulirus argus), 19–29 September 2006, Merida, Mexico.*

The workshop was organized with the assistance of the Centro Marista de Estudios Superiores A.C., Merida, Mexico. It was funded jointly by the FAO FishCode Programme, the United Nations Environment Programme – Caribbean Environment Programme (UNEP-CEP), the Caribbean Fishery Management Council (CFMC), and the Government of the United States of America. The main objective of the workshop was to review and update the status of Caribbean spiny lobster resource at national and regional levels and to seek regional agreement on strategies to address management problems.

This workshop was the fifth in a series organized by FAO/WECAFC in cooperation with various regional agencies and institutions, following on from those held in Belize City, Belize in 1997, in Merida, Mexico in 1998 and 2000, and in Havana, Cuba in 2002. The goal of each workshop was to build on the information base of the previous workshop. It was divided into two parts: the first part, 18–27 September, was the scientific workshop which was attended by the senior scientists only, while the second part, 28–29 September, addressed management aspects and involved the scientists who attended the first part, fisheries managers/ministers and representatives of the lobster fishing and processing industry of the participating countries.

It was attended by fisheries scientists, managers and industry representatives from The Bahamas, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, France (Martinique and Guadeloupe) Haiti, Honduras, Jamaica, Mexico, Nicaragua, the Turks and Caicos Islands, USA (Puerto Rico and US Virgin Islands) and Venezuela, and from CFMC and CRFM.

The estimated status of the national populations of spiny lobster, based on the best available information, in the participating countries is as follows<sup>1</sup>:

<b>Status of Stock</b>	<b>Countries</b>
<b>Under-exploited</b>	Venezuela (some areas)
<b>Fully-exploited or stable</b>	Puerto Rico & U.S Virgin Islands; Turks & Caicos; United States of America (Florida), Belize; Mexico, Costa Rica; Cuba; Antigua & Barbuda; Venezuela (some areas)
<b>Over-exploited</b>	Nicaragua; Jamaica; Dominican Republic; Brazil; Colombia; Honduras
<b>Unknown</b>	Martinique; Guadeloupe; Haiti; Bahamas; other Lesser Antilles countries

The results indicate that there is cause for substantial concern at the regional level and that the sustainability of this socially and economically very important resource is currently at risk. The Scientific Workshop concluded that, the management of fishing mortality, through control of fishing effort was necessary for sustainable utilisation of the spiny lobster resource. Nevertheless, it was recognised that a number of factors outside the fishing sector were also negatively impacting the stock in some countries. These include: an increased frequency of hurricanes and tropical storms over the last decade; lobster mortality as a result of red tides; and human induced deterioration in lobster habitat.

Although there were signs of some progress in management, there were a substantial number of management problems across the region. These include: open access fisheries, growth of fishing effort, illegal, unreported and unregulated (IUU) fishing, increasing use of artificial habitats, weak enforcement and compliance, conflicts between trap fishers and dive fishers, and the reported practice in some Central American countries of leaving lobster traps in the water during the closed season.

The workshop agreed on strategies to ensure sustainable use of the spiny lobster resources. It was also agreed that countries that do not have a minimum size in their

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<sup>1</sup> The following explanation of categories was provided at the request of the Manager's Meeting. The categories used in the table are based on the best available estimates of the population biomass as a proportion of unexploited biomass and/or fishing mortality rate. The category of greatest concern is that of "Unknown". The category of next highest concern is that of 'Over-exploited' in which case it is recommended that the country concerned urgently implements a recovery programme. It was noted by the Scientific Workshop that some countries in this category have already taken this step. The category "Fully-exploited" implies caution is needed and countries in this category should have comprehensive and effective monitoring and management systems in place in order to ensure that over-exploitation is not occurring.

regulations that is equal to or above 74 millimetres, carapace length, as minimum harvest-size should make efforts to establish this size.

### ***Working Group on sustainable use of Moored FAD Fishing in the Lesser Antilles***

The Third Meeting of WECAFC ad hoc Working Group on the Development of Sustainable Development of Moored Fish Aggregating Device (FAD) Fishing in the Lesser Antilles was convened during the period 4–8 December 2006, Guadeloupe. The meeting was funded by the Government of France/Regional Council of Guadeloupe and FAO Regular Programme. The main objective of the meeting was the finalization of a project proposal to establish and strengthen regional cooperation in "Moored fish Aggregating Devices in the Lesser Antilles" (MAGDELESA). The working group recommended that the regional cooperation plan should include the following common components so that exchanges and analyses can be done regionally:

- The deployment of 2-3 FADs of similar design and construction, with similar maintenance strategies;
- A common biological data collection form to record catches around FADs;
- A common social and economic data form to collect information related to fishing on FADs; and
- Concerted national strategies to promote improvements in safer working conditions at-sea for fishers (around FADs) and also in the at-sea preservation of fish quality.

Finalization of the project document is on-going. Potential funding sources for the project are expected to include the European Regional Development Fund, French Antilles Regional Councils and matching funds from the other participating countries.

### **OTHER ACTIVITIES AND PROJECTS**

The main FAO fisheries activities and projects implemented (or are in progress) in the WECAFC region during the last biennium were as follows:

#### ***Study on the effects of pollution and coastal development on fisheries in the Gulf of Paria and Columbus Channel***

In April 2005, a bilateral assessment workshop was held between Trinidad and Tobago and Venezuela under the auspices of the WECAFC ad hoc Working Group on the Shrimp and Groundfish Fisheries of the Guianas-Brazil Continental Shelf. The results of the bilateral assessments conducted for the shrimp and groundfish fisheries in the Gulf of Paria – Orinoco Delta region were presented to, and discussed with, fishing industry stakeholders on the last day of the workshop. Based on the scientific evidence provided, as well as their own field observations, the fishing industry agreed that stocks of shrimp and fish have been declining and that fishing effort should be controlled. However, the stakeholders also believed that industrial and coastal pollution, in addition to destruction of habitats and nursery areas, were among the major causes for the decline of fish stocks in the Gulf of Paria. The meeting agreed that studies should be conducted on the impacts of pollution on fish stocks in the Gulf of Paria, and that critical nursery areas should be identified and monitored.

The study will inform fisheries managers and stakeholders on the possible impacts of pollution and habitat destruction on fisheries in the study area and will make recommendations for future research/data collection and fisheries management by the relevant government authorities, including the industry. The study will therefore be used in association with stock assessment studies to guide fisheries management activities.

***Regional Workshop of factors contributing to Over-exploitation and Unsustainability in fisheries in CARICOM Countries, Barbados, 6–8 December 2006***

This was the fourth workshop organised by the FAO Project GCP/INT/788/JPN: *Review of factors contributing to over-exploitation and unsustainability in fisheries*, whose main objective is to improve the management and conservation of the world's fisheries. The first workshop was held in Bangkok in 2002, the second in Mauritius in 2003, and the third workshop in Cambodia, in 2004. The second workshop discussed factors of unsustainability on the basis of case studies prepared for four types of "idealised" fisheries: large volume demersal fisheries, large volume small pelagics fisheries, tuna fisheries and artisanal fisheries and the third workshop worked from discussion papers prepared on the basis of the first two workshops.

The Barbados Workshop 2006 reviewed the results of the three previous international workshops and applied the "approach" developed at these workshops to the fisheries of the CARICOM countries and their management. The workshop concluded that the types of factors of unsustainability identified in the first three international workshops (lack of good governance, inappropriate incentives, high demand for limited resources, poverty and lack of alternatives, complexity and lack of knowledge, interaction of the fishery sector with other sectors and the environment) were highly relevant to the CARICOM countries. The lack of good governance was identified as a major factor at the centre of over-exploitation and unsustainability. The current practice of 'open access' to fisheries in the region could lead to unsustainability. It was recommended that efforts to progressively regulate access through community-based co-management approaches and limited entry schemes should be implemented. Refer to background document WECAFC/SAG/07/IV/5.

***Increasing the Profile of Artisanal Fisheries in the National Policies of Nicaragua (FAO FishCode STF OSPESCA NIC1)***

The project aims at improving the information of the role of artisanal fisheries in food security and poverty alleviation and to mainstream artisanal fisheries into national policies related to development, food security and poverty reduction. The anticipated outputs are:

- An updated information system on the importance of artisanal fisheries and its role in food security and poverty alleviation.
- Trained staff and increased capacity of GO and NGO in the assessment of artisanal fisheries.
- Awareness raising material and documents providing updated information on the importance of artisanal fisheries and its role in development food security and poverty alleviation.
- A national strategy on the development of artisanal fisheries.
- Artisanal fisheries included in national policies.

***Improvement of information on status and trends of Queen conch capture fishery in the Caribbean region (FAO FishCode STF OSPESCA ACT1)***

The objective of the project is to improve routine data collection of Queen conch fisheries in Central America. The anticipated outputs are:

- Establishment of a sub-working group on Queen conch statistics consisting of one Queen conch expert from Belize, Honduras, Dominican Republic, Panama, Nicaragua, and Guatemala, one expert of OSPESCA and two experts of FAO.
- Establishment of statistically valid conversion factors for the different levels of Queen conch meat.

- a review and updating of the national historical data series of Queen conch catches presently included in the FAO database, applying conversion factors from processed meat weight to live weight when needed, and, where possible, including also estimates of unreported catches.

***Support to the improvement of routine fisheries monitoring in Central America (FAO FishCode STF OSPESCA ACT2)***

This project aims at improving of routine fisheries monitoring in Central America. The anticipated outputs are:

- Establishment of the Working group on Fisheries Statistics of OSPESCA.
- Defined regional minimum requirements and standards for routine monitoring of fisheries.

**TRUST FUND PROJECTS**

***Reduction of environmental impact from tropical shrimp trawling through the introduction of by-catch reduction technologies (BRTs) and change of management, February 2002 – January 2007 (GEF/UNEP/FAO)***

The overall objective of the project is to reduce discards of fish captured by shrimp-trawlers, primarily by introducing in a selected number of developing countries, technologies that reduce the catch of juvenile food-fish and other by-catch. Costa Rica, Colombia, Cuba, Mexico, Nicaragua, Trinidad and Tobago and Venezuela from the WECAFC Region are participating in the project. The major outcome of the project should be the adoption by several of the participating countries of fishing technologies (including By-catch Reduction Devices [BRDs] and others). Another direct outcome of the project should be a reduction in the number of juvenile commercial species caught by shrimp-trawlers.

***LAPE Project (GCP/RLA/140/JPN)***

The FAO/Government of Japan project entitled, "Scientific Basis For Ecosystem-based Management in the Lesser Antilles including Interactions with Marine Mammals and Other Top Predators", is also referred to as the Lesser Antilles Pelagic Ecosystem (LAPE) project (2002-07). It has been operational for over a year now and involves the OECS countries, Barbados and Trinidad and Tobago. The project was designed to provide the scientific information base for introducing an ecosystem approach to fisheries management, and included three major phases. The first, the data collection and generation phase is nearing completion. Activities in this area included three complementary themes: fisheries data (detailed catch and effort), predator-prey relations (diet studies), and stock distribution and abundance (cetacean and fish surveys). Some of the activities in each theme area have started and the rest will be started during this year. The second phase is data synthesis and modelling. This has also been started with preliminary ecosystem models and the compilation of GIS base data. The models will be updated as additional results from the data collection and generation phase are provided. The final phase, which has been initiated, is the interpretation of the scientific results to address ecosystem-issues in fisheries management. These results of the project will be provided as draft ecosystem-based fisheries management plans.

## **FAO TECHNICAL COOPERATION PROGRAMME PROJECTS**

### ***Improvement of the domestic markets for seafood in the Latin American and Caribbean region, February 2007 to May 2008 (TCP/ RLA/3111 (D))***

The overall objective of the project is to increase food supply in Latin America and the Caribbean through more and higher quality fish products for domestic markets. The expected outputs will include: personnel trained at the national level in domestic marketing of seafood, production of a handbook on domestic seafood marketing, improvement in the public's awareness of the issues domestic seafood distribution and marketing structures, better informed fish operators to apply modern marketing techniques and a web-based data bank with up-to-date marketing information for domestic and intra-regional fish trade in Latin America and the Caribbean. The recipient countries are: Argentina, Belize, Brazil, Colombia, Costa Rica, Dominican Republic, Honduras, Mexico, Nicaragua, Uruguay and Venezuela.

### **ACTIVITIES IN THE PACIFIC ISLANDS**

#### **In 2006:**

- Regional Workshop to Promote the Full and Effective Port State Measures to Combat IUU Fishing held in Nadi, Fiji, 28 August – 1 September 2006 in cooperation with the Pacific Islands Forum Fisheries Agency (under FishCode Project funds)
- Assistance Fund under Part VII of the United Nations Fish Stocks Agreement for Niue: participation of Minister and Senior Fisheries Officer, Ministry of Agriculture, Forestry and Fisheries, in the Pacific Islands Forum Fisheries Committee Meeting, 5-8 December, and the 3<sup>rd</sup> Regular Session of the Western and Central Pacific Fisheries Commission Meeting held in Apia, Samoa, 11-15 December 2006.

#### **In 2007:**

- Assistance in formulating a draft NPOA-IUU for Samoa in March/April, for Niue in April/May, for Palau in May/June, for Fiji in August-September
- Assistance in formulating a draft NPOA-sharks for Niue in December (under SAPA Regular Programme budget)
- Assistance Fund under Part VII of the 1995 United Nations Fish Stocks Agreement for Cook Islands: participation of Director – policy and legal, Ministry of Marine Resources, in the 3<sup>rd</sup> consultation of the establishment of the South Pacific Regional Fisheries Management Organization held in Santiago, Chile, 30 April - 5 May 2007; and participation of Director – policy and legal, Ministry of Marine Resources, in the 4<sup>th</sup> consultation of the establishment of the South Pacific Regional Fisheries Management Organization held in Noumea, New Caledonia, 10-14 September 2007
- Assistance Fund under Part VII of the 1995 United Nations Fish Stocks Agreement for FSM: participation of Deputy Director, National Ocean Resources Management Authority, in the 3<sup>rd</sup> consultation of the establishment of the South Pacific Regional Fisheries Management Organization held in Santiago, Chile, 30 April - 5 May 2007; and participation of Deputy Director, National Ocean Resources Management Authority, in the 4<sup>th</sup> consultation of the establishment of the South Pacific Regional Fisheries Management Organization held in Noumea, New Caledonia, 10-14 September 2007.
- Assistance Fund under Part VII of the 1995 United Nations Fish Stocks Agreement for Niue: participation of Principal Fisheries Officer, Department of Agriculture, Forestry and Fisheries, in the 3<sup>rd</sup> consultation of the establishment

of the South Pacific Regional Fisheries Management Organization held in Santiago, Chile, 30 April - 5 May 2007; and participation of Hon. Minister for Agriculture, Forestry and Fisheries in the 4<sup>th</sup> Regular Session of the Western Central Pacific Fisheries Commission held in Guam, 3-7 December 2007.

- Assistance Fund under Part VII of the 1995 United Nations Fish Stocks Agreement for Marshall Islands: participation of Fishery Officer, Marshall Islands Marine Resources Authority, in the 4<sup>th</sup> Regular Session of the Western Central Pacific Fisheries Commission held in Guam, 3-7 December 2007.

### **In 2008:**

- Assistance in formulating a draft NPOA-IUU for Kiribati in March (FAO TCP Facility funds)
- Assistance Fund under Part VII of the 1995 United Nations Fish Stocks Agreement for FSM and Samoa: participation of Deputy Director, National Ocean Resources Management Authority, in the 5<sup>th</sup> consultation of the establishment of the South Pacific Regional Fisheries Management Organization to be held in Ecuador, March 2008.
- Assistance in formulating a draft NPOA-IUU for Marshall Islands, for Nauru, for Solomon Islands, for Vanuatu (all of these are under planning).

### **REGIONAL HUMAN CAPACITY BUILDING WORKSHOPS ON PORT STATE MEASURES TO COMBAT IUU FISHING**

Port State measures are increasingly viewed as the most cost-effective and potentially strongest means of combating IUU fishing. This perception is supported by rapidly moving events, including implementation by a growing number of countries and RFMOs of the 2005 FAO Model Scheme on port State measures, and the process underway in FAO to develop a legally binding agreement with a global reach based on the FAO Model Scheme and the IPOA-IUU: the draft Agreement on Port State Measures to Combat IUU Fishing. Full and effective implementation of these measures at national, bilateral, subregional, regional and international levels could have a significant positive impact on the sustainability of developing countries' fisheries resources.

A series of regional human capacity building workshops on port State measures for developing countries was initiated in 2006 by FAO in response to the growing importance attributed to port State measures by the international community.

The objective of the regional workshops is to develop national capacity and promote bilateral, subregional and/or regional coordination so that countries will be better placed to strengthen and harmonize port State measures and, as a result, implement the relevant IPOA-IUU tools and the FAO Model Scheme and contribute to the development of a legally-binding instrument on port State measures.

The regional FAO Workshops have been held as follows:

- FAO/FFA Regional Workshop to Promote the Full and Effective Implementation of Port State Measures to Combat IUU Fishing, 28 August – 1 September 2006, Nadi, Fiji
- IOC-FAO-IOTC International Symposium and Workshop on Strengthening Port State Measures in the Indian Ocean, 18-23 June 2007, Port Louis, Mauritius
- FAO/GFCM Regional Workshop on Port State Measures to Combat IUU Fishing, 10-12 December 2007, Rome, Italy
- FAO Regional Workshop on Port State Measures to Combat IUU Fishing, 28-31 January 2008, Cape Town, South Africa
- FAO/APFIC/SEAFDEC Regional Workshop on Port State Measures to Combat IUU Fishing, 31 March-4 April 2008, Bangkok, Thailand

Other regional workshops will be held as funding is identified, and In-country human capacity development on port State measures is planned for Senegal and Mauritania during 2008.

The workshops have been supported by the Governments of Japan, Norway, Sweden and the United Kingdom, as well as the FAO Regular Programme and the World Bank. Other contributions have been made for individual workshops by partner institutions and some participating governments. FAO has established a trust fund for activities relating to Port State Measures, and will seek further support in this regard.