

INDO-PACIFIC FISHERY COMMISSION

Report of the

AD HOC COMMITTEE ON STRUCTURE, FUNCTIONS AND RESPONSIBILITIES OF THE INDO-PACIFIC FISHERY COMMISSION (IPFC)

Bangkok, Thailand, 11-14 December 1990



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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PREPARATION OF THIS REPORT

This is the final version of the Report of the Indo-Pacific Fishery Commission Ad Hoc Committee on Structure, Functions and Responsibilities of IPFC held in Bangkok, Thailand from 11 to 14 December 1990. The draft amendments to the IPFC Agreement referred to in Paragraph 25 will be circulated to IPFC member countries separately.

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ABSTRACT

The meeting of the Ad Hoc Committee on Structure, Functions and Responsibilities of the Indo-Pacific Fishery Commission (IPFC) was held at the FAO Regional Office for Asia and the Pacific in Bangkok, Thailand, from 11 to 14 December 1990. The Ad Hoc Committee reviewed the objective, role and functions of the Commission and considered the factors limiting its efficiency. In order to rationalize the activities of IPFC, it recommended that priority be given in the future to marine fishery resources in Statistical Area 71 and to inland fisheries and aquaculture in Statistical Area 04. The meeting agreed that the Government of Australia should draft the text of the proposed amendments to the IPFC agreement and to circulate these proposed amendments to other members of IPFC. The present report will be submitted to IPFC at its Twenty-fourth Session.

TABLE OF CONTENTS

	<u>Paragraphs</u>
OPENING OF THE SESSION	1 to 2
REVIEW OF THE OBJECTIVES, ROLE AND FUNCTIONS OF THE COMMISSION	3 to 8
CONSIDERATION OF FACTORS LIMITING THE EFFICIENCY OF THE COMMISSION	9 to 11
RATIONALIZATION OF THE ACTIVITIES OF THE COMMISSION	12
(a) Functions and Priorities	13 to 14
(b) Area of Competence	15
(c) Name of the Commission	16
(d) Membership	17
(e) Programme of Work and Budget	18
(f) Structure and Method of Work of the Commission	19 to 24
(g) Follow-up	25
ANY OTHER MATTERS	26
ADOPTION OF THE REPORT	27
APPENDIXES	<u>Page</u>
A Agenda	6
B List of Participants	7
C List of Documents	9

OPENING OF THE SESSION

1. The Session of the Ad Hoc Committee on Structure, Functions and Responsibilities of the Indo-Pacific Fishery Commission (IPFC) was held at the FAO Regional Office for Asia and the Pacific (RAPA), Bangkok, Thailand, from 11 to 14 December 1990. The Session was attended by representatives of the six Member States comprising the Ad Hoc Committee. The list of participants is given in Appendix B.

2. The Committee elected Mr Boonlert Phasuk of Thailand as its Chairman and Mr K. Imamura of Japan as Vice-Chairman. It adopted the Agenda given in Appendix A. The documents placed before the Committee are listed in Appendix C.

REVIEW OF THE OBJECTIVES, ROLE AND FUNCTIONS OF THE COMMISSION

3. The Ad Hoc Committee considered this agenda item on the basis of document IPFC/AHC/90/2 describing the main characteristics of IPFC (establishment, objectives, functions, area of competence, membership) and its subsidiary bodies and providing summary information on other international bodies dealing with fisheries in the Indo-Pacific area.

4. The Secretariat drew attention to recent developments which took place since the last Session of the Commission concerning (i) the legal basis on which IPFC was established and (ii) the on-going discussions aimed at strengthening IOFC.

5. In regard to (i) the Ad Hoc Committee noted with interest the outcome of the discussions of the IOFC Committee for the Management of Indian Ocean Tuna at its Eleventh Session in July 1990 regarding the establishment of a new Indian Ocean Tuna Commission (IOTC). The Committee agreed that this new body should be established under Article XIV of the FAO Constitution but stressed that it would require a substantial degree of autonomy. This would necessitate amending the section of the Basic Texts governing all agreements concluded under Article XIV of the Constitution. It was agreed that these draft amendments would be transmitted to the FAO Council in June 1991 and then to the Conference in November 1991. The Ad Hoc Committee realized that these changes, if adopted by the Conference, would have to be taken into account by IPFC when it considers the report of the Ad Hoc Committee.

6. In regard to (ii) the Ad Hoc Committee was informed that, at its Sixth Session in November 1990, the IOFC Committee for the Management and Development of Fisheries in the South-West Indian Ocean had proposed to change the Terms of Reference of IOFC with a view to strengthening its mandate, particularly in the field of resources management. The matter will be considered by IOFC itself at its next Session.

7. The Ad Hoc Committee noted that, if the above two sets of amendments were adopted provision would be made for all the fishery resources of the entire Indian Ocean to be managed by international bodies having clear and strong management responsibilities.

8. The Ad Hoc Committee also noted the respective mandates of the other international bodies dealing with fisheries in the Indo-Pacific area and stressed the need to avoid duplication of work.

CONSIDERATION OF FACTORS LIMITING THE EFFICIENCY OF THE COMMISSION

9. The Ad Hoc Committee unanimously agreed that a key factor limiting the efficiency of the Commission was the lack of adequate financial resources. It noted that for the moment the only funds available were those of the Regular Programme of FAO and that member countries had never established trust funds for cooperative projects as contemplated in Article VIII (4) of the IPFC Agreement. Due to financial constraints, the Secretary could not always mobilize the required technical support and had therefore sometimes not been in a position to follow-up all the recommendations of the Commission. The dilution of activities and failure to set priorities were also identified by some members as factors limiting the efficiency of IPFC.

10. Among other such factors identified by some members were:

- the advisory nature of the functions of IPFC;
- the emergence of other international bodies dealing with fisheries, leading to increased risk of duplication;
- the too large extent and lack of definition of the IPFC's area of competence;
- the heterogeneity of its membership; and
- the lack of adequate technical support.

11. All these factors were taken into consideration by the Ad Hoc Committee in discussing ways and means of rationalizing the activities of the Commission.

RATIONALIZATION OF THE ACTIVITIES OF THE COMMISSION

12. The Ad Hoc Committee reviewed a number of options for rationalizing IPFC activities. It considered the advisability of disbanding the Commission and of allocating its functions to other existing bodies. While acknowledging however that this would be possible in some areas (e.g., Indian Ocean, South Pacific), the Ad Hoc Committee recognized that a number of matters did not fall within the responsibility of any other international body. The Ad Hoc Committee also considered the possibility of establishing an Inland Fishery Commission for Asia to undertake the functions of aquaculture and inland fishery. It concluded that IPFC should not be disbanded but instead restructured and strengthened, always taking into consideration the need for avoiding duplication.

(a) Functions and Priorities

13. In reviewing the terms of reference of IPFC as set out in Article IV of the IPFC agreement the Ad Hoc Committee recognized that they were fairly wide and comprehensive and that they allowed for a good degree of flexibility. It therefore, did not see any need for drastic changes. Upon the suggestion of the delegation of Thailand the Ad Hoc Committee agreed to recommend that paragraph (d) of Article IV be complemented by adding the following: "in particular fishery resources evaluation, identification and review of specific subjects, fishery policy and project formulation, fishery economics". Upon the suggestion of the delegation of India, it also agreed to recommend that a new paragraph be inserted in Article IV which would stress the importance of developing inland fisheries and aquaculture.

14. The Ad Hoc Committee however, strongly recommended that, within this broad framework, priorities should be clearly set and it identified the following two priorities:

1. marine fishery resources in FAO Statistical Area 71;
2. inland fisheries and aquaculture in FAO Statistical Area 04.

The principle of setting priorities should be incorporated in an appropriate article of the Agreement.

(b) Area of Competence

15. This issue was extensively discussed by the Ad Hoc Committee. When IPFC was established, its area of competence was defined as the "Indo-Pacific Area". Some members would have preferred to restrict the IPFC area of competence in marine fisheries to Statistical Area 71. Others were in favour of the status quo. It was also suggested to define the IPFC area of competence as South-East Asia or the Western Pacific. It was finally agreed that the area of competence need not be defined precisely on the understanding that in practice the Commission would give priority to marine fishery resources in a FAO Statistical Area 71. It was also felt necessary to abandon the reference to the "Indo-Pacific region" and to refer to the "Asia and Pacific region" as in the case of many other international bodies serving the region. The Ad Hoc Committee therefore, recommended that Article VI of the IPFC agreement should read as follows:

Article VI
Area

The Commission shall carry out the functions and responsibilities set forth in Article IV in the Asia-Pacific Area.

(c) Name of the Commission

16. Consequently, it was also recommended to change the name of the Commission to either Asia-Pacific Fishery Commission (APFC or APFIC) or Fishery Commission for Asia and the Pacific (FCAP or FISHCAP). It was noted that the acronym APFC was already used in FAO to designate the Asia-Pacific Forestry Commission.

(d) Membership

17. While acknowledging that the IPFC Agreement is widely open for accession, the Ad Hoc Committee recommended in particular that Brunei, China, the Democratic People's Republic of Korea and Papua New Guinea be encouraged to join the Commission.

(e) Programme of Work and Budget

18. The Ad Hoc Committee discussed at length the desirability of amending the IPFC Agreement in order to provide for an autonomous budget funded by compulsory contributions from all members according to a realistic scale. Several members were of the view that this together with increased support from FAO was an important prerequisite for a more dynamic IPFC. Others pointed out the difficulty for their respective governments to accept such a radical change and expressed preference for a more pragmatic solution based on

a programme activity system at least on an interim basis. The Ad Hoc Committee concurred with the latter approach and recommended that at its next Session the Commission should define specific, detailed cooperative programme activities to be funded on a voluntary basis by member countries and/or donors as provided in Article VIII (4) of the IPFC Agreement.

(f) Structure and Method of Work of the Commission

19. The Ad Hoc Committee reviewed separately each of the subsidiary bodies of the Commission.

20. In regard to the Executive Committee, the Ad Hoc Committee considered that it should be able to play its role of governing body of IPFC between the sessions of the Commission as set forth in the Rules of Procedure. It should meet at least once during intersessional periods. Beside performing its statutory budgetary functions, it should also prepare the setting of priorities for the Commission's work. Being responsible for the coordination of the work of the committees and working parties it should transmit its comments on the reports of these bodies to the Commission, without, however, going into technical details.

21. It was noted that the Special Committee on Management of Indo-Pacific Tuna had not met for several years and the Ad Hoc Committee therefore recommended that it be disbanded. It recommended that the Southeast Asian tuna stocks should be monitored by the IPFC Committee for the Development and Management of Fisheries in the South China Sea. It also felt that periodic exchange of information and experience in this regard with the neighbouring regions of the Indian Ocean and the South Pacific would be beneficial.

22. The usefulness of the role being played by the Standing Committee on Resources Research and Development (SCORRAD) was discussed. The Ad Hoc Committee was aware of the proposal made by SCORRAD at its Fifth Session to amend its own terms of reference for the purpose of focusing its attention on resources matters and on statistics. It noted that IPFC had deferred final approval of this proposal until the completion of the work of the Ad Hoc Committee. It felt that it was better to entrust this type of work to a new Working Party on Marine Fisheries and Statistics. SCORRAD could then continue its role of technical and scientific adviser of IPFC on all matters relating to the development and rational utilization of the fish resources in the IPFC region. The amendment proposed by SCORRAD to its terms of reference would be acceptable only if the establishment of a new Working Party is not found to be possible.

23. As mentioned above the area served by the Committee for the Development and Management of Fisheries in the South China Sea should be accorded priority by IPFC. The Ad Hoc Committee therefore recommended that this Committee should continue and should be strengthened.

24. The Ad Hoc Committee recommended that the Working Party on Fish Technology and Marketing should be continued and that special priority be given to the Working Parties on Aquaculture and on Inland Fisheries.

(g) Follow-up

25. The Ad Hoc Committee did not feel competent to draft the precise wording of the proposed amendments to the IPFC Agreement. It agreed to the kind offer of Australia to draft the text of the proposed amendments on the basis of the present report and, after consulting the FAO Legal Office, to circulate them

for comments to the other members. It would be still open for any member to make further proposals if so desired. Should it be necessary, a short meeting of the Ad Hoc Committee member countries could be held in Rome during the Nineteenth Session of the Committee on Fisheries to solve any pending problem.

ANY OTHER MATTERS

26. None

ADOPTION OF THE REPORT

27. The report was adopted on 14 December 1990.

APPENDIX A

Agenda

1. Opening of the Session
2. Election of Chairman and Vice-Chairman
3. Adoption of the Agenda and arrangements for the Session
4. Review of the objectives, role and functions of the Commission
5. Consideration of factors limiting the efficiency of the Commission
6. Rationalization of the activities of the Commission
7. Any other matters
8. Adoption of the Report

APPENDIX B

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APPENDIX C

List of Documents

IPFC/AHC/90/1	Provisional Agenda
IPFC/AHC/90/2	Review of the Structure, Functions and Responsibilities of the Commission (consolidated version of views of members)
IPFC/AHC/90/2 Addendum 1	Review of the Structure, Functions and Responsibilities of the Commission - Indian Ocean Fishery Commission (IOFC)
IPFC/AHC/90/2 Addendum 2	Review of the Structure, Functions and Responsibilities of the Commission - Japanese Comments on IPFC
IPFC/AHC/90/3	Report of the Twenty-third Session of IPFC, Colombo, Sri Lanka, 14-24 May 1990
IPFC/AHC/90/4	Report of the Sixth Session of the IPFC Standing Committee on Resources Research and Development, Colombo, Sri Lanka, 18-21 May 1990
IPFC/AHC/90/5	Structure of the Indo-Pacific Fishery Commission and Directory of Subsidiary Bodies of IPFC
IPFC/AHC/90/6	Indo-Pacific Fishery Commission: Agreement and Rules of Procedure
IPFC/AHC/90/Inf.1 Rev.1	List of documents
IPFC/AHC/90/Inf.2 Rev.1	List of participants
IPFC/AHC/90/Inf.3	Review of the structure, functions and responsibilities of the IPFC and its subsidiary bodies (IPFC/90/8).

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