

TRENDS AND ISSUES RELATING TO GLOBAL FISHERIES GOVERNANCE¹

1. INTRODUCTION

At its Twenty-third Session, the FAO Committee on Fisheries (COFI) examined trends and issues relating to global fisheries governance that it had addressed over the past two decades. In part, the paper presents a time-series evaluation of these issues. It also reviews the manner in which they have been dealt with by the Committee. This paper is a synthesis of a larger, in-depth study, undertaken by FAO.² In broad terms the study addressed the functions and role of COFI, policy inputs to the Committee for decision making, and the major outputs from COFI.

COFI, a subsidiary body of the FAO Council, was established by the FAO Conference at its Thirteenth Session in 1965. The Committee presently constitutes the only specialized global forum where major international fisheries and aquaculture problems and issues are examined. The Committee monitors the development of world fisheries and makes recommendations, directly or indirectly, to governments, regional fishery bodies, non-governmental organizations (NGOs), fish-workers, the FAO Secretariat and the international community at large. COFI has also been used as a forum in which binding as well as non-binding global instruments were negotiated. Membership is open to any FAO Member and non-Member eligible to be an observer of FAO. Representatives of the United Nations, United Nations bodies and specialized agencies, regional fishery bodies and international NGOs can participate in the debate, but without the right to vote.³ COFI may establish sub-committees on certain specific issues,⁴ which meet in the intersessional period of the Committee. The First Session was held in 1966. Subsequent Sessions were held annually until 1979. Since then, the sessions have been held biennially.

2. FUNCTIONS

The two main functions of COFI are to review the programmes of work of FAO in the field of fisheries and aquaculture and their implementation, and to conduct periodic general reviews of fishery and aquaculture problems of an

international character and appraise such problems and their possible solutions with a view to concerted action by nations, FAO, intergovernmental bodies and civil society. The Committee also reviews specific matters relating to fisheries and aquaculture referred to it by the Council or the Director-General, or placed by the Committee on its agenda at the request of Members, or the United Nations General Assembly (UNGA).

3. POLICY INPUTS TO COFI

The main policy inputs to COFI come from governments, both members and non-members. The inputs are predominantly in the form of participation in the debate and submission of proposals, but they sometimes include initiatives in sponsoring or funding intersessional consultations, workshops, etc., on issues involving fisheries policy matters, pursuant to the recommendations by previous sessions of COFI.

Another group of actors who provide inputs to COFI are the regional fishery bodies. In the case of FAO bodies, this is done through FAO Department of Fisheries (FAO-FI), which provides in most cases the secretariat. FAO regional fishery bodies like the Indian Ocean Tuna Commission, which has its own secretariat, may send observers to COFI in the future. Inputs from non-FAO regional fishery bodies are made by their representatives who attend COFI as observers. The latter bodies, however, have no statutory relationship with COFI and thus their inputs are on a voluntary basis.

UNGA may make requests to FAO to take certain action involving policies of Members, which can only be done through COFI, in addition to requesting information and reporting by FAO-FI.

Finally, FAO-FI itself makes a substantial amount of policy inputs to COFI by providing documentation containing analysis of past trends as well as current and emerging issues, presenting and assessing alternative courses of action to be taken together with the necessary supporting data and information. FAO-FI receives from time to time advice on strategic policy issues from an *ad hoc* panel of external experts in fisheries appointed by the Director-General. Advice on fishery research has been regularly obtained from specialized advisory bodies (the Advisory Committee on Marine Resources Research – ACMRR, and the Advisory Committee on Fishery Research (ACFR), which replaced it recently).

4. MAIN OUTPUTS FROM COFI 1976-1997

The leading trends which have absorbed much attention of the Committee on Fisheries over the past two decades have been affected by the process of development of the new law of the sea including notably the establishment of

EEZs, and are grounded in three compelling, interdependent – and sometimes conflicting – realities:

- the needs and economic agendas of developing States;
- a sharpened focus on food security; and
- the increasing pressure on fish stocks around the world.

The Committee has addressed 18 major issues (see Annex 1) and the FAO Conference adopted two international instruments emanating from the work of the Committee – the Code of Conduct for Responsible Fisheries (1995) and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement, 1993). The Committee also contributed to the adoption of two more international agreements: the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and 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 (UN Fish Stocks Agreement) adopted in 1995. COFI also contributed to the UN General Assembly driftnet resolutions and the Rio Declaration⁵ of the 1992 United Nations Conference on Environment and Development.

4.1 The Needs and Economic Agendas of Developing States

Wholesale legal reform was sweeping the oceans at the start of this period. Anticipating the United Nations Convention on the Law of the Sea (UNCLOS) – adopted in 1982 – many coastal States around the world were in the process of declaring jurisdiction over new EEZs. COFI's response focused initially on the needs of developing coastal States. In this respect, two main issues can be highlighted: the EEZ Programme and the needs of small island developing States (SIDS).

The EEZ Programme. By the late 1970s, it was clear that the new regime of EEZs would challenge the capacity of many coastal States to respond adequately to either the opportunities or the responsibilities that lay ahead. In 1979, COFI endorsed a comprehensive programme of assistance for the management and development of fisheries in the EEZs of developing coastal States.⁶ The Programme had two broad objectives: (i) to meet the immediate needs of coastal States in the development and management of their fisheries through the deployment of fishery policy and planning missions and the provision of technical assistance in specialized fields, and (ii) to improve the basic understanding of these countries as to how fisheries in the EEZ can best

be developed and managed.

Small island developing States. The needs of small island developing States were highlighted by COFI in 1983, at which time it was recognized that SIDS would require special assistance to develop their fisheries.⁷ COFI returned to this issue in 1995, when it endorsed the establishment of a six-part programme of fisheries assistance to small island developing States. The Committee said the programme should focus on promoting sustainable fisheries to meet the nutritional needs of island people and to assist economic development. COFI approved the programme at its Twenty-second Session in 1997.

4.2 A Sharpened Focus on Food Security

The reform of the law of the sea had many implications for the fisheries of the world, not all of them easily or immediately understood. Clearly, traditional approaches and practices would have to be abandoned or revised in the face of the new regime. Fish stocks that had once been accessible to all were now to be managed primarily for the benefit of the coastal States. Distant-water fleets faced exclusion from traditional grounds. Patterns of trade in fish and fish products would change. Generally, some governments, particularly in the developing countries, had new rights but also new responsibilities for management, conservation, environmental protection and insufficient capacity to guide and properly implement their decisions.

By 1981, the members of COFI agreed such issues required urgent attention. That year, the Fourteenth Session adopted a proposal that FAO organize a World Conference on Fisheries Management and Development. A far-reaching Strategy for Fisheries Management and Development was endorsed at the World Conference on Fisheries in 1984 in Rome. The Conference approved an 8-point strategy of principles and guidelines for consideration by governments and organizations when planning and implementing fisheries policies and programmes. It also approved five associated Programmes of Action designed to assist developing countries, mostly at regional and sub-regional levels, to increase their fish production and improve their individual and collective self-reliance in fisheries. COFI approved the final report of the programme at its Twenty-second Session in 1997. Some of the main actions of the programme are summarized below.

The Role of the Fishery in Human Nutrition (Food Security). Many people in developing countries are vulnerable to price increases resulting from growing demand for fish or decreases in supply, or both. This reality has concerned COFI throughout the period. The Committee has recognized that increased marine catches could not alone meet world demand.⁸ In 1981, it

recommended action to reduce large post-harvest losses in marine fisheries – estimated at that time to be ten percent of the global total, and up to 40 percent in some developing countries.⁹ COFI has since given high priority to programmes for the improvement of data collection, training, technical and economic cooperation among developing countries. The Committee also has emphasized the importance of aquaculture as a means to increase supplies of fish for food and highlighted the important role of women in fisheries and the contribution of their activities to human nutrition.¹⁰ In 1987, COFI strongly supported a substantial increase in the FAO allocation for aquaculture and the establishment of new staff positions to support the Aquaculture Development and Coordination Programme (ADCP).¹¹

International Trade. Developing coastal States faced many obstacles to increasing exports of fish and fish products. In 1985, COFI established a Sub-Committee on Fish Trade to provide a forum for consultation on both technical and economic aspects of trade development. In following years, COFI endorsed key initiatives in this sector, including the strengthening of regional fish marketing information services and a Technical Assistance Programme for Fishery Commodities and Marketing Development.¹² Later sessions revealed growing concern over the impact of measures taken by importing countries to protect the environment. COFI's position, reflected in the Code of Conduct¹³, is that such measures should not be discriminatory, and should be in accordance with agreed international trade rules.

Vessel Marking. Many States lacked the administrative and technical capacity to ensure compliance with national fisheries regulations in their EEZs and adjacent high seas areas. Following the World Conference, COFI moved towards development of a standard international system for the marking and identification of fishing vessels. By 1989, most obstacles to agreement on a standard system had been eliminated and the Committee invited FAO to circulate standard specifications globally.¹⁴

4.3 The Increasing Pressure on Fish Stocks Around the World

By the end of the 1980s, a much different concern demanded attention. Major fish stocks were clearly in trouble. The accumulation of evidence provided by the Secretariat since the early 1970s pointed to the need for a strengthened emphasis on the management of world's fisheries. In 1992, the International Conference on Responsible Fishing in Cancún, Mexico, and the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro (which both benefitted from a very close cooperation by FAO)

mandated a series of initiatives that were to occupy much of COFI's attention in subsequent sessions.

The outstanding measures of this period also addressed concerns about high seas fishing that had been covered only in general terms by UNCLOS and about the deteriorating state of fish stocks generally. A signal achievement was FAO approval in 1995 of the Code of Conduct for Responsible Fisheries. Other key issues addressed by COFI included: Driftnet fishing; monitoring, control and surveillance; sustainability as a goal in fisheries development and management; the control of illegal fishing through the Compliance Agreement; the management of straddling stocks and highly migratory stocks through the UN Fish Stocks Agreement; as well as the role of regional fishery bodies in fisheries conservation and management.

Driftnet Fishing. In 1989 and 1990, the UN General Assembly approved resolutions calling for a moratorium on large-scale pelagic driftnet fishing on the high seas by 31 December 1992. At its Nineteenth Session in 1991, COFI agreed that these resolutions constituted the basis on which all members of the international community had consented to work.¹⁵ It strongly appealed for their complete and timely implementation. The Committee then recommended that FAO strengthen its work on gear selectivity and seek to elaborate a code of practice for responsible fishing.

Monitoring, Control and Surveillance. MCS training was a significant part of the EEZ Programme. In 1981, COFI welcomed an FAO Expert Consultation on MCS as an excellent contribution to this aspect of fisheries management.¹⁶ A report to COFI in 1997 noted the need for a review and restatement of the role of MCS in fisheries management.¹⁷ The report outlined new approaches including: the use of satellite technology in vessel monitoring systems (VMS), the provision of MCS services by private contractors, and assigning part of MCS costs to participants in fisheries. Several delegations expressed support for an expert consultation to consider technical issues and the development of guidelines for the Code of Conduct.¹⁸

Sustainability as a Goal in Fisheries Development and Management. The conservation and management of living marine resources, considered as a major issue since the first Technical Committee of FAO in Fisheries in 1945, has become increasingly a matter of international concern. In 1991, COFI agreed that collaboration on a regional and international basis had to be strengthened to "effectively address environment and sustainability in fisheries".¹⁹ The Committee emphasized the severe biological and socio-economic consequences of overfishing. It recommended that efforts should

therefore continue "to maintain fishing intensities in inland waters and in the sea at sustainable levels".²⁰ These deliberations received more formal expression in 1992 at the International Conference on Responsible Fishing. The Declaration of Cancún recognized sustainability and care for the environment as fundamental principles for fisheries management and development.

Agenda 21. Sustainability was declared a global priority at UNCED, which declared: "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations".²¹ UNCED applied this principle to the living resources of the ocean in Chapter 17 of its framework for action, Agenda 21. Recommendations of particular relevance to COFI included: strategies for the sustainable use of marine resources both within national fisheries and on the high seas; support for artisanal fisheries; and recognition of the special needs of small island developing States.²²

The Code of Conduct for Responsible Fisheries. In 1993, COFI unanimously agreed that the Code of Conduct for Responsible Fisheries would be the basis for a new order for fisheries. Six thematic areas were identified: (a) fishing operations, (b) management practices, (c) fair trade, (d) aquaculture, (e) coastal area management, and (f) research.²³ One issue was the application of the Code to high seas fishing. The Committee agreed that it should incorporate the results of the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, and that the Compliance Agreement should form an integral part of the Code. Approved in 1995, the Code had been widely disseminated by the time of the 1997 Session of COFI²⁴, which endorsed the efforts of the Secretariat to promote its implementation. The Committee agreed that progress reports should be presented to COFI every two years as a means of facilitating implementation, and so that problem areas could be quickly identified.

The Compliance Agreement. Regulation of the flagging of fishing vessels on the high seas was among the most urgent of the issues to which COFI turned after UNCED. In 1993, the Committee moved quickly to review and refine the draft text of an agreement to "promote compliance with international conservation and management measures by fishing vessels on the high seas".²⁵ The Agreement, adopted by FAO in November 1993, set a new standard of flag-State responsibility and is part of the Code of Conduct. Implementation is subject to monitoring and review by FAO, with progress to be reported to COFI.

The UN Fish Stocks Agreement. Member States of COFI had long noted that UNCLOS did not provide adequate means for the management and conservation of high seas fisheries. In 1993, the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks undertook to address this problem. The outcome – the 1995 UN Fish Stocks Agreement – strengthened the basis for regional cooperation in conservation and management. COFI contributed to this process in 1991 by encouraging FAO to assist in an initial ²⁶ Technical Consultation. The FAO Secretariat supported the process all along and contributed significant inputs related to the use of reference points for management and the adoption of the precautionary approach. In 1995, the Committee reiterated that sustainable resource use must be the guiding principle for an agreement and that management arrangements must extend over the entire range of the stocks.

FAO Regional Fishery Bodies. The new instruments for conservation and management of high seas fishing created new responsibilities for regional fishery bodies. COFI had long regarded the bodies as *vital fora* for the exchange of views and experience among developing States and as the main ²⁷ channels for the delivery of technical assistance. However, in 1995, it requested that the fishery management capacity of FAO regional bodies be reviewed. The 1997 Session adopted a report which noted that the new duties were occurring at a time of sharply reduced financial capacity, particularly in the developing world. COFI also emphasized the need for close cooperation among FAO and non-FAO fisheries organizations and acknowledged that adequate funding for the regional bodies might require increased commitment by Members.

5. IMMEDIATE PRIORITIES

Currently, several major challenges confront COFI. The depleted state of many of the world's commercially exploited fish stocks underlines the importance of improved management and conservation. At the same time, a growing world population requires an ever greater supply of fish and fish products. These conflicting pressures now require measures to achieve a better control of access to resources, an explicit system of resource allocation, a reduction in the capacity of the world's fishing fleets and a better utilization of existing catches, reducing discards. Major immediate priorities include the following:

Management of Fishing Capacity. Strong warnings about overfishing have been issues since 1945, fishing capacity expanded in the 1960s and 1970s and ²⁸ concern about global overcapacity has been expressed since 1989. Furthermore, the focus intensified in 1995 when COFI urged FAO to examine

the effects of subsidies to large industrial fishing fleets on competition and trade - especially their impact on fish exports from developing countries.²⁹ Since then, this priority issue, reflected in the Agenda 21, has moved forward as follows:

- The 1995 FAO World Fisheries Ministers Conference, in the Rome Consensus, urged governments and international organizations to review fleet capacities in relation to sustainable yields of fishery resources and where necessary reduce their fleets.³⁰
- The 1995 Kyoto Conference recommended that States should assess stock productivity and adjust fishing capacity to a commensurate level, including the high seas fishing.³¹
- COFI endorsed the Kyoto Declaration and Plan of Action at its Twenty-second Session in 1997 and welcomed a proposal for a FAO technical consultation to draft guidelines for the control of fishing capacities. (See COFI/99/5, Part 2, and Supplement 1.)
- COFI adopted at its Twenty-third Session an International Plan of Action for the Management of Fishing Capacity.

By-catch & Discards. In 1987, COFI identified by-catch – the incidental capture of non-target species – as an important issue in fisheries management.

The 1991 discussion of the need for more selective fishing methods³² led eventually to the Code of Conduct for Responsible Fisheries. In 1997, the Committee was advised of FAO plans for additional guidelines on the subject, and for an expert consultation on sustainable harvesting. In addition, guidelines will be developed for the incidental catch of sea birds in long-line fisheries and the conservation of sharks.³³ (See COFI/99/5, Supplements 2 and 3.)

- COFI adopted in 1999 an International Plan of Action for the Management and Conservation of Sharks and for Reducing Incidental Catch of Seabirds in Longline Fisheries.

Regional Fishery Bodies. Major initiatives are being undertaken to strengthen fishery management through enhanced regional fisheries bodies and improved communications among such bodies. (See COFI/99/Inf.14.). The mandate of the FAO fishery bodies is being revised and streamlined, to facilitate positive interaction among participants at meetings, to promote task-orientation and to strengthen the involvement of all members and civil society

partners in the activities of the regional fishery bodies. A meeting of FAO and non-FAO Regional Fishery Bodies was held in Rome on 11 and 12 February 1999. COFI received the report of this meeting at its Twenty-third Session in February 1999 and recommended that such meetings be held on a regular basis, preferably prior to regular sessions of COFI.

Implementation of International Instruments. The acceptance/ratification of the Compliance Agreement and UN Fish Stocks Agreement and their implementation, as well as the implementation of the Code of Conduct for Responsible Fisheries, are being strongly urged by COFI.

Food Security. Maintaining and/or increasing the contribution of fisheries to global food security continues to be a priority for COFI.

Partnership and Public Education. Building on COFI's record of cooperation and partnerships, the 1998 High-Level Panel of Experts in

Fisheries noted current and potential partnerships ³⁴. The interests and concerns of potential fisheries partners will depend on the nature of the activities and programmes COFI identifies for implementation, which could include implementation of programmes through partnerships for public education. (See COFI/99/Inf.6.)

6. CONCLUSION

During the past two decades, the Committee on Fisheries has contributed to shaping world fisheries. As we move into the third millenium, giving effect to the Code of Conduct for Responsible Fisheries and other international fishery instruments is the major challenge that the Committee will probably face. Twenty years ago, the Committee addressed, as a priority issue, assistance to developing countries. This again is a major issue that the Committee would need to take up in order to ensure that the implementation of recently adopted international fishery instruments contribute effectively to global fisheries governance.

ANNEX 1

COMMITTEE ON FISHERIES: TRENDS AND ISSUES, 1977 – 1998

This table shows consideration of issues forming key agenda items at COFI sessions. Darker shading represents discussion under a dedicated agenda item, lighter shading represents the discussion as part of a broader context. Other contexts for discussion are noted.

COFI Session	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st	22nd
Year	1977	1978	1979	1981	1983	1985	1987	1989	1991	1993	1995	1997
EEZ Programme	Grey	Black	Black	Black	Grey							
Strategy for Management and Development ³⁵			Grey	Grey	Black	Black	Black	Black	Black			
Vessel & Gear Marking					Grey	Black	Black	Black	Grey			
Food Security ³⁶	Black	Grey										
Aquaculture			Black	Grey	Black		Grey	Grey	Grey	Grey	Grey	Grey
International Trade	Black		Grey	Grey	Black	Black	Black	Black	Black	Grey	Grey	Grey
Driftnet Fishing					Grey	Grey	Grey		Black	Black		
Sustainability as a Goal									Black	Grey	Grey	Grey
Women in Fisheries								Grey	Black			
Agenda 21									Black	Black	Grey	
Code of Conduct									Grey	Black	Black	Black
Compliance Agreement ³⁷				Grey	Grey					Black	Grey	Grey
UN Fish Stocks Agreement ³⁸				Grey	Grey				Black	Black	Black	Grey
FAO Regional Fishery Bodies	Black	Black	Grey	Grey	Grey		Black	Black	Grey	Grey	Black	Black
Small Island Developing States					Black					Grey	Black	Black
Capacity										Grey	Grey	Black
Bycatch & Discards							Grey	Grey	Black	Grey	Grey	Grey

- 16 Report of the Fourteenth Session of the Committee on Fisheries. Rome. 26-30 May 1981. FAO Fisheries Report No. 256, paragraph 19.
- 17 Document COFI/97/Inf.6.
- 18 Report of the Twenty-second Session of the Committee on Fisheries. Rome. 17-20 March 1997. FAO Fisheries Report No. 562, paragraph 20.
- 19 Report of the Nineteenth Session of the Committee on Fisheries. Rome. 8-12 April 1991. FAO Fisheries report No 459, paragraphs 49-52.
- 20 *Ibid.*, paragraph 42.
- 21 Rio Declaration on Environment and Development. Principle 3. New York. 1992.
- 22 Agenda 21, Chapter 17, Programme Areas C, D and G, and para.17.82.
- 23 Report of the Twentieth Session of the Committee on Fisheries. Rome. 15-19 March 1993. FAO Fisheries Report No. 488, paragraphs 65-76.
- 24 Report of the Twenty-first Session of the Committee on Fisheries. Rome. 10-13 March 1995. FAO Fisheries Report No, 524, paragraphs 23-29.
- 25 Report of the Twentieth Session of the Committee on Fisheries. Rome. 15-19 March 1993. FAO Fisheries Report No. 488, paragraphs 77-82.
- 26 FAO Report of the Technical Consultation on High Seas Fishing. Rome. 7-15 September 1992. 77p.
- 27 Report of the Fourteenth Session of the Committee on Fisheries. Rome. 26-30 May 1981. FAO Fisheries Report No. 256, paragraph 12.
- 28 The Director-General of FAO had warned in 1989 that the catch of many major stocks was approaching or exceeding maximum sustainable yields. FAO analysed the problem in a detailed report to the International Conference on Responsible Fishing in 1992. The report said "over-capacity in the global fleet would seem to have reached a level where fisheries development cannot have been effective since some time. The excessive level of fishing effort... should be the primary concern in terms of sustainability of fishing resources."
- 29 Report of the Twenty-first Session of the Committee on Fisheries. Rome. 10-13 March 1995. FAO Fisheries Report No, 524, paragraph 19.
- 30 The Rome Consensus on World Fisheries. FAO. Rome. 1995. Paragraph 10.
- 31 Kyoto Declaration. Kyoto Conference. Outcome & Papers Presented. FAO. Rome. 1995.
- 32 This discussion was prompted by the driftnet controversy at the time.
- 33 Report on the Twenty-second Session of the Committee on Fisheries. Rome. 17-20 March 1997. FAO Fisheries Report. No 562, paragraphs 14-17.
- 34 Report of the High Level Panel of Experts in Fisheries. Rome. 26-27 January 1998. Paragraph 44.

- 35 This includes the Programmes for Action adopted by the 1984 World Fisheries Conference.
- 36 Fish as food security was first discussed in the context of utilization, and this included reference to utilization of bycatch in 1977.
- 37 Flag State responsibility was first raised in 1981 and 1983 in relation to conditions and control of access to fisheries resources in EEZs, but unrelated to an Agreement.
- 38 High seas fishing was first raised in 1981 in relation to conditions and control of access to fisheries resources in EEZs.