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1st Meeting of the Working Group on the Proposal of the Establishment of the Sub-Committee on Fisheries Management (WG 1)

26 May 2021

Background and current status of the consultation process on the proposal of the establishment of the Sub-Committee on Fisheries Management

EXECUTIVE SUMMARY

- This document presents background information concerning the proposal of the establishment of a new sub-committee on fisheries management, summarizes the consultation process held in FAO, and summarizes its current status, including Members' recommendations agreed in the 34th Session of COFI, in February 2021.

I. Background

1. During COFI 33, a new sub-committee for fisheries was first raised under agenda item 4, state of the World Fisheries and Aquaculture, when Norway proposed a sub-committee on fisheries management, which would include small-scale fisheries management. The Committee "expressed strong interest in discussing the establishment of a sub-committee on fisheries management in order to assist the international community, especially developing States".¹
2. The issue was addressed in more detail under COFI 33 agenda item 14.2, any other matters, when Norway explained the importance of establishing a new sub-committee on fisheries management, including that:
 - a) the current COFI process does not allow for the in-depth discussion on any particular topic, such as the Voluntary Guidelines for the Flag State Performance;
 - b) the new sub-committee on fisheries management would also allow COFI to address the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries (SSF Guidelines) on a regular basis and to discuss matters of principle and cross-cutting themes, such as climate change and food security; and
 - c) the increased complexity of ocean governance and its supported strengthening reiterated by several members.
3. The Committee requested the Secretariat, in close cooperation with the Bureau, and mindful of the rules of procedure for establishing subsidiary bodies, to develop a proposal for the possible establishment of a new sub-committee on fisheries management, to be submitted for the consideration of Members at the next session of COFI. The Committee underlined that the proposal should elaborate on all relevant aspects, including financial and administrative implications and terms of reference for such a sub-committee, including identifying ways to achieve efficiencies and avoid duplication with other COFI sub-committees. The Committee noted that such a sub-committee could include a standing agenda item on sustainable small-scale fisheries (SSF)².

II. The Carried-Out Consultation Process in FAO

4. The Secretariat proposed to establish a Joint Task Force for Investigation of the Proposal to Establish a New Sub-Committee on Fisheries Management (JTF) with representatives of the Bureau of COFI 34:
 - a) to analyze relevant discussions during and after COFI 33
 - b) to investigate potential options, including the establishment of a new sub-committee, addressing the issues behind the proposal in consideration, including the relationship with existing bodies, the relevant legal processes, and administrative and financial implications; and
 - c) to propose the best ways forward for further consideration by the Bureau of COFI 34.
5. The JTF was formed with representatives of the Bureau (Chile, New Zealand, and Norway – as the original proposer) and the Secretariat. Informal consultations of the JTF were organized in

¹ Paragraph 11 of the Report of the Thirty-third Session of the Committee on Fisheries, Rome, 9-13 July 2018 (FIAP/R1249)

² Paragraph 128 of the Report of the Thirty-third Session of the Committee on Fisheries, Rome, 9-13 July 2018 (FIAP/R1249)

March 2019, June 2019, September 2019 and January 2021. A number of other Members participated in the meetings of the JTF as observers³.

6. While there was no consensus on options proposed and discussed, the JTF agreed that:
 - a) COFI should focus more on strategic and policy issues to support its role as a leader in global technical fisheries issues, particularly about capture fisheries. It needs, therefore, to strengthen and improve its function as a policy decision-making body;
 - b) The work on the management of capture fisheries should be appropriately addressed at the technical level in order to allow COFI to focus more on strategic and policy issues;
 - c) The momentum to find a concrete solution to guarantee this better preparation should be maintained;
 - d) The re-arrangements of the current framework and the establishment of a possible new subcommittee could be advantageous in preparing COFI's work and technical discussion on capture fisheries;
 - e) No duplication of themes should exist between governing bodies, with the themes being addressed in the most appropriate one, considering the terms of reference and the agenda items of the existing sub-committees and COFI, aiming to improve efficiency in the handling of capture fisheries issues by the COFI;
 - f) The improvement of COFI's work concerning capture fisheries should also take into consideration ways to strengthen the relationship with Regional Fisheries Bodies (RFBs) and Regional Fisheries Management Organizations (RFMOs), including no duplication of work at the regional level;
 - g) An evaluation mechanism, where the system is reviewed periodically (e.g., every five years) should be introduced if the new sub-committee is agreed; and
 - h) Pending the option chosen, a funding mechanism to facilitate developing countries' participation in technical discussions in the new sub-committee could be considered.

7. During the JTF meetings, several options were proposed. These are:

Option A: To create a specific and new sub-committee on fisheries management (SCFM)

Option B: To enhance the utilization of the existing bodies (COFI and the two Sub-Committees – SCFT and SCA)

Sub-option 1: To have discussions on fisheries management in a separate session back-to-back with the session of one of the Sub-Committees;

Sub-option 2: To have discussion on fisheries management in a separate session back-to-back with the session of COFI, with a shortened period of the session of COFI, if necessary

Sub-option 3: To keep the status quo and having the discussion on fisheries management being carried out at the plenary session during COFI.

Option C: To keep two sub-committees, but rearrange the Terms of Reference of COFI and its two Sub-Committees, as appropriate, to include capture fisheries management into one of the sub-committees

Option D: To conduct virtually a trial session (s) of a sub-committee on fisheries management to see if there are many agenda items to be discussed thereby

³ The minutes of four meetings of the JTF are available as *COFI/2020/SBD.1*, *COFI/2020/SBD.2*, *COFI/2020/SBD.3* and *COFI/2020/SBD.22* on the COFI website:
<http://www.fao.org/about/meetings/cofi/documents-cofi34/en/>

Option E: To establish a working group under one of the Sub-Committees to discuss specific topics

III. The Current Status

8. In January 2021, at the last meeting of the JTF, after commending Japan for providing an in-depth analysis of the COFI system, it was agreed to terminate the work of the JTF and continue addressing the proposal of a new sub-committee in an appropriate forum, including the possibility of informal consultations in a Friends of the Chair format under the leadership of the new Chairperson of COFI.
9. COFI34 recalled the importance of COFI's mandate as the global intergovernmental forum where major international fisheries and aquaculture issues and recommendations are discussed. The Committee also acknowledged the importance of having technical discussions on fisheries management before this theme is presented at COFI. The Committee agreed to continue a transparent and inclusive consultation process on the proposal of the establishment of a new sub-committee on fisheries management, under the leadership of the Chairperson of COFI, and looked forward to a proposal being submitted at COFI 35⁴.
10. The Joint Meeting of the 130th Session of the Programme Committee and 185th Session of the Finance Committee:
 - a) acknowledged the need to ensure that the Committee on Fisheries (COFI) addresses all technical issues in relation to fisheries management in an appropriate manner; and
 - b) supported the continuation of the transparent and inclusive consultation process carried out on the proposal to establish a subcommittee on fisheries management.

⁴ Paragraph 18 of C 2021/23