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**3rd Meeting of the Working Group on the Proposal of the Establishment of
the Sub-Committee on Fisheries Management (WG 3)**

17 December 2021

**Comments on draft Terms of Reference for the Sub-Committee on
Fisheries Management**

EXECUTIVE SUMMARY

- This document presents comments made during WG 2¹ and submitted after WG 2² on draft Terms of Reference for the Sub-Committee on Fisheries Management (SCFM).

¹ Highlighted in yellow

² Comments by EU are highlighted in blue, comments by New Zealand and Cook Islands are highlighted in green and comments by Vietnam are highlighted in gray.

The Sub-committee on Fisheries Management shall:

[1] provide a forum for consultation and discussion on [fisheries management related issues][fisheries management and social policy related issues] [technical and policy issues related to fisheries management³] and [advice] [shall advise] COFI (accordingly, including) on the work to be performed by FAO [, international organizations, individual countries and NGOs on related technical and policy matters][, taking into account the work of international organizations, individual countries and NGOs on related technical, social and policy matters] [, in cooperation with the international and regional organizations, individual countries and other stake holders, including NGOs][on related technical and policy matters].

[In particular, the Sub-Committee shall] [This may include] [In that context, the Sub-committee shall inter alia]:

1.[2.] [provide a technical forum to discuss measures] [provide technical forum to address solutions] for the long-term conservation and sustainable use of fisheries resources [in a marine environment and advance the Code of Conduct for Responsible Fisheries] [based on the best available science as well as the ecosystem and the precautionary approaches];

2.[3.] identify and discuss major issues and trends (– including their social, economic and environmental dimensions –) in global fisheries management and (sustainable) development as well as determine those issues and trends requiring action in the domain of fisheries management, (such as small-scale fisheries related matters, climate change related fisheries management issues, IUU Fishing related issues);

3.[4.] recommend international action to address such issues and trends as well as fisheries management and development needs and, in this regard (1) to advise on mechanisms to prepare, facilitate and implement [action programmes identified, as well as on the expected on the expected contribution of partners] [action identified]; (2) to advise on the liaison with other relevant groups and organisations (, such as Regional Fisheries Management Organizations,) with a view to [promoting harmonisation and endorsing policies and actions] [enhancing cooperation, coherence and synergies and promoting COFI’s agreed positions, policies and actions] [promoting harmonisation and/or mutual learning through the sharing of regional policies and technical fisheries management measures], as appropriate; (3) to advise on the

³ The following comments on the draft Terms of Reference for the “Sub-Committee on Fisheries Management” are made without prejudice to the future decision on the name, the form and operation modalities of the existing or new body that will be called upon to carry them out.

Commentato [A1]: (Comment by EU) Not only NGOs could be part of the cooperation effort but also other stakeholders, such as the fisheries sector.

Commentato [A2]: (Comment by Cook Islands) At the last meeting, we undertook some drafting changes to the first paragraph together. We understood there was comfort with this. We are not in a position to support text that attributes a role to COFI in directing other int’l orgs, individual countries or NGOs.

Commentato [A3]: (Comment by Cook Islands) Similar to the point below, to the extent that the FAO does not adopt ‘measures’ but the RFMOs do, it seems inappropriate for the sub-committee to discuss “measures”

Similarly, the thrust of this paragraph potentially conflicts with the role of RFMOs.

Commentato [A4]: (Comment by NZ) Useful to understand better what para 3 means in practice. Are “mechanisms to implement” – international COC, regional bodies and national instruments (laws, regulations)? “Mechanisms to prepare, facilitate programmes” seems to refer to meetings, workshops, and other fora to formulate and negotiate the action programmes? “Expected contribution of partners” seems to stray into governance arrangements- which seems beyond the scope.

Commentato [A5]: (Comment by EU) The word “action” covers more types of activities than “programmes”. Indeed, the new Sub-Committee should not become a programme management committee.

Commentato [A6]: (Comment by EU) The advice on support needed for the action is covered by the prior part of the sentence referring to “advise on mechanisms to (...) implement action identified”.

Commentato [A7]: (Comment by NZ) Need to be clear on SC mandate. Not up to the SC to endorse RFMO policies and actions. Also not sure harmonization is always necessary or appropriate given the different contexts and issues in different RFMOs.

strengthening of international collaboration to assist ~~(– in particular)~~ developing countries – in the implementation of such actions and ~~(of)~~ FAO instruments in the domain of fisheries management;

4.[5.] [support and assist individual countries to implement measures for the long-term conservation and sustainable use of fisheries resources within an appropriate policy, legal and institutional ~~framework;~~] ~~[[deleted]]~~

5.[6.] [promote and review of] ~~[discuss]~~ ~~[small-scale fisheries related matters, including]~~ ~~[FAO non-binding instruments/Voluntary Guidelines such as]~~ the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries ~~(, and advise on ways to enhance global awareness, understanding and action as well as to promote dialogue and collaboration among all actors concerned)~~;

6.[7.] collaborate and provide inputs to the Sub-Committee on Fish Trade on [issues linking fisheries management and] ~~[fisheries management related issues linked to]~~ trade;

7.[8.] collaborate and provide inputs to the Sub-Committee on Aquaculture on [issues linking fisheries management and] ~~[fisheries management related issues linked to]~~ aquaculture; and

8.[9.] address any specific ~~(technical or policy)~~ matters relating to fisheries management referred to it by its Members, the Committee on Fisheries or the Director-General of FAO.⁴

9.[10.] (Develop tools, technical guidelines, and best practices for small-scale fisheries management (i.e. access right, total allowable effort, total allowable catch, technical measures) in tropical waters and assist developing countries to improve effectiveness of their fisheries management system and resource ~~rent.~~)

10.[11.] (Develop and promote management measures, technical systems, processing techniques, and best practices for reducing post-harvest loss onboard of fishing vessels, at landing sites and in small-scale processing ~~bases.~~)

Commentato [A8]: (Comment by EU) All countries may need assistance in the implementation of action and of FAO instruments but of course, assistance – and in particular financial assistance – should benefit in first place to developing countries.

Commentato [A9]: (Comment by Cook Is) It is unclear to me how the sub-committee would do this as a function

Commentato [A10]: (Comment by EU) It is unclear how the sub-committee on fisheries management would support and assist individual countries to implement concrete measures. It does not need to be its role to directly assist individual countries. Anyway, part of the goal followed here is covered by paragraphs 1 and 3.

Commentato [A11]: (Comment by NZ) Seems to be too specific, and could be covered as one of many issues under point 2. Perhaps better put as “Policy Review of FAO non-binding instruments/Voluntary Guidelines?”

Commentato [A12]: (Comment by EU) This addition clarifies the scope of the issues on which the new Sub-committee shall provide inputs.

Commentato [A13]: (Comment by EU) Idem.

Commentato [A14]: Comments by Vietnam

Commentato [A15]: Comment by Vietnam

⁴ Rather than listing all the matters to be covered, it is proposed to keep general Terms of Reference that is flexible and broad and develop a virtual agenda, which will be elaborated with specific items to be discussed.