

**Report of the twenty-fourth session of the**

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**COMMITTEE ON FISHERIES**

**Rome, 26 February – 2 March 2001**



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## **PREPARATION OF THIS DOCUMENT**

This is the final version of the report as approved by the twenty-fourth session of the Committee on Fisheries held in Rome from 26 February to 2 March 2001.

### **Distribution:**

All FAO Member Nations and Associate Members  
Participants at the session  
Other interested nations and national and international Organizations  
FAO Fisheries Department  
Fishery Officers in FAO Regional Offices

FAO.

Report of the twenty-fourth session of the Committee on Fisheries. Rome, 26 February-2 March 2001.

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#### **ABSTRACT**

The Twenty-fourth Session of the Committee on Fisheries was held in Rome, Italy, from 26 February to 2 March 2001. The Committee agreed to establish a Sub-Committee on Aquaculture and adopted the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). FAO was commended for its continuous efforts in promoting the implementation of the Code of Conduct for Responsible Fisheries and related IPOAs. The Committee agreed that future reporting on the application of the Code and related IPOAs be based on in-depth analysis of problems associated with its efficient implementation, using case studies and ensuring regional coverage.

The Committee recommended further studies on subsidies, and a technical consultation to consider how fishery status and trends reporting could be improved effectively, including the possible development of an IPOA on Status and Trends Reporting on Fisheries. The Committee agreed on a process regarding FAO input to CITES on its Listing Criteria; recommended the organization of a technical consultation on the subject; and suggested that in the event agreement could not be achieved, the report of the technical consultation of June 2000 be sent to CITES Secretariat as the formal FAO input to CITES review process. The Committee appreciated the valuable contribution of the FAO/DANIDA Project on Fish Quality Assurance to capacity building in developing countries, commended the quality of work of the Sub-Committee on Fish Trade; and welcomed the Medium-Term Plan for Fisheries and identified the expected results of the Programme. The Committee identified priority areas of work for the Fisheries Department during the biennium 2002-2003, and the areas of work for its Sub-Committee on Fish Trade.

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***MATTERS REQUIRING THE ATTENTION OF THE COUNCIL***

***FOR APPROVAL/ENDORSEMENT***

The Committee:

**Proposed COFI Sub-Committee on Aquaculture**

- i) **Agreed** to establish the Sub-Committee on Aquaculture with its terms of reference as recommended by the Expert Consultation on the Proposed COFI Sub-Committee on Aquaculture, Bangkok, Thailand, 28-29 February 2000. (paras. 59, 62)

**Illegal, Unreported and Unregulated (IUU) Fishing**

- i) **Adopted** by consensus the IPOA-IUU Fishing as contained in Appendix D of document COFI/2001/7 Add., as amended by the results of the informal, open-ended “Friends of the Chair” meetings and with an amendment inserted in Plenary, whilst noting reservations made by a number of countries including, Antigua and Barbuda, Canada and Japan. (paras. 99,102, 105 and 108)

***FOR DECISION/INFORMATION***

**Achievements of Major Programme 2.3 Fisheries 1998-1999**

- i) **Noted** with concern the stagnation in funding for fisheries whilst there had been a substantial growth in the work and responsibilities of FAO. (para. 12)
- ii) **Requested** FAO to consider the feasibility of increasing budgetary allocation to the Fisheries Programme from its Regular Programme resources. (para.12)
- iii) **Also noted** a call from many of its Members, especially developing countries, for increased technical and financial support in the implementation of the Code of Conduct for Responsible Fisheries and the concern of small island developing States (SIDs) that the special programme for SIDs had not materialized due to lack of funding. (para. 15)
- iv) **Noted further** a call from countries from the Latin American and the Caribbean region to receive more equitable consideration in both the regular and field programmes and from other developing countries for increased support from FAO. (para. 16)

**Progress Report on the Code of Conduct for Responsible Fisheries and Related International Plans of Action**

- i) **Recognized** the role the Code of Conduct played in promoting sustainable fisheries and aquaculture, and linkage between improved conservation and management and utilization within the fisheries sector as critical in supporting national policies for enhancing food securities and social and economic opportunities. (para. 21)
- ii) **Noted** that the implementation of the post-harvest provisions of the Code of Conduct had been relatively slow by FAO and Member countries and that FAO could play an important role in facilitating international dialogue to examine mechanisms and verification that would contribute to enhancing responsible post-harvest practices. (para. 23)



- iii) **Urged FAO**, in the course of promoting aquaculture, not to overlook those countries that historically did not practice aquaculture but which had suitable condition for its development. (para. 28)
- iv) **Highlighted** the continued need for awareness-building about the Code of Conduct. (para. 29)
- v) **Recognized** the important role of regional fisheries management organizations in the effective implementation of the Code. (para. 30)
- vi) **Acknowledged** the usefulness of the FAO prepared guidelines to facilitate the implementation of the Code and the elaboration of such guidelines in support of the implementation of the Code at the national and regional levels. (para. 31)
- vii) **Agreed** that more in-depth analysis of problems associated with the efficient implementation of the Code be carried out in future reporting on the application of the Code and the related IPOAs. (para. 37)
- viii) **Welcomed** the opportunity offered by the Reykjavik Conference to address matters related to ecosystem-based fisheries management. (para.38)
- ix) **Also agreed** that, in conducting studies on the relationship between marine mammals and fisheries requested by its Members, FAO should take into account the impact of predator/prey relationship on fisheries as a number of environmental and human factors also contributed to the status of particular fisheries. (para. 39)

**Decisions and recommendations on the Seventh Session of the COFI Sub-Committee on Fish Trade, Bremen, Germany, 22-25 March 2000**

- i) **Expressed** satisfaction with the quality of the work of the Sub-Committee and the importance role played by FAO in the field of fish marketing development through information and provision of technical advice. (para. 42)
- ii) **Acknowledged** with appreciation the fruitful cooperation of the COFI Sub-Committee on Fish Trade and the Common Fund for Commodities (CFC). (para. 42)
- iii) **Endorsed** the report of the Seventh Session of the COFI Sub-Committee on Fish Trade. (Para. 43)
- iv) **Noted** the serious concern of the Latin American and Caribbean countries regarding restrictions on trade and use of fishmeal for animal feed on the grounds of alleged link to Bovine Spongiform Encephalopathy (BSE) and their request for FAO to closely monitor scientific development on the subject and the safety of fishmeal in animal feeding and to report back regularly to Member countries (para. 44)
- v) **Agreed** that the above issues be discussed at the Eight Session of the Sub-Committee. (para. 44)
- vi) **Expressed** appreciation for the valuable contribution of the recently terminated FAO/DANIDA Project on Fish Quality Assurance to capacity building and improvement in seafood safety in developing countries. (para. 47)
- vii) **Stressed** the need for further training and assistance in fish quality assurance, seafood safety measures, risk analysis and the application of the relevant WTO agreements. (para. 47)

- viii) **Requested** FAO and WHO to assist developing exporting countries in finding low cost solutions in the monitoring of environmental pollution on fish safety. (para. 49)
- ix) **Agreed** that the Secretariat continue to monitor developments on issues of relevance to eco-labelling and inform Members through relevant technical publications, in order to develop criteria to guide Member countries. (para. 50)
- x) **Agreed** that the agenda for the Eighth Session of the Sub-Committee include an item on the feasibility and practicality of harmonizing catch certification used by some regional fishery management bodies. (para. 51)
- xi) **Requested** that FAO's policy on the use of the official languages of FAO be applied at the Sub-Committee level as is the case with its parent body. (para.52)

#### **Proposed COFI Sub-Committee on Aquaculture**

- i) **Noted** issues of common global concern on aquaculture development, e.g. environmental and economic implications, consumer and food safety aspects, interactions between aquaculture and capture fisheries, the role of culture-based fisheries, sea ranching, general institutional and development needs for sustainable aquaculture management. (para. 55)
- ii) **Agreed** that the terms of reference of the Sub-Committee be kept flexible and be revised as the aquaculture sector developed to ensure coverage of the needs of all Members. (para. 59)
- iii) **Gratefully acknowledged** the offers from China, Italy, Norway and the United States of America to facilitate the convening of the Sub-Committee sessions in order to help reducing the financial burden on FAO's Regular Programme budget. (paras. 58, 62)
- iv) **Noted** the request of the Observer from the Russian Federation that FAO consider the feasibility of his country becoming a member of the Sub-Committee. (para. 60)

#### **CITES Criteria for Commercially-exploited Aquatic Species**

- i) **Agreed** that the existing criteria of CITES concerning the listing and de-listing of species be based on the best possible scientific evidence and on an effective scientific evaluation process and that FAO consider establishing a process to consider the problems and potential solutions in relation to listing fishery resources under Article II. (para.68)
- ii) **Also agreed** that in the FAO process, a technical consultation be convened before November 2001 and its proposal be considered and endorsed, as appropriate, at the session of the Sub-Committee on Fish Trade and that, if the agreement could not be reached, the June 2000 report of the technical consultation be sent to the CITES Secretariat as the formal FAO input to CITES review process. (paras. 70,71)
- iii) **Agree further** that the next session of the Sub-Committee on Fish Trade follow up the matter under its new Agenda item entitled "Developing a work plan for exploring CITES issues with respect to international fish trade". (para. 68)

#### **Proposal for Improved Global Reporting on the Status and Trends of Fisheries**

- i) **Recognized** that status and trend studies were fundamental to the FAO mandate and that quality data were often wanting, especially in the multi-species and small-scale fisheries, which prevailed in many developing countries. (paras. 75,76)

- ii) **Stressed** the importance of national capacity-building, especially in developing countries, in fishery statistics through Regular Programme activities and the direct assistance of FAO. (para. 77)
- iii) **Recommended** that FAO convene a technical consultation to ascertain ways and means of improving fishery status and trends reporting, including the possible development of IPOA, and that the proposals of the consultation be presented at the Twenty-fifth Session of COFI. (para. 81)

### **Conclusions and Recommendations of the Expert Consultation on Economic Incentives and Responsible Fisheries**

- i) **Agreed** to request FAO to convene a second expert consultation, recognizing that further work remained to be done, to be followed by a Government technical consultation to facilitate the timely dissemination of information to the Members and other intergovernmental organizations. (paras. 86, 89)

### **Illegal, Unreported and Unregulated (IUU) Fishing**

- i) **Acknowledged** the important role that FAO should play in promoting the implementation of the IPOA-IUU, particularly in the provision of technical assistance to developing countries. (para 96)
- i) **Recommended** that the IPOA-IUU fishing and the progress achieved in implementing it be considered at the Twenty-fifth Session of COFI. (para. 111)

### **Medium-Term Plan 2002-2007**

- i) **Commended** that MTP for Fisheries provided a good summary of the activities to be undertaken in relation to the strategic objective of FAO. (para. 112)
- ii) **Recommended** that the Plan ensure a correct balance among regions, among programme activities, and between normative and operational work and that the use of various instruments such as guidelines and plans of action be assessed and harmonized to ensure that the most appropriate tool was used in future initiatives. (para 113)
- ii) **Recommended** further that more resources be set aside for a number of priority areas aimed at improving global fisheries management, i.e. management of small-scale fisheries; eco-system approaches to fisheries management; trade aspects including fish quality and safety; gear selectivity and waste reduction; resources assessment and monitoring; fish disease control and health management; harvest and post-harvest on under-exploited resources such as mesopelagic stocks; and special requirements of SIDs). (para. 115)
- iv) **Recognized** the possible contribution to effective fishery resources management through closer collaboration between FAO and regional fishery bodies. (para. 117)

### **Any other matters**

- i) **Noted** additional fisheries issues raised by some Members, namely, the planned Conference on Management and Sustainable Development of Fisheries in the Antarctic; a conference on mid- and deep-water fishery resources and management; the deterioration of coral reef resources; and the problems of sea turtle mortality due to accidental catch

and others, including land-based and human activities may have implications on the future programme of work and budget for fisheries. (paras.119, 120, 122.124)

## **INTRODUCTION**

1. The Committee on Fisheries held its Twenty-fourth Session in Rome from 26 February to 2 March 2001.
2. The Session was attended by 105 Members of the Committee, by observers from four other FAO Member Nations, the Holy See, and one non-Member Nation of FAO, by representatives from seven specialized agencies of the United Nations and by observers from 45 intergovernmental and international non-governmental organizations. A list of delegates and observers is attached at Appendix B.
3. In the absence of Mr Mike Akyeampong (Ghana), the outgoing Chairperson of the Committee and Mr Minoru Morimoto (Japan), First Vice-Chairperson, the Session was called to order by the Secretary of the Committee on Fisheries. The delegation of Ghana read a letter on behalf of Mr Akyeampong, expressing his regret at being unable to attend the Session and conveying his best wishes for the successful conclusion of the Committee's work.

## **ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS AND DESIGNATION OF THE DRAFTING COMMITTEE**

4. Mr Masayuki Komatsu (Japan) was unanimously elected Chairperson of the Committee and Ms Mara Angelica Murillo Correa (Mexico) was elected First Vice-Chairperson. Australia, Canada, Malta, Libya, and Tanzania were elected as other Vice-Chairpersons.
5. The Committee elected Mr Ashraf Sabit (Egypt) as Chairperson of the Drafting Committee with the following membership: Argentina, Canada, Eritrea, Iceland, India, Japan, Kuwait, Morocco, New Zealand, Philippines, Sweden, United States of America and Uruguay.

## **OPENING OF THE SESSION**

6. The Session was addressed by Mr David A. Harcharik, FAO Deputy Director-General. The full text of his statement is attached as Appendix D.

## **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**

7. The Committee noted the Declaration of Competence and Voting Rights presented by the European Community.
8. Some Members expressed concern about the absence of specific agenda proposals for the Programme of Work and Budget 2002-2003.
9. In response to the concern expressed, the Secretariat informed the Committee that the new planning framework approved by the Conference did not provide for the presentation of full budgetary data for 2002-2003 to the technical Committees. Several Members felt that the consequent lack of information diminished the capacity of the Committee to advise on programme priorities and further that the new planning framework did not prohibit a discussion of the Programme of Work.

10. The Committee adopted the Agenda and Timetable for the Session. The Agenda is given in Appendix A to this Report. The documents which were placed before the Committee are shown in Appendix C.

### **ACHIEVEMENTS OF MAJOR PROGRAMME 2.3 FISHERIES 1998-1999**

11. The Secretariat highlighted the achievements of Major Programme 2.3 Fisheries during the biennium 1998-1999 on the basis of documents COFI/2001/2, COFI/2001/Inf.4, 5 and 6. These achievements included the Fisheries Department contribution to the formulation of a Strategic Framework for 2001-2015 adopted by the FAO Conference and progress attained in the work of the four Fisheries Programmes, which had contributed towards global sustainable fisheries management and development. The Committee was informed about the availability of detailed supplementary information which is contained in the Programme Implementation Report 1998-1999 on FAO's web site.

12. Whilst commending FAO for the progress achieved in the implementation of the work under the Major Programme: Fisheries, the Committee noted with concern the stagnation in funding for fisheries whilst there had been a substantial growth in the areas of work and responsibilities for the Organization. It requested that the Organization consider the feasibility of increasing budgetary allocation to this important Major Programme from FAO Regular Programme resources.

13. Several Members sought a more detailed and strategic evaluation and analytical approach to the assessment of outcomes and impacts of FAO's work in fisheries. The Secretariat advised the Committee that this approach was part of the new evaluation regime and further that the Programme Committee required that evaluation reports dealing with the work of the Fisheries Programme be drawn to the attention of the Committee. The Secretariat also advised the Committee that information on the distribution of the resources in support of the Organization's fisheries programmes by region could be found in Annex I to the FAO Programme of Work and Budget which was available on the FAO web site.

14. Some Members expressed concern about a large number of unscheduled meetings that they had not been able to attend because of the lack of timely information on the meetings and also budgetary constraints.

15. Many Members, especially developing countries, called for increased technical and financial assistance in support of the implementation of the Code of Conduct for Responsible Fisheries. Several small island developing States (SIDS) expressed their concern that the special programme for SIDS had not materialized due to the lack of funding.

16. A call was made by Members from Latin America and the Caribbean region to receive more equitable consideration in both the regular and field programmes. The call for increased support from FAO was also made by other developing countries.

17. Several Members commended the valuable work of the recently terminated DANIDA-funded training programme on fish technology and fish quality assurance and expressed their hope that renewed funding could be identified for the continuation of the work under this programme.

18. The Committee noted with appreciation that FAO had strengthened its collaboration with the International Labour Organization (ILO) and other relevant agencies in the UN system to increase the safety of fishers working at sea.

19. Some Members urged FAO to review and analyse the global status regarding tuna stocks and tuna fisheries, in particular large-scale purse seine and long-line fisheries without duplicating the work of the regional fisheries organizations.

### **PROGRESS REPORT ON THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND RELATED INTERNATIONAL PLANS OF ACTION**

20. The Secretariat introduced document COFI/2001/3 outlining the activities undertaken by FAO to support the implementation of the Code of Conduct for Responsible Fisheries and the International Plans of Action (IPOAs). The introduction also addressed the activities and applications undertaken at the national level, the initiatives by regional fisheries management organizations, and actions by international non-governmental organizations (NGOs). In the introduction the Secretariat noted that progress was being made in the implementation of the Code of Conduct but on the information available to FAO it was difficult to draw firm conclusions as to how successful countries had been in implementing the Code of Conduct. In discussion of the item Members were encouraged to highlight difficulties they were encountering in implementing the Code of Conduct and the IPOAs.

21. The Committee acknowledged the role played by the Code of Conduct in promoting sustainable fisheries and aquaculture. The linkage between improved conservation and management and utilization within the fisheries sector was also recognized as critical in supporting national policies directed towards enhanced food security and the creation and maintenance of social and economic opportunities.

22. Many Members described their experiences in implementing the Code of Conduct and the IPOAs and indicated that it would be highly beneficial if information about these experiences were shared, especially for countries that had not yet started to implement the IPOAs. Members stressed the importance of the involvement of stakeholders in the implementation process and that industry, in particular, could play a leading and prominent role. In small-scale fisheries, a broad-based participatory approach involving fishing communities was indispensable in achieving sustainable outcomes in fisheries and aquaculture.

23. The Committee noted that the implementation of the post-harvest provisions of the Code of Conduct had been relatively slow by FAO and Member countries. It further noted that FAO could play an important role in facilitating international dialogue to examine mechanisms such as information exchange and verification that would contribute to enhancing responsible post-harvest practices.

24. Many Members stated that the provisions of the Code of Conduct formed the basis for policy development and the revision of national fisheries legislation. In most cases this action was in recognition of the importance of responsible fisheries and aquaculture to sustainable development. Some Members expressed their desire to use such policy initiatives to promote a culture of responsible fisheries.

25. With regard to the implementation of the IPOA-Capacity, general appreciation was expressed of the actions of those Members who effectively implemented the IPOA-Capacity.

26. Other Members reported on the methodological challenges and lessons learned in carrying out an assessment of their fishing capacity.

27. The Committee noted that one Member, in cooperation with others, promoted responsible tuna fisheries through the purchase and scrapping of large-scale “flag-of-convenience” tuna longline vessels in the world in accordance with the requirement stipulated in the IPOA.

28. The Committee noted the growing importance of aquaculture development in many countries. Some Members indicated that aquaculture production was assuming a role of increasing importance and that its development should be pursued within a responsible framework. In promoting aquaculture, FAO was urged not to overlook those countries that historically did not practice aquaculture but which had suitable conditions for its development.

29. FAO was commended for the manner in which it was continuing to promote the implementation of the Code of Conduct and to disseminate information about it. However, some Members noted the need to reach all fishing communities in a more effective manner. In this connection, Members highlighted the continued need for awareness-building about the Code, including regional and national workshops, as appropriate, and the preparation of promotional materials. Some countries mentioned the awareness raising role played by NGOs and other groups in fostering an understanding of the Code in fishing communities.

30. Several Members indicated the important role of regional fisheries management organizations in the effective implementation of the Code of Conduct. In this context some Members strongly requested the extension of certain regional projects such as COPEMED and the Dr Fridtjof Nansen programme that had contributed effectively to the application of the Code of Conduct for Responsible Fisheries in the Mediterranean and Northwest and South-West African regions.

31. Members commented that the guidelines prepared by FAO in support of the application of the Code of Conduct were important aids in facilitating its implementation. The Committee took note that regional and national guidelines in support of implementation had also been elaborated. Some developing Member countries drew attention to the need to ensure that the FAO guidelines addressed developing country issues since these countries were intended as the primary recipients of such guidelines.

32. The Committee recognized that institutional strengthening and capacity-building in developing countries was of high priority if the Code of Conduct and the IPOAs were to be implemented effectively and in a timely manner. The Committee noted the offer of some Members to share experience in the implementation of the Code and its related IPOAs with other Members. It also noted the special needs of small island developing States (SIDS) in their efforts to meet their responsibilities with respect to implementation.



33. Some Members referred to the World Bank's initiative in fisheries, including the Forum for Sustainable Fisheries (FSF), which in cooperation with FAO could provide a mechanism to assist developing countries in strengthening their capacity in responsible fisheries management and called upon Members to encourage the World Bank to continue its collaboration with FAO on this important issue. Other Members called on FAO to provide the technical guidance and capacity strengthening through its field programmes, independent of initiatives by other organizations.

34. Many Members from developing countries referred to the constraint of a lack of financial and technical resources to support the implementation of the Code and the IPOAs. While noting that valuable technical assistance was already being provided by some donors and FAO, many Members called upon the international donor community and FAO, as provided for in Article 5 of the Code, to strengthen existing partnerships and to continue to provide the necessary technical assistance to overcome the technical and financial constraints identified.

35. Several Members highlighted support received from FAO Trust Fund Projects especially those listed in Annex 2 of document COFI/2001/3 and expressed the hope that such assistance would continue and increase.

36. Several Members considered that the use of access rights in fisheries management was useful for improved management efficiency and the control of fishing capacity. The Committee agreed that the characteristics of artisanal, multi-species and small-scale fisheries should be especially recognized while developing an approach to this issue. In this regard some Members requested FAO to follow up on the outcome of the Conference on the Use of Property Rights in Fisheries Management, held in Fremantle, Australia, in 1999.

37. The Committee agreed that in future reporting on the application of the Code and the related IPOAs, more in-depth analysis of problems associated with its efficient implementation should be carried out on the basis of appropriate case studies and ensuring adequate regional coverage.

38. The Government of Iceland made a presentation to the Committee on the Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem which was scheduled to take place in Reykjavik, Iceland, from 1 to 4 October 2001. The Conference was being organized jointly by the Government of Iceland and FAO with co-sponsorship by the Government of Norway. Iceland noted that the objectives of the Conference were linked clearly to Article 6.4 of the Code of Conduct. The main objectives of the Conference were to:

- gather and review the best available knowledge on marine ecosystem issues;
- identify means by which ecosystem considerations could be included in fisheries management; and
- identify future challenges and relevant strategies.

The Reykjavik Conference was open to all FAO Members and information concerning the Conference was available on a web site: [www.refisheries2001.org](http://www.refisheries2001.org). The Committee welcomed the opportunity offered by the Reykjavik Conference to address matters related to ecosystem-based fisheries management.

39. Many Members requested FAO to conduct studies on the relationship between marine mammals and fisheries. Other Members, however, commented on the issues and complexity of ecosystem-based fisheries management, urging that caution be exercised in drawing definitive conclusions with respect to the impact of predator/prey relationships on fisheries as a number of environmental and human factors also contributed to the status of particular fisheries. The Committee agreed that such studies and reviews by FAO should be conducted to encompass these characteristics in particular interaction between marine mammals and fisheries.

40. While discussing matters relating the implementation of the Code of Conduct some delegates brought to the attention of the Committee several issues including eco-labelling subsidies and coral reefs. It was agreed to discuss these issues under the relevant Agenda items.

**DECISIONS AND RECOMMENDATIONS OF THE SEVENTH SESSION OF  
THE COFI SUB-COMMITTEE ON FISH TRADE, BREMEN, GERMANY,  
22-25 MARCH 2000**

41. The item was introduced by the Secretariat and Ms Jane Willing, the Chairperson of the Sub-Committee on Fish Trade, and discussed on the basis of documents COFI/2001/4 and COFI/2001/Inf.7. The second draft of the Technical Guidelines for Articles 11.2 and 11.3 of the Code of Conduct for Responsible Fisheries had also been made available to delegates.

42. The Committee expressed its satisfaction with the quality of the work of the Sub-Committee and the important role played by FAO in the field of fish marketing development through information and provision of technical advice. Specifically the benefits that countries derived from the services as members of the Fish Info Network were highlighted. In particular, the fruitful cooperation of the COFI Sub-Committee on Fish Trade with the Common Fund for Commodities (CFC) was acknowledged with appreciation. There were several examples mentioned where the support of the CFC could be highly desirable.

43. The Committee endorsed the report of the Seventh Session of the Sub-Committee on Fish Trade and provided a number of pertinent observations.

44. The Latin American and Caribbean countries expressed serious concern regarding restrictions on trade and use of fishmeal for animal feed on the grounds of alleged link to the Bovine Spongiform Encephalopathy (BSE). They likewise called upon FAO to closely monitor scientific development on this subject and the safety of fishmeal in animal feeding and to report back regularly to Member countries on this matter. They also noted that they did not consider trade bans in this connection to be justified. It was agreed that the subject should be placed on the agenda of the Eighth Session of the COFI Sub-Committee on Fish Trade.

45. Many Members expressed their concern about the restrictions being imposed on trade in fish products through various discriminatory tariffs and non-tariff barriers.

46. Several Members noted that the second draft of the Technical Guidelines for Articles 11.2 and 11.3 of the Code of Conduct constituted a considerable improvement

over the first version, and the Secretariat was encouraged to work further on them with due cooperation from its Members, taking into account the work carried out by other international organizations with relevant experience, such as Codex Alimentarius (CODEX), the World Trade Organization (WTO) and the World Health Organization (WHO).

47. Several Members expressed appreciation for the valuable contribution of the FAO/DANIDA project on Fish Quality Assurance to capacity building and improvement in seafood safety in many developing countries. In this regard the need for further training and assistance in the field of quality control and seafood safety measures, risk analysis, and the application of the relevant WTO agreements was stressed both in relation to the positive contribution of developing countries to international fish trade as well as consumer protection in national markets. Some Members expressed their willingness to support such efforts.

48. Appreciation was expressed to FAO for strengthening the INFOFISH network and in particular the reactivation of INFOSAMAK and the relocation of its headquarters to Morocco. Some Members informed the Committee on their recent signing of the EUROFISH agreement and urged other States also to sign the Agreement to establish the organization.

49. The high costs of monitoring the impact of environmental pollution on fish safety were mentioned as a specific burden for developing exporting countries. FAO and WHO were asked to assist in finding low cost solutions of handling such issues.

50. The Committee was informed of eco-labelling schemes in some countries, such as in the Nordic countries and Japan. An exchange of views on eco-labelling showed it was recognized as a growing and important issue that might lead to serious concerns among the parties involved. Some Members expressed their deep concern that a private initiative such as this could become an additional barrier to trade especially if it were not based on scientific and objective criteria. However, there were diverse views on this matter and no mandate was given for convening a second technical consultation. The Committee agreed that the Secretariat should continue to monitor developments in this field and inform the membership through relevant technical publications, in order to develop criteria to guide Member countries.

51. It was agreed that the agenda for the Eighth Session of the COFI Sub-Committee on Fish Trade should also include an item on the feasibility and practicality of harmonizing catch certification used by some regional fishery management bodies. It was pointed out that with the aim to prepare suitable recommendations to the Sub-Committee this issue should be considered by an expert consultation in conjunction with the regional fishery bodies concerned and taking into account the objectives of these certification schemes. Some Members expressed the view that when any recommendation was developed, it should not result in greater costs for countries or their industries.

52. Many Members requested that FAO's policy on the use of the official languages of FAO should be applied at the Sub-Committee level as is the case with its parent body.

53. The Committee expressed its appreciation for the generosity of the Hanseatic City of Bremen in hosting the Sub-Committee on Fish Trade and welcomed the offer to host the next Session of the Sub-Committee.

## **PROPOSED COFI SUB-COMMITTEE ON AQUACULTURE**

54. This agenda item was introduced by the Secretariat with additional clarification by the Chairman of the Expert Consultation on the proposed COFI Sub-Committee on Aquaculture, and discussed on the basis of document COFI/2001/5. The Committee also had access to COFI/2001/Inf.8 (Report of the FAO Expert Consultation on the Proposed Sub-Committee which includes the Bangkok Declaration and Strategy on Aquaculture Development beyond 2000). The Committee noted past discussions concerning the establishment of the Sub-Committee and appreciated the recent work by the Secretariat in organizing and convening the Expert Consultation.

55. There was recognition of the increasingly important role that aquaculture was playing in global fish production, and food security by providing opportunities for economic development in Member States. Many Members noted the proactive role FAO had to play in responsible aquaculture development in collaboration with other centres of excellence. The Committee raised issues of common global concern on aquaculture development, such as environmental and economic implications, consumer and food safety aspects, interactions between aquaculture and capture fisheries, the role of culture-based fisheries, sea ranching, general institutional and development needs for sustainable aquaculture management.

56. With regard to the establishment of the Sub-Committee on Aquaculture, discussions focused on the financial implications, terms of reference, issues to be addressed and areas of future work.

57. Concerning the financial implications, many Members stressed the necessity and urgency of establishing the Sub-Committee. They indicated that funding should preferably come from FAO's Regular Programme and urged that the Fisheries Department should be given a "real growth" budget allocation in the next biennium. Several Members expressed the view that the funding for the Sub-Committee from the Regular Programme budget should not be at the expense of other programmes of the Fisheries Department.

58. In order to reduce the financial burden on FAO's Regular Programme budget, China, Italy, Norway, and the United States of America made offers of financial assistance. The delegation of China offered to host the First Session of the Sub-Committee in conjunction with the meeting of the World Aquaculture Society and an international aquaculture exhibition in Beijing in April 2002, and opted to cover some of the local costs. The delegation of Norway offered support for the Second Session in Norway, also in conjunction with an international exhibition on aquaculture in August, 2003. Norway's support would include covering some net additional costs to the Secretariat (provision of technical secretariat, documentation, etc.), direct meeting costs (interpretation and translation, meeting facilities, etc.) and support for participation of some delegates from developing countries. The delegation of the United States of America offered to consult with the aquaculture industry with a view to hosting a subsequent session of the Sub-Committee and the delegation of Italy indicated that it would join international efforts to provide additional funding for the Sub-Committee. China acknowledged the offer of other Members to host subsequent meetings of the Sub-Committee and noted that the holding of the Sub-Committee's sessions in different countries would permit delegations to observe and share experiences from other areas.

59. There was general agreement on the terms of reference as outlined in document COFI/2001/5. However, there might be a need to clarify them further in the light of the development of the Sub-Committee. In order to ensure coverage of the needs of all Members it was recommended that the terms of reference should be kept flexible and should be revised as the aquaculture sector developed. The terms of reference for the Sub-Committee are given in Appendix E.

60. Several Members emphasized that the Sub-Committee should complement the work of regional fishery bodies, minimize duplication of effort and thus maximize resources. The observer from the Russian Federation requested FAO to consider the feasibility of his country becoming a member of the Sub-Committee.

61. The Committee unanimously agreed with the recommendation of the Expert Consultation that the priority areas to be addressed by the Sub-Committee should include aquaculture development, statistics, implementation of the Code of Conduct for Responsible Fisheries, environmental aspects of aquaculture development, regional cooperation, aquaculture management, aquaculture and coastal zone management, and national and regional aquaculture capacity building. Some Members stressed the importance of the Sub-Committee in analysing issues pertaining to safe aquaculture and technological development for cultivation of species.

62. The Committee agreed to establish the Sub-Committee, and gratefully acknowledged the offers from China, Norway, the United States of America and Italy to facilitate the convening of the sessions.

### **CITES CRITERIA FOR COMMERCIALY-EXPLOITED AQUATIC SPECIES**

63. The Secretariat in introducing this item on the basis of document COFI/2001/6 highlighted the purpose of CITES and differences between the three Appendixes. The attention of the Committee was drawn to the particular relevance of Appendix II to species exploited by commercial fisheries and to the uncertainty surrounding the intention of listing on this Appendix: whether it was intended only to reduce the risk of species extinction or also for the promotion of sustainable use. Attention was also drawn to the outcomes of the Technical Consultation on the Suitability of the CITES Criteria for Listing Commercially-exploited Aquatic Species (Rome, June 2000) (document COFI/2001/Inf.9) for its consideration. The Secretariat requested guidance from the Committee on whether further action would be required by FAO, and whether opinions and recommendations should be passed on to CITES, bearing in mind the timetable for CITES own criteria review process, which would require input from FAO by November 2001.

64. Members expressed appreciation for the work carried out to date by the FAO Secretariat and by the Technical Consultation. The good cooperation that had been established between the FAO and CITES Secretariats was also acknowledged.

65. There was widespread support for the conclusions and recommendations of the June 2000 Technical Consultation, encompassing those dealing with both the criteria and the process. Several Members stated that the CITES criteria as applied to commercially-exploited aquatic species should be consistent with the United Nations Convention on the

Law of the Sea and other subsidiary instruments such as the Code of Conduct for Responsible Fisheries.

66. Many Members remarked that the existing criteria required further analysis and refinement and that FAO had an important role to play in this process through ensuring that CITES had access to the best technical advice available and that the criteria took into account the relevant life history and taxonomic characteristics of each case. There was also general agreement that decisions concerning listing and de-listing of species should be based on the best possible scientific evidence and an effective scientific evaluation process.

67. There was considerable debate about the intention of listing on Appendix II. A number of Members expressed their concern about the possibility of CITES being seen as a replacement for fisheries management, stating that this had not been intended when CITES was established and that CITES was not equipped for this purpose. A number of delegates indicated that CITES should only have a complementary role in this matter. Several Members expressed the opinion that Appendix II had a role to play but only for species that might become threatened with extinction and only when they have not been subject to trade regulation by relevant regional fisheries management organizations. Concern was also expressed about the inability of CITES to respond rapidly in terms of listing and, particularly, de-listing in response to changes in the status of species. This was a particular problem for fishery resources which tended to experience rapid and substantial natural changes in abundance. Many Members indicated that good fisheries management was the primary responsibility of the national, regional or international fisheries management organizations within its mandated area. Some Members acknowledged that CITES had an important role to play in the conservation of flora and fauna but that this should not be compromised by using it without the benefit of relevant technical expertise to be provided by FAO in the case of commonly traded marine species.

68. The Committee endorsed the recommendations of the Technical Consultation that FAO should establish a process to consider the problems and potential solutions in relation to listing fishery resources under Article II, including the implications of the "look alike" provision (paragraph 2(b)), introductions from the sea, and the precautionary approach (Annex 4 of CITES resolution 9.24). It agreed that the follow up on these matters should be dealt with by the COFI Sub-Committee on Fish Trade under the title "Developing a workplan for exploring CITES issues with respect to international fish trade".

69. There was general support for FAO continuing to facilitate communication amongst its Members, regional fishery bodies and CITES. There was general agreement that countries must improve internal communication between those agencies responsible for fisheries matters and those responsible for CITES matters in connection with listing and de-listing commercially-exploited aquatic resources.

70. The Committee agreed on the following process regarding FAO input to CITES on the listing criteria, subject to the availability of extra-budgetary funds to cover the costs. It was designed to meet the requirements of the CITES timetable while still allowing time for FAO members to participate as fully as possible in the process.

- (i) The FAO Secretariat would prepare a background paper detailing as required the analysis of the CITES listing criteria, focusing on Appendix II, and proposing a scientific framework for evaluating the status of species for such listing.
- (ii) This background paper would be considered by a technical consultation which would be held before November 2001, possibly in September. Namibia offered to host this Consultation and to coordinate the local arrangements but extra-budgetary funding would be necessary in order to prepare a background paper; to facilitate participation at the meeting; and to ensure translation of the documents. The Technical Consultation would formulate a proposal to be sent to CITES on the revision of the criteria as well as on the process of revision and listing. This proposal would be formally considered at the Eighth Session of the COFI Sub-Committee on Fish Trade to be held in February 2002. Because of the time constraint, the conclusions of the Technical Consultation would be sent to the CITES Secretariat on an informal basis in time for the Chairs of the CITES Plants and Animals Committees to prepare their report for the CITES Standing Committee.
- (iii) The proposals of the Technical Consultation would be considered and endorsed or amended as necessary at the COFI Sub-Committee on Fish Trade and its decisions formally conveyed to CITES by the FAO Secretariat.

71. The Committee agreed that if the Technical Consultation could not be arranged for financial or technical reasons or because agreement could not be achieved at the Technical Consultation, the report of the Technical Consultation of June 2000 would be sent to CITES as the formal FAO input to their review process.

72. Some Members highlighted the need for the development of procedure for closer cooperation between FAO and the CITES Secretariat.

### **PROPOSAL FOR IMPROVED GLOBAL REPORTING ON THE STATUS AND TRENDS OF FISHERIES**

73. The Secretariat and the Chairperson of the Advisory Committee on Fisheries Research (ACFR) introduced document COFI/2001/8 which contained an Annex entitled "Draft International Plan of Action for Status and Trends Reporting on Fisheries" and highlighted the process through which the proposal had been elaborated.

74. The Committee was invited to discuss the proposed approach to improve the information available globally on status and trends of fisheries and consider whether an international plan of action would be an effective means in this regard.

75. The Committee unanimously recognized that status and trend studies were fundamental to the FAO mandate and also recognized the leading role of FAO in bringing about improvements to fishery data and information on status and trends of fisheries and fishery resources. It agreed that reporting on fishery status and trends had shortcomings which required attention.

76. It was noted that basic data of good quality were often lacking at the national level and that particular attention needed to be directed to multi-species fisheries and small-scale fisheries which prevailed in many tropical developing countries.

77. Recognizing that reliable fishery statistical data collection was a national responsibility and that adequate financial and other resources were often lacking for methodologically-sound statistical activities, some Members stated that an international plan of action might serve as a possible framework for the donor community to help countries in need. In this regard many Members stressed the importance of national capacity-building, especially in developing countries, in fishery statistics through Regular Programme activities and the direct assistance of FAO.

78. Some Members commended FAO on its development of an improved fishery information system, partially funded from extra-budgetary sources, and based on advanced technological tools for the international community.

79. Many Members supported the development of an IPOA and some stated that the draft IPOA presented in Annex 1 of document COFI/2001/8 represented a realistic approach. Some Members, however, did not agree that an IPOA was the best instrument at this moment to achieve long-term goals and flexibility, and that alternative approaches be sought. Some Members and observers stated that improvements to trend studies might come from a better networking between FAO and regional fishery bodies.

80. Noting the significant contribution of aquaculture to world fish production and the recommendations by the Committee for the establishment of a COFI Sub-Committee on Aquaculture, one delegation expressed concern that the draft IPOA presented in Annex 1 of the document did not include aquaculture.

81. The Committee emphasized the need for all States to have an opportunity to shape any future initiative in relation to status and trends reporting on fisheries, as well as in the drafting of the IPOA, if there were agreement to do this. To this effect the Committee recommended that a technical consultation be called by FAO to consider how fishery status and trends reporting could be improved effectively, including the possible development of an IPOA. The technical consultation should consider data and information collection and analysis and needs at the national, regional and global levels. Particular attention should be given to the needs of developing countries for capacity building. The proposals elaborated by the technical consultation should be presented to the Committee at its Twenty-fifth Session.

## **CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT CONSULTATION ON ECONOMIC INCENTIVES AND RESPONSIBLE FISHERIES**

82. The Secretariat introduced the Agenda item on the basis of document COFI/2001/9. Attention was drawn to the conclusions and recommendations of the Report of the Expert Consultation on Economic Incentives and Responsible Fisheries (document FIPP/R638) that was held in Rome (28 November–1 December 2000) and to the papers presented (document FIPP/R638 Suppl.). Guidance was sought from the Committee on how the work of assessing the impacts of subsidies should be continued and what partnerships might be appropriate in the process.

83. The Committee appreciated the work undertaken by the Secretariat and noted the Report of the Expert Consultation as well as the conclusions and recommendations contained therein. Some Members felt that the Expert Consultation had raised more



questions than answers. It noted, however, that further work remained to be done on this subject, particularly on matters relating to technical information regarding the nature of subsidies and their effects.

84. Some Members expressed concern over the use of subsidies in fisheries and that further work on the effects of such subsidies is an important issue that should be given priority by FAO.

85. The Committee agreed that future work on subsidies should build on past efforts and work towards determining the quantitative and qualitative effects of subsidies on trade in fish and fishery products and sustainability of fishery resources where the study of the trade aspect should be of a technical nature and be closely coordinated with the World Trade Organization (WTO) as the competent body for trade discipline. It was further agreed that work on this topic be closely coordinated with, and complementary to, the work being carried out by other relevant intergovernmental organizations and recommended that FAO, as a global multi-disciplinary organization, should take a lead role in the promotion of such cooperation and in the coordination of work on fisheries subsidies and the relationship with responsible fisheries.

86. The Committee agreed that a second Expert Consultation be organized by FAO but that substantial preparatory work, including an inventory of currently available and ongoing efforts, should first be carried out by the Secretariat. The Committee urged that the Consultation be comprised of a wider range of experts, having relevant practical and multidisciplinary experience in fisheries management and trade issues. In addition it should reflect a regional and topical balance of the issues to be considered. It was agreed that governments should be consulted in the selection of the experts.

87. Some Members emphasized the necessity to take into account the needs and conditions of developing countries and, in particular, the issues relating to differences between large- and small-scale or artisanal fisheries. Some Members also emphasized that, with respect to the matter of subsidies and trade, the Consultation should focus on the technical aspects of the policy debate.

88. The Secretariat informed the Committee that the resources required for holding the second Expert Consultation were not available in the current budget. Resources might be available in the 2002-2003 budget but the Secretariat would not know until November 2001, hence the Secretariat suggested that extra-budgetary funds might be needed for the purpose of a second Expert Consultation.

89. It was agreed that the Expert Consultation be followed by a Government Technical Consultation on the issue, in part as a means of quickly disseminating information on the matter both to Members and to other intergovernmental organizations.

90. As a complementary activity to address the fishery subsidy issue, one Member suggested that it would be useful to initiate meetings to study all factors affecting sustainability. While many Members agreed in principle with the proposal and it was also supported by some Members, it was generally felt that such efforts would duplicate much of the work already underway.

## **ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

91. In introducing the item, the Chair provided the Committee with a synopsis of the events leading to the elaboration of the draft IPOA-IUU. In so doing, he referred to document COFI/2001/7, COFI/2001/7 Add. and COFI/2001/Inf.10. The Chair also introduced revisions for the text of the draft IPOA-IUU as contained in COFI/2001/7 Add., which resulted from consultations within the informal open-ended "Friends of the Chair" meetings.

92. The Secretariat noted that the idea of development of an IPOA to address IUU fishing was first proposed at the Twenty-third Session of COFI in 1999. The matter was endorsed by a 1999 Fisheries Ministerial Meeting shortly after that Session of COFI. Since then, to address the issue, an Expert Consultation was convened by Australia in cooperation with FAO in May 2000. This meeting was followed by two Technical Consultations at FAO Headquarters in October 2000 and February 2001, respectively. Appendix D to document COFI/2001/7 Add. contained the draft IPOA-IUU as adopted by the Second Technical Consultation on Illegal, Unreported and Unregulated Fishing on 23 February 2001.

93. The Committee expressed its sincere appreciation to Mr Andrew Jackson of the United Kingdom, Chair of the Technical Consultations on IUU Fishing, for his efforts in guiding the Technical Consultation to the successful completion of its work. The Committee also expressed its appreciation to Mr David Balton of the United States of America, Chair of the informal, open-ended "Friends of the Chair" meetings, for his efforts in resolving outstanding concerns of some Members with respect to the draft IPOA-IUU.

94. All Members supported the adoption of the draft IPOA-IUU while recognizing the important need to address IUU fishing in a broad and comprehensive manner. It was noted that the draft IPOA before the Committee was a compromise document concluded within the framework of the Code of Conduct for Responsible Fisheries. The Committee further recognized that concerted efforts on the part of all Members would be required to implement the IPOA.

95. Many Members from developing countries expressed their support for the adoption of the draft IPOA-IUU, but also expressed their concern that they would encounter serious constraints in implementing the IPOA if assistance from FAO and the international donor community was not forthcoming.

96. The Committee acknowledged the important role that FAO should play in promoting the implementation of the IPOA-IUU, particularly in the provision of technical assistance to developing countries. Some Members pointed out that funds would be required to facilitate implementation of the IPOA and it was proposed that FAO consider providing Regular Programme funds for this purpose and seek extra-budgetary funding, as appropriate.

97. The recommendations of the Joint FAO/IMO *Ad Hoc* Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, which met at FAO Headquarters, Rome, in October 2000, were noted by the Committee. It was agreed that FAO should continue to cooperate with IMO, as appropriate, on these issues.

98. The delegation of the European Community stated that the text of the IPOA-IUU could have been stronger to stress States' responsibilities. The European Community

considered that the IPOA had been formulated for political reasons and as an international commitment to combat IUU fishing. The European Community recorded its concern that the definition of IUU fishing in paragraph 3 of the IPOA-IUU is not entirely appropriate, but could be accepted in the interest of supporting adoption of the IPOA with the understanding that the European Community would not recognize this definition as having any force other than in the context of the IPOA-IUU. The delegation of the European Community also stated that the IPOA is not a legal text but a political text. Canada supported the points raised by the European Community.

99. The delegation of Antigua and Barbuda advised the Committee that it operated an open-register for vessels and while it had some concerns about the text of the IPOA-IUU, it nonetheless supported its adoption. The delegation of Antigua and Barbuda further advised the Committee that it had reservations on paragraphs 27, 38 and 39 of the draft IPOA-IUU of 23 February 2001.

100. The delegation of Indonesia supported the adoption of the IPOA-IUU and noted the problems of IUU fishing within its EEZ. The delegation of Indonesia advised the Committee that its reservation placed on paragraph 21 of the draft IPOA-IUU of 23 February 2001 had been lifted. Indonesia while reiterating that the developing countries should be supported and assisted by FAO and donor countries in the development and implementation of their national action plans, also urged that the implementation of the IPOA, especially with regard to port State measures and market-related measures, be applied in a fair, transparent and non-discriminatory manner.

101. The delegation of the Philippines supported the IPOA-IUU and suggested that in paragraph 76, more positive language should be used in its directive to FAO and lending institutions for training and capacity building. Specifically, the delegation of Philippines preferred the substitution of the word “consider” in the third line of paragraph 76 with the word “shall”.

102. The delegation of Japan stated that it supported the adoption of the IPOA-IUU. The delegation of Japan also advised the Committee that it had reservations on paragraphs 45 and 69bis of the draft IPOA-IUU of 23 February 2001.

103. The delegation of Mexico noted that the IPOA-IUU, which is a voluntary instrument, offered a range of alternative tools to combat IUU fishing but this did not imply that States were obligated to use all of them, as it was the sovereign right of each State to decide which tools might be used. In this connection, the adoption of the IPOA-IUU does not affect, nor should it be understood as affecting, the rights and obligations of States, in accordance with international law, and neither prejudice the position of States in other international fora.

104. The delegation of Norway stated that Norway reserved its right to exercise stronger measures to prevent, deter and eliminate IUU fishing than was reflected in the IPOA-IUU.

105. The delegation of Canada reaffirmed that it was highly supportive of the goal of the draft IPOA. The delegation explained the policy rationale for maintaining reservations over paragraphs 20.10 and 70.7bis of the draft IPOA-IUU of 23 February 2001 and paragraphs from 53bis to 66 relating to Internationally Agreed Market Related Measures.

The full text of the intervention of the delegation of Canada is given in Appendix F. Canada made the following reservations:

“The IPOA on IUU fishing was developed for the purpose of addressing the same issues than those addressed by global instruments developed by the international community, in particular the *1982 UN Convention on the Law of the Sea* and its *1995 Implementation Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*. The objective of the IUU initiative was to develop a comprehensive, effective and transparent toolbox of measures that States could use to prevent, deter and eliminate IUU fishing. Canada feels that this objective was not fully achieved with the current draft text of the IPOA. Moreover, an important ‘state of the art’ tool was left out of the text which Canada believes should have been expressly included.”

“Canada considers that the international community has accepted that boarding and inspection regimes should include requirements for fishing vessels to permit access by duly authorized inspectors from regional fisheries management organizations or states other than the flag state. Canada accepts that Members consider that the IPOA includes such measure. Canada considers, however, that such measure should have been set out explicitly in order to meet the objectives set out in the IPOA and, more generally, promote good fisheries conservation and management practices.”

“For these reasons, Canada feels it must put a reservation on paragraphs 20.10 and 70.7bis of the draft IPOA on IUU fishing.”

“Canada reserves its position with respect to the section of the draft International Plan of Action on IUU fishing titled “Internationally Agreed Market-Related Measures” (paragraphs 53(bis) to 66). Canada recognizes the right of states, consistent with the Marrakech Agreement establishing the WTO, to adopt or enforce measures relating to the conservation of exhaustible natural resources. Canada does not, at this time, endorse as an automatic policy, an undertaking to apply sanctions with respect to trade in fish and fish products in cases of IUU fishing with respect to all regional fisheries management organizations. Rather, states should decide on the use of trade measures on a case-by- case basis, having due regard to the specific circumstances.”

106. The delegation of Canada formally requested that the text of its reservations be included in the IPOA-IUU as an Annex, as well as in the report of the Session. On this basis, Canada withdrew its general reservation on the draft IPOA-IUU, and invited the Chair to move for the adoption of the draft IPOA-IUU contained in COFI/2001/7 Add. Without further discussion, the Chair stated that the reservation of the delegation of Canada, like those of other delegations, would be faithfully reflected in the report of the Session.

107. The delegation of Chile, while supporting the adoption of the IPOA-IUU, reminded the meeting that important efforts were being developed to combat IUU fishing. In this regard, Chile, Australia, Peru, United States of America and the European Community were working together to create an international information network on monitoring, control and surveillance against IUU fishing. This work resulted from an

international conference on monitoring, control and surveillance, that was held in Santiago, Chile, in January 2000.

108. The Committee adopted, by consensus, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as contained in Appendix D of COFI/2001/7 Add., and as modified by the results of the informal, open-ended "Friends of the Chair" meetings and with an amendment inserted in Plenary. The Committee urged all Members to take the necessary steps to effectively implement the IPOA-IUU. The IPOA-IUU is given in Appendix G.

109. The delegation of Argentina expressed its concern about the present situation of over-exploitation of fishery resources in the adjacent area to its EEZ. The delegation of Argentina informed the Committee that 300 squid jiggers were operating between 201 and 215 nautical miles from Argentina's coast. In view of the large number of vessels and their presumed catches, Argentina was concerned that such fishing would have a negative and direct impact on the resources of Argentina's EEZ. The delegation of Argentina recalled its country's primary interest as a Coastal State in the conservation of fishery resources in the adjacent area to its EEZ. While Argentina had no intention to exercise jurisdiction beyond its EEZ, Argentina called upon all States with vessels fishing in the area to implement the guidelines of the Code of Conduct for Responsible Fisheries relating to those operations. Moreover, Argentina called upon countries whose fishing vessels operated in the adjacent area to its EEZ to cooperate with the conservation goals that Argentina had in place and to ensure compatible behaviour with those goals. The delegation of Argentina expressed its satisfaction with the adoption of the IPOA to combat IUU fishing and invited all Members to take steps to implement it. Furthermore, the delegation of Argentina made the following declaration:

“The Argentine Republic interprets that the term "entities" contained in the Code of Conduct for Responsible Fisheries and in the International Plans of Action adopted within its framework, including the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing just adopted, refers to the entities referred to in article 305 of the 1982 UN Convention on the Law of the Sea.”

110. The Secretariat was requested to disseminate widely the IPOA and to transmit it to Members, regional fisheries management organizations, relevant intergovernmental organizations and NGOs.

111. Given the international importance of IUU fishing and the need to address it, the Members agreed that the issue and the IPOA-IUU be further considered at the Twenty-fifth Session of COFI. Of particular interest to Members at the next Session of COFI would be the progress achieved in implementing the IPOA-IUU.

#### **MEDIUM-TERM PLAN 2002-2007**

112. The Committee reviewed this item on the basis of document COFI/2001/10 and a table indicating the Medium-Term Plan Resources for the Fisheries Programme provided for its consideration by the Secretariat. It welcomed the Medium-Term Plan for Fisheries and identified the expected results of the programme. Furthermore, the Plan provided a good summary of the activities to be undertaken in relation to the strategic objectives of FAO. Many Members recommended that biennial data on budget proposals be made

available in conjunction with the Medium-Term Plan so as to assist the Committee in its provision of constructive advice on programme priorities.

113. The Committee reviewed a number of areas where changes or improvements in the orientation of work planned could enhance the utility of the Medium-Term Plan. Several Members expressed serious concerns about the lack of balance among regions in resource allocation and stressed the need for increased allocations to developing countries for policy and technical assistance. The Committee therefore recommended that in future the programme should ensure a correct balance among regions, among programme activities and between normative and operational work, taking into account the above stated concerns of developing countries, as well as the many demands for normative work. It also recommended that the use of various instruments such as guidelines and plans of action be assessed and harmonized to ensure that the most appropriate tool was used in future initiatives. Finally, decisions to establish long-term activities should not be based only on commitments for the short-term development phases of the work proposed.

114. In its review of the Plan, the Committee pointed to several areas which it felt should continue to receive priority attention, in particular, work on the implementation of the Code of Conduct for Responsible Fisheries and the International Plans of Action. The Committee noted with satisfaction the emphasis placed on activities of the Fisheries Department contributing to the Organization's strategies B, C and E and encouraged their continuation. Many Members underlined its support for activities in the area of institutional capacity building in developing countries and many Members called for increased support to be given to such activities. The Committee recalled its approval to establish a sub-committee on aquaculture, noting that this formed part of its larger commitment to ensure continued, balanced work in support of aquaculture and highlighted the need for additional resources in this connection.

115. The Committee underscored FAO's comparative advantage in fisheries and, in this respect, reiterated its strong demand that a higher share of FAO budget be allocated to the Fisheries Programme. It also discussed a number of areas where it felt additional resources could be productively employed. In addition to an increased emphasis on work which the Committee considered a long-term commitment such as the implementation of the Code of Conduct for Responsible Fisheries and the IPOAs, it concluded that more resources should be set aside for several specific areas in relation to the general aim of promoting improvements in global fisheries management. The areas referred to by many Members include the management of small-scale fisheries; the development of ecosystem approaches to fisheries management; trade aspects including fish quality and safety considerations; fishing gear selectivity and waste reduction; resources assessment and monitoring; fish disease control and management and harvest and post-harvest of under-exploited resources such as mesopelagic stocks; as well as the special requirements of the small island developing States (SIDS).

116. Some Members commented that often a number of agencies within their Government were involved in FAO matters. Effective coordination among these national agencies to ensure that each Member delegation to FAO bodies support its resource allocation approach in all relevant FAO bodies may help achieve a reallocation of FAO programme resources. Several Members suggested that a reasonable portion of arrears paid should be allocated to the FAO Fisheries Programme.

117. Some Members supported the allocation of increased resources to strengthen the work of the regional fishery bodies. The Committee pointed to opportunities that greater collaboration between FAO and regional fishery bodies could contribute to more cost effective implementation of some activities such as resource monitoring and assessment.

#### **DATE AND PLACE OF THE TWENTY-FIFTH SESSION**

118. It was agreed that the Committee should meet in Rome in 2003. The exact date would be determined by the Director-General in consultation with the Chairman.

#### **ANY OTHER MATTERS**

119. The Committee noted the initiative by Japan to organize a Conference on Management and Sustainable Development of Fisheries in the Antarctic with the objective to discuss the sustainable use of the Antarctic fishery resources for the benefit of humankind. Some Members reminded the Committee that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was the competent body and urged Japan to formally contact CCAMLR. The observer from CCAMLR informed the Committee that the Scientific Working Group of CCAMLR could address the issue at its July 2001 meeting.

120. The delegation of the United States of America expressed its serious concern on the continuing deterioration of coral reef resources which constituted important ecosystems in a large number of countries. Furthermore, destructive fishing practices had become a major threat to these resources together with land-based pollution and degradation. Additional measures for the protection of coral were necessary to prevent further decline of fish stocks and ensure food security in many small island developing States and coastal communities of some developing States, by taking into consideration particularly the interest of small-scale fisheries. FAO was invited to participate actively at the International Coral Reef Initiative (ICRI) and assist in consultations regarding fishery management practices and reef protection mechanisms. Many Members shared the concerns of the delegation of the United States of America. Some Members indicated that this was not a top priority issue for FAO to address, using scarce Regular Programme resources. Some Members informed the Committee on national actions taken to protect coral reefs. The delegation of Norway urged States first to take local actions to solve local problems before calling on FAO. The Secretariat recognized the importance of this issue. It pointed out that despite its high interest, the Fisheries Department did not have specific expertise in coral reefs and lacked the resources that would be needed to respond properly to the demand coming from ICRI and other reef-related initiatives. It stressed, however, the fact that it was nonetheless addressing coral reef fisheries through the Code of Conduct, guidelines on species identification, coastal area management projects, FAO regional fishery management organizations in the Caribbean or Asia and the Pacific areas, etc., even though these actions were not identified as “reef” activities. The Department stressed that it had made proposals for 2002-2003 and in the Medium-Term Plan for a programme on ecosystem-based management of fisheries that would certainly contribute more work on reef management, if adequate resources were allocated.

121. In this same context the delegation of the Philippines informed the Committee that the Governments of the Philippines and Sweden would co-host a Conference on Coral

Reefs in Cebu, Philippines, in April 2001. It extended an invitation to the Committee and FAO.

122. The delegation of the United States of America drew the Committee's attention to the problem of sea turtle mortality due to incidental catch and noted the need for information sharing and cooperative research concerning conservation and management of these endangered species. It suggested to hold a meeting on the subject. A number of Members supported the proposal and many indicated the efforts already undertaken at national or regional level. Several delegations pointed out that incidental catch of marine turtles by certain fishing gear were not the only or even the most important source of threat to turtles and stressed that their sustainable use should be viewed within a more comprehensive context, taking into account land-based human activities, equally affecting sea turtle mortality. One Member suggested the convening of an expert consultation to deal with all these issues, with focus also on food security issues in small island countries as well as other social and economic perspectives of the problem. This proposal was also supported by a number of countries. It was generally agreed in this sense that holding an international technical meeting could be useful even if there is no specific agreement on the scope and contents of the meeting. This led to some debate as to the type of approach that would most appropriately tackle the problem and there was general agreement that an international plan of action was not to be considered at this stage. Regarding FAO's involvement in sea turtle conservation and management, some Members underlined the global character of the issue and encouraged the Organization to play a leading role. Other Members stressed that other organizations had a strong mandate in this area and that FAO's involvement should not distract from its current plans and priorities.

123. The Committee was informed of the initiative by New Zealand and Australia to organize a conference on mid- and deep-water fishery resources and management and the request to the FAO Secretariat for collaboration and participation. It was noted that this conference would be self-funded and any FAO involvement would be met out of the FAO Regular Programme.

#### **ADOPTION OF THE REPORT**

124. The report was adopted on 2 March 2001.



**AGENDA**

1. Opening of the Session
2. Adoption of the Agenda and arrangements for the Session
3. Election of the Chairperson and Vice-Chairpersons and designation of Drafting Committee
4. Achievements of Major Programme 2.3 Fisheries 1998-1999
5. Progress Report on the Code of Conduct for Responsible Fisheries and related International Plans of Action
6. Proposed COFI Sub-Committee on Aquaculture
7. CITES Criteria for Commercially-exploited Aquatic Species
8. Conclusions and Recommendations of the FAO Expert Consultation on Economic Incentives and Responsible Fisheries
9. Illegal, Unreported and Unregulated Fishing
10. Proposal for Improved Global Reporting on the Status and Trends of Fisheries
11. Medium-Term Plan 2002-2007
12. Date and Place of the Twenty-fifth Session of COFI
13. Any Other Matters
14. Adoption of the Report

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The Committee elected Mr Ashraf Sabit (Egypt) as Chairperson of the Drafting Committee with the following membership: Argentina, Canada, Eritrea, Iceland, India, Japan, Kuwait, Morocco, New Zealand, Philippines, Sweden, United States of America and Uruguay.

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Meetings Officer:	J.C. Webb

## LIST OF DOCUMENTS

COFI/2001/1 Rev.	Agenda and Timetable
COFI/2001/2	Achievements of Major Programme 2.3 Fisheries 1998-1999
COFI/2001/3	Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action
COFI/2001/4	Decisions and Recommendations of the Seventh Session of the COFI Sub-Committee on Fish Trade
COFI/2001/5	Proposals for a COFI Sub-Committee on Aquaculture
COFI/2001/6	Review of the CITES Listing Criteria for Species Exploited by Fisheries in Marine and Large Freshwater Bodies
COFI/2001/7 and Add.	Illegal, Unreported and Unregulated Fishing: Proposal for a Draft International Plan of Action
COFI/2001/8	Proposal for Improved Status and Trends Reporting on Fisheries
COFI/2001/9	Report on the Expert Consultation on Economic Incentives and Responsible Fisheries
COFI/2001/10	Medium-Term Plan for Major Programme 2.3 Fisheries 2002-2007
COFI/2001/Inf.1	List of Documents
COFI/2001/Inf.2	List of Participants
COFI/2001/Inf.3	Statement by the Director-General
COFI/2001/Inf.4	Report of the Twenty-third Session of the Committee on Fisheries, Rome, Italy, 15-19 February 1999
COFI/2001/Inf.5	Follow-up to the Recommendations of the Twenty-third Session of the Committee on Fisheries, Rome, Italy, 15-19 February 1999
COFI/2001/Inf.6	Report on the Second Meeting of FAO and Non-FAO Regional Fishery Bodies or Arrangements, FAO, Rome, Italy, 20-21 February 2001: Main Conclusions and Recommendations
COFI/2001/Inf.7	Report of the Seventh Session of the COFI Sub-Committee on Fish Trade, Bremen, Germany, 22-25 March 2000
COFI/2001/Inf.8	Report of the Expert Consultation on Proposed COFI Sub-Committee on Aquaculture, Bangkok, Thailand, 28-29 February 2000
COFI/2001/Inf.9	Report of the Technical Consultation on the Suitability of the CITES Criteria for Commercially-exploited Aquatic Species, Rome, Italy, 28-30 June 2000



- COFI/2001/Inf.10 Summary of the Report of the Joint FAO/IMO *Ad hoc* Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, Rome, Italy, 9-11 October 2000
- COFI/2001/Inf.11 Not Issued
- COFI/2001/Inf.12 Biosecurity in Food and Agriculture
- COFI/2001/Inf.13 Statement of Competence and Voting Rights submitted by the European Community (EC) and its Member States

**OPENING STATEMENT BY MR DAVID A. HARCHARIK  
DEPUTY DIRECTOR-GENERAL**

Mr Chairman, Ladies and Gentlemen,

Good morning! And welcome to this Twenty-fourth Session of the FAO Committee on Fisheries. It is encouraging to see such a large turnout for this session of the Committee. I believe it reflects the importance that you attach to COFI and to the work of FAO on fisheries. I can assure you that we in FAO share your view that this Organization be a leader in the field of fisheries and that our work be guided by COFI.

*(Congratulated Chairman, Mr Komatsu)*

Mr Chairman, before turning to your agenda I should like to update the Committee on a few important changes that have taken place in FAO since your last session.

First, as you can see from the head table, the leadership of the Fisheries Department has changed some. I should like to take this opportunity in particular to introduce to the Committee, Mr Ichiro Nomura, the new Assistant Director-General and head of the Fisheries Department, who comes to us from the Japanese Fisheries Agency, where he enjoyed a very successful career in international fisheries.

Also, some members of the Committee will remember Mr Steve Karnicki, who was formerly with our Fisheries Industries Division and then moved to Budapest to establish our Sub-regional Office there. He has returned to Rome to assume the post of Director of the Fisheries Policy and Planning Division.

You will remember our other two Directors from past meetings – Mr Garcia of the Fisheries Resource Division and Mr Valdimarsson of the Fisheries Industries Division. *(Also introduced Messrs Satia, Wade and Edeson.)*

Mr Chairman, many members of the Committee will recall that this Organization has been on a path of dynamic change and continual managerial improvement for several years. We have, for example, reorganized, decentralized, and down-sized. We have increased our administrative efficiency and have cut costs of travel, meetings and publications, while at the same time protecting our priority technical programmes and modernizing and improving our communication systems.

Perhaps even more importantly, recently we finished a complete overhaul of our planning process, culminating in the adoption of a Strategic Framework by the Conference in 1999, which sets the course of the Organization over the coming 15 years. For the medium term, the Council last June approved a new Medium-Term Plan for the years 2002-07. The Strategic Framework and Medium-Term Plan together are the foundations on which the two-year Programme of Work and Budget is based, about which I will speak more later. This is the best strategic and planning process that has ever been in place in this Organization.

As you would expect, the Organization also continues to work very hard to assist countries in meeting the target set at the 1996 World Food Summit to cut the number of undernourished to 400 million by 2015. Sadly, too little progress is being made in bringing about significant reductions in the number of the world's hungry and, unless more determined efforts are made to speed up progress, the targets of the World Food Summit will not be reached. We had estimated, for example, that the number of undernourished would need to be reduced by 20 million per year, when in fact the number is declining at best at the rate of about 8 million annually.

It is for this reason that the Director-General proposed to the Council, and the Council agreed, that a high-level review be carried out within the context of the FAO Conference this year and that Heads of State and Government be invited. Hopefully, this review of the World Food Summit: Five Years Later will give new impetus and momentum to the process of implementing the Summit Plan of Action.

Most of you will have also noticed the major improvements in the FAO infrastructure over the last few years. The most recent of these is the Atrium, which you have seen develop in various stages and which is now available for use for exhibits. We also have a new, modern Registration Centre, which unfortunately is not available today because of the major renovations taking place to the David Lubin Library. In addition, there is a new media centre, several new or renovated meeting rooms, and we will soon have a modern business centre. These structural improvements, which have been financed through special contributions of many member countries, especially Italy, and private sponsors, are turning FAO into one of the most modern facilities in the UN system.

Mr Chairman, let me now turn to your agenda for this session of the Committee. I note that it has been designed to permit the Committee to fulfil its two main constitutional functions. Firstly to review the Programme of Work of FAO in the fields of capture fisheries and aquaculture and their implementation and, secondly, to review issues of an international character and to identify remedial actions which could be taken by nations, FAO, intergovernmental bodies and civil society.

With regard to the review of the Programme of Work of FAO, we have, in spite of limited resources, been able to successfully implement the programme of work for the 1998-1999 biennium as reported in document COFI/2001/2. We have also taken action, in collaboration with members, to address the principal recommendations and requests directed by your Committee's last session. The actions taken in this context are summarized in document COFI/2001/Inf. 5.

The Code of Conduct for Responsible Fisheries remains the over-arching tool and reference point for the activities of the FAO Fisheries Department, as well as for a number of governments, international organizations and regional fishery bodies. I note with satisfaction that many countries have taken steps to implement the provisions of the Code. Still, overall progress has been slow, particularly in developing countries. It is important for your Committee to consider the possible reasons for such slow progress and to identify actions to accelerate the judicious implementation of the Code.

Mr Chairman, Ladies and Gentlemen,

The Sub-Committee on Fish Trade has become the rallying force for the improvement of fish quality and fish trade, especially in developing countries, as well as an important forum for debating the central issues relating to trade and environment. Your Committee will be appraised of the main decisions and recommendations made at the Seventh Session of that Sub-Committee, held in Bremen, Germany, in March 2000. You may wish to provide further guidance to improve the work of the Sub-Committee.

During your last two sessions, COFI has indicated broad support for the establishment of a Sub-Committee on Aquaculture. Under Agenda item 7, you will be invited to review the *raison d'être* for such a Sub-Committee, define its membership, possible terms of reference and major areas of activities as well as the administrative, operational and financial implications for FAO and participating members. It is important to note that the establishment and functioning of this Sub-Committee would imply additional resources for the Organization. It will, accordingly, be included in the PWB proposals for the next biennium which, I hope, will receive the approval of the Conference.

Under items 8 through 11, your Committee will also address four emerging issues of international character, namely: criteria for listing marine species under CITES; illegal, unreported and unregulated fishing (IUU); improvements in global reporting on status and trends of fisheries; and economic incentives and subsidies in fisheries.

In this context, you will have an opportunity to review the extent to which the Secretariat carried out its instructions on listing criteria for marine species under CITES. You might also wish to advise us further on whether to express opinions and recommendations to CITES on the existing listing criteria and, if so, their nature and content.

Mr Chairman,

You will recall that at your last session, COFI requested FAO to develop an international plan of action to combat IUU fishing. This issue was considered further by the FAO Ministerial Meeting on the Implementation of the Code of Conduct for Responsible Fisheries held in Rome in March 1999. The Ministers and their representatives issued a declaration in which they committed themselves to develop a global plan of action to deal effectively with all forms of IUU fishing. I should like to urge your Committee to review the steps that have been undertaken to develop the International Plan of Action (IPOA) and, as appropriate, adopt it and recommend for endorsement to the FAO Council.

Mr Chairman, Ladies and Gentlemen,

Sustainable fisheries and aquaculture require informed decisions and actions at all levels, from policy-makers to individual fishers as well as environmental organizations, consumers and the public. The FAO Fisheries Department, in collaboration with the FAO Advisory Committee on Fisheries Research (ACFR) and other parties, has elaborated a proposal for improving global reporting on status and trends in sustainable fisheries and

aquaculture. The guidance of your Committee is sought on the proposed approach to improve such information and reporting.

Lastly, the role of subsidies in relation to trade in fish and fish products and to fishery resources sustainability has interested your Committee for over a decade. You will have the opportunity to review the main conclusions of an Expert Consultation on Economic Incentives and Subsidies in Fisheries and advise on whether it would be useful to continue investigations on the impact of subsidies and, if so, also advise on how to proceed.

Mr Chairman,

Earlier, I mentioned the new Strategic Framework and the Medium-Term Plan. The first Programme of Work and Budget to be formulated on the basis of these planning documents will cover the biennium 2002-2003. It will provide a more detailed description of the outputs planned for this two-year period and the required resources. The Programme of Work and Budget will be presented to the FAO Conference for approval in November 2001. An extract from the Medium-Term Plan document dealing with Major Programme on Fisheries will be presented to your Committee to review and to make recommendations on the fisheries programme priorities, which will then be taken into account in finalizing the Programme of Work and Budget 2002-2003.

Mr Chairman, Ladies and Gentlemen,

From the above, it is evident that your Committee has not only a heavy task but also great responsibility. I hope you find in the documents placed at your disposal for this session, the satisfactory background you require, and that your meetings will meet with every success.

Thank you.

**TERMS OF REFERENCE  
OF THE SUB-COMMITTEE ON AQUACULTURE**

The Terms of Reference of the Sub-Committee on Aquaculture, based on the recommendations of the Expert Consultation, would be as follows:

"The Sub-Committee shall provide a forum for consultation and discussion on aquaculture and advise COFI on technical and policy matters related to aquaculture and on the work to be performed by the Organization in the subject matter field of aquaculture. In particular the Sub-Committee shall:

- (a) identify and discuss major issues and trends in global aquaculture development;
- (b) determine those issues and trends of international importance requiring action to increase the sustainable contribution of aquaculture to food security, economic development and poverty alleviation;
- (c) recommend international action to address aquaculture development needs and, in this regard:
  - (i) to advise on mechanisms to prepare, facilitate and implement action programmes identified, as well as on the expected contribution of partners;
  - (ii) to advise on the liaison with other relevant groups and organizations with a view to promoting harmonization and endorsing policies and actions, as appropriate;
  - (iii) to advise on the strengthening of international collaboration to assist developing countries in the implementation of the Code of Conduct for Responsible Fisheries.
- (d) advise on the preparation of technical reviews and of issues and trends of international significance;
- (e) address any specific matters relating to aquaculture referred to it by its Members, the Committee on Fisheries or the Director-General of FAO".

**APPENDIX F****STATEMENT BY THE DELEGATION OF CANADA ON IPOA-IUU**

The delegation of Canada made the following statement to the Committee and requested the Chair to incorporate it in the report of the Session.

"Canada would first like to thank the Chair of the Technical Consultation on IUU fishing, Mr. Andrew Jackson, as well as the Chair of the "Friends of the Chair group", Mr David Balton, for their great leadership and hard work in trying to achieve an IUU text acceptable to all. Canada also appreciates the hard work, dedication and spirit of compromise from many delegations during discussions concerning the IPOA on IUU fishing, including throughout this week.

Canada strongly supports the need for addressing the matter of IUU fishing. As most delegations know, Canada has been the victim of IUU fishing activities off of our coasts in the Atlantic and the Pacific. This has contributed to the severe depletion of valuable fish stocks. We have had to impose severe restrictions and measures on fishing activities, with the hope of restoring the stocks to a sustainable state.

The international community has also been very active in the past two decades in seeking solutions to address IUU fishing. In effect, important tools were developed in global international instruments to prevent, deter and eliminate IUU fishing activities. These range from the 1982 UN Convention on the Law of the Sea and its 1995 Implementation Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, to instruments developed by the FAO, such as the 1993 FAO Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries.

The IPOA on IUU fishing was developed for the purpose of addressing the same issues as those addressed by these global instruments. The objective we set out for ourselves was to develop a comprehensive, effective and transparent toolbox of measures that States could use to prevent, deter and eliminate IUU fishing. Canada feels that we have not fully achieved this objective with the current draft text of the IPOA. An important 'state of the art' tool was left out of the text, which Canada believes should have been explicitly included.

Canada considers that the international community has accepted that boarding and inspection regimes should include requirements for fishing vessels to permit access by duly authorized inspectors from regional fisheries management organizations or states other than the flag state. Canada accepts that delegations consider that the IPOA includes such a measure. Canada considers, however, that such a measure should have been set out explicitly in order to meet the objectives set out in the IPOA and, more generally, promote good fisheries conservation and management practices.

For these reasons, Canada feels it must put a reservation on paragraphs 20.10 and 70.7bis of the draft IPOA on IUU fishing.

Canada also reserves its position with respect to the section of the draft IPOA text entitled “Internationally Agreed Market-Related Measures”(paragraphs 53(bis) to 66). Canada reaffirms the right of states, consistent with the Marrakesh Agreement establishing the WTO, to adopt or enforce measures relating to the conservation of exhaustible natural resources. However, Canada does not, at this time, endorse, as an automatic policy, an undertaking to apply sanctions with respect to trade in fish and fish products in cases of IUU fishing with respect to all regional fisheries management organizations. Rather, states should decide on the use of trade measures on a case-by-case basis, having due regard to the specific circumstances.

The directive nature implied by the word “should” in paragraph 54 of the draft IPOA text, even after all other approaches to IUU fishing have been exhausted, could be interpreted as limiting our discretion to use trade-related measures. This is inconsistent with current Canadian policy. This is also contrary to the very nature of the IPOA on IUU, which is to provide a comprehensive list of tools to be used at the discretion of States.

Canada would like the substance of our reservations to be reflected in the Report of the COFI meeting, as well as in the draft text of the IPOA, which we understand will be published and printed by the FAO. We understand that this could be achieved through a declaration attached as an annex to the IPOA text and understand that this option has been used in the past.

On the agreement that Canada’s specific reservations will be reflected within the text of the IPOA as an annex to the text, Canada will withdraw our general reservation on the IPOA text. This would clear the way for the adoption of the IPOA by consensus. Mr. Chairman, with your agreement, we could provide the Secretariat with copies of Canada’s Statement as well as texts of our specific reservations.”



**APPENDIX G**

**INTERNATIONAL PLAN OF ACTION  
TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED  
AND UNREGULATED FISHING**

**I. INTRODUCTION**

1. In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of illegal, unreported and unregulated (IUU) fishing in world fisheries is of serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them.

2. The Twenty-third Session of the FAO Committee on Fisheries (COFI) in February 1999 addressed the need to prevent, deter and eliminate IUU fishing. The Committee was concerned about information presented indicating increases in IUU fishing, including fishing vessels flying “flags of convenience”. Shortly afterwards, an FAO Ministerial Meeting on Fisheries in March 1999 declared that, without prejudice to the rights and obligations of States under international law, FAO “will develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying “flags of convenience” through coordinated efforts by States, FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO), as provided in Article IV of the Code of Conduct. The Government of Australia, in cooperation with FAO, organized an Expert Consultation on Illegal, Unreported and Unregulated Fishing in Sydney, Australia, from 15 to 19 May 2000. Subsequently, an FAO Technical Consultation on Illegal, Unreported and Unregulated Fishing was held in Rome from 2 to 6 October 2000 and a further Technical Consultation was held in Rome from 22 to 23 February 2001. The draft International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted by the Consultation on 23 February 2001 with a request that the report be submitted to the Twenty-fourth Session of COFI for consideration and eventual adoption. COFI approved the International Plan of Action, by consensus, on 2 March 2001. In doing so, the Committee urged all Members to take the necessary steps to effectively implement the International Plan of Action.

**II. NATURE AND SCOPE OF IUU FISHING AND THE INTERNATIONAL PLAN OF ACTION**

3. In this document:

3.1 Illegal fishing refers to activities:

3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

3.2 Unreported fishing refers to fishing activities:

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3.3 Unregulated fishing refers to fishing activities:

3.3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

3.3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

3.4 Notwithstanding paragraph 3.3, certain unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under the International Plan of Action (IPOA).

4. The IPOA is voluntary. It has been elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries as envisaged by Article 2 (d).

5. The FAO Code of Conduct for Responsible Fisheries, in particular Articles 1.1, 1.2, 3.1, and 3.2 applies to the interpretation and application of this IPOA and its relationship with other international instruments. The IPOA is also directed as appropriate towards fishing entities as referred to in the Code of Conduct. The IPOA responds to fisheries specific issues and nothing in it prejudices the positions of States in other fora.

6. In this document:

- a) the reference to States includes regional economic integration organizations in matters within their competence;
- b) the term "regional" includes sub-regional, as appropriate;

- c) the term "regional fisheries management organization" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish fishery conservation and management measures;
- d) the term "conservation and management measures" means measures to conserve one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law;
- e) the term "1982 UN Convention" refers to the United Nations Convention on the Law of the Sea of 10 December 1982;
- f) the term "1993 FAO Compliance Agreement" refers to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by the FAO Conference on 24 November 1993.
- g) the term "1995 UN Fish Stocks Agreement" refers to the Agreement for the Implementation 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; and
- h) the term "Code of Conduct" refers to the FAO Code of Conduct for Responsible Fisheries.

7. This document is a further commitment by all States to implement the Code of Conduct.

### **III. OBJECTIVE AND PRINCIPLES**

8. The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law.

9. The IPOA to prevent, deter and eliminate IUU fishing incorporates the following principles and strategies. Due consideration should be given to the special requirements of developing countries in accordance with Article 5 of the Code of Conduct.

9.1 Participation and coordination: To be fully effective, the IPOA should be implemented by all States either directly, in cooperation with other States, or indirectly through relevant regional fisheries management organizations or through FAO and other appropriate international organizations. An important element in successful implementation will be close and effective coordination and consultation, and the sharing of information to reduce the incidence of IUU fishing, among States and relevant regional and global organizations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations, should be encouraged.

9.2 Phased implementation: Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of national plans of action, and regional and global action in accordance with the IPOA.

9.3 Comprehensive and integrated approach: Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate, and to

cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing .

9.4 Conservation: Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

9.5 Transparency: The IPOA should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.

9.6 Non-discrimination: The IPOA should be developed and applied without discrimination in form or in fact against any State or its fishing vessels.

#### **IV. IMPLEMENTATION OF MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING**

##### **ALL STATE RESPONSIBILITIES**

###### *International Instruments*

10. States should give full effect to relevant norms of international law, in particular as reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing.

11. States are encouraged, as a matter of priority, to ratify, accept or accede to, as appropriate, the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. Those States that have not ratified, accepted or acceded to these relevant international instruments should not act in a manner inconsistent with these instruments.

12. States should implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to.

13. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations of States under international law. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations contained in the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, for States parties to those instruments.

14. States should fully and effectively implement the Code of Conduct and its associated International Plans of Action.

15. States whose nationals fish on the high seas in fisheries not regulated by a relevant regional fisheries management organization should fully implement their obligations under Part VII of the 1982 UN Convention to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.

###### *National Legislation*

###### **Legislation**

16. National legislation should address in an effective manner all aspects of IUU fishing.

17. National legislation should address, *inter alia*, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

### **State Control over Nationals**

18. In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.

19. States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.

### **Vessels without Nationality**

20. States should take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing.

### **Sanctions**

21. States should ensure that sanctions for IUU fishing by vessels and, to the greatest extent possible, nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing. This may include the adoption of a civil sanction regime based on an administrative penalty scheme. States should ensure the consistent and transparent application of sanctions.

### **Non Cooperating States**

22. All possible steps should be taken, consistent with international law, to prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organization which engage in IUU fishing.

### **Economic Incentives**

23. States should, to the extent possible in their national law, avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.

### **Monitoring, Control and Surveillance**

24. States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination, including by:

24.1 developing and implementing schemes for access to waters and resources, including authorization schemes for vessels;

24.2 maintaining records of all vessels and their current owners and operators authorized to undertake fishing subject to their jurisdiction;

24.3 implementing, where appropriate, a vessel monitoring system (VMS), in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry VMS on board;

24.4 implementing, where appropriate, observer programmes in accordance with relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board;

24.5 providing training and education to all persons involved in MCS operations;

- 24.6 planning, funding and undertaking MCS operations in a manner that will maximize their ability to prevent, deter and eliminate IUU fishing;
- 24.7 promoting industry knowledge and understanding of the need for, and their cooperative participation in, MCS activities to prevent, deter and eliminate IUU fishing;
- 24.8 promoting knowledge and understanding of MCS issues within national judicial systems;
- 24.9 establishing and maintaining systems for the acquisition, storage and dissemination of MCS data, taking into account applicable confidentiality requirements;
- 24.10 ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the 1995 UN Fish Stocks Agreement, and only apply to the parties to those agreements.

### ***National Plans of Action***

25. States should develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programmes and budgets. These plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. In doing so, States should encourage the full participation and engagement of all interested stakeholders, including industry, fishing communities and non-governmental organizations.
26. At least every four years after the adoption of their national plans of action, States should review the implementation of these plans for the purpose of identifying cost-effective strategies to increase their effectiveness and to take into account their reporting obligations to FAO under Part VI of the IPOA.
27. States should ensure that national efforts to prevent, deter and eliminate IUU fishing are internally coordinated.

### ***Cooperation between States***

28. States should coordinate their activities and cooperate directly, and as appropriate through relevant regional fisheries management organizations, in preventing, deterring and eliminating IUU fishing. In particular, States should:
- 28.1 exchange data or information, preferably in standardized format, from records of vessels authorized by them to fish, in a manner consistent with any applicable confidentiality requirements;
- 28.2 cooperate in effective acquisition, management and verification of all relevant data and information from fishing;
- 28.3 allow and enable their respective MCS practitioners or enforcement personnel to cooperate in the investigation of IUU fishing, and to this end States should collect and maintain data and information relating to such fishing;
- 28.4 cooperate in transferring expertise and technology;

- 28.5 cooperate to make policies and measures compatible;
- 28.6 develop cooperative mechanisms that allow, *inter alia*, rapid responses to IUU fishing; and
- 28.7 cooperate in monitoring, control and surveillance, including through international agreements.

29. In the light of Article VI of the 1993 FAO Compliance Agreement, flag States should make available to FAO and, as appropriate, to other States and relevant regional or international organizations, information about vessels deleted from their records or whose authorization to fish has been cancelled and to the extent possible, the reasons therefore.

30. In order to facilitate cooperation and exchange of information, each State and regional or international organization should nominate and publicize initial formal contact points.

31. Flag States should consider entering into agreements or arrangements with other States and otherwise cooperate for the enforcement of applicable laws and conservation and management measures or provisions adopted at a national, regional or global level.

#### ***Publicity***

32. States should publicize widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any applicable confidentiality requirements.

#### ***Technical Capacity and Resources***

33. States should endeavour to make available the technical capacity and resources which are needed to implement the IPOA. This should include, where appropriate, the establishment of special funds at the national, regional or global level. In this respect, international cooperation should play an important role.

### **FLAG STATE RESPONSIBILITIES**

#### ***Fishing Vessel Registration***

34. States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing.

35. A flag State should ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing.

36. Flag States should avoid flagging vessels with a history of non-compliance except where:

36.1 the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or

36.2 having taken into account all relevant facts, the flag State determines that flagging the vessel would not result in IUU fishing.

37. All States involved in a chartering arrangement, including flag States and other States that accept such an arrangement, should, within the limits of their respective jurisdictions, take measures to ensure that chartered vessels do not engage in IUU fishing.

38. Flag States should deter vessels from reflagging for the purposes of non-compliance with conservation and management measures or provisions adopted at a national, regional or global level. To the extent practicable, the actions and standards flag States adopt should be uniform to avoid creating incentives for vessel owners to reflag their vessels to other States.

39. States should take all practicable steps, including denial to a vessel of an authorization to fish and the entitlement to fly that State's flag, to prevent "flag hopping"; that is to say, the practice of repeated and rapid changes of a vessel's flag for the purposes of circumventing conservation and management measures or provisions adopted at a national, regional or global level or of facilitating non-compliance with such measures or provisions.

40. Although the functions of registration of a vessel and issuing of an authorization to fish are separate, flag States should consider conducting these functions in a manner which ensures each gives appropriate consideration to the other. Flag States should ensure appropriate links between the operation of their vessel registers and the record those States keep of their fishing vessels. Where such functions are not undertaken by one agency, States should ensure sufficient cooperation and information sharing between the agencies responsible for those functions.

41. A Flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.

### ***Record of Fishing Vessels***

42. Each flag State should maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorized to fish on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement, and may also include, *inter alia*:

42.1 the previous names, if any and if known;

42.2 name, address and nationality of the natural or legal person in whose name the vessel is registered ;

42.3 name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;

42.4 name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;

42.5 name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with conservation and management measures or provisions adopted at a national, regional or global level; and

42.6 vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.

43. Flag States may also require the inclusion of the information in paragraph 42 in their record of fishing vessels that are not authorized to fish on the high seas.



### ***Authorization to Fish***

44. States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas, in particular the rights and duties set out in articles 116 and 117 of the 1982 UN Convention, or in conformity with national legislation within areas of national jurisdiction.

45. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

46. Vessels should have an authorization to fish and where required carry it on board. Each State's authorization should include, but need not be limited to:

46.1 the name of the vessel, and, where appropriate, the natural or legal person authorized to fish;

46.2 the areas, scope and duration of the authorization to fish; and

46.3 the species, fishing gear authorized, and where appropriate, other applicable management measures.

47. Conditions under which an authorization is issued may also include, where required:

47.1 vessel monitoring systems;

47.2 catch reporting conditions, such as:

47.2.1 time series of catch and effort statistics by vessel;

47.2.2 total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery period (nominal weight is defined as the live weight equivalent of the catch);

47.2.3 discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

47.2.4 effort statistics appropriate to each fishing method; and

47.2.5 fishing location, date and time fished and other statistics on fishing operations.

47.3 reporting and other conditions for transshipping, where transshipping is permitted;

47.4 observer coverage;

47.5 maintenance of fishing and related log books;

47.6 navigational equipment to ensure compliance with boundaries and in relation to restricted areas;

47.7 compliance with applicable international conventions and national laws and regulations in relation to maritime safety, protection of the marine environment, and conservation and management measures or provisions adopted at a national, regional or global level;

47.8 marking of its fishing vessels in accordance with internationally recognized standards, such as the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels. Vessels' fishing gear should similarly be marked in accordance with internationally recognized standards;

47.9 where appropriate, compliance with other aspects of fisheries arrangements applicable to the flag State; and

47.10 the vessel having a unique, internationally recognized identification number, wherever possible, that enables it to be identified regardless of changes in registration or name over time.

48. Flag States should ensure that their fishing, transport and support vessels do not support or engage in IUU fishing. To this end, flag States should ensure that none of their vessels re-supply fishing vessels engaged in such activities or transship fish to or from these vessels. This paragraph is without prejudice to the taking of appropriate action, as necessary, for humanitarian purposes, including the safety of crew members.

49. Flag States should ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State, and report to the national fisheries administration or other designated institution:

49.1 the date and location of all of their transshipments of fish at sea;

49.2 the weight by species and catch area of the catch transshipped;

49.3 the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and

49.4 the port of landing of the transshipped catch.

50. Flag States should make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner and, as appropriate, to relevant national, regional and international organizations, including FAO, taking into account applicable confidentiality requirements.

## **COASTAL STATE MEASURES**

51. In the exercise of the sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, in conformity with the 1982 UN Convention and international law, each coastal State should implement measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone. Among the measures which the coastal State should consider, consistent with national legislation and international law, and to the extent practicable and appropriate, are:

51.1 effective monitoring, control and surveillance of fishing activities in the exclusive economic zone;

51.2 cooperation and exchange of information with other States, where appropriate, including neighbouring coastal States and with regional fisheries management organizations;

51.3 to ensure that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State;

51.4 to ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;

51.5 to ensure that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate;

51.6 to ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;

51.7 regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and

51.8 avoiding licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36.

## **PORT STATE MEASURES**

52. States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing. Such measures should be implemented in a fair, transparent and non-discriminatory manner.

53. When used in paragraphs 52 to 64, port access means admission for foreign fishing vessels to ports or offshore terminals for the purpose of, *inter alia*, refuelling, re-supplying, transshipping and landing, without prejudice to the sovereignty of a coastal State in accordance with its national law and article 25.2 of the 1982 UN Convention and other relevant international law.

54. Notwithstanding paragraphs 52, 53 and 55; a vessel should be provided port access, in accordance with international law, for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress.

55. Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

56. Where a port State has clear evidence that a vessel having been granted access to its ports has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel.

57. States should publicize ports to which foreign flagged vessels may be permitted admission and should ensure that these ports have the capacity to conduct inspections.

58. In the exercise of their right to inspect fishing vessels, port States should collect the following information and remit it to the flag State and, where appropriate, the relevant regional fisheries management organization:

58.1 the flag State of the vessel and identification details;

- 58.2 name, nationality, and qualifications of the master and the fishing master;
- 58.3 fishing gear;
- 58.4 catch on board, including origin, species, form, and quantity;
- 58.5 where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and
- 58.6 total landed and transshipped catch.

59. If, in the course of an inspection, it is found that there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organization. The port State may take other action with the consent of, or upon the request of, the flag State.

60. In applying paragraphs 58 and 59, States should safeguard the confidentiality of information collected, in accordance with their national laws.

61. States should establish and publicize a national strategy and procedures for port State control of vessels involved in fishing and related activities, including training, technical support, qualification requirements and general operating guidelines for port State control officers. States should also consider capacity-building needs in the development and implementation of this strategy.

62. States should cooperate, as appropriate, bilaterally, multilaterally and within relevant regional fisheries management organizations, to develop compatible measures for port State control of fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by the vessel of measures adopted under these national, regional or international systems.

63. States should consider developing within relevant regional fisheries management organizations port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a regional fisheries management organization and which have not agreed to cooperate with that regional fisheries management organization, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those conservation and management measures. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner.

64. States should enhance cooperation, including by the flow of relevant information, among and between relevant regional fisheries management organizations and States on port State controls.

## **INTERNATIONALLY AGREED MARKET-RELATED MEASURES**

65. The measures in paragraphs 66 to 76 are to be implemented in a manner which recognizes the right of States to trade in fish and fishery products harvested in a sustainable manner and should be interpreted and applied in accordance with the principles, rights and

obligations established in the World Trade Organisation, and implemented in a fair, transparent and non-discriminatory manner.

66. States should take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by the relevant regional fisheries management organization to have been engaged in IUU fishing being traded or imported into their territories. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner. Trade-related measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and implemented in a fair, transparent and non-discriminatory manner. Trade-related measures should only be used in exceptional circumstances, where other measures have proven unsuccessful to prevent, deter and eliminate IUU fishing, and only after prior consultation with interested States. Unilateral trade-related measures should be avoided.

67. States should ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence, where applicable, and are in accordance with internationally agreed rules.

68. States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multilaterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species. Multilateral trade-related measures envisaged in regional fisheries management organizations may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of conservation and management measures which are consistent with the 1982 UN Convention.

69. Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements, as well as other appropriate multilaterally-agreed measures such as import and export controls or prohibitions. Such measures should be adopted in a fair, transparent and non-discriminatory manner. When such measures are adopted, States should support their consistent and effective implementation.

70. Stock or species-specific trade-related measures may be necessary to reduce or eliminate the economic incentive for vessels to engage in IUU fishing.

71. States should take steps to improve the transparency of their markets to allow the traceability of fish or fish products.

72. States, when requested by an interested State, should assist any State in deterring trade in fish and fish products illegally harvested in its jurisdiction. Assistance should be given in accordance with terms agreed by both States and fully respecting the jurisdiction of the State requesting assistance.

73. States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organizations in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

74. States should take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organization in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

75. States should work towards using the Harmonized Commodity Description and Coding System for fish and fisheries products in order to help promote the implementation of the IPOA.

76. Certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

## **RESEARCH**

77. States should encourage scientific research on methods of identifying fish species from samples of processed products. FAO should facilitate the establishment of a network of databases of genetic and other markers used to identify fish species from processed product, including the ability to identify the stock of origin where possible.

## **REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS**

78. States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exist.

79. As the cooperation of all relevant States is important for the success of measures taken by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing, States which are not members of a relevant regional fisheries management organization are not discharged from their obligation to cooperate, in accordance with their international obligations, with that regional fisheries management organization. To that end, States should give effect to their duty to cooperate by agreeing to apply the conservation and management measures established by that regional fisheries management organization, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

80. States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter, and eliminate IUU fishing. Consideration should be given to including the following measures:

80.1 institutional strengthening, as appropriate, of relevant regional fisheries management organizations with a view to enhancing their capacity to prevent, deter and eliminate IUU fishing;

80.2 development of compliance measures in conformity with international law;

80.3 development and implementation of comprehensive arrangements for mandatory reporting;

80.4 establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing;

80.5 development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing;

80.6 development of methods of compiling and using trade information to monitor IUU fishing;

80.7 development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment, as appropriate;

80.8 development within a regional fisheries management organization, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers;

80.9 development of observer programmes;

80.10 where appropriate, market-related measures in accordance with the IPOA;

80.11 definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing;

80.12 development of education and public awareness programmes;

80.13 development of action plans; and

80.14 where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.

81. States, acting through relevant regional fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries management organizations and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including:

81.1 estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization;

81.2 details of measures taken to deter, prevent and eliminate IUU fishing;

81.3 records of vessels authorized to fish, as appropriate; and

81.4 records of vessels engaged in IUU fishing.

82. Objectives of institutional and policy strengthening in relevant regional fisheries management organizations in relation to IUU fishing should include enabling regional fisheries management organizations to:

82.1 determine policy objectives regarding IUU fishing, both for internal purposes and co-ordination with other regional fisheries management organizations;

82.2 strengthen institutional mechanisms as appropriate, including mandate, functions, finance, decision making, reporting or information requirements and enforcement schemes, for the optimum implementation of policies in relation to IUU fishing;

82.3 regularize coordination with institutional mechanisms of other regional fisheries management organizations as far as possible in relation to IUU fishing, in particular information, enforcement and trade aspects; and

82.4 ensure timely and effective implementation of policies and measures internally, and in cooperation with other regional fisheries management organizations and relevant regional and international organizations.

83. States, acting through relevant regional fisheries management organizations, should encourage non-contracting parties with a real interest in the fishery concerned to join those organizations and to participate fully in their work. Where this is not possible, the regional fisheries management organizations should encourage and facilitate the participation and cooperation of non-contracting parties, in accordance with applicable international agreements and international law, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations. Regional fisheries management organizations should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law. States, acting through relevant regional fisheries management organizations, should also assist, as necessary, non-contracting parties in the implementation of paragraphs 78 and 79 of the IPOA.

84. When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.

## **V. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

85. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25.

86. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to enable:

86.1 review and revision of national legislation and regional regulatory frameworks;

86.2 the improvement and harmonization of fisheries and related data collection;

86.3 the strengthening of regional institutions; and

86.4 the strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

## **VI. REPORTING**

87. States and regional fisheries management organizations should report to FAO on progress with the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing as part of their biennial reporting to FAO on the Code of Conduct. These reports should be published by FAO in a timely manner.

## **VII. ROLE OF FAO**

88. FAO will, as and to the extent directed by its Conference, collect all relevant information and data that might serve as a basis for further analysis aimed at identifying factors and causes contributing to IUU fishing such as, *inter alia*, a lack of input and output management



controls, unsustainable fishery management methods and subsidies that contribute to IUU fishing.

89. FAO will, as and to the extent directed by its Conference, support development and implementation of national and regional plans to prevent, deter and eliminate IUU fishing through specific, in-country technical assistance projects with Regular Programme funds and through the use of extra-budgetary funds made available to the Organization for this purpose.

90. FAO should, in collaboration with other relevant international organizations, in particular IMO, further investigate the issue of IUU fishing.

91. FAO should convene an Expert Consultation on the implementation of paragraph 76 of the IPOA.

92. FAO should investigate the benefits of establishing and maintaining regional and global databases, including but not limited to, information as provided for in Article VI of the 1993 FAO Compliance Agreement.

93. The FAO Committee on Fisheries will, based on a detailed analysis by the Secretariat, biennially evaluate the progress towards the implementation of the IPOA.

The Twenty-fourth Session of the Committee on Fisheries (COFI) was held in Rome, Italy, from 26 February to 2 March 2001. The Committee agreed to establish a Sub-Committee on Aquaculture and adopted the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. It agreed that future reporting on the implementation of the Code of Conduct and related IPOAs should be based on in-depth analysis of problems associated with their efficient implementation, using case studies. COFI welcomed the Medium-Term Plan for Fisheries, identified the expected results of the Programme Committee priority areas of work for the Fisheries Department during the biennium 2002-2003, and areas for future work by its Sub-Committee on Fish Trade.