

1. INTRODUCTION AND SUMMARIES

1.1 Background and methodology

This circular provides a summary of information on the role of international fishery organizations or arrangements and other bodies (regional fishery bodies and arrangements, or RFB/As) concerning their measures to conserve and manage living aquatic resources.

The circular includes regional bodies that are responsible for marine capture fisheries, inland fisheries and aquaculture development. These circulars had their origin in FAO Fisheries Circular No. 835 Rev. 1 “Summary Information on the Role of International Fishery Bodies with Regard to the Conservation and Management of Living Resources of the High Seas”, which was prepared by M.J. Savini in 1991; in FAO Fisheries Circular No. 807 “Activities of regional fishery bodies and other international organizations concerned with fisheries”, which was prepared by S.H. Marashi in 1993 and 1996; and finally in FAO Fisheries Circular No. 985 “Summary information on the role of international fishery organizations or arrangements and other bodies concerned with the conservation and management of living aquatic resources” prepared by J. Swan in 2003. This circular is a revision and updating of the 2003 summary.

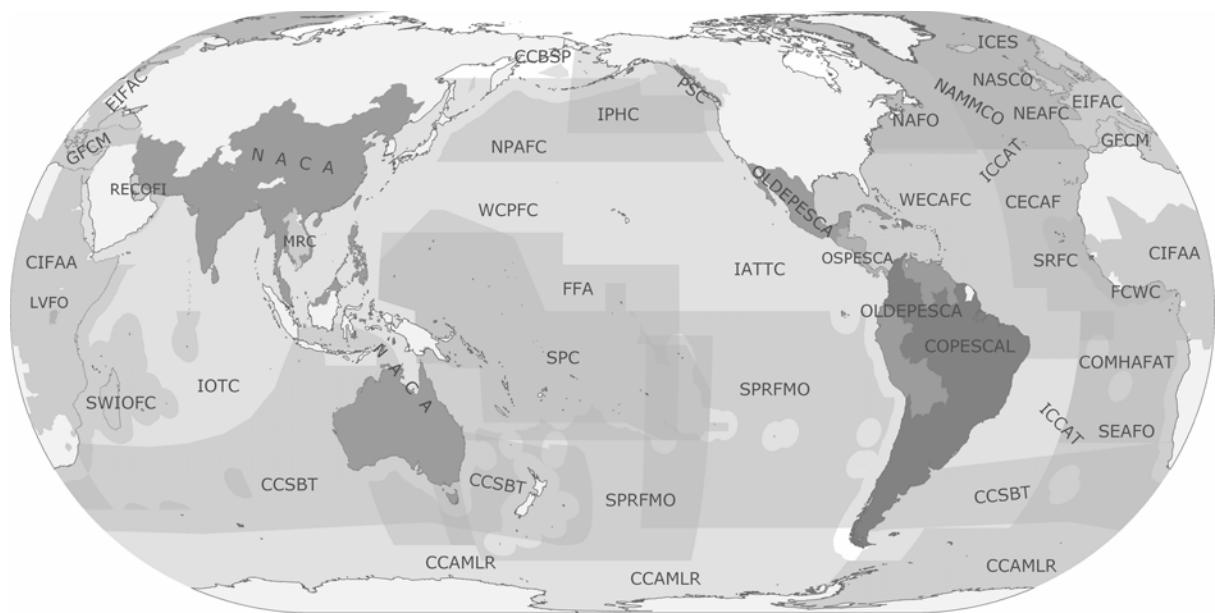
The circular maintains the framework established in the earlier publications. Accordingly, for each RFB, the circular examines area of competence, species, membership, main objectives and main activities. In addition, RFBs were requested to provide information on their ongoing and/or planned activities to implement post-UNCED fishery instruments, plus ongoing and/or planned activities to address specific issues and external factors affecting fisheries conservation and management. The circular includes information on new bodies and arrangements established since 2003, as well as on bodies with competence over inland fisheries or aquaculture. Bodies that have ceased to exist since 2003 are not included.

The data presented in this circular were provided by RFBs in response to a standard questionnaire. The questionnaire is included as Appendix 1.

The survey was undertaken for the purpose of obtaining a clearer understanding of the global issues and challenges that RFBs are currently facing. It also provides a record of changes and developments that have occurred between 2003 and the present time. Responses by RFBs to the questionnaire were indicative only, and thus the circular only purports to identify general trends. It should also be noted that responses to the questionnaire were provided by RFB secretariats without formal consideration by member countries. The questionnaire was general and RFB mandates are specific, and this led to gaps and overlaps in the information received from the RFBs. Where an RFB did not indicate its attention to certain issues or activities in the survey, this may not necessarily indicate an absence of attention in its operations.

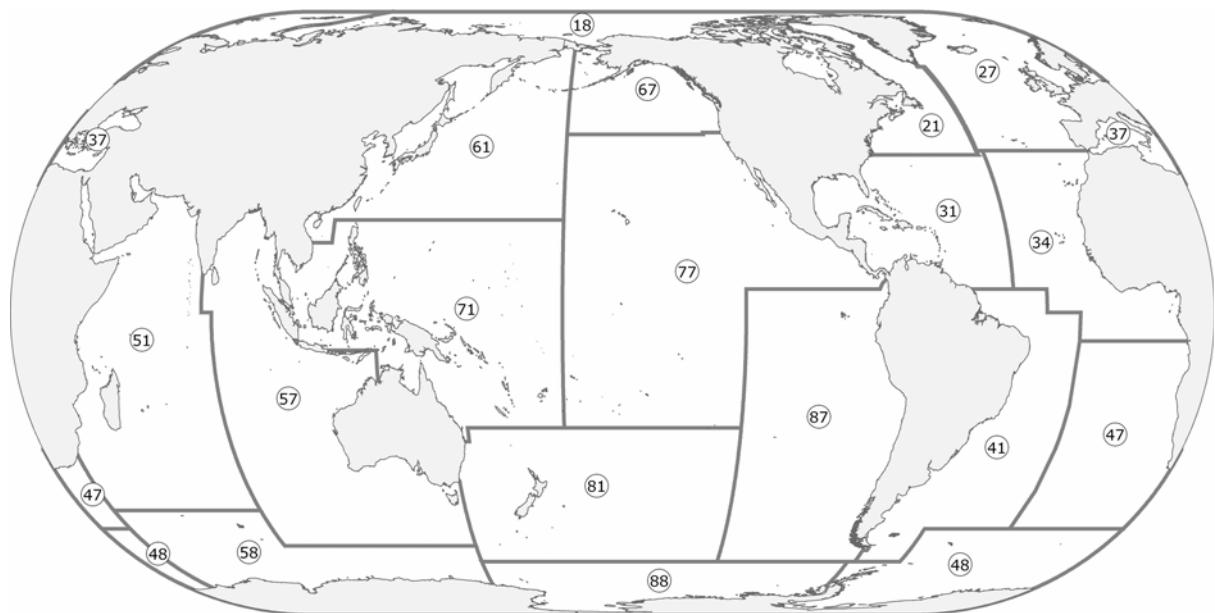
This circular has an updated and increased number of maps to demonstrate RFBs’ areas of competence (e.g. Map 1). Maps of the areas of competence for individual RFBs were compiled based on information provided in the constitutional documents and integrated, where necessary, with other sources such as the FAO Fishing Areas for Statistical Purposes (Map 2) and the Maritime Boundaries Database published by the Flanders Marine Institute for the 200 nautical mile arc limits.

Map 1
Indicative RFB areas



Source: FAO.

Map 2
FAO Statistical Areas



Source: FAO.

1.2 The nature of the FAO questionnaire

The purpose of the FAO questionnaire was to update and complement the analysis provided by the 2003 report. The FAO questionnaire was in two parts:

- Part I was an open survey asking RFBs to identify the most important issues facing them in their current work. These “issues” could be problems or goals.
- Part II of the questionnaire requested RFBs to provide information on:
 - ongoing and planned activities to implement post-UNCED fishery instruments;
 - ongoing and planned activities to address specific issues and external factors affecting fisheries conservation and management.

The purpose of Part I of the questionnaire was to obtain a clearer understanding of the global issues and challenges that RFBs are currently facing. The responses will help to identify changes and developments since 2003, and will also reveal whether there is scope for cooperative approaches between RFBs.

Part II of the questionnaire deals with the changing nature of RFBs in the post-UNCED world.¹ Regional Fishery Bodies now have a significant role to play in a vast array of management issues, and the questionnaire aimed to examine the effectiveness of RFBs in providing modern fisheries governance that conforms to international law. Some important initiatives of the post-UNCED fishery instruments are considered below.

1.2.1 *The post-UNCED fishery instruments*

These instruments comprise:

- 1993 FAO Compliance Agreement (the Compliance Agreement);²
- 1995 UN Fish Stocks Agreement (the Fish Stocks Agreement);³
- 1995 FAO Code of Conduct for Responsible Fisheries (the Code);⁴ and, under the framework of the Code are the four International Plans of Action (IPOAs):
 - IPOA for Reducing the Incidental Catch of Seabirds in Longline Fisheries,⁵
 - IPOA for the Conservation and Management of Sharks,⁶
 - IPOA for the Management of Fishing Capacity,⁷
 - IPOA to Prevent, Deter and Elimination of Illegal, Unreported and Unregulated (IUU) Fishing;⁸
- FAO Strategy for Improving Information on Status and Trends of Capture Fisheries;⁹
- FAO Model Scheme on Port State Measures to Combat IUU Fishing.¹⁰

The key RFB provisions in these post-UNCED fishery instruments are discussed below.

¹ Swan, *Decision-making in Regional Fishery Bodies or Arrangements: the evolving role of RFBs and international agreement on decision-making processes*, FAO Fisheries Circular No. 995, p. 1.

² Available at <www.fao.org/legal/treaties/012t-e.htm>.

³ Available at <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N95/274/67/PDF/N9527467.pdf?OpenElement>>.

⁴ Available at <www.fao.org/docrep/005/v9878e/v9878e00.HTM>.

⁵ Available at <[ftp://ftp.fao.org/docrep/fao/006/x3170e/X3170E00.pdf](http://ftp.fao.org/docrep/fao/006/x3170e/X3170E00.pdf)>.

⁶ Ibid.

⁷ Ibid.

⁸ Available at <www.fao.org/DOCREP/003/y1224e/y1224e00.htm>.

⁹ Available at <www.fao.org/DOCREP/006/Y4859T/Y4859T00.HTM>.

¹⁰ As the questionnaire was distributed before completion of the Port State Measures Treaty in 2009, RFBs were asked to comply with an earlier model scheme for Port States Measures. The 2007 model scheme is available at <www.fao.org/docrep/010/a0985t/a0985t00.HTM>.

(a) The United Nations Conference on Environment and Development (UNCED)

In 1989, the United Nations General Assembly called for a global meeting to devise integrated strategies that would halt and reverse the negative impact of human behaviour on the physical environment, and promote environmentally long-term sustainable economic development in all countries. Among the soft and hard law instruments produced at the Earth Summit was a blueprint for action to be taken globally from the early 1990s into the twenty-first century, known as Agenda 21.

Chapter 17 of Agenda 21 specifically deals with protection of the oceans, the seas, coastal areas, and the rational use and development of marine living resources. It calls for “new approaches” that should be integrated, precautionary and anticipatory.

In Programme Area C of Chapter 17, recognition is given to the then contemporary problems facing high seas fishing. The provisions note that the 1982 Convention’s management of high seas fisheries, including the adoption, monitoring and enforcement of effective conservation measures, is inadequate. Thus, there are problems of unregulated fishing, overcapitalization, excessive fleet size, vessels reflagging to escape controls, insufficiently selective gear, unreliable databases and lack of sufficient cooperation between States. These factors have all been addressed in the subsequent post-UNCED fishery instruments, and RFBs are the mechanism for change.

(b) The 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures By Fishing Vessels on the High Seas (the Compliance Agreement)

The Compliance Agreement was negotiated under Article XIV of the FAO Constitution, and adopted by the FAO Conference of 24 November 1993. The Compliance Agreement requires that each State party shall take measures to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures. Furthermore, no State party should allow any of its vessels to be used for high-seas fishing unless the vessel has been authorized to do so by an appropriate authority of the party. High-seas fishing authorization will not be granted unless the said party is able to exercise effectively its responsibilities with respect to that fishing vessel. Paragraph 5 of Article III seeks to limit the freedom of vessels with a bad compliance record in high-seas fisheries from “shopping around” for a new flag.

Article VI deals with the exchange of information whereby each party shall make available to FAO specific mandatory and discretionary data on each fishing vessel domestically recorded under Article IV of the Compliance Agreement. These mandatory and discretionary data that are made available to FAO comprise the High Seas Fishing Vessel Authorization Record (HSVAR). Further provisions in Article VI provide that FAO will promptly circulate such information to all parties, and on request, individually to any party.

(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement)

The great achievement of the Fish Stocks Agreement is that it develops the 1982 Convention by providing a framework as to how conservation and management of the straddling fish stocks and highly migratory fish stocks can be achieved. The framework includes both a revision of old laws and breaking new ground with important new fishery laws.

For the purposes of this report, the major achievement of the Fish Stocks Agreement concerns the role of RFBs in the conservation and management of straddling and highly migratory fish stocks. The Fish Stocks Agreement provides that where a competent RFB exists, States should either become members of the body, or they should agree to apply the conservation and management measures established by

such organizations. This provision is stringently reinforced by Article 8(4), which provides that only those States that are members of such an RFB, or that agree to apply the relevant RFB's conservation and management measures shall have legal access to the fishery resources to which these measures apply.

Importantly, the Fish Stocks Agreement adopts the precautionary approach and requires States to apply it both within areas of national jurisdiction and on the high seas. Article 6 of the Fish Stocks Agreement provides guidelines for its application.

The Fish Stocks Agreement also provides for increased responsibilities of the flag State. States are not permitted to authorize the use of their flag to vessels fishing on the high seas unless they are able to exercise responsibility effectively over such vessels for the purpose of the 1982 Convention and the Fish Stocks Agreement. Moreover, in accordance with Article 19(1), the flag State must ensure compliance by its vessels with regional conservation and management measures.

In the negotiation of the Fish Stocks Agreement, no provision proved more controversial than Article 21. By this provision, a State that is a party to the Fish Stocks Agreement and a member of an RFB has the right to board and inspect fishing vessels of another State party in order to ensure compliance with the RFB conservation and management measures, even where the flag State is not a member of the RFB or a party to the Fish Stocks Agreement.

(d) The 1995 FAO Code of Conduct for Responsible Fisheries (the Code) and the subsequent International Plans of Action (IPOAs)

The Code is a soft law instrument that covers fishing activity both within and beyond zones of national jurisdiction. It embraces a wide range of subjects leading to better conservation and management of fisheries including, *inter alia*, the gross overcapacity of the global fishing fleet, the inadequate control of vessels by flag States, the inadequate provision of fishery data to both flag States and coastal States, and trade restrictions intended to achieve environmental protection.

In content, the Code consists of 12 articles and 2 annexes. Articles 1–5 cover the nature and scope of the Code, its objectives, its relationship with other international instruments, implementation, monitoring and updating procedures; and the special requirements of developing countries. The substantive provisions are in Articles 6–12. Article 6 describes the general principles of the Code, Article 7 deals with fisheries management, Article 8 with fishing operations, Article 9 with aquaculture development, Article 10 with integration of fisheries into coastal area management, Article 11 with post-harvest practices and trade, and Article 12 with fisheries research.

These subjects allow the Code to cover a considerable number of controversial and problematic issues in contemporary fisheries conservation and management. For example, the precautionary approach is adopted and specifically related to those fishing practices that are particularly damaging to the environment, such as uncertainty relating to the size and productivity of stocks, and the impact of fishing activities (including discards) on non-target and associated or dependent species, as well as environmental and socio-economic conditions.

Under the framework of the Code, FAO has initiated the drafting, promotion and implementation of a series of soft law instruments known as the FAO International Plans of Action (IPOAs). They are:

- International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-SEABIRDS);
- International Plan of Action for the Conservation and Management of Sharks (IPOA-SHARKS);
- International Plan of Action for the Management of Fishing Capacity (IPOA-CAPACITY); and

- International Plan of Action on to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

The four FAO IPOAs address their subjects by incorporating the precautionary principles of the Code, while focusing on specific problems in contemporary fisheries management. In particular, the IPOAs on capacity and IUU fishing examine subjects that are seen as undermining global fisheries management. The IPOAs on seabirds and sharks are subject-specific in their focus and deal with the general minimization of wasteful fishing practices and, in the case of the IPOA-SHARKS, the broader issue of species conservation and management. Under the IPOAs, States are encouraged to implement their own National Plans of Action (NPOAs) for the purpose of localizing the important principles of the international instruments.

(e) FAO Strategy for Improving Information on Status and Trends of Capture Fisheries (the Strategy)

The Strategy addresses the need to accumulate information on the status and trends of fisheries. The strategy is consistent with the requirements of the United Nations Convention on the Law of the Sea (UNCLOS) and post-UNCLOS requirements for gathering data, and the exchange of data on fisheries and fish stocks.¹¹ The Strategy does not establish legal obligations but it does aim to invigorate data collection and dissemination between States, RFBs and FAO. The Strategy is based on six guiding principles: (i) sustainability; (ii) best scientific evidence; (iii) participation and cooperation; (iv) objectivity and transparency; (v) timeliness; and (vi) flexibility.

(f) Port State measures

The objective of the Port State Measures Agreement is to ensure the long-term conservation and sustainable use of living marine resources by enhancing port State measures to combat IUU fishing (Article 2). Each party is obliged to apply the measures of the Port State Measures Agreement to any foreign fishing vessels wishing to use its ports. The primary actions available to a port State under the Port State Measures Agreement are: requiring prior notice of a foreign fishing vessel's arrival in port; the ability to prohibit that vessel's entry to port; the ability to deny it the *use* of its port to unload fish and access services; and the right to inspect vessels. The application of these measures is to be fair, transparent and non-discriminatory (Article 3[1] and [2]). Flag States also have duties under the draft Port State Measures Agreement. They are to encourage flagged vessels to use only ports in States that apply the measures of the Port State Measures Agreement. In addition, they are to require their vessels to cooperate with the port State's inspections and, if necessary, request that port States take measures against their flagged vessels (Article 21[1], [2] and [3]).

1.3 RFB performance reviews

The need for RFBs to amend their mandates in order to ensure more effective conservation and management processes that comply with the post-UNCED fishery instruments has led to numerous RFBs undergoing independent reviews of their performance. The idea of performance indicators for RFBs was first submitted to Committee on Fisheries (COFI) in 1999 and since this time, a number of international fora have endorsed the application of the concept.¹²

Since 2006, six RFBs have conducted performance reviews and an additional six organizations have plans to undertake reviews.

¹¹ Refer to the UNCLOS, Article 12; the 1993 FAO Compliance Agreement, Article VI; the 1995 FAO Code of Conduct for Responsible Fisheries, Articles 6.4, 7.4 and 12; and the four IPOAs.

¹² For an overview of the performance reviews conducted on RFMOs see the Report of the Secretary General to the 2010 Review Conference on the UN Fish Stocks Agreement. The fora include COFI, the General Assembly Resolutions on Sustainable Fisheries, the Regional Fishery Bodies Secretariats Network and the Joint Meetings of Tuna Organizations.

To mark its twentieth anniversary (2004/05), the North Atlantic Salmon Conservation Organization (NASCO) undertook a review of the challenges it faces in the management and conservation of wild Atlantic salmon and ways in which these challenges may be met in the coming decade. This review also considered the management and structure of the organization and its relationship with its stakeholders. This review was called “Next Steps for NASCO”. In undertaking this review, the NASCO sought, through open consultation meetings, input from all stakeholders interested in the management and conservation of Atlantic salmon. Since this time, almost all recommendations made in the “Next Steps for NASCO” report have been implemented.¹³

In 2006, the North East Atlantic Fisheries Commission (NEAFC) conducted a major performance review.¹⁴ Later in the same year, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) conducted its performance review.¹⁵ In 2007, the Indian Ocean Tuna Commission (IOTC) completed its review.¹⁶ In 2008, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) conducted a performance review¹⁷ and in 2009 the International Commission for the Conservation of Atlantic Tunas (ICCAT) underwent its review.¹⁸

The review panels evaluated RFB performance against a range of criteria, many of them based on the principles outlined in the post-UNCED fishery instruments. The criteria included: the content of the RFB conventions; the status of living marine resources; data collection and sharing; the quality and provision of scientific advice; the adoption of conservation and management measures; managing capacity; the compatibility of management measures between national jurisdictions and the high seas; fishing allocations; flag State measures; port State measures; monitoring, control and surveillance (MCS); follow-up on fishing infringements; market-related measures; decision-making; dispute settlement; transparency; relationships with cooperating non-members and non-cooperating non-members; cooperation with other RFBs; the special requirements of developing States; participatory rights of newcomers; and financial and administrative issues.

In 2010, a further four RFBs are planning reviews. They are the General Fisheries Commission for the Mediterranean (GFCM), the Northwest Atlantic Fisheries Organization (NAFO), the North Pacific Anadromous Fish Commission (NPAFC) and the South East Atlantic Fisheries Organization (SEAFO). The Inter-American Tropical Tuna Commission (IATTC) and the Western and Central Pacific Fisheries Commission (WCPFC) are considering initiating performance reviews but details have not yet been finalized.

The performance review processes were robust and numerous fundamental shortcomings were identified. The 2009 Twenty-eighth Session of COFI urged those RFBs that had already undertaken performance reviews to implement the recommendations of their review report (if they had not already done so) in order to strengthen regional governance.

1.4 An analysis of Part I of the FAO questionnaire: trends and issues that are important to RFBs

In Part I of the questionnaire, each RFB was asked to indicate the five most important issues confronting the RFB, and the reasons why these issues were important. Owing to the way this question was expressed, not all RFBs identified problem issues. Some bodies identified issues that were the core focus or goals of their management but were not necessarily a problem for the RFB. Most bodies identified the five most prominent problems that they were facing.

¹³ See <www.nasco.int/nextsteps.html>.

¹⁴ See <<http://www.neafc.org/news/579>>.

¹⁵ See <www.ccsbt.org/docs/pdf/meeting_reports/ccsbt_15/report_of_PRWG.pdf>.

¹⁶ See <[www.iotc.org/files/misc/performance%20review/IOTC-2009-PRP-R\[E\].pdf](http://www.iotc.org/files/misc/performance%20review/IOTC-2009-PRP-R[E].pdf)>.

¹⁷ See <<http://www.ccamlr.org/pu/E/revpanrep.htm>>.

¹⁸ See <www.iccat.int/Documents/Other/PERFORM_%20REV_TRI_LINGUAL.pdf>.

Bearing in mind the diversity of RFBs examined in this report, the analysis of Part I is an examination of broad issues rather than numerical concerns. The structure for this analysis closely follows the structure given in the 2003 report. That is, issues of concern are broadly categorized into generic subject headings:

- fisheries management issues;
- institutional issues;
- fisheries science/research;
- developmental issues.

In addition, a new generic category to be included in this circular is environmental issues.

1.4.1 Fisheries management issues

(a) IUU fishing and MCS

As with the 2003 report, RFBs described numerous fisheries management issues as being challenges to their effective performance. The priority concerns among a majority of bodies were ongoing IUU fishing,¹⁹ (including effective implementation of MCS), and the question of how best to manage fisheries responsibly.²⁰ Some particular concerns regarding these issues are elaborated on below.

The Fishery Committee for the West Central Gulf of Guinea (FCWC) noted that IUU fishing was increasing and that there was a real need to implement an MCS system in the region. It observed that all the FCWC member States were developing States and that they should cooperate together in order to fight IUU fishing most effectively.

The SEAFO was concerned that its convention area (covering 16 million km²) contained numerous fishing grounds on remotely scattered seamounts. Effective MCS in these areas was proving to be impossible for the organization.

The GFCM observed that most IUU fishing in its convention area was imputable to member States of the Commission.

The Asia-Pacific Fishery Commission (APFIC) expressed concerns regarding overcapacity in coastal fisheries, which included illegal fishing and destructive fishing practices.

The NPAFC prioritized the need for cooperative, coordinated enforcement actions against IUU fishing in the convention area.

The CCAMLR also prioritized the problem of IUU fishing and observed that IUU fishing in the convention area by non-contracting parties (NCPs) was undermining the sustainable management of key fisheries and using valuable human and financial resources. It increased uncertainty and directly affects non-target species such as seabirds.

The CCSBT noted that its history of large unreported catches required improved management measures, in particular an integrated MCS system.

One inland fishery organization, the Lake Victoria Fisheries Organization (LVFO) had created a regional plan of action (RPOA) to address IUU fishing, but the implementation of this plan was proving difficult. The stocks of the most important commercial species, the Nile perch, were declining

¹⁹ APFIC, CCAMLR, CCSBT, FCWC, FFA, GFCM, ICCAT, IOTC, LVFO, NAFO, NEAFC, NPAFC, OLDEPESCA, OSPESCA, SEAFO, SRFC and WCPFC.

²⁰ IATTC, NAMMCO, OSPESCA (particularly for lobster and shrimp) and SPRFMO (Chilean jack mackerel and bottom fisheries).

while market demand was increasing. This was encouraging fishers to capture undersized fish and use illegal gear. The RPOA contained a number of measures to eliminate IUU fishing, but the financial and human resources needed to enforce the plan, were both limited.

The fisheries and aquaculture body of the Central American Organization of the Fisheries and Aquaculture Sector (OSPESCA) noted that IUU fishing was diminishing its fishery resources, particularly in the lobster and shrimp fisheries.

The ICCAT noted that the curbing and combating of IUU fishing was a priority area for the Commission.

A potentially new RFB – the Central Asian and the Caucasus Fisheries and Aquaculture Commission – stated that illegal and unreported catches in the inland waters of the Central Asian and Caucasus countries were higher than reported catches. Fisheries management regimes were outdated and enforcement of existing laws was poor. For these reason, it perceived that a joint approach to shared (transboundary) fishery resources was the most appropriate way to deal with its IUU fishing problem.

A more encouraging analysis on IUU fishing was provided by three bodies: the NAFO, NASCO and NEAFC. The NEAFC noted that it was achieving considerable success in combating IUU fishing through IUU fishing vessel lists and through a port State control system. Similarly, the NAFO also claimed to have a relatively effective MCS scheme that was addressing IUU fishing through at-sea inspections, 100 percent observer coverage, a vessel monitoring system (VMS) and obligatory port inspections. The NASCO noted that it had had problems with unreported fishing in the 1980s and 1990s and that steps had been taken at that time to minimize the problem. In recent years, the NASCO has stimulated improved surveillance and exchange of information, and the level of unreported catches has decreased significantly.

(b) Ecosystem approach to fisheries and aquaculture

Effective fisheries management requires RFBs to adopt an ecosystem approach to fisheries (EAF) and aquaculture. However, several RFBs expressed management concerns over the implementation of the ecosystem approach.

Of particular interest, the GFCM noted the challenge of compiling multidisciplinary information on the marine environment. Similarly, the SEAFO observed that the existing knowledge of the environment, the resources and the fisheries was limited. The Mekong River Commission (MRC) noted the difficulties of applying an EAF when most of the fish in the Lower Mekong Basin migrated over longer or shorter distances, and often these migrations (including numerous key habitats) crossed national boundaries. The North Atlantic Marine Mammal Commission (NAMMCO) observed the difficulty of applying an EAF when marine mammals were at the top of the food chain. The ICCAT and NAFO the identified the implementation of the ecosystem approach as a priority area. The International Council for the Exploration of the Sea (ICES) and the Secretariat of the Pacific Community (SPC) both noted the challenge of providing ecosystem advice when the current range of intensive fisheries simultaneously influenced many parts of the ecosystem.

(c) Bycatch

Three bodies expressed a priority concern with the management of bycatch. The ICES noted the challenge of providing scientific advice when bycatch data regarding amounts and species were so poor. The IATTC had a particular concern with managing bycatch and discards including sharks, turtles and birds. The International Pacific Halibut Commission (IPHC) was concerned with bycatch mortality in non-target fisheries and the impact that it may have on the conservation of endangered species.

(d) Fisheries management in aquaculture

Fisheries management in aquaculture was raised as an issue of concern by several bodies.²¹ The GFCM was aiming to promote sustainable aquaculture. It was seeking to strengthen the fields of species diversification, monitor carrying capacity more effectively, and encourage a wider involvement of member countries in the regional market. All of these goals would require the establishment of a data collection and information system for aquaculture. The NASCO noted that progress had been made in minimizing the impacts of aquaculture, but some challenges still remained including the impacts of sea lice and minimizing escapes. The APFIC prioritized the development of responsible aquaculture and enhanced governance in the aquaculture sector. Certification was seen as a solution to many of the problems in the industry, but markets were not fully prepared for this initiative.

For the Network of Aquaculture Centres in Asia and the Pacific (NACA), an aquaculture-focused body, all issues of concern related to aquaculture. It noted: biosecurity risks (including the spread of diseases and pests); governance of aquaculture development (including the social and environmental impacts of an ill-managed development of the aquaculture sector); adaptation to climate change impacts (particularly for the small aquaculture sector) would need to adapt and build resilience; deterioration of genetic resources for aquaculture development; and regional cooperation for mutual benefits in aquaculture development.

(e) Fisheries management of inland fisheries

As with aquacultural fisheries, the management of inland fisheries had its own particular problems that were a concern to several inland fishery organizations. The Committee for Inland Fisheries and Aquaculture of Africa (CIFAA) noted that inland fisheries in its area of competence were one of the most important and underutilized fishery resources in the region. The Commission for Inland Fisheries of Latin America (COPESCAL) was aiming to improve the collection and analysis of information on the state of resource exploitation and the economic and social aspects of inland fisheries. The European Inland Fisheries Advisory Commission (EIFAC) was seeking a restructuring of its commission in order to make its inland fishery work programme more efficient.

(f) Increased fishing effort

A final fisheries management problem expressed by numerous RFBs was an increase in fishing effort.²² The Fishery Committee for the Eastern Central Atlantic (CECAF) noted an increase in pressure on commercial fish stocks that had led to many stocks in the area of competence being rapidly depleted. The ICCAT noted that the prevention and elimination of excess fleet capacity and fishing effort was a major issue for the Commission. Similarly, the APFIC was also concerned with overcapacity in coastal fisheries, which was threatening small-scale livelihoods, driving overfishing, and leading to fishing that was focused further down the food chain. The IOTC expressed a concern regarding how best to implement sustainable exploitation in order to control fishing capacity that had led to some IOTC species being fully developed. The LVFO noted that fishing effort in Lake Victoria had been increasing owing to a licensing system based on open access. This had been addressed through an RPOA on capacity, but the RPOA was not yet in place. The Regional Commission for Fisheries (RECOFI) noted that effective fisheries management was difficult owing to the lack of verified information on the status of stocks and of fishing capacity and fishing effort.

1.4.2 Institutional issues

This category is intended to cover a host of concerns expressed by many RFBs that ranged from the political commitment of member States through to the ability of States to cooperate together. It

²¹ APFIC, CIFAA, COPESCAL, GFCM, NACA and NASCO.

²² APFIC, CECAF, ICCAT, IOTC, LVFO and RECOFI.

includes concerns over financial support for the RFB, and a perceived need by some RFBs for legal and institutional assistance in order to perform their mandate effectively.

(a) The need for greater cooperation

The Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (COMHAFAT) prioritized the need to promote active and organized cooperation in fisheries management in order to ensure the conservation of its fishery resources. It was also focusing on the need to reinforce solidarity with African landlocked and geographically disadvantaged States.

Similarly, the RECOFI identified the need to promote and establish regional cooperation and coordination for governance, conservation and management of shared stocks. In addition, it noted that its members had not been able to empower the Commission, which consequently had not been in a position to address the management of regional fisheries as contemplated by the mandate.

The NPAFC expressed only two priority issues, which were cooperative coordinated enforcement actions on IUU fishing and cooperative coordinated research.

The Pacific Islands Forum Fisheries Agency (FFA) noted that the goal of strengthening regional cooperation within the FFA membership was a primary issue for the agency. Regional cooperation and cohesiveness was also a continuing priority of the NACA, which was aiming to enhance regional mechanisms for technical cooperation for mutual benefits in aquaculture development and trade and market access.

The CIFAA and COPESCAL both prioritized identifying and implementing actions that could be taken at the regional level to promote cooperative sustainable aquaculture.

(b) Budget

The subject of budget was cited as a primary issue of concern by a number of bodies. The GFCM noted that the budget of the Commission was not commensurate with agreed activities and that there was a need to pursue the strengthening of the secretariat's human resources. The RECOFI noted that its annual contribution was set at a fixed amount per member country. However, the total amount contributed annually by them was insufficient to support the full range of technical activities endorsed by the commission. Extra-budgetary options, such as regional projects supporting the RECOFI, had not been financed. The IATTC noted that it was important to ensure sufficient funding for the Commission in a timely manner, so that the Commission could continue to develop and implement effectively the agreed conservation and management programme for the living marine resources of the eastern Pacific Ocean. In recent years, the IATTC has had some problems with delays in the payment of agreed contributions, and a failure to resolve this matter could impair the Commission's ability to continue its operations. The IPHC noted that its research and staff costs were increasing at a faster rate than its incoming funding. The CIFAA noted that a priority issue was the need to justify the contributions of its Committee and verify that member investments achieved suitable returns. The Western Central Atlantic Fishery Commission (WECAFC) noted a lack of financial and human resources that prevented it from effectively exercising its mandate. The Commission depends mainly on the FAO Regular Programme Budget.

(c) Legal and institutional framework

More apparent than any other institutional concern was the general call for legal and institutional assistance to manage or reform RFBs.²³

²³ COPESCAL, EIFAC, FFA, IOTC, IWC, MRC, OSPESCA, RECOFI and SRFC.

For the new bodies, such as the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Central Asian and the Caucasus Fisheries and Aquaculture Commission, impending ratification of their agreements was a priority issue. In contrast, the SEAFO, which is already several years old, had concerns over the slow rate of ratification of its convention. It had nine signatories, and only five parties had ratified the convention. Moreover, those that were actively fishing were not part of the decision-making process as they were not parties to the convention. The Pacific Salmon Commission (PSC) was waiting for Canadian and United States ratification of the revised chapters to sections of its treaty.

The Subregional Fisheries Commission (SRFC) was working on a framework that would promote the institutional arrangements and legal instruments required for the body to manage its fisheries effectively. The WECAFC noted weak fisheries administrations in most member countries and a need for capacity building.

The IOTC Performance Review Panel identified two issues that needed to be addressed in order to enhance the legal framework of the organization. First, an update of the IOTC agreement was needed as the existing framework was outdated and did not include modern principles of fisheries management (precautionary approach, ecosystem-based approach to fisheries). An additional issue that was a concern to the IOTC was the need to strengthen the abilities of its compliance committee to monitor non-compliance and to advise the Commission on actions that might be taken in response to non-compliance.

The OSPESCA noted that since 2005 the Central American countries had had a fisheries and aquaculture integration policy. As a consequence of this, the OSPESCA was seeking institutional assistance for processes that could monitor and guide all activities for aquaculture and fisheries in the region.

The NAFO was intending to adjust its structure in order to implement fully the newly adopted EAF and to improve its internal decision-making processes.

The RECOFI noted that its members had not been able to empower the Commission, which consequently had not been in a position to address the management dimension of regional fisheries as required by its mandate. The Commission wanted to develop a more enabling environment that would increase the use of its potential powers.

The International Whaling Commission (IWC) had reached an impasse regarding its future direction: ongoing moratorium versus revised management scheme (RMS). In an attempt to resolve this impasse, the Commission had initiated a process to discuss and resolve its future. The process is now in its second year. An additional legal or policy issue being considered by both the IWC and the NAMMCO was the food and livelihood rights of indigenous peoples and the question of aboriginal subsistence whaling. The IWC noted that although significant work had been done since the last FAO survey, it was still an important gap.

In its Part I survey of responses that are important to RFBs, the EIFAC made only one entry: it needed to restructure the EIFAC in order to make its work more efficient. The FFA also identified institutional reform as a priority subject. It wanted to see fisheries make a greater contribution towards the broader development goals of the member States. The COPESCAL wanted to reform the Commission's statutes and regulations in order to strengthen its role and effectiveness.

1.4.3 Science and research issues

A common issue of concern among many RFBs was the need for more science and research on a wide range of issues from stock assessment to the mapping of "footprints" on existing fishing areas. More specific remarks are noted below.

The FCWC and LVFO the identified a need for capacity building in their stock assessment and a need to develop species-specific management plans with target reference points. They made the point that these data were crucial for the sustainability of their resources.

The CIFA was also seeking improved statistics for tools of monitoring and planning. It noted that for both of its subsectors (inland fisheries and aquaculture), FAO statistics tended to be the common reference, but that it was widely accepted that these were, at best, rough estimates and that more accurate statistics were essential to monitor the overall sector. It noted that it was also necessary to have tools such as the African Water Resource Database to be able to evaluate and monitor the overall sector from national, subregional and regional levels.

The CCSBT raised two priority concerns of science and research. The first was to recreate a catch history and database for the Southern Bluefin Tuna Fishery. It noted that significant unreported catches in the previous two decades had corrupted the existing CCSBT database and that its data reliability was poor. As a consequence of this, the CCSBT current stock assessment had been compromised.

The WCPFC also raised two science and research issues. The first related to its attempt to implement science-based decision-making within the Commission, where it noted that there was a lack of political commitment to accept this management method. Its second concern was that there were data gaps in key fisheries and fleets. This was weakening assessment and the understanding of the dynamics of a fishery.

The CCAMLR cited scientific uncertainty as an ongoing priority concern of the Commission. It noted that lack of knowledge on the stock dynamics of some key target species still prevailed. This was not only affecting stock assessment capabilities, but the problem might also be being compounded by insufficient data, lack of dedicated scientific survey information and incomplete tagging returns.

The IOTC prioritized uncertainty in data and stock assessments, describing its needs as urgent. It required an application of scientific assessment methods appropriate to the available data/information; the establishment of a regional scientific observer programme to enhance data collection for target and non-target species and improvements to the data collection and reporting capacity of developing States. Equally important was the need to develop a framework for how to act in the face of uncertainty in scientific advice.

The NEAFC noted a need for improved scientific advice and wanted to investigate further the inclusion of VMS data as an additional scientific resource to the traditional data from logbooks, landings and survey data.

The NASCO required more research on salmon at sea, including studies of bycatch of salmon. It noted that marine survival of salmon was low and that the scientific factors influencing survival at sea were poorly understood.

The GFCM noted that the submission of data and information by members through the established data collection protocols was erratic and was hindering its integrated fisheries management. It required the monitoring of sustainability indicators from a social, economic and environmental point of view.

The CECAF and SRFC the required more effort be put into fisheries research and data management. The CECAF noted that most of its information was unreliable – particularly that relating to catch statistics.

The potential new Central Asian and the Caucasus Fisheries and Aquaculture Commission observed that fisheries and aquaculture technologies and production systems were generally based on the

knowledge that had existed two decades earlier. While the technologies have developed rapidly in other parts of the world, this expertise has not transferred to Central Asia and the Caucasus.

The ICES, a provider of scientific fisheries advice, also noted a need for more science and research. Its main data gaps related to ecosystems, climate change, deepwater fisheries, bycatch and biological reference points. The SPC was challenged by assessing the status of Pacific Island fisheries, including industrial oceanic fisheries, coastal commercial fisheries and subsistence fisheries.

Finally, the NAFO prioritized its attempt to comply with the FAO Draft International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and develop a “footprint” of its fishing profile.

1.4.4 Developmental issues

Developmental issues arise in two main ways. First, it should be recalled that many RFBs are solely or predominantly comprised of developing States. This is an important consideration as poverty affects a people’s ability to manage fisheries. A second consideration expressed by numerous RFBs was frustration at their inability to assist economic development in their member countries. Thus, development issues range from managerial and scientific capacity building to food security and regional development. A most commonly expressed concern was for the livelihoods of subsistence and artisanal fishers.

The OSPESCA noted that the Central American isthmus had 93 000 small-scale fishers and that their fish capture was distributed primarily in local markets. It prioritized support for this small local industry. The FCWC also noted a concern for small-scale fishers and was seeking to conceive management arrangements to ensure the well-being of these fishers by reducing poverty, ensuring their safety at sea, and assisting them with the marketing of their products. The CECAF also expressed concern for small-scale fishers and noted that reduction in stocks was affecting catch levels and revenues, which was making many small-scale fishers more vulnerable.

The Latin American Organization for Fisheries Development (OLDEPESCA) was formed 20 years ago for the purpose of combating hunger and malnutrition in the region. In 2009, these problems had not abated and the body prioritized the use of small pelagics for direct human consumption among local people within the region. The SPC prioritized the goal of improving aquatic food security among Pacific Island people. This included mitigating risk and planning for the future nutrition of growing populations, including through aquaculture.

The COPESCAL was concerned to assess the role of inland fisheries in social development and poverty alleviation.

The COMHAFAT noted that a priority issue for it was the rational utilization of fishery resources in an integrated approach that could lead to food self-sufficiency. It was also aiming to stimulate national economic sectors that were relevant to fisheries resource exploitation in order to promote the economic, social and nutritional development process of the people in the region.

The MRC was concerned that local and national fishers might feel the impacts of factors and events that originated outside the provincial and national borders, such as the introduction of alien species or even hydroelectric developments. The MRC needed to work with vulnerable people and explain what was happening, and whether there are remedies that could be pursued.

The IOTC noted that many developing States were experiencing serious capacity/infrastructure constraints that impeded their ability to comply with their obligations, especially in terms of data collection, reporting and processing. A number of developing States also lacked appropriate scientific expertise and, even where such expertise was available, budgetary constraints limited their participation in Commission meetings, particularly those of the scientific committee and working

parties. Increased financial support for capacity building should be provided to developing States. The Commission should be able to enhance already existing funding mechanisms to build developing States' capacity for data collection, processing and reporting, as well as technical and scientific capabilities.

1.4.5 Environmental issues

The decision to include a fifth category of concern, environmental issues, was based on the large number of RFBs that identified various subjects that were partly managerial, partly science/research-based, and partly institutional, but best linked together under a generic environmental canopy.

(a) Climate change

The 2007 COFI meeting raised the subject of climate change and fisheries under three agenda headings: aquaculture; social issues in small-scale fisheries; and implementing the ecosystem approach to fisheries and aquaculture. There was wide support for a proposal that FAO should undertake a study to identify the key issues on climate change and fisheries, and to initiate a discussion on how the fishing industry can best adapt to climate change.

International discussions²⁴ over the past two years have concluded:

- Climate change is projected to impact broadly across ecosystems, societies and economies, increasing pressures on all livelihoods and food supplies, including those in the fisheries sector.
- In general, species are being displaced towards the poles.
- Sea-level rise, glacier melting, ocean acidification and changes in precipitation, groundwater and river flows will significantly affect many ecosystems.
- Changes in productivity, distribution, species composition and habitats will require changes in fishing practices and aquaculture operations, as well as in the location of operations, landing, and processing facilities.²⁵

The Twenty-eighth Session of COFI (2009) was invited to consider the likely impacts of climate change for fisheries and potential responses to it by FAO Member States and the FAO Fisheries and Aquaculture Department.²⁶ The subject has already attracted responses from concerned RFBs.

The ICES noted concern over the fact that climate change would influence fish stocks and ecosystems, but that little was known about the extent. Similarly, the OSPESCA, which participates with FAO in the Global Partnership Climate Change, Fisheries and Aquaculture (PaCFA) group, was working on the issue of the impacts of climate change on fisheries, aquaculture and aquatic habitats. The NPAFC was conducting cooperative scientific studies in the hope of filling major gaps in scientific knowledge. It was hoped that, among other subjects, this information would contribute to climate change/ecosystem research. The PSC noted declining returns for many salmon stocks in the treaty area. Continuing research, including into global warming, was not conclusive as to the reasons for this behavioural change. The CCAMLR noted that, in its efforts to implement an ecosystem-based approach to fisheries, it was taking into consideration potentially irreversible ecosystem changes arising, for example, from climate change. The NACA made the point that, as with other sectors, aquaculture (particularly the small aquaculture sector) would need to adapt and build resilience to the ill-understood impacts of climate change.

²⁴ Expert Workshop on Climate Change Implications for Fisheries and Aquaculture (7–9 April 2008); High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy (3–5 June 2008); and Symposium on Coping with Global Change in Marine Social-Ecological Systems (8–11 July 2008).

²⁵ FAO. 2009. *Climate change and fisheries and aquaculture*. COFI/2009/8, pp. 3–4.

²⁶ *Ibid*, p. 5.

(b) Habitat protection including vulnerable marine ecosystems and seamounts

The NASCO noted that although it had devised a plan of action on habitat protection and restoration, and had made considerable progress in restoring degraded habitats, it still faced challenges in the full implementation of the programme.

The NEAFC noted that its convention had been updated to include environmental concerns (i.e. impacts on fisheries and the need to conserve biological diversity). However, it was challenged by the issue of identifying vulnerable marine ecosystems (VMEs) and the monitoring of possible encounters.

The SEAFO noted that most of the fishing in its convention area was taking place in deep waters at seamounts. It had adopted measures to protect these seamounts until such time when more information on ecosystems, including biodiversities, would be known. At the time of its response to the questionnaire, IUU fishing in vulnerable marine habitats was a problem.

The CCAMLR also noted that it was required to develop objective procedures to identify (and later manage) marine protected areas (MPAs) and VMEs in compliance with international directives from the World Summit on Sustainable Development and UN General Assembly Resolution 61/105.

The NACA noted that biodiversity made for a resilient system, but that the genetic resources and natural resource base for aquaculture development had been deteriorating in much of Asia.

The NAFO was prioritizing the mapping of existing fishing areas (its footprint).

(c) Depleted global fish stocks

Eight RFBs from diverse geographic regions, and representing both marine capture fish stocks and inland fisheries, noted problems with depleted fish stocks. The CECAF described its stocks as “being rapidly depleted”. The NAFO noted that, following the collapse of many fisheries in the Northwest Atlantic in the early 1990s, it was prioritizing an attempted recovery of these depleted stocks through fishing moratoria and other re-building measures. The IOTC noted that some species were fully developed and that there was a need to ensure sustainable levels of exploitation. The WCPFC observed a problem with the non-sustainable use of target stocks. The CCAMLR stated that in the previous three years there had been a marked increase in krill fishing in the CCAMLR area to the extent that projected catches for 2008/09 were more than five times the mean current annual level. The NASCO noted “declining abundance”, which had forced enormous reductions in marine fisheries for salmon. The new Pacific Ocean body, the SPRFMO, noted that scientific advice for Chilean jack mackerel suggested that fishing mortality was likely to have exceeded sustainable levels since at least 2002. Moreover, the then current biomass levels were substantially below levels at the peak of the fishery, and as a result of poor recruitment, were highly likely to be still declining. The LVFO noted that stocks of Nile perch, its most important commercial species, were declining and that the Organization was conducting a pre-assessment for ecolabelling of the fish.

1.5 An analysis of Part II-B of the FAO questionnaire: the implementation of the post-UNCED fishery instruments

1.5.1 The 1993 FAO Compliance Agreement

The Compliance Agreement did not receive strong support in the RFB responses. Some RFBs made the point that the Compliance Agreement was not relevant or applicable to their mandate.²⁷ Other

²⁷ COPESCAL, EIFAC, IPHC, MRC, NACA and NAMMCO. The NASCO elaborated a more detailed response to the questionnaire explaining that high-seas fisheries for salmon are not permitted under the NASCO convention, which prohibits fishing for salmon beyond 12 nautical miles from baselines. Moreover, at the present time, high-seas fishing for salmon by non-NASCO parties is not a problem. Finally, the NASCO notes

RFBs simply made no entry for the question regarding their ongoing and planned activities to implement the Compliance Agreement.²⁸ Yet other RFBs responded that they were not undertaking any activities to implement the Compliance Agreement.²⁹

Three RFBs replied that implementation of the Compliance Agreement was a flag State responsibility and that the RFB could only encourage members to implement it.³⁰

The seven remaining RFBs responding to the 2008 questionnaire offered a range of responses regarding ongoing and planned activities to implement the Compliance Agreement. Three bodies responded that: (i) they had implemented the Compliance Agreement;³¹ or (ii) they took the Compliance Agreement into account;³² or (iii) they gave advice on the basis of the Compliance Agreement,³³ but none of these RFBs elaborated on how this was done.

Only five RFBs demonstrated activities that they had been conducting in order to implement the Compliance Agreement.

The FFA had integrated the Compliance Agreement into its minimum terms and conditions for implementation within the exclusive economic zones (EEZs) of its member countries.

The LVFO had drafted RPOAs between the member States sharing Lake Victoria: Kenya, Uganda and the United Republic of Tanzania. Those aspects of the Compliance Agreement with some relevance to an inland fishery body had been incorporated into the RPOAs.

The final three respondents referred to the subject of a record of fishing vessels. The Coordinating Working Party on Fishery Statistics (CWP) noted that consolidation of the vessel lists maintained by regional fisheries management organizations (RFMOs) and that maintained by FAO was under discussion. The IOTC referred to its Resolution No. 07/02 (Concerning the Establishment of an IOTC Record of Vessels Authorized to operate in the IOTC Area), which was said to comply with Article IV of the Compliance Agreement requiring each party to maintain a record of fishing vessels entitled to fly its flag. Furthermore, Article VI of the Compliance Agreement deals with exchange of information on fishing vessels, and IOTC Resolution No. 07/04 provides that parties will make their fishing vessel information readily available to the IOTC. The OSPESCA noted that they maintained a vessel register of all industrial fishing vessels.

that they are encouraging measures to minimize unreported catches by the parties and that the level of such catches is believed to be declining.

²⁸ APFIC, CCSBT, CFAA, COMHAFAT/ATLAFCO, FCWC, GFCM, ICCAT, NPAFC, PSC, RECOFI, SEAFO, SPC and WECAFC.

²⁹ CECAF and IATTC.

³⁰ CCAMLR, NEAFC and WCPFC.

³¹ NAFO.

³² SRFC.

³³ ICES.

The discussion on vessel lists raises the issue of the IUU fishing vessel lists maintained by a number of other RFBs: CCAMLR, GFCM, IATTC, ICCAT, NAFO, NEAFC, SEAFO and WCPFC. These lists are significantly different in form³⁴ and purpose to the HSVAR operated by FAO. The IUU fishing vessel lists are used as an MCS tool to identify and penalize the IUU fishing vessel. In contrast, the FAO HSVAR is more akin to a database and the data are neither comprehensive nor widely utilized.

1.5.2 *The 1995 UN Fish Stocks Agreement*

As with the Compliance Agreement, the ongoing and planned activities to implement the Fish Stocks Agreement ranked similarly low in terms of response. Five RFBs responded that the Fish Stocks Agreement was not applicable to their mandate.³⁵ An additional nine RFBs made no entry on the questionnaire regarding ongoing and planned activities to implement the Fish Stocks Agreement.³⁶ One RFB stated that it had no activities to implement the Fish Stocks Agreement.³⁷ One RFB stated that it encouraged its contracting parties to ratify/accede to the Fish Stocks Agreement.³⁸

Five RFBs claimed some level of activity to implement the provisions of the Fish Stocks Agreement, but they provided no elaboration or examples to explain their comments. These comments included: (i) they had implemented the Fish Stocks Agreement; (ii) they took the Fish Stocks Agreement into account when giving advice; (iii) they were undertaking ongoing activities to implement the Agreement; (iv) the Fish Stocks Agreement was referred to in their preamble; or (v) they participated in Fish Stocks Agreement meetings. However, none of these RFBs elaborated on how actual implementation of the Fish Stocks Agreement was done.³⁹

One RFB noted that although its convention predated the Fish Stocks Agreement, it had already implemented its provisions.⁴⁰

Twelve respondents demonstrated some action as part of their ongoing and planned activities for implementing the Fish Stocks Agreement. The LVFO noted that relevant provisions of the Fish Stocks Agreement were implemented through an RPOA. The CWP noted that the 2006 UN Review of the Fish Stocks Agreement called for consolidation of the publicly available catch statistics and that this work was in progress. The FFA noted that provisions of the Fish Stocks Agreement were reflected in the legislative framework for its member countries. The NASCO noted that the Fish Stocks Agreement did not apply to Atlantic salmon, which is an anadromous fish stock covered by Article 66 of the UNCLOS. However, the NASCO had taken some steps that complied with the

³⁴ The FAO HSVAR list has significant limitations:

- Only State parties to the Compliance Agreement are obliged to provide data to the HSVAR, and State parties are few.
- The HSVAR has both poor quality of data and an inadequate quantity of data. Some State parties do not provide any data, and those that do, often provide incomplete data.
- The Compliance Agreement is specifically restricted to the high seas and most IUU fishing occurs within zones of national jurisdiction.
- Fishing vessels that are less than 24 m in length are exempted from the Compliance Agreement, and an increasing number of vessels are being constructed that are “invisible” by being less than 24 m.
- The HSVAR makes no provision to deal with the problem of beneficial ownership of vessels.
- The HSVAR gives inadequate recognition to the needs of developing States.
- The Compliance Agreement lacks any form of review mechanism.

³⁵ COPESCAL, EIFAC, MRC, NACA and NAMMCO.

³⁶ CCSBT, CIFAA, COMHAFAT, FCWC, IWC, NPAFC, PSC, RECOFI and WECAFC. The IWC response states that it is currently enforcing a moratorium on commercial whaling; however, if discussions on an RMS are resumed, all appropriate instruments will be taken into consideration.

³⁷ CECAF.

³⁸ CCAMLR.

³⁹ NAFO, ICES, SRFC, GFCM and ICCAT, respectively.

⁴⁰ IPHC.

principles of the Fish Stocks Agreement, such as implementing a precautionary approach. The SEAFO noted that its convention was modelled on the Fish Stocks Agreement and that numerous activities from the Fish Stocks Agreement were being implemented.⁴¹ The IATTC noted that very few of its members were parties to the Fish Stocks Agreement. However, several provisions in the Fish Stocks Agreement (such as transparency and the precautionary approach) had been incorporated into the work of the Commission. The APFIC noted that in order to comply with the provisions of the Fish Stocks Agreement, it had carried out a review on small pelagic resources in the Asia-Pacific region and transboundary stocks had been identified. The SPC noted that it did not implement any of the post-UNCED fishery instruments directly but that it contributed towards their implementation in the advice and capacity building that it provided to member countries.⁴² In the case of the WCPFC, the convention and the object of the Commission was to enhance the provisions of the Fish Stocks Agreement among member States. The IOTC noted that the Fish Stocks Agreement attributed a central role to RFBs and that the IOTC had adopted resolutions in keeping with the objective (Article II) and principles (Article V) of the Fish Stocks Agreement. The IOTC provided an extensive list of resolutions aimed at ensuring the long-term sustainability of straddling fish stocks, and many of these were elaborated on in the body of the text under the IOTC entry. The NEAFC noted that Volume II of the report for their independent performance review had dealt specifically with the subject of the NEAFC's performance with respect to the various international instruments. The performance review panel had concluded that the convention amendments were consistent with contemporary international instruments and commitments. Finally, the OSPESCA noted that States were encouraged to participate actively in relevant RFBs and that the body was pursuing whether the OSPESCA member countries could be incorporated into the IATTC.

1.5.3 The 1995 Code of Conduct for Responsible Fisheries and the IPOAs

If there is some evidence of reluctance by RFBs to embrace the provisions of the Compliance Agreement and the Fish Stocks Agreement, there is no such reluctance in their support for the Code. In fact, it is fair to say that there is very widespread goodwill towards the Code. This is not always extended to the IPOAs, but where the IPOAs are perceived as directly relevant to an RFB, there is evidence of increasing support. It is further submitted that FAO should take much credit for the goodwill that is given to the Code. It is clear that there has been widespread consultation to explain and promote the Code, and this "marketing" has contributed to real international acceptance of the provisions of the Code.

Only six bodies gave no feedback on planned or ongoing activities to implement the Code and/or the IPOAs.⁴³

Individual responses to the Code and IPOA component of the questionnaire are elaborated on below under the RFB analysis. However, several generic remarks can be made. First, it is apparent that the Code enjoys widespread support across all continents. Second, the Code is perceived as directly applicable to all fishery issues including marine capture fisheries, inland fisheries and aquaculture. Third, the soft law status of the Code and IPOAs does not appear to lessen their value or relevance, and most RFBs seriously endeavour to implement all relevant provisions. Fourth, where an RFB did not indicate implementation of the Code or the IPOAs, this may only apply to direct action for implementation and not indirectly in the context of action on related matters. Thus, the IPOA-

⁴¹ These activities include implementing an EAF and a precautionary approach, addressing flag State responsibilities and port State measures, compliance and enforcement, resource management based on best scientific evidence, rigorous data collection and reporting requirements, transparency in decision-making, and cooperation with other organizations.

⁴² Reference is given to the WCPFC, whose convention is based on the Fish Stocks Agreement, and the SPC has the role of scientific service provider to the WCPFC.

⁴³ CCSBT, EIFAC, FCWC, NAMMCO, PSC and WECAFC. The EIFAC made the point that "Except for the Code of Conduct for Responsible Fisheries, most of the post-UNCED fishery instruments are not applicable to the work of EIFAC." However, having identified the Code as an exception, the EIFAC made no attempt to explain how, if at all, it was implementing the principles of the Code.

SEABIRDS has no relevance to many of the RFBs, but a failure to implement directly the IPOA-SEABIRDS does not necessarily reflect lack of interest or action on bycatch issues in general. In total, 26 RFBs were taking action to implement provisions in the Code;⁴⁴ 12 RFBs were taking direct action to implement the IPOA-SEABIRDS;⁴⁵ 16 RFBs were taking action to implement the IPOA-SHARKS;⁴⁶ 13 RFBs were taking action on the IPOA-CAPACITY;⁴⁷ and 19 RFBs were taking action on the IPOA-IUU.⁴⁸

1.5.4 FAO Strategy for Improving Information on Status and Trends of Capture Fisheries

The Strategy was adopted at the Twenty-Fifth Session of COFI in 2003, which makes it a comparatively recent post-UNCED fishery instrument. In the six years of its operation, the Strategy has obtained significant levels of RFB support and participation. Thirteen RFBs gave no response to the question of ongoing and planned activities to implement the Strategy.⁴⁹ Three RFBs noted that the Strategy was part of their ongoing and planned activities but they did not elaborate on how this was done.⁵⁰ Seven RFBs pointed to their involvement with the Fisheries Resources Monitoring System (FIRMS) and their aim to contribute to data collection and statistics compilation.⁵¹ Eleven RFBs provided detailed responses on the activities that they were undertaking to compile, record and disseminate fisheries data.⁵²

1.5.5 The FAO Agreement on Port State Measures

As with the Strategy elaborated above, the FAO Agreement on Port State Measures (the Port State Agreement) is the most recent of the initiatives, having been adopted by FAO Conference on 23 November 2009. The Port State Agreement has been developing over recent years, and vastly different responses may have been given depending on when each RFB responded to the questionnaire. For this reason, to have approximately half of the RFBs respond favourably to the Port State Agreement is a significant achievement and bodes well for the acceptance of this instrument in the next few years. Eleven RFBs from a wide range of geographic areas responded that they were taking proactive measures to assess the application of the Port State Agreement.⁵³ An additional six RFBs were engaged in ongoing or planned activity to implement port State measures, but they did not elaborate on the precise nature of their activities.⁵⁴ Twelve RFBs, for whom the Port State Agreement may not necessarily be relevant, gave no response to the questionnaire item on port State measures.⁵⁵ For some of these bodies, it is clear that the Port State Agreement is not applicable. However, five RFBs chose to respond to the questionnaire by specifically stating that the Port State Agreement was not applicable to them.⁵⁶

⁴⁴ APFIC, CCAMLR, CECAF, CIFAA, COMHAFAT, COPESCAL, CWP, FFA, GFCM, IATTC, ICCAT, ICES, IOTC, IPHC, IWC, LVFO, MRC, NACA, NAFO, NASCO, NEAFC, OSPESCA, RECOFI, SEAFO, SRFC and WCPFC.

⁴⁵ CCAMLR, COMHAFAT, CWP, FFA, IATTC, ICCAT, IOTC, IPHC, LVFO, SEAFO, SPC and WCPFC.

⁴⁶ APFIC, CCAMLR, COMHAFAT, CWP, FFA, GFCM, IATTC, ICCAT, IOTC, IPHC, OSPESCA, NAFO, SEAFO, SPC, SRFC and WCPFC.

⁴⁷ COMHAFAT, CWP, FFA, GFCM, IATTC, ICCAT, IOTC, LVFO, NASCO, OSPESCA, SEAFO, SRFC and WCPFC.

⁴⁸ APFIC, CCAMLR, CIFAA, COMHAFAT, CWP, FFA, GFCM, IATTC, ICCAT, IOTC, LVFO, NAFO, NASCO, NEAFC, NPAFC, OSPESCA, SEAFO, SRFC and WCPFC.

⁴⁹ APFIC, CCSBT, COPESCAL, EIFAC, FCWC, ICES, IWC, NACA, NAFO, NAMMCO, NPAFC, PSC and WECAF.

⁵⁰ CIFAA, MRC and SRFC.

⁵¹ CCAMLR, CWP, GFCM, IATTC, ICCAT, NEAFC and SEAFO.

⁵² CECAF, COMHAFAT, FFA, IOTC, IPHC, LVFO, NASCO, RECOFI, SPC and WCPFC.

⁵³ CCAMLR, CECAF, COMHAFAT, FFA, GFCM, IOTC, LVFO, NAFO, NEAFC, RECOFI and SEAFO.

⁵⁴ APFIC, ICCAT, NASCO, OSPESCA, SRFC and WCPFC.

⁵⁵ CCSBT, CIFAA, EIFAC, FCWC, ICES, IWC, NACA, NAMMCO, NPAFC, PSC, SPC and WECAF.

⁵⁶ COPESCAL, CWP, IATTC, IPHC and MRC.

1.6 An analysis of Part II-C of the FAO questionnaire: addressing specific issues of fisheries conservation and management

The questionnaire also included a Part II-C, which examined the subject of how the RFB was addressing specific issues. The specific issues that were identified as worthy of follow-up include concepts that are embodied in Part II-B (post-UNCED fishery instruments). However, some of these issues are so particularly important that they were made the subject of further enquiry. The list of specific issues included:

- the implementation of the precautionary approach;
- the implementation of an ecosystem approach to fisheries and aquaculture;
- the establishment of time and area-based management tools (e.g. MPAs, spatial and temporal closures);
- addressing IUU fishing by measures such as adequate MCS, VMS and/or port State measures;
- the management of fleet capacity;
- the collection and dissemination of data;
- the strengthening of cooperation with other RFBs;
- the strengthening of institutional capacity within the subject RFB;
- the ability of the RFB to accommodate new entrants.

The questionnaire recognized both ongoing activities and planned or future activities. However, in spite of the broad scope given to RFBs to respond to the specific issues, five RFBs either made no response to any question or gave a very limited response.⁵⁷

One further RFB, an inland fisheries organization, replied that almost all of the specific issues were not applicable.⁵⁸

1.6.1 *Implementation of the precautionary approach*

Four bodies made no entry regarding the implementation of the precautionary approach.⁵⁹ Two bodies noted that the precautionary approach was not relevant to their work.⁶⁰ One body noted that it had no ongoing or planned activities to implement the precautionary approach.⁶¹ One body replied that it did have ongoing and/or planned activities, but it did not elaborate on the nature of those activities.⁶²

The remaining RFBs were all able to demonstrate an existing or planned application of the precautionary approach. Eight RFBs noted that the precautionary approach was incorporated into their convention, strategic plan, terms of reference, or conservation and management measures.⁶³ Both the ICES and the SPC noted that an application of the precautionary approach underpinned all the scientific advice that they provided. In addition, the NEAFC noted that the precautionary approach had been included in its scientific advice since 1999. The NACA noted that an application of the precautionary approach was a core part of its aquaculture practice, market access and trade policies.

⁵⁷ The FCWC and the WECAFC made no response at all. The NAMMCO made only one entry, which was to say that its implementation of an EAF (whaling) was ongoing. The EIFAC noted that it has working parties and symposia to deal with specific issues. Recommendations are then brought to the attention of the EIFAC plenary session, which decides on adoption and/or follow-up. The PSC replied by noting that almost everything was ongoing.

⁵⁸ COPESCAL.

⁵⁹ ICCAT, OLDEPESCA, NPAFC and RECOFI.

⁶⁰ APFIC and CWP.

⁶¹ CECAF.

⁶² MRC.

⁶³ CIFAA, COMHAFAT, IATTC, IWC, OSPESCA, SPRFMO, SRFC and WCPFC.

The remaining 11 RFBs all demonstrated how they applied the precautionary approach, and it was evident that (like the NACA above) many bodies were extending their application of the approach beyond the realm of total allowable catch (TAC) and harvesting. Thus, the LVFO was also using a precautionary approach in its processing and marketing procedures; the IOTC was using precaution in its limitations of fishing capacity; and the GFCM was using precaution with its authorized fishing gear and practices – the aim being a precautionary approach that protected the environment as well as fish stocks. Similarly, the NASCO and the SEAFO were also concerned with a precautionary approach to protect the environment. The CCSBT, FFA, IPHC and the NAFO were all concerned with precaution in reference points to limit harvests. Finally, the CCAMLR noted that the precautionary approach was a key objective of its convention, and that it was applied in a number of ways including harvest levels, the conservative development of new fisheries and the monitoring of fisheries information.

1.6.2 Implementation of an ecosystem approach to fisheries and aquaculture

Eight bodies did not provide a response to this item.⁶⁴ One body submitted a generic response for all Part II-C questions that specific issues were dealt with by working parties.⁶⁵ Three bodies noted that they were engaged in ongoing activities to implement an ecosystem approach to fisheries and aquaculture, but they did not elaborate on the nature of these activities.⁶⁶

Five bodies described how they were planning to investigate or implement an ecosystem approach to fisheries and aquaculture.⁶⁷

Sixteen bodies were able to demonstrate how they were already taking ongoing steps to implement an ecosystem approach to fisheries and aquaculture.⁶⁸

The ICES and the SPC noted that the EAF underpinned their scientific advice, and the NEAFC noted that the EAF was included in the scientific advice that it received from the ICES.

1.6.3 Establishment of area-based management tools

This issue would appear to be a growth area among many RFBs. However, despite some bodies embracing the concept of spatial and temporal closures, approximately one-third of the bodies made no entry, were planning no activities, or claimed the concept had no application.⁶⁹

One body said that its activities in this area were ongoing, but did not elaborate on how this was achieved.⁷⁰

Both the ICES and the SPC noted that spatial and temporal closures had always been a part of their scientific assessments and recommendations.

The remaining 20 bodies fall into three categories, but there is some overlap between these groups. First are those bodies that were planning or investigating the implementation of area or temporal closures.⁷¹ Second are those bodies that had implemented at least area-based closures.⁷² An interesting

⁶⁴ CCSBT, COPESCAL, FCWC, ICCAT, NPAFC, OLDEPESCA, RECOFI and WECAFC.

⁶⁵ EIFAC.

⁶⁶ MRC, NAMMCO and PSC.

⁶⁷ APFIC, CIFAA, CWP, IATTC and OSPESCA.

⁶⁸ CCAMLR, CECAF, COMHAFAT, FFA, GFCM, IOTC, IPHC, IWC, LVFO, NACA, NAFO, NASCO, SEAFO, SPRFMO, SRFC and WCPFC.

⁶⁹ CECAF, COPESCAL, CWP, FCWC, IOTC, NACA, NAMMCO, NPAFC, OLDEPESCA, OSPESCA, RECOFI and WECAFC. The generic answer offered by the EIFAC for all Part II-C questions did not demonstrate either planned or ongoing activity.

⁷⁰ PSC.

⁷¹ CCSBT, CIFAA, COMHAFAT, LVFO, SRFC and WCPFC.

development among the RFBs in this category was an increasing concern for vulnerable ecosystems as well as good management of fish stocks. For example, the NAFO had closed four seamounts and a large coral area. It had also drawn up the first map of VMEs, and it was expected that these would also attract fishing restrictions. The SEAFO had closed dozens of seamounts to fishing. The MRC applied conservation zones in key habitat areas. The CCAMLR and the IPHC used both temporal and area closures. The IWC had established two sanctuaries in the Indian Ocean and in the Southern Ocean. The third category of response to the question on closures is for those bodies that used seasonal closures.⁷³

1.6.4 Addressing IUU fishing

Part I of the FAO questionnaire requested RFBs to identify issues that were most important to them. The largest response, expressed by more than half of the RFBs, concerned the ongoing difficulty of dealing with IUU fishing. Although two of the bodies noted that they had no current problems with IUU fishing,⁷⁴ it is clear that the majority of RFBs were continuing to struggle with this issue. Seven bodies were working to raise awareness on the subject of improved MCS to deal with IUU fishing.⁷⁵ Several bodies noted that IUU fishing was not relevant to their mandate.⁷⁶ Six bodies made no response to the question on IUU fishing.⁷⁷ Thirteen RFBs responded by citing a range of activities that were either ongoing or being trialled as remedies to combat IUU fishing.⁷⁸ These measures included increased use of observers on vessels, VMS, authorized vessel lists and IUU fishing vessel lists, enhanced port State controls, catch documentation schemes and the use of an international review panel to examine the use of IUU fishing remedies.

1.6.5 Addressing fleet capacity

Nine RFBs did not reply to this question.⁷⁹ Five RFBs observed that the question was not applicable to them.⁸⁰ The CECAF noted that it had no ongoing or planned activities to deal with fleet capacity.

Three RFBs were investigating issues relating to fleet capacity.⁸¹ The PSC noted that its work in this area was ongoing, but it did not elaborate on the nature of this work. The NEAFC noted that this subject was the responsibility of individual contracting parties.

Regarding fleet capacity, the SPC was advising countries during the course of developing their national fishery development strategies, with the underlying philosophy that capacity should be incremented gradually. Moreover, the SPC was advising that actual fishing mortality should be reassessed after every new increment in fleet capacity.

Thirteen other RFBs responded to the question by describing a range of measures to address the subject of fleet capacity. These included: individual quota allocation programmes; a precautionary approach for new or exploratory fisheries; scientific studies into fishing capacity; RPOAs to implement the IPOA-CAPACITY; and by far the most common of methods was a register of authorized vessels where only vessels listed on the register were permitted to fish.

⁷² APFIC, CCAMLR, GFCM, FFA, IPHC, IWC, MRC, NAFO, NASCO, NEAFC and SEAFO.

⁷³ IATTC and ICCAT.

⁷⁴ IPHC and NASCO.

⁷⁵ APFIC, CCSBT, CECAF, CIFAA, COMHAFAT, OSPESCA and RECOFI.

⁷⁶ COPESCAL, CWP, ICES, IWC, MRC and SPC.

⁷⁷ EIFAC, FCWC, NACA, NAMMCO, PSC and WECAFC.

⁷⁸ CCAMLR, FFA, GFCM, IATTC, ICCAT, IOTC, LVFO, NAFO, NEAFC, NPAFC, SEAFO, SRFC and WCPFC.

⁷⁹ CIFAA, EIFAC, FCWC, IWC, NACA, NAMMCO, NPAFC, OLDEPESCA and WECAFC.

⁸⁰ COPESCAL, CWP, ICES, MRC and NASCO.

⁸¹ COMHAFAT, ICCAT and RECOFI.

1.6.6 Collection and dissemination of fisheries data

Ten bodies either made no reply or stated that this question was not applicable to them.⁸² One body observed that it was performing collection and dissemination of data, but it did not elaborate on the nature of its activities.⁸³ One body remarked that the process had been under way, but was then on hold.⁸⁴ Three bodies noted that they were performing ongoing or planned activities to collect and disseminate data, but they did not elaborate on the nature of their activities.⁸⁵

A majority of RFBs did demonstrate efforts to collect and disseminate fisheries data on a regional basis, as well as harmonization of catch documentation. Some of their responses are listed below.

The SEAFO was sharing Patagonian toothfish data with the CCAMLR, and might in the future consider a catch documentation scheme.

The NEAFC intended to commence publishing a fishery status report based on data provided by the ICES.

The NAFO was collecting and disseminating data through annual reports.

The ICCAT noted that Recommendation 07-10 on the Bluefin Tuna Catch Documentation Programme fulfilled obligations under this heading.

The NASCO noted that its catch and effort data and other fishery-related information concerning Atlantic salmon were being provided by NASCO's parties to the ICES.

The IATTC noted that under Resolution C-03-05 all member nations of the Commission were obliged to provide information on catches by all of their vessels fishing for any species under the purview of the Commission. Information on catches and vessels operating in the Eastern Pacific Ocean (EPO) is available on the Commission's Web site. Moreover, it noted that mechanisms existed to exchange information with other RFMOs, especially the WCPFC.

The LVFO noted that it had lakewide catch assessment surveys being undertaken annually, with the data being made available annually. It also noted a need for a lakewide programme to train the beach management units (BMUs) in routine fisheries data collection.

The GFCM noted that it had strengthened data collection frameworks together with data submission protocols. In addition, the data reporting implements were also being reviewed for the implementation of a GFCM regional monitoring and control scheme.

The CCAMLR noted that it was an active FIRMS partner and was exchanging fisheries information with adjacent RFMOs on species of common interest. It was also engaged with the COFI Sub-Committee for Fish Trade on harmonizing catch documentation.

The CECAF noted that it was undertaking national and subregional activities on improving fisheries information collection and processing in collaboration with Fish Code.

The OSPESCA noted a harmonized approach to collecting and documenting information in Central America.

⁸² The Central Asian and the Caucasus Fisheries and Aquaculture Commission, COMHAFAT, COPESCAL, EIFAC, FCWC, NACA, NAMMCO, NPAFC, OLDEPESCA and WECAFC.

⁸³ MRC.

⁸⁴ The IWC had been collecting and disseminating data in the context of the RMS, but that process was then on hold.

⁸⁵ CIFAA, PSC and SRFC.

The IOTC noted that since 2002, the secretariat, with support from Japan, had been executing a project to strengthen data collection and processing in the region.

1.6.7 Initiatives to strengthen cooperation and coordination with other RFBs

Twelve RFBs either gave no response or a negative response, or responded that they might be looking into this matter but did not provide evidence as to how this might be occurring.⁸⁶

The remaining RFBs mostly responded by listing the RFBs with which they were cooperating. The RFB responses are listed here by naming an RFB and then listing the other RFBs with which it was cooperating:

- APFIC: Bay of Bengal Programme – Inter-Governmental Organization (BOBP-IGO), Coordinating Body on the Seas of East Asia (COBSEA), INFOFISH, IOTC, NACA, Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), Southeast Asian Fisheries Development Center (SEAFDEC) and WCPFC, plus economic arrangements with the Association of Southeast Asian Nations (ASEAN);
- CCAMLR: Agreement on the Conservation of Albatrosses and Petrels (ACAP), CCSBT and Regional Fishery Body Secretariats Network (RSN);
- CECAF: COMHAFAT, FCWC, Regional Fisheries Committee for the Gulf of Guinea (COREP) and SRFC;
- Central Asian and the Caucasus Fisheries and Aquaculture Commission: EIFAC and Interstate Commission for Water Coordination of Central Asia (ICWC);
- COMHAFAT: African Development Bank and INFOPECHE;
- FFA: SPC and observers in other RFB sessions;
- GFCM: EIFAC and ICCAT;
- ICCAT: participates in Joint Tuna RFMO meetings;
- IOTC: CWP, FIRMS and WCPFC;
- IPHC: through the FAO framework;
- LVFO: Great Lake Fishery Commission of North America;
- MRC: APFIC, EIFAC, LVFO and SEAFDEC;
- NACA: Inter-regional Technical Cooperation among Developing Countries (TCDC);
- NAFO: ASFA, CCAMLR, CWP, FAO, FIRMS, ICES and RSN;
- NASCO: North Atlantic RFMO group and RSN;
- NEAFC: North Atlantic RFMO group and RSN;
- NPAFC: NASCO and North Pacific Marine Science Organization (PICES);
- OLDEPESCA: ACAP and Inter-American Convention for the Protection and Conservation of Sea Turtles;
- OSPESCA: FAO, IATTC, OLDEPESCA and South Pacific Permanent Commission (CPPS);
- RECOFI: GFCM;
- SEAFO: Benguela Current Commission (BCC), CCAMLR, CWP, NAFO and NEAFC;
- WCPFC: Memoranda of understanding with CCAMLR, CCSBT, FFA, IATTC, IOTC and SPC. WCPFC is also a member of the CWP.

The CWP noted that the strengthening of cooperation and coordination with other RFBs was a core part of its activities.

The IATTC noted that Article XXIV of the Antigua Convention related to the cooperation of the IATTC with other organizations or arrangements. Activities include consultative committees, collaborative scientific research and the avoidance of duplication.

⁸⁶ CCSBT, CIFAA, COPESCAL, EIFAC, FCWC, ICES, IWC, NAMMCO, PSC, SPRFMO, SRFC and WECAFC noted that they cooperated with other RFMOs at all times.

1.6.8 Strengthening the institutional capacity of RFBs

It has been noted above that six RFBs conducted performance reviews in an attempt to strengthen the institutional capacity of their organizations.⁸⁷ An additional six organizations had plans to undertake reviews in the near future.⁸⁸ The review process was robust and RFBs were expected to ensure that they addressed all recommendations contained in the review reports. It has been noted that the IATTC negotiated the Antigua Convention in order to promote and achieve sustainable fisheries more effectively.

On a smaller scale, RFBs were conducting regional workshops, internal self-assessment, strategic plans, and annual reviews of RFB programmes in order to strengthen institutional capacity more effectively.

1.6.9 Accommodating new entrants into an RFB

The question of an RFB's ability to accommodate new entrants has been receiving increased levels of importance. There is now a realization that if an RFB does not engage with new fishing States or entities, then these fishing States or entities may fish outside the regional legal regime. The fact is that if an RFB does not engage with all interested players, they may be unwillingly encouraging IUU fishing.

In response to this question, nine RFBs did not make a response, or they provided a response of “not applicable”.⁸⁹

Few RFBs responded affirmatively with clear answers regarding their legal position.

The NAFO responded that it provided that its convention was open to new members.

The SEAFO responded that its convention made provision for accommodating new entrants and non-parties to have access to the resources; with non-parties also having access to fishing opportunities.

The IATTC noted that Article XXX of the Antigua Convention made it easier for new members to join.

The CCAMLR noted that its organization was open to all potential entrants (as contracting parties) with interest in research on, or harvesting of, Antarctic marine living resources. It noted that membership of the Commission (i.e. decision-making) was limited to parties actively fishing or undertaking research in the CCAMLR area. Participation in the catch documentation scheme was open to all parties engaged in toothfish fishing and/or trade. There was a formal policy of cooperation with non-contracting parties.

The CCSBT noted that it maintained an arrangement for the granting of cooperating non-member status to encourage participation in the activities of the CCSBT. Cooperating non-members participated fully in CCSBT activities, but they did not have voting rights. They were not required to make financial contributions to the CCSBT.

Several RFBs provided responses that were ambiguous or unclear as to how embracing they might be of new members.

⁸⁷ CCAMLR, CCSBT, IOTC, NASCO, NEAFC and ICCAT.

⁸⁸ GFCM, IATTC, NAFO, NPAFC, SEAFO and WCPFC.

⁸⁹ The Central Asian and the Caucasus Fisheries and Aquaculture Commission, CWP, EIFAC, FCWC, NAMMCO, PSC, SPC, SPRFMO and WECAFC.

The GFCM noted that it had adopted a recommendation on criteria for obtaining the status of being a cooperating non-contracting party in the GFCM area.

The ICCAT noted that its Recommendation 03-20 listed criteria for attaining the status of being a cooperating non-contracting party, entity or fishing entity.

The IPHC noted that the licensing of new entrants was the responsibility of the regulatory authority of the contracting parties rather than the Commission.

The RECOFI noted that non-member countries exploiting shared fishery resources were invited to attend plenary sessions as observers.

The NASCO noted that it already had as parties all North Atlantic countries with salmon interests with the exception of France (in respect of Saint Pierre and Miquelon), which was cooperating with the NASCO. Similarly, the NPAFC was “cooperatively participating” with Taiwan Province of China. The NEAFC had “issued guidelines”.

Finally, several RFBs noted that the question of accommodating new entrants was under consideration.⁹⁰ These bodies included the WCPFC, which stated that there were concerns that Western and Central Pacific Ocean (WCPO) stocks were fully subscribed and so the opportunities for new entrants were limited.

⁹⁰ APFIC, CECAF, CIFAA, COMHAFAT, COPESCAL, FFA, IWC, LVFO and WCPFC.

2. REGIONAL FISHERY BODIES IN THE ATLANTIC OCEAN AND ADJACENT SEAS

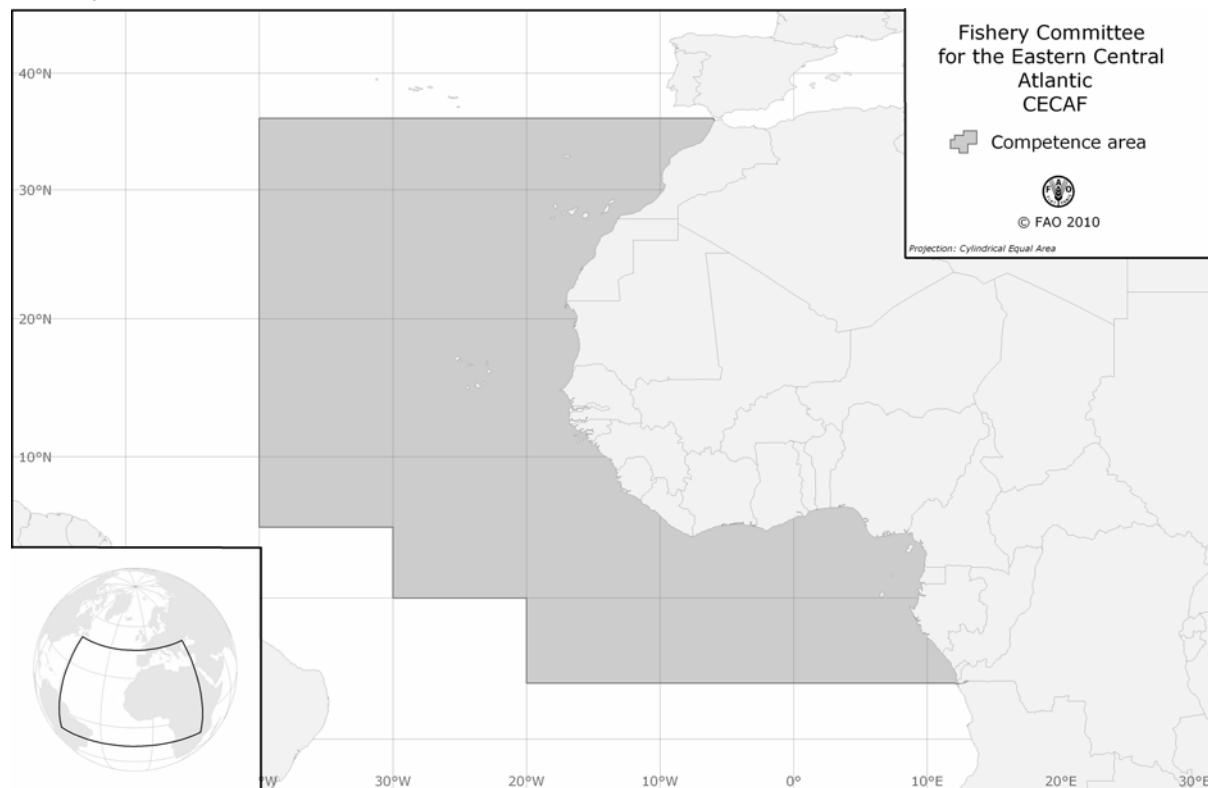
2.1 Fishery Committee for the Eastern Central Atlantic (CECAF)⁹¹

The CECAF was established by Resolution 1/48 of the FAO Council at its Forty-eighth Session held in Rome in June 1967 under Article VI(2) of the FAO Constitution. Its statutes were promulgated by the Director-General on 19 September 1967 and were amended by the FAO Council in November 1992. The rules of procedure were adopted by the CECAF at its first session held in Accra, Ghana (24–28 March 1969). They were amended in November 1992 and in October 2003.

Area of competence

The area of competence of the CECAF (Map 3) is defined as all the waters of the Atlantic Ocean bounded by a line drawn as follows: from a point on the high watermark on the African coast at Cape Spartel ($35^{\circ}47'N$, $5^{\circ}55'W$) following the high watermark along the African coast to a point at Ponta da Moita Seca ($6^{\circ}07'S$, $12^{\circ}16'E$) along a rhumb line in a northwesterly direction to a point at $6^{\circ}S$, $12^{\circ}E$, thence due west along $6^{\circ}S$ to $20^{\circ}W$, thence due north to the equator, thence due west to $30^{\circ}W$, thence due north to $5^{\circ}N$, thence due west to $40^{\circ}W$, thence due north to $36^{\circ}N$, thence due east to $6^{\circ}W$, thence along a rhumb line in a southeasterly direction to the original point at Cape Spartel. This area exactly matches FAO Major Fishing Area 34 – Eastern Central Atlantic.

Map 3
Fishery Committee for the Eastern Central Atlantic (CECAF)



Source: FAO.

⁹¹ Refer to the FAO Web site at <www.fao.org/fishery/rfb/cecaf/en>.

Species covered

The CECAF covers all living marine resources within its area of competence.

Membership

Membership of the CECAF is open to Member Nations and Associate Members of the FAO selected by the Director-General. Such Member Nations and Associate Members of FAO shall be selected from among Member Nations and Associate Members of FAO in Africa whose territory borders the Atlantic Ocean from Cape Spartel to the mouth of the Congo River, and such other Member Nations and Associate Members fishing in the area, carrying out research or having fisheries interest thereof, whose contribution to the work of the CECAF the Director-General deems to be essential or desirable.

The current members of the CECAF are: Angola (joined in 2006), Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, European Union, Equatorial Guinea, France, Gabon, Gambia, Ghana, Greece, Guinea, Guinea-Bissau, Italy, Japan, Liberia, Mauritania, Morocco, Netherlands, Nigeria, Norway, Poland, Republic of Korea, Romania, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Togo and United States of America.

Objectives

The main objective of the CECAF is to promote the sustainable utilization of the living marine resources within its area of competence by the proper management and development of the fisheries and fishing operations. The Committee does not have regulatory powers but can adopt recommendations on management issues. At its sixteenth session in October 2002, the Committee felt that its status quo should be maintained and, in particular, that it should continue to operate as an advisory body set up under Article VI paragraph 2 of the FAO Constitution.

However, the Committee agreed that its work should be more focused. To this effect, the terms of reference of the CECAF were revised. At its seventeenth session in May 2004, the Committee noted that the main high-seas fishery resources currently under exploitation in the region were tuna and tuna-like species, and that the management of these resources was within the mandate of the ICCAT. There were few if any other high-seas resources currently under exploitation, although exploratory fisheries had been undertaken on alfonsino (*Beryx splendens*) on seamounts in the region. In view of this situation, the Committee considered that there was no reason to consider the immediate establishment of a separate commission for the management of high-seas resources other than tuna.

Implementation of post-UNCED fishery instruments

Since the 2003 survey, no direct activities have been planned or implemented regarding the Compliance Agreement, the Fish Stocks Agreement, or the four IPOAS (SEABIRDS, SHARKS, CAPACITY, IUU).

At Committee meetings, there is ongoing sensitization to the principles of the Code of Conduct for Responsible Fisheries (the Code). If a member country requests assistance on any aspect of implementing the Code, the CECAF will provide assistance to the extent that financial resources are available.

Following the creation of the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries, national activities were initiated in 13 countries and a subregional working group on catch statistics established.

Regarding the FAO Model Scheme on Port State Measures to Combat IUU Fishing, an FAO/CECAF Regional Workshop on Port State Measures to Combat IUU Fishing for the West Africa Subregion was conducted in June 2009.

Addressing specific issues

Since the 2003 survey, no direct activities have been planned on implementation of the precautionary approach, establishment of area-based management tools (e.g. MPAs, spatial and temporal closures) or on issues relating to the management of fleet capacity (e.g. maintaining a fishing fleet register or capacity monitoring scheme.)

Member States have collaborated on an EAF in the CECAF region.

Member States are sensitized to the dangers of IUU fishing and the need to strengthen MCS at the national and regional levels.

Regarding the collection and dissemination of fisheries data and the harmonization of catch documentation, CECAF member States have conducted national and subregional activities on improving fisheries information collection and processing in collaboration with the FishCode STF Project.

Demonstrating cooperation and coordination with other RFBs, the CECAF has worked with other subregional bodies (COREP, FCWC and SRFC) and other RFBs (COMHAFAT).

To strengthen the RFB's institutional capacity so that it might deal more effectively with important conservation and management issues, the CECAF has conducted an evaluation of its activities and implemented a project to strengthen its management and development of the region's fisheries.

Regarding the RFB's ability to accommodate new entrants, Angola joined the CECAF in 2006 as the twenty-first African coastal state. The CECAF is also working on removing from the Committee any members who are non-responding and non-attending, in order to define more clearly what constitutes a quorum.

Other issues that are considered to be priorities include: lack of financial resources to implement fully the Committee's activities; the need to strengthen the capacity of the secretariat (currently there is only one part-time secretary); the lack of political will of member States to implement CECAF recommendations; and the need to evaluate pelagic and demersal fishery resources within the area of competence in order to address better the subject of MCS.

2.2 Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (COMHAFAT)⁹²

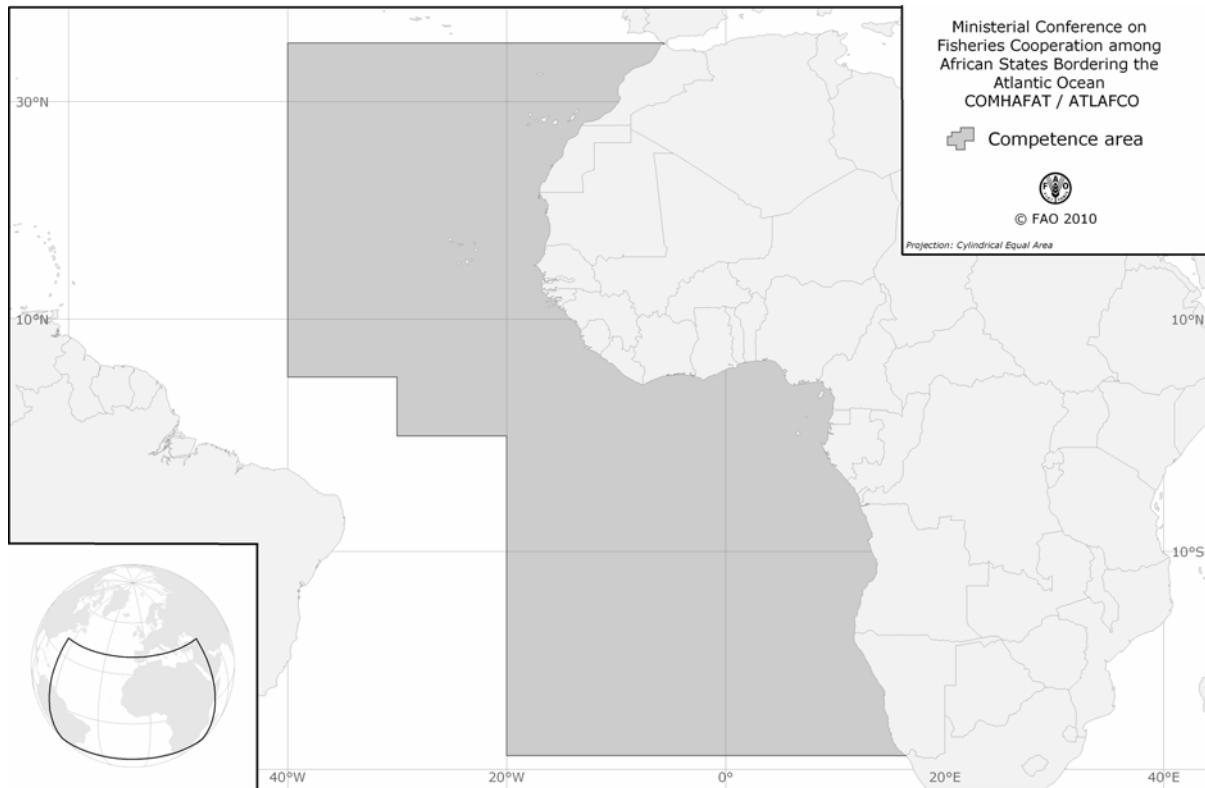
The Regional Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean was signed in Dakar on 5 July 1991 and entered into force on 12 July 1995.

Area of competence

Atlantic Eastern Central and Atlantic Southeast (Map 4).

⁹² Refer to the COMHAFAT Web site at <www.atlafco.org/def.asp?codeLangue=23&id_info=1360&an=1>.

Map 4
Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (COMHAFAT)



Source: FAO.

Species covered

The convention covers all living marine resources within its area of competence.

Membership

The current members of the COMHAFAT are: Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial, Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Morocco, Mauritania, Nigeria, Senegal, Sierra Leone and Togo.

Objectives

The objectives of the convention are to:

- promote active and organized cooperation in the area of fisheries management and development in the region;
- take up the challenge of food self-sufficiency through the rational utilization of fishery resources, within the context of an integrated approach that would embrace all the components of the fishing sector;
- stimulate the national economic sectors through the direct and secondary effects resulting from fishery resources exploitation, bearing in mind the importance of the fisheries sector in the economic, social and nutritional development process of the people of the region;

- enhance, coordinate and harmonize efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery resources, considering in particular fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one party;
- reinforce solidarity with African landlocked States and geographically disadvantaged States of the region.

On the conservation and management of fishery resources, parties:

- combine their efforts to ensure the conservation and rational management of their fishery resources and take concerted action for the assessment of fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one party;
- establish and maintain an up-to-date inventory of human and material resources of the region and conclude arrangements utilizing their complementary strengths in the area of fishery resources assessment;
- exchange scientific information regarding fishery resources, statistics relating to catch and fishing effort and other data relevant to the conservation and management of fish stocks with the objective of achieving their optimal utilization;
- endeavour to adopt harmonized policies concerning the conservation, management and exploitation of fishery resources, in particular with regard to the determination of catch quotas and, as appropriate, the adoption of joint regulation of fishing seasons.

Implementation of post-UNCED fishery instruments

The COMHAFAT is not currently directly planning or implementing either the Compliance Agreement or the Fish Stocks Agreement.

The subject of the Code of Conduct for Responsible Fisheries (the Code) has been presented in COMHAFAT thematic lectures on several occasions. In addition, a questionnaire was sent to member countries seeking information on their degree of implementation of the Code, and any needs preventing them from fully implementing it. In this same questionnaire, member countries were asked if they had yet prepared NPOAs (on seabirds, sharks, capacity and IUU fishing), in compliance with the IPOAs. If member States had not formulated NPOAs, they were asked to identify their needs preventing them from doing so. Moreover, on the subject of addressing IUU fishing, and also for implementing the FAO Model Scheme on Port State Measures to Combat IUU Fishing, the COMHAFAT is planning to initiate a pilot scheme for monitoring and surveillance of fishing vessels operating in the area.

Regarding the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries, a questionnaire was prepared by the COMHAFAT and sent to the member countries in order to create a database on the fisheries sector and ancillary activities.

Addressing specific issues

The COMHAFAT is involved in the strategic plan of the African Fisheries Research Institutes and Marine Science Network (RAFISMER), and strategic plans have been formulated on the implementation of both the precautionary approach to fisheries management and the EAF. However, at present, financial problems are preventing the application of these strategic plans.

The COMHAFAT is initiating a scheme for establishing a fleet register for all the member countries.

Institutional capacity has been enhanced by the formation of a compendium of the member countries' legislation. Furthermore, the opening of the COMHAFAT to the landlocked African States and geographically disadvantaged States is currently under study.

2.3 Fishery Committee for the West Central Gulf of Guinea (FCWC)⁹³

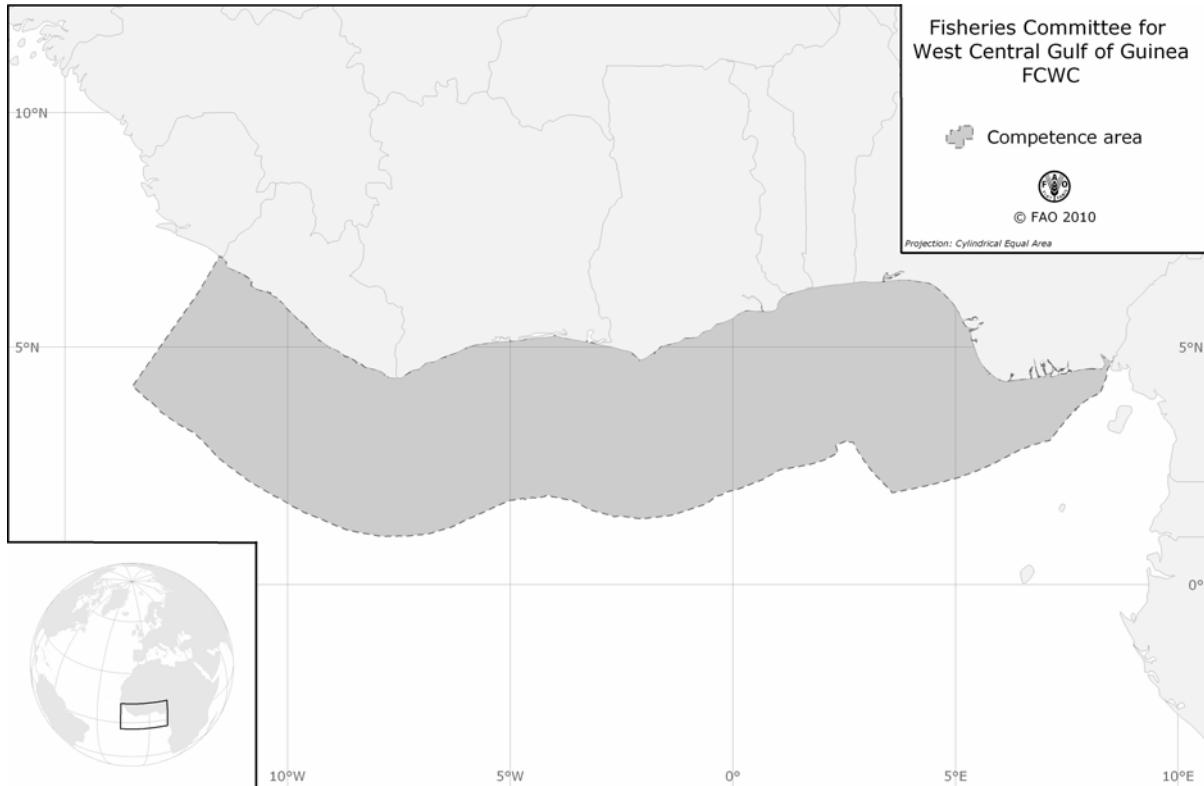
The FCWC was established in July 2006 at a ministerial meeting in Abidjan. The meeting issued a declaration to endorse the establishment of the Committee and approve the hosting of its secretariat in Tema, Ghana.

The first ministerial conference in Cotonou, Benin, in November 2007 approved the convention for the establishment of the FCWC as well as the rules of procedure. The Committee will eventually consist of a conference of ministers, an advisory and coordinating committee and a secretariat. At present, the Committee comprises a secretary and a small staff. The process of developing the composition of the Committee is ongoing. The FCWC is the third committee within the zone covered by the CECAF, after the COREP in the south and the SRFC in the north.

Area of competence

The area of competence (Map 5) comprises all marine waters under national jurisdiction of the contracting parties.

Map 5
Fishery Committee for West Central Gulf of Guinea (FCWC)



Source: FAO.

⁹³ Refer to the FCWC Web site at <www.fcwc-fish.org/>.

Species covered

The FCWC covers all living marine resources, without prejudice to the management responsibilities and authorities of other competent fisheries management organizations or arrangements within the area of competence.

Membership

The current members of the FCWC are: Benin, Côte d'Ivoire, Ghana, Liberia, Nigeria and Togo.

Objectives

The FCWC aims to promote cooperation among the contracting parties with a view to ensuring, through appropriate management, the conservation and optimal utilization of the living marine resources covered by its convention and encouraging sustainable development of fisheries based on such resources.

To achieve these objectives, the Committee has the function and responsibility to:

- provide a forum for discussion on any fishery-related matter;
- improve the livelihoods of small-scale fishers and processors, including the devising of appropriate measures to deal with migrant fishers;
- harmonize fisheries legislation and regulations among the contracting parties;
- enhance cooperation in respect of relations with distant-water fishing countries;
- strengthen subregional cooperation in monitoring, control, surveillance and enforcement, including the progressive development of common procedures;
- promote the development of fisheries research capabilities;
- promote the development of standards for the collection, exchange and reporting of fisheries data;
- develop and promote common policies and strategies, as appropriate, in the subregion to enhance subregional standing in international meetings;
- promote subregional cooperation in the marketing and trading of fish and fish products.

Implementation of post-UNCED fishery instruments

In line with the principles of the post-UNCED fishery instruments, the FCWC aims to improve subregional cooperation and ensure sustainable fisheries management.

Addressing specific issues

The FCWC has two priority ongoing and planned activities to address specific issues of conservation and management of fish stocks. The first is an assessment of issues related to fishing methods and techniques, e.g. beach seines and pair trawling. The second is an assessment of issues or themes related to post-harvest losses including quality control and trade in fishery products.

2.4 Regional Fisheries Committee for the Gulf of Guinea (COREP)⁹⁴

The COREP was established by the Convention Concerning the Regional Development of Fisheries in the Gulf of Guinea, which was signed at Libreville, Gabon, on 21 June 1984. The convention has not entered into force. At the time of writing, a conference of ministers has been called with a view to changing the convention. There are also plans to link the COREP with the Economic Community of Central African States (ECCAS).

⁹⁴ Refer to the FAO Web site at <www.fao.org/fishery/rfb/corep/en>.

Area of competence

Gulf of Guinea.

Species

All living resources within the area of competence of the COREP.

Membership

The current members of the COREP are: Congo, Democratic Republic of the Congo, Gabon and Sao Tome and Principe.

Objectives

The main objectives of the Convention are:

- to determine a concerted attitude towards the activities of foreign fishing vessels and to give priority to the needs of the fishing vessels originating from member countries;
- to harmonize members' national regulations with a view to having a unified regulation fixing the conditions of fishing and the control of fishing operations in the area covered by the convention;
- to collect the maximum scientific, technical and economic data on fishing operations.

The COREP is working on the development of a strategic plan of action (2009–2015) with support from FAO and based on the Code of Conduct for Responsible Fisheries.

2.5 General Fisheries Commission for the Mediterranean (GFCM)⁹⁵

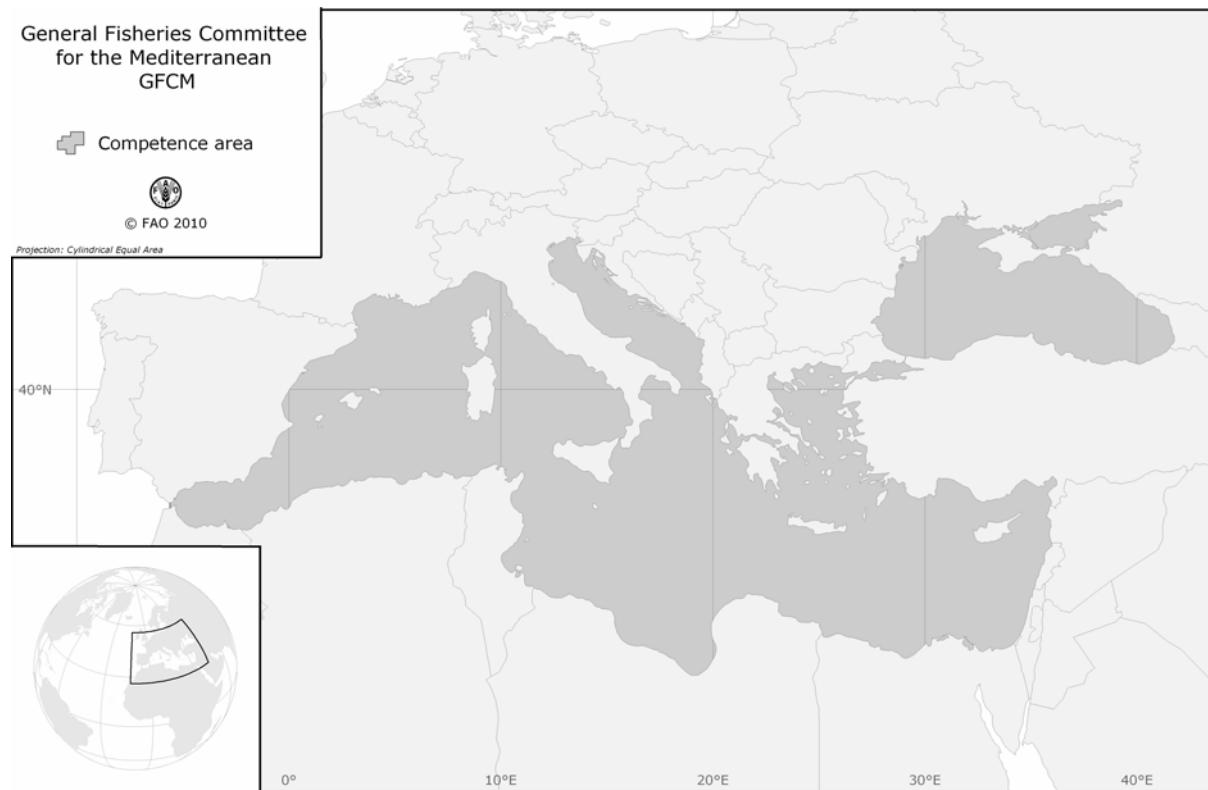
The GFCM was established by an agreement drawn up in Rome on 24 September 1949 under Article XIV of the FAO Constitution and approved by the FAO Conference at its Fifth Session in 1949. The agreement entered into force on 20 February 1952. It was amended in 1963, 1976 and 1997. The latter amendments were related to the change in name of the GFCM (previously General Fisheries Council for the Mediterranean) and to new obligations for the contracting parties including their contributions to an autonomous budget for the functioning of the Commission. These new obligations came into force on 29 April 2004.

Area of competence

Mediterranean Sea, Black Sea and connecting waters (Map 6).

⁹⁵ Refer to the GFCM Web site at <www.gfcm.org/gfcm>.

Map 6
General Fisheries Commission for the Mediterranean (GFCM)



Source: FAO.

Species covered

All living marine resources in the area of competence of the GFCM.

Membership

Membership of the GFCM is open to Member Nations and Associate Members of FAO. Other States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may be admitted as members by a two-thirds majority of the Commission's membership. The current members of the GFCM are: Albania, Algeria, Bulgaria, Croatia, Cyprus, Egypt, European Union, France, Greece, Israel, Italy, Japan, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Romania, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey.

Objectives

The objectives of the GFCM are to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Region. The main functions of the GFCM are:

- to keep under review the state of the Mediterranean's living resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon;
- to formulate and recommend appropriate measures: (i) for the conservation and rational management of living marine resources, and (ii) for the implementation of these recommendations;

- to keep under review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;
- to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;
- to encourage, recommend, coordinate and, as appropriate, undertake research and development activities, including cooperative projects in the areas of fisheries and the protection of living marine resources;
- to assemble, publish or disseminate information regarding exploitable living marine resources and fisheries based on these resources;
- to promote programmes for marine and brackish-water aquaculture and coastal fisheries enhancement;
- to carry out such other activities as may be necessary for the GFCM to achieve its purpose as defined above.

Implementation of post-UNCED fishery instruments

The GFCM is not undertaking any direct ongoing or planned activities with regard to the FAO Compliance Agreement or the IPOA-SEABIRDS.

The Fish Stocks Agreement, the Code of Conduct for Responsible Fisheries (the Code) and the UNCED's Agenda 21 are all recognized in the preamble of the GFCM's agreement⁹⁶ as foundation instruments to achieve the objectives of the Commission. In addition, there are currently four projects executed by FAO that aim to implement provisions from the Code at the subregional level.

The principles of the IPOA-SHARKS have been addressed through the workings of the Subcommittee on the Marine Environment and Ecosystem of the Scientific Committee, which has run a working group on shark bycatch and incidental catches.

The principles of the IPOA-CAPACITY and IPOA-IUU were addressed by the Commission at its 2003 session. As a follow-up, the Commission launched a fleet-based management approach. In 2004, the GFCM convened a workshop to examine matters related to IUU fishing. Based on the outcomes of the workshop, the Commission adopted a voluntary scheme to tackle IUU fishing in the region. Thus far, within the framework of the GFCM scheme, the Commission has adopted a recommendation establishing a list of vessels presumed to have carried out IUU fishing activities in the area and a recommendation on port State measures. The year 2009 was a particularly prolific year for GFCM recommendations and resolutions,⁹⁷ many of which relate to subjects raised in the IPOA-CAPACITY or the IPOA-IUU.

⁹⁶ The relevant provision provides: "Noting also the objectives and purposes stated in Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development, 1992 and the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995, Noting also that other international instruments have been negotiated concerning the conservation and management of certain fish stocks, ...". Available online at <ftp://ftp.fao.org/FI/DOCUMENT/gfcm/web/GFCM_Agreement.pdf>.

⁹⁷ These are elaborated in "Addressing specific issues". 2009 GFCM resolutions and recommendations included: (Res. 33/2009/1) On the management of demersal fisheries in the GFCM area; (Res. 33/2009/2) On the establishment of geographical sub-areas in the GFCM area; (Rec. 33/2009/1) On the establishment of a fisheries restricted area in the Gulf of Lions; (Rec. GFCM 33/2009/2) On a minimum mesh size in demersal trawl nets; (Rec. 33/2009/3) On the implementation of the GFCM Task 1 Statistical Matrix repealing Resolution 31/2007/1; (Rec. 33/2009/4) On reporting of aquaculture data and information; (Rec. 33/2009/5) On the establishment of the GFCM Regional Fleet Register; (Rec. 33/2009/6) Concerning the establishment of a GFCM record of vessels over 15 metres authorized to operate in the GFCM area; (Rec. 33/2009/7) Concerning minimum standards for the establishment of a vessel monitoring system (VMS) in the GFCM area; (Rec. 33/2009/8) On the establishment of a list of vessels presumed to have carried out IUU fishing in the GFCM Area; (Rec. 33/2009/9A-C) Three recommendations concerning matters between ICCAT and the GFCM.

The FAO Strategy for Improving Information on Status and Trends of Capture Fisheries is addressed by the GFCM being an active partner of the CWP and the FIRMS. In addition, the GFCM is collaborating with the FAO FishCode STF Programme.

On the FAO Model Scheme on Port State Measures to Combat IUU Fishing, the GFCM convened a workshop with the logistical and technical support of FAO in December 2007. The workshop examined the implementation of port State measures by GFCM members by comparing national legislations concerned with port State controls with the standards set out in the FAO Model Scheme. To ensure the implementation of the FAO Model Scheme, the workshop suggested the adoption of a regional scheme on port State measures to the Commission. The Commission adopted this regional scheme at its thirty-second session in 2008.

Addressing specific issues

The GFCM conducts ongoing and planned activities to implement the precautionary approach. Article III(2) of the GFCM agreement provides that the Commission should apply the precautionary approach to conservation and management decisions. On this basis, the GFCM adopted a recommendation in 2005 prohibiting the use of towed dredges in trawl fisheries at depths beyond 1 000 m. In addition, in 2006, a recommendation was carried for establishing fisheries restricted areas in order to protect sensitive deep-sea habitats.

On the subject of implementing an EAF, the GFCM Scientific Advisory Committee is structured on a multidisciplinary basis in order to facilitate an EAF. In 2005 and 2007, its Subcommittee on the Marine Environment and Ecosystem organized specific transversal workshops on the implementation of the EAF, and the Commission endorsed the launching of specific case studies accordingly. In 2008, the GFCM commenced participation in a Global Environment Facility/United Nations Environment Programme project that focused on supporting the application of an EAF in the Mediterranean. The GFCM is already supported through four sub-basin scientific cooperative projects, each corresponding to a specific marine ecosystem of the Mediterranean.

The GFCM has also been active in the establishment of area-based management tools. The Commission has called for restrictions on fishing in some areas in order to protect sensitive deep-sea habitats, as well as adopting recommendations that require members to prohibit the use of towed dredges in trawl fisheries at depths greater than 1 000 m, and recommendations prohibiting the use of bottom-trawls and dredges in three specific areas in order to protect corals, cold hydrocarbon seeps and seamounts. In addition, the 1995 Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (which was concluded within the framework of the Barcelona Convention) provides for the creation of a list of Specially Protected Areas of Mediterranean Interest, which includes the Pelagos Sanctuary for marine mammals. The GFCM has adopted recommendations relating to this sanctuary within the framework of its activities aimed at promoting better management of the Mediterranean basin.

On IUU fishing within the GFCM area of competence, the GFCM adopted a recommendation in 2005 concerning the establishment of a GFCM record of vessels of more than 15 m that are authorized to operate in the GFCM area. In 2006, a recommendation was adopted to establish a list of vessels presumed to have carried out IUU fishing activities. In 2008, the GFCM adopted a recommendation that lays down a regional scheme on port State measures to combat IUU fishing. Monitoring, control and surveillance and VMS are also being addressed by the GFCM Compliance Committee.

On the management of fleet capacity, the GFCM has adopted a fleet-based management approach to monitor fishing effort and fleet capacity on the basis of fleet segments. Work is in progress to define capacity reference points for main shared fisheries. The GFCM has established a vessel register and its scientific committee has been asked to consider freezing current fleet capacity across the convention area.

On data collection, the GFCM has strengthened the establishment of standardized data collection frameworks together with data submission protocols. Furthermore, the harmonization of data reporting implements, such as catch reporting forms or logbooks, is also being given due consideration as part of implementing a GFCM regional monitoring and control scheme.

The GFCM maintains close liaison and cooperation with other RFBs, particularly the EIFAC and the ICCAT. A joint GFCM/ICCAT working group on large pelagics in the Mediterranean meets regularly. The GFCM usually endorses ICCAT recommendations that are relevant to the Mediterranean.

To strengthen the GFCM's institutional capacity, amendments have been made to reform the Commission's founding agreement. The 1997 amendments to the GFCM included restructuring the subsidiary bodies of the Commission: a scientific committee was established in 1997, a compliance committee in 2006, and a strengthened mandate was given to the aquaculture committee. The GFCM has been endowed with an autonomous budget made up of contributions from members, and in 2004 financial regulations were adopted. These were updated in 2008. An external evaluation of the work of the GFCM's scientific committee was conducted in 2003, and of its Aquaculture Committee in 2004. The GFCM is initiating a performance review of the Commission.

In 2005, the GFCM adopted a recommendation on criteria for obtaining the status of becoming a cooperating non-contracting party in the GFCM area. It is also noted that the GFCM agreement foresees the membership of international economic integration organizations.

2.6 International Commission for the Conservation of Atlantic Tunas (ICCAT)⁹⁸

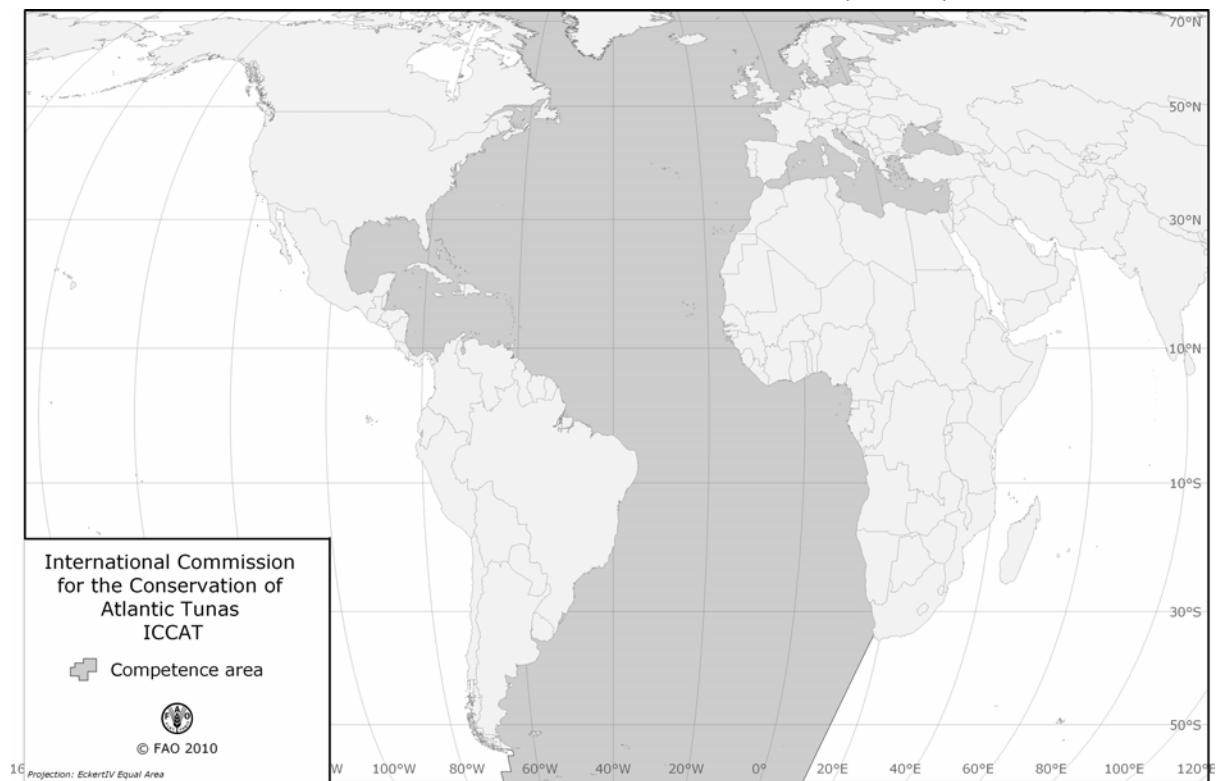
The ICCAT was established by the International Convention for the Conservation of Atlantic Tunas, signed in Rio de Janeiro, Brazil, on 14 May 1966 and entered into force on 21 March 1969. The convention was amended in 1984 and 1992.

Area of competence

The area of competence of the ICCAT (Map 7) is defined as "all waters of the Atlantic Ocean, including the adjacent seas". There is no precise delimitation of this area by lines of longitude and latitude. The broad definition was established in order to encompass all waters of the Atlantic Ocean in which tunas are likely to be found. This area corresponds in most part to FAO Statistical Areas 41, 47, 48 (part of it), 31, 34, 37, 21 and 27.

⁹⁸ Refer to the ICCAT Web site at <www.iccat.int/en>.

Map 7

International Commission for the Conservation of Atlantic Tunas (ICCAT)

Source: FAO.

Species covered

The species covered by the ICCAT are the tuna and tuna-like fishes (the Scombroiformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*) and such other species of fishes exploited in tuna fishing in the convention area that are not under investigation by another international organization.

Membership

Membership of the ICCAT is open to any State that is a member of the United Nations or of any Specialized Agency of the United Nations. The Paris Protocol of 1984 amending Article XIV on membership also opened membership to intergovernmental economic integration organizations constituted by States that have transferred to the organization competence over the matters governed by the convention.

The current members of the ICCAT are: Albania, Algeria, Angola, Barbados, Belize, Brazil, Canada, Cape Verde, China, Côte d'Ivoire, Croatia, Equatorial Guinea, Egypt, European Union, France (Saint Pierre and Miquelon), Gabon, Ghana, Guatemala, Guinéa, Honduras, Iceland, Japan, Libyan Arab Jamahiriya, Mexico, Morocco, Namibia, Nicaragua, Nigeria, Norway, Panama, Philippines, Republic of Korea, Russian Federation, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Syrian Arab Republic, South Africa, Trinidad and Tobago, Tunisia, Turkey, United Kingdom (Overseas Territories), United States of America, Uruguay, Vanuatu and Venezuela (Bolivarian Republic of).

Objectives

The main objective of the convention is to maintain the populations of tuna and tuna-like species found in the Atlantic at levels that permit the maximum sustainable catch for food and other purposes. The ICCAT's functions, *inter alia*, are: (i) to study the populations of tuna and tuna-like fishes; (ii) to collect and analyse statistical information relating to the current conditions and trends of the tuna fishery resources of the convention area; and (iii) to recommend studies and investigations to the contracting parties.

The ICCAT has no regulatory powers, but makes regulatory binding recommendations to be implemented by contracting parties. The Commission has recommended a number of measures on catch quotas, minimum weight of fish and limitation of incidental catches, as well as IUU fishing. The regulatory recommendations adopted by the ICCAT are subject to an objection procedure.

Implementation of post-UNCED fishery instruments

The ICCAT is not conducting specific ongoing or planned activities to implement either the Compliance Agreement or the Code of Conduct for Responsible Fisheries (the Code). However, within the framework of the Code are the four IPOAs on seabirds, sharks, fishing capacity and IUU fishing, and the Commission is taking proactive steps to address all the IPOAs. Its Recommendation 07-07 deals with reducing the incidental bycatch of seabirds in longline fisheries. Recommendation 07-06 concerns the conservation and management of sharks. An ICCAT working group has been established to deal with the issue of fishing capacity. The issue of IUU fishing is addressed through publication of a list of IUU fishing vessels.

Furthermore, the ICCAT participates regularly in meetings associated with the Fish Stocks Agreement. On the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries, the ICCAT is a partner to the FIRMS. The ICCAT has also participated in the technical consultation for the FAO Model Scheme on Port State Measures to Combat IUU Fishing.

Addressing specific issues

While ICCAT Recommendation 06-05 establishes closed fishing seasons, ICCAT Recommendation 07-09 provides for the inclusion of other RFB IUU fishing lists on the ICCAT IUU fishing list. The ICCAT working group on capacity continues to meet and examine procedures for reform. Its Recommendation 07-10 deals with a catch documentation programme for bluefin tuna. Since 2007, the ICCAT has participated in the joint tuna RFMO meetings. ICCAT Recommendation 03-20 deals with criteria for attaining the status of being a cooperating non-contracting party, entity or fishing entity. The ICCAT is currently carrying out a performance review.

2.7 Northwest Atlantic Fisheries Organization (NAFO)⁹⁹

The NAFO was established by the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries signed on 24 October 1978 in Ottawa, Canada, and entered into force on 1 January 1979. In 2007, the NAFO adopted significant amendments to its convention including a new name "Convention on Cooperation in the Northwest Atlantic" (the name of the Organization did not change). The amendments have not yet been ratified by all contracting parties and they will become binding once three-quarters of the contracting parties formally approve the changes.

Area of competence

The area of competence of the NAFO (Map 8), "the convention area", is defined as "the waters of the Northwest Atlantic Ocean north of 35°N latitude and west of a line extending due north from 35°N

⁹⁹ Refer to the NAFO Web site at <www.nafo.int/about/frames/about.html>.

latitude and 42°W longitude to 59°N latitude, thence due west to 44°W longitude, and thence due north to the coast of Greenland, and the waters of the Gulf of Saint Lawrence, Davis Strait and Baffin Bay south of 78°10'N latitude". This area coincides exactly with FAO Statistical Area 21. The convention provides for the establishment of a regulatory area, which is that part of the convention area lying beyond the areas under the fisheries jurisdiction of the coastal States.

Map 8
Northwest Atlantic Fisheries Organization (NAFO)



Source: FAO.

Species covered

The NAFO covers all fishery resources with the following exceptions: salmon, tunas and marlins, cetacean stocks managed by the IWC or any successor organization, and sedentary species of the continental shelf.

Membership

The convention is open for accession by any State subject to notification in writing to the depositary. However, members should consist of (i) contracting parties that participate in the fisheries of the regulatory area, and (ii) contracting parties that provide satisfactory evidence to the General Council of their expected participation in the fisheries of the regulatory area during the year of the annual meeting or during the following calendar year. The membership of the Fisheries Commission is reviewed annually by the General Council.

The current members of the NAFO are: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Union, France (in respect of Saint Pierre and Miquelon), Iceland, Japan, Norway, Republic of Korea, Russian Federation, Ukraine and United States of America.

Objectives

The main objective of the Organization as stipulated in the amended NAFO convention (Article II) is “to ensure the long term conservation and sustainable use of the fishery resources in the Convention Area and, in so doing, to safeguard the marine ecosystems in which these resources are found.” The preamble of the amended NAFO convention also highlights the necessity for a precautionary approach and includes a commitment to apply an EAF in the Northwest Atlantic that includes safeguarding the marine environment, conserving its marine biodiversity, minimizing the risk of long-term or irreversible adverse effects of fishing activities, and taking account of the relationship between all components of the ecosystem.

Implementation of post-UNCED fishery instruments

The NAFO has implemented the Compliance Agreement, the Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries.

The NAFO has banned shark finning and put in place specific measures for the shark fishery.

The contracting parties of the NAFO are of the view that regulations regarding fishing capacity should be addressed by the flag States through national measures.

The NAFO has specific measures in place for non-contracting party fishing vessels. The Organization maintains a public list of IUU fishing vessels in cooperation with the NEAFC (i.e. IUU fishing vessels identified by the NEAFC are included in the NAFO list and vice versa). Currently, encounters with non-contracting party fishing vessels are rare and IUU fishing is not perceived as being a real issue in the NAFO area. A rigid NAFO MSC scheme has contributed to the NAFO’s success in addressing IUU fishing. The NAFO is in the process of introducing additional port State measures.

The NAFO’s measures on port State control were adopted by the Fisheries Commission at its thirtieth annual meeting in Vigo, Spain, in September 2008. The port State control measures apply to landings or transshipments in ports of contracting parties by fishing vessels flying the flag of another contracting party. The provisions apply to landing or transhipment of fish caught in the regulatory area, or fish products originating from such fish that have not been previously landed or offloaded at a port.

The four basic principles of these measures are:

1. Prior notification. The master of the vessel has to present a prior notification to the competent authorities.
2. Confirmation from the flag State. Released by the prior notification form that is sent by the port State to the flag State. The flag State confirms the legal status of the catch by answering yes or no to four questions. The form is then returned to the port State.
3. Authorization to land or tranship. Such authorization is given by the port State if the flag State has confirmed the legal status of the catch by answering yes to all four questions. No authorizations shall be given if this is not the case. By derogation, an exception can be made, but the catch cannot be released from storage before the required confirmation is given.
4. Transparency. The forms containing the prior notification, the confirmation and the authorization are posted on the secure part of the Web site.

Addressing specific issues

The NAFO has implemented the precautionary approach. However, biological reference points have not yet been identified for all NAFO stocks owing to the lack of sufficient information. The preamble of the amended NAFO convention highlights the necessity for a precautionary approach.

The NAFO has formally committed that it will implement the EAF and has already closed, on a precautionary and temporary basis, five seamounts and a large coral area to bottom fisheries. In June 2008, its scientific committee adopted the first (tentative) map of VMEs in the NAFO regulatory area. Ecosystem assessments will form a regular task of its scientific committee in the future, and the amended NAFO convention stipulates that the NAFO is responsible for and will consider vulnerable species and habitats in the division of management measures.

The NAFO has a strong MCS scheme that includes frequent at-sea inspections, 100 percent observer coverage, obligatory port inspections and VMS, and recently amended port State measures.

The NAFO maintains a register of vessels for control purposes.

The NAFO collects and disseminates catch and effort data through the annual STATLANT data submissions, VMS, observers and port inspectors. With the exception of the observer reports, this information is submitted using NAFO forms and information is standardized.

The NAFO is an active member of the Aquatic Sciences and Fisheries Abstracts, CWP, FIRMS and RSN, and the Organization maintains strong working links with other organizations, particularly the CCAMLR, FAO and ICES.

The NAFO has adopted important amendments to the convention (to be ratified) to include the EAF, streamline the Organization, modernize the decision-making process and introduce dispute settlement procedures. Moreover, in the last five years, the NAFO secretariat has been completely restructured and modernized, allowing it to expand its areas of service to address the new requirements of the Organization, to incorporate state-of-the-art technology into the NAFO's work, and to apply new human resources strategies and concepts that enhance its efficiency and allow operations at reduced costs.

The NAFO convention is open to new members.

2.8 North Atlantic Salmon Conservation Organization (NASCO)¹⁰⁰

The NASCO was established by the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed in Reykjavik, Iceland, on 2 March 1982 and entered into force on 1 October 1983.

Area of competence

The convention applies to the salmon stocks that migrate beyond areas of fisheries jurisdiction of coastal States of the Atlantic Ocean north of 36°N throughout their migratory range. The area of competence of the NASCO (Map 9) coincides with FAO Statistical Area 27 and part of Area 21. This area is subdivided into three regions serviced by three different commissions: (i) the North Atlantic Commission covers all maritime waters within areas of fisheries jurisdiction of coastal States off the east coast of North America; (ii) the West Greenland Commission covers all maritime waters within the area of fisheries jurisdiction off the coast of West Greenland west of a line drawn along 44°W south to 59°N, thence due east to 42°W and thence due south; and (iii) the North East Atlantic Commission covers all maritime waters east of the line mentioned above.

¹⁰⁰ Refer to the NASCO Web site at <www.nasco.int/>.

Map 9

North Atlantic Salmon Conservation Organization (NASCO)

Source: FAO.

Species covered

Salmon.

Membership

The convention is open for accession by any State that exercises fisheries jurisdiction in the North Atlantic Ocean or is a State of origin for salmon stocks provided it is approved by the council. The current members of the NASCO are: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway, Russian Federation and United States of America.¹⁰¹

Objectives

The objective of the NASCO is to contribute to the conservation, restoration, enhancement and rational management of salmon stocks in the North Atlantic Ocean. Regulatory measures have been established for the distant water fisheries in most years since the Organization's establishment. The total harvest in these fisheries is now about 20 tonnes annually compared with a harvest of about 3 000 tonnes before the NASCO. There have also been dramatic reductions in exploitation of salmon by States of origin.

¹⁰¹ The NASCO has taken steps to increase the transparency of its work and has 33 accredited NGOs. Intergovernmental organizations and the media may also attend meetings.

The NASCO has adopted and applied the precautionary approach to salmon management to protect the resource and preserve the environments in which it lives. Agreements have been developed in relation to: management of fisheries; habitat protection and restoration; minimizing impacts of aquaculture; introductions and transfers and transgenics; and for incorporating socio-economic factors in management decisions.

Following a review of its performance, the “Next Steps” process which involved open public consultations with stakeholders, the NASCO has taken steps to: increase its transparency and inclusivity; promote its work more effectively; and improve implementation of its agreements.

The NASCO currently has 33 accredited non-governmental organizations (NGOs) that receive all documentation for meetings, can attend all sessions at the annual meetings and contribute to all agenda items (other than finance and administration) and can participate in all working groups, committees and other intersessional meetings.

With regard to implementation of agreements, each party and jurisdiction has developed an implementation plan detailing the measures to be taken in a five-year period. There are both annual progress reports and triennial focus reports on the measures taken. These, together with the implementation plans, are critically reviewed by groups comprising representatives of both the NASCO parties and the NGOs.

A major research programme to improve understanding of the factors influencing the mortality of salmon at sea has been launched.

Implementation of post-UNCED fishery instruments

On the Compliance Agreement, the NASCO notes that high-seas fisheries for salmon are not permitted under the NASCO convention, which prohibits fishing for salmon beyond 12 nautical miles from the baselines in most areas. At present, fishing for salmon on the high seas by non-NASCO parties is not considered to be a problem, this issue having been addressed by the NASCO when it did occur in the late 1980s and early 1990s. The NASCO has encouraged measures to minimize unreported catches by its parties and the level of such catches is believed to be declining.

The Fish Stocks Agreement does not apply to Atlantic salmon, which is an anadromous fish covered by Article 66 of the UNCLOS and the NASCO convention. However, the NASCO has taken actions consistent with some of the provisions of the Fish Stocks Agreement. For example, as mentioned above, the NASCO and its parties have agreed to adopt and apply a precautionary approach to the conservation, management and exploitation of salmon in order to protect the resource and preserve the environments in which it lives.

From the Code of Conduct for Responsible Fisheries (the Code), the NASCO has introduced the precautionary approach to its work. In developing a habitat plan of action to improve understanding of the factors affecting salmon at sea, to address bycatch issues and to minimize impacts of aquaculture, the work of the NASCO is consistent with the ecosystem approach. Fisheries management plans and/or measures developed by the NASCO and its parties for both marine and inland fisheries:

- contain measures to ensure that the level of fishing is commensurate with the state of fisheries resource;
- contain measures to allow depleted stocks to recover;
- contain stock-specific target reference points or other measures of abundance and diversity;
- address selectivity of fishing gear;
- prohibit destructive fishing methods and practices;
- address fishing capacity, including the economic conditions under which the fishing industry operates;

- address the biodiversity of aquatic habitats and ecosystems, including identifying essential fish habitats;
- address the interests of small-scale fishers;
- address the protection of endangered species;
- provide for stakeholder participation in determining management decisions.

The NASCO has also taken steps to address IUU fishing and bycatch of salmon in pelagic fisheries.

On the IPOAs for seabirds and sharks, the ICES provides annual advice to the NASCO on bycatch issues, and neither seabird nor shark bycatch from salmon gear is a problem. The IPOA on fishing capacity is addressed by acting on the fishing capacity provisions within the Code. On IUU fishing, the NASCO parties report annually on unreported catches and the measures they are taking to minimize them. This information is made public. In recent years, the level of unreported catches has declined. Diplomatic actions taken to eliminate fishing for salmon in international waters by non-NASCO parties were taken in the early 1990s. There have been no reports of such activity since then. The NASCO has stimulated improved surveillance and exchange of information. It is cooperating with France (in respect of Saint Pierre and Miquelon) concerning management of the subsistence salmon fishery and on a research programme.

Regarding the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries, the NASCO has developed a minimum standard for catch statistics and is encouraging measures to reduce IUU fishing.

Addressing specific issues

As mentioned above, the NASCO and its parties have agreed to adopt and apply a precautionary approach to salmon management. The NASCO's actions, such as the development of a plan of action for habitat protection and restoration, or dealing with aquaculture and bycatch issues, are consistent with an ecosystem approach to fisheries and aquaculture. Area-based management tools are applied by regulated fishing zones that prohibit fishing beyond 12 nautical miles except at West Greenland and around the Faroe Islands. Steps have been taken to improve information exchange on surveillance efforts. There have been no reports of IUU fishing activity since the 1990s.

Regarding the collection and dissemination of fisheries data, catch and effort data and fishery-related data concerning Atlantic salmon is provided by the NASCO's parties or their relevant jurisdictions to the ICES and are presented in the scientific advice and supporting working group documents to the NASCO each year. Similarly, the parties report directly to the NASCO on catch statistics and unreported catches.

The NASCO participates in the meetings of the North Atlantic RFMOs and the biennial RSN meetings. The NASCO undertook a performance review of its activities in 2004/05 and has implemented virtually all of the recommendations arising from this review.

The member States of the NASCO are all North Atlantic countries with salmon interests (with the exception of France [in respect of Saint Pierre and Miquelon], which is cooperating with the NASCO).

2.9 North East Atlantic Fisheries Commission (NEAFC)¹⁰²

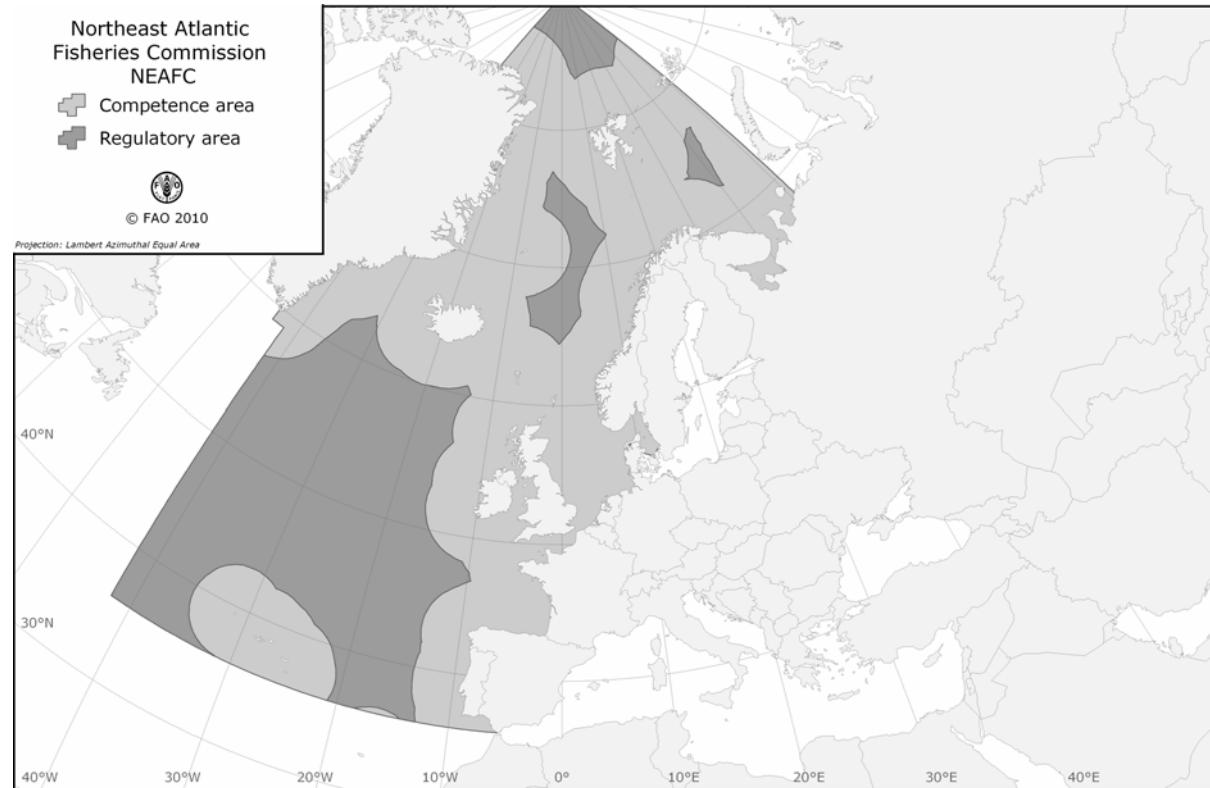
The NEAFC was established by the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, which was opened for signature in London on 18 November 1980 and entered into force on 17 March 1982.

¹⁰² Refer to the NEAFC Web site at <www.neafc.org/>.

Area of competence

The area of competence of the NEAFC (Map 10) is defined as the waters within those parts of the Atlantic and Arctic Oceans and their dependent seas that lie north of 36°N and between 42°W and 51°E, within that part of the Atlantic Ocean north of 59°N and between 44°W and 42°W. The Baltic Sea and the Belts and the Mediterranean Sea and its dependent seas are excluded from the Commission's area of competence. This area of competence coincides with most of FAO Statistical Area 27.

Map 10
Northeast Atlantic Fisheries Commission (NEAFC)



Source: FAO.

Species covered

The Commission covers fishery resources of the Northeast Atlantic with the exception of marine mammals, sedentary species, and, insofar as they are dealt with by other international agreements, highly migratory species and anadromous stocks.

Membership

Membership of the NEAFC is open to the founding members (Article 20). Accession to the convention by other States is subject to the approval of three-quarters of the contracting parties. The current members of the NEAFC are: Denmark (in respect of the Faroe Islands and Greenland), European Union, Iceland, Norway, Poland and Russian Federation.

Objectives

The main objectives of the NEAFC are to provide a forum for consultation and exchange of information on the state of fisheries resources in the Northeast Atlantic and on related management policies to ensure the conservation and optimal utilization of such resources, and to recommend conservation measures in waters outside national jurisdiction. The Commission is empowered to recommend measures applicable to the high seas concerning: (i) the conduct of fisheries, (ii) the control of fisheries, and (iii) the collection of statistical information. In recent years, the NEAFC has agreed on measures such as setting TACs for certain species and establishing minimum fish sizes and mesh sizes. The recommendations formulated by the NEAFC are subject to an objection procedure.

Implementation of post-UNCED fishery instruments

The NEAFC was the first RFMO in the world to undergo an independent performance review. The organization of the review has set the standard for similar reviews in other RFMOs worldwide. The report of the NEAFC performance panel was presented to the NEAFC on 13 November 2006.¹⁰³

Volume II of that report deals specifically with the NEAFC's performance with respect to various international instruments. The performance review panel indicated that recent convention amendments are consistent with modern developments in international instruments and commitments. From p. 55 of the review: “[T]he Panel considers that the NEAFC Convention, including its recent amendments, ... generally implement the global instruments dealing with fisheries issues, in particular the UN Fish Stocks Agreement, the FAO Compliance Agreement and the FAO Code of Conduct. In this regard the Panel noted that NEAFC is a regional framework Convention and as such its provisions do not fully reflect the details and broad range of issues covered by global regimes, because of the regional specificities of the NEAFC Convention Area and also because by referring to these instruments in its preamble, it can be assumed that the context within which the general provisions of the NEAFC Convention are implemented are set out in such global instruments.”

Furthermore, the Compliance Agreement, and the IPOAs on seabirds, sharks and fishing capacity, have been deemed to be the responsibility of individual fisheries jurisdictions in the NEAFC convention area.

Regarding the IPOA-IUU, via amendments to the NEAFC scheme of control and enforcement, the contracting parties have cooperated with blacklists and port State controls to reduce significantly IUU fishing activities in the NEAFC convention area.

Regarding the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries, the NEAFC is a member of the CWP and a partner in the FIRMS.

Regarding the FAO Model Scheme on Port States Measures to Combat IUU Fishing, the NEAFC acted on the 1 May 2007 model and introduced its own port State control system. The system operates a double control of all landings of frozen fish. Operators of vessels are required to submit agreed forms within certain deadlines to the port authorities. These are sent to the flag State of the vessel and to the flag State of the donor vessel if part of the landed catch has been transshipped. The flag States will authorize or refuse the landing of the catches and relay this information back to the port, which will inform the vessel's operators.

¹⁰³ NEAFC, *Performance Review Panel Report of the North East Atlantic Fisheries Commission*, NEAFC, <www.neafc.org/system/files/performance-review-final-edited.pdf>.

Addressing specific issues

The NEAFC has included the precautionary approach in its scientific advice since 1999. The EAF is a regular agenda item and the subject is included in scientific advice from the ICES. Area-based management has occurred with five areas closed from 2005 in the Mid-Atlantic in order to protect vulnerable habitats, and four areas closed in 2006 to protect corals in the Hatton-Rockall area. Vessel monitoring and surveillance has occurred since 2000 as part of a fully developed scheme of control and enforcement. The NEAFC has substantial inspection levels, and a full port State control system was introduced on 1 May 2007 (above).

Matters relating to fleet capacity are considered to be the responsibility of individual contracting parties.

The NEAFC fisheries data are provided by the ICES. The Commission is active in RSN and in the North Atlantic RFMO group.

The 2006 performance review of the NEAFC has led to the Commission being updated and modernized. A permanent committee on management and science was created in 2006. Regarding new entrants joining the Commission, guidelines have been issued.

2.10 South East Atlantic Fisheries Organization (SEAFO)¹⁰⁴

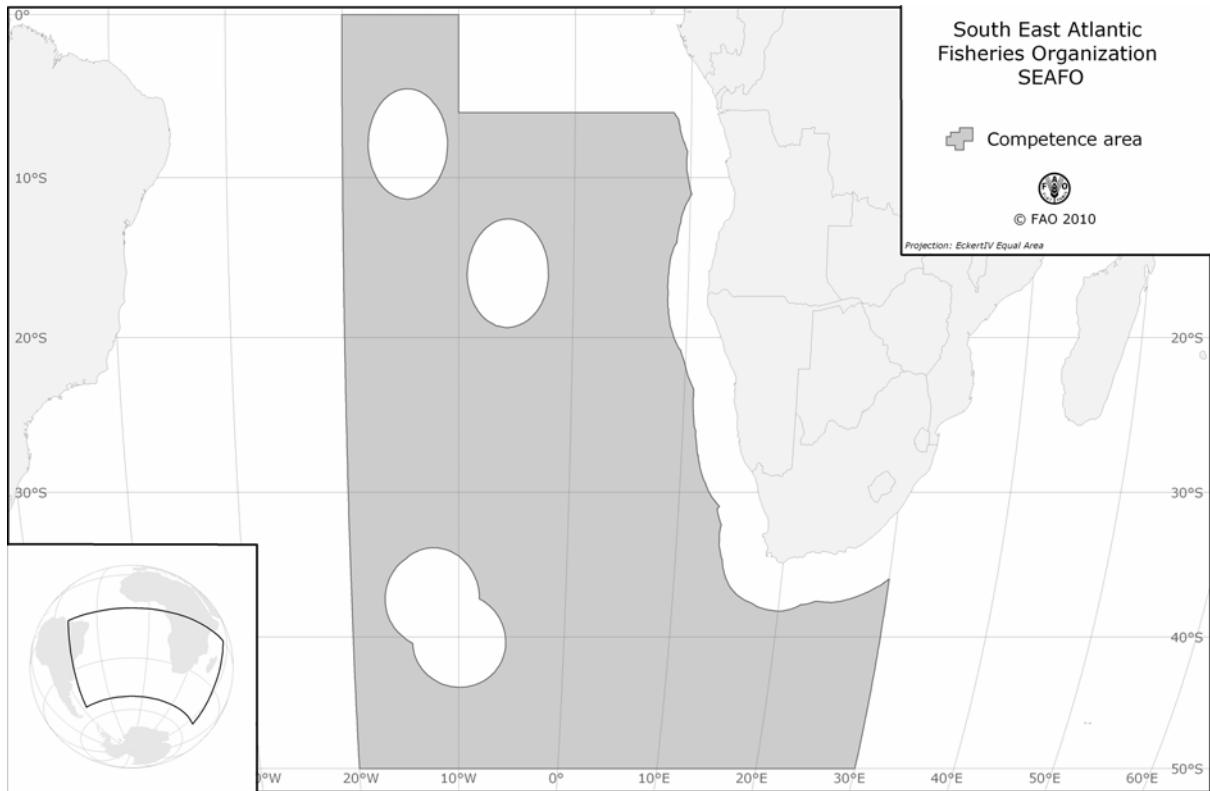
The Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean was signed on 20 April 2001 and entered into force on 13 April 2003. The convention has nine signatories, but only five have ratified it.

Area of competence

The area of competence of the SEAFO (Map 11) comprises all waters beyond areas of national jurisdiction in the area bounded by a line joining the following points along parallels of latitude and meridians of longitude: beginning at the outer limit of waters under national jurisdiction at a point 6°S parallel to the meridian 10°W, thence due north along the 10°W meridian to the equator, thence due west along the equator to 20°W, thence due south along the 20°W meridian to 50°South, thence due east along the 50°S parallel to 30°E, thence due north along the 30°E meridian to the coast of the African continent. This corresponds to FAO Statistical Area 47.

¹⁰⁴ Refer to the SEAFO Web site at <www.seafo.org/welcome.htm>.

Map 11
South East Atlantic Fisheries Organization (SEAFO)



Source: FAO.

Species covered

The convention covers all fishery resources (fish, molluscs, crustaceans and other sedentary species) within the convention area but excluding: (i) sedentary species subject to fishery jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the UNCLOS, and (ii) highly migratory species listed in Annex 1 of the UNCLOS.

Membership

The nine signatory members are: Angola, European Union, Iceland, Namibia, Norway, Republic of Korea, South Africa, United Kingdom (on behalf of Saint Helena) and United States of America. The ratified parties to the SEAFO are: Angola, European Union, Namibia, Norway and South Africa.

Objectives

From Article II of the convention, the objective is to ensure the long-term conservation and sustainable use of the fishery resources in the convention area through the effective implementation of the convention. The Organization collects and exchanges information on the fishery resources; monitors and assesses the resources; and adopts measures for long-term conservation and sustainable use of the fishery resources in the area.

Implementation of post-UNCED fishery instruments

The SEAFO is not taking any direct ongoing or planned activity on the Compliance Agreement.

The SEAFO convention is modelled on the laws of the UN Fish Stocks Agreement and the principles of the FAO Code of Conduct for Responsible Fisheries. Consequently, the activities under implementation by the SEAFO include implementing an EAF and a precautionary approach, enforcing flag State responsibilities and port States measures, managing its resources based on best scientific evidence, applying rigorous data collection and reporting requirements, having transparency in decision-making, and cooperating with other organizations.

On the four IPOAs, the SEAFO has adopted conservation and management measures. On the IPOA-SEABIRDS, SEAFO Conservation and Management Measure 05/06 requires longline vessels to adjust fishing gear and other technical measures during fishing operations to reduce incidental mortality of seabirds, especially petrels and albatrosses. There is mandatory carrying and use of bird scaring lines (tori poles) for all longline fishing vessels that operate south of parallel 30°S. On the IPOA-SHARKS, SEAFO Conservation and Management Measure 04/06 prohibits shark finning. On the IPOA-CAPACITY, the SEAFO introduced catch limits in 2007 for the main fisheries, that is Patagonian toothfish and the deep-sea red crab. On the IPOA-IUU, the SEAFO has adopted conservation and management measures to ensure that IUU fishing in the whole of the Atlantic Ocean is minimized. To this end, the Organization has adopted a measure to list IUU fishing vessels that are in the IUU fishing lists of the CCAMLR, NAFO and NEAFC. The SEAFO joined the FIRMS in 2006 and cooperates with data submissions. The SEAFO has established port State measures based on standards set forth in the FAO Model Scheme.

Addressing specific issues

As part of the SEAFO's implementation of the precautionary approach, there is a prohibition of fishing operations on many seamounts until such time as there is more information on the ecosystems. Precautionary catch limits are applied to toothfish and deep-sea red crab. An EAF forms a central and integral part of SEAFO conservation and management measures.

Monitoring, control and surveillance is addressed by mandatory scientific observers onboard to collect accurate data that are based on the recommended protocols of the SEAFO Scientific Committee. There is mandatory VMS for all vessels. There is a comprehensive port States inspection scheme.

The SEAFO collects and disseminates fisheries data, which are shared with the CCAMLR. In the future, the SEAFO may adopt a catch documentation scheme. In addition, the SEAFO cooperates with other organizations including: the NEAFC on VMS matters; the CCAMLR, the NAFO and the NEAFC on IUU fishing listed vessels; and with regional initiatives such as the BCC to ensure compatibility of measures inside EEZs of the coastal States. The SEAFO is also a member of the CWP.

The SEAFO convention does make provision for accommodating new entrants and non-parties to have access to the resources. Non-parties also have access to fishing opportunities.

2.11 Subregional Fisheries Commission (SRFC)¹⁰⁵

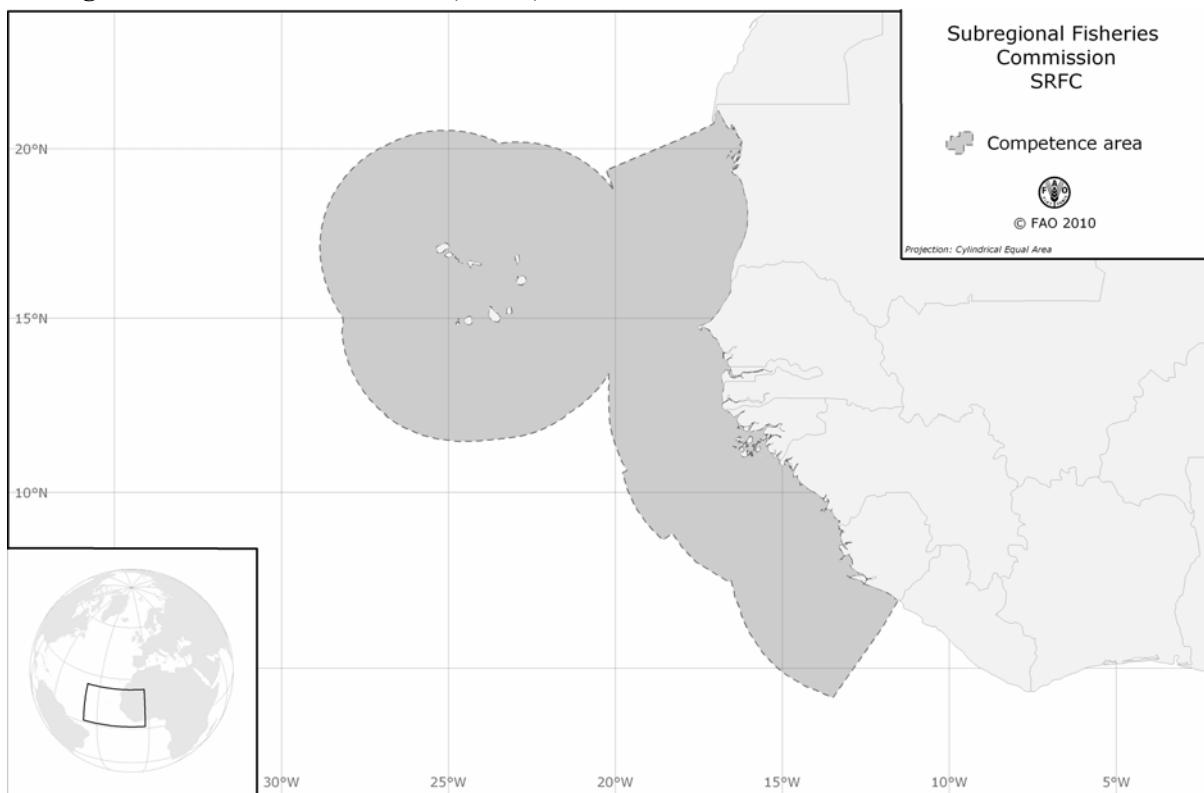
The convention for the establishment of the SRFC was signed by Cape Verde, Gambia, Guinea-Bissau, Mauritania and Senegal in Dakar, Senegal, on 29 March 1985. Guinea became a member of the Commission in 1987. The convention has not yet entered into force.

Area of competence

The convention does not define the precise area covered by the SRFC (Map 12) but references are made to "Sub-Region" and the EEZs of the contracting parties.

¹⁰⁵ Refer to the FAO Web site at <www.fao.org/fishery/org/srcf_inst/en>.

Map 12
Subregional Fisheries Commission (SRFC)



Source: FAO.

Species covered

The convention covers all fishery resources within its area of competence.

Membership

The current members of the SRFC are: Cape Verde, Gambia, Guinea, Guinea-Bissau, Mauritania and Senegal. The convention is open for accession to other States in the subregion.

Objectives

The main objective of the SRFC is to harmonize the long-term policies of member States in the preservation, conservation and exploitation of the fisheries resources for the benefit of the respective populations.

Implementation of post-UNCED fishery instruments

The SRFC takes the Compliance Agreement into consideration. All other soft and hard law instruments are listed as ongoing activities of the Commission.

Addressing specific issues

The precautionary approach is included in the Convention of the Minimal Conditions of Access by the State Members (1993) and this has been adopted. The SRFC is planning to implement an EAF, as well as projects for MPAs, better collection and dissemination of fisheries data and strengthening of

the SRFC's institutional capacity. Activities to address IUU fishing, improved MCS, management of fleet capacity, and initiatives to strengthen relationships with other RFBs are all ongoing activities. New entrants to the Commission can be accommodated under the terms of the convention.

2.12 Western Central Atlantic Fishery Commission (WECAFC)¹⁰⁶

The WECAFC was established in 1973 by Resolution 4/61 of the FAO Council at its Seventy-fourth Session in December 1978 and the Hundred and Thirty-first Session of the FAO Council in November 2006.

Area of competence

The area of competence of the WECAFC (Map 13) is defined as all marine waters of the Western Central Atlantic bounded by a line drawn as follows: from a point on the coast of South America at 10°S in a northerly direction along this coast past the Atlantic entry to the Panama Canal; thence continuing along the coasts of central and north America to a point on this coast at 35°N; thence due east along this parallel to 42°W; thence due north along this meridian to 36°N; thence due east along this parallel to 40°W; thence due south along this meridian to 5°N; thence due east along this parallel to 30°W; thence due south along this meridian to the equator; thence due east along the equator to 20°W; thence due south along this meridian to 10°S; thence due west along this parallel to the original point at 10°S on the coast of South America. This area coincides with FAO Statistical Area 31 and part of Area 41.

Map 13
Western Central Atlantic Fishery Commission (WECAFC)



Source: FAO.

¹⁰⁶ Refer to the FAO Web site at <www.fao.org/fishery/rfb/wecafc/en>.

Species covered

The WECAFC has competence to deal with all living marine resources.

Membership

Membership is open to coastal States whose territories are situated wholly or in part within the area of the WECAFC or States whose vessels engage in fishing in the area of competence of the Commission that notify in writing to the Director-General of the Organization of their desire to be considered as members of the Commission.

The current members of the WECAFC are: Antigua and Barbuda, Bahamas, Barbados, Belize, Brazil, Canada, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, European Union, France, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Jamaica, Japan, Mexico, Netherlands, Nicaragua, Panama, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain, Suriname, Trinidad and Tobago, United Kingdom, United States of America and Venezuela (Bolivarian Republic of).

Objective

The general objective of the WECAFC is to promote the effective conservation, management and development of the living marine resources of the area of competence of the Commission, in accordance with the Code of Conduct for Responsible Fisheries (the Code), and address common problems of fisheries management and development faced by members of the Commission. The work of the Commission is guided by the following three principles:

- Promote the application of the provisions of the Code and its related instruments, including the precautionary approach and the EAF.
- Ensure adequate attention to small-scale, artisanal and subsistence fisheries.
- Coordinate and cooperate closely with other relevant international organizations on matters of common interest.

The Commission has the following main functions and responsibilities:

- to contribute to improved governance through institutional arrangements that encourage cooperation among members;
- to assist its members in implementing relevant international fisheries instruments, in particular the Code and its related IPOAs;
- to promote, coordinate and, as appropriate, undertake the collection, exchange and dissemination of statistical, biological, environmental and socio-economic data and other marine fishery information as well as its analysis or study;
- to promote, coordinate and, as appropriate, strengthen the development of institutional capacity and human resources, particularly through education, training and extension activities in the areas of competence of the Commission;
- to promote and facilitate harmonizing of relevant national laws and regulations, and compatibility of conservation and management measures;
- to assist its members in and facilitate, as appropriate and upon their request, the conservation, management and development of transboundary and straddling stocks under their respective national jurisdictions;
- to seek funds and other resources to ensure the long-term operations of the Commission and establish, as appropriate, a trust fund for voluntary contributions to this end;
- to serve as a conduit of independent funding to its members for initiatives related to conservation, management and development of the living resources in the area of competence of the Commission.

Implementation of post-UNCED fishery instruments

The WECAFC does not have specific activities/programmes that address these issues individually. Its work programme/activities are implemented through ad hoc working groups based on ecosystem boundaries (e.g. the WECAFC Ad Hoc Working Group on Shrimp and Groundfish Fisheries in the Brazil-Guianas Shelf) or on species (e.g. the WECAFC Ad Hoc Working Group on Caribbean Spiny Lobster) or on specific subjects (e.g. anchored fish attracting devices for small-scale fisheries) of interest to the member countries. These working groups have specific terms of reference and are time bound. All the issues mentioned are addressed at different levels by the working groups as they pertain to the specific geographic region (e.g. Brazil-Guianas Shelf) or fishery (e.g. spiny lobster). The goal is to achieve sustainable utilization through effective fishery management and the participation of the resource users.

Addressing specific issues

The WECAFC notes that all subjects raised in the FAO questionnaire are addressed in varying degrees by the working groups as they relate to each fishery and not as separate issues. Most post-UNCED fishery instruments address specific issues and not the fisheries.