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FISHERY COMMITTEE FOR THE EASTERN CENTRAL ATLANTIC

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**MAIN THRUSTS OF THE TECHNICAL CONSULTATIONS ON IUU-FISHING
AND FISHING CAPACITY AND ON SUBSIDIES IN THE FISHERIES SECTOR
(Rome, Italy, 24 June – 2 July 2004)**

SUMMARY

On the recommendation of the Committee on Fisheries (COFI), at its Twenty-fifth Session in February 2003, the Fisheries Department is organizing two Technical Consultations, the first on IUU-Fishing and Fishing Capacity, and the second, on Subsidies in the Fisheries Sector. The present document summarizes the origins, *raison d'être* and the main thrusts for these Technical Consultations and also encourages CECAF Members to participate actively in the Consultations.

INTRODUCTION

1. World fisheries governance is impacted by a number of issues¹. The FAO Committee on Fisheries (COFI), which was established in 1965 and which is the central and unique inter-governmental forum/institution for global governance in fisheries constantly reviews emerging issues in the sector and makes recommendations to governments, regional fishery bodies, non governmental organizations and other stakeholders. In addition, COFI has been used as a forum in which global agreements and non binding instruments are negotiated.

¹ CECAF, at its Fifteenth Session, in Abuja, Nigeria in November 2000, reviewed a number of global emerging issues in fisheries development and management relevant to the CECAF region.

2. It is in this light that, after a protracted process², the FAO Committee on Fisheries, at its Twenty-third Session in 1999, and at its Twenty-fourth Session in 2001, adopted the International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity, 1999) and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU Fishing, 2001). These instruments have been developed in the framework of the Code of Conduct for Responsible Fisheries.

3. Although COFI has not adopted any instrument in relation to subsidies in the fisheries sector, the importance of the subsidies issue has been addressed at several sessions of COFI and its Sub-Committee on Fish Trade. The issue has become even more important, especially in the light of the World Summit on Sustainable Development (the Johannesburg Summit 2002) and the Fourth WTO Ministerial Conference (Doha) and FAO is accelerating work in relation to the impact of subsidies on fisheries resource sustainability and sustainable development. The Committee on Fisheries has encouraged FAO to continue its leading role in promoting cooperation and coordination with other relevant intergovernmental organizations such as the WTO, OECD, UNEP and others in the field of fisheries.

4. These three issues, namely IUU-Fishing, Fleet Capacity and Subsidies are presently the most important issues affecting sustainable development in fisheries³.

5. The IPOA-Capacity is a voluntary instrument that applies to all States whose fishers engage in capture fisheries. The text of the IPOA describes the nature and scope, the objectives, the underlining principles, urgent actions and mechanisms to promote implementation. The urgent actions include assessment and monitoring of fishing capacity and the preparation and implementation of national plans. With regards mechanisms to promote implementation, the IPOA describes scientific and technical co-operation, national and international reporting, and the role of FAO. It also provides the timeline for the implementation of certain actions.

6. The IPOA-IUU is a voluntary instrument that applies to all States and entities and to all fishers. The text of the IPOA details the nature and scope of IUU-Fishing, the objectives and principles as well as the implementation of measures to prevent, deter and eliminate IUU-Fishing. These measures focus on all States responsibilities, flag State responsibilities, coastal State measures, port State measures, internationally agreed market measures, research and regional fisheries management organizations.

7. The special requirements of developing countries as well as reporting requirements, and the role of FAO are also described in both IPOAs.

8. With regards to subsidies, FAO has produced, among other things, the guide *Identifying, Assessing and Reporting on Subsidies in the Fisheries Sector* which provides a useful technical tool in advancing understanding of the issue. FAO has also produced a technical paper *introducing fisheries subsidies* which, *inter alia*, explains why fishery subsidies are of concern, discusses

2 The development of instruments such as the Code of Conduct, IPO's and Strategies, usually involves recommendations by COFI for such work to be carried out. The FAO Secretariat undertakes preliminary work on the subject, convenes expert consultations (technical meetings by experts), followed by technical consultations (policy sessions) attended by policy and decision makers and technical experts from all FAO Member countries, regional fishery bodies and non- governmental organizations. The outcome of the Technical Consultation is reviewed by COFI and adopted as appropriate.

3 Other important issues in the fisheries sector are related to CITES, globalization, traceability, catch and trade documentation, eco-labeling, food safety, interactions between fisheries and marine mammals, sustainable livelihoods and poverty alleviation in fishing communities, ecosystem approach to fisheries as well as deep sea fisheries related matters.

alternatives to fisheries subsidies, explains why they are implemented and briefly considers the difficulties caused by their existence. Furthermore, FAO has organized and proposed a work programme to permit the analysis of historical impacts of fisheries subsidies in individual fisheries. The Organization is also undertaking more practical work in the classification and evaluation of subsidies and their impact on the fisheries sector, particularly using case studies based on the framework provided by the guide.

DIRECTIVES AND RECOMMENDATIONS BY FAO GOVERNING BODIES

9. The Committee on Fisheries has so far received two progress reports on the implementation of IPOA-Capacity and the first progress report on the IPOA-IUU Fishing. At its Twenty-fifth Session in February 2003, COFI agreed that strenuous efforts should be made to control fleet capacity, particularly that of large-scale fishing vessels, and, as appropriate, implement measures to reduce overcapacity and prevent it from migrating to other fully exploited or overexploited fisheries. Such capacity and migration control is essential if fish stocks are to be managed responsibly and if overexploited stocks are to be rehabilitated. The Committee also noted the need to monitor fleet capacity of large scale vessels on a global basis.

10. At that Session, the Committee also expressed concern about the continuing high and growing incidence of illegal, unreported and unregulated (IUU) fishing and the lack of effective implementation of the IPOA-IUU. Some Members noted that a lack of political will by some Governments to deal with IUU-Fishing and to meet their international obligations encouraged the proliferation of IUU-Fishing and related activities. Many Members pointed out that such IUU-Fishing, often by displaced vessels, undermined efforts to sustainably manage fisheries at both national and regional levels. Many Members agreed that measures of positive listing for fishing vessels should be adopted by regional fishery bodies (RFBs). The Committee reaffirmed the need for the global implementation of measures against IUU-Fishing.

11. The Committee noted that IUU-Fishing continues to adversely affect the sustainable management of fisheries and that without the political will it would be difficult for many countries to develop national plans of action called for in paragraph 25 of the IPOA-IUU by 2004 or to adopt measures to deter, reduce and eliminate IUU-Fishing. The Committee recommended that IUU-Fishing be included in the agenda of the Thirty-second Session of the FAO Conference with a view to calling attention of Members to this issue.

12. Furthermore, the Committee on Fisheries agreed that there is a linkage between fleet overcapacity and IUU-Fishing. Some Members also stated that this relationship was exacerbated by the payment of government subsidies to industry. A proposal by Japan that FAO should convene a Technical Consultation at FAO Headquarters in Rome in early 2004 to review progress and promote the full implementation of the IPOA-IUU and the IPOA-Capacity was endorsed by the Committee. Japan advised that it would financially support the Consultation. The Committee agreed that this Consultation should not lead to the re-negotiation of the IPOAs on capacity and IUU fishing.

13. The Technical Consultation on IUU-Fishing and on Capacity will be held in Rome, Italy, from 24 to 29 June 2004.

14. The Thirty-second Session of the FAO Conference, in November-December 2003, acknowledged that responsibility for combatting IUU-Fishing rested primarily with States but that this would be greatly facilitated by strengthening regional fisheries management organizations and

collaboration among States as well as by the acceptance of the 1993 FAO Compliance Agreement by States. The Conference adopted Resolution 6/2003 on IUU-Fishing which is reproduced in the Annex.

15. On subsidies, the Twenty-fifth Session of COFI agreed with the Japanese proposal that FAO should convene a Technical Consultation on this issue to be held immediately after the meeting on IUU-Fishing and fleet overcapacity in early 2004 in Rome in order to receive maximum benefit from participation of fisheries management officials in addition to trade officials. The Committee also advised that, in this Consultation, attention should be given to a practical mandate to consider the effects of subsidies on fisheries resources, such as effects on IUU-Fishing and overcapacity. Many Members recommended that the Technical Consultation should take into account the impacts of subsidies on sustainable development, trade in fish and fishery products, food security, social security and poverty alleviation, especially in the context of recognizing the special needs of developing countries and small island developing States as recognized in international instruments.

16. It was further suggested that the Technical Consultation should also consider the ways the FAO can support the WTO's work on fisheries subsidies, noting the independence of the WTO timetable.

17. Developing countries, at the Session, agreed on the need to work effectively towards reducing subsidies that affect the sustainability of fishery resources and expressed their concern over the impact that subsidies that were harmful to the international trade of their fishery products could have on their economic development. A large number of developing countries emphasized that, when appraising the role of subsidies in their fishery sectors, careful attention also needed to be given to their impact on the economic and social dimensions of sustainable development and, in particular, on their use as an instrument of economic policy aimed, among other objectives, at stimulating the sustainable growth of their national fishery sectors, at reducing and alleviating the poverty of fishing communities and households and at enhancing food security.

18. The Technical Consultation on Subsidies in the Fisheries Sector will be held at FAO Headquarters, Rome, Italy, from 30 June to 2 July 2004.

MAIN THRUSTS OF THE TECHNICAL CONSULTATIONS

19. As directed by COFI, the main thrusts of the Technical Consultation on IUU-Fishing-Capacity will be to review progress and promote the full implementation of the IPOA-IUU and the IPOA-Capacity.

20. The main thrusts for the Technical Consultation on Subsidies is to review a practical global mandate for the study of the effects of subsidies on Fishing Capacity, IUU-Fishing and sustainable development as well as related issues, especially in the context of developing countries and Small Islands Developing States. The Technical Consultation will also provide possible future directions for global work on subsidies in the fisheries sector.

21. The FAO Secretariat has prepared, for the IUU-Capacity Technical Consultation, two working documents on IUU-Fishing, the first summarizes actions taken by FAO, FAO Members and NGOs to implement the IPOA and the second encapsulates actions by regional fisheries management organizations. For the Fishing Capacity component of the Technical Consultation, four regional reviews and one global document to report on progress made in implementing the

IPOA as well as on major issues and constraints that members are still facing in managing fishing capacity and the much related issue of effectively and efficiently controlling access have been prepared. In both cases, the Documents have benefitted from the responses to questionnaires sent by the FAO Secretariat to FAO Members, regional fisheries management organizations and non-governmental organizations.

22. A single document has been prepared to provide guidance for the issues that are expected to be addressed at the Technical Consultation on Subsidies in the Fisheries Sector.

23. At the Thirty-second Session of the FAO Conference, Members expressed their interest to participate in the Technical Consultations to review progress and promote full implementation of the IPOA-IUU Fishing and the IPOA-Capacity. Members also stressed the importance of examining issues related to subsidies in the fisheries sector.

SUGGESTED ACTIONS BY THE COMMITTEE

24. Noting the adverse trends in fisheries of the CECAF region, and the multiple negative impacts on livelihoods and food security which may be attributed to IUU-Fishing, over-capacity⁴ and subsidies, Members of CECAF are encouraged to participate at the forthcoming Technical Consultations. Members are further encouraged, while at these Consultations, to describe actions taken in their respective countries towards full implementation of the two IPOAs and to exchange experiences and views, and provide a strategic vision to ensure the full implementation of the Code of Conduct for Responsible Fisheries and other relevant international instruments. Participation at these Technical Consultations will also permit CECAF Members to advance understanding and consensus on issues related to subsidies in the fisheries sector.

4 It should be noted that on 20 September 2001, the Ministerial Conference of the Sub-Regional Fisheries Commission (SRFC) adopted the Nouakchott Declaration on IUU-Fishing, and the Libreville declaration was on 19 October 2001, by the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean (ATLAFCO) reiterates ATLAFCO's determination to effectively implement the Code of Conduct and to prevent IUU-Fishing and control fishing capacity where necessary.

RESOLUTION 6/2003

Progress Report on Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing

THE CONFERENCE,

Noting the continuing high and growing incidence of illegal, unreported and unregulated (IUU) fishing and related activities and the lack of political will and capacity by some Governments to deal effectively with such fishing;

Noting the lack of commitment by some States to meet their obligations under international law;

Noting further that IUU fishing seriously undermined national, regional and international efforts to achieve long-term sustainability in fisheries;

Recalling the adoption on 11 March 1999 of the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries at the FAO Ministerial Meeting on Fisheries wherein it was agreed, *inter alia*, that States would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying "flags of convenience";

Noting further the increasing incidence of vessels flying "flags of convenience" and the inability or lack of will on the part of some countries to apply any controls over the vessels they flag;

Recalling the endorsement of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) by the Hundred and Twentieth Session of the FAO Council on 23 June 2001 wherein States were encouraged to develop and implement, as soon as possible but not later than three years after the adoption of the International Plan of Action, national plans of action to further achieve its objectives and to give full effect to its provisions as an integral part of their fisheries management programmes and budgets;

Recalling the Johannesburg Plan of Implementation adopted on 4 September 2002 by the World Summit on Sustainable Development wherein States were urged to implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing through national and, where appropriate, regional plans of action by 2004;

Recalling the relevant provisions of Resolutions (A/58/L.18 and A/58/L.19) on Oceans and the Law of the Sea adopted by the United Nations General Assembly on 24 November 2003:

1. **Urges**, as a matter of priority and urgency, States that have not done so to accept, accede to, or ratify, as appropriate, the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement and to implement and give full effect to the 1995 FAO Code of Conduct for Responsible Fisheries and the international plans of action and fisheries management guidelines developed in the framework of the Code of Conduct for Responsible Fisheries;
2. **Calls upon** States to ensure that they exercise full and effective control over fishing vessels flying their flags, in accordance with international law, to combat IUU fishing and to implement the IPOA-IUU;

3. **Encourages** States, and as appropriate, Regional Fisheries Management Organizations (RFMOs), to develop and implement National, and as appropriate, Regional Plans of Action to combat IUU fishing as soon as possible, but no later than 2004;
4. **Urges** States, to the greatest extent possible, to take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing;
5. **Requests** port States to take measures, in accordance with international law, to combat IUU fishing and as a means of implementing the IPOA-IUU;
6. **Urges** that States take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by relevant RFMOs to have been engaged in IUU fishing being traded or imported into their territories;
7. **Calls upon** States to ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant RFMOs;
8. **Encourages** States to participate actively in the inter-governmental Technical Consultations to review progress towards full implementation of the IPOA-IUU and the IPOA-Capacity to be organised by the FAO in June 2004;
9. **Encourages** the full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations;
10. **Invites** relevant competent international organizations to study, examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;
11. **Encourages** States, the FAO, the International Maritime Organization (IMO), RFMOs and other relevant competent international organizations dealing with maritime issues to cooperate in the development of measures to combat IUU fishing, including through the sharing of information, and
12. **Encourages** States, on their own initiative, or with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA-IUU and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25 of the IPOA-IUU.

(Adopted on 9 December 2003)