

October 2005



WESTERN CENTRAL ATLANTIC FISHERY COMMISSION Twelfth Session
WECAFC LESSER ANTILLES FISHERIES COMMITTEE Ninth Session
Port of Spain, Trinidad and Tobago, 25-28 October 2005
MAIN DECISIONS OF THE TWENTY-SIXTH SESSION OF COFI¹

INTRODUCTION

1. The Committee on Fisheries held its Twenty-sixth Session in Rome from 7 to 11 March 2005. The Session was attended by 117 Members of the Committee, by observers from three other FAO Member Nations, the Holy See, and one non-Member Nation of FAO, by representatives from six specialized agencies of the United Nations and by observers from 51 intergovernmental (IGOs) and international non-governmental organizations (NGOs).
2. Mr Glenn Hurry (Australia) was unanimously elected Chairperson of the Committee and Mr Kapila Perera (Sri Lanka) was elected First Vice-Chairperson. Cameroon, Canada, Chile, Iceland and Libya were elected as other Vice-Chairpersons.

PROGRESS REPORT ON THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND RELATED INTERNATIONAL PLANS OF ACTION (CAPACITY, IUU FISHING, SEABIRDS AND SHARKS) AND STRATEGY FOR IMPROVING INFORMATION ON STATUS AND TRENDS OF CAPTURE FISHERIES

The Committee:

3. **Commended** FAO on its fourth report on the implementation of the Code of Conduct for Responsible Fisheries and its associated instruments (the Code) and for the Organization's work in facilitating its implementation.(para. 12)
4. **Noted** that the Code provided the basic framework for the promotion of sustainable fisheries and aquaculture.(para. 12)
5. **Stressed** that continued efforts were imperative to further promote the Code's implementation.(para. 12)
6. **Encouraged** FAO to elaborate additional guidelines in support of the Code, including one for the implementation of the International Plan of Action for the Management of Fishing Capacity. (para. 12)

¹ FAO. Report of the twenty-sixth session of the Committee on Fisheries (COFI). Rome, 7-11 March 2005. *FAO Fisheries Report* No. 780. Rome. FAO. 2005. 88pp.

7. **Agreed** that from now on there should be a stronger focus on implementing the instruments concluded since UNCED rather than seeking to conclude new instruments.(para. 13)
8. **Called** upon Members to accept, ratify or accede, as appropriate, to these instruments since, together with the 1982 United Nations Convention on the Law of the Sea, they provided the foundation for the long-term sustainable management of fisheries.(para. 13)
9. **Stressed** that international cooperation was essential if sustainable fisheries and aquaculture were to be achieved.(para. 13)
10. **Urged** States acting through regional fisheries management organizations (RFMOs) to ensure that they took further steps to implement the relevant provisions of the post-UNCED fisheries instruments.(para. 13)
11. **Encouraged** Members and RFMOs to consider introducing and implementing the ecosystem approach to fisheries overcoming the obstacles that it might present in practice.(para. 14)
12. **Was appraised** of measures being taken by Members to implement the IPOAs and the Strategy-STF.(para. 15)
13. **Agreed** that FAO should convene a workshop to promote the further implementation of the IPOA-sharks and workshops to encourage regional and national plans of action.(para. 15)
14. **Noted** that there was a need for urgent action in some areas where certain albatross species were facing extinction and where significant interaction between those species and fisheries occurred. (para. 16)
15. **Repeated** its request that flag States in fulfilling their responsibilities notify coastal States, as appropriate, and effectively control their vessels to ensure that they did not engage in IUU fishing or related activities.(para. 18)
16. **Recognized** the importance of initiating work on the “genuine link” and requested FAO to participate in interagency activities towards this end.(para. 18)
17. **Endorsed** the report of the 2003 FAO Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing.(para. 20)
18. **Urged** that Members operating open registries implement the Consultation’s recommendations as a matter of priority.(para. 20)
19. **Encouraged** States acting through RFMOs to examine their mandates and to make changes, as appropriate, to ensure that new entrants including developing countries could be accommodated in a fair, equitable and transparent manner.(para. 21)
20. **Urged** interested Members to consider participating in the work of the International MCS Network in galvanizing action against IUU fishing.(para. 22)
21. **Expressed** satisfaction with the outcome of the 2004 FAO Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity.(para. 23)

22. **Endorsed** the report of the 2004 FAO Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity as well as its main recommendations and suggestions.(para. 23)
23. **Agreed** that subsidies that supported the expansion of fleets which, when conducted in an unsustainable manner, contributed to stock degradation, fleet overcapacity and IUU fishing, should be phased out.(para. 24)
24. **Endorsed** the report of the Technical Consultation on the Use of Subsidies in the Fisheries Sector and expressed support for the short- and long-term programme of work that was presented by the Secretariat that could include work on the role of subsidies in small-scale and artisanal fisheries in relation to other policy instruments.(para. 24)
25. **Acknowledged** that there was a need to strengthen port State measures as a means of combating IUU fishing in a more substantive manner given that the lack of agreed, binding measures provided a loophole.(para. 25)
26. **Agreed** that follow-up work on the 2004 FAO Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing should be undertaken, especially with respect to operationalizing the model scheme agreed at the Consultation.(para. 25)
27. **Acknowledged** the contribution being made to the implementation of the Code by the FishCode Programme.(para. 27)
28. **Encouraged** Members that could do so to make voluntary contributions to the Programme as a means of strengthening and deepening its assistance.(para. 27)
29. **Expressed** strong support for a proposal by Japan that, with FAO technical cooperation, Japan and possibly other sponsors convene a joint meeting of the Secretariats of the tuna RFMOs and their members.(para. 28)
30. **Agreed** that the meeting, with financial support from Japan, should be held in January or February 2007 at a location to be identified in Japan.(para. 28)
31. **Welcomed** the revised Code and Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels that had been prepared by FAO, the International Labour Organization (ILO) and the International Maritime Organization (IMO) and recommended the early publication by IMO of these documents.(para. 30)
32. **Expressed** support for the establishment of a database for port State measures within FAO and in consultation with Members.(para. 31)
33. **Recommended** that FAO should seek funding for the establishment of a database for port State measures and operation from extrabudgetary sources.(para. 31)
34. **Expressed** concern at the proliferation of international fora addressing fisheries matters, some of which lacked a sound technical and scientific bases for discussion.(para. 33)
35. **Stressed** that COFI and FAO should continue to provide leadership and maintain an assertive role in fisheries, broadening its approach to fisheries and associated issues, as required, while at the

same time not losing sight of its core mandate in terms of promoting responsible fisheries, in order to provide food and sustain human welfare.(para. 33)

36. **Urged** FAO to continue to provide technical input to international fora where fisheries and related matters are discussed in order to contribute to their discussion and outcomes.(para. 33)

ASSISTANCE TO THE FISHING COMMUNITIES AFFECTED BY THE TSUNAMI IN THE INDIAN OCEAN AND MEASURES TO REHABILITATE AND REACTIVATE THE FISHERIES AND AQUACULTURE SECTORS IN THE COUNTRIES CONCERNED

The Committee:

37. **Expressed** its sincere condolences to the countries and the families of the victims in the disaster. (para. 34)
38. **Commended** the international community and FAO for their swift response to the disaster and thanked FAO for including this topic on the COFI and Ministerial Meeting agendas.(para. 34)
39. **Endorsed** FAO's medium- to long-term rehabilitation strategy for the fisheries and aquaculture sector in affected countries.(para. 37)
40. **Pointed out** that FAO should continue to closely collaborate with other UN agencies and IFIs in providing assistance to affected countries.(para. 37)
41. **Was advised** by countries directly affected by the tsunami of the magnitude of the damage in their countries, with special emphasis on the damage suffered by the fisheries and aquaculture sector.(para. 38)
42. **Expressed** its support for FAO's strategy for rehabilitation and reconstruction of livelihoods in the fisheries and aquaculture sector. Many Members offered their support in implementing the strategy through financing or the provision of expertise or other action according to the wish of affected countries.(para. 39)
43. **Welcomed** the initiative of the Consortium to Restore Shattered Livelihood Communities in Tsunami-Devastated Nations (CONSRN) that was formed to facilitate the coordination of regional fisheries and aquaculture bodies and research institutions in the region.(para. 39)
44. **Highlighted** the need for FAO to play a key role in collaboration with others in assisting the governments of affected countries, including through the coordination of fisheries rehabilitation activities and the provision of technical assistance, stressing the importance of placing advisors in affected countries.(para. 40)
45. **Recognized** the increased workload and the disproportionate burden imposed on the Fisheries Department as a result of its work to initiate a rapid response and implement its programme for rehabilitation.(para. 42)
46. **Recognized** the need for extrabudgetary funding for a coordination and technical assistance unit to be based at FAO headquarters and in the Regional Office for Asia and the Pacific.(para. 42)
47. **Was informed** that a mid-term review of the UN Flash Appeal funding arrangement would be undertaken in the near future.(para. 43)

DECISIONS AND RECOMMENDATIONS OF THE NINTH SESSION OF THE COFI SUB-COMMITTEE ON FISH TRADE (BREMEN, GERMANY, 10-14 FEBRUARY 2004) INCLUDING RECENT DEVELOPMENTS WITH REGARD TO ECOLABELLING AND CITES

The Committee:

48. **Endorsed** the report of the Ninth Session of the Sub-Committee on Fish Trade and expressed its satisfaction with the work of the Sub-Committee.(para. 45)
49. **Expressed** support for FAO to continue its work on the harmonization of catch documentation.(para. 46)
50. **Noted** that ICCAT was in the process of reviewing its documentation scheme and that a meeting of the tuna RFMOs was planned in 2007 that would also review the issue of documentation schemes.(para. 46)
51. **Noted** the capacity constraints being faced by developing countries, in particular with regard to their participation in international meetings dealing with trade-related matters such as the WTO Agreements on the Application of Sanitary and Phytosanitary Measures and on Technical Barriers to Trade, as well as Codex Alimentarius meetings.(para. 47)
52. **Emphasized** that sustainable trade was dependent on sustainable fisheries management practices being in place.(para. 48)
53. **Requested** FAO to continue monitoring developments in food safety including residues of antibiotics in aquaculture products, the presence of dioxins and polychlorinated biphenyls (PCBs) in fish and the relationship between fishmeal and Bovine Spongiform Encephalopathy.(para. 49)
54. **Endorsed** the conclusion reached by the Sub-Committee on Fish Trade that there is no epidemiological evidence of BSE being transmitted to ruminants or other animals by fishmeal.(para. 50)
55. **Welcomed** the hosting by Spain and Germany of the Tenth and Eleventh Sessions, respectively, of the Sub-Committee on Fish Trade.(para. 52)
56. **Agreed** to explore the possibility of holding future sessions of the Sub-Committee in developing countries.(para. 52)
57. **Noted** with pleasure the high level of cooperation between FAO and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.(para. 54)
58. **Noted** that CITES revised listing criteria, adopted at the 2004 Conference of the Parties 13 (CoP 13), took into account the key recommendations from FAO for the application of commercially exploited species.(para. 54)
59. **Appreciated** the effort of the Secretariat which had led to the compromise text. Some Members, however, stated the view that the only approved FAO text for the FAO/CITES MoU was the text that was agreed during the Ninth Session of the Sub-Committee on Fish Trade and that this was the text that should be referred to CITES.(para. 58)

60. **Agreed** that, pending feedback from CITES on the FAO/CITES MoU, the matter should be reconsidered at the Tenth Session of the Sub-Committee on Fish Trade where an MoU can be potentially agreed to.(para. 61)
61. **Agreed** on the importance of ensuring that there was consistency in the positions of Members at meetings of FAO and CITES on the issue of a MoU.(para. 62)
62. **Took note** that the Technical Consultation on International Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries met in 2004 and 2005.(para. 64)
63. **Noted** the special circumstances, conditions and concerns applying to developing countries and countries in transition that required time, financial and technical assistance to develop and maintain appropriate fisheries management arrangements in order to participate in, and benefit from, voluntary ecolabelling schemes.(para. 66)
64. **Agreed** that direct support towards the often high cost of accreditation and certification would also be necessary.(para. 66)
65. **Adopted** the guidelines on ecolabelling of fish and fishery products.(para. 67)

In doing so, COFI:

(a) **noted** that the part of the guidelines addressing procedural and institutional aspects no longer comprise provisions on an independent panel as an ultimate appellate body as these were not consistent with the Constitution and practice of FAO (para. 67(a)).

(b) **noted** that these guidelines would apply equally to certification of fisheries in ecolabelling schemes, where fishery products coming from such certified fisheries do not carry an ecolabel because the party concerned decides not to use an ecolabel.(para. 67(b)).

(c) **recommended** that FAO should review and further develop general criteria in relation to “stock under consideration” and to serious impacts of the fishery on the ecosystem.(para. 67(c)).

(d) **noted** the Republic of Korea’s view that paragraph 30 should refer clearly to Article 7.6.3 of the Code of Conduct regarding fishing capacity rather than reference to the broader measures described in Article 7.6.(para. 67(d)).

(e) **noted** China’s reservation because it considered that the relevant criteria in the guidelines were not clear and would need work to improve them.(para. 67(e)).

(f) **noted** Mauritania’s reservation that (i) the International Guidelines should be reviewed by the Committee on Technical Barriers to Trade (TBT) of the World Trade Organization and its comments taken into account, and (ii) a transitional period of two years was required before the implementation of these Guidelines.(para. 67(f)).

(g) **recommended** linguistic review by FAO of the text of the guidelines in the official languages of FAO, particularly those other than English, in order to ensure consistency between texts (para. 67(g)).

(h) **recommended** that international guidelines also be prepared by FAO on the ecolabelling of fish and fishery products from inland fisheries.(para. 67(h)).

(i) **requested** that FAO report to its Twentieth-seventh Session in 2007 on its work to further improve the guidelines.(para. 67(i)).

DECISIONS AND RECOMMENDATIONS OF THE SECOND SESSION OF THE COFI SUB-COMMITTEE ON AQUACULTURE (TRONDHEIM, NORWAY, 7-11 AUGUST 2003)

The Committee:

66. **Endorsed** the report of the Sub-Committee and thanked the Government of Norway for hosting and supporting the Session.(para. 68)
67. **Appreciated** the excellent work of the Sub-Committee and the Secretariat.(para. 68)
68. **Recognized** the importance of aquaculture including culture-based fisheries as a means of increasing fish production, of generating income and as a means of reducing pressure on wild fish resources.(para. 69)
69. **Thanked** the Government of Japan for establishing a trust fund to provide assistance for the sustainable development of aquaculture.(para. 70)
70. **Stressed** the importance of working with the Codex Alimentarius Commission and the Sub-Committee on Fish Trade on issues pertaining to food safety and quality, markets and better reporting on status and trends.(para. 73)
71. **Noted** the importance of aquaculture development in Africa including its integration into irrigation systems and several Members pointed out the need for technical and financial assistance.(para. 74)
72. **Thanked** India for offering to host the Third Session of the Sub-Committee on Aquaculture in 2006.(para. 75)

ENABLING RESPONSIBLE SMALL-SCALE FISHERIES, THROUGH THE CREATION OF A SUPPORTIVE ENVIRONMENT

The Committee:

73. **Commended** the Secretariat for the document and **acknowledged** that it provided valuable guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries.(para. 76)
74. **Observed** that inland fisheries needed to be accorded greater attention and that it was proposed that more specific policy interventions in support of these fisheries should be identified in some areas while giving due account to possible tradeoffs in other areas.(para. 76)
75. **Noted** a range of issues that should be addressed in order for small-scale fisheries to make a greater contribution to rural development, sustainable livelihoods, poverty alleviation and food security.(para. 77)
76. **Recognized** the special importance of small-scale fisheries, especially to small island developing States, and the positive experiences of countries in support of this sector.(para. 78)

77. **Expressed** its appreciation to FAO and donor countries for giving greater attention to small-scale fisheries and for allocating more resources in their support. It welcomed the advance version of the Code of Conduct Guidelines on Enhancing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security.(para. 79)
78. **Noted** the importance of some of the measures in the Guidelines including the better integration of small-scale fisheries into national development and poverty reduction strategies and their empowerment through the strengthening of fishworkers organizations, communication and capacity-building.(para. 79)

DEEP-SEA FISHERIES

The Committee:

79. **Noted** the challenges that the management of deepwater demersal fisheries posed, both on the high seas and when they occurred in exclusive economic zones (EEZs), as a consequence of the vulnerable biological characteristics of deepwater demersal fishes, and which were compounded by concerns about the conservation of biodiversity in deep-sea habitats.(para. 83)
80. **Welcomed** the realization of DEEP SEA 2003, which had been convened by the New Zealand and Australian Governments in association with FAO, and its positive and successful outcome. (para. 84)
81. **Noted** subsequent discussions to call attention to the problems associated with deepwater demersal fisheries, particularly those held in the UN General Assembly.(para. 84)
82. **Requested** FAO to provide the UNGA with appropriate information and technical advice on these fisheries and, in general, to provide leadership in this field and actively participate in the relevant international fora.(para. 84)
83. **Took note** of concerns about the deficiencies in the existing legal and institutional framework for deepsea fisheries.(para. 86)
84. **Urged** Members to fully apply the Code of Conduct and its four related IPOAs to all deepsea fishing by vessels flying their flags including fishing for stocks that are not regulated by an RFMO.(para. 87)
85. **Urged** Members, by fulfilling their flag State responsibilities, to ensure their vessels were regulated effectively and operated in a manner consistent with the ecosystem approach to fisheries, in particular by ensuring that fishing vessels flying their flags reported fully data regarding their fishing activities.(para. 87)
86. **Requested** Members and RFMOs, as appropriate, to submit information on deepsea fish catches by species and size composition and fishing effort, noting that reporting would need to be on a relatively fine spatial scale to address the association of fishing activities with vulnerable marine ecosystems, as well as information on any conservation and management measure that may be in place for such fisheries.(para. 88)
87. **Endorsed** the proposed future FAO activities on deep seas fisheries issues.(para. 89)
88. **Called** for the allocation of adequate resources to relevant programme activities of the Organization and its Fisheries Department.(para. 89)

89. **Called upon** Members directly and through RFMOs, as appropriate, to implement as a matter of priority paragraphs 66 to 71 of UNGA Resolution 59/25.(para. 90)
90. **Requested** FAO to cooperate with the Secretary-General of the United Nations in the development of the report as called for in paragraph 70 of UNGA Resolution 59/25.(para. 90)
91. **Called upon** Members conducting deepsea fisheries on the high seas individually and in cooperation with others to address adverse impacts on vulnerable marine ecosystems and to sustainably manage the fishery resources being harvested including through controls or limitations on new and exploratory fisheries.(para. 91)
92. **Requested** FAO when revising the FAO Technical Guidelines on Ecosystem-based Fisheries Management to consider appropriate measures regulating destructive fishing practices.(para. 92)
93. **Noted** that the Review Conference for the 1995 UN Fish Stocks Agreement scheduled for 2006 may be an appropriate forum for exploring international conservation and management options for discrete high seas fish stocks.(para. 93)
94. **Noted** that the “Governance of High Seas Fisheries and the UN Fish Stocks Agreement - Moving from Words to Action” Conference, scheduled for May 2005 in Canada, could also inform discussions on the conservation and management of deepsea fisheries.(para. 94)
95. **Encouraged** the meeting of regional fisheries bodies (RFBs) that will immediately follow the Twenty-sixth Session of COFI to consider the issue of deepsea fisheries conservation and management.(para. 95)

SEA TURTLES CONSERVATION AND FISHERIES

The Committee:

96. **Was invited** to express its opinion with respect to the recommendations of the 2004 FAO Technical Consultation on Sea Turtles Conservation and Fisheries and to provide guidance for the direction and scope of future work.(para. 97)
97. **Endorsed** the report and the recommendations of the 2004 FAO Technical Consultation on Sea Turtles Conservation and Fisheries.(para. 98)
98. **Called** for the immediate implementation by Members and RFMOs of the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations.(para. 98)
99. **Acknowledged** that these guidelines were voluntary and they were not intended to affect trade.(para. 98)
100. **Agreed** that FAO should proceed with the development of Technical Guidelines under the Code of Conduct for Responsible Fisheries as agreed by the Technical Consultation.(para. 98)
101. **Recognized** the need for further biological studies including sea turtle tagging.(para. 99)
102. **Stressed** the need to share information and experiences in implementing mitigation measures.(para. 99)

103. **Emphasized** the need for technical and financial assistance to address sea turtle mortality due to fisheries and to implement the recommendations of the Technical Consultation.(para. 99)

MARINE PROTECTED AREAS AND FISHERIES

The Committee:

104. **Agreed** that the use of MPAs as a fisheries management tool should be scientifically based and backed by effective monitoring and enforcement and an appropriate legal framework.(para. 101)
105. **Agreed** that MPAs were one of a number of management tools and that they would be effective in combination with other appropriate measures such as capacity control.(para. 101)
106. **Noted** that RFMOs would need to develop means of interacting with other relevant IGOs, in particular in the environmental field, including the CBD, and other organizations such as IMO, when there was a need to exclude non-fishery human activities within an MPA on the high seas.(para. 102)
107. **Recommended** that FAO develop technical guidelines on the design, implementation and testing of MPAs, even though one Member stated that it did not support this work and considered it inappropriate.(para. 103)
108. **Drew** attention to the need to liaise with and benefit from the experiences of a number of countries, IGOs and NGOs in the preparation of guidelines.(para. 103)
109. **Agreed** that FAO should assist its Members in achieving the relevant WSSD goals by 2012, in particular the establishment of representative networks of MPAs.(para. 103)
110. **Stressed** that FAO should collaborate with other IGOs working on the topic, in particular CBD and UNGA.(para. 103)

REVIEW OF MAJOR PROGRAMME 2.3 “FISHERIES”, PLANNED ACTIVITIES OVER THE PERIOD 2006-2011, AS REGARDS MAJOR PROGRAMME 2.3 “FISHERIES” AND PRELIMINARY INFORMATION ON PROGRAMME OF WORK AND BUDGET PROPOSALS FOR 2006-2007

The Committee:

111. **Commended** FAO for the improvements made in the presentation of the Medium Term Plan and Preliminary Programme of Work Proposals for 2006–2007.(para. 105)
112. **Appreciated** efforts made by FAO to accommodate most priority areas into the Programme of Work and Budget for 2006–2007.(para. 106)
113. **Acknowledged** that the Programme of Work and Budget of the Organization would be discussed at subsequent sessions of the Governing Bodies. FAO was encouraged to continue its efforts to be efficient, effective and accountable.(para. 107)
114. **Noted** that all activities of the Fisheries Department were too important not to be undertaken. (para. 108)

ANY OTHER MATTERS

The Committee:

115. **Agreed** that it could extend an invitation to RFMO members and other interested parties encouraging them to participate in the development of parameters for the assessment of the performances of RFMO, possibly through an urgent expert consultation followed by a technical consultation.(para. 112)

SUGGESTED ACTION BY THE COMMISSION

116. The Commission is invited to take note of the main decisions of the Twenty-sixth COFI, especially those that are pertinent to the WECAFC region.