

REPORT OF THE FOOD AND AGRICULTURE ORGANIZATION CONCERNING UNITED NATIONS GENERAL ASSEMBLY RESOLUTIONS A/RES/57/141 ON OCEANS AND THE LAW OF THE SEA

January 2003

In her letter of 16 November 2003 to the Assistant Director-General of the Fisheries Department of FAO, the Director, Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs sought, in accordance with various paragraphs of General Assembly resolution A/RES/57/141, an input from FAO in matters relating to ocean affairs and the law of the sea. Information provided by FAO will form part of a comprehensive report to be considered by the fourth meeting of the United Nations Open-ended Informal Consultative Process which will be held at UN Headquarters in New York from 3 to 6 June 2003.

This FAO report covers primarily initiatives and activities by the Organization during the period January to December 2002.

In accordance with United Nations General Assembly resolution 57/141, this FAO report focuses on two main areas: 1) Main issues for discussion and 2) Salient fisheries issues that have arisen or continued to be of importance during 2002

1. MAIN ISSUES FOR DISCUSSION

PROTECTING VULNERABLE MARINE ECOSYSTEMS

The Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem was jointly organized by the Government of Iceland and FAO with the co-sponsorship of the Government of Norway. It was held from 1 to 4 October 2001. The Conference adopted the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem. The Declaration was attached to FAO's report in 2002.

FAO has started to follow up on the issues raised in the Reykjavik Declaration. While these actions are not specifically aimed at vulnerable ecosystems, they encompass such ecosystems and should contribute to their protection. Actions undertaken since the Reykjavik Declaration include the following.

- In accordance with a request in the Reykjavik Declaration, an Expert Consultation on Ecosystem-based Fisheries Management was held in Reykjavik, Iceland, from 16-19 September 2002 at which preliminary guidelines were developed for an ecosystem approach to fisheries (EAF), focusing on fisheries management. The preliminary guidelines will be distributed at the 25th Session of the FAO Committee on Fisheries (COFI) in February 2003. As additional experience in the actual implementation of EAF is gained by FAO Members, these guidelines will be updated and strengthened, as appropriate.
- FAO is a sponsor of Working Group 119 "Ecosystem Indicators for Fisheries Management" of the Scientific Committee for Oceanic Research, UNESCO, and the Fisheries Department is

2. SALIENT FISHERIES ISSUES THAT HAVE ARISEN OR CONTINUED TO BE OF IMPORTANCE DURING 2002

2.1 Illegal, unreported and unregulated (IUU) fishing

Background

Illegal, unreported and unregulated (IUU) fishing is one of the main issues facing fisheries

effects their vessels, within the context of IUU fishing, are having on world fisheries. A survey background document has already been prepared for the meeting based on information provided by FOCs and RFMOs.¹

2.2 Vessel monitoring systems (VMS) and satellite surveillance

Background

Vessel monitoring systems (VMS) have seen a great increase in their use for the monitoring, control and surveillance (MCS) of fishing vessels. In 1998 it was estimated that five or six countries were monitoring the activities of around 2,000 vessels by VMS. By the end of 2002, this had increased to 70 countries monitoring 20,000 vessels. Although the increase in the number of countries adopting VMS is bound to slow down, it is expected that the number of vessels will continue to increase exponentially due to VMS being used on smaller vessels. All countries with substantial fisheries resources have now implemented VMS. Nearly all the countries that do not have VMS at the present time are developing countries. They lie between the Equator and the Tropic of Cancer and generally have relatively small fisheries resources.

An important development is the use of VMS by Regional Fisheries Management Bodies (RFMBs) in their regulatory areas. The North East Atlantic Fisheries Commission (NEAFC) and the North Atlantic Fisheries Organization (NAFO) both require all the vessels of their members to report by VMS to their flag state and to the RFMB when in the regulatory area (i.e. while within the geographical area but outside the 200 nm EEZ limits). This effectively establishes a monitoring regime on the high seas. The Indian Ocean Tuna Commission has passed a Resolution requiring its members to apply VMS to 10 percent of their vessels over 20 metres from mid 2003. The Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR) and the International Commission for the Conservation of Atlantic Tunas (ICCAT) are considering similar measures.

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2.3 Fisheries subsidies

Background

The value of subsidies and their effects on the sustainability of fishery resources and on trade in fish and fish products is a matter of primary concern for the international fisheries community.

Since October 1999, FAO observers have been reporting about the Organization's work on fisheries subsidies to all relevant major international meetings. These have included the Committee of Trade and Environment of the World Trade Organization (WTO), the Committee on Fisheries of the OECD and several technical meetings organised by UNEP and non-governmental organisations.

Within this context, the 24th Session of COFI (Rome, 26 February-2 March 2001) recommended that FAO assume a lead role in the promotion of cooperation and coordination amongst relevant intergovernmental organizations of their work on subsidies in fisheries. The Committee also agreed that future FAO activities related to subsidies should build on past efforts and aim to determine the quantitative and qualitative effects of subsidies on trade in fish and fish products and sustainability of fishery resources. The Committee agreed that a second Expert Consultation be organised by FAO, followed by a government consultation.

Action by FAO

In following closely the mandate received from its Members through COFI, FAO continued to study during 2002 the subject of subsidies in fisheries and hosted in July 2002 the Second Meeting of Intergovernmental Organizations on Work Programmes Related to Subsidies in Fisheries (Rome 4-5 July 2002).² Like the first meeting held in 2000, this meeting was intended to be an occasion to exchange information regarding on-going activities, in order to create synergies and to avoid duplication of work.³

FAO continued monitoring of the economic performance of capture fisheries but expanded it to include also a review of subsidies; the results were reported in a technical paper and highlighted in the "State of the World Fisheries and Aquaculture" (SOFIA) 2002.⁴ In 2002 an introductory guide on fisheries subsidies has also been prepared aiming at facilitating a broader access to the understanding of this complex issue. It is expected that it will be published in 2003.

Additionally, in undertaking to implement the recommendation made by COFI and, to address the conclusions of the first FAO Expert Consultation on Fishery Subsidies,⁵ FAO decided to develop a Guide on

2.4 Management of Fishing Capacity

The management of fishing capacity is one of the main issues facing fisheries governance. It has increasingly been addressed over the last decade in a wide range of national and international fora. An International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity) was adopted by the 23rd Session

- that the sharing of the benefits from the fisheries should not be restricted to allocations of TACs, or the equivalent, to national fleets; and
- that consideration should also be given to the use of what the Expert Consultation referred to as “negotiation facilitators”, or “side payments”, such as quota trades, or mutual access arrangements. These would allow broadening the scope for bargaining over allocations, assist in achieving compromises when there are differences in the management goals of cooperating States/entities, and enhance the flexibility and resilience of the cooperative arrangements over time.

With respect to cooperative management of straddling fish stocks, the Expert Consultation noted two critical issues:

1. the issue of new members or participants in regional fisheries management organizations or arrangements; and
2. the issue of what in fact constitutes a “real” interest of a State in a straddling stock fishery. The Expert Consultation reviewed approaches currently being taken to address the issue of new members or participants.

**CONCLUSIONS OF THE SANTIAGO DE COMPOSTELA INTERNATIONAL CONFERENCE ON ILLEGAL,
UNREPORTED AND UNREGULATED FISHING**

The Santiago de Compostela International Conference on Illegal, Unreported and Unregulated fishing was held on 25 and 26 November 2002, attended by 43 States, Regional Economic Integration Organisations, International Organisations and Non-governmental Organisations. It was organised by

Efforts to combat IUU fishing complement other initiatives to achieve sustainable fisheries particularly those related to the management of fishing capacity.

3. The Santiago de Compostela International Conference on illegal, unreported and unregulated fishing urged the international community to give further consideration to the following measures.

- Strengthening RMFOs, which provide the main multilateral forum for the international campaign against IUU fishing, bringing together governments, scientists, fishing industry representatives and non-governmental organisations with an interest in effective management of fisheries resources;
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