

## **Report on the Committee on Fisheries (COFI 28) meeting March 2-6, 2009**

The Food and Agriculture Organization (FAO) Committee on Fisheries (COFI) met in its 28<sup>th</sup> Session at FAO Headquarters in Rome, 2 – 6 March 2009. Main topics of discussion included the importance of small-scale fisheries, including the role that women play within these fisheries; illegal, unregulated and unreported fisheries (IUU); climate change; management of deep sea fisheries in the high seas; implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action; fish trade to include certification schemes; aquaculture; and the programme of work for the current intersessional period.

On the first day, the FAO Secretariat presented its biennial State of World Fisheries and Aquaculture (SOFIA) 2008 report. The FAO reported that trends over the last ten to fifteen years with respect of global trends in the state of world marine fish stocks have been stable. In fact, moderately exploited and underexploited stocks decreased according to the SOFIA 2006 report from 23% to 20% while stocks identified as overexploited increased from 17% to 19% and depleted from 7% to 8%. Stocks identified as fully exploited remained at 52% and those identified as recovering from depletion remained steady at 1%.

The FAO noted in presenting the SOFIA 2008 report that only limited progress had been made in the implementation of sound management practices, that there was a need to reduce overcapacity in the fisheries sector, that RFMOs would need to be reinvigorated and become more effective, that there was a need to combat IUU fishing, that there was a growing number of parties to the UN Fish Stocks Agreement, that by-catch and discards had consequences for fisheries and ecosystems and that there had been progress with respect of trade and subsidies issues within the WTO. It was also noted that climate change was modifying the distribution of fisheries and mitigation and adaptation was needed, that safety of fishers was an issue, that with respect of exploitation of marine genetic resources beyond national jurisdiction it was necessary to maintain biodiversity.

It was also noted that with respect of global projections for 2010 development had generally been in line with projections except that marine capture fisheries had remained steady at 80 – 90 million tons per annum and was likely to remain at that level. Inland fisheries had expanded more than had been anticipated. Aquaculture-enabling policies were essential to allow for access to land, water and seed stock.

IUCN notes that the SOFIA statistics relate to overall trends of stocks. The relative stability (indeed the marginal worsening) of the statistics indicates the absence of positive reaction from the resources, at global level. Indeed, the state of certain important stocks remain of grave concern, both with respect of large predator species that act as critical regulators of ecosystems, for example sharks or tuna. Many sub-species of sharks, tuna and other large predators are reported by scientists to have declined by 90% from historic levels. In addition, the removal from specific ocean areas of large numbers of small prey fish may alter ecosystems.

With respect of IUU fishing, many countries made statements in support of a new binding instrument that would require parties to apply a minimum standard of port state measures to fishing vessels that enter their ports. The instrument remains under development with several countries of the view that it should be limited to fishing vessels only. In IUCN's view, in order to be an effective tool to counter IUU fishing, the new agreement must apply to all vessels involved with fishing activities, to include transport and supply vessels.

Also subject to discussion under this agenda item was work undertaken through the FAO to develop a Global Record of fishing vessels. Again, this would be most useful if it included information on all vessels involved in fishing efforts, to include transport and supply. The Global Record would be a Record and not a Registry, in other words it would serve as a meta database of information about vessels with electronic links to other databases and could serve as an information resource to national fisheries managing authorities. There was a concern expressed among some delegates that the development of the Global Record might be delayed because of a lack of funds.

Information on vessel monitoring, control and surveillance was also exchanged. Members were encouraged to attend the Third Global Fisheries Enforcement Workshop planned for Maputo in September 2010. The delegation of Argentina during a side event provided an interesting and helpful presentation on its observer programs and on technology that ties GPS monitoring with onboard cameras. Also at that presentation, Argentine authorities noted that they had been able to rebuild hake stocks through the use of temporal closed areas.

Another major theme of this agenda item was by-catch and discards. Many spoke in favor of a new COFI process to develop guidelines on by-catch management and discard reduction.

With respect of climate change and its impact on fisheries and aquaculture, many delegates noted that the effects of climate change are already visible on terrestrial and marine species. Some delegates urged reduction in energy consumption, including by reducing fishing capacity, which almost all agree is above optimum and sustainable levels. Several delegations addressed climate change with respect of the Arctic, urging that fisheries be closed until such time as scientific investigation and assessments are conducted and concluded, thus allowing for any new or developing fisheries to be conducted sustainably.

The United States hosted a side event at which it noted that the Arctic is warming; range and distribution of some or all fish stocks will shift; there is a limited understanding of Arctic ecosystems and fish stocks and a need for research. It was noted that all Arctic coastal states have delimited exclusive economic zones (EEZs) and that there are high seas areas in the Arctic, including in the central Arctic that have never been fished. There are existing legal instruments with respect of the Arctic, for example the United Nations Convention on the Law of the Sea (UNCLOS). The NEAFC Convention area stretches

to the North Pole, thus a part of the central Arctic is within an area managed through an RFMO.

The relevant U.S. fisheries management council has closed a large area within the U.S. EEZ that is north of the Bering Strait to new and commercial fisheries until such time as scientific investigation and assessment has been completed, though subsistence indigenous fishing may continue. Neighboring states were invited to consider adoption of similar measure. The United States suggested that consideration be given to establishment of a regional arrangement for managing fisheries in advance of their development and will work with neighbors bilaterally with respect of potential straddling stocks within EEZs. A participant at the side event suggested that a CCAMLR-like instrument be adopted for the Arctic, though another participant was of the view that this would be inappropriate.

With respect of management of deep sea fisheries in the high seas the Secretariat introduced International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and that they had been finalized and adopted through technical consultations in August 2008. A number of delegations supported the guidelines as a way forward to better manage deep sea fisheries and protect vulnerable marine ecosystems. It was noted that implementation of the guidelines would be important. Some noted that further work was needed to fully implement the decision with respect of vulnerable marine ecosystems adopted in UN General Assembly resolution 61/105.

On implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action the Secretariat reported that only 33% of FAO members had returned the 2008 questionnaire on implementation, which was fewer than in 2006. [See link for IUCN response – if I can find it; we did one.] A number of delegations were disappointed by the low response rate. Disappointment was expressed that many members had not as yet completed IPOAs for sharks. Some delegations urged the convening of a workshop to consider technical matters with respect of keeping fins attached to sharks. The Secretariat was encouraged to publish best practice guidelines with respect of the IPOA for seabirds. Many delegates noted performance reviews undertaken by RFMOs and urged that member governments of RFMOs adopt recommendations to modernize mandates and ensure that management decisions through RFMOs be based on ecosystem and precautionary approaches. It was noted that capacity building programs and projects were necessary to help developing countries to implement the Code.

Under the agenda item on the Code of Conduct, Costa Rica noted that it respected the culture of all nations but that there was a need to control the practice of shark fining. Costa Rica required that fins be attached to sharks when landed. Costa Rica noted that at the IUCN World Conservation Congress a resolution had been adopted calling on states to ensure that fins were naturally attached when landed. The United States applauded bans on the landing of shark fins not naturally attached where they existed. [IUCN delegation asked to speak on this agenda item but was not recognized as time ran out.]

Argentina stated that RFMOs do not have the authority to establish rules for states that are not party to that particular RFMO.

COFI received a report from the Subcommittee on Fish Trade which had met in Bremen during the past year. Some delegations expressed the fear that ecolabelling schemes could represent barriers to trade. There was discussion of whether it would be beneficial to harmonize ecolabelling schemes. The Secretariat explained that there would be legal difficulties for it to take on such an activity, but at the urging of many members agreed to consider the issue further. It was agreed that the Secretariat should develop best practice guidelines for catch documentation schemes and for traceability for consideration at the next meeting of the Subcommittee. On CITES it was agreed that FAO should continue to provide technical advice with respect of listing proposals for relevant aquatic species. It was also agreed that FAO should continue to provide technical assistance with respect of fisheries subsidies at discussions at the World Trade Organization (WTO).

There was discussion of FAO's program of work on fisheries and aquaculture and on which priorities FAO should set with respect of its work in this area. Differing views were expressed. COFI received a report from the Subcommittee on Aquaculture which had met in Puerto Varas Chile in October 2008. Aquaculture has grown substantially in recent years and many delegations noted that no growth could be expected in capture fisheries yield. IUCN notes that this reflects that most wild species are now fully or overexploited and in fact total catch of marine capture fisheries should decline to allow for stocks and ecosystems to recover and/or become more resilient.

COFI noted the importance for developing and finalizing technical guidelines on aquaculture certification in support of responsible management, however some delegations specifically requested that criteria on such issues as social responsibility, animal welfare and sanitary measures not be included. There was agreement of the importance to support the Special Programme for Aquaculture Development in Africa (SPADA).

Perhaps the most heated discussion in COFI centered on small-scale fisheries with many delegations arguing that COFI and FAO did not give enough support for small-scale fisheries. The results of the 2008 Global Conference on Small-Scale Fisheries that had been held in Bangkok were presented. It was noted that small-scale fisheries employed the great majority of fishers and provided a significant amount of protein to the world's poor. It was noted that women make up almost half of total employment with respect of small-scale fisheries if processing is included and thus this sector was very important with respect of employment for women. A number of delegations said that small-scale fishers needed better labor conditions and protection and that their human rights were often denied or abused. Some developed country delegations noted that small-scale fisheries were also important in their countries. Many delegations wanted FAO to establish a Subcommittee on small-scale fisheries or that COFI develop an IPOA on small-scale fisheries. Others were of the view that small-scale fisheries concerns were incorporated into the various existing IPOAs and Subcommittee work. In the end, it was

agreed to ask the Secretariat to consider ways to protect small-scale fishers and their communities.

There was a discussion about the role of Subcommittees and of the technical consultations with one regional group of the view that such bodies did not have the competence to adopt or approve guidelines and other documents, which should be submitted to COFI itself for adoption. Others were of the view that COFI could and had delegated this authority to relevant sub-bodies and that this practice should continue.