



## UNICPOLOS-6 HIGHLIGHTS: TUESDAY, 7 JUNE 2005

On Tuesday, delegates to the sixth meeting of the UN Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS-6 or Consultative Process) reconvened in a Discussion Panel on fisheries and their contribution to sustainable development. In the morning, presentations were made on recent developments. In the afternoon, delegates addressed commercial and large-scale fishing.

### DISCUSSION PANEL ON FISHERIES AND THEIR CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

#### RECENT DEVELOPMENTS: Keynote presentations:

Serge Garcia, Director, Fisheries Resources Division, FAO, reported on the outcome of the 26th session of the Committee on Fisheries (COFI) that addressed, *inter alia*, the Indian Ocean tsunami, small-scale fisheries, and Marine Protected Areas (MPAs). He indicated that the meeting was followed by a Ministerial Session that adopted declarations on illegal, unreported and unregulated (IUU) fishing, and on fisheries and aquaculture rehabilitation after the tsunami. He stated that COFI called for the development of a database to facilitate port State measures against IUU fishing and recognized MPAs as key fisheries management tools. Emphasizing the growing number of critical issues that COFI deals with, Garcia said the meeting reflected its participants' commitment and awareness level.

Kjartan Hoydal, Secretary, North-East Atlantic Fisheries Commission, reported on the outcomes of the fourth meeting of Regional Fishery Bodies (RFBs), which he said had addressed the review of the relevant decisions of COFI's 26th session, the role of RFBs, and external factors affecting fisheries. He highlighted the different roles RFBs play in poverty alleviation, food security, and fishing industry profitability. He urged RFBs to promote linkages among themselves, and highlighted IUU fishing and overcapacity as major external factors affecting fisheries. He emphasized that incomplete scientific data complicates Regional Fisheries Management Organizations' (RFMOs) task of establishing frameworks for sustainable fisheries.

Evelyn Meltzer, Chief, Marine Policy Division, Department of Fisheries and Oceans, Canada, presented an overview of straddling and highly migratory fish stocks in relation to

RFMOs, underscoring that RFMOs' areas of competence for tuna and tuna-like species cover all the oceans and seas, whereas straddling fish stocks in some geographical areas remain unregulated. She noted the different arrangements for scientific input into RFMOs and the lack of consistent terminology across RFMOs on the status of fish stocks. She identified the challenges of RFMOs' decision making, dispute settlement, and cooperative efforts.

**IUU Fishing:** Responding to CHILE's question on information gathering on IUU fishing, Garcia outlined FAO's upcoming Vessel Monitoring Systems. The INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) and INDONESIA reaffirmed their commitment to combat IUU fishing, and ICCAT highlighted measures adopted to detect and restrict such activities. GREENPEACE drew attention to her report on the Northwest Atlantic Fisheries Organization, highlighting difficulties in addressing fish stock depletion and IUU fishing.

**MPAs:** Replying to a comment by the INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS (ICFA), Garcia indicated that MPAs can be useful tools both for protecting biodiversity and for fisheries management. Responding to the SEA TURTLE RESTORATION PROJECT, he noted that it is too early to determine the impact of high seas MPAs on sea turtle protection. AUSTRALIA stressed the importance of ensuring the participation of all stakeholders in MPAs.

**Implementation:** Replying to a question by FRANCE, Garcia indicated that the existing legal framework for fisheries management is sufficient and, supported by the US, called for the implementation of existing legal instruments. He added that the creation of jobs outside fisheries is often the solution to overexploited stocks. IUCN noted that agreeing on indicators for sustainable fisheries may allow for better assessments of the FSA implementation.

**Other issues:** On emerging issues, NEW ZEALAND highlighted fisheries ethics, risk management, and animal welfare. IUCN addressed questions on the accuracy of scientific information contained in a report sponsored by her organization on high seas bottom trawl fisheries and their impact on the biodiversity of vulnerable deep-sea ecosystems. Hoydal noted that the report does not differentiate between high seas bottom trawling and deep seas fisheries. SPAIN underscored the importance of using accurate scientific data in decision making.



CANADA, supported by JAPAN, stressed the critical role FAO plays in feeding scientific data into the global oceans agenda.

#### **COMMERCIAL AND LARGE-SCALE FISHING:**

**Keynote presentations:** Patrick McGuinness, Vice-Chairman, ICFA, indicated that the fishing industry is moving to reduce its environmental impact, and underscored challenges to attain sustainable fisheries including: the absence of clearly defined property rights; the existence of flags of convenience; and the difficulty of aligning sustainability and commercial concerns. To promote sustainable fisheries, he suggested focusing on approaches based on user rights which would transform fish stocks into a shared asset. McGuinness cautioned against moratoria, saying these would benefit illegal operators. He highlighted that good governance within an effective regulatory environment is key, and stated that no fishing gear is inherently more destructive than any other. Delegates then viewed a computer simulation of bottom trawling on seamounts.

Javier Garat, Secretary General, Spanish Federation of Fisheries Organizations, presented the position of Spanish long-distance fishing companies on the contribution of fisheries to sustainable development, noting that it is also shared by EU companies. He noted that a responsible fishing sector requires: legal protection and stability, involvement of the fishing industry in relevant decision making, and the creation or expansion of RFMOs to cover all fishing areas. Garat stressed the unequal position of responsible industries competing on the market with IUU fishing companies, and suggested the use of trade measures against illegal fish products. He preferred a case-by-case and zone-by-zone basis for restrictive measures on fishing activities, rather than drastic legislative changes such as moratoria. Garat drew attention to the European Code of Sustainable and Responsible Fishing Practices that offers the possibility for the fishing industry to voluntarily apply sustainable practices in addition to legal requirements.

Matthew Gianni, international fisheries consultant, noted that the majority of seamounts lie in areas beyond national jurisdiction and that high seas fisheries are unregulated in the majority of oceans. He called for a prohibition on bottom trawling on the high seas in areas not yet covered by RFMOs, as an interim measure, until RFMOs are established and effective regimes are implemented. On IUU fishing, he urged the adoption of regulations on sea transshipment and noted that many companies based in countries committed to combating IUU fishing operate vessels flying flags of convenience.

**Data on high seas fisheries:** The UNIVERSITY OF YORK questioned whether the FAO statistics give an accurate picture of high seas fisheries. SPAIN observed that data collection can be undertaken in the absence of RFMOs.

**High seas bottom trawling:** PALAU enquired whether bottom-trawling gear comes into contact with seamounts. ICFA indicated the possibility of the gear contacting the sea floor, and said New Zealand's seamounts have been closed to fishing to allow for scientific research. The MARINE CONSERVATION BIOLOGY INSTITUTE stressed that scientific evidence is clear as to the destructive impacts of high seas bottom trawling.

**Moratoria as fisheries management tools:** RUSSIA supported McGuinness' view of the ineffectiveness of moratoria, while SAVE THE LEATHERBACK COALITION stressed that a moratorium on high seas bottom trawling needs to be implemented as an interim measure. The TURTLE ISLAND

RESTORATION NETWORK proposed a compromise of setting limits on bycatch and imposing moratoria only if these limits are reached. The SEA TURTLE RESTORATION PROJECT reiterated its call for a moratorium on longline fishing.

JAPAN said this meeting should not address moratoria. CANADA and ICELAND drew attention to the distinction between moratoria imposed by national or regional bodies and a moratorium called for by the General Assembly.

**Labor issues:** The INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF) enquired about welfare and working conditions of fishing vessels crews, noting that disrespect of social rights is not confined to vessels flying flags of convenience. McGuinness acknowledged the need for the fishing industry to address labor issues, but Garat rejected the accusation of poor labor conditions on European fishing vessels.

**Conservation measures:** HUMANE SOCIETY INTERNATIONAL urged delegates not to think in terms of target and non-target species, noting that all require protection. CHILE noted States' obligation to conserve fishing resources within the EEZ and high seas. Responding to a question by the UNIVERSITY OF YORK, McGuinness said the fishing industry's footprint can be minimized by choosing appropriate locations for fishing activities. CANADA remarked that some fishing practices are potentially destructive, and recommended a focus on the protection of vulnerable areas.

**IUU fishing:** To combat IUU fishing, the US suggested reducing subsidies that lead to overexploitation, controlling overcapacity, promoting a worldwide cap on tuna catches and establishing stronger vessels monitoring systems. PERU stressed the need to strengthen port State controls. The ITF called for clarification of the genuine link. CANADA called for addressing the incentives and disincentives for IUU fishing. To avoid laundering of IUU catches, the EC underscored the importance of networking RFMOs and the need for the international community to agree on customs codes on fish products.

**RFMOs:** The EC noted the interim functioning of RFMOs on the basis of voluntary arrangements before the entry into force of their constitutive instruments. Gianni stressed that closed seasons and similar measures do not necessarily have to be taken in the context of RFMOs.

#### **IN THE CORRIDORS**

Sparked by panel presentations, discussions livened up today, providing food for thought as delegates refine their suggestions that will provide a basis for negotiations on Friday. While all valued the extensive input from industry and NGOs, some described the presentations as "unbalanced," and others as "thought-provoking and interesting."

Discussions were polarized on high seas bottom trawling, with a number of participants maintaining that a moratorium would be detrimental to sustainable fisheries, and others warning against the irreparable damage caused by this fishing technique. Thus, debates highlighted the difficulty of balancing commercial and environmental concerns. The role of regional fisheries management organizations (RFMOs) was also a recurring topic. Some focused on the need to enhance transparency and efficiency in the functioning of RFMOs, while others leaned towards fully extending their responsibilities. These issues are likely to resurface in the following days, as more panelists are yet to be heard. With the meeting behind schedule, delegates risk burning the midnight oil on Friday.