
IGIFL UPDATER

The Newsletter of Developments
in International Fisheries Law

No. 3 March 2005

This report details new information added to the IGIFL reporting tools during March 2005. Items and information highlighted in bold are accessible via the IGIFL website. Reports and further information on the developments in this newsletter may also be contained in the Briefly Noted or other sections of *International Fisheries Law and Policy Review*. Full access to some of this information is restricted to members/subscribers. This newsletter may also be downloaded online via <www.intfish.net/updater>. This report may be subject to updates. [Issue 2005/3/2]

Status of international treaties

www.intfish.net/treaties

Lebanon ratified the **Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area** on 1 March 2005.

Lebanon accepted the 1997 amendments to the **Agreement for the establishment of a General Fisheries Commission for the Mediterranean** on 4 March 2005.

El Salvador ratified the **Convention for the Strengthening of the Inter-American Tropical Tuna Commission** on 10 March 2005.

The Slovak Republic ratified the **International Convention for the Regulation of Whaling** on 22 March 2005.

Current materials

www.intfish.net/docs/current.htm

Ministerial Declaration on Fisheries and the Tsunami

The Rome Declaration on Fisheries and the Tsunami was adopted at the FAO Ministerial Meeting on Fisheries, held after the 26th Session of COFI in March 2005, in Rome, Italy. In the Declaration, the Ministers expressed their commitment to assist with the rehabilitation and reconstruction of the damage inflicted by the Tsunami disaster. The Declaration emphasizes the need for fisheries and aquaculture rehabilitation to focus on rebuilding the livelihoods of fishers and fish farmers, but also recognizes the need to redress environmental degradation and emphasizes the need for fisheries and aquaculture rehabilitation to be in line with the principles of the Code of Conduct for Responsible Fisheries.

y Regional and International Responses to the Indian Ocean Tsunami in the Fisheries Sector (2005) IFLPR 2(1)

UN - Resolution A/59/24 on Oceans and the Law of the Sea

UN - Resolution A/59/25 on Sustainable Fisheries

Final texts of UN General Assembly Resolutions agreed during its 59th Session in 2004: Resolution A/59/24 on "Oceans and the law of the sea" and Resolution A/59/25 on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

y Current Developments (2005) IFLPR 2(2)

First Meeting of the High Seas Task Force: Summary of Outcomes

The first substantive meeting of the ministerially-led Task Force on IUU Fishing on the High Seas (High Seas Task Force) took place in Paris in March 2005. This document is the summary of outcomes from that meeting, and covers: the high seas MCS network; the global information system on high seas fishing vessels; flag State performance; port State controls; control over nationals; high seas governance; public education and outreach.

y The High Seas Task Force (2005) IFLPR 2(2)

CCAMLR - Report of the XXIIIth Session of the Commission

This document is the adopted record of the 23rd Annual Meeting of CCAMLR, which took place in Hobart, Australia in October/November 2004. Major topics discussed at the meeting included: review of the Report of the Scientific Committee; IUU fishing in the Convention Area; assessment and avoidance of incidental mortality of marine living resources; new and exploratory fisheries; current operation of the System of Inspection and the Scheme of International Scientific Observation; review of existing conservation measures; management under conditions of uncertainty; and cooperation with other international organizations including the ATS and CITES. A number of new conservation measures were adopted. The Reports of the Standing Committee on Administration and Finance and the Standing Committee on Implementation and Compliance are appended.

y Current Developments (2004) IFLPR 1(4)

FAO - Report of the Technical Consultation on International Guidelines for the Eco-labelling of Fish and Fishery Products from Marine Capture Fisheries

The Technical Consultation on International Guidelines for Eco-labelling of Fish and Fishery Products from Marine Capture Fisheries was convened by FAO at the request of the 25th session of the Committee of Fisheries and the 9th session of the COFI Sub-Committee on Fish Trade and took place in Rome in October 2004. The Consultation, attended by representatives from 57 FAO members, stressed the benefits of internationally agreed guidelines aimed at avoiding the misuse of eco-labelling schemes through, *inter alia*, preventing them becoming barriers to trade and made progress in completing the guidelines, in particular the part dealing with the procedural and institutional aspects of eco-labelling schemes. The Consultation nevertheless acknowledged that more work was still necessary on, *inter alia*, terms and definitions and the minimum substantive requirements and criteria.

Canada - National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU)

The stated purpose of this document is to specify Canada's plans to prevent, deter, and eliminate illegal, unreported, and unregulated (IUU) fishing; to provide a description of Canada's existing policies and legislation related to this problem; and to identify ongoing programs and projects to address it. The NPOA-IUU elaborates solutions to Canada's IUU fishing concerns with respect to overcapacity, lack of effective flag State control by both contracting parties and non-contracting parties and non-compliance with no consequences by contracting parties to regional fisheries management organizations (RFMOs). It specifies actions at the national, bilateral, regional and global levels which are recommended for governmental action.

y Current Developments (2005) IFLPR 2(2)

Report of the Regional Workshop on Rehabilitation of Fisheries and Aquaculture in Coastal Communities of Tsunami Affected Countries in Asia

The regional workshop on Rehabilitation of Fisheries and Aquaculture in Coastal Communities of tsunami affected countries in Asia was organised by a consortium of regional fisheries/aquaculture bodies (CONSRN) and was hosted by FAO in Bangkok, Thailand in February/March 2005. The meeting was attended by 53 participants including representatives from six of the tsunami affected countries and participants from the CONSRN consortium, donor agencies and NGOs. The workshop was organized around four sessions concerned with: country priorities for rehabilitation; rehabilitation vision and guiding principles; rehabilitation strategies; and aligning donors, agencies and countries to strategies. The participants agreed on guiding principles designed to provide the ground rules for the development and implementation of regional and country level rehabilitation activities of CONSRN and its partners and adopted a number of recommendations.

y Regional and International Responses to the Indian Ocean Tsunami in the Fisheries Sector (2005) IFLPR 2(1)

FIRMS - 2nd Steering Committee Meeting: Final Report

The Second Session of the FIRMS Steering Committee took place in Copenhagen in February, 2005. Representatives of several Partner agencies (IATTC, ICES, ICCAT, SEAFDEC and NAFO) took part, as well as an observer of CCAMLR. The meeting discussed progress on the development of FIRMS Partnership; reviewed new perspective Partners (in particular WCPFC, NEAFC, NASCO, IWC and GFCM) and Partnership Arrangements with existing members (NAFO, SEAFDEC and CCAMLR); and discussed also the FIRMS Information management policy (IMP), progress of the FIRMS Database and Module Development and a potential Strategy for FIRMS partnership in promoting the development of a global network for reporting on fisheries and stocks status and trends.

International and national case law reports

www.intfish.net/cases/current.htm

**Spain v Council (Re Tariff Quotas for Canned Tuna)
- European Court of Justice, 10 March 2005**

Spain claimed that the Court should annul legislation (Council Regulation 975/2003) opening and providing for the administration of a tariff quota for imports of canned tuna. Spain advanced several grounds, including: that the regulation had breached the principle of Community preference; that it had distorted competition on the market at issue; and that the EC-ACP Partnership Agreement had been infringed. The Court dismissed all grounds, holding, *inter alia*: that 'Community preference' although a political consideration in adopting trading arrangements with non-member countries, was not a legal requirement; Community law did not prohibit the adoption of tariff measures which resulted in the market distortion alleged by Spain, as such a prohibition would prevent the Community contributing to the progressive removal of restrictions on international trade and, in fact, any reduction in customs duties was liable to have some effect on competition between goods imported from non-member countries and the equivalent Community products, to the disadvantage of the Community producers; and there was no infringement of the EC-ACP Agreement because the ACP States were duly informed of the intended measure.

y Briefly Noted (2005) IFLPR 2(2)

R v Doody

- Provincial Court of Newfoundland (Canada), 15 March 2005

Criminal proceedings brought by the Canadian Government alleging the unlawful setting of gill nets, which had led to the catch of prohibited species. Although it was not disputed that the nets, when found, did not comply with applicable regulations, the prosecution was unable to prove that they had been set improperly by the accused, whom the Court considered had met "due diligence" requirements in the legislation.

y Briefly Noted (2005) IFLPR 2(2)

European Commission v Finland (Re Enforcement of Fisheries Policy)

- European Court of Justice, 17 March 2005

The Commission claimed that Finland, between 1995 and 1996, had failed: (1) to enact appropriate detailed rules for the distribution and use of the fishing rights allocated to it; (2) to monitor compliance with Community legislation, including by appropriate inspection of the fishing fleet; (3) to prohibit fishing when the quotas allocated to it were deemed to be exhausted; and (4) to institute criminal or administrative proceedings against masters or other persons responsible for fishing after the prohibition came into effect, contrary to obligations in Community law (Regulation 3760/92 and Regulation 2847/93). The Court found that Finland had failed to meet its obligations on all counts.

y Briefly Noted (2005) IFLPR 2(2)

Spain v Council (Re Access to Fishing Areas)

- European Court of Justice, 17 March 2005

Spain claimed that the Court should annul point 6 of Annex I to the basic CFP Regulation (Council Regulation 2371/2002) on the grounds it infringed the 1985 Act of Accession of Spain (which contained transitional arrangements which ended on 31 December 2002) and the principle of non-discrimination, by restricting access by Spanish vessels to the zone within 12 nautical miles of the French coast. The Court held that although the transitional arrangements in the Act of Accession had expired, it did not follow that the Community legislature could not adopt the contested rule under its competence conferred by the EC Treaty. In looking at the contest measure, the Court found no breach of the principle of non-discrimination and rejected Spain's application.

y Briefly Noted (2005) IFLPR 2(2)

Meetings and activities of international organizations

www.intfish.net/orgs

Helsinki Commission (HELCOM): 26th Annual Meeting

The 26th Annual Meeting of the Helsinki Commission took place from 1-2 March in Helsinki, Finland. The meeting reported on activities of the Commission during 2004, reviewed the inputs of its subsidiary bodies and adopted three recommendations (none relating to fishing). The meeting also considered the Commission's role in the European Marine Strategy.

North Atlantic Marine Mammal Commission (NAMMCO): Fourteenth Annual Meeting

The 14th Annual Meeting of **NAMMCO** took place from 1-3 March in Tromsø, Norway. The meeting considered a number of matters, including: international cooperation on seals and sealing; hunting methods; ecosystem-based management; international observation of whaling and sealing; and the biological status and domestic management measures for a number of species, including narwhal and beluga, fin whales and humpback whales.

y Current Developments (2005) IFLPR 2(2)

Coordinating Working Party on Fishery Statistics: 21st Session

The 21st Session of the CWP took place in Copenhagen, Denmark from 1-4 March. The meeting reviewed changes in membership since the 20th Session; reviewed progress reports from each member organization on fishery statistical programmes; and reviewed the development of FIGIS and FIRMS and the implementation of previous CWP recommendations. The meeting also considered standardizing the definition of vessel length; recommendations aimed at CWP from the 2004 FAO Expert Consultation on Data Formats and Procedures for Monitoring, Control and Surveillance; and fishery data quality indicators.

FAO Technical Consultation on International Guidelines for the Eco-labelling for Fish and Fishery Products from Marine Capture Fisheries

The final meeting of the Technical Consultation took place from 3-4 March in Rome, Italy. The purpose of the meeting was to review and finalize the Draft International Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries develop through a series of previous meetings. The Guidelines were agreed and presented to COFI-26.

y Current Developments (2005) IFLPR 2(2)

ASCOBANS: First meeting of the Jastarnia Group

The first meeting of the Jastarnia Group took place from 3-4 March in Bonn, Germany. The purpose of the meeting, and of the Group, is to review the implementation of the Recovery Plan for Baltic Harbour Porpoises ("the **Jastarnia Plan**") and to carry forward the relevant recommendations of Plan.

y Current Developments (2005) IFLPR 2(2)

FAO: Committee on Fisheries (COFI): 26th Session

FAO: Ministerial Meeting on Fisheries

FAO: Fourth Meeting of Regional Fishery Bodies

These three meetings took place consecutively between 7-15 March in Rome, Italy. The 26th Session of the Committee on Fisheries considered an extensive range of matters concerning FAO's work programme in fisheries, including: progress in the implementation of the Code of Conduct for Responsible Fisheries, the related International Plans of Action and the Strategy for Improving Information on Status and Trends of Capture Fisheries; 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; a review of the decisions and recommendations of its subsidiary bodies (the Sub-Committee on Fish Trade, including recent developments with regard to eco-labelling and CITES; and the Sub-Committee on Aquaculture); supporting small-scale fisheries, through an enabling environment; deep sea fisheries; sea turtle conservation and fisheries; and marine protected areas and fisheries. The meeting concluded with a review of the overall work programme for fisheries and planned activities over the period 2006-2011. The COFI meeting was followed by the Ministerial Meeting on Fisheries and the Meeting of Regional Fisheries Bodies. Among the major outcomes of these three meetings were the adoption of a **Ministerial Declaration on Fisheries and the Tsunami** and the adoption of international guidelines on eco-labelling.

y Current Developments (2005) IFLPR 2(2)

y The 26th Session of the FAO Committee on Fisheries (2005) IFLPR 2(2)

First Substantive Meeting of the High Seas Task Force

The first substantive (ministerial) meeting of the Ministerial Task Force in IUU Fishing on the High Seas took place in Paris, France on 9 March. Task Force members discussed how to advance, and adopted recommendations for action and further work in, six priority areas: sharing intelligence and better coordination of monitoring, control, and surveillance (MCS); developing a global register of high seas fishing vessels; preparing guidelines on the performance of flag States regarding their high seas fishing vessels; strengthening in-port measures and control over nationals; analyzing trade-related measures; and RFMO-based initiatives and governance issues.

y Current Developments (2005) IFLPR 2(2)

y The High Seas Task Force (2005) IFLPR 2(2)

17th Annual Consultation between the Pacific Islands Parties and the United States

The 17th Annual Consultation between the 16 Pacific Island parties and the United States, pursuant to the **Treaty on Fisheries Between the Governments of Certain Pacific Island States and the United States**, took place from 21-23 March in Nuku'alofa, Tonga. *Inter alia*, the parties discussed access arrangements, fishing activity, economic viability and the reporting record of the US fishing fleet in the Pacific Island parties exclusive economic zones.

y Current Developments (2005) IFLPR 2(2)

IOSEA Marine Turtle MOU: Third Meeting of the Signatory States

The third meeting of the Signatory States to the **Memorandum of Understanding on the Conservation and Management of Marine Turtles and Their Habitats of the Indian Ocean and South-East Asia** took place from 29-31 March in Bangkok, Thailand. Among the matters on the agenda were: updates on completed, ongoing or planned *regional or sub-regional level* project activities; review of implementation of the Conservation and Management Plan, and the identification of corresponding priorities for strategic intervention and related resource needs; a number of general issues relating to the MOU, including consideration of a draft proposal for the creation of a network of sites of importance for marine turtles and preparations for the 2006 Year of the Turtle Campaign; special considerations related to the impacts of Indian Ocean tsunami; and a review of the work of the Advisory Committee.

Forthcoming international meetings

<p>OECD: 95th Session of the Committee on Fisheries 4-6 April, Paris, France</p> <p>Pacific Islands Coastal and Community Fisheries Legislation and Management Workshop 4-8 April, Nadi, Fiji</p> <p>NEAFC: Extraordinary Meeting of the Permanent Committee on Control and Enforcement (PECCOE) 5-7 April, London, United Kingdom</p> <p>Black Sea Commission: Extraordinary Meeting 11-12 April, Istanbul, Turkey</p> <p>Commission on Sustainable Development (CSD): 13th Session 11-22 April, New York, United States</p> <p>ASCOBANS: 12th Meeting of the Advisory Committee 13-14 April, Brest, France</p> <p>FAO/ICES Working Group on Fishing Technology and Fish Behaviour 16 April, Rome, Italy</p> <p>South West Indian Ocean Fisheries Commission (SWIOFC): 1st Session 18-20 April, Mombassa, Kenya</p> <p>NPAFC: Research Planning and Coordinating Meeting 21-22 April, Nanaimo, Canada</p> <p>ICCAT: 3rd Meeting of the Working Group to Develop Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies 20-23 April, Fukuoka, Japan</p> <p>FAO: Expert Consultation on Fish Utilization in Latin America and the Caribbean Date to be confirmed, Argentina</p> <p>Stockholm Convention on Persistent Organic Pollutants (POPs): First Meeting of the Conference of the Parties 2-6 May, Punta del Este, Uruguay</p> <p>Commission on Sustainable Development (CSD): 13th Session 2-13 May, New York, United States</p> <p>Regional Commission for Fisheries (RECOFI): 3rd Session 9-11 May, Doha, Qatar</p> <p>NPAFC: Enforcement and Evaluation and Coordination Meeting 18-19 May, Vladivostok, Russia</p> <p>CITES: 21st Meeting of the Animals Committee 20-25 May, Geneva, Switzerland</p> <p>Indian Ocean Tuna Commission (IOTC): 9th Session 30 May-3 June, Victoria, Seychelles</p>	<p>International Whaling Commission (IWC): 57th Annual Meeting 30 May-10 June, Ulsan, Republic of Korea</p> <p>24th Annual Meeting of the Parties to the Nauru Agreement; 10th Annual Meeting of the Parties to the Palau Arrangement; 10th Annual Meeting of the Parties to the FSM Arrangement 31 May – 4 June, Majuro, Marshall Islands</p> <p>FAO: Working Party on Small Scale Fisheries date to be confirmed, Rome, Italy</p> <p>Forum Fisheries Committee: 59th Annual Session 6-10 June, Majuro, Marshall Islands</p> <p>North Atlantic Salmon Conservation Organization (NASCO): 22nd Annual Meeting 6-10 June, Vichy, France</p> <p>United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea 6-10 June, New York, United States</p> <p>FAO: Regional Workshop on Low-Value and ‘Trash Fish’ in the Asia-Pacific Region 7-9 June, Halong Bay, Vietnam</p> <p>IDCP: 13th Meeting of the Parties to AIDCP, 39th Meeting of the International Review Panel (and other meetings) 13-15 June, Lanzarote, Spain (Canary Islands)</p> <p>Convention on Biological Diversity (CBD): Ad Hoc Open-Ended Working Group on Protected Areas 13-17 June, Montecatini, Italy</p> <p>15th Meeting of States Parties to the United Nations Convention on the Law of the Sea 16-24 June, New York, United States</p> <p>Inter-American Tropical Tuna Commission (IATTC): 73rd Commission Meeting (and other meetings) 20-24 June, Lanzarote, Spain (Canary Islands)</p> <p>Second Consultative Workshop on Strategic Partnership for a Sustainable Fisheries Investment Fund for Sub-Saharan Africa 22-24 June, Dar-es-Salaam, Tanzania</p> <p>ICCAT: Meeting of the Key Contacts of the WG to Consider the Development of a Compendium of Management Recommendations and Resolutions 27-28 June, Madrid, Spain</p> <p>OSPAR: Meeting of the Commission 27 June-1 July, Ireland</p> <p>CITES: 53rd Meeting of the Standing Committee 27 June-1 July, Geneva, Switzerland</p> <p>For a full list of future international meetings, see www.intfish.net/announcements/calendar.htm.</p>
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