

This report details new information added to the IGIFL reporting tools during April 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 2005/4/1]

Current materials

www.intfish.net/docs/current.htm

IOSEA-MOU - Resolution 3.1 - Urging the Indian Ocean Tuna Commission (IOTC) and its member States to address marine turtle by-catch issues within the IOSEA Region

IOSEA-MOU - Resolution 3.2 - Policies for fisheries and coastal development activities in the Indian Ocean and South-East Asia in the aftermath of the tsunami of 26 December 2004

The Third Meeting of the Signatory States to the **Indian Ocean – South East Asian Marine Turtle Memorandum of Understanding** took place in Bangkok, Thailand in March/April 2005. The Meeting adopted two resolutions aimed at raising the profile of turtle conservation issues in the Indian Ocean. Resolution 3.1 urges the Indian Ocean Tuna Commission (IOTC) and its member States to address marine turtle by-catch issues within the IOSEA region. Resolution 3.2 urges States and organizations involved in reconstruction and rehabilitation activities in the aftermath of the December 2004 tsunami to be guided by sound principles of sustainable fisheries and integrated coastal zone management, and to take into account impacts on marine turtles.

- ▶ Current Developments (2005) IFLPR 2(2)

SWIOFC - Rules of Procedure of the Commission

The draft Rules of Procedure for the **South West Indian Ocean Fisheries Commission (SWIOFC)** have been drawn up. They are subject to adoption at the first session of the Commission (18-20 April 2005) and approval by the FAO Director-General. The Rules cover, *inter alia*: officers of the Commission; organization and conduct of meetings (Sessions), including voting procedures and the participation of observers; reports; expenses; and the establishment of the Scientific Committee and other subsidiary bodies.

- ▶ Current Developments (2005) IFLPR 2(3)

Panama - Resolution concerning marine turtle excluder devices

Resolution N° 251 of 15 September 2004 concerning marine turtle excluder devices amends Panamanian fisheries legislation to introduce a requirement that all fishing vessels using trawls in Panamanian waters use a turtle excluder device when fishing. [Text in Spanish]

FAO - Report of the Technical Consultation on Sea Turtles Conservation and Fisheries

The report of the Technical Consultation on Sea Turtles Conservation and Fisheries, held in Bangkok, Thailand in November/December 2004, is now available. The Consultation addressed the major issues concerning sea turtle conservation and fisheries with special emphasis on: (i) current status of sea turtle conservation and factors affecting the mortality of sea turtles; (ii) fishing gears and techniques to reduce sea turtle mortality; (iii) development of guidelines to reduce sea turtle mortality; (iv) assistance to members from developing countries for the conservation of sea turtles and (v) future directions for global work on sea turtle conservation and fisheries. The Technical Consultation agreed on recommendations for FAO, including draft **Guidelines to Reduce Sea Turtle Mortality in Fishing Operations**.

- ▶ Current Developments (2004) IFLPR 1(4)
- ▶ Current Materials (Dec 2004)

FAO - Report of the Workshop of The Role of Regional Fishery Bodies and the CWP in Implementation of the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries

The FAO/CWP workshop on the role of Regional Fishery Bodies and the CWP in Implementation of the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries (Strategy-STF) was hosted by ICES in February/March 2005 in Copenhagen, Denmark. The objective of the workshop was to identify the roles that RFBs and CWP could play in the implementation of the Strategy-STF. Participants representing RFBs and FAO discussed areas of common interest with the Strategy-STF, possible partnership activities, implementation arrangement for partnership activities and the needs for capacity building in RFBs. The Workshop made a number of recommendations with regard to future partnership activities.

Report of the First Consultative Workshop of the Strategic Partnership for a Sustainable Fisheries Investment Fund in the Large Marine Ecosystems (LMEs) of Sub-Saharan Africa

The First Consultative Workshop of the Strategic Partnership for a Sustainable Fisheries Investment Fund in the Large Marine Ecosystems (LMEs) of Sub-Saharan Africa was convened by FAO, World Bank and WWF,



in Dakar, Senegal in January 2005. The meeting agreed that strengthened sector governance was required in order to achieve WSSD targets for fisheries sustainability and poverty reduction and endorsed the Strategic Partnership as a useful funding mechanism to help generate additional assistance. The meeting attained broad agreement on the goals and objectives of the Strategic Partnership and its operating principles, as well as on the project eligibility criteria and the types of projects to be supported by the Investment Fund. It also agreed on the main components of its governance structure including a regional advisory committee (RAC) and a small secretariat that should be funded separately.

FAO - Report of the Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Caribbean Subregion

This FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Caribbean Subregion took place in Port of Spain, Trinidad and Tobago, in November 2004. The purpose of the Workshop was to assist countries in the subregion to develop capacity to elaborate national plans of action on IUU fishing (NPOAs-IUU). The Workshop addressed issues relating to the FAO **Code of Conduct for Responsible Fisheries**, the 2001 **IPOA-IUU** and Technical Guidelines No. 9; concepts of planning and the elaboration of action plans; a case study for the development of a NPOA-IUU in a small island developing State; decision-making about IUU fishing and skills enhancement through the identification of key issues relating to the elaboration of NPOAs-IUU.

NEAFC - Report of the PECCOE Extraordinary Meeting

Report of the Extraordinary Meeting of the **NEAFC** Permanent Committee on Control and Enforcement (PECCOE), which took place on 11 April in Reykjavík, Iceland. The meeting considered a Norwegian proposal for a NEAFC Scheme on Port State Control; vessel lists under the NEAFC **Non-Contracting Party Scheme**; articulation of the work of the “Advisory Group for Data Communications”; conversion factors; and lost and abandoned gear in the Convention Area.

- ▶ Current Developments (2005) IFLPR 2(3)

Report of the Fourth Intergovernmental Consultation on the Establishment of a Southwest Indian Ocean Fisheries Commission

The Fourth Intergovernmental Consultation on the Establishment of a **Southwest Indian Ocean Fisheries Commission** took place in Mahé, Seychelles, in July 2004. The Consultation made final editorial revisions to drafts developed at the previous Consultation, and then adopted a draft Resolution and Statutes for the establishment of the South West Indian Ocean Fisheries Commission for submission to the FAO Council. The Consultation also carried out a first reading and discussion of a draft text of an instrument for the high seas and agreed to prepare a negotiating text for the next Intergovernmental Consultation (to be organized outside the FAO framework). As an interim measure, until the establishment of a high seas instrument, a Resolution concerning the collection and handling of information and data was adopted.

- ▶ Current Developments (2004) IFLPR 1(3)

Report of the Secretary-General on Oceans and the Law of the Sea (A/60/63)

This is the now regular UN Secretary-General Report on Oceans and the Law of the Sea (prepared in response to the request in General Assembly Resolution 59/24). The report covers developments and issues relating to oceans and the law of the sea, including a review of the status of the LOS Convention and implementing Agreements and declarations and statements made by States under articles 287, 298 and 310 of the Convention. As regards fisheries, the report focuses on the priorities identified for discussion at the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea and addresses: the role of fisheries in sustainable development; legal and policy frameworks enhancing the contribution of fisheries to sustainable development; factors limiting the contribution of fisheries to sustainable development; and capacity-building activities of international organizations promoting sustainable fisheries. The report also includes a section on the Indian Ocean tsunami disaster.

International and national case law reports

www.intfish.net/cases/current.htm

European Commission v Greece (Re Satellite Navigation for Fishing Vessels)

- *European Court of Justice, 14 April 2005*

Proceedings brought by the European Commission against Greece for failing to ensure that fishing vessels flying its flag were equipped with satellite position monitoring devices, as required under Article 3 of Council Regulation No 2847/93, as amended by Regulation No 686/97. The Court held that Greece had failed in implementing these obligations, which were required to be implemented by 1 January 2000.

- ▶ Case Summaries (2005) IFLPR 2(3)



Gladstone v Attorney-General of Canada

- *Supreme Court of Canada, 21 April 2005*

In 1988, the Department of Fisheries and Oceans lawfully seized and sold herring spawn on kelp which the respondents had harvested allegedly in violation of Canadian legislation. The Crown held the proceeds until the outcome of litigation, which was not resolved until 1996, when the Crown stayed proceedings against the accused (the respondents in the appeal) and paid the net proceeds to the accused/respondents. The respondents claimed that the Crown should also pay interest or some other sum on the proceedings. The claim was dismissed at first instance but allowed on appeal. The Supreme Court allowed the appeal by the Attorney-General, stating that the Crown did not owe any additional amount. In particular, the Fisheries Act constituted a complete code dealing with the disposition and return of seized property and the Act imposed no obligation on the Crown to pay any other amount to that which was expressly provided for in the Act.

- ▶ Case Summaries (2005) IFLPR 2(3)

Meetings and activities of international organizations

www.intfish.net/orgs

NEAFC: Extraordinary Meeting of the Permanent Committee on Control and Enforcement (PECCOE)

An Extraordinary Meeting of the NEAFC Permanent Committee on Control and Enforcement (PECCOE) took place on 11 April in Reykjavík, Iceland. The meeting considered a Norwegian proposal for a NEAFC Scheme on Port State Control but, although agreeing that progress on a Scheme was desirable, considered that consensus on some general questions was necessary before proceeding to consider a detailed text. The meeting also considered vessel lists under its **Non-Contracting Party Scheme** and adopted a recommendation establishing a B-list (recommending also that the NEAFC Commission took a postal vote on it). Other matters on the agenda included: articulation of the work of the "Advisory Group for Data Communications"; conversion factors; and lost and abandoned gear in the Convention Area.

- ▶ Current Developments (2005) IFLPR 2(3)

ASCOBANS: 12th Meeting of the Advisory Committee

The 12th Meeting of the ASCOBANS Advisory Committee took place in Brest, France, in April 2005. The Meeting, attended by delegates of all Parties to the Agreement and observers from several non-Party Range States as well as a large number of intergovernmental organizations and non-governmental organizations, considered: the implementation of the **Jastarnia Plan**, the elaboration of a recovery plan for harbour porpoises in the North Sea and priorities for the Agreement in its new extended area. Conservation measures for the bottlenose dolphin (*Tursiops truncatus*) were also considered.

South West Indian Ocean Fisheries Commission (SWIOFC): 1st Session

The first session of the **South West Indian Ocean Fisheries Commission** took place in Mombassa, Kenya in April 2005. The meeting reviewed, and adopted, the **Rules of Procedure** for the Commission, and considered a number of general issues concerning fisheries management in the region (including relevant outcomes from COFI 26 and collaboration with other regional organizations and programmes). The meeting also considered the establishment of a scientific committee and the future programme of work for the Commission.

- ▶ Current Developments (2005) IFLPR 2(3)

ICCAT: 3rd Meeting of the Working Group to Develop Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies

The 3rd Meeting of the ICCAT Working Group to Develop Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies took place in Fukuoka, Japan. The meeting reviewed available information on stock structure and mixing, bluefin tuna biology and historical fisheries data in order to develop alternative options for managing Atlantic bluefin tuna.



Forthcoming international meetings

<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>FAO: Expert Consultation on Fish Safety in the Fish Industry date to be confirmed, Rome, Italy</p> <p>IMO: 53rd Session of the Marine Environment Protection Committee 18-22 July, London, United Kingdom</p> <p>FAO: Expert Consultation on Fisheries Access, Regulating and Sustainability of Small-scale Fisheries in Latin America 18-27 July, Lima, Peru</p> <p>For a full list of future international meetings, see www.intfish.net/announcements/calendar.htm.</p>
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