

Report of the twenty-fourth session of the

COMMITTEE ON FISHERIES

Rome, 26 February – 2 March 2001



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PREPARATION OF THIS DOCUMENT

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ABSTRACT

The Twenty-fourth Session of the Committee on Fisheries was held in Rome, Italy, from 26 February to 2 March 2001. The Committee agreed to establish a Sub-Committee on Aquaculture and adopted the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). FAO was commended for its continuous efforts in promoting the implementation of the Code of Conduct for Responsible Fisheries and related IPOAs. The Committee agreed that future reporting on the application of the Code and related IPOAs be based on in-depth analysis of problems associated with its efficient implementation, using case studies and ensuring regional coverage.

The Committee recommended further studies on subsidies, and a technical consultation to consider how fishery status and trends reporting could be improved effectively, including the possible development of an IPOA on Status and Trends Reporting on Fisheries. The Committee agreed on a process regarding FAO input to CITES on its Listing Criteria; recommended the organization of a technical consultation on the subject; and suggested that in the event agreement could not be achieved, the report of the technical consultation of June 2000 be sent to CITES Secretariat as the formal FAO input to CITES review process. The Committee appreciated the valuable contribution of the FAO/DANIDA Project on Fish Quality Assurance to capacity building in developing countries, commended the quality of work of the Sub-Committee on Fish Trade; and welcomed the Medium-Term Plan for Fisheries and identified the expected results of the Programme. The Committee identified priority areas of work for the Fisheries Department during the biennium 2002-2003, and the areas of work for its Sub-Committee on Fish Trade.

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BLURB

The Twenty-fourth Session of the Committee on Fisheries (COFI) was held in Rome, Italy, from 26 February to 2 March 2001. The Committee agreed to establish a Sub-Committee on Aquaculture and adopted the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. It agreed that future reporting on the implementation of the Code of Conduct and related IPOAs should be based on in-depth analysis of problems associated with their efficient implementation, using case studies. COFI welcomed the Medium-Term Plan for Fisheries, identified the expected results of the Programme Committee priority areas of work for the Fisheries Department during the biennium 2002-2003, and areas for future work by its Sub-Committee on Fish Trade.

MATTERS REQUIRING THE ATTENTION OF THE COUNCIL

FOR APPROVAL/ENDORSEMENT

The Committee:

Proposed COFI Sub-Committee on Aquaculture

- i) **Agreed** to establish the Sub-Committee on Aquaculture with its terms of reference as recommended by the Expert Consultation on the Proposed COFI Sub-Committee on Aquaculture, Bangkok, Thailand, 28-29 February 2000. (paras. 59, 62)

Illegal, Unreported and Unregulated (IUU) Fishing

- i) **Adopted** by consensus the IPOA-IUU Fishing as contained in Appendix D of document COFI/2001/7 Add., as amended by the results of the informal, open-ended “Friends of the Chair” meetings and with an amendment inserted in Plenary, whilst noting reservations made by a number of countries including, Antigua and Barbuda, Canada and Japan. (paras. 99,102, 105 and 108)

FOR DECISION/INFORMATION

Achievements of Major Programme 2.3 Fisheries 1998-1999

- i) **Noted** with concern the stagnation in funding for fisheries whilst there had been a substantial growth in the work and responsibilities of FAO. (para. 12)
- ii) **Requested** FAO to consider the feasibility of increasing budgetary allocation to the Fisheries Programme from its Regular Programme resources. (para.12)
- iii) **Also noted** a call from many of its Members, especially developing countries, for increased technical and financial support in the implementation of the Code of Conduct for Responsible Fisheries and the concern of small island developing States (SIDs) that the special programme for SIDs had not materialized due to lack of funding. (para. 15)
- iv) **Noted further** a call from countries from the Latin American and the Caribbean region to receive more equitable consideration in both the regular and field programmes and from other developing countries for increased support from FAO. (para. 16)

Progress Report on the Code of Conduct for Responsible Fisheries and Related International Plans of Action

- i) **Recognized** the role the Code of Conduct played in promoting sustainable fisheries and aquaculture, and linkage between improved conservation and management and utilization within the fisheries sector as critical in supporting national policies for enhancing food securities and social and economic opportunities. (para. 21)
- ii) **Noted** that the implementation of the post-harvest provisions of the Code of Conduct had been relatively slow by FAO and Member countries and that FAO could play an important role in facilitating international dialogue to examine mechanisms and verification that would contribute to enhancing responsible post-harvest practices. (para. 23)

- iii) **Urged FAO**, in the course of promoting aquaculture, not to overlook those countries that historically did not practice aquaculture but which had suitable condition for its development. (para. 28)
- iv) **Highlighted** the continued need for awareness-building about the Code of Conduct. (para. 29)
- v) **Recognized** the important role of regional fisheries management organizations in the effective implementation of the Code. (para. 30)
- vi) **Acknowledged** the usefulness of the FAO prepared guidelines to facilitate the implementation of the Code and the elaboration of such guidelines in support of the implementation of the Code at the national and regional levels. (para. 31)
- vii) **Agreed** that more in-depth analysis of problems associated with the efficient implementation of the Code be carried out in future reporting on the application of the Code and the related IPOAs. (para. 37)
- viii) **Welcomed** the opportunity offered by the Reykjavik Conference to address matters related to ecosystem-based fisheries management. (para.38)
- ix) **Also agreed** that, in conducting studies on the relationship between marine mammals and fisheries requested by its Members, FAO should take into account the impact of predator/prey relationship on fisheries as a number of environmental and human factors also contributed to the status of particular fisheries. (para. 39)

Decisions and recommendations on the Seventh Session of the COFI Sub-Committee on Fish Trade, Bremen, Germany, 22-25 March 2000

- i) **Expressed** satisfaction with the quality of the work of the Sub-Committee and the importance role played by FAO in the field of fish marketing development through information and provision of technical advice. (para. 42)
- ii) **Acknowledged** with appreciation the fruitful cooperation of the COFI Sub-Committee on Fish Trade and the Common Fund for Commodities (CFC). (para. 42)
- iii) **Endorsed** the report of the Seventh Session of the COFI Sub-Committee on Fish Trade. (Para. 43)
- iv) **Noted** the serious concern of the Latin American and Caribbean countries regarding restrictions on trade and use of fishmeal for animal feed on the grounds of alleged link to Bovine Spongiform Encephalopathy (BSE) and their request for FAO to closely monitor scientific development on the subject and the safety of fishmeal in animal feeding and to report back regularly to Member countries (para. 44)
- v) **Agreed** that the above issues be discussed at the Eight Session of the Sub-Committee. (para. 44)
- vi) **Expressed** appreciation for the valuable contribution of the recently terminated FAO/DANIDA Project on Fish Quality Assurance to capacity building and improvement in seafood safety in developing countries. (para. 47)
- vii) **Stressed** the need for further training and assistance in fish quality assurance, seafood safety measures, risk analysis and the application of the relevant WTO agreements. (para. 47)

- viii) **Requested** FAO and WHO to assist developing exporting countries in finding low cost solutions in the monitoring of environmental pollution on fish safety. (para. 49)
- ix) **Agreed** that the Secretariat continue to monitor developments on issues of relevance to eco-labelling and inform Members through relevant technical publications, in order to develop criteria to guide Member countries. (para. 50)
- x) **Agreed** that the agenda for the Eighth Session of the Sub-Committee include an item on the feasibility and practicality of harmonizing catch certification used by some regional fishery management bodies. (para. 51)
- xi) **Requested** that FAO's policy on the use of the official languages of FAO be applied at the Sub-Committee level as is the case with its parent body. (para.52)

Proposed COFI Sub-Committee on Aquaculture

- i) **Noted** issues of common global concern on aquaculture development, e.g. environmental and economic implications, consumer and food safety aspects, interactions between aquaculture and capture fisheries, the role of culture-based fisheries, sea ranching, general institutional and development needs for sustainable aquaculture management. (para. 55)
- ii) **Agreed** that the terms of reference of the Sub-Committee be kept flexible and be revised as the aquaculture sector developed to ensure coverage of the needs of all Members. (para. 59)
- iii) **Gratefully acknowledged** the offers from China, Italy, Norway and the United States of America to facilitate the convening of the Sub-Committee sessions in order to help reducing the financial burden on FAO's Regular Programme budget. (paras. 58, 62)
- iv) **Noted** the request of the Observer from the Russian Federation that FAO consider the feasibility of his country becoming a member of the Sub-Committee. (para. 60)

CITES Criteria for Commercially-exploited Aquatic Species

- i) **Agreed** that the existing criteria of CITES concerning the listing and de-listing of species be based on the best possible scientific evidence and on an effective scientific evaluation process and that FAO consider establishing a process to consider the problems and potential solutions in relation to listing fishery resources under Article II. (para.68)
- ii) **Also agreed** that in the FAO process, a technical consultation be convened before November 2001 and its proposal be considered and endorsed, as appropriate, at the session of the Sub-Committee on Fish Trade and that, if the agreement could not be reached, the June 2000 report of the technical consultation be sent to the CITES Secretariat as the formal FAO input to CITES review process. (paras. 70,71)
- iii) **Agree further** that the next session of the Sub-Committee on Fish Trade follow up the matter under its new Agenda item entitled "Developing a work plan for exploring CITES issues with respect to international fish trade". (para. 68)

Proposal for Improved Global Reporting on the Status and Trends of Fisheries

- i) **Recognized** that status and trend studies were fundamental to the FAO mandate and that quality data were often wanting, especially in the multi-species and small-scale fisheries, which prevailed in many developing countries. (paras. 75,76)

- ii) **Stressed** the importance of national capacity-building, especially in developing countries, in fishery statistics through Regular Programme activities and the direct assistance of FAO. (para. 77)
- iii) **Recommended** that FAO convene a technical consultation to ascertain ways and means of improving fishery status and trends reporting, including the possible development of IPOA, and that the proposals of the consultation be presented at the Twenty-fifth Session of COFI. (para. 81)

Conclusions and Recommendations of the Expert Consultation on Economic Incentives and Responsible Fisheries

- i) **Agreed** to request FAO to convene a second expert consultation, recognizing that further work remained to be done, to be followed by a Government technical consultation to facilitate the timely dissemination of information to the Members and other intergovernmental organizations. (paras. 86, 89)

Illegal, Unreported and Unregulated (IUU) Fishing

- i) **Acknowledged** the important role that FAO should play in promoting the implementation of the IPOA-IUU, particularly in the provision of technical assistance to developing countries. (para 96)
- i) **Recommended** that the IPOA-IUU fishing and the progress achieved in implementing it be considered at the Twenty-fifth Session of COFI. (para. 111)

Medium-Term Plan 2002-2007

- i) **Commended** that MTP for Fisheries provided a good summary of the activities to be undertaken in relation to the strategic objective of FAO. (para. 112)
- ii) **Recommended** that the Plan ensure a correct balance among regions, among programme activities, and between normative and operational work and that the use of various instruments such as guidelines and plans of action be assessed and harmonized to ensure that the most appropriate tool was used in future initiatives. (para 113)
- ii) **Recommended** further that more resources be set aside for a number of priority areas aimed at improving global fisheries management, i.e. management of small-scale fisheries; eco-system approaches to fisheries management; trade aspects including fish quality and safety; gear selectivity and waste reduction; resources assessment and monitoring; fish disease control and health management; harvest and post-harvest on under-exploited resources such as mesopelagic stocks; and special requirements of SIDs). (para. 115)
- iv) **Recognized** the possible contribution to effective fishery resources management through closer collaboration between FAO and regional fishery bodies. (para. 117)

Any other matters

- i) **Noted** additional fisheries issues raised by some Members, namely, the planned Conference on Management and Sustainable Development of Fisheries in the Antarctic; a conference on mid- and deep-water fishery resources and management; the deterioration of coral reef resources; and the problems of sea turtle mortality due to accidental catch

and others, including land-based and human activities may have implications on the future programme of work and budget for fisheries. (paras.119, 120, 122.124)

INTRODUCTION

1. The Committee on Fisheries held its Twenty-fourth Session in Rome from 26 February to 2 March 2001.
2. The Session was attended by 105 Members of the Committee, by observers from four other FAO Member Nations, the Holy See, and one non-Member Nation of FAO, by representatives from seven specialized agencies of the United Nations and by observers from 45 intergovernmental and international non-governmental organizations. A list of delegates and observers is attached at Appendix B.
3. In the absence of Mr Mike Akyeampong (Ghana), the outgoing Chairperson of the Committee and Mr Minoru Morimoto (Japan), First Vice-Chairperson, the Session was called to order by the Secretary of the Committee on Fisheries. The delegation of Ghana read a letter on behalf of Mr Akyeampong, expressing his regret at being unable to attend the Session and conveying his best wishes for the successful conclusion of the Committee's work.

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS AND DESIGNATION OF THE DRAFTING COMMITTEE

4. Mr Masayuki Komatsu (Japan) was unanimously elected Chairperson of the Committee and Ms Mara Angelica Murillo Correa (Mexico) was elected First Vice-Chairperson. Australia, Canada, Malta, Libya, and Tanzania were elected as other Vice-Chairpersons.
5. The Committee elected Mr Ashraf Sabit (Egypt) as Chairperson of the Drafting Committee with the following membership: Argentina, Canada, Eritrea, Iceland, India, Japan, Kuwait, Morocco, New Zealand, Philippines, Sweden, United States of America and Uruguay.

OPENING OF THE SESSION

6. The Session was addressed by Mr David A. Harcharik, FAO Deputy Director-General. The full text of his statement is attached as Appendix D.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

7. The Committee noted the Declaration of Competence and Voting Rights presented by the European Community.
8. Some Members expressed concern about the absence of specific agenda proposals for the Programme of Work and Budget 2002-2003.
9. In response to the concern expressed, the Secretariat informed the Committee that the new planning framework approved by the Conference did not provide for the presentation of full budgetary data for 2002-2003 to the technical Committees. Several Members felt that the consequent lack of information diminished the capacity of the Committee to advise on programme priorities and further that the new planning framework did not prohibit a discussion of the Programme of Work.

10. The Committee adopted the Agenda and Timetable for the Session. The Agenda is given in Appendix A to this Report. The documents which were placed before the Committee are shown in Appendix C.

ACHIEVEMENTS OF MAJOR PROGRAMME 2.3 FISHERIES 1998-1999

11. The Secretariat highlighted the achievements of Major Programme 2.3 Fisheries during the biennium 1998-1999 on the basis of documents COFI/2001/2, COFI/2001/Inf.4, 5 and 6. These achievements included the Fisheries Department contribution to the formulation of a Strategic Framework for 2001-2015 adopted by the FAO Conference and progress attained in the work of the four Fisheries Programmes, which had contributed towards global sustainable fisheries management and development. The Committee was informed about the availability of detailed supplementary information which is contained in the Programme Implementation Report 1998-1999 on FAO's web site.

12. Whilst commending FAO for the progress achieved in the implementation of the work under the Major Programme: Fisheries, the Committee noted with concern the stagnation in funding for fisheries whilst there had been a substantial growth in the areas of work and responsibilities for the Organization. It requested that the Organization consider the feasibility of increasing budgetary allocation to this important Major Programme from FAO Regular Programme resources.

13. Several Members sought a more detailed and strategic evaluation and analytical approach to the assessment of outcomes and impacts of FAO's work in fisheries. The Secretariat advised the Committee that this approach was part of the new evaluation regime and further that the Programme Committee required that evaluation reports dealing with the work of the Fisheries Programme be drawn to the attention of the Committee. The Secretariat also advised the Committee that information on the distribution of the resources in support of the Organization's fisheries programmes by region could be found in Annex I to the FAO Programme of Work and Budget which was available on the FAO web site.

14. Some Members expressed concern about a large number of unscheduled meetings that they had not been able to attend because of the lack of timely information on the meetings and also budgetary constraints.

15. Many Members, especially developing countries, called for increased technical and financial assistance in support of the implementation of the Code of Conduct for Responsible Fisheries. Several small island developing States (SIDS) expressed their concern that the special programme for SIDS had not materialized due to the lack of funding.

16. A call was made by Members from Latin America and the Caribbean region to receive more equitable consideration in both the regular and field programmes. The call for increased support from FAO was also made by other developing countries.

17. Several Members commended the valuable work of the recently terminated DANIDA-funded training programme on fish technology and fish quality assurance and expressed their hope that renewed funding could be identified for the continuation of the work under this programme.

18. The Committee noted with appreciation that FAO had strengthened its collaboration with the International Labour Organization (ILO) and other relevant agencies in the UN system to increase the safety of fishers working at sea.

19. Some Members urged FAO to review and analyse the global status regarding tuna stocks and tuna fisheries, in particular large-scale purse seine and long-line fisheries without duplicating the work of the regional fisheries organizations.

PROGRESS REPORT ON THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND RELATED INTERNATIONAL PLANS OF ACTION

20. The Secretariat introduced document COFI/2001/3 outlining the activities undertaken by FAO to support the implementation of the Code of Conduct for Responsible Fisheries and the International Plans of Action (IPOAs). The introduction also addressed the activities and applications undertaken at the national level, the initiatives by regional fisheries management organizations, and actions by international non-governmental organizations (NGOs). In the introduction the Secretariat noted that progress was being made in the implementation of the Code of Conduct but on the information available to FAO it was difficult to draw firm conclusions as to how successful countries had been in implementing the Code of Conduct. In discussion of the item Members were encouraged to highlight difficulties they were encountering in implementing the Code of Conduct and the IPOAs.

21. The Committee acknowledged the role played by the Code of Conduct in promoting sustainable fisheries and aquaculture. The linkage between improved conservation and management and utilization within the fisheries sector was also recognized as critical in supporting national policies directed towards enhanced food security and the creation and maintenance of social and economic opportunities.

22. Many Members described their experiences in implementing the Code of Conduct and the IPOAs and indicated that it would be highly beneficial if information about these experiences were shared, especially for countries that had not yet started to implement the IPOAs. Members stressed the importance of the involvement of stakeholders in the implementation process and that industry, in particular, could play a leading and prominent role. In small-scale fisheries, a broad-based participatory approach involving fishing communities was indispensable in achieving sustainable outcomes in fisheries and aquaculture.

23. The Committee noted that the implementation of the post-harvest provisions of the Code of Conduct had been relatively slow by FAO and Member countries. It further noted that FAO could play an important role in facilitating international dialogue to examine mechanisms such as information exchange and verification that would contribute to enhancing responsible post-harvest practices.

24. Many Members stated that the provisions of the Code of Conduct formed the basis for policy development and the revision of national fisheries legislation. In most cases this action was in recognition of the importance of responsible fisheries and aquaculture to sustainable development. Some Members expressed their desire to use such policy initiatives to promote a culture of responsible fisheries.

25. With regard to the implementation of the IPOA-Capacity, general appreciation was expressed of the actions of those Members who effectively implemented the IPOA-Capacity.

26. Other Members reported on the methodological challenges and lessons learned in carrying out an assessment of their fishing capacity.

27. The Committee noted that one Member, in cooperation with others, promoted responsible tuna fisheries through the purchase and scrapping of large-scale “flag-of-convenience” tuna longline vessels in the world in accordance with the requirement stipulated in the IPOA.

28. The Committee noted the growing importance of aquaculture development in many countries. Some Members indicated that aquaculture production was assuming a role of increasing importance and that its development should be pursued within a responsible framework. In promoting aquaculture, FAO was urged not to overlook those countries that historically did not practice aquaculture but which had suitable conditions for its development.

29. FAO was commended for the manner in which it was continuing to promote the implementation of the Code of Conduct and to disseminate information about it. However, some Members noted the need to reach all fishing communities in a more effective manner. In this connection, Members highlighted the continued need for awareness-building about the Code, including regional and national workshops, as appropriate, and the preparation of promotional materials. Some countries mentioned the awareness raising role played by NGOs and other groups in fostering an understanding of the Code in fishing communities.

30. Several Members indicated the important role of regional fisheries management organizations in the effective implementation of the Code of Conduct. In this context some Members strongly requested the extension of certain regional projects such as COPEMED and the Dr Fridtjof Nansen programme that had contributed effectively to the application of the Code of Conduct for Responsible Fisheries in the Mediterranean and Northwest and South-West African regions.

31. Members commented that the guidelines prepared by FAO in support of the application of the Code of Conduct were important aids in facilitating its implementation. The Committee took note that regional and national guidelines in support of implementation had also been elaborated. Some developing Member countries drew attention to the need to ensure that the FAO guidelines addressed developing country issues since these countries were intended as the primary recipients of such guidelines.

32. The Committee recognized that institutional strengthening and capacity-building in developing countries was of high priority if the Code of Conduct and the IPOAs were to be implemented effectively and in a timely manner. The Committee noted the offer of some Members to share experience in the implementation of the Code and its related IPOAs with other Members. It also noted the special needs of small island developing States (SIDS) in their efforts to meet their responsibilities with respect to implementation.

33. Some Members referred to the World Bank's initiative in fisheries, including the Forum for Sustainable Fisheries (FSF), which in cooperation with FAO could provide a mechanism to assist developing countries in strengthening their capacity in responsible fisheries management and called upon Members to encourage the World Bank to continue its collaboration with FAO on this important issue. Other Members called on FAO to provide the technical guidance and capacity strengthening through its field programmes, independent of initiatives by other organizations.

34. Many Members from developing countries referred to the constraint of a lack of financial and technical resources to support the implementation of the Code and the IPOAs. While noting that valuable technical assistance was already being provided by some donors and FAO, many Members called upon the international donor community and FAO, as provided for in Article 5 of the Code, to strengthen existing partnerships and to continue to provide the necessary technical assistance to overcome the technical and financial constraints identified.

35. Several Members highlighted support received from FAO Trust Fund Projects especially those listed in Annex 2 of document COFI/2001/3 and expressed the hope that such assistance would continue and increase.

36. Several Members considered that the use of access rights in fisheries management was useful for improved management efficiency and the control of fishing capacity. The Committee agreed that the characteristics of artisanal, multi-species and small-scale fisheries should be especially recognized while developing an approach to this issue. In this regard some Members requested FAO to follow up on the outcome of the Conference on the Use of Property Rights in Fisheries Management, held in Fremantle, Australia, in 1999.

37. The Committee agreed that in future reporting on the application of the Code and the related IPOAs, more in-depth analysis of problems associated with its efficient implementation should be carried out on the basis of appropriate case studies and ensuring adequate regional coverage.

38. The Government of Iceland made a presentation to the Committee on the Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem which was scheduled to take place in Reykjavik, Iceland, from 1 to 4 October 2001. The Conference was being organized jointly by the Government of Iceland and FAO with co-sponsorship by the Government of Norway. Iceland noted that the objectives of the Conference were linked clearly to Article 6.4 of the Code of Conduct. The main objectives of the Conference were to:

- gather and review the best available knowledge on marine ecosystem issues;
- identify means by which ecosystem considerations could be included in fisheries management; and
- identify future challenges and relevant strategies.

The Reykjavik Conference was open to all FAO Members and information concerning the Conference was available on a web site: www.refisheries2001.org. The Committee welcomed the opportunity offered by the Reykjavik Conference to address matters related to ecosystem-based fisheries management.

39. Many Members requested FAO to conduct studies on the relationship between marine mammals and fisheries. Other Members, however, commented on the issues and complexity of ecosystem-based fisheries management, urging that caution be exercised in drawing definitive conclusions with respect to the impact of predator/prey relationships on fisheries as a number of environmental and human factors also contributed to the status of particular fisheries. The Committee agreed that such studies and reviews by FAO should be conducted to encompass these characteristics in particular interaction between marine mammals and fisheries.

40. While discussing matters relating the implementation of the Code of Conduct some delegates brought to the attention of the Committee several issues including eco-labelling subsidies and coral reefs. It was agreed to discuss these issues under the relevant Agenda items.

**DECISIONS AND RECOMMENDATIONS OF THE SEVENTH SESSION OF
THE COFI SUB-COMMITTEE ON FISH TRADE, BREMEN, GERMANY,
22-25 MARCH 2000**

41. The item was introduced by the Secretariat and Ms Jane Willing, the Chairperson of the Sub-Committee on Fish Trade, and discussed on the basis of documents COFI/2001/4 and COFI/2001/Inf.7. The second draft of the Technical Guidelines for Articles 11.2 and 11.3 of the Code of Conduct for Responsible Fisheries had also been made available to delegates.

42. The Committee expressed its satisfaction with the quality of the work of the Sub-Committee and the important role played by FAO in the field of fish marketing development through information and provision of technical advice. Specifically the benefits that countries derived from the services as members of the Fish Info Network were highlighted. In particular, the fruitful cooperation of the COFI Sub-Committee on Fish Trade with the Common Fund for Commodities (CFC) was acknowledged with appreciation. There were several examples mentioned where the support of the CFC could be highly desirable.

43. The Committee endorsed the report of the Seventh Session of the Sub-Committee on Fish Trade and provided a number of pertinent observations.

44. The Latin American and Caribbean countries expressed serious concern regarding restrictions on trade and use of fishmeal for animal feed on the grounds of alleged link to the Bovine Spongiform Encephalopathy (BSE). They likewise called upon FAO to closely monitor scientific development on this subject and the safety of fishmeal in animal feeding and to report back regularly to Member countries on this matter. They also noted that they did not consider trade bans in this connection to be justified. It was agreed that the subject should be placed on the agenda of the Eighth Session of the COFI Sub-Committee on Fish Trade.

45. Many Members expressed their concern about the restrictions being imposed on trade in fish products through various discriminatory tariffs and non-tariff barriers.

46. Several Members noted that the second draft of the Technical Guidelines for Articles 11.2 and 11.3 of the Code of Conduct constituted a considerable improvement

over the first version, and the Secretariat was encouraged to work further on them with due cooperation from its Members, taking into account the work carried out by other international organizations with relevant experience, such as Codex Alimentarius (CODEX), the World Trade Organization (WTO) and the World Health Organization (WHO).

47. Several Members expressed appreciation for the valuable contribution of the FAO/DANIDA project on Fish Quality Assurance to capacity building and improvement in seafood safety in many developing countries. In this regard the need for further training and assistance in the field of quality control and seafood safety measures, risk analysis, and the application of the relevant WTO agreements was stressed both in relation to the positive contribution of developing countries to international fish trade as well as consumer protection in national markets. Some Members expressed their willingness to support such efforts.

48. Appreciation was expressed to FAO for strengthening the INFOFISH network and in particular the reactivation of INFOSAMAK and the relocation of its headquarters to Morocco. Some Members informed the Committee on their recent signing of the EUROFISH agreement and urged other States also to sign the Agreement to establish the organization.

49. The high costs of monitoring the impact of environmental pollution on fish safety were mentioned as a specific burden for developing exporting countries. FAO and WHO were asked to assist in finding low cost solutions of handling such issues.

50. The Committee was informed of eco-labelling schemes in some countries, such as in the Nordic countries and Japan. An exchange of views on eco-labelling showed it was recognized as a growing and important issue that might lead to serious concerns among the parties involved. Some Members expressed their deep concern that a private initiative such as this could become an additional barrier to trade especially if it were not based on scientific and objective criteria. However, there were diverse views on this matter and no mandate was given for convening a second technical consultation. The Committee agreed that the Secretariat should continue to monitor developments in this field and inform the membership through relevant technical publications, in order to develop criteria to guide Member countries.

51. It was agreed that the agenda for the Eighth Session of the COFI Sub-Committee on Fish Trade should also include an item on the feasibility and practicality of harmonizing catch certification used by some regional fishery management bodies. It was pointed out that with the aim to prepare suitable recommendations to the Sub-Committee this issue should be considered by an expert consultation in conjunction with the regional fishery bodies concerned and taking into account the objectives of these certification schemes. Some Members expressed the view that when any recommendation was developed, it should not result in greater costs for countries or their industries.

52. Many Members requested that FAO's policy on the use of the official languages of FAO should be applied at the Sub-Committee level as is the case with its parent body.

53. The Committee expressed its appreciation for the generosity of the Hanseatic City of Bremen in hosting the Sub-Committee on Fish Trade and welcomed the offer to host the next Session of the Sub-Committee.

PROPOSED COFI SUB-COMMITTEE ON AQUACULTURE

54. This agenda item was introduced by the Secretariat with additional clarification by the Chairman of the Expert Consultation on the proposed COFI Sub-Committee on Aquaculture, and discussed on the basis of document COFI/2001/5. The Committee also had access to COFI/2001/Inf.8 (Report of the FAO Expert Consultation on the Proposed Sub-Committee which includes the Bangkok Declaration and Strategy on Aquaculture Development beyond 2000). The Committee noted past discussions concerning the establishment of the Sub-Committee and appreciated the recent work by the Secretariat in organizing and convening the Expert Consultation.

55. There was recognition of the increasingly important role that aquaculture was playing in global fish production, and food security by providing opportunities for economic development in Member States. Many Members noted the proactive role FAO had to play in responsible aquaculture development in collaboration with other centres of excellence. The Committee raised issues of common global concern on aquaculture development, such as environmental and economic implications, consumer and food safety aspects, interactions between aquaculture and capture fisheries, the role of culture-based fisheries, sea ranching, general institutional and development needs for sustainable aquaculture management.

56. With regard to the establishment of the Sub-Committee on Aquaculture, discussions focused on the financial implications, terms of reference, issues to be addressed and areas of future work.

57. Concerning the financial implications, many Members stressed the necessity and urgency of establishing the Sub-Committee. They indicated that funding should preferably come from FAO's Regular Programme and urged that the Fisheries Department should be given a "real growth" budget allocation in the next biennium. Several Members expressed the view that the funding for the Sub-Committee from the Regular Programme budget should not be at the expense of other programmes of the Fisheries Department.

58. In order to reduce the financial burden on FAO's Regular Programme budget, China, Italy, Norway, and the United States of America made offers of financial assistance. The delegation of China offered to host the First Session of the Sub-Committee in conjunction with the meeting of the World Aquaculture Society and an international aquaculture exhibition in Beijing in April 2002, and opted to cover some of the local costs. The delegation of Norway offered support for the Second Session in Norway, also in conjunction with an international exhibition on aquaculture in August, 2003. Norway's support would include covering some net additional costs to the Secretariat (provision of technical secretariat, documentation, etc.), direct meeting costs (interpretation and translation, meeting facilities, etc.) and support for participation of some delegates from developing countries. The delegation of the United States of America offered to consult with the aquaculture industry with a view to hosting a subsequent session of the Sub-Committee and the delegation of Italy indicated that it would join international efforts to provide additional funding for the Sub-Committee. China acknowledged the offer of other Members to host subsequent meetings of the Sub-Committee and noted that the holding of the Sub-Committee's sessions in different countries would permit delegations to observe and share experiences from other areas.

59. There was general agreement on the terms of reference as outlined in document COFI/2001/5. However, there might be a need to clarify them further in the light of the development of the Sub-Committee. In order to ensure coverage of the needs of all Members it was recommended that the terms of reference should be kept flexible and should be revised as the aquaculture sector developed. The terms of reference for the Sub-Committee are given in Appendix E.

60. Several Members emphasized that the Sub-Committee should complement the work of regional fishery bodies, minimize duplication of effort and thus maximize resources. The observer from the Russian Federation requested FAO to consider the feasibility of his country becoming a member of the Sub-Committee.

61. The Committee unanimously agreed with the recommendation of the Expert Consultation that the priority areas to be addressed by the Sub-Committee should include aquaculture development, statistics, implementation of the Code of Conduct for Responsible Fisheries, environmental aspects of aquaculture development, regional cooperation, aquaculture management, aquaculture and coastal zone management, and national and regional aquaculture capacity building. Some Members stressed the importance of the Sub-Committee in analysing issues pertaining to safe aquaculture and technological development for cultivation of species.

62. The Committee agreed to establish the Sub-Committee, and gratefully acknowledged the offers from China, Norway, the United States of America and Italy to facilitate the convening of the sessions.

CITES CRITERIA FOR COMMERCIALY-EXPLOITED AQUATIC SPECIES

63. The Secretariat in introducing this item on the basis of document COFI/2001/6 highlighted the purpose of CITES and differences between the three Appendixes. The attention of the Committee was drawn to the particular relevance of Appendix II to species exploited by commercial fisheries and to the uncertainty surrounding the intention of listing on this Appendix: whether it was intended only to reduce the risk of species extinction or also for the promotion of sustainable use. Attention was also drawn to the outcomes of the Technical Consultation on the Suitability of the CITES Criteria for Listing Commercially-exploited Aquatic Species (Rome, June 2000) (document COFI/2001/Inf.9) for its consideration. The Secretariat requested guidance from the Committee on whether further action would be required by FAO, and whether opinions and recommendations should be passed on to CITES, bearing in mind the timetable for CITES own criteria review process, which would require input from FAO by November 2001.

64. Members expressed appreciation for the work carried out to date by the FAO Secretariat and by the Technical Consultation. The good cooperation that had been established between the FAO and CITES Secretariats was also acknowledged.

65. There was widespread support for the conclusions and recommendations of the June 2000 Technical Consultation, encompassing those dealing with both the criteria and the process. Several Members stated that the CITES criteria as applied to commercially-exploited aquatic species should be consistent with the United Nations Convention on the

Law of the Sea and other subsidiary instruments such as the Code of Conduct for Responsible Fisheries.

66. Many Members remarked that the existing criteria required further analysis and refinement and that FAO had an important role to play in this process through ensuring that CITES had access to the best technical advice available and that the criteria took into account the relevant life history and taxonomic characteristics of each case. There was also general agreement that decisions concerning listing and de-listing of species should be based on the best possible scientific evidence and an effective scientific evaluation process.

67. There was considerable debate about the intention of listing on Appendix II. A number of Members expressed their concern about the possibility of CITES being seen as a replacement for fisheries management, stating that this had not been intended when CITES was established and that CITES was not equipped for this purpose. A number of delegates indicated that CITES should only have a complementary role in this matter. Several Members expressed the opinion that Appendix II had a role to play but only for species that might become threatened with extinction and only when they have not been subject to trade regulation by relevant regional fisheries management organizations. Concern was also expressed about the inability of CITES to respond rapidly in terms of listing and, particularly, de-listing in response to changes in the status of species. This was a particular problem for fishery resources which tended to experience rapid and substantial natural changes in abundance. Many Members indicated that good fisheries management was the primary responsibility of the national, regional or international fisheries management organizations within its mandated area. Some Members acknowledged that CITES had an important role to play in the conservation of flora and fauna but that this should not be compromised by using it without the benefit of relevant technical expertise to be provided by FAO in the case of commonly traded marine species.

68. The Committee endorsed the recommendations of the Technical Consultation that FAO should establish a process to consider the problems and potential solutions in relation to listing fishery resources under Article II, including the implications of the “look alike” provision (paragraph 2(b)), introductions from the sea, and the precautionary approach (Annex 4 of CITES resolution 9.24). It agreed that the follow up on these matters should be dealt with by the COFI Sub-Committee on Fish Trade under the title “Developing a workplan for exploring CITES issues with respect to international fish trade”.

69. There was general support for FAO continuing to facilitate communication amongst its Members, regional fishery bodies and CITES. There was general agreement that countries must improve internal communication between those agencies responsible for fisheries matters and those responsible for CITES matters in connection with listing and de-listing commercially-exploited aquatic resources.

70. The Committee agreed on the following process regarding FAO input to CITES on the listing criteria, subject to the availability of extra-budgetary funds to cover the costs. It was designed to meet the requirements of the CITES timetable while still allowing time for FAO members to participate as fully as possible in the process.

- (i) The FAO Secretariat would prepare a background paper detailing as required the analysis of the CITES listing criteria, focusing on Appendix II, and proposing a scientific framework for evaluating the status of species for such listing.
- (ii) This background paper would be considered by a technical consultation which would be held before November 2001, possibly in September. Namibia offered to host this Consultation and to coordinate the local arrangements but extra-budgetary funding would be necessary in order to prepare a background paper; to facilitate participation at the meeting; and to ensure translation of the documents. The Technical Consultation would formulate a proposal to be sent to CITES on the revision of the criteria as well as on the process of revision and listing. This proposal would be formally considered at the Eighth Session of the COFI Sub-Committee on Fish Trade to be held in February 2002. Because of the time constraint, the conclusions of the Technical Consultation would be sent to the CITES Secretariat on an informal basis in time for the Chairs of the CITES Plants and Animals Committees to prepare their report for the CITES Standing Committee.
- (iii) The proposals of the Technical Consultation would be considered and endorsed or amended as necessary at the COFI Sub-Committee on Fish Trade and its decisions formally conveyed to CITES by the FAO Secretariat.

71. The Committee agreed that if the Technical Consultation could not be arranged for financial or technical reasons or because agreement could not be achieved at the Technical Consultation, the report of the Technical Consultation of June 2000 would be sent to CITES as the formal FAO input to their review process.

72. Some Members highlighted the need for the development of procedure for closer cooperation between FAO and the CITES Secretariat.

PROPOSAL FOR IMPROVED GLOBAL REPORTING ON THE STATUS AND TRENDS OF FISHERIES

73. The Secretariat and the Chairperson of the Advisory Committee on Fisheries Research (ACFR) introduced document COFI/2001/8 which contained an Annex entitled "Draft International Plan of Action for Status and Trends Reporting on Fisheries" and highlighted the process through which the proposal had been elaborated.

74. The Committee was invited to discuss the proposed approach to improve the information available globally on status and trends of fisheries and consider whether an international plan of action would be an effective means in this regard.

75. The Committee unanimously recognized that status and trend studies were fundamental to the FAO mandate and also recognized the leading role of FAO in bringing about improvements to fishery data and information on status and trends of fisheries and fishery resources. It agreed that reporting on fishery status and trends had shortcomings which required attention.

76. It was noted that basic data of good quality were often lacking at the national level and that particular attention needed to be directed to multi-species fisheries and small-scale fisheries which prevailed in many tropical developing countries.

77. Recognizing that reliable fishery statistical data collection was a national responsibility and that adequate financial and other resources were often lacking for methodologically-sound statistical activities, some Members stated that an international plan of action might serve as a possible framework for the donor community to help countries in need. In this regard many Members stressed the importance of national capacity-building, especially in developing countries, in fishery statistics through Regular Programme activities and the direct assistance of FAO.

78. Some Members commended FAO on its development of an improved fishery information system, partially funded from extra-budgetary sources, and based on advanced technological tools for the international community.

79. Many Members supported the development of an IPOA and some stated that the draft IPOA presented in Annex 1 of document COFI/2001/8 represented a realistic approach. Some Members, however, did not agree that an IPOA was the best instrument at this moment to achieve long-term goals and flexibility, and that alternative approaches be sought. Some Members and observers stated that improvements to trend studies might come from a better networking between FAO and regional fishery bodies.

80. Noting the significant contribution of aquaculture to world fish production and the recommendations by the Committee for the establishment of a COFI Sub-Committee on Aquaculture, one delegation expressed concern that the draft IPOA presented in Annex 1 of the document did not include aquaculture.

81. The Committee emphasized the need for all States to have an opportunity to shape any future initiative in relation to status and trends reporting on fisheries, as well as in the drafting of the IPOA, if there were agreement to do this. To this effect the Committee recommended that a technical consultation be called by FAO to consider how fishery status and trends reporting could be improved effectively, including the possible development of an IPOA. The technical consultation should consider data and information collection and analysis and needs at the national, regional and global levels. Particular attention should be given to the needs of developing countries for capacity building. The proposals elaborated by the technical consultation should be presented to the Committee at its Twenty-fifth Session.

CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT CONSULTATION ON ECONOMIC INCENTIVES AND RESPONSIBLE FISHERIES

82. The Secretariat introduced the Agenda item on the basis of document COFI/2001/9. Attention was drawn to the conclusions and recommendations of the Report of the Expert Consultation on Economic Incentives and Responsible Fisheries (document FIPP/R638) that was held in Rome (28 November–1 December 2000) and to the papers presented (document FIPP/R638 Suppl.). Guidance was sought from the Committee on how the work of assessing the impacts of subsidies should be continued and what partnerships might be appropriate in the process.

83. The Committee appreciated the work undertaken by the Secretariat and noted the Report of the Expert Consultation as well as the conclusions and recommendations contained therein. Some Members felt that the Expert Consultation had raised more

questions than answers. It noted, however, that further work remained to be done on this subject, particularly on matters relating to technical information regarding the nature of subsidies and their effects.

84. Some Members expressed concern over the use of subsidies in fisheries and that further work on the effects of such subsidies is an important issue that should be given priority by FAO.

85. The Committee agreed that future work on subsidies should build on past efforts and work towards determining the quantitative and qualitative effects of subsidies on trade in fish and fishery products and sustainability of fishery resources where the study of the trade aspect should be of a technical nature and be closely coordinated with the World Trade Organization (WTO) as the competent body for trade discipline. It was further agreed that work on this topic be closely coordinated with, and complementary to, the work being carried out by other relevant intergovernmental organizations and recommended that FAO, as a global multi-disciplinary organization, should take a lead role in the promotion of such cooperation and in the coordination of work on fisheries subsidies and the relationship with responsible fisheries.

86. The Committee agreed that a second Expert Consultation be organized by FAO but that substantial preparatory work, including an inventory of currently available and ongoing efforts, should first be carried out by the Secretariat. The Committee urged that the Consultation be comprised of a wider range of experts, having relevant practical and multidisciplinary experience in fisheries management and trade issues. In addition it should reflect a regional and topical balance of the issues to be considered. It was agreed that governments should be consulted in the selection of the experts.

87. Some Members emphasized the necessity to take into account the needs and conditions of developing countries and, in particular, the issues relating to differences between large- and small-scale or artisanal fisheries. Some Members also emphasized that, with respect to the matter of subsidies and trade, the Consultation should focus on the technical aspects of the policy debate.

88. The Secretariat informed the Committee that the resources required for holding the second Expert Consultation were not available in the current budget. Resources might be available in the 2002-2003 budget but the Secretariat would not know until November 2001, hence the Secretariat suggested that extra-budgetary funds might be needed for the purpose of a second Expert Consultation.

89. It was agreed that the Expert Consultation be followed by a Government Technical Consultation on the issue, in part as a means of quickly disseminating information on the matter both to Members and to other intergovernmental organizations.

90. As a complementary activity to address the fishery subsidy issue, one Member suggested that it would be useful to initiate meetings to study all factors affecting sustainability. While many Members agreed in principle with the proposal and it was also supported by some Members, it was generally felt that such efforts would duplicate much of the work already underway.

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

91. In introducing the item, the Chair provided the Committee with a synopsis of the events leading to the elaboration of the draft IPOA-IUU. In so doing, he referred to document COFI/2001/7, COFI/2001/7 Add. and COFI/2001/Inf.10. The Chair also introduced revisions for the text of the draft IPOA-IUU as contained in COFI/2001/7 Add., which resulted from consultations within the informal open-ended "Friends of the Chair" meetings.

92. The Secretariat noted that the idea of development of an IPOA to address IUU fishing was first proposed at the Twenty-third Session of COFI in 1999. The matter was endorsed by a 1999 Fisheries Ministerial Meeting shortly after that Session of COFI. Since then, to address the issue, an Expert Consultation was convened by Australia in cooperation with FAO in May 2000. This meeting was followed by two Technical Consultations at FAO Headquarters in October 2000 and February 2001, respectively. Appendix D to document COFI/2001/7 Add. contained the draft IPOA-IUU as adopted by the Second Technical Consultation on Illegal, Unreported and Unregulated Fishing on 23 February 2001.

93. The Committee expressed its sincere appreciation to Mr Andrew Jackson of the United Kingdom, Chair of the Technical Consultations on IUU Fishing, for his efforts in guiding the Technical Consultation to the successful completion of its work. The Committee also expressed its appreciation to Mr David Balton of the United States of America, Chair of the informal, open-ended "Friends of the Chair" meetings, for his efforts in resolving outstanding concerns of some Members with respect to the draft IPOA-IUU.

94. All Members supported the adoption of the draft IPOA-IUU while recognizing the important need to address IUU fishing in a broad and comprehensive manner. It was noted that the draft IPOA before the Committee was a compromise document concluded within the framework of the Code of Conduct for Responsible Fisheries. The Committee further recognized that concerted efforts on the part of all Members would be required to implement the IPOA.

95. Many Members from developing countries expressed their support for the adoption of the draft IPOA-IUU, but also expressed their concern that they would encounter serious constraints in implementing the IPOA if assistance from FAO and the international donor community was not forthcoming.

96. The Committee acknowledged the important role that FAO should play in promoting the implementation of the IPOA-IUU, particularly in the provision of technical assistance to developing countries. Some Members pointed out that funds would be required to facilitate implementation of the IPOA and it was proposed that FAO consider providing Regular Programme funds for this purpose and seek extra-budgetary funding, as appropriate.

97. The recommendations of the Joint FAO/IMO *Ad Hoc* Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, which met at FAO Headquarters, Rome, in October 2000, were noted by the Committee. It was agreed that FAO should continue to cooperate with IMO, as appropriate, on these issues.

98. The delegation of the European Community stated that the text of the IPOA-IUU could have been stronger to stress States' responsibilities. The European Community

considered that the IPOA had been formulated for political reasons and as an international commitment to combat IUU fishing. The European Community recorded its concern that the definition of IUU fishing in paragraph 3 of the IPOA-IUU is not entirely appropriate, but could be accepted in the interest of supporting adoption of the IPOA with the understanding that the European Community would not recognize this definition as having any force other than in the context of the IPOA-IUU. The delegation of the European Community also stated that the IPOA is not a legal text but a political text. Canada supported the points raised by the European Community.

99. The delegation of Antigua and Barbuda advised the Committee that it operated an open-register for vessels and while it had some concerns about the text of the IPOA-IUU, it nonetheless supported its adoption. The delegation of Antigua and Barbuda further advised the Committee that it had reservations on paragraphs 27, 38 and 39 of the draft IPOA-IUU of 23 February 2001.

100. The delegation of Indonesia supported the adoption of the IPOA-IUU and noted the problems of IUU fishing within its EEZ. The delegation of Indonesia advised the Committee that its reservation placed on paragraph 21 of the draft IPOA-IUU of 23 February 2001 had been lifted. Indonesia while reiterating that the developing countries should be supported and assisted by FAO and donor countries in the development and implementation of their national action plans, also urged that the implementation of the IPOA, especially with regard to port State measures and market-related measures, be applied in a fair, transparent and non-discriminatory manner.

101. The delegation of the Philippines supported the IPOA-IUU and suggested that in paragraph 76, more positive language should be used in its directive to FAO and lending institutions for training and capacity building. Specifically, the delegation of Philippines preferred the substitution of the word “consider” in the third line of paragraph 76 with the word “shall”.

102. The delegation of Japan stated that it supported the adoption of the IPOA-IUU. The delegation of Japan also advised the Committee that it had reservations on paragraphs 45 and 69bis of the draft IPOA-IUU of 23 February 2001.

103. The delegation of Mexico noted that the IPOA-IUU, which is a voluntary instrument, offered a range of alternative tools to combat IUU fishing but this did not imply that States were obligated to use all of them, as it was the sovereign right of each State to decide which tools might be used. In this connection, the adoption of the IPOA-IUU does not affect, nor should it be understood as affecting, the rights and obligations of States, in accordance with international law, and neither prejudice the position of States in other international fora.

104. The delegation of Norway stated that Norway reserved its right to exercise stronger measures to prevent, deter and eliminate IUU fishing than was reflected in the IPOA-IUU.

105. The delegation of Canada reaffirmed that it was highly supportive of the goal of the draft IPOA. The delegation explained the policy rationale for maintaining reservations over paragraphs 20.10 and 70.7bis of the draft IPOA-IUU of 23 February 2001 and paragraphs from 53bis to 66 relating to Internationally Agreed Market Related Measures.

The full text of the intervention of the delegation of Canada is given in Appendix F. Canada made the following reservations:

“The IPOA on IUU fishing was developed for the purpose of addressing the same issues than those addressed by global instruments developed by the international community, in particular the *1982 UN Convention on the Law of the Sea* and its *1995 Implementation Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*. The objective of the IUU initiative was to develop a comprehensive, effective and transparent toolbox of measures that States could use to prevent, deter and eliminate IUU fishing. Canada feels that this objective was not fully achieved with the current draft text of the IPOA. Moreover, an important ‘state of the art’ tool was left out of the text which Canada believes should have been expressly included.”

“Canada considers that the international community has accepted that boarding and inspection regimes should include requirements for fishing vessels to permit access by duly authorized inspectors from regional fisheries management organizations or states other than the flag state. Canada accepts that Members consider that the IPOA includes such measure. Canada considers, however, that such measure should have been set out explicitly in order to meet the objectives set out in the IPOA and, more generally, promote good fisheries conservation and management practices.”

“For these reasons, Canada feels it must put a reservation on paragraphs 20.10 and 70.7bis of the draft IPOA on IUU fishing.”

“Canada reserves its position with respect to the section of the draft International Plan of Action on IUU fishing titled “Internationally Agreed Market-Related Measures” (paragraphs 53(bis) to 66). Canada recognizes the right of states, consistent with the Marrakech Agreement establishing the WTO, to adopt or enforce measures relating to the conservation of exhaustible natural resources. Canada does not, at this time, endorse as an automatic policy, an undertaking to apply sanctions with respect to trade in fish and fish products in cases of IUU fishing with respect to all regional fisheries management organizations. Rather, states should decide on the use of trade measures on a case-by- case basis, having due regard to the specific circumstances.”

106. The delegation of Canada formally requested that the text of its reservations be included in the IPOA-IUU as an Annex, as well as in the report of the Session. On this basis, Canada withdrew its general reservation on the draft IPOA-IUU, and invited the Chair to move for the adoption of the draft IPOA-IUU contained in COFI/2001/7 Add. Without further discussion, the Chair stated that the reservation of the delegation of Canada, like those of other delegations, would be faithfully reflected in the report of the Session.

107. The delegation of Chile, while supporting the adoption of the IPOA-IUU, reminded the meeting that important efforts were being developed to combat IUU fishing. In this regard, Chile, Australia, Peru, United States of America and the European Community were working together to create an international information network on monitoring, control and surveillance against IUU fishing. This work resulted from an

international conference on monitoring, control and surveillance, that was held in Santiago, Chile, in January 2000.

108. The Committee adopted, by consensus, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as contained in Appendix D of COFI/2001/7 Add., and as modified by the results of the informal, open-ended "Friends of the Chair" meetings and with an amendment inserted in Plenary. The Committee urged all Members to take the necessary steps to effectively implement the IPOA-IUU. The IPOA-IUU is given in Appendix G.

109. The delegation of Argentina expressed its concern about the present situation of over-exploitation of fishery resources in the adjacent area to its EEZ. The delegation of Argentina informed the Committee that 300 squid jiggers were operating between 201 and 215 nautical miles from Argentina's coast. In view of the large number of vessels and their presumed catches, Argentina was concerned that such fishing would have a negative and direct impact on the resources of Argentina's EEZ. The delegation of Argentina recalled its country's primary interest as a Coastal State in the conservation of fishery resources in the adjacent area to its EEZ. While Argentina had no intention to exercise jurisdiction beyond its EEZ, Argentina called upon all States with vessels fishing in the area to implement the guidelines of the Code of Conduct for Responsible Fisheries relating to those operations. Moreover, Argentina called upon countries whose fishing vessels operated in the adjacent area to its EEZ to cooperate with the conservation goals that Argentina had in place and to ensure compatible behaviour with those goals. The delegation of Argentina expressed its satisfaction with the adoption of the IPOA to combat IUU fishing and invited all Members to take steps to implement it. Furthermore, the delegation of Argentina made the following declaration:

“The Argentine Republic interprets that the term "entities" contained in the Code of Conduct for Responsible Fisheries and in the International Plans of Action adopted within its framework, including the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing just adopted, refers to the entities referred to in article 305 of the 1982 UN Convention on the Law of the Sea.”

110. The Secretariat was requested to disseminate widely the IPOA and to transmit it to Members, regional fisheries management organizations, relevant intergovernmental organizations and NGOs.

111. Given the international importance of IUU fishing and the need to address it, the Members agreed that the issue and the IPOA-IUU be further considered at the Twenty-fifth Session of COFI. Of particular interest to Members at the next Session of COFI would be the progress achieved in implementing the IPOA-IUU.

MEDIUM-TERM PLAN 2002-2007

112. The Committee reviewed this item on the basis of document COFI/2001/10 and a table indicating the Medium-Term Plan Resources for the Fisheries Programme provided for its consideration by the Secretariat. It welcomed the Medium-Term Plan for Fisheries and identified the expected results of the programme. Furthermore, the Plan provided a good summary of the activities to be undertaken in relation to the strategic objectives of FAO. Many Members recommended that biennial data on budget proposals be made

available in conjunction with the Medium-Term Plan so as to assist the Committee in its provision of constructive advice on programme priorities.

113. The Committee reviewed a number of areas where changes or improvements in the orientation of work planned could enhance the utility of the Medium-Term Plan. Several Members expressed serious concerns about the lack of balance among regions in resource allocation and stressed the need for increased allocations to developing countries for policy and technical assistance. The Committee therefore recommended that in future the programme should ensure a correct balance among regions, among programme activities and between normative and operational work, taking into account the above stated concerns of developing countries, as well as the many demands for normative work. It also recommended that the use of various instruments such as guidelines and plans of action be assessed and harmonized to ensure that the most appropriate tool was used in future initiatives. Finally, decisions to establish long-term activities should not be based only on commitments for the short-term development phases of the work proposed.

114. In its review of the Plan, the Committee pointed to several areas which it felt should continue to receive priority attention, in particular, work on the implementation of the Code of Conduct for Responsible Fisheries and the International Plans of Action. The Committee noted with satisfaction the emphasis placed on activities of the Fisheries Department contributing to the Organization's strategies B, C and E and encouraged their continuation. Many Members underlined its support for activities in the area of institutional capacity building in developing countries and many Members called for increased support to be given to such activities. The Committee recalled its approval to establish a sub-committee on aquaculture, noting that this formed part of its larger commitment to ensure continued, balanced work in support of aquaculture and highlighted the need for additional resources in this connection.

115. The Committee underscored FAO's comparative advantage in fisheries and, in this respect, reiterated its strong demand that a higher share of FAO budget be allocated to the Fisheries Programme. It also discussed a number of areas where it felt additional resources could be productively employed. In addition to an increased emphasis on work which the Committee considered a long-term commitment such as the implementation of the Code of Conduct for Responsible Fisheries and the IPOAs, it concluded that more resources should be set aside for several specific areas in relation to the general aim of promoting improvements in global fisheries management. The areas referred to by many Members include the management of small-scale fisheries; the development of ecosystem approaches to fisheries management; trade aspects including fish quality and safety considerations; fishing gear selectivity and waste reduction; resources assessment and monitoring; fish disease control and management and harvest and post-harvest of under-exploited resources such as mesopelagic stocks; as well as the special requirements of the small island developing States (SIDS).

116. Some Members commented that often a number of agencies within their Government were involved in FAO matters. Effective coordination among these national agencies to ensure that each Member delegation to FAO bodies support its resource allocation approach in all relevant FAO bodies may help achieve a reallocation of FAO programme resources. Several Members suggested that a reasonable portion of arrears paid should be allocated to the FAO Fisheries Programme.

117. Some Members supported the allocation of increased resources to strengthen the work of the regional fishery bodies. The Committee pointed to opportunities that greater collaboration between FAO and regional fishery bodies could contribute to more cost effective implementation of some activities such as resource monitoring and assessment.

DATE AND PLACE OF THE TWENTY-FIFTH SESSION

118. It was agreed that the Committee should meet in Rome in 2003. The exact date would be determined by the Director-General in consultation with the Chairman.

ANY OTHER MATTERS

119. The Committee noted the initiative by Japan to organize a Conference on Management and Sustainable Development of Fisheries in the Antarctic with the objective to discuss the sustainable use of the Antarctic fishery resources for the benefit of humankind. Some Members reminded the Committee that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) was the competent body and urged Japan to formally contact CCAMLR. The observer from CCAMLR informed the Committee that the Scientific Working Group of CCAMLR could address the issue at its July 2001 meeting.

120. The delegation of the United States of America expressed its serious concern on the continuing deterioration of coral reef resources which constituted important ecosystems in a large number of countries. Furthermore, destructive fishing practices had become a major threat to these resources together with land-based pollution and degradation. Additional measures for the protection of coral were necessary to prevent further decline of fish stocks and ensure food security in many small island developing States and coastal communities of some developing States, by taking into consideration particularly the interest of small-scale fisheries. FAO was invited to participate actively at the International Coral Reef Initiative (ICRI) and assist in consultations regarding fishery management practices and reef protection mechanisms. Many Members shared the concerns of the delegation of the United States of America. Some Members indicated that this was not a top priority issue for FAO to address, using scarce Regular Programme resources. Some Members informed the Committee on national actions taken to protect coral reefs. The delegation of Norway urged States first to take local actions to solve local problems before calling on FAO. The Secretariat recognized the importance of this issue. It pointed out that despite its high interest, the Fisheries Department did not have specific expertise in coral reefs and lacked the resources that would be needed to respond properly to the demand coming from ICRI and other reef-related initiatives. It stressed, however, the fact that it was nonetheless addressing coral reef fisheries through the Code of Conduct, guidelines on species identification, coastal area management projects, FAO regional fishery management organizations in the Caribbean or Asia and the Pacific areas, etc., even though these actions were not identified as “reef” activities. The Department stressed that it had made proposals for 2002-2003 and in the Medium-Term Plan for a programme on ecosystem-based management of fisheries that would certainly contribute more work on reef management, if adequate resources were allocated.

121. In this same context the delegation of the Philippines informed the Committee that the Governments of the Philippines and Sweden would co-host a Conference on Coral

Reefs in Cebu, Philippines, in April 2001. It extended an invitation to the Committee and FAO.

122. The delegation of the United States of America drew the Committee's attention to the problem of sea turtle mortality due to incidental catch and noted the need for information sharing and cooperative research concerning conservation and management of these endangered species. It suggested to hold a meeting on the subject. A number of Members supported the proposal and many indicated the efforts already undertaken at national or regional level. Several delegations pointed out that incidental catch of marine turtles by certain fishing gear were not the only or even the most important source of threat to turtles and stressed that their sustainable use should be viewed within a more comprehensive context, taking into account land-based human activities, equally affecting sea turtle mortality. One Member suggested the convening of an expert consultation to deal with all these issues, with focus also on food security issues in small island countries as well as other social and economic perspectives of the problem. This proposal was also supported by a number of countries. It was generally agreed in this sense that holding an international technical meeting could be useful even if there is no specific agreement on the scope and contents of the meeting. This led to some debate as to the type of approach that would most appropriately tackle the problem and there was general agreement that an international plan of action was not to be considered at this stage. Regarding FAO's involvement in sea turtle conservation and management, some Members underlined the global character of the issue and encouraged the Organization to play a leading role. Other Members stressed that other organizations had a strong mandate in this area and that FAO's involvement should not distract from its current plans and priorities.

123. The Committee was informed of the initiative by New Zealand and Australia to organize a conference on mid- and deep-water fishery resources and management and the request to the FAO Secretariat for collaboration and participation. It was noted that this conference would be self-funded and any FAO involvement would be met out of the FAO Regular Programme.

ADOPTION OF THE REPORT

124. The report was adopted on 2 March 2001.

APPENDIX A**AGENDA**

1. Opening of the Session
2. Adoption of the Agenda and arrangements for the Session
3. Election of the Chairperson and Vice-Chairpersons and designation of Drafting Committee
4. Achievements of Major Programme 2.3 Fisheries 1998-1999
5. Progress Report on the Code of Conduct for Responsible Fisheries and related International Plans of Action
6. Proposed COFI Sub-Committee on Aquaculture
7. CITES Criteria for Commercially-exploited Aquatic Species
8. Conclusions and Recommendations of the FAO Expert Consultation on Economic Incentives and Responsible Fisheries
9. Illegal, Unreported and Unregulated Fishing
10. Proposal for Improved Global Reporting on the Status and Trends of Fisheries
11. Medium-Term Plan 2002-2007
12. Date and Place of the Twenty-fifth Session of COFI
13. Any Other Matters
14. Adoption of the Report

APPENDIX B**LIST OF DELEGATES AND OBSERVERS**

MEMBERS OF THE COMMITTEE
MEMBRES DU COMITÉ
MIEMBROS DEL COMITÉ

AFGHANISTAN/AFGANISTÁN

Abdul Razak AYAZI
 Alternate Permanent Representative
 of the Islamic State of Afghanistan
 to FAO
 Embassy of the Islamic State of
 Afghanistan
 Via Nomentana 120
 00161 Rome, Italy
 Tel.: +39 068611009
 Fax: +39 0686322939

ALBANIA/ALBANIE**ALGERIA/ALGÉRIE/ARGELIA**

Ahmed HACHEMI
 Représentant permanent adjoint
 de la République algérienne auprès
 de la FAO
 Ambassade de la République algérienne
 démocratique et populaire
 Via Barnaba Oriani 26
 00197 Rome
 Italie
 Tel.: +39 0680687620/068084141
 Fax: +39 068083436

Ghazi REGAINIA
 Directeur de la Réglementation,
 de l'Organisation de la Profession
 et de la Coopération
 Ministère de la pêche et des ressources
 halieutiques
 04, Rue des quatres canons
 16000 Alger
 Tel.: +213 21 433188
 Fax: +213 21 433188

Zine-El Abidine MEZACHE
 Inspecteur
 Activités Scientifiques et Techniques
 Ministère de la pêche et des ressources
 halieutiques
 04, Rue des quatres canons
 16000 Alger
 Tel.: +213 21 433173/75
 Fax: 213 21 433938

ANGOLA

Carlos Alberto AMARAL
 Représentant permanent suppléant
 de la République d'Angola auprès
 de la FAO
 Ambassade de la République d'Angola
 Via Filippo Bernardini 21
 00165 Rome
 Italie
 Tel.: +39 0639366941/0639366570
 Fax: +39 06634960

Antónia NELUMBA (Ms)
 Directeur National de la Pêche
 Ministère des pêches et de l'environnement
 Av. 4 de Fevereiro
 C.P. 83
 Luanda

Pedro SEBASTIÃO
 Director
 Bureau Juridique
 Ministère des pêches et de l'environnement
 Av. 4 de Fevereiro
 C.P. 83
 Luanda

ANTIGUA AND BARBUDA/ANTIGUA-ET-BARBUDA/ANTIGUA Y BARBUDA

Daven Clairfoster JOSEPH
 Technical Director
 Ministry of Planning
 St. John's

ARGENTINA/ARGENTINE

Elsa Diana Rosa KELLY (Ms)
 Embajadora
 Representante Permanente
 de la República Argentina ante la FAO
 Embajada de la República
 Argentina
 Piazza del Esquilino 2
 00185 Roma
 Italia
 Tel.: +39 064742551/5
 Fax: +39 064819787
 E-mail: faoprarg@tin.it

Horacio RIEZNIK
 Director Nacional de Pesca
 Secretaría de Agricultura, Ganadería,
 Pesca y Alimentación
 Ministerio de Economía
 Avenida Paseo Colón 982, piso 3,
 Oficina 162
 Buenos Aires
 Tel.: +54 114 3492594
 Fax: +54 114 3492597
 E-mail: esreud@sagyp.mecom.gob.ar

Juan Agustín CABALLERO
 Ministro
 Director de Temas Económicos Especiales
 Ministerio de Relaciones Exteriores,
 Comercio Internacional y Culto
 Esmeralda 1212
 Buenos Aires

Gabriel MARTÍNEZ
 Consejero
 Dirección de Asuntos Económicos
 Multilaterales
 Ministerio de Relaciones Exteriores,
 Comercio Internacional y Culto
 Esmeralda 1212
 Buenos Aires

Ariel FERNÁNDEZ
 Representante Permanente Alterno
 de la República Argentina ante la FAO
 Embajada de la República Argentina
 Piazza del Esquilino 2
 00185 Roma
 Italia
 Tel.: +39 064742551/5
 Fax: +39 064819787
 E-mail: faoprarg@tin.it

Fernanda MILLICAY (Ms)
 Secretario
 Dirección de Consejería Legal
 Ministerio de Relaciones Exteriores,
 Comercio Internacional y Culto
 Esmeralda 1212
 Buenos Aires

Claudio ROZENCWAIG
 Secretario de Embajada
 ante el Gobierno Italiano
 Embajada de la República
 Argentina
 Piazza dell'Esquilino 2
 00185 Roma
 Italia
 Tel.: +39 064742551/5
 Fax: +39 064819787
 E-mail: faoprarg@tin.it

Guillermo VERAZAY
 Coordinador Area Pesquerías
 Demersales
 Instituto Nacional de Investigación
 y Desarrollo Pesquero
 Paseo Victoria Ocampo No.1
 Esollera Norte
 7600 Mar del Plata
 Tel.: +54 223 4862586
 Fax: +54 223 4861830
 E-mail: gverazay@inidep.edu.ar

AUSTRALIA/AUSTRALIE

Glenn HURRY
 General Manager
 Fisheries and Aquaculture
 Dept. of Agriculture Fisheries and Forestry
 GPO Box 858
 Canberra
 ACT 2601
 Tel.: +61 2 62725777
 Fax: +61 2 62724215
 E-mail: glenn.hurry@affa.gov.au

Kevin BRAY
 Manager
 International Fisheries
 Dept. of Agriculture, Fisheries
 and Forestry
 GPO Box 858
 Canberra ACT 2600
 Tel.: +61 2 62724477
 Fax: +61 2 62724215
 E-mail: kevin.bray@affa.gov.au

Paul ROSS
 Alternate Permanent Representative
 of Australia to FAO
 Embassy of Australia
 Via Alessandria 215
 00198 Rome
 Italy
 Tel.: +39 06852 72376
 Fax: +39 06852 72230
 E-mail: Paul.Ross@dfat.gov.au

BANGLADESH

Mohammad MEJBAHUDDIN
 Alternate Permanent Representative
 of the People's Republic of Bangladesh
 to FAO
 Embassy of People's Republic of
 Bangladesh
 Via Antonio Bertoloni 14
 00197 Rome
 Italy
 Tel.: +39 068083595/068078732
 Fax: +39 068084853

BELGIUM/BELGIQUE/BÉLGICA

Christian MONNOYER
Ambassadeur
Représentant permanent
Representant permanent du
Royaume de Belgique auprès de la FAO
Via Omero 8
00197 Rome
Italie
Tel.: +39 063242601/063203903,
Fax: +39 063203992

Paul DEPAUW
Représentation permanente du Royaume de
Belgique auprès de la FAO
Via Omero 8
Rome
Italie
Tel.: +39 063242601/063203903,
Fax: +39 063203992

BENIN/BÉNIN

Amadou M. GORE
Ingénieur du Développement Rural
Chef du service des pêches maritimes
Ministère du développement rural
Direction des Pêches
B. P. 03-2900
Cotonou

BRAZIL/BRÉSIL/BRASIL

Julio Cesar GOMES DOS SANTOS
Ambassador of the Federative Republic of Brazil
to FAO Permanent Representation of
the Federative Republic of Brazil to FAO Via
di Santa Maria dell'Anima 32
00186 Rome

Flavio Celio GOLDMAN
Alternate Permanent Representative
Permanent Representation of the
Federative Republic of Brazil to FAO
Via di Santa Maria dell'Anima 32
00186 Rome
Italy
Tel.: +39 0668307576/066789353
Fax: +39 0668398802

Gabriel CALZAVARA DE ARAÚJO
Director
Departamento de Pesca y Acuicultura
Ministerio de Agricultura
Esplanada dos Ministerios
SQN 316, Bloco D, Apt 506
Brasilia D.F.
Tel.: +55 61 2255105
Fax: +55 61 2245049

Fábio HISSA VIEIRA HAZIN
Ministerio da Agricultura e do
Abastecimento
Brasilia

BULGARIA/BULGARIE

Krassimir KOSTOV
Permanent Representative
Permanent Representation of the Republic
of Bulgaria to FAO
Via Pietro Paolo Rubens 21
00197 Rome
Italy
Tel.: +39 063224640/063224643
Fax: +39 063226122
E-mail: kikostov@yahoo.com

BURKINA FASO

André Anatole YAMÉOGO
Représentant permanent adjoint
du Burkina Faso auprès de la FAO
Ambassade du Burkina Faso
Via Alessandria 26
00198 Rome
Italie
Tel.: +39 0644249725/0644250052
Fax: +39 0644250042

Kardiatou KABORE (Mme)
Directrice des Pêches
Ministère de l'environnement et de l'eau
03 B.P. 7044
Ouagadougou

S. Norbert ZIGANI
Chef de l'Unité de Gestion du Périmètre
Aquacole d'Interêt Économique de Bagré
Ministère de l'environnement et de l'eau
03 B.P. 7044
Ouagadougou

CAMEROON/CAMEROUN/CAMERÚN

Maurice BAYÉMI
Secrétaire Général
Ministère de l'élevage, des pêches et
des industries animales
Yaoundé

Baba MALLOUM OUSMAN
Directeur des Pêches
Ministère de l'élevage, des pêches et
des industries animales
Yaoundé

Jean Jacques Raymond SANZHIÉ BOKALLY
 Secrétaire Exécutif de la Caisse
 de Développement de la Pêche Maritime
 Ministère de l'élevage, des pêches et
 des industries animales
 B.P. 1846
 Douala
 Tel.: +237 424064

Monique BONDJA (Mme)
 Chef
 Centre de recherche appliquée
 Direction des pêches
 Ministère de l'élevage, des pêches
 et des industries animales
 Yaoundé
 Tel.: +237 223775
 Fax: +237 221405

CANADA/CANADÁ

Lori RIDGEWAY (Ms)
 Director General
 Economic and Policy Analysis
 Policy Sector
 Department of Fisheries and Oceans
 200 Kent Street
 Ottawa
 Ontario K1A 0E6

Sylvain SEGARD
 Director
 Horizontal Policy
 Policy Sector
 Department of Fisheries and Oceans
 200 Kent Street
 Ottawa
 Ontario, K1A 0E6

Nadia BOUFFARD (Ms)
 Director
 Pacific Affairs Division
 International Affairs Directorate
 Fisheries and Oceans
 200 Kent Street
 13th floor, Station 13159
 Ottawa
 Ontario K1A 0E6
 Tel.: +1 613 9931860
 Fax: +1 613 9935995
 E-mail: bouffardn@dfo-mpo.gc.ca

Lennox HINDS
 Marine Resources Specialist
 Canadian International Development
 Agency
 810, Nicole Street
 Rockland
 Ontario K4K 1L6

Blair HANKEY
 Deputy Permanent Representative of
 Canada to FAO
 Canadian Embassy (Office of the Permanent and
 Alternate Permanent
 Representatives)
 Via Zara 30
 00198 Rome

CAPE VERDE/CAP-VERT/CABO VERDE

Arnaldo DELGADO
 Representant Permanent Adjoint de
 la République du Cap-Vert auprès
 de la FAO
 Ambassade de la République du Cap-Vert
 Via Giosué Carducci 4 (Int. 3)
 00187 Rome
 Italie
 Tel.: +39 064744678/064744596
 Fax: +39 064744643

CHILE/CHILI

Daniel ALBARRAN
 Subsecretario de Pesca
 Ministerio de Economía, Fomento,
 Reconstrucción, Minería y Energía
 Teatinos 120
 Santiago

Sergio MUJICA
 Director
 Servicio Nacional de Pesca
 Teatinos 120, Oficina 806
 Santiago

José Manuel OVALLE
 Director de Medio Ambiente
 Ministerio de Relaciones Exteriores
 de Chile
 Catedral 1158, piso 3
 Santiago
 Tel.: +56 2 6968207
 Fax: +56 2 6732152

Ángel SARTORI ARELLANO
 Embajador
 Representante Permanente
 Representación Permanente de
 la República de Chile ante la FAO
 Via Po 22
 00198 Roma
 Italia
 Tel.: +39 068417450
 Fax: +39 0685833855

CHINA/CHINE

Jian YANG
 Director
 Bureau of Fisheries
 Ministry of Agriculture
 11 Nongzhanguan Nanli
 Beijing 100026
 Tel.: +8610 64192932/64192936
 Fax: +8610 64192961

Xiaobing LIU
 Deputy Division Director
 International Cooperation Division
 Bureau of Fisheries
 Ministry of Agriculture
 11 Nongzhanguan Nanli
 Beijing 100026

Qianyun LI (Ms)
 Deputy Division Chief
 Fishery Industrial Policy and
 Marketing Division
 Bureau of Fisheries
 Ministry of Agriculture
 11 Nongzhanguan Nanli
 Beijing 100026
 Tel.: +8610 64192977
 Fax: +8610 64192956
 E-mail: fishmarket@agri.gov.cn

Xiao JIANGUO
 Deputy Division Director
 Bureau of Fisheries
 Ministry of Foreign Affairs
 2 Chaoyangmen Nandajie
 Beijing

Handi GUO
 Ministry of Agriculture
 11 Nongzhanguan Nanli
 Beijing 100026

Shengzhi SUN
 Alternate Permanent Representative
 Permanent Representation of the People's
 Republic of China to FAO
 Via della Caffarella 9
 00179 Rome
 Italy
 Tel.: +39 065137345
 Fax: +39 065137344

COLOMBIA/COLOMBIE

Bernardo G. ZULUAGA BOTERO
 Representante Permanente Adjunto
 de la República de Colombia ante la FAO
 Embajada de la República de Colombia
 Via Giuseppe Pisanelli 4, int. 10
 00196 Roma
 Italia
 Tel.: +39 063202405/063612131
 Fax: +39 063225798
 E-mail: emititalia@tin.it - emcoroma@tin.it

Clara GAVIRIA (Sra)
 Asesor
 Ministerio de Comercio Exterior
 Edificio Centro de Comercio Internacional
 Calle 28 No. 13A-15, pisos 5 a 9
 Santa Fé de Bogotá

COMOROS/COMORES/COMORAS

Mohamed HALIFA
 Directeur Général de la Pêche
 Ministère de la Production et de
 l'Environnement
 B.P. 289
 Moroni
 Tel.: +269 735630
 E-mail: dg.peche@snpt.km

Mohadjí FAISSOILÍ
 Directeur Regional de la Production
 et de l'Environnement
 Ministère de la Production et de
 l'Environnement
 B.P. 25 Fomboni
 Moheli
 Tel.: +269 720240
 E-mail: bio.moheli@snpt.km

**CONGO, REPUBLIC OF/CONGO,
RÉPUBLIQUE DU/CONGO, REPÚBLICA DEL**

Bernard MANKENE
 Directeur Général de la Pêche et
 des Ressources Halieutiques
 BP 1650
 Brazzaville

André NGOUBILI
 Attaché administratif et
 juridique
 Ministère de l'économie forestière
 chargé de la Pêche et des
 Ressources halieutiques
 BP 98
 Brazzaville

**CONGO, DEMOCRATIC REPUBLIC OF
THE/CONGO, RÉPUBLIQUE
DÉMOCRATIQUE DU/CONGO, REPÚBLICA
DEMOCRÁTICA DEL**

Banamuhere SALOMON
Vice-Ministre chargé de la Pêche
et de l'Aquaculture
Kinshasa

COSTA RICA

Herbert NANNÉ
Presidente Ejecutivo de INCOPECA
San Jose
Fax: +506 2962662

Victoria GUARDIA DE HERNÁNDEZ (Sra)
Representante Permanente
Representación Permanente de la
República de Costa Rica ante la FAO
Via Bartolemeo Eustachio 22
00161 Roma
Italia
Tel.: +39 0644251046/0644250954
Fax: +39 0644240954

Asdrubal VÁSQUEZ
Representante de la Industria Atunera
de Costa Rica
San Jose
Fax: +506 2534321

Yolanda GAGO DE SINIGAGLIA (Sra)
Representante Permanente Alterno
Representación Permanente de la
República de Costa Rica ante la FAO
Via Bartolemeo Eustachio 22
00161 Roma
Italia
Tel.: +39 0644251046/44240954
Fax: +39 0644251048

Katia MELONI (Ms)
Asistente
Embajada de Costa Rica
Roma
Italia

CÔTE D'IVOIRE

Anvra Jeanson DJOBO
Conseiller Technique Chargé de la
Pêche et de l'Aquaculture
01 BP 5521
Abidjan 01

Aboubakar BAKAYOKO
Représentant permanent adjoint de
la République de Côte d'Ivoire
auprès de la FAO
Ambassade de la République
de Côte d'Ivoire
Via Guglielmo Saliceto 8
00161 Rome
Italie
Tel.: +39 0644231129
Fax: +39 0644292531

CROATIA/CROATIE/CROACIA

CUBA

Manuel ALVAREZ RODRIGUEZ
Director
Asuntos Internacionales y Juridicos
Ministerio Industria Pesquera
Barlovento, Sta. FE
C. Habana
E-mail: alvarez@fishnavy.inf.cu

CYPRUS/CHYPRE/CHIPRE

Andreas ROUSHIAS
Alternate Permanent Representative
Permanent Representation of the
Republic of Cyprus to FAO
Piazza Farnese 44
00186 Rome
Italy
Tel.: +39 066865758
Fax: +39 0668803756
E-mail: faoprcyp@tin.it

**CZECH REPUBLIC/RÉPUBLIQUE
TCHÈQUE/REPÚBLICA CHECA**

Pavel SKODA
Permanent Representative of the
Czech Republic to FAO
Embassy of the Czech Republic
Via dei Gracchi 322
00192 Rome
Italy
Tel.: +39 063244459
Fax: +39 063244466
E-mail: rome@embassy.mzv.cz

**DEMOCRATIC PEOPLE'S REPUBLIC OF
KOREA/RÉPUBLIQUE POPULAIRE
DÉMOCRATIQUE DE CORÉE/REPÚBLICA
POPULAR DEMOCRÁTICA DE COREA**

DENMARK/DANEMARK/DINAMARCA

Jeanineke DAHL KRISTENSEN (Ms)
Fishery Adviser
Ministry of Foreign Affairs, DANIDA
Asiatisk Plads 2
1448 Copenhagen

Sally CLINK (Ms)
Fisheries Department
Ministry of Food, Agriculture and Fisheries
Holbergsgade 2
DK-1057 Copenhagen K
Tel.: +45 33 923689
Fax: +45 33 145042
E-mail: sac@fvm.dk

Eyofinnur FINNSSON
Principal adviser
Ministry of Fisheries
Yvuri vid Strond 17
FO-100 Tórshavn
Faroe Islands
Tel.: +298 353030
Fax: +298 353037
E-mail: eydfinnurf@fisk.fl.fo

Hákun Jógvanson DJURHUUS
Représentant de l'Autonomie
des Îles Féroé auprès de l'Union
Européenne
Ministère du Premier Ministre
Département des Affaires Étrangères
Rue d'Arlon 73
B-1040 Bruxelles, Belgique
Tel.: +32 2 2330855
Fax: +32 2 2330966
E-mail: faroe.rep@skynet.be

Erik KLINDT ANDERSEN
Deputy Permanent Representative
of Denmark to FAO
Royal Danish Embassy
Via dei Monti Parioli 50
00197 Rome
Italy
Tel.: +39 063200441/2/3
Fax: +39 063610290
E-mail: ambadane@iol.it

ECUADOR/ÉQUATEUR

Marco SAMANIEGO
Representante Permanente Adjunto de
la República del Ecuador ante la FAO
Embajada de la República del Ecuador
Via Antonio Bertoloni 8
00197 Rome, Italia
Tel.: +39 068079271
Fax: +39 068078209
E-mail: mecuroma@flashnet.it

EGYPT/ÉGYPTE/EGIPTO

Mohamed Abd El Hamid KHALIFA
Deputy Permanent Representative
of the Arab Republic of Egypt to FAO
Embassy of the Arab Republic
of Egypt
Via Salaria 267 (Villa Savoia)
00199 Rome, Italy
Tel.: +39 068440191
Fax: +39 068554424
E-mail: amb.egi@pronet.it

Ashraf SABET
Assistant President
Arab Academy for Science and
Technology and Maritime Transport
Building 2 m-Square
1166 El shahid Sayyed Zacharia St.
Cairo
Tel.: +202 2683344
Fax: +202 2680680
E-mail: asabet@aast.edu

EL SALVADOR

María Eulalia JIMÉNEZ DE MOCHI ONORI
(Sra)
Representante Permanente Adjunto
de la República de El Salvador
ante la FAO
Embajada de la República de El Salvador
Via Gualtiero Castellini 13
00197 Rome
Italy
Tel.: +39 068076605
Fax: +39 068079726

ERITREA/ÉRYTHRÉE

Yohannes TENSUE
Alternate Permanent Representative of
Eritrea to FAO
Embassy of Eritrea
Via Boncompagni 16
00187 Rome, Italy
Tel.: +39 0642741293
Fax: +39 0642086806

ESTONIA/ESTONIE

Kaido KROON
Counsellor in Management to the
Secretary General
Ministry of Agriculture
39/41 Lai Street
Tallinn
Tel.: +372 62 56 129
Fax: +372 62 56 202
E-mail: kaido.kroon@agri.ee

ETHIOPIA/ÉTHIOPIE/ETIOPIÁ**EUROPEAN COMMUNITY/ COMMUNAUTÉ
EUROPÉENNE/ COMUNIDAD EUROPEA**

(Member Organization/Organisation
membre/Organización Miembro)

Serge BESLIER
Chef d'Unité
Direction Générale de la Pêche
Unité "Coordination et questions générales
dans le domaine des relations internationales"
Commission des communautés européenne
200 rue de la Loi
Bruxelles, Belgique

Vilma DU MARTEAU (Mme)
Ambassadeur
Représentante permanente
Délégation de la Commission des
Communautés européennes auprès
de la FAO
Via IV Novembre 149
00187 Rome, Italie
Tel.: +39 066782672
Fax: +39 066797830
E-mail: mc1922@mclink.it

Constantin VAMVAKAS
Chef d'Unité
Direction Générale de la Pêche
Unité "Coordination des secteurs de
l'Aquaculture"
Commission européenne
200 rue de la Loi
Bruxelles, Belgique

Carmen OCHOA DE MICHELENA (Mme)
Administrateur
Direction Générale de la Pêche
Unité "Coordination des secteurs de
l'Aquaculture"
Commission européenne
200 rue de la Loi
Bruxelles, Belgique

Per HELLER
Administrateur principal
Direction Générale Commerce
Unité "Agriculture et Pêche"
Commission européenne
200 rue de la Loi
Bruxelles
Belgique

Jacques PRADE
Administrateur principal
Direction Générale du Développement
Unité "Développement rural et
environnement"
Commission européenne
200 rue de la Loi
Bruxelles, Belgique

Frances Anne HUNTER (Mme)
Représentante Permanente Suppléante
Délégation de la Commission des
Communautés européennes auprès
de la FAO
Via IV Novembre 149
00187 Rome, Italie
Tel.: +39 066782672
Fax: +39 066797830
E-mail: mc1922@mclink.it

Fernando FLORINDO
Fisheries Policy Administrator
DG B III
Council of the European Union
Rue de la Loi, 175
B-1048 Brussels, Belgium
Tel.: +32 2 2856196
Fax: +32 2 2858261
E-mail: fernando.florindo@consilium.eu.int

FIJI/FIDJI

Maciu LAGIBALAVU
Director of Fisheries
Ministry of Agriculture, Fisheries,
Forests and ALTA
Private Mail Bag
RaiwaQa
Suva
Tel.: +679 383546
Fax: +679 384233

FINLAND/FINLANDE/FINLANDIA

Seppo HAVU
Director General
Ministry of Agriculture and Forestry
Department of Fisheries and Game
Kluuvikatu 4 A
P.O. Box 232
FIN-00171 Helsinki
Tel.: +358 9 1603360
Fax: +358 9 1604285
E-mail: seppo.havu@mmm.fi

Orian BONDESTAM
 Counsellor of Fisheries
 Ministry of Agriculture and Forestry
 Department of Fisheries and Game
 Kluuvikatu 4 A
 P.O. Box 30
 FIN-00171 Helsinki
 Tel.: +358 9 1603361
 Fax: +358 9 1604285
 E-mail: orian.bondestam@mmm.fi

FRANCE/FRANCIA

Michel THIBIER
 Représentant permanent suppléant
 Représentation permanente de la
 France auprès de l'OAA
 Corso del Rinascimento 52
 00186 Rome
 Italie
 Tel.: +39 066865305
 Fax: +39 066892692
 E-mail: rpfrancefao@interbusiness.it

Patrick PRUVOT
 Secrétaire général du Comité
 interministériel de l'agriculture et de
 l'alimentation
 Paris

Philippe FORIN
 Chef du bureau des pêches maritimes
 Direction des pêches maritimes et
 de l'aquaculture
 Ministère de l'agriculture et de la pêche
 3, place de Fontenoy
 75007 Paris 07 SP
 Tel.: +33 1 49558231
 Fax: +33 1 49558200
 E-mail: philippe.forin@agriculture.gouv.fr

Jean-Francois GILON
 Chargé de Mission
 Bureau de la Gestion des Ressources
 Naturelles et de l'Environnement
 Direction générale de la coopération
 internationale et du développement
 Ministère des affaires étrangères
 20, rue Monsieur
 75700 Paris 07 SP
 Tel.: +33 1 53693147
 Fax: +33 1 53693335
 E-mail: jean-francois.gilon@diplomatie.fr

Jean-Michel SUCHE
 Directeur Générale du Comité National
 des Pêches Maritimes et des Élevages
 Marins
 51, rue Salvador Allende
 9227 Nanterre Cedex
 Tel.: +33 1 47750101
 Fax: +33 1 49000602
 E-mail: dg@comite-peches.fr

Alain PARRES
 Président du Comité national des
 pêches et des élevages marins
 c/o UAPF
 59 rue des Mathurins
 75008 Paris

Régis TOUSSAINT
 Président Directeur Général
 COFREPECHE PARIS
 32, rue du Caumartin
 75009 Paris
 Tel.: +33 1 42681710
 Fax: +33 1 42681711
 E-mail: cofrepeche@wanadoo.fr

GABON/GABÓN

Ivone Alves DIAS DA GRAÇA (Mme)
 Représentante permanente adjointe de
 la République gabonaise auprès
 de la FAO
 Ambassade de la République gabonaise
 Via Mercalli, 25
 00197 Rome
 Italie
 Tel.: +39 0680691390
 Fax: +39 0680691504

BOULANGA MOULEKA NZONDO
 Directeur Général Adjoint des Pêches
 et de l'Aquaculture
 Ministère des eaux et forêts, de la
 pêche et du reboisement
 B.P. 9498
 Libreville
 Robert ONDOH MVE
 Directeur des Pêches Artisanales
 Ministère des eaux et forêts, de la
 pêche et du reboisement
 B.P. 9498
 Libreville

GERMANY/ALLEMAGNE/ALEMANIA

Karl-Josef WEIERS
Permanent Representative
Permanent Representation of Germany
to FAO
Via di S.M. di Battaglia 4
00185 Rome
Italy
Tel.: +39 0649213280
Fax: +39 0649213281

Marlies REIMANN (Ms)
Federal Ministry of Food, Agriculture
and Forestry
Rochusstrasse 1
53123 Bonn
Tel.: +49 2 28 5294349
Fax: +49 2 28 5294410
E-mail: marlies.reimann@bml.bund.de

Uwe LOHMEYER
Deutsche Gesellschaft für Technische
Zusammenarbeit (GTZ) GmbH
Dag-Hammerarskjold-Weg 1-5
Postfach 5180
65726 Eschborn
Tel.: +49 61 96 791468
Fax: +49 61 96 796103
E-mail: uwe.lohmeyer@gtz.de

GHANA

Ishmael ASHITEY
Minister of State responsible
for Fisheries
Ministry of Food and Agriculture
P.O. Box M.37
Accra
Tel.: ++233 21 665421
Fax: ++233 21 663250

George ANYANE
Director of Fisheries
Ministry of Food and Agriculture
P.O. Box M.37
Accra
Tel.: +233 21 665421
Fax: +233 21 663250

Kwaku NICOL
Alternate Permanent Representative
of the Republic of Ghana to FAO
Embassy of the Republic of Ghana
Via Ostiana 4
00199 Rome, Italy
Tel.: +39 0686215691
Fax: +39 0686325762

Emelia ANANG (Ms)
Head of Research
Fisheries Department
Ministry of Food and Agriculture
P.O. Box M.37, Accra
Tel.: +233 21 665421
Fax: +233 21 663250

Alfred TETEBO
Assistant Director and Head of Monitoring
Control and Surveillance Unit
Fisheries Department
Ministry of Food and Agriculture
P.O. Box M.37, Accra
Tel.: ++233 21 665421
Fax: ++233 21 663250

GREECE/GRÈCE/GRECIA

Emmanuel MANOUSSAKIS
Alternate Permanent Representative
of Greece to FAO
Embassy of Greece
Via Saverio Mercadante 36
00198 Rome, Italy
Tel.: +39 068537551
Fax: +39 068415927
E-mail: gremroma@tin.it

Olga AGIOVLASSITIS (Ms)
Ichthyologist
Head of the Marine Fishery
Development Planning Unit
Fisheries Department
Ministry of Agriculture
5, Acharnon Street
Athens

GUATEMALA

Rita CLAVERIE DE SCIOLLI (Sra)
Representante Permanente Adjunto
de la República de Guatemala
ante la FAO
Embajada de la República de Guatemala
Via dei Colli della Farnesina 128
00194 Rome, Italia
Tel.: +39 0636307392
Fax: +39 063291639
E-mail: embaguate.ita@flashnet.it

Fraterno DÍAS MONGE
Coordinador UNIPESCA
Ministerio de Agricultura
Kil 22, Carretera al Pacífico
Edificio la Ceiba, 3er nivel
Guatemala, C.A.

Acisclo VALLADARES MOLINA
 Embajador ante la Santa Sede
 Representante Permanente de la
 República de Guatemala ante la FAO
 Embajada de la República de Guatemala
 Piazzale San Gregorio VII 65
 00165 Roma
 Italia
 Tel.: +39 066381632
 Fax: +39 0639376981

Ileana RIVERA de ANGOTTI (Sra)
 Representante Permanente Alterno de la
 República de Guatemala ante la FAO
 Embajada de la República de Guatemala
 Piazzale San Gregorio VII 65
 00165 Roma
 Italia
 Tel.: +39 066381632
 Fax: +39 0639376981

GUINEA/GUINÉE

Souhaib Deen BANGOURA
 Ambassadeur
 Représentant permanent
 Représentation permanente
 de la République de Guinée
 auprès de la FAO
 Largo dell'Olgiata 15 - Is. 102/B5/int.2
 00123 Rome
 Italie
 Tel.: +39 0630888503
 Fax: +39 0630888503

Mamadou Moustapha LY
 Secrétaire Général
 Ministère de la pêche et de l'aquaculture
 B.P. 307
 Conakry

GUINEA-BISSAU/GUINÉE-BISSAU

Paulo BARANÇAO
 Directeur du Cabinet
 du Secrétaire d'État
 à la Pêche
 Av. Amílcar Cabral
 B.P. 102
 Bissau
 Tel.: +245 253137

Oumar SISSOCO EMBALO
 Conseiller aux Affaires Econ.
 Coopération et Développement
 Secrétariat d'État à la Pêche
 Av. Amílcar Cabral
 B.P. 102
 Bissau
 Tel.: +245 203749

HAITI/HAÏTI/HAÏTÍ

Suze PERCY (Mme)
 Représentante permanente adjointe de la
 République d'Haïti auprès de la FAO
 Ambassade de la République d'Haïti
 Via di Villa Patrizi 7-7A
 00161 Rome
 Italie
 Tel.: +39 0644254106/7
 Fax: +39 0644254208

Patrick SAINT-HILAIRE
 Représentant permanent suppléant de la
 République d'Haïti auprès de la FAO
 Ambassade de la République d'Haïti
 Via di Villa Patrizi 7-7A
 00161 Rome
 Italie
 Tel.: +39 0644254106/7
 Fax: +39 0644254208

HONDURAS

Mayra Aracely REINA de TITTA
 Representante Permanente Alterno
 Representación Permanente de la
 República de Honduras ante la FAO
 Via Giambattista Vico 40, int.8
 00196 Roma, Italia
 Tel.: +39 063207236
 Fax: +39 063207973

HUNGARY/HONGRIE/HUNGRIA

Károly PINTÉR
 Director General
 Ministry of Agriculture and Regional
 Development
 Department for Game Management
 and Fisheries
 Kossuth Lajos tér 11
 H-1055 Budapest
 Tel.: +36 1 3014180
 Fax: +36 1 3014781
 E-mail: karoly.pinter@fvm.hu

ICELAND/ISLANDE/ISLANDIA

Sigriour ASDIS SNAEVARR
 Ambassador
 Permanent Representative of the
 Republic of Iceland to FAO
 Embassy of the Republic of Iceland
 113 ave St. Martin
 750016 Paris, France
 Tel.: +33 1 44173285
 Fax: +33 1 40679996
 E-mail: icemb.paris@utn.stjr.is

Kolbeinn ÁRNASON
Head of Division
Ministry of Fisheries
Skúlagata 4
150 Reykjavík
Tel.: +354 5609670
Fax: +354 5621853
E-mail: kolbeinn.arnason@sjr.stjr.is

Arndis A. STEINTHORSDOTTIR (Ms)
Director Economic Office
Ministry of Fisheries
Skúlagata 4
150 Reykjavík

Gudrun EYJOLFSDOTTIR (Ms)
Special Adviser
Ministry of Fisheries
Skúlagata 4
150 Reykjavík
Tel.: +354 5609670
Fax: +354 5621853
E-mail: gudrune@hafro.is

Thordur Ingvi GUDMUNDSSON
Ambassade d'Islande
8, Avenue Kléber
75116 Paris, France

Petur BJARNASON
Chairman
Fisheries Association of Iceland
Skipholti 17
105 Reykjavík

Kristjan THORARÍNSSON
Chair
Nordic Technical Working Group
on Fisheries Ecolabelling Criteria
PO Box 893
121 Reykjavík

INDIA/INDE

Nita CHOWDHURY (Ms)
Joint Secretary
Government of India
Ministry of Agriculture
Room No. 120, Krishi Bhawan
Dr. Rajendra Prasad Road
New Delhi

Neela GANGADHARAN (Ms)
Alternate Permanent Representative of
the Republic of India to FAO
Embassy of the Republic of India
Via XX Settembre 5
00187 Rome, Italy
Tel.: +39 064884642/3/4/5
Fax: +39 064819539
E-mail: neelag@mclink.it

INDONESIA/INDONÉSIE

Etty R. AGOES (Ms)
Legal Adviser to the Minister
Ministry of Maritime and Fishery
M.T. Haryono Kav 52-53
Jakarta
Tel.: +62 21 7990449
Fax: +62 21 79180174

Saut P. HUTAGALUNG
Senior Official
Directorate General of Fisheries
Ministry of Marine Affairs and Fisheries
Jl. Harsono RM No.3
Ragunan Pasar Minggu
Jakarta
Tel.: +62 21 78832629
Fax: +62 21 7803196

Inyoman ARDHA
Alternate Permanent Representative
of the Republic of Indonesia to FAO
Embassy of the Republic of Indonesia
Via Campania 55
00187 Rome, Italy
Tel.: +39 064200911
Fax: +39 064880280
E-mail: indorom@box1.tin.it

Timbul SITUMORANG
Alternate Permanent Representative of
the Republic of Indonesia to FAO
Embassy of the Republic of Indonesia
Via Campania 55
00187 Rome
Tel.: +39 064200911
Fax: +39 064880280
E-mail: indorom@box1.tin.it

Eni HARTATI
First Secretary
Embassy of the Republic of Indonesia
Via Campania 55
00187 Rome
Italy
Tel.: +39 064200911
Fax: +39 064880280
E-mail: indorom@box1.tin.it

IRAN (ISLAMIC REPUBLIC OF)/IRAN (RÉPUBLIQUE ISLAMIQUE D')/IRÁN (REPÚBLICA ISLÁMICA DEL)

Lotfollah SAEDI
Deputy of Iranian Fisheries Co.
(Shilat) (Fishing and Fishing Ports)
Ministry of Jihad-e-Sazandegi
No. 250, Fatemi St.
Tehran

Mehdi NASROLLAHZADEH SHIRAZI FINI
Deputy Director-General
Iranian Fisheries Co. (Shilat)
in charge of specialized International
Agencies
Ministry of Jihad-e-Sazandegi
No. 250, Fatemi Street
Teheran

Mostafa JAFARI
Alternate Permanent Representative
Permanent Representation of the
Islamic Republic of Iran to FAO
Via Aventina 8
00153 Rome
Italy
Tel.: +39 065743594
Fax: +39 065747636
E-mail: pm.ir.iranfao@flashnet.it

IRAQ

Badr Jassem ALLAWI
Ambassador
Permanent Representative
Permanent Representation of the
Republic of Iraq to FAO
Via della Camilluccia 355
00135 Rome
Italy
Tel.: +39 063014452
Fax: +39 063014359

IRELAND/IRLANDE/IRLANDA

Tony DEVLIN
Alternate Permanent Representative of
Ireland to FAO
Embassy of Ireland
Piazza di Campitelli 3
00186 Rome
Italy
Tel.: +39 066979121
Fax: +39 066792354
E-mail: registry@irishembassy.it

ITALY/ITALIE/ITALIA

Stefano CATAUDELLA
Ministère des politiques agricoles et forestières
Via XX Settembre 20
Rome

Francesco D'AGOSTINO
Comando Generale
Capitanerie di Porto
MARICOGECAP
Roma

Giovanni DELLA SETA
Ministère des politiques agricoles et forestières
Via XX Settembre 20
Rome

Paolo GALOPPINI
Ministère de l'environnement
Via Cristoforo Colombo 44
Rome

Giuseppe NOTARBARTOLO DI SCIARA
President
ICRAM
Via del Casaletto 300
00166 Rome

Loretta MALVAROSA (Ms)
Ministère des politiques agricoles et
forestières
Via S. Leonardo
Salerno

Nicola PACINI
Ministère de l'environnement
Via Cristoforo Colombo 44
Rome

Pietro TROVATO GANGEMI
Comando Generale
Capitanerie di Porto
MARICOGECAP
Rome

JAMAICA/JAMAÏQUE

JAPAN/JAPON/JAPÓN

Masayuki KOMATSU
Counsellor Director
Resources Management Department
Fisheries Agency of Japan
Ministry of Agriculture, Forestry
and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo

Daishiro NAGAHATA
Director for International Negotiations
Fisheries Agency of Japan (FAJ)
Ministry of Agriculture, Forestry
and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo
Tel.: +81 3 35911086
Fax: +81 3 35020571
E-mail: daishiro_nagahata@nm.maff.go.jp

Keiko SUZUKI (Ms)
 Assistant Director
 Fishery Division
 Economic Affairs Bureau
 Ministry of Foreign Affairs
 2-2-1, Kasumigaseki, Chiyoda-ku
 Tokyo

Shingo OTA
 Assistant Director
 Fishery Processing and Marketing Division
 Fisheries Agency of Japan
 Ministry of Agriculture, Forestry
 and Fisheries
 1-2-1 Kasumigaseki, Chiyoda-ku
 Tokyo
 Tel.: +81 3 35011961
 Fax: +81 3 35916867
 E-mail: shingo_oota@nm.maff.go.jp

Takanori OHASHI
 Programme Coordinator
 Fisheries Agency
 Ministry of Agriculture, Forestry
 and Fisheries
 1-2-1 Kasumigaseki, Chiyoda-ku
 Tokyo
 Tel.: +81 3 35911086
 Fax: +81 3 35020571
 E-mail: takanori_ohashi@nm.maff.go.jp

Kengo TANAKA
 Deputy Director
 International Affairs Division
 Fisheries Agency
 Ministry of Agriculture, Forestry
 and Fisheries
 1-2-1 Kasumigaseki, Chiyoda-ku
 Tokyo
 Tel.: +81 3 35911086
 Fax: +81 3 35020571
 E-mail: kengo_tanaka@nm.maff.go.jp

Tsuyoshi IWATA
 International Affairs Division
 Fisheries Agency
 Government of Japan
 1-2-1 Kasumigaseki, Chiyoda-ku
 100-8907 Tokyo
 Tel.: +81 3 35911086
 Fax: +81 3 35020571
 E-mail: tsuyoshi_iwata@nm.maff.go.jp

Hideaki OKADA
 Assistant Section Chief
 International Affairs Division
 Resources Management Department
 Fisheries Agency of Japan
 Ministry of Agriculture, Forestry
 and Fisheries
 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo

Yoshihiro TAKAGI
 Managing Director
 International Relations
 Overseas Fishery Cooperation Foundation
 Sankaido Bldg.
 9-13 Akasaka 1 Minato-ku
 107-0052 Tokyo
 Tel.: +81 3 35855381
 Fax: +81 3 35824539
 E-mail: takagi@ofcf.or.jp

Eiko OZAKI (Ms)
 Manager
 International Department
 Federation of Japan Tuna
 Fisheries Co-operative Associations
 3-22 Kudankita 2-Chome
 Chiyoda-ku
 102-0073 Tokyo
 Tel.: +81332646167
 Fax: +81 3 32347455
 E-mail: ozaki@intldiv.japantuna.or.jp

Dan GOODMAN
 Councillor
 Information and Social Science Division
 The Institute of Cetacean Research
 Tokyo Suisan Bldg.
 4-18 Toyomi-cho, Chuo-ku
 104-0055 Tokyo
 Tel.: +81 3 35366523
 Fax: +81 3 35366522
 E-mail: dgoodman@spa.att.ne.jp

Gabriel GÓMEZ DÍAZ
 Senior Scientist
 Public Relations Research
 The Institute of Cetacean Research
 Tokyo Suisan Bldg.
 4-18 Toyomi-cho, Chuo-ku
 104-0055 Tokyo
 Tel.: +81 3 35368227
 Fax: +81 3 35366522
 E-mail: ggomez@icr-unet.ocn.ne.jp

Yoshio KANEKO
 Executive Director
 Global Guardian Trust
 Tokyo

Masashi NISHIMURA
 Assistant Manager
 International Section
 Operations Division
 Japan Fisheries Association
 Sankaido Bldg.
 9-13 Akasaka 1, Minato-Ku
 107-0052 Tokyo
 Tel.: +81 3 35856683
 Fax: +81 3 35822337
 E-mail: JDB00775@nifty.ne.jp

Hideki MORONUKI
 Alternate Permanent Representative
 of Japan to FAO
 Embassy of Japan
 Via Quintino Sella 60
 00187 Rome, Italy
 Tel.: +39 0648799410/1/2
 Fax: +39 064873316
 E-mail: hideki.moronuki@mofa.go.jp

KAZAKHSTAN/KAZAJSTÁN

KENYA

Samuel C. YEGON
 Alternate Permanent Representative of
 the Republic of Kenya to FAO
 Embassy of the Republic of Kenya
 Via Archimede 164
 00197 Rome, Italy
 Tel.: +39 068082714
 Fax: +39 068082707

KOREA, REPUBLIC OF/CORÉE, RÉPUBLIQUE DE/COREA, REPÚBLICA DE

Pyung-Shik SHIN
 Director General
 International Cooperation
 Ministry of Maritime Affairs and Fisheries
 139 Chungjong-No. 3
 Seodaemun-Gu
 Seoul 120-715
 Tel.: +82 2 31486150/1
 Fax: +82 2 31486996
 E-mail: shinps@momaf.go.kr

Young-Joe YUN
 Assistant Director
 Ministry of Foreign Affairs and Trade
 First Integrated Government Building
 77, Sejong-Ro, Chongro-Ku
 Seoul

Chi-Guk AHN
 International Cooperation Division
 Ministry of Maritime Affairs and Fisheries
 139 Chungjong-No3
 Seodaemun-Gu
 Seoul 120-715
 Tel.: +82 2 31486992/5
 Fax: +82 2 31486996
 E-mail: chiguka@netian.com

Sun Pyo KIM
 Senior Researcher
 Ministry of Maritime Affairs and Fisheries
 139 Chungjong-No.3
 Seodaemun-Gu
 Seoul 120715

KUWAIT/KOWEÏT

Haider A. MURAD
 Deputy General Director for Fish
 Resources
 Public Authority for Agriculture and
 Fish Resources
 P.O. Box 21422
 Safat 13075
 Tel.: +965 5621611
 Fax: +965 5651812

Zohra A.R. AL WAZZAN (Ms)
 Chief, Aquatic Resources Service
 General Authority for Agriculture and
 Fisheries Affairs
 Kuwait City

Fatimah HAYAT (Ms)
 Permanent Representative
 Permanent Representation of the State
 of Kuwait to FAO
 Via San Saba 18
 00153 Rome
 Italy
 Tel.: +39 065754598
 Fax: +39 065754590

LATVIA/LETONIE/LETONIA

Normunds RIEKSTINS
 Director
 National Board of Fisheries
 Ministry of Agriculture
 2, Republikas Laukums
 LV-1010 Riga
 Tel.: +371 7323877
 Fax: +371 7334892
 E-mail: fish@com.latnet.lv

LEBANON/LIBAN/LÍBANO

LESOTHO

LIBERIA/LIBÉRIA

LIBYAN ARAB JAMAHIRIYA/JAMAHIRIYA ARABE LIBYENNE/JAMAHIRIYA ÁRABE LIBIA

Atig DRAWIL-HUNI
 Director
 Marine Biology Research Centre
 Institution of Scientific Research
 P.O. Box 30830
 Tajura
 Tel.: +218 21 2690001/3
 Fax: +218 21 3690002
 E-mail: drawatig@yahoo.com

Essam Mahgoub ZAWIA
 Alternate Permanent Representative
 Permanent Representation of the
 Socialist People's Libyan Arab
 Jamahiriya to FAO
 Via Nomentana 365
 00162 Rome, Italy
 Tel.: +39 068603880
 Fax: +39 068603880

MADAGASCAR

MALAYSIA/MALAISIE/MALASIA

Dato' Hashim AHMAD
 Director General
 Department of Fisheries
 Ministry of Agriculture
 8th & 9th Floor
 Wisma Tani, Jalan Sultan Salahuddin
 50628 Kuala Lumpur
 Tel.: +60 3 26980523
 Fax: +60 3 26942984
 E-mail: kpp01@dof.moa.my

Roseley KHALID
 Alternate Permanent Representative
 of Malaysia to FAO
 Embassy of Malaysia
 Via Nomentana 297
 00162 Rome, Italy
 Tel.: +39 068419296
 Fax: +39 068555110
 E-mail: malagrirm@pronet.it

MALI/MALÍ

Modibo Mahamane TOURE
 Représentant permanent suppléant
 de la République du Mali auprès de la FAO
 Ambassade de la République du Mali
 Via Antonio Bosio 2
 00161 Rome, Italie
 Tel.: +39 0644254068
 Fax: +39 0644254029

MALTA/MALTE

Francis MONTANARO MIFSUD
 Ambassador
 Permanent Representative
 Permanent Representation of the
 Republic of Malta to FAO
 Lungotevere Marzio 12
 00186 Rome
 Italy
 Tel.: +39 066879947
 Fax: +39 066892687

Anthony GRUPPETTA
 Director of Fisheries and Aquaculture
 Ministry of Agriculture and Fisheries
 Torri San Lucjan
 M'xlokk
 Valletta

MARSHALL ISLANDS/ILES MARSHALL/ISLAS MARSHALL

Danny S. WASE
 Director
 Marshall Islands Marine Resources
 Authority
 PO Box 860
 Majuro 96960
 Tel.: +692 6258262
 Fax: +692 6255447
 E-mail: mimra@ntamar.com

MAURITANIA/MAURITANIE

Chérif OULD TOUILIB
 Directeur Amenagement
 Ministère des Pêches et de l'Économie
 Maritime
 Nouadhibou

Mohamed M'Bareck OULD SOUEILIM
 Directeur du centre national de
 recherches océanographiques et des pêches
 Ministère des pêches et de l'économie
 maritime
 BP 22
 Nouadhibou

MAURITIUS/MAURICE/MAURICIO

Denis CANGY
 Consul
 Consulate of Mauritius
 Via G.B. Morgagni 6a
 Rome
 Italy

MEXICO/MEXIQUE/MÉXICO

Mara Angélica MURILLO CORREA (Sra)
 Directora General de Política y
 Fomento Pesquero
 Secretaría de Agricultura, Ganadería,
 Desarrollo Rural, Pesca y Alimentación
 Ave. Insurgentes Sur No 476, Piso 13o
 Colonia Roma Sur
 Ciudad de México

María Teresa BANDALA MEDINA (Sra)
 Directora de Medio Ambiente
 Secretaría de Relaciones Exteriores
 R. Flores Magon No.1
 Tlatelolco
 México, D.F.

Héctor MARQUEZ SOLIS
 Director General
 Análisis y Seguimiento
 Secretaría de Economía
 Alfonso Reyes 30-16
 México D.F.

Víctor Hugo MORALES MELÉNDEZ
 Representante Permanente Adjunto
 de los Estados Unidos Mexicanos ante la FAO
 Embajada de los Estados Unidos Mexicanos
 Via Lazzaro Spallanzani 16
 00161 Roma, Italia
 Tel.: +39 06442757
 Fax: +39 064403876
 E-mail: mexfao@tin.it

María de los Ángeles ARRIOLA
 AGUIRRE (Sra)
 Representante Permanente Alterno
 de los Estados Unidos Mexicanos ante la FAO
 Embajada de los Estados Unidos Mexicanos
 Via Lazzaro Spallanzani 16
 00161 Roma, Italia
 Tel.: +39 06442757
 Fax: +39 064403876
 E-mail: mexfao@tin.it

Carlos VIDALI
 Presidente Ejecutivo
 Ocean Garden Products Inc
 Exportadores Asociados
 Mexico D.F. 03810
 Tel.: +52 56874745
 Fax: +52 55432745
 E-mail: cvidali@oceangarden.com

Claudia GONZÁLEZ EGUÍA (Ms)
 Representación de la Secretaría de
 Medio Ambiente, Recursos Naturales y Pesca
 Representación Permanente de los
 Estados Unidos Mexicanos ante la FAO
 Embajada de los Estados Unidos Mexicanos
 Via Lazzaro Spallanzani 16
 00161 Roma, Italia
 Tel.: +39 06442757
 Fax: +39 064403876
 E-mail: mexfao@tin.it

MONGOLIA/MONGOLIE

MOROCCO/MAROC/MARRUECOS

Driss MESKI
 Directeur de la Coopération et des
 Affaires Juridiques au Ministère des
 pêches maritimes
 Rabat

Ahmed AFAILAL
 Représentant permanent adjoint
 du Royaume du Maroc auprès de la FAO
 Ambassade du Royaume du Maroc
 Via Lazzaro Spallanzani 8-10
 00161 Rome
 Italie
 Tel.: +39 064402524
 Fax: +39 064402695

Abdesslam FAHFOUHI
 Chef de Division
 Ministère des Pêches Maritimes
 Haut Agdal
 BP 476 Rabat

Salah BEN CHERIFI
 Chef de Division
 Institut National de Recherche Halieutique
 2 rue Tiznit
 Casablanca
 Tel.: +2112 22220245
 Fax: 212 22266967
 E-mail: bencherifi@inrh.org.ma

Ouafa BOUMEDIENE
 Directeur du développement
 Office National des Pêches
 15, rue Lieutenant Mahroud
 BP 16243
 20 300 Casablanca
 Tel.: +212 2 240551
 Fax: +212 2 246691
 E-mail: boumediene@onp.co.ma

MOZAMBIQUE

Carla Elisa MUCAVI (Ms)
 Alternate Permanent Representative of
 the Republic of Mozambique to FAO
 Embassy of the Republic of Mozambique
 Via Filippo Corridoni 14
 00195 Rome, Italy
 Tel.: +39 0637514852
 Fax: +39 0637514699
 E-mail: embmozambique.italia@excalhq.it

Angélica António CAU DENGÓ (Ms)
 Chefe de Departamento
 Departamento de Cooperação Internacional
 Ministério das Pescas
 Rua Consiglieri Pedroso, 343
 Caixa Postal 1723
 Maputo
 Tel.: +258 1 427443
 Fax: +258 1 425087
 E-mail: adengo@mozpesca.org

Ananias Benjamin SIGAUQUE
 Alternate Permanent Representative of
 the Republic of Mozambique to FAO
 Embassy of the Republic of Mozambique
 Via Filippo Corridoni 14
 00195 Rome
 Italy
 Tel.: +39 0637514852
 Fax: +39 0637514699
 E-mail: embmozambique.italia@excalhq.it

MYANMAR

U. AUNG MYINT
 Alternate Permanent Representative
 of the Union of Myanmar to FAO
 Embassy of the Union of Myanmar
 Viale Gioacchino Rossini, 18
 00198 Rome
 Italy
 Tel.: +39 068549374
 Fax: +39 068413167
 E-mail: ymynt@tiscalinet.it

NAMIBIA/NAMIBIE

Abraham IYAMBO
 Minister
 Ministry of Fisheries and Marine Resources
 Private Bag 13355
 Windhoek

Hashali HAMUKUAYA
 Deputy Director
 Ministry of Fisheries and Marine
 Resources
 Private Bag 13355
 Windhoek
 Tel.: +261 61 2053071
 Fax: +264 61 220558
 E-mail: hhamukuaya@mfmr.gov.na

Vilhjalmur WIIUM
 Ministry of Fisheries and Marine
 Resources
 Private Bag 13355
 Windhoek

NETHERLANDS/PAYS-BAS/PAÍSES BAJOS

P.A.L. DE RIJK
 Department of Fisheries
 Ministry of Agriculture, Nature
 Management and Fisheries
 Bezuidehouthoutseweg 73, Postbus 20401
 The Hague

Jacco BOS
 Alternate Permanent Representative
 Permanent Representation of the
 Kingdom of the Netherlands to FAO
 Via delle Terme Deciane 6
 00153 Rome
 Italy
 Tel.: +39 065740306
 Fax: +39 065744927
 E-mail: rof@minbuza.nl

NEW ZEALAND/NOUVELLE- ZÉLANDE/NUEVA ZELANDIA

Jane WILLING (Ms)
 Policy Manager
 Ministry of Fisheries
 PO Box 2526
 Wellington

Lisa McGOWAN (Ms)
 Industrial Products Negotiator
 Trade Negotiations Division
 Ministry of Foreign Affairs and Trade
 Private Bag 18 901
 Wellington

NICARAGUA

Alejandro MEJÍA FERRETTI
 Embajador
 Representante Permanente de la
 República de Nicaragua ante la FAO
 Embajada de la República de Nicaragua
 Via Brescia 16
 00198 Roma
 Italia
 Tel.: +39 068413471
 Fax: +39 068841695
 E-mail: faoprnic@tin.it

Miguel MARENCO U.
 Director Ejecutivo
 Administración Nacional de Pesca
 y Acuicultura
 Sandy's C. Masaya 1 c. al Este
 Apdo. 2020
 Managua
 Tel.: +505 2700932
 Fax: +505 2700954
 E-mail: adpesca@ibw.com.ni

Amanda DEL CARMEN CUADRA (Sra)
 Director de Políticas y Normas
 Dirección General de Recursos Naturales
 Ministerio del Fomento, Industria
 y Comercio
 Km 4 Carretera
 Masaya
 Tel.: +505 2775350
 Fax: +505 2672043
 E-mail: dgrn@mific.gob.ni

Armando SEGURA ESPINOZA
 Director
 Cámara de Pesca de Nicaragua
 (CAPENIC)
 Managua

NIGERIA/NIGÉRIA

Thomas AJAYI
 Director
 Nigerian Institute for Oceanography
 and Marine Research
 PMB 12729
 Lagos
 Tel.: +234 01 615175
 Fax: +234 01 2617530
 E-mail: niomr@hyperia.com

M.A. ONABANJO (Ms)
 Deputy Director
 Federal Ministry of Agriculture and
 Rural Development
 Area 11, Garki
 P.M.B. 135
 Abuja
 Tel.: +234 9 2345129
 Fax: +234 9 2346425
 E-mail: ifad.afdp.abj@mlstn.com

Gabriel G. LOMBIN
 Permanent Representative
 Permanent Representation of the
 Federal Republic of Nigeria to FAO
 Via Orazio 14-16
 00193 Rome
 Italy
 Tel.: +39 066896231
 Fax: +39 066832528

NORWAY/NORVÈGE/NORUEGA

Astrid HOLTAN (Ms)
 Assistant Director General
 Ministry of Fisheries
 P.O. Box 8118 Dep
 0032 Oslo

Brit FISKNES (Ms)
 Adviser
 Ministry of Fisheries
 P.O. Box 8118 Dep
 0032 Oslo

Tore JAKOBSEN
 Senior Scientist
 Institute of Marine Research
 P.O. Box 1870 Nordnes
 N-5817 Bergen
 Tel.: +47 55 238500
 Fax: +47 55 238687
 E-mail: tore.jakobsen@imr.no

Alf Hakon HOEL
 Associate Professor
 University of Trømsø
 Institute of Political Science
 9037 Trømsø

Kirsten BJORU (Ms)
 Adviser
 Norwegian Agency for Development
 Assistance
 P.O. Box 8034 Dep
 0030 Oslo

Terje LOEBACH
 Special Adviser
 Directorate of Fisheries
 P.O. Box 185
 5804 Bergen

Egil LEKVEN
 Special Adviser
 Directorate of Fisheries
 P.O. Box 185
 5804 Bergen

Erling BAKKEN
 Research Director
 Institute of Marine Research
 P.O. Box 1870
 5817 Bergen

OMAN/OMÁN

Younis Khalfan AL AKHZAMI
 Director General
 Fisheries Department
 Ministry of Agriculture and Fisheries
 P.O. Box 467
 113 Muscat
 Tel.: +968 696369
 Fax: +968 605634
 E-mail: younisa@hotmail.com

PAKISTAN/PAKISTÁN

Adnan Bashir KHAN
 Alternate Permanent Representative
 of the Islamic Republic of Pakistan
 to FAO
 Embassy of the Islamic Republic
 of Pakistan
 Via della Camilluccia 682
 00135 Rome, Italy
 Tel.: +39 0636301775
 Fax: +39 0636301936

PANAMA/PANAMÁ

Rossana Luigia AMEGLIO (Sra)
 Embajador
 Representante Permanente
 Representación Permanente de la
 República de Panamá ante la FAO
 Viale Regina Margherita 239, piso 4
 00198 Roma, Italia
 Tel.: +39 0644265429
 Fax: +39 0644252332
 E-mail: amb.pan.fao@net4free.it

Arnulfo FRANCO
 Director General
 Dirección de Recursos
 Marinos y Costeros
 Aptdo, 8062
 Zona 7
 Panamá
 Tel.: +507 2327510
 Fax: +507 2326477
 E-mail: digerema@sinfo.net

PERU/PÉROU/PERÚ

Alvaro VALDÉZ FERNÁNDEZ
 Vice-Ministro de Pesquería
 Ministerio de Pesquería
 Calle Uno Oeste No 60, Urb. Córpac
 San Isidro
 Lima
 Tel.: +51 1 2243262/2243232
 Fax: +51 1 2243273
 E-mail: avaldez@minpes.gob.pe

Miguel BARRETO
 Representante Permanente Alterno
 de la República del Perú ante la FAO
 Embajada de la República del Perú
 Via Francesco Siacci 4, int. 4
 00197 Roma, Italia
 Tel.: +39 0680691510
 Fax: +39 0680691777
 E-mail: emb.peru@agora.stm.it

Jorge VÉRTIZ CALDERÓN
 Asesor del Despacho
 Vice Ministeria
 Calle uno Oeste 060, Urb. Córpac
 San Isidro
 Lima
 Tel.: +511 2243423/4768528
 Fax: +511 2242381
 E-mail: jvertiz@menpes.gob.pe

Francisco O. VEGA GONZALEZ
 Presidente
 Sociedad Nacional Pesquerie
 Av. Javier Prado Oeste 2442
 San Isidro
 Lima
 Tel.: +51 1 2612970/4612003
 Fax: +51 1 2617912
 E-mail: snpnet@terra.com.pe

Jorge ZUZUNAGA
 Asesor del Despacho Vice-Ministerial
 Calle Uno Oeste 060, Urb. Córpac
 San Isidro
 Lima
 Tel.: +51 1 2243262/2243232
 Fax: +51 1 2243237
 E-mail: jzuzunaga@minpes.gob.pe

PHILIPPINES/FILIPINAS

Malcolm I. SARMIENTO
 Director
 Department of Fisheries
 Bureau of Fisheries and Aquatic Resources
 860 Quezon Ave.
 Quezon City
 Metro Manila 3008

Maria Theresa LAZARO (Ms)
 Foreign Service Officer
 Center for Maritime and Ocean Affairs
 12/F Department of Foreign Affairs
 Roxas Boulevard
 1300 Pasay City

Noel DE LUNA
 Deputy Permanent Representative
 Embassy of the Republic of the Philippines Viale
 delle Medaglie d'Oro 112
 00136 Rome

Annaliza A. VITUG (Ms)
 Legal Officer
 Legal Division and Licensing Division
 Bureau of Fisheries and Aquatic Resources
 860 Quezon Avenue
 Quezon City
 Metro Manila 3008
 Tel.: +632 3725057
 Fax: +632 3725048

POLAND/POLOGNE/POLONIA

R. GMYREK
Secretary of State
Ministry of Agriculture and Rural
Development
ul. Wspólna 30
00-930 Warsaw

Z. GANDERA
Director
Ministry of Agriculture and Rural
Development
ul. Wspólna 30
00-930 Warsaw

T. LINKOWSKI
Director
Sea Fisheries Institute
Ministry of Agriculture and Rural
Development
ul. Kollataja 1
81-332 Gdynia

PORTUGAL

Eurico MONTEIRO
Director-General
Direcção-Geral das Pescas e Aquicultura
Edifício Vasco da Gama
Alcantara Mar
1300 Lisbon

Maria Helena FIGUEIREDO (Ms)
Director
Departamento de Relações Comunitárias
Internacionais e de Cooperacção
Direcção-Geral das Pescas e Aquicultura
Edifício Vasco da Gama
Alcantara Mar
1300 Lisbon

Pedro PINTO DA SILVA
Deputy Permanent Representative
of the Portuguese Republic to FAO
Embassy of the Portuguese Republic
Viale Liegi 21
00198 Rome, Italy
Tel.: +39 06844801
Fax: +39 068417404

ROMANIA/ROUMANIE/RUMANIA

Ioan PAVEL
Représentant permanent adjoint de
Roumanie auprès de la FAO
Ambassade de Roumanie
Via Nicolò Tartaglia 36
00197 Rome, Italie
Tel.: +39 068084529
Fax: +39 068084995

SAUDI ARABIA/ARABIE SAOUDITE/ARABIA SAUDITA

Ahmed S. AL AQUIL
Permanent Representative
Permanent Representation of the
Kingdom of Saudi Arabia to FAO
Via della Piramide Cestia 63
00153 Rome
Italy
Tel.: +39 065740901
Fax: +39 065758916

Bandar SHALHOOB
Alternate Permanent Representative
Permanent Representation of the
Kingdom of Saudi Arabia to FAO
Via della Piramide Cestia 63
00153 Rome
Italy
Tel.: +39 065740901
Fax: +39 065758916

SENEGAL/SÉNÉGAL

Moustapha THIAM
Adjoint au Directeur de l'Océanographie
et des Pêches Maritimes
Ministère de la pêche
Building administratif, 4ème étage
B.P. 289
01 rue Joris
Dakar

Modou THIAM
Conseiller Technique
Ministère de la pêche
Building administratif, 4ème étage
B.P. 289
01 rue Joris
Dakar

Moussa Bocar LY
Représentant permanent adjoint du
Sénégal auprès de la FAO
Ambassade de la République du Sénégal
Via Giulia 66
00186 Rome
Italie
Tel.: +39 066872353
Fax: +39 066865212

SIERRA LEONE/SIERRA LEONA

SLOVAKIA/SLOVAQUIE/ESLOVAQUIA

Karol HENSEL
 Professor of Zoology
 Comenius University
 Faculty of Natural Sciences
 Mlynská dolina B-1
 842 15 Bratislava
 Tel.: +421 7 60296370
 Fax: +421 7 65424138
 E-mail: hensel@fns.uniba.sk

Lubomir MICEK
 Permanent Representative of the
 Slovak Republic to FAO
 Embassy of the Slovak Republic
 Via dei Colli della Farnesina 144
 00194 Rome
 Italy
 Tel.: +39 06367151/2
 Fax: +39 0636715266

SLOVENIA/SLOVÉNIE/ESLOVENIA

Joze STERLE
 State Secretary
 Ministry of Agriculture, Forestry and Food
 Dunajska 56, 58
 SI-1000 Ljubljana

Franco POTOČNIK
 Counsellor to the Government
 Dunajska 56, 58
 SI-1000 Ljubljana

Danilo BELOGLAVEC
 Permanent Representative
 Permanent Representation of the
 Republic of Slovenia to FAO
 Via della Traspontina 15
 00193 Rome
 Italy
 Tel.: +39 0650914379
 Fax: +39 0650914379
 E-mail: dbeloglavec@getnet.it

SOMALIA/SOMALIE

Mohamed Nureni BAKAR
 Minister
 Ministry of Fisheries and Marine
 Resources
 Mogadishu
 Tel.: +252 1 542474
 Fax: +252 1 218967

Abbas MUSSE FARAH
 Ambassador
 Permanent Representative
 Permanent Representation of the
 Somali Democratic Republic to FAO
 Via dei Villini 9
 00161 Rome, Italy
 Tel.: +39 06659741

**SOUTH AFRICA/AFRIQUE DU
SUD/SUDÁFRICA**

Douglas BUTTERWORTH
 Professor
 Department of Mathematics and
 Applied Mathematics
 University of Cape Town
 Rindebosch 7701

SPAIN/ESPAGNE/ESPAÑA

Fernando Curcio RUIGÓMEZ
 Subdirector General de Organismos
 Multilaterales de Pesca
 C/ Ortega y Gasset 57
 28006 Madrid

José Luis PAZ ESCUDERO
 Consejero Técnico
 Ministerio de Agricultura, Pesca y Alimentación
 C/ Ortega y Gasset, 57
 28006 Madrid

Carlos LARRAÑAGA
 Jefe del Servicio de Comercialización
 de Productos Pesqueros
 Madrid

Javier PIERNAVEJA NIEMBRO
 Representante Permanente Adjunto
 de España ante la FAO
 Embajada de España
 (Oficina del Representante Permanente
 ante la FAO)
 Largo dei Lombardi 21
 00186 Roma
 Italia
 Tel.: +39 066869539
 Fax: +39 066873076
 E-mail: repfaoes.agri@iol.it

Carmen PAZ MARTÍ (Ms)
 Jefe de Área
 Subdirección General de Organismos
 Multilaterales de Pesca
 Secretaría General de Pesca Marítima
 Ministerio de Agricultura, Pesca
 y Alimentación
 C/ Ortega y Gasset, 57
 28006 Madrid

SRI LANKA

Wilhelm WOUTERSZ
 Permanent Representative
 of the Democratic Socialist
 Republic of Sri Lanka to FAO
 Embassy of the Democratic
 Socialist Republic of Sri Lanka
 Via Adige 2
 00198 Rome
 Italy
 Tel.: +39 068554560/18
 Fax: +39 0684241670
 E-mail: mc7785@mclink.it

G.L.W. SAMARASINGHE
 Secretary
 Ministry of Fisheries and Aquatic
 Resources Development
 Maligawatta Secretariat
 Colombo 10
 Tel.: +94 1 446187
 Fax: +94 1 4740273

M.T.K. NAGODAVITHANA
 Director General
 Department of Fisheries and Aquatic
 Resources
 Ministry of Fisheries and Aquatic
 Resources Development
 Maligawatta Secretariat
 Colombo 10
 Tel.: +94 1 472187
 Fax: +94 1 449170
 E-mail: depfish@diamond.lanka.net

G. PIYASENA
 Director
 Planning and Monitoring
 Ministry of Fisheries and Aquatic
 Resources Development
 Maligawatta Secretariat
 Colombo 10
 Tel.: +94 1 329440
 Fax: +94 1 329440
 E-mail: piyasena@fishplan.is.lk

Deeptha KULATILLEKE
 Alternate Permanent Representative
 of the Democratic Socialist
 Republic of Sri Lanka to FAO
 Embassy of the Democratic
 Socialist Republic of Sri Lanka
 Via Adige 2
 00198 Rome
 Italy
 Tel.: +39 068554560/18
 Fax: +39 0684241670
 E-mail: mc7785@mclink.it

SUDAN/SOUDAN/SUDÁN

Mohamed Tahir ALI
 Director
 Fisheries Research Centre
 Animal Resources Research
 Corporation
 Ministry of Animal Resources
 PO Box 1489
 Khartoum

Mohamed Said Mohamed Ali HARBI
 Permanent Representative of the
 Republic of the Sudan to FAO
 Embassy of the Republic of
 the Sudan
 Via Lazzaro Spallanzani 24
 00161 Rome
 Italy
 Tel.: +39 064403071
 Fax: +39 064402358

Ibrahim Ali YASIR
 Second Secretary
 Embassy of the Republic of the Sudan
 Via Lazzaro Spallanzani 24
 00161 Rome
 Italy
 Tel.: +39 064403071
 Fax: +39 064402358

SWAZILAND/SWAZILANDIA**SWEDEN/SUÈDE/SUECIA**

Stefan DE MARÉ
 Director
 Ministry of Agriculture, Food and Fisheries
 Drottninggatan 21
 Stockholm

Tommie SJOBERG
 Director
 Ministry of Agriculture, Food and Fisheries
 S-10333 Stockholm

Rolf AKESSON
 Head of Section
 Ministry of Agriculture, Food and Fisheries
 Drottninggatan 21
 Stockholm

Kent BLOM
 Director
 Swedish International Development
 Cooperation Agency (SIDA)
 Svægvägen 20
 10525 Stockholm

Arne ANDREASSON
Director
National Board of Fisheries
Box 423
S-40126 Göteborg

Reine J. JOHANSSON
Chairman
Federation of Swedish Fishermen
Amerikaskjulet, uppg. G
41463 Göteborg

**TANZANIA, UNITED REPUBLIC
OF/TANZANIE, RÉPUBLIQUE-UNIE
DE/TANZANÍA, LA REPÚBLICA UNIDA DE**

Thomas WANYIKA MAEMBE
Director of Fisheries
Fisheries Division
Ministry of Natural Resources
PO Box 2462
Dar-es-Salaam

THAILAND/THAÏLANDE/TAIANDIA

Maitree DUANGSAWASDI
Deputy Director-General
Department of Fisheries
Ministry of Agriculture and Cooperatives
Royal Thai Government
Rajadamnern Nok Avenue
Bangkok 10200

Wimol JANTRAROTAI
Director
Foreign Fisheries Affairs Division
Department of Fisheries
Ministry of Agriculture and Cooperatives
Royal Thai Government
Rajadamnern Nok Avenue
Bangkok 10200

Chareonvit SNAEHA
Policy and Plan Analyst
National Resources and Biodiversity
Institute
Ministry of Agriculture and Cooperatives
Royal Thai Government
Rajadamnern Nok Avenue
Bangkok 10200

Kongtat JANCHAI
Policy and Plan Analyst
National Resources and
Biodiversity Institute
Ministry of Agriculture and Cooperatives
Royal Thai Government
Rajadamnern Nok Avenue
Bangkok 10200

Korntip RATANAKOMUT (Ms)
Deputy Permanent Representative of
Thailand to FAO
Office of Agricultural Affairs
Royal Thai Embassy
Via Angelo Messedaglia 6 - Int. 2
00191 Rome, Italy
Tel.: +39 063339347
Fax: +39 0633222034
E-mail: thagri.rome@flashnet.it

TONGA

AKAUOLA
Secretary for Fisheries
Ministry of Fisheries
P.O. Box 871
Nuku'alofa

TUNISIA/TUNISIE/TÚNEZ

Mohamed SAMMOUD
Directeur de la Promotion de la Pêche
Ministère de l'agriculture
32 rue Alain Savary
1002 Tunis

Môez SINAOU
Représentant Permanent Adjoint de la
République tunisienne auprès de la FAO
Ambassade de la République tunisienne
Via Asmara 7
00199 Rome
Italie
Tel.: +39 068603060
Fax: +39 0686218204
E-mail: ambtun@tin.it

TURKEY/TURQUIE/TURQUÍA

Selcuk ERBAS
Director
Fisheries Department
Ministry of Agriculture and Rural Affairs
Milli Mudafa Cad. No. 20
Tarim vekoyisleri Bakanligi Mudafa cad Kizilay
Ankara

Oya KARAKAS (Ms)
Alternate Permanent Representative
of the Republic of Turkey to FAO
Embassy of the Republic of Turkey
Via F. Denza 27 - Int. 16
00197 Rome
Italy
Tel.: +39 0680690562
Fax: +39 0680665610
E-mail: faodt@libero.it

Ahmet SAYLAM
 Alternate Permanent Representative
 of the Republic of Turkey to FAO
 Embassy of the Republic of Turkey
 Via F. Denza 27 - Int. 16
 00197 Rome, Italy
 Tel.: +39 0680690562
 Fax: +39 0680665610
 E-mail: faodt@libero.it

UGANDA/OUGANDA

Dick NYEKO
 Commissioner for Fisheries
 Ministry of Agriculture, Animal
 Industry and Fisheries
 P.O. Box 4
 Entebbe

UNITED ARAB EMIRATES/ÉMIRATS ARABES UNIS/EMIRATOS ÁRABES UNIDOS

Mohamed AL ZAROUNI
 Director
 Marine Life Research Center
 Ministry of Agriculture and Fisheries
 P.O. Box 1905
 Dubai

I. Ebrahim AL JAMALI
 Head of Production and Culture Division
 Marine Life Research Centre
 Ministry of Agriculture and Fisheries
 P.O. Box 1905
 Dubai

UNITED KINGDOM/ROYAUME-UNI/ REINO UNIDO

Alan TOLLERVEY
 Fisheries Adviser
 Department for International Development
 94 Victoria Street
 London SW1E 5JL

N. MacPHERSON
 Senior Fisheries Adviser
 Rural Livelihoods Department
 Department for International Development
 94 Victoria Street
 London SW1E 5JL

Trevor PERFECT
 Sea Fisheries Conservation Division
 Ministry of Agriculture, Fisheries and Food
 Nobel House
 17 Smith Square
 London SW1P 3JR
 Tel.: +44 20 72385921
 Fax: +44 20 72385721
 E-mail: t.perfect@fish.maff.gsi.gov.uk

Nick GRIFFITHS
 Head of Maritime Service
 Aviation Maritime, Science and
 Energy Department
 Foreign and Commonwealth Office
 K222, King Charles St.
 London SW1A 2AH
 Tel.: +44 207 2702628

Andrew JACKSON
 Head of Maritime Service
 Aviation, Maritime, Science and
 Energy Department
 Foreign and Commonwealth Office
 K 222, King Charles Street
 London SW1A 2AH

UNITED STATES OF AMERICA/ÉTATS-UNIS D'AMÉRIQUE/ESTADOS UNIDOS DE AMÉRICA

Mary Beth WEST (Ms)
 Ambassador
 US Department of State
 2201 C. St., NW
 Washington, DC 20008

David A. BALTON
 Director
 Office of Marine Conservation
 US Department of State
 2201 C. Street, NW
 Washington, DC 2052

Michael SISSEWINE
 Director
 National Marine Fisheries Service
 Northeast Fisheries Science Center
 166 Water Street
 Woods Hole, MA 025403

Michele KURUC
 Assistant General Counsel for
 Enforcement and Litigation
 US Department of Commerce
 National Oceanic and Atmospheric
 Administration
 8484 Georgia Ave., 4th Fl.
 Silver Spring, MD 20910
 Tel.: +1 301 4272202
 Fax: +1 301 4272211

Dale JONES
 Chief of Enforcement
 US Department of Commerce
 National Oceanic and Atmospheric
 Administration
 Office for Law Enforcement
 8484 Georgia Ave. Suite 415
 Silver Spring, MD 20910

Colin McIFF
Fisheries Trade Officer
US Department of State
2201 C. St., NW
Washington, DC 22050

H. Stetson TINKHAM
Senior Fishery Officer
US Department of State
Office of Marine Conservation
OES/OMC, Room 5806
Washington, DC 20520-7818
Tel.: +1 202 6473941
Fax: +1 202 7367350
E-mail: tinkhamsx@state.gov

Justin P. LEBLANC
Vice President
Government Relations
National Fisheries Institute
1901 North Fort Myer Drive, Suite 700
Arlington, VA 22209
Tel.: +1 703 5248880
Fax: +1 703 5244619
E-mail: jleblanc@nfi.org

Richard J. HUGHES
International Relations Adviser
FAO Liaison
International Organization Affairs Division
International Cooperation and
Development
Foreign Agriculture Service
US Department of Agriculture
Washington DC 20250

Michael B. CERNE
Chief
Fisheries Law Enforcement
Commandant (G-OPL-4)
US Coast Guard
2100 Second St. SW
Washington, DC 20593
Tel.: +1 202 2671785
Fax: +1 202 2674082
E-mail: MCerne@comdt.uscg.mil

Kitty M. SIMONDS (Ms)
Executive Director
Western Pacific Fishery Management Council
1164 Bishop Street
1400 Honolulu, Hawaii 96813

S. FORDHAM
Fisheries Project Manager
US Department of State
CMC Suite 600
1725 Desales St. NW
Washington, DC 20036

Robin TUTTLE (Ms)
Foreign Affairs Officer
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Allen TOM
Congressional Aide
Ocean Affairs
US Senate
722 Hart Senate Office
Washington, DC 20814

Eugene PROULX
Law Enforcement
NOAA
Executive Center Drive
St. Petersburg, Florida

Greg SCHNEIDER
International Trade Specialist
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
Tel.: +1 301 7132379
Fax: +1 301 7132384
E-mail: greg.schneider@noaa.gov

URUGUAY

Julio César LUPINACCI
Embajador ante la Santa Sede
Representante Permanente de la República
Oriental del Uruguay ante la FAO
Embajada de la República Oriental
del Uruguay ante la Santa Sede
Via Antonio Gramsci 9, Int. 14
Roma, Italia
Tel.: +39 063218017
Fax: +39 063613249
E-mail: uruvati@tin.it

Yamandú FLANGINI
Director General
Instituto Nacional de Pesca
Ministerio de Ganadería, Agricultura y Pesca
Constituyente 1497-99
Montevideo
Tel.: +598 2 4092969
Fax: +598 2 413216
E-mail: yflangini@inape.gub.uy

Laura GALARZA (Sra)
Representante Permanente Alternativo
de la República Oriental del Uruguay
ante la FAO
Via Antonio Gramsci 9, Int. 14
Roma, Italia
Tel.: +39 063218017
Fax: +39 063613249
E-mail: uruvati@mbox.vol.it

VENEZUELA

Juan Nicolás ALVARADO
 Director General
 Dirección de Recursos Pesqueros
 y Acuícolas
 SARPA
 Parque Central, piso 10
 Caracas

Carlos Luis POZZO BRACHO
 Representante Permanente Alternativo de
 la República de Venezuela ante la FAO
 Embajada de la República de Venezuela
 Via Nicolò Tartaglia 11
 00197 Roma
 Italia
 Tel.: +39 068079797
 Fax: +39 068084410
 E-mail: embaveit@iol.it

Gustavo LAGARDE
 Director de Administración
 SARPA
 Parque Central, piso 10
 Caracas
 Tel.: +582 5743587/5714889
 E-mail: sarpa@platino.gov.ve

VIET NAM

Nguyen VIET THANG
 Vice Minister
 Ministry of Fisheries
 Rue Nguyen Cong Hoan 10-12
 Hanoi

VU VAN TRIEU
 Vice Director General
 Ministry of Fisheries
 No. 10 Nguyen Cong Hoan St.
 Badminh District
 Hanoi

Nguyen VAN CHAU
 Director
 Department of Aquatic Resources
 Ministry of Fisheries
 Rue Nguyen Cong Hoan 10-12
 Hanoi

Nguyen Thi XUAN HUONG (Ms)
 Alternate Permanent Representative of
 the Socialist Republic of Viet Nam to FAO
 Embassy of the Socialist Republic
 of Viet Nam
 Via Clitunno 34/36
 00198 Rome, Italy
 Tel.: +39 068543223
 Fax: +39 068548501

ZAMBIA/ZAMBIE**ZIMBABWE**

OBSERVERS FROM FAO MEMBER NATIONS
OBSERVATEURS D'ÉTATS MEMBRES DE LA
FAO
OBSERVADORES DE LOS ESTADOS
MIEMBROS DE LA FAO

LAO PEOPLE'S DEMOCRATIC
REPUBLIC/RÉPUBLIQUE DÉMOCRATIQUE
POPULAIRE LAO/REPÚBLICA
DEMOCRÁTICA POPULAR LAO

Xaypladeth CHOUNLAMANY
 Director
 Living Aquatic Resources Research Center
 National Agriculture and Forestry
 Research Institute
 Ministry of Agriculture and Forestry
 PO Box 9108
 Vientiane

SAINT LUCIA/SAINTE-LUCIE/SANTA LUCÍA

Horace D. WALTERS
 Advisor
 Ministry of Agriculture, Forestry and Fisheries
 P.O. Box 3074
 Castries
 Tel.: +758 4524478
 Fax: +758 4516216
 E-mail: hwalters8446@hotmail.com

SYRIAN ARAB REPUBLIC/
RÉPUBLIQUE ARABE SYRIENNE/
REPÚBLICA ÁRABE SIRIA

Bachar AKBIK
 Deputy Permanent Representative of the
 Syrian Arab Republic to FAO
 Embassy of the Syrian Arab Republic
 Piazza d'Aracoeli 1
 00186 Rome, Italy
 Tel.: +39 066797791/2/3
 Fax: +39 066794989

YEMEN/YÉMEN

Ahmed Hummed AL HAWRI
 Permanent Representative
 Permanent Representation of
 the Republic of Yemen to FAO
 Via Alessandro Malladra 10B - Int. 10
 00157 Rome
 Italy
 Tel.: +39 064504308
 Fax: +39 064504308

**OBSERVERS FROM UNITED NATIONS
MEMBER STATES
OBSERVATEURS D'ÉTATS MEMBRES DES
NATIONS UNIES
OBSERVADORES DE LOS ESTADOS
MIEMBROS DE LAS NACIONES UNIDAS**

**RUSSIAN FEDERATION/FÉDÉRATION DE
RUSSIE/FEDERACIÓN DE RUSIA**

Yakov Michailovich AZIZOV
Director
Russian Federal Research Institute
of Fisheries Economics and
Information
State Committee of Russian Federation
for Fisheries
4/2 B. Spasoglinishchevshii per.
Moscow 101925
Tel.: +7 095 9280088

Kamel Abdulovich BEKIASHEV
Professor
Russian Federal Research Institute
of Fisheries and Oceanography
The State Committee of Fisheries
17-A Verkhnekrasnoselska Ia Ul.
Moscow.

Boris Zinovievich GRAIVER
Head of Division
World Fisheries Department
Russian Federal Research Institute of
Fisheries Economics and
Information
State Committee of Russian Federation
for Fisheries
13, ul. Stromynka
Moscow 107014
Tel.: +7 095 2694598

Alexander V. YAKIMUSHKIN
Alternate Observer of the Russian
Federation to FAO
Embassy of the Russian Federation
Via L. Magrini
00146 Rome, Italy
Tel.: +39 065592972
Fax: +39 065592972
Igor Z. SINELNIKOV
The State Committee of the Russian
Federation on Fisheries
Moscow

**HOLY SEE
PERMANENT OBSERVER TO FAO
SAINT-SIÈGE
OBSERVATEUR PERMANENT AUPRÈS DE
LA FAO
SANTA SEDE
OBSERVADOR PERMANENTE ANTE LA
FAO**

Agostino MARCHETTO
Nonce Apostolique
Observateur permanent du
Saint-Siège auprès de la FAO
Palazzo San Calisto
Piazza San Calisto 16
00120 Cité du Vatican
Tel.: +39 0669887234
Fax: +39 0669887195
E-mail: osserfao@mhsfao.va

Vincenzo BUONOMO
Observateur permanent du
Saint-Siège auprès de la FAO
Palazzo San Calisto
Piazza San Calisto 16
00120 Cité du Vatican
Tel.: +39 0669887234
Fax: +39 0669887195
E-mail: osserfao@mhsfao.va

Lelio BERNARDI
Observateur permanent du
Saint-Siège auprès de la FAO
Palazzo San Calisto
Piazza San Calisto 16
00120 Cité du Vatican
Tel.: +39 0669887234
Fax: +39 0669887195
E-mail: osserfao@mhsfao.va

Giovanni TEDESCO
Observateur permanent du
Saint-Siège auprès de la FAO
Palazzo San Calisto
Piazza San Calisto 16
00120 Cité du Vatican
Tel.: +39 0669887234
Fax: +39 0669887195
E-mail: osserfao@mhsfao.va

Gérard TRONCHE
Conseiller
Palazzo S. Calisto
Piazza S. Calisto 16
00120 Cité du Vatican
Tel.: +39 0669887193/217
Fax: +39 0669887111
E-mail: worldapostolatusmaris@stellamaris.net

**REPRESENTATIVES OF UNITED NATIONS
AND SPECIALIZED AGENCIES
REPRÉSENTANTS DES NATIONS UNIES ET
INSTITUTIONS SPÉCIALISÉES
REPRESENTANTES DE LAS NACIONES
UNIDAS Y ORGANISMOS ESPECIALIZADOS**

**UNITED NATIONS/NATIONS
UNIES/NACIONES UNIDAS**

André TAHINDRO
Senior Ocean Affairs and Law of the Sea Officer
Division for Ocean Affairs and the Law
of the Sea (DOALOS)
Two United Nations Plaza, Room DC2-432
New York, NY 10017, USA
Tel.: +1 212 963 3946
Fax: +1 212 963 5847
E-mail: tahindro@un.org

**UNITED NATIONS DEVELOPMENT
PROGRAMME/PROGRAMME DES NATIONS
UNIES POUR LE
DÉVELOPPEMENT/PROGRAMA DE LAS
NACIONES UNIDAS PARA EL DESARROLLO**

Walter UBAL-GIORDANO
Fisheries Expert
Viale L. da Vinci 119
Rome, Italy

Philip REYNOLDS
Chief Water Programme
UNDP
One U.N. Plaza
New York, NY 10017, USA

**UNITED NATIONS CONFERENCE ON
TRADE AND DEVELOPMENT/CONFÉRENCE
DES NATIONS UNIES SUR LE COMMERCE
ET LE DÉVELOPPEMENT/CONFERENCIA
DE LAS NACIONES UNIDAS SOBRE
COMERCIO Y DESARROLLO**

Mehmet ARDA
Chief, Diversification, Natural Resources Section
Division on International Trade in Goods
and Services and Commodities
Palais des Nations
CH-1211, Geneva 10, Switzerland

**UNITED NATIONS ENVIRONMENT
PROGRAMME/PROGRAMME DES NATIONS
UNIES POUR L'ENVIRONNEMENT/
PROGRAMA DE LAS NACIONES UNIDAS
PARA EL MEDIO AMBIENTE**

Emeline FELLUS (Ms)
UNEP
13 chemin des Anémones
Chatelaine
1200 Geneva, Switzerland
Tel.: +41 22 9178197
Fax: +41 22 9178076
E-mail: emeline.fellus@unep.ch

**INTERNATIONAL LABOUR
OFFICE/BUREAU INTERNATIONAL DU
TRAVAIL/OFICINA INTERNACIONAL DEL
TRABAJO**

Brandt WAGNER
Maritime Specialist
Sectoral Activities Department
4, route des Morillons
Geneva 22, Switzerland

**WORLD BANK GROUP/GROUPE DE LA
BANQUE MONDIALE/GRUPO DEL BANCO
MUNDIAL**

Takayuki HIRAI
Sr. Fisheries Specialist
Rural Development
Production Systems Intensification
The World Bank
1818 H Street NW
Washington, DC 20433, USA
Tel.: +1 202 4731292
Fax: +1 202 5223308
E-mail: thirail@worldbank.org

Carl G. LUNDIN
Environmental Specialist
Environment
Latin America and the Caribbean
The World Bank
1818 H Street NW
Washington, DC 20433
USA
Tel.: +1 202 4733426
Fax: +1 202 6760199
E-mail: clundin2@worldbank.org

**WORLD TRADE ORGANIZATION/
ORGANISATION MONDIALE DU
COMMERCE/ORGANIZACIÓN MUNDIAL
DEL COMERCIO**

Christina SCHRODER (Ms)
Counsellor
Agriculture and Commodities Division
WTO
Centre William Rappard
Rue de Lausanne 154
CH-1211 Geneva 21
Switzerland
Tel.: +41 22 7395111
Fax: +41 22 7314206

**OBSERVERS FROM
INTERGOVERNMENTAL ORGANIZATIONS
OBSERVATEURS DES ORGANISATIONS
INTERGOUVERNEMENTALES
OBSERVADORES DE LAS
ORGANIZACIONES
INTERGUBERNAMENTALES**

**AFRICAN DEVELOPMENT BANK/BANQUE
AFRICAINNE DE DEVELOPPEMENT/BANCO
AFRICANO DE DESARROLLO**

Mbaye BA
FAO/ADB Liaison Officer
ADB
Room 103 – Anyama
B.P. 3894
Abidjan, Côte d'Ivoire

**ASIA-PACIFIC FISHERY
COMMISSION/COMMISSION ASIE-
PACIFIQUE DES PÊCHES**

Veravat HONGSKUL
Secretary, APFIC
FAO Regional Office for Asia and the Pacific
39 Phra Atit Road
Bangkok 10200, Thailand

**CENTRE FOR MARKETING INFORMATION
AND ADVISORY SERVICES FOR FISHERY
PRODUCTS IN LATIN AMERICA AND THE
CARIBBEAN/CENTRE POUR LES SERVICES
D'INFORMATION ET DE CONSULTATION
SUR LA COMMERCIALISATION DES
PRODUITS DE LA PÊCHE EN AMÉRIQUE
LATINE ET DANS LES CARAÏBES/CENTRO
PARA LOS SERVICIOS DE INFORMACIÓN Y
ASESORAMIENTO SOBRE LA
COMERCIALIZACIÓN DE LOS PRODUCTOS
PESQUEROS EN AMERICA LATINA Y EL
CARIBE**

Roland WIEFELS
Director
INFOPESCA
Julio Herrera y Obes 1296
Casilla de Correo 7086
11200 Montevideo, Uruguay
Tel.: ++598 2 9028701/2
Fax: ++598 2 9030501
E-mail: infopesc@adinet.com.uy

Graziela PEREIRA (Sra)
INFOPESCA
Casilla de Correo 7086
Julio Herrera y Obes 1296
11200 Montevideo, Uruguay
Tel.: ++598 2 9028701/2
Fax: ++598 2 9030501
E-mail: infopesc@adinet.com.uy

**CENTRE FOR MARKETING INFORMATION
AND ADVISORY SERVICES FOR FISHERY
PRODUCTS IN THE ARAB REGION/CENTRE
D'INFORMATION ET DE CONSEIL SUR LA
COMMERCIALISATION DES PRODUITS DE
LA PÊCHE DANS LES PAYS ARABES/
CENTRO PARA LOS SERVICIOS DE
INFORMACIÓN Y ASESORAMIENTO SOBRE
LA COMERCIALIZACIÓN DE LOS
PRODUCTOS PESQUEROS EN LA REGIÓN
ÁRABE**

Abdellatif BELKOUCH
Coordinateur
Centre d'Information et de Conseil sur la
Commercialisation des Produits de la
Pêche pour les Pays Arabes (INFOSAMAK)
71, Boulevard rahal
POB 16 243
El Meskini
Casablanca 20 000
Tel.: +212 22540855/56/57
Fax: +212 22540855
E-mail: infosamak@onp.co.ma

**COMMISSION FOR THE CONSERVATION
OF ANTARCTIC MARINE LIVING
RESOURCES/COMMISSION POUR LA
CONSERVATION DE LA FAUNE ET DE LA
FLORE MARINES DE
L'ANTARCTIQUE/COMISIÓN PARA LA
CONSERVACIÓN DE LOS RECURSOS
MARINOS VIVOS DEL ANTÁRTICO**

Esteban DE SALAS
CCAMLR
PO Box 213
North Hobart TAS 7002, Australia
Tel.: +61 3 6231 0366
Fax: +61 3 6234 9965
E-mail: ccamlr@ccamlr.org

**COMMISSION FOR THE CONSERVATION
OF SOUTHERN BLUEFIN
TUNA/COMMISSION POUR LA
CONSERVATION DU THON ROUGE DU
SUD/COMISIÓN PARA LA CONSERVACIÓN
DEL ATÚN DEL SUR**

Campbell McGREGOR
Executive Secretary
CCSBT
19, Napier Close
Deakin West
ACT 2600, Australia
Tel.: +61 2 6282 8396
Fax: +61 2 6282 8407
E-mail: cmcgregor@ccsbt.org.au

**COMMON MARKET FOR EASTERN AND
SOUTHERN AFRICA/MARCHÉ COMMUN DE
L'AFRIQUE ORIENTALE ET AUSTRALE/
MERCADO COMÚN PARA ÁFRICA
ORIENTAL Y ÁFRICA AUSTRAL**

Betty KIMURGOR (Ms)
COMESA
Ben Bella Road
Box 30051
Lusaka, Zambia

**COMMONWEALTH SECRETARIAT/
SECRÉTARIAT POUR LES PAYS DU
COMMONWEALTH/SECRETARÍA DEL
COMMONWEALTH**

Semisi T. FAKAHAU
Chief Programme Officer
Agricultural Development Unit
Export and Industrial Development Division
Commonwealth Secretariat
Marlborough House, Pall Mall
London SW1Y 5HX, UK
Tel.: +44 20 77476375
Fax: +44 20 77476307
E-mail: s.fakahau@commonwealth.int

**COUNCIL OF EUROPE/CONSEIL DE
L'EUROPE/CONSEJO DE EUROPA**

Francis AGIUS
Chairman
Sub-Committee on Fisheries
CE
The Munibles
34 Joseph Street
Zabbar
Malta

**GENERAL FISHERIES COMMISSION FOR
THE MEDITERRANEAN/ COMMISSION
GÉNÉRALE DES PÊCHES POUR LA
MÉDITERRANÉE/COMISIÓN GENERAL DE
PESCA PARA EL MEDITERRÁNEO**

Habib BEN ALAYA
Secretary of GFCM
International Institutions and Liaison Service
Fisheries Department
FAO
Viale delle Terme di Caracalla
00100 Rome
Italy

**INDIAN OCEAN TUNA COMMISSION/
COMMISSION DES THONS DE L'OCÉAN
INDIEN/COMISIÓN DEL ATÚN PARA EL
OCÉANO INDICO**

David ARDILL
Secretary
IOTC
Fishing Port
P.O. Box 1011
Victoria, Mahé
Seychelles
Tel.: +248 22 5494
Fax: +248 22 4364
E-mail: iotcsecre@seychelles.net

**INTER-AMERICAN TROPICAL TUNA
COMMISSION/COMMISSION
INTERAMÉRICAINNE DU THON
TROPICAL/COMISIÓN INTERAMERICANA
DEL ATÚN TROPICAL**

Robin ALLEN
Director
IATTC
Scripps Institution of Oceanography
8604 La Jolla Shores Drive
La Jolla, California 92037-1508
USA
Tel.: +1 858 546 7019
Fax: +1 858 546 7133
E-mail: rallen@iattc.org

**INTERGOVERNMENTAL ORGANIZATION
FOR MARKETING INFORMATION AND
COOPERATION SERVICES FOR FISHERY
PRODUCTS IN AFRICA/ORGANISATION
INTERGOUVERNEMENTALE
D'INFORMATION ET DE COOPÉRATION
POUR LA COMMERCIALISATION DES
PRODUITS DE LA PÊCHE EN
AFRIQUE/ORGANIZACIÓN
INTERGUBERNAMENTAL DE
INFORMACIÓN Y COOPERACIÓN PARA LA
COMERCIALIZACIÓN DE LOS PRODUCTOS
PESQUEROS EN AFRICA**

Amadou TALL
Directeur, INFOPÊCHE
Tour C, 19ème étage
BP 1747
Cité Administrative Abidjan 01
Côte d'Ivoire
Tel.: +225 20228980/20213198/20215775
Fax: +225 20218054
E-mail: infopech@africaonline.co.ci

**INTERNATIONAL COMMISSION FOR THE
CONSERVATION OF ATLANTIC TUNAS/
COMMISSION INTERNATIONALE POUR LA
CONSERVATION DES THONIDÉS DE
L'ATLANTIQUE/COMISIÓN INTER-
NACIONAL PARA LA CONSERVACIÓN DEL
ATÚN DEL ATLÁNTICO**

Adolfo RIBEIRO LIMA
Secretario Ejecutivo
ICCAT
Corazón de Maria, 8-6
28002 Madrid
España
Tel.: +34 914 165600
Fax: +34 914 152612

**INTERNATIONAL COUNCIL FOR THE
EXPLORATION OF THE SEA/CONSEIL
INTERNATIONAL POUR L'EXPLORATION
DE LA MER/CONSEJO INTERNACIONAL
PARA LA EXPLORACIÓN DEL MAR**

David de G. GRIFFITH
General Secretary
ICES
Palægade 2-4
DK-1261 Copenhagen K
Denmark
Tel.: +45 33 154225
Fax: +45 33 934215
E-mail: david@ices.dk

**LAKE VICTORIA FISHERIES
ORGANIZATION**

Martin VAN DER KNAAP
Project Coordinator
LVFO
P.O. Box 2145
Jinja, Uganda

**LATIN AMERICAN ORGANIZATION FOR
FISHERIES DEVELOPMENT/
ORGANISATION LATINO-AMÉRICAIN DE
DÉVELOPPEMENT DES PÊCHES/
ORGANIZACIÓN LATINOAMERICANA DE
DESARROLLO PESQUERO**

Carlos MAZAL
Director Ejecutivo
OLDEPESCA
Las Palomas 422
Urbanización Limatambo
Lima 34, Peru
Tel.: +511 4210245/2210162
Fax: +511 2210162
E-mail: oldepesc@terra.com.pe

**MINISTERIAL CONFERENCE FOR
FISHERIES COOPERATION AMONG
AFRICAN STATES BORDERING THE
ATLANTIC OCEAN/CONFÉRENCE
MINISTÉRIELLE SUR LA COOPÉRATION
HALIEUTIQUE ENTRE LES ÉTATS
AFRICAINS RIVERAINS DE L'Océan
ATLANTIQUE/CONFERENCIA
MINISTERIAL PARA LA COOPERACIÓN
PESQUERA ENTRE LOS ESTADOS
AFRICANOS RIBEREÑOS DEL OCÉANO
ATLÁNTICO**

Mohamed MOHATTANE
Secrétaire Permanent
Conférence Ministérielle sur la Coopération
Halieutique entre les Etats africains riverains de
l'Océan Atlantique
Ministère des Pêches Maritimes
B.P. 476, Agdal
Rabat, Maroc
Tel.: +212 7 688303
Fax: +212 7 688329

**NETWORK OF AQUACULTURE CENTRES IN
ASIA AND THE PACIFIC/RÉSEAU DE
CENTRES D'AQUACULTURE POUR LA
RÉGION ASIE-PACIFIQUE/RED DE
CENTROS DE ACUICULTURA DE ASIA Y EL
PACÍFICO**

Pedro B. BUENO
NACA Coordinator
Suraswadi Building
Department of Fisheries Compound
Kasetsart University Campus
Ladyao, Jatujak
Bangkok 10900, Thailand

**NORTH ATLANTIC SALMON
CONSERVATION ORGANIZATION/
ORGANISATION POUR LA CONSERVATION
DU SAUMON DE L'ATLANTIQUE NORD/
ORGANIZACIÓN PARA LA CONSERVACIÓN
DEL SALMÓN DEL NORTE DEL ATLÁNTICO**

Malcolm WINDSOR
Secretary
NASCO
11 Rutland Square
Edinburgh
EH1 2AS, United Kingdom
Tel.: +44 131 2282551
Fax: +44 131 2284384
E-mail: hq@nasco.int

**NORTH PACIFIC ANADROMOUS FISH
COMMISSION/COMMISSION DES POISSONS
ANADROMES DU PACIFIQUE NORD**

Vladimir FEDORENKO
Executive Director
NPAFC
Suite 502
889 West Pender Street
Vancouver, BC V6C 3B2, Canada
Tel.: +1 604 7755550
Fax: +1 604 7755577
E-mail: vladf@npafc.org

**ORGANISATION FOR ECONOMIC CO-
OPERATION AND DEVELOPMENT/
ORGANISATION DE COOPÉRATION ET DE
DÉVELOPPEMENT ÉCONOMIQUES/
ORGANIZACIÓN DE COOPERACIÓN Y
DESARROLLO ECONÓMICOS**

Ola FLAATEN
Head of Fisheries Department
OECD
2, rue André Pascal
75775 Paris, France
Tel.: +33 1 45248200
Fax: +33 1 45247834

**SECRETARIAT OF THE PACIFIC
COMMUNITY/SECRÉTARIAT GÉNÉRAL DE
LA COMMUNAUTÉ DU PACIFIQUE/
SECRETARÍA DE LA COMUNIDAD DEL
PACÍFICO**

Tim ADAMS
Director, Marine Resources Division
SPC
B.P. D5
98848 Noumea Cedex
New Caledonia
Tel.: +687 260124
Fax: +687 263818
E-mail: TimA@spc.int

**SOUTH PACIFIC FORUM FISHERIES
AGENCY/ORGANISME DES PÊCHES DU
FORUM DU PACIFIQUE SUD/ORGANISMO
DE PESCA DEL FORO PARA EL PACÍFICO
SUR**

Feleti P. TEO
Director
FFA
PO Box 629
Honiara, Solomon Islands
Tel.: +677 21124
Fax: +677 23995
E-mail: feleti.teo@ffa.int

**SOUTHEAST ASIAN FISHERIES
DEVELOPMENT CENTRE/CENTRE DE
DÉVELOPPEMENT DES PÊCHES DE L'ASIE
DU SUD-EST/CENTRO DE DESARROLLO DE
LA PESCA EN ASIA SUDORIENTAL**

Y. KATO
Special Adviser
SEAFDEC
Suraswadi Building
Department of Fisheries Compound
Kasetsart University
Main Campus Chatuchak
Bangkok 10900, Thailand

**SOUTHERN AFRICAN DEVELOPMENT
COMMUNITY/COMMUNAUTÉ DE
DÉVELOPPEMENT DE L'AFRIQUE
AUSTRALE/COMUNIDAD DE
DESENVOLVIMENTO DE AFRICA AUSTRAL**

Hilda KHOESES (Ms)
Head
Sector Coordination Unit for
Marine Fisheries
SADC
P.O. Box 13355
Windhoek, Namibia
E-mail: hkhoeses@mfmr.gov.na

**SUB-REGIONAL COMMISSION ON
FISHERIES/COMMISSION SOUS-
RÉGIONALE DES PÊCHES/ COMISIÓN
SUBREGIONAL DE PESCA**

Nabi Souleymane BANGOURA
Secrétaire permanent
Commission sous-régionale des Pêches
BP 20505
Dakar, Sénégal
Tel.: +221 8540306
Fax: +221 8344413
E-mail: sp_csrp@metissacana.sn

**OBSERVERS FROM NON-GOVERNMENTAL
ORGANIZATIONS
OBSERVATEURS DES ORGANISATIONS
NON GOUVERNEMENTALES
OBSERVADORES DE LAS
ORGANIZACIONES NO
GUBERNAMENTALES**

BIRDLIFE INTERNATIONAL

John COOPER
Coordinator
Birdlife International Seabird Conservation Prog.
Avian Demography Unit
University of Cape Town
Rondebosch 7701, South Africa
Tel.: +27 21 6503426
Fax: +27 21 6503434
E-mail: jcooper@botzoo.uct.ac.za

Euan DUNN
Senior Marine Policy Officer
Birdlife International
RSPB, The Lodge
Sandy Beds
SG19 2DL, United Kingdom
E-mail: euan.dunn@rspb.org.uk

Daniel OWEN
4 Field Court
Gray's Inn
London WC1R 5EF, United Kingdom
Tel.: +44 20 74406900
Fax: +44 20 72420197
E-mail: daniel.owen@4fieldcourt.com

**EUROPEAN BUREAU FOR CONSERVATION
AND DEVELOPMENT/BUREAU EUROPÉEN
POUR LA CONSERVATION ET LE
DÉVELOPPEMENT**

Despina SYMONS (Ms)
Director
EBCD
Rue de la Science, 10
1000 Brussels, Belgium
Tel.: +32 2 2303070
Fax: +32 2 2308272
E-mail: ebcd@skynet.be

**FEDERATION OF EUROPEAN
AQUACULTURE PRODUCERS/
FÉDÉRATION EUROPÉENNE DES
ASSOCIATIONS PISCICOLES**

Alessandro PEROLO
President, FEAP
Via Magenta 23
31020 Lancenigo (TV)
Italy

Courtney HOUGH
Secretary-General
Secretary, FEAP
30 rue Vivaldi
4100 Bonnelles, Belgium
Tel.: +32 4 3382995
Fax: +32 4 3379846
E-mail: courtney@feap.org

FISHMEAL EXPORTERS ORGANIZATION

Jean-Francois MITTAINÉ
FEO
13, rue Madeleine Miché
92 200 Neuilly sur Seine, France
Tel.: +33 1 47221262
Fax: +33 1 47223881
E-mail: fishmeal.exporters@wanadoo.fr

GREENPEACE INTERNATIONAL

Matthew GIANNI
Oceans Campaign Co-ordinator
Greenpeace International
Keizersgracht 176
1016 DW Amsterdam, The Netherlands

Simon REDDY
Political Adviser
Greenpeace International
Keizersgracht 176
1016 DW Amsterdam, The Netherlands

Desley MATHER (Ms)
Fisheries Campaigner
Greenpeace International
Level 4/39 Liverpool St.
Sydney 2000, NSW Australia
Tel.: +61 2 92630340
Fax: +61 2 92614588
E-mail: desley.mather@diala.greenpeace.org

Helene BOURS (Ms)
European Fisheries Campaigner
Route d'Amonines 15
B-6987 Rendeux, Belgium
Tel.: +32 84 477177
Fax: +32 84 477973
E-mail: helene.bours@diala.greenpeace.org

Peter KNIGHT
Oceans Adviser
Greenpeace International
Keizersgracht 176
1016 DW Amsterdam, The Netherlands
Tel.: +31 20 5236200
Fax: +31 20 5236200

Susie WATTS (Ms)
Oceans Adviser
Greenpeace International
Keizersgracht 176
1016 DW Amsterdam, The Netherlands
Tel.: +31 20 5236200
Fax: +31 20 5236245

**INTERNATIONAL COALITION OF
FISHERIES ASSOCIATIONS**

Jan Birger JORGENSEN
ICFA-Norwegian Fishermen's
Association
Pir Senteret
P.O. Box 519
N-7005 Trondheim, Norway
Tel.: +47 73544868
Fax: +47 73545890
E-mail: jan.birger.jorgensen@fiskarlaget.no

Peter S.C. HO
Office of Executive Secretariat
ICFA
National Fisheries Institute
1901 N. Fort Myer Drive, Suite 700
Arlington
VA 22209, USA
E-mail: jleblanc@nfi.org

**INTERNATIONAL COLLECTIVE IN
SUPPORT OF FISHWORKERS/ COLLECTIF
INTERNATIONAL D'APPUI À LA PÊCHE
ARTISANALE/ COLECTIVO
INTERNACIONAL DE APOYO A LOS
PESCADORES ARTESANALES**

Sebastian MATHEW
Executive Secretary
ICSF
27 College Road
Chennai 600 006, India

Brian O'RIORDAN
Secretary
ICSF Brussels Office
Rue du Midi 165
Brussels - B 1000, Belgium
Tel.: +32 2 5131565
Fax: +32 2 5137343
E-mail: icsfbrussels@yucom.be

**INTERNATIONAL COOPERATIVE
ALLIANCE/ALLIANCE COOPÉRATIVE
INTERNATIONALE/ALIANZA
COOPERATIVA INTERNACIONAL**

Lino VISAMI
Permanent Representative of
ICA to FAO
Via Gualtieri 9
Rome, Italy

**INTERNATIONAL COUNCIL OF WOMEN/
CONSEIL INTERNATIONAL DES FEMMES/
CONSEJO INTERNACIONAL DE MUJERES**

Lydie ROSSINI VAN HISSENHOVEN (Ms)
ICW Permanent Representative to FAO
Via Tailandia, 26
00144 Rome, Italy
Tel.: +39 06 5923993
Fax: +39 06 5923993

Yvonne MELCHIORRI (Ms)
ICW Accredited Representative
Viale Aventino, 89
00153 Rome, Italy
Tel.: +39 06 5743943
Fax: +39 06 57136190
E-mail: melchiorri@tin.it

**INTERNATIONAL FISHMEAL AND OIL
MANUFACTURERS ASSOCIATION/
ASOCIACIÓN INTERNACIONAL DE
PRODUCTORES DE HARINA Y ACEITE DE
PESCADO**

Stuart BARLOW
Director-General
IFOMA
2 College Yard
Lower Dagnall Street, St Albans
Hertfordshire AL3 4PA, United Kingdom
Tel.: +44 1727 8422844
Fax: +44 1727 842866
E-mail: secretariat@ifoma.org

**INTERNATIONAL FOUNDATION FOR
CONSERVATION OF NATURAL RESOURCES**

David WILLS
Director
IFCNR
1015 Moorefield Hill Grove
Vienna VA 22186-6249, USA

Dick MONROE
Vice President/Director
IFCNR
1015 Moorefield Hill Grove
Vienna VA 22186-6249, USA

**INTERNATIONAL TRANSPORT WORKERS'
FEDERATION/ FÉDÉRATION
INTERNATIONALE DES OUVRIERS DU
TRANSPORT/ FEDERACIÓN
INTERNACIONAL DE LOS TRABAJADORES
DEL TRANSPORTE**

Fleming SMIDT
Economist
General Workers Union in Denmark
4, Kampmannsgade
P.O. Box 392
DK-1790 Copenhagen V, Denmark
Tel.: +45 33 142140
Fax: +45 33 972460
E-mail: flemming.smidt@sid.dk

Peter SAND MORTENSEN
Chairman
ITF European Section
25, Centervej
DK-7730 Hanstholm, Denmark
Tel.: +45 97 961955
Fax: +45 97 962493
E-mail: psm@sid.dk

Hideo KON
ITF
58 Raymond Road
London SW 19, United Kingdom

MARINE STEWARDSHIP COUNCIL

Duncan LEADBITTER
International Fisheries Director
Marine Stewardship Council
119, Altenburg Gardens
London SW11 1JQ, United Kingdom
Tel.: +44 20 7350 4000
Fax: +44 20 73501231

Oluyemisi OLORUNTUYI
Developing World Fisheries Officer
Marine Stewardship Council
119, Altenburg Gardens
London SW11 1JQ, United Kingdom
Tel.: +44 20 73504000
Fax: +44 20 73501231

**WEST AFRICAN ASSOCIATION FOR THE
DEVELOPMENT OF ARTISANAL
FISHERIES/ASSOCIATION OUEST
AFRICAIN POUR LE DÉVELOPPEMENT DE
LA PÊCHE ARTISANALE**

Demba Yeum KANE
Secrétaire Exécutif
ADEPA
17 B.P. 56
Abidjan 17, Côte d'Ivoire
Tel.: +225 20 227588
Fax: +225 20 227592
E-mail: adepa@africaonline.co.ci

WORLD CONSERVATION TRUST

Jaques BERNEY
Executive Vice-President
IWMC
3, Passage de Montriond
1006 Lausanne, Switzerland
Tel.: +41 21 6165000
Fax: +41 21 6165000
E-mail: jberney@iwmc.org

Marco PANI
Special Advisor
IWMC
Piazza dei Mercanti 2
00153 Rome, Italy
Tel.: +39 347 3741260
Fax: +39 065880096
E-mail: m.pani@flashnet.it

**WORLD CONSERVATION UNION/
ALLIANCE MONDIALE POUR LA NATURE/
UNIÓN MUNDIAL PARA LA NATURALEZA**

John D. WAUGH
Multilateral Relations Officer
IUCN
1630 Connecticut Ave, NW
Washington DC 20009, USA

Sarah FOWLER (Ms)
Co-chair
IUCN
Shark Specialist Group
36 Kingfisher Court
Hambridge Rd.
Newbury RG14 5SJ, United Kingdom

Anna WILLOCK (Ms)
Senior Fisheries Advisor
Traffic Oceania
GPO Box 528
Sydney NSW 2001, Australia

Charlotte DE FONTAUBERT (Ms)
Marine Editor
1630 Connecticut Ave, NW
Washington, DC 20009, USA
E-mail: fontaubert@att.net

Rachel CAVANAGH (Ms)
IUCN
Shark Specialist Group
c/o Nature Bureau,
Newbury
Berkshire, United Kingdom

**WORLD FEDERATION OF TRADE UNIONS/
FÉDÉRATION SYNDICALE MONDIALE/
FEDERACIÓN SINDICAL MUNDIAL**

Anna Laura CASADEI (Ms)
Représentante permanente
de la FSM auprès de la FAO
Via G. Marangoni, 10
00162 Rome, Italie

WORLD HUMANITY ACTION TRUST

Peter MANNING
Rapporteur
WHAT
Commission on Fisheries
5 Princeton Court
56 Felsham Road
London, United Kingdom
Tel.: +44 20 87895555
E-mail: petermanning@blueyonder.co.uk

**WORLD WIDE FUND FOR NATURE/FONDS
MONDIAL POUR LA NATURE/ FONDO
MUNDIAL PARA LA NATURALEZA**

Tom GRASSO
US Director for Marine
Conservation
WWF
1250 24th NW
Washington, DC 20037, USA

John CADDY
WWF
Rome, Italy

Will MARTIN
Senior Fellow
WWF
5141 Granny White Pike
Nashville, TN, USA

Kees LANKESTER
WWF
NL-1054 DT Amsterdam, The Netherlands

OFFICERS OF THE COMMITTEE AT THE TWENTY-FOURTH SESSION

Chairperson:	Mr Masayuki Komatsu (Japan)
First Vice-Chairperson:	Ms Mara Angelica Murillo Correa (Mexico)
Vice-Chairpersons:	Mr Glen Hurry (Australia)
	Ms Lori Ridgeway (Canada)
	Mr Atig Drawil-Huni (Libya)
	Mr Francis Montanaro Mifsud (Malta)
	Mr Thomas Wanyika Maembe (Tanzania)

DRAFTING COMMITTEE

The Committee elected Mr Ashraf Sabit (Egypt) as Chairperson of the Drafting Committee with the following membership: Argentina, Canada, Eritrea, Iceland, India, Japan, Kuwait, Morocco, New Zealand, Philippines, Sweden, United States of America and Uruguay.

FAO FISHERIES DEPARTMENT

Assistant Director-General:	Ichiro Nomura
Director, Fishery Resources Division:	S. Garcia
Director, Fishery Industries Division:	G. Valdimarsson
Director, Fishery Policy and Planning Division:	Z.S. Karnicki

SECRETARIAT

Secretary:	B.P. Satia
Meetings Officer:	J.C. Webb

APPENDIX C**LIST OF DOCUMENTS**

COFI/2001/1 Rev.	Agenda and Timetable
COFI/2001/2	Achievements of Major Programme 2.3 Fisheries 1998-1999
COFI/2001/3	Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action
COFI/2001/4	Decisions and Recommendations of the Seventh Session of the COFI Sub-Committee on Fish Trade
COFI/2001/5	Proposals for a COFI Sub-Committee on Aquaculture
COFI/2001/6	Review of the CITES Listing Criteria for Species Exploited by Fisheries in Marine and Large Freshwater Bodies
COFI/2001/7 and Add.	Illegal, Unreported and Unregulated Fishing: Proposal for a Draft International Plan of Action
COFI/2001/8	Proposal for Improved Status and Trends Reporting on Fisheries
COFI/2001/9	Report on the Expert Consultation on Economic Incentives and Responsible Fisheries
COFI/2001/10	Medium-Term Plan for Major Programme 2.3 Fisheries 2002-2007
COFI/2001/Inf.1	List of Documents
COFI/2001/Inf.2	List of Participants
COFI/2001/Inf.3	Statement by the Director-General
COFI/2001/Inf.4	Report of the Twenty-third Session of the Committee on Fisheries, Rome, Italy, 15-19 February 1999
COFI/2001/Inf.5	Follow-up to the Recommendations of the Twenty-third Session of the Committee on Fisheries, Rome, Italy, 15-19 February 1999
COFI/2001/Inf.6	Report on the Second Meeting of FAO and Non-FAO Regional Fishery Bodies or Arrangements, FAO, Rome, Italy, 20-21 February 2001: Main Conclusions and Recommendations
COFI/2001/Inf.7	Report of the Seventh Session of the COFI Sub-Committee on Fish Trade, Bremen, Germany, 22-25 March 2000
COFI/2001/Inf.8	Report of the Expert Consultation on Proposed COFI Sub-Committee on Aquaculture, Bangkok, Thailand, 28-29 February 2000
COFI/2001/Inf.9	Report of the Technical Consultation on the Suitability of the CITES Criteria for Commercially-exploited Aquatic Species, Rome, Italy, 28-30 June 2000

COFI/2001/Inf.10	Summary of the Report of the Joint FAO/IMO <i>Ad hoc</i> Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, Rome, Italy, 9-11 October 2000
COFI/2001/Inf.11	Not Issued
COFI/2001/Inf.12	Biosecurity in Food and Agriculture
COFI/2001/Inf.13	Statement of Competence and Voting Rights submitted by the European Community (EC) and its Member States

APPENDIX D

**OPENING STATEMENT BY MR DAVID A. HARCHARIK
DEPUTY DIRECTOR-GENERAL**

Mr Chairman, Ladies and Gentlemen,

Good morning! And welcome to this Twenty-fourth Session of the FAO Committee on Fisheries. It is encouraging to see such a large turnout for this session of the Committee. I believe it reflects the importance that you attach to COFI and to the work of FAO on fisheries. I can assure you that we in FAO share your view that this Organization be a leader in the field of fisheries and that our work be guided by COFI.

(Congratulated Chairman, Mr Komatsu)

Mr Chairman, before turning to your agenda I should like to update the Committee on a few important changes that have taken place in FAO since your last session.

First, as you can see from the head table, the leadership of the Fisheries Department has changed some. I should like to take this opportunity in particular to introduce to the Committee, Mr Ichiro Nomura, the new Assistant Director-General and head of the Fisheries Department, who comes to us from the Japanese Fisheries Agency, where he enjoyed a very successful career in international fisheries.

Also, some members of the Committee will remember Mr Steve Karnicki, who was formerly with our Fisheries Industries Division and then moved to Budapest to establish our Sub-regional Office there. He has returned to Rome to assume the post of Director of the Fisheries Policy and Planning Division.

You will remember our other two Directors from past meetings – Mr Garcia of the Fisheries Resource Division and Mr Valdimarsson of the Fisheries Industries Division. *(Also introduced Messrs Satia, Wade and Edeson.)*

Mr Chairman, many members of the Committee will recall that this Organization has been on a path of dynamic change and continual managerial improvement for several years. We have, for example, reorganized, decentralized, and down-sized. We have increased our administrative efficiency and have cut costs of travel, meetings and publications, while at the same time protecting our priority technical programmes and modernizing and improving our communication systems.

Perhaps even more importantly, recently we finished a complete overhaul of our planning process, culminating in the adoption of a Strategic Framework by the Conference in 1999, which sets the course of the Organization over the coming 15 years. For the medium term, the Council last June approved a new Medium-Term Plan for the years 2002-07. The Strategic Framework and Medium-Term Plan together are the foundations on which the two-year Programme of Work and Budget is based, about which I will speak more later. This is the best strategic and planning process that has ever been in place in this Organization.

As you would expect, the Organization also continues to work very hard to assist countries in meeting the target set at the 1996 World Food Summit to cut the number of undernourished to 400 million by 2015. Sadly, too little progress is being made in bringing about significant reductions in the number of the world's hungry and, unless more determined efforts are made to speed up progress, the targets of the World Food Summit will not be reached. We had estimated, for example, that the number of undernourished would need to be reduced by 20 million per year, when in fact the number is declining at best at the rate of about 8 million annually.

It is for this reason that the Director-General proposed to the Council, and the Council agreed, that a high-level review be carried out within the context of the FAO Conference this year and that Heads of State and Government be invited. Hopefully, this review of the World Food Summit: Five Years Later will give new impetus and momentum to the process of implementing the Summit Plan of Action.

Most of you will have also noticed the major improvements in the FAO infrastructure over the last few years. The most recent of these is the Atrium, which you have seen develop in various stages and which is now available for use for exhibits. We also have a new, modern Registration Centre, which unfortunately is not available today because of the major renovations taking place to the David Lubin Library. In addition, there is a new media centre, several new or renovated meeting rooms, and we will soon have a modern business centre. These structural improvements, which have been financed through special contributions of many member countries, especially Italy, and private sponsors, are turning FAO into one of the most modern facilities in the UN system.

Mr Chairman, let me now turn to your agenda for this session of the Committee. I note that it has been designed to permit the Committee to fulfil its two main constitutional functions. Firstly to review the Programme of Work of FAO in the fields of capture fisheries and aquaculture and their implementation and, secondly, to review issues of an international character and to identify remedial actions which could be taken by nations, FAO, intergovernmental bodies and civil society.

With regard to the review of the Programme of Work of FAO, we have, in spite of limited resources, been able to successfully implement the programme of work for the 1998-1999 biennium as reported in document COFI/2001/2. We have also taken action, in collaboration with members, to address the principal recommendations and requests directed by your Committee's last session. The actions taken in this context are summarized in document COFI/2001/Inf. 5.

The Code of Conduct for Responsible Fisheries remains the over-arching tool and reference point for the activities of the FAO Fisheries Department, as well as for a number of governments, international organizations and regional fishery bodies. I note with satisfaction that many countries have taken steps to implement the provisions of the Code. Still, overall progress has been slow, particularly in developing countries. It is important for your Committee to consider the possible reasons for such slow progress and to identify actions to accelerate the judicious implementation of the Code.

Mr Chairman, Ladies and Gentlemen,

The Sub-Committee on Fish Trade has become the rallying force for the improvement of fish quality and fish trade, especially in developing countries, as well as an important forum for debating the central issues relating to trade and environment. Your Committee will be appraised of the main decisions and recommendations made at the Seventh Session of that Sub-Committee, held in Bremen, Germany, in March 2000. You may wish to provide further guidance to improve the work of the Sub-Committee.

During your last two sessions, COFI has indicated broad support for the establishment of a Sub-Committee on Aquaculture. Under Agenda item 7, you will be invited to review the *raison d'être* for such a Sub-Committee, define its membership, possible terms of reference and major areas of activities as well as the administrative, operational and financial implications for FAO and participating members. It is important to note that the establishment and functioning of this Sub-Committee would imply additional resources for the Organization. It will, accordingly, be included in the PWB proposals for the next biennium which, I hope, will receive the approval of the Conference.

Under items 8 through 11, your Committee will also address four emerging issues of international character, namely: criteria for listing marine species under CITES; illegal, unreported and unregulated fishing (IUU); improvements in global reporting on status and trends of fisheries; and economic incentives and subsidies in fisheries.

In this context, you will have an opportunity to review the extent to which the Secretariat carried out its instructions on listing criteria for marine species under CITES. You might also wish to advise us further on whether to express opinions and recommendations to CITES on the existing listing criteria and, if so, their nature and content.

Mr Chairman,

You will recall that at your last session, COFI requested FAO to develop an international plan of action to combat IUU fishing. This issue was considered further by the FAO Ministerial Meeting on the Implementation of the Code of Conduct for Responsible Fisheries held in Rome in March 1999. The Ministers and their representatives issued a declaration in which they committed themselves to develop a global plan of action to deal effectively with all forms of IUU fishing. I should like to urge your Committee to review the steps that have been undertaken to develop the International Plan of Action (IPOA) and, as appropriate, adopt it and recommend for endorsement to the FAO Council.

Mr Chairman, Ladies and Gentlemen,

Sustainable fisheries and aquaculture require informed decisions and actions at all levels, from policy-makers to individual fishers as well as environmental organizations, consumers and the public. The FAO Fisheries Department, in collaboration with the FAO Advisory Committee on Fisheries Research (ACFR) and other parties, has elaborated a proposal for improving global reporting on status and trends in sustainable fisheries and

aquaculture. The guidance of your Committee is sought on the proposed approach to improve such information and reporting.

Lastly, the role of subsidies in relation to trade in fish and fish products and to fishery resources sustainability has interested your Committee for over a decade. You will have the opportunity to review the main conclusions of an Expert Consultation on Economic Incentives and Subsidies in Fisheries and advise on whether it would be useful to continue investigations on the impact of subsidies and, if so, also advise on how to proceed.

Mr Chairman,

Earlier, I mentioned the new Strategic Framework and the Medium-Term Plan. The first Programme of Work and Budget to be formulated on the basis of these planning documents will cover the biennium 2002-2003. It will provide a more detailed description of the outputs planned for this two-year period and the required resources. The Programme of Work and Budget will be presented to the FAO Conference for approval in November 2001. An extract from the Medium-Term Plan document dealing with Major Programme on Fisheries will be presented to your Committee to review and to make recommendations on the fisheries programme priorities, which will then be taken into account in finalizing the Programme of Work and Budget 2002-2003.

Mr Chairman, Ladies and Gentlemen,

From the above, it is evident that your Committee has not only a heavy task but also great responsibility. I hope you find in the documents placed at your disposal for this session, the satisfactory background you require, and that your meetings will meet with every success.

Thank you.

APPENDIX E

**TERMS OF REFERENCE
OF THE SUB-COMMITTEE ON AQUACULTURE**

The Terms of Reference of the Sub-Committee on Aquaculture, based on the recommendations of the Expert Consultation, would be as follows:

"The Sub-Committee shall provide a forum for consultation and discussion on aquaculture and advise COFI on technical and policy matters related to aquaculture and on the work to be performed by the Organization in the subject matter field of aquaculture. In particular the Sub-Committee shall:

- (a) identify and discuss major issues and trends in global aquaculture development;
- (b) determine those issues and trends of international importance requiring action to increase the sustainable contribution of aquaculture to food security, economic development and poverty alleviation;
- (c) recommend international action to address aquaculture development needs and, in this regard:
 - (i) to advise on mechanisms to prepare, facilitate and implement action programmes identified, as well as on the expected contribution of partners;
 - (ii) to advise on the liaison with other relevant groups and organizations with a view to promoting harmonization and endorsing policies and actions, as appropriate;
 - (iii) to advise on the strengthening of international collaboration to assist developing countries in the implementation of the Code of Conduct for Responsible Fisheries.
- (d) advise on the preparation of technical reviews and of issues and trends of international significance;
- (e) address any specific matters relating to aquaculture referred to it by its Members, the Committee on Fisheries or the Director-General of FAO".

APPENDIX F

STATEMENT BY THE DELEGATION OF CANADA ON IPOA-IUU

The delegation of Canada made the following statement to the Committee and requested the Chair to incorporate it in the report of the Session.

"Canada would first like to thank the Chair of the Technical Consultation on IUU fishing, Mr. Andrew Jackson, as well as the Chair of the "Friends of the Chair group", Mr David Balton, for their great leadership and hard work in trying to achieve an IUU text acceptable to all. Canada also appreciates the hard work, dedication and spirit of compromise from many delegations during discussions concerning the IPOA on IUU fishing, including throughout this week.

Canada strongly supports the need for addressing the matter of IUU fishing. As most delegations know, Canada has been the victim of IUU fishing activities off of our coasts in the Atlantic and the Pacific. This has contributed to the severe depletion of valuable fish stocks. We have had to impose severe restrictions and measures on fishing activities, with the hope of restoring the stocks to a sustainable state.

The international community has also been very active in the past two decades in seeking solutions to address IUU fishing. In effect, important tools were developed in global international instruments to prevent, deter and eliminate IUU fishing activities. These range from the 1982 UN Convention on the Law of the Sea and its 1995 Implementation Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, to instruments developed by the FAO, such as the 1993 FAO Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries.

The IPOA on IUU fishing was developed for the purpose of addressing the same issues as those addressed by these global instruments. The objective we set out for ourselves was to develop a comprehensive, effective and transparent toolbox of measures that States could use to prevent, deter and eliminate IUU fishing. Canada feels that we have not fully achieved this objective with the current draft text of the IPOA. An important 'state of the art' tool was left out of the text, which Canada believes should have been explicitly included.

Canada considers that the international community has accepted that boarding and inspection regimes should include requirements for fishing vessels to permit access by duly authorized inspectors from regional fisheries management organizations or states other than the flag state. Canada accepts that delegations consider that the IPOA includes such a measure. Canada considers, however, that such a measure should have been set out explicitly in order to meet the objectives set out in the IPOA and, more generally, promote good fisheries conservation and management practices.

For these reasons, Canada feels it must put a reservation on paragraphs 20.10 and 70.7bis of the draft IPOA on IUU fishing.

Canada also reserves its position with respect to the section of the draft IPOA text entitled “Internationally Agreed Market-Related Measures”(paragraphs 53(bis) to 66). Canada reaffirms the right of states, consistent with the Marrakesh Agreement establishing the WTO, to adopt or enforce measures relating to the conservation of exhaustible natural resources. However, Canada does not, at this time, endorse, as an automatic policy, an undertaking to apply sanctions with respect to trade in fish and fish products in cases of IUU fishing with respect to all regional fisheries management organizations. Rather, states should decide on the use of trade measures on a case-by-case basis, having due regard to the specific circumstances.

The directive nature implied by the word “should” in paragraph 54 of the draft IPOA text, even after all other approaches to IUU fishing have been exhausted, could be interpreted as limiting our discretion to use trade-related measures. This is inconsistent with current Canadian policy. This is also contrary to the very nature of the IPOA on IUU, which is to provide a comprehensive list of tools to be used at the discretion of States.

Canada would like the substance of our reservations to be reflected in the Report of the COFI meeting, as well as in the draft text of the IPOA, which we understand will be published and printed by the FAO. We understand that this could be achieved through a declaration attached as an annex to the IPOA text and understand that this option has been used in the past.

On the agreement that Canada’s specific reservations will be reflected within the text of the IPOA as an annex to the text, Canada will withdraw our general reservation on the IPOA text. This would clear the way for the adoption of the IPOA by consensus. Mr. Chairman, with your agreement, we could provide the Secretariat with copies of Canada’s Statement as well as texts of our specific reservations.”

APPENDIX G

**INTERNATIONAL PLAN OF ACTION
TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED
AND UNREGULATED FISHING**

I. INTRODUCTION

1. In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of illegal, unreported and unregulated (IUU) fishing in world fisheries is of serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them.

2. The Twenty-third Session of the FAO Committee on Fisheries (COFI) in February 1999 addressed the need to prevent, deter and eliminate IUU fishing. The Committee was concerned about information presented indicating increases in IUU fishing, including fishing vessels flying “flags of convenience”. Shortly afterwards, an FAO Ministerial Meeting on Fisheries in March 1999 declared that, without prejudice to the rights and obligations of States under international law, FAO “will develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying “flags of convenience” through coordinated efforts by States, FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO), as provided in Article IV of the Code of Conduct. The Government of Australia, in cooperation with FAO, organized an Expert Consultation on Illegal, Unreported and Unregulated Fishing in Sydney, Australia, from 15 to 19 May 2000. Subsequently, an FAO Technical Consultation on Illegal, Unreported and Unregulated Fishing was held in Rome from 2 to 6 October 2000 and a further Technical Consultation was held in Rome from 22 to 23 February 2001. The draft International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted by the Consultation on 23 February 2001 with a request that the report be submitted to the Twenty-fourth Session of COFI for consideration and eventual adoption. COFI approved the International Plan of Action, by consensus, on 2 March 2001. In doing so, the Committee urged all Members to take the necessary steps to effectively implement the International Plan of Action.

II. NATURE AND SCOPE OF IUU FISHING AND THE INTERNATIONAL PLAN OF ACTION

3. In this document:

3.1 Illegal fishing refers to activities:

3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

3.2 Unreported fishing refers to fishing activities:

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3.3 Unregulated fishing refers to fishing activities:

3.3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

3.3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

3.4 Notwithstanding paragraph 3.3, certain unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under the International Plan of Action` (IPOA).

4. The IPOA is voluntary. It has been elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries as envisaged by Article 2 (d).

5. The FAO Code of Conduct for Responsible Fisheries, in particular Articles 1.1, 1.2, 3.1, and 3.2 applies to the interpretation and application of this IPOA and its relationship with other international instruments. The IPOA is also directed as appropriate towards fishing entities as referred to in the Code of Conduct. The IPOA responds to fisheries specific issues and nothing in it prejudices the positions of States in other fora.

6. In this document:

- a) the reference to States includes regional economic integration organizations in matters within their competence;
- b) the term "regional" includes sub-regional, as appropriate;

- c) the term "regional fisheries management organization" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish fishery conservation and management measures;
- d) the term "conservation and management measures" means measures to conserve one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law;
- e) the term "1982 UN Convention" refers to the United Nations Convention on the Law of the Sea of 10 December 1982;
- f) the term "1993 FAO Compliance Agreement" refers to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by the FAO Conference on 24 November 1993.
- g) the term "1995 UN Fish Stocks Agreement" refers to the Agreement for the Implementation 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
- h) the term "Code of Conduct" refers to the FAO Code of Conduct for Responsible Fisheries.

7. This document is a further commitment by all States to implement the Code of Conduct.

III. OBJECTIVE AND PRINCIPLES

8. The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law.

9. The IPOA to prevent, deter and eliminate IUU fishing incorporates the following principles and strategies. Due consideration should be given to the special requirements of developing countries in accordance with Article 5 of the Code of Conduct.

9.1 Participation and coordination: To be fully effective, the IPOA should be implemented by all States either directly, in cooperation with other States, or indirectly through relevant regional fisheries management organizations or through FAO and other appropriate international organizations. An important element in successful implementation will be close and effective coordination and consultation, and the sharing of information to reduce the incidence of IUU fishing, among States and relevant regional and global organizations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations, should be encouraged.

9.2 Phased implementation: Measures to prevent, deter and eliminate IUU fishing should be based on the earliest possible phased implementation of national plans of action, and regional and global action in accordance with the IPOA.

9.3 Comprehensive and integrated approach: Measures to prevent, deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate, and to

cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing .

9.4 Conservation: Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

9.5 Transparency: The IPOA should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.

9.6 Non-discrimination: The IPOA should be developed and applied without discrimination in form or in fact against any State or its fishing vessels.

IV. IMPLEMENTATION OF MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING

ALL STATE RESPONSIBILITIES

International Instruments

10. States should give full effect to relevant norms of international law, in particular as reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing.

11. States are encouraged, as a matter of priority, to ratify, accept or accede to, as appropriate, the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. Those States that have not ratified, accepted or acceded to these relevant international instruments should not act in a manner inconsistent with these instruments.

12. States should implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to.

13. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations of States under international law. Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations contained in the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, for States parties to those instruments.

14. States should fully and effectively implement the Code of Conduct and its associated International Plans of Action.

15. States whose nationals fish on the high seas in fisheries not regulated by a relevant regional fisheries management organization should fully implement their obligations under Part VII of the 1982 UN Convention to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.

National Legislation

Legislation

16. National legislation should address in an effective manner all aspects of IUU fishing.

17. National legislation should address, *inter alia*, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

State Control over Nationals

18. In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.

19. States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.

Vessels without Nationality

20. States should take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing.

Sanctions

21. States should ensure that sanctions for IUU fishing by vessels and, to the greatest extent possible, nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing. This may include the adoption of a civil sanction regime based on an administrative penalty scheme. States should ensure the consistent and transparent application of sanctions.

Non Cooperating States

22. All possible steps should be taken, consistent with international law, to prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organization which engage in IUU fishing.

Economic Incentives

23. States should, to the extent possible in their national law, avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.

Monitoring, Control and Surveillance

24. States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination, including by:

24.1 developing and implementing schemes for access to waters and resources, including authorization schemes for vessels;

24.2 maintaining records of all vessels and their current owners and operators authorized to undertake fishing subject to their jurisdiction;

24.3 implementing, where appropriate, a vessel monitoring system (VMS), in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry VMS on board;

24.4 implementing, where appropriate, observer programmes in accordance with relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board;

24.5 providing training and education to all persons involved in MCS operations;

24.6 planning, funding and undertaking MCS operations in a manner that will maximize their ability to prevent, deter and eliminate IUU fishing;

24.7 promoting industry knowledge and understanding of the need for, and their cooperative participation in, MCS activities to prevent, deter and eliminate IUU fishing;

24.8 promoting knowledge and understanding of MCS issues within national judicial systems;

24.9 establishing and maintaining systems for the acquisition, storage and dissemination of MCS data, taking into account applicable confidentiality requirements;

24.10 ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the 1995 UN Fish Stocks Agreement, and only apply to the parties to those agreements.

National Plans of Action

25. States should develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programmes and budgets. These plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. In doing so, States should encourage the full participation and engagement of all interested stakeholders, including industry, fishing communities and non-governmental organizations.

26. At least every four years after the adoption of their national plans of action, States should review the implementation of these plans for the purpose of identifying cost-effective strategies to increase their effectiveness and to take into account their reporting obligations to FAO under Part VI of the IPOA.

27. States should ensure that national efforts to prevent, deter and eliminate IUU fishing are internally coordinated.

Cooperation between States

28. States should coordinate their activities and cooperate directly, and as appropriate through relevant regional fisheries management organizations, in preventing, deterring and eliminating IUU fishing. In particular, States should:

28.1 exchange data or information, preferably in standardized format, from records of vessels authorized by them to fish, in a manner consistent with any applicable confidentiality requirements;

28.2 cooperate in effective acquisition, management and verification of all relevant data and information from fishing;

28.3 allow and enable their respective MCS practitioners or enforcement personnel to cooperate in the investigation of IUU fishing, and to this end States should collect and maintain data and information relating to such fishing;

28.4 cooperate in transferring expertise and technology;

- 28.5 cooperate to make policies and measures compatible;
- 28.6 develop cooperative mechanisms that allow, *inter alia*, rapid responses to IUU fishing; and
- 28.7 cooperate in monitoring, control and surveillance, including through international agreements.

29. In the light of Article VI of the 1993 FAO Compliance Agreement, flag States should make available to FAO and, as appropriate, to other States and relevant regional or international organizations, information about vessels deleted from their records or whose authorization to fish has been cancelled and to the extent possible, the reasons therefore.

30. In order to facilitate cooperation and exchange of information, each State and regional or international organization should nominate and publicize initial formal contact points.

31. Flag States should consider entering into agreements or arrangements with other States and otherwise cooperate for the enforcement of applicable laws and conservation and management measures or provisions adopted at a national, regional or global level.

Publicity

32. States should publicize widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any applicable confidentiality requirements.

Technical Capacity and Resources

33. States should endeavour to make available the technical capacity and resources which are needed to implement the IPOA. This should include, where appropriate, the establishment of special funds at the national, regional or global level. In this respect, international cooperation should play an important role.

FLAG STATE RESPONSIBILITIES

Fishing Vessel Registration

34. States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing.

35. A flag State should ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing.

36. Flag States should avoid flagging vessels with a history of non-compliance except where:

36.1 the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or

36.2 having taken into account all relevant facts, the flag State determines that flagging the vessel would not result in IUU fishing.

37. All States involved in a chartering arrangement, including flag States and other States that accept such an arrangement, should, within the limits of their respective jurisdictions, take measures to ensure that chartered vessels do not engage in IUU fishing.

38. Flag States should deter vessels from reflagging for the purposes of non-compliance with conservation and management measures or provisions adopted at a national, regional or global level. To the extent practicable, the actions and standards flag States adopt should be uniform to avoid creating incentives for vessel owners to reflag their vessels to other States.

39. States should take all practicable steps, including denial to a vessel of an authorization to fish and the entitlement to fly that State's flag, to prevent "flag hopping"; that is to say, the practice of repeated and rapid changes of a vessel's flag for the purposes of circumventing conservation and management measures or provisions adopted at a national, regional or global level or of facilitating non-compliance with such measures or provisions.

40. Although the functions of registration of a vessel and issuing of an authorization to fish are separate, flag States should consider conducting these functions in a manner which ensures each gives appropriate consideration to the other. Flag States should ensure appropriate links between the operation of their vessel registers and the record those States keep of their fishing vessels. Where such functions are not undertaken by one agency, States should ensure sufficient cooperation and information sharing between the agencies responsible for those functions.

41. A Flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.

Record of Fishing Vessels

42. Each flag State should maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorized to fish on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement, and may also include, *inter alia*:

42.1 the previous names, if any and if known;

42.2 name, address and nationality of the natural or legal person in whose name the vessel is registered ;

42.3 name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;

42.4 name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel;

42.5 name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with conservation and management measures or provisions adopted at a national, regional or global level; and

42.6 vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.

43. Flag States may also require the inclusion of the information in paragraph 42 in their record of fishing vessels that are not authorized to fish on the high seas.

Authorization to Fish

44. States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas, in particular the rights and duties set out in articles 116 and 117 of the 1982 UN Convention, or in conformity with national legislation within areas of national jurisdiction.

45. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

46. Vessels should have an authorization to fish and where required carry it on board. Each State's authorization should include, but need not be limited to:

46.1 the name of the vessel, and, where appropriate, the natural or legal person authorized to fish;

46.2 the areas, scope and duration of the authorization to fish; and

46.3 the species, fishing gear authorized, and where appropriate, other applicable management measures.

47. Conditions under which an authorization is issued may also include, where required:

47.1 vessel monitoring systems;

47.2 catch reporting conditions, such as:

47.2.1 time series of catch and effort statistics by vessel;

47.2.2 total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery period (nominal weight is defined as the live weight equivalent of the catch);

47.2.3 discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

47.2.4 effort statistics appropriate to each fishing method; and

47.2.5 fishing location, date and time fished and other statistics on fishing operations.

47.3 reporting and other conditions for transshipping, where transshipping is permitted;

47.4 observer coverage;

47.5 maintenance of fishing and related log books;

47.6 navigational equipment to ensure compliance with boundaries and in relation to restricted areas;

47.7 compliance with applicable international conventions and national laws and regulations in relation to maritime safety, protection of the marine environment, and conservation and management measures or provisions adopted at a national, regional or global level;

47.8 marking of its fishing vessels in accordance with internationally recognized standards, such as the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels. Vessels' fishing gear should similarly be marked in accordance with internationally recognized standards;

47.9 where appropriate, compliance with other aspects of fisheries arrangements applicable to the flag State; and

47.10 the vessel having a unique, internationally recognized identification number, wherever possible, that enables it to be identified regardless of changes in registration or name over time.

48. Flag States should ensure that their fishing, transport and support vessels do not support or engage in IUU fishing. To this end, flag States should ensure that none of their vessels re-supply fishing vessels engaged in such activities or transship fish to or from these vessels. This paragraph is without prejudice to the taking of appropriate action, as necessary, for humanitarian purposes, including the safety of crew members.

49. Flag States should ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State, and report to the national fisheries administration or other designated institution:

49.1 the date and location of all of their transshipments of fish at sea;

49.2 the weight by species and catch area of the catch transshipped;

49.3 the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and

49.4 the port of landing of the transshipped catch.

50. Flag States should make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner and, as appropriate, to relevant national, regional and international organizations, including FAO, taking into account applicable confidentiality requirements.

COASTAL STATE MEASURES

51. In the exercise of the sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, in conformity with the 1982 UN Convention and international law, each coastal State should implement measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone. Among the measures which the coastal State should consider, consistent with national legislation and international law, and to the extent practicable and appropriate, are:

51.1 effective monitoring, control and surveillance of fishing activities in the exclusive economic zone;

51.2 cooperation and exchange of information with other States, where appropriate, including neighbouring coastal States and with regional fisheries management organizations;

51.3 to ensure that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State;

51.4 to ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;

51.5 to ensure that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate;

51.6 to ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;

51.7 regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and

51.8 avoiding licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36.

PORT STATE MEASURES

52. States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing. Such measures should be implemented in a fair, transparent and non-discriminatory manner.

53. When used in paragraphs 52 to 64, port access means admission for foreign fishing vessels to ports or offshore terminals for the purpose of, *inter alia*, refuelling, re-supplying, transshipping and landing, without prejudice to the sovereignty of a coastal State in accordance with its national law and article 25.2 of the 1982 UN Convention and other relevant international law.

54. Notwithstanding paragraphs 52, 53 and 55; a vessel should be provided port access, in accordance with international law, for reasons of *force majeure* or distress or for rendering assistance to persons, ships or aircraft in danger or distress.

55. Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

56. Where a port State has clear evidence that a vessel having been granted access to its ports has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel.

57. States should publicize ports to which foreign flagged vessels may be permitted admission and should ensure that these ports have the capacity to conduct inspections.

58. In the exercise of their right to inspect fishing vessels, port States should collect the following information and remit it to the flag State and, where appropriate, the relevant regional fisheries management organization:

58.1 the flag State of the vessel and identification details;

- 58.2 name, nationality, and qualifications of the master and the fishing master;
- 58.3 fishing gear;
- 58.4 catch on board, including origin, species, form, and quantity;
- 58.5 where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and
- 58.6 total landed and transshipped catch.

59. If, in the course of an inspection, it is found that there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organization. The port State may take other action with the consent of, or upon the request of, the flag State.

60. In applying paragraphs 58 and 59, States should safeguard the confidentiality of information collected, in accordance with their national laws.

61. States should establish and publicize a national strategy and procedures for port State control of vessels involved in fishing and related activities, including training, technical support, qualification requirements and general operating guidelines for port State control officers. States should also consider capacity-building needs in the development and implementation of this strategy.

62. States should cooperate, as appropriate, bilaterally, multilaterally and within relevant regional fisheries management organizations, to develop compatible measures for port State control of fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by the vessel of measures adopted under these national, regional or international systems.

63. States should consider developing within relevant regional fisheries management organizations port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a regional fisheries management organization and which have not agreed to cooperate with that regional fisheries management organization, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those conservation and management measures. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner.

64. States should enhance cooperation, including by the flow of relevant information, among and between relevant regional fisheries management organizations and States on port State controls.

INTERNATIONALLY AGREED MARKET-RELATED MEASURES

65. The measures in paragraphs 66 to 76 are to be implemented in a manner which recognizes the right of States to trade in fish and fishery products harvested in a sustainable manner and should be interpreted and applied in accordance with the principles, rights and

obligations established in the World Trade Organisation, and implemented in a fair, transparent and non-discriminatory manner.

66. States should take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by the relevant regional fisheries management organization to have been engaged in IUU fishing being traded or imported into their territories. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner. Trade-related measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and implemented in a fair, transparent and non-discriminatory manner. Trade-related measures should only be used in exceptional circumstances, where other measures have proven unsuccessful to prevent, deter and eliminate IUU fishing, and only after prior consultation with interested States. Unilateral trade-related measures should be avoided.

67. States should ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence, where applicable, and are in accordance with internationally agreed rules.

68. States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multilaterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species. Multilateral trade-related measures envisaged in regional fisheries management organizations may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of conservation and management measures which are consistent with the 1982 UN Convention.

69. Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements, as well as other appropriate multilaterally-agreed measures such as import and export controls or prohibitions. Such measures should be adopted in a fair, transparent and non-discriminatory manner. When such measures are adopted, States should support their consistent and effective implementation.

70. Stock or species-specific trade-related measures may be necessary to reduce or eliminate the economic incentive for vessels to engage in IUU fishing.

71. States should take steps to improve the transparency of their markets to allow the traceability of fish or fish products.

72. States, when requested by an interested State, should assist any State in deterring trade in fish and fish products illegally harvested in its jurisdiction. Assistance should be given in accordance with terms agreed by both States and fully respecting the jurisdiction of the State requesting assistance.

73. States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organizations in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

74. States should take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with vessels identified as engaged in IUU fishing, whether by the State under whose jurisdiction the vessel is operating or by the relevant regional fisheries management organization in accordance with its agreed procedures, and should consider measures to deter such business. Such measures could include, to the extent possible under national law, legislation that makes it a violation to conduct such business or to trade in fish or fish products derived from IUU fishing. All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.

75. States should work towards using the Harmonized Commodity Description and Coding System for fish and fisheries products in order to help promote the implementation of the IPOA.

76. Certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

RESEARCH

77. States should encourage scientific research on methods of identifying fish species from samples of processed products. FAO should facilitate the establishment of a network of databases of genetic and other markers used to identify fish species from processed product, including the ability to identify the stock of origin where possible.

REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

78. States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exist.

79. As the cooperation of all relevant States is important for the success of measures taken by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing, States which are not members of a relevant regional fisheries management organization are not discharged from their obligation to cooperate, in accordance with their international obligations, with that regional fisheries management organization. To that end, States should give effect to their duty to cooperate by agreeing to apply the conservation and management measures established by that regional fisheries management organization, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

80. States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter, and eliminate IUU fishing. Consideration should be given to including the following measures:

- 80.1 institutional strengthening, as appropriate, of relevant regional fisheries management organizations with a view to enhancing their capacity to prevent, deter and eliminate IUU fishing;
- 80.2 development of compliance measures in conformity with international law;
- 80.3 development and implementation of comprehensive arrangements for mandatory reporting;
- 80.4 establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing;

80.5 development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing;

80.6 development of methods of compiling and using trade information to monitor IUU fishing;

80.7 development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment, as appropriate;

80.8 development within a regional fisheries management organization, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers;

80.9 development of observer programmes;

80.10 where appropriate, market-related measures in accordance with the IPOA;

80.11 definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing;

80.12 development of education and public awareness programmes;

80.13 development of action plans; and

80.14 where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.

81. States, acting through relevant regional fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries management organizations and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including:

81.1 estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization;

81.2 details of measures taken to deter, prevent and eliminate IUU fishing;

81.3 records of vessels authorized to fish, as appropriate; and

81.4 records of vessels engaged in IUU fishing.

82. Objectives of institutional and policy strengthening in relevant regional fisheries management organizations in relation to IUU fishing should include enabling regional fisheries management organizations to:

82.1 determine policy objectives regarding IUU fishing, both for internal purposes and co-ordination with other regional fisheries management organizations;

82.2 strengthen institutional mechanisms as appropriate, including mandate, functions, finance, decision making, reporting or information requirements and enforcement schemes, for the optimum implementation of policies in relation to IUU fishing;

82.3 regularize coordination with institutional mechanisms of other regional fisheries management organizations as far as possible in relation to IUU fishing, in particular information, enforcement and trade aspects; and

82.4 ensure timely and effective implementation of policies and measures internally, and in cooperation with other regional fisheries management organizations and relevant regional and international organizations.

83. States, acting through relevant regional fisheries management organizations, should encourage non-contracting parties with a real interest in the fishery concerned to join those organizations and to participate fully in their work. Where this is not possible, the regional fisheries management organizations should encourage and facilitate the participation and cooperation of non-contracting parties, in accordance with applicable international agreements and international law, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations. Regional fisheries management organizations should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law. States, acting through relevant regional fisheries management organizations, should also assist, as necessary, non-contracting parties in the implementation of paragraphs 78 and 79 of the IPOA.

84. When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.

V. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

85. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25.

86. States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to enable:

- 86.1 review and revision of national legislation and regional regulatory frameworks;
- 86.2 the improvement and harmonization of fisheries and related data collection;
- 86.3 the strengthening of regional institutions; and
- 86.4 the strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

VI. REPORTING

87. States and regional fisheries management organizations should report to FAO on progress with the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing as part of their biennial reporting to FAO on the Code of Conduct. These reports should be published by FAO in a timely manner.

VII. ROLE OF FAO

88. FAO will, as and to the extent directed by its Conference, collect all relevant information and data that might serve as a basis for further analysis aimed at identifying factors and causes contributing to IUU fishing such as, *inter alia*, a lack of input and output management

controls, unsustainable fishery management methods and subsidies that contribute to IUU fishing.

89. FAO will, as and to the extent directed by its Conference, support development and implementation of national and regional plans to prevent, deter and eliminate IUU fishing through specific, in-country technical assistance projects with Regular Programme funds and through the use of extra-budgetary funds made available to the Organization for this purpose.

90. FAO should, in collaboration with other relevant international organizations, in particular IMO, further investigate the issue of IUU fishing.

91. FAO should convene an Expert Consultation on the implementation of paragraph 76 of the IPOA.

92. FAO should investigate the benefits of establishing and maintaining regional and global databases, including but not limited to, information as provided for in Article VI of the 1993 FAO Compliance Agreement.

93. The FAO Committee on Fisheries will, based on a detailed analysis by the Secretariat, biennially evaluate the progress towards the implementation of the IPOA.

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The Twenty-fourth Session of the Committee on Fisheries (COFI) was held in Rome, Italy, from 26 February to 2 March 2001. The Committee agreed to establish a Sub-Committee on Aquaculture and adopted the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. It agreed that future reporting on the implementation of the Code of Conduct and related IPOAs should be based on in-depth analysis of problems associated with their efficient implementation, using case studies. COFI welcomed the Medium-Term Plan for Fisheries, identified the expected results of the Programme Committee priority areas of work for the Fisheries Department during the biennium 2002-2003, and areas for future work by its Sub-Committee on Fish Trade.