

**Report of the**

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**TECHNICAL CONSULTATION ON THE USE OF SUBSIDIES IN THE  
FISHERIES SECTOR**

**Rome, 30 June – 2 July 2004**



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## PREPARATION OF THIS DOCUMENT

This is the report of the Technical Consultation on the Use of Subsidies in the Fisheries Sector adopted on 2 July 2004.

FAO.

Report of the Technical Consultation on the Use of Subsidies in the Fisheries Sector. Rome, 30 June – 2 July 2004.

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### ABSTRACT

The Technical Consultation on the Use of Subsidies in the Fisheries Sector was held at FAO headquarters, Rome, Italy, from 30 June to 2 July 2004. The Consultation worked under the terms agreed by the twenty-fifth session of the FAO Committee on Fisheries (COFI), which established that attention should be given to a practical mandate to consider the effect of subsidies on fisheries resources, such as effects on illegal, unreported and unregulated (IUU) fishing and overcapacity, taking into account the impact of subsidies on sustainable development, trade in fish and fishery products, food security, social security and poverty alleviation, especially in the context of recognizing the special needs of developing countries and Small Island Developing States as recognized in international instruments. The Consultation agreed that FAO should prioritize its programme of work with some activities to be carried out in the short term and others in the long term. In the short term, FAO should broadly examine the relationship between subsidies and overcapacity and IUU fishing. The examination should also, as part of the short-term work programme, consider the situation in developed and developing countries, on the high seas and in exclusive economic zones (EEZs), and in the artisanal and industrial sectors. In addition, FAO should examine the role and impact of subsidies in fisheries development, particularly in the artisanal sector and with respect to food security and livelihoods, and consider the effects and role of other economic instruments. The long-term work was identified as evaluating the impact of fisheries subsidies on the various fisheries management regimes. In this regard, the Consultation agreed that, as a continuing part of its mandate, FAO should work on developing related indicators and operational guidelines, and capacity building activities in developing countries. A detailed outline of the short-term and long-term work programmes should be presented to the twenty-sixth session of COFI for discussion and decision.

### Distribution:

All FAO Members

Participants at the session

Other interested nations and national and international organizations

FAO Fisheries Department

FAO Regional and Subregional Fishery Officers



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## **OPENING OF THE CONSULTATION**

1. On the recommendation of the FAO Committee on Fisheries (COFI) at its Twenty-fifth Session, the Director-General of FAO, Mr Jacques Diouf, convened the Technical Consultation on the Use of Subsidies in the Fisheries Sector. The Technical Consultation was held at FAO headquarters, Rome, Italy, from 30 June to 2 July 2004.

2. The Consultation was attended by 74 Members, and observers from one non-Member nation of FAO, by representatives from two specialized agencies of the United Nations, and by observers from 24 intergovernmental and international non-governmental organizations. The list of delegates and observers is given in Appendix B. The documents that were placed before the Consultation are listed in Appendix C.

3. The meeting was called to order by the Secretary of the Consultation, Mr Ulf N. Wijkström.

4. Mr Ichiro Nomura, Assistant Director-General, FAO Fisheries Department, in his opening statement on behalf of the Director-General, reminded delegates that the Technical Consultation was in direct response to a request from the twenty-fifth session of COFI. At that session, the Committee agreed that in this Consultation, attention should be given to a practical mandate to consider the effect of subsidies on fisheries resources, such as effects on illegal, unreported and unregulated (IUU) fishing and overcapacity taking into account the impact of subsidies on sustainable development, trade in fish and fishery product, food security, social security and poverty alleviation, especially in the context of recognizing the special needs of developing countries and small island developing States as recognized in international instruments. Mr Nomura stressed that FAO had followed and participated in the discussion on fisheries subsidies from the start, and more particularly when it became more prominent on the international agenda during the last years; he drew attention to the past and current work and activities undertaken by FAO on this issue. He also noted that the recently completed Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action (IPOA) to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity had concluded that there were substantial links between subsidies, IUU fishing and overcapacity. He finally expressed the hope that this Consultation would result in a sound and practical mandate for FAO to continue its efforts to promote a fruitful discussion on the use of fisheries subsidies.

## **ELECTION OF THE CHAIRPERSON**

5. Ms Edith Saa (Chile) was elected Chairperson of the Consultation.

## **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE TECHNICAL CONSULTATION**

6. The Consultation adopted the Agenda as given in Appendix A. The Chairperson outlined the timetable for the Consultation.

## **ELECTION OF VICE-CHAIRPERSONS AND DESIGNATION OF RAPPORTEUR**

7. Mr Grant Bryden (New Zealand), Mr Sina Ould Cheikna (Mauritania), Mr Nobuyuki Yagi (Japan) were elected First, Second and Third Vice-Chairpersons respectively, and Mr H. Stetson Tinkham (USA) Rapporteur.

### **SUBSIDIES IN FISHERIES. A REVIEW OF THE ISSUE IN TERMS OF ITS EFFECTS ON: FISHING OVERCAPACITY; ILLEGAL, UNREPORTED AND UNREGULATED FISHING; SUSTAINABLE DEVELOPMENT AND RELATED ISSUES ESPECIALLY IN THE CONTEXT OF DEVELOPING COUNTRIES AND SMALL ISLAND DEVELOPING STATES**

8. As background to the discussion, the Secretariat introduced document TC SUB/2004/2, A Global Technical Initiative on Fisheries Subsidies, and its complement document TC SUB/2004/Inf.3, A Summary of Recent Work on Subsidies in the Fishing Sector. These documents describe the relationship between subsidies and their effects on over capacity, IUU fishing and sustainable development and present a review of the attempts that have been made internationally to resolve them. The Secretariat remarked that, due to a lack of adequate budgetary funds, FAO planned case studies to provide empirical information on these relationships could not be implemented.

9. Many delegations commented on their national experience with the use of subsidies in the fisheries sector. Several delegations noted that their subsidies were mostly for general services and fisheries management, with a benign effect on fisheries. In addition, several delegations noted that they have stopped subsidising the fisheries sector. However, others, particularly developing countries, felt that they would benefit from the use of subsidies that would lead to the sustainable development of their fisheries sector and social wellbeing of remote coastal communities.

#### **Fishing overcapacity**

10. Some delegations noted a pressing need to understand the nature and extent of links between subsidies and overcapacity. Delegations shared views on those areas where the links were viewed as most direct, such as payments to vessels and their construction, as well as others where the link was less clear. The production of Technical Reports on this aspect as well as the dissemination of information on best practices, and provision of fora for discussion by member countries and intergovernmental organisations were examples where FAO had a competitive advantage.

11. Several delegations cautioned that a lack of systematic availability of quantitative information on subsidies may distort the results of analytical work. Increased transparency would be essential for successful outcomes. The Consultation was informed that several mechanisms exist to collect data on subsidies, such as the Organisation for Economic Co-operation and Development (OECD)'s subsidies database and the World Trade Organization (WTO) notification requirements for member countries. Some delegations considered that FAO should offer assistance to facilitate compliance with applicable notification requirements.

12. Some delegation noted that it was important to consider subsidies in aquaculture alongside those in capture fisheries.

13. The Consultation noted that the effects of subsidies vary depending on the nature and implementation of the management regimes, the state and nature of fish stocks, and the type and magnitude of subsidy and its duration. For instance, in a weak fisheries management regime and in the case of a fully exploited fishery subsidies would lead to overfishing.

### **Illegal, unreported and unregulated fishing**

14. The Consultation recognized that illegal, unreported and unregulated (IUU) fishing was strongly linked to overcapacity and urged FAO to closely examine the nature of the links between subsidies, over capacity and IUU fishing.

15. Many delegations noted that these relationships were complicated and compounded by a lack of information and, therefore, would benefit from further analysis to clarify the linkages.

### **Sustainable development and related issues especially in the context of developing countries and Small Island Developing States**

16. Several delegations reminded the consultation of the importance of the small-scale fisheries sector not only in its contribution to national economy, but also as a source of food security, poverty alleviation, and livelihood support to fisheries-dependent communities. Therefore, the categorisation of a subsidy as “good” or “bad” was complicated by its dependence on overall development objectives.

17. Many delegations, particularly from developing countries, considered investment in exploratory research, harvest and post-harvest infrastructure, training and mechanisation of their artisanal fisheries as positive contributions towards improving food security and the livelihoods of fishing communities. They did not consider that subsidizing such investments had negative effects.

18. Some delegations provided examples related to small scale and artisanal fisheries where targeted subsidies had been used to encourage a shift away from environmentally harmful fishing practices. In some appropriate management regimes, concessionary duties on fuel, gear and fisheries equipment could serve to encourage small scale fishers to diversify their activities, for example, to underexploited fisheries.

19. Other delegates outlined, more generally and from their country experience, difficulties that over reliance on subsidies had caused, in terms of increasing overcapacity, fisheries overdependence, and possible difficulties in later fisheries reform.

20. The Consultation acknowledged the possible benefits of subsidies in developing small-scale fisheries and alleviating poverty in some fishing communities. In this respect, the Consultation recommended further examination of the effect of subsidies in small-scale fisheries, including understanding of the role of subsidies in fisheries development and an analysis of alternative, possibly better, fisheries management tools.

## **FUTURE DIRECTIONS FOR GLOBAL WORK ON SUBSIDIES IN THE FISHERIES SECTOR**

21. The Secretariat presented this agenda item on the basis of document TC/SUB/2004/2, A Global Technical Initiative on Fisheries Subsidies, and the accompanying document TC/SUB/2004/Inf.4 but stressed that the approach suggested in this document should be adapted to the current circumstances.

22. The Secretariat, therefore proposed that discussions on the future work of FAO could concentrate on the follow four issues:

- identifying the various forms of contentious subsidies and the use of case studies in this context;
- developing a framework to study subsidies in developing countries;
- assessing safe versus unsafe management regimes;
- identifying indicators for under/moderate exploitation against overexploitation.

23. The Consultation did not endorse the Global Technical Initiative. It did, however, welcome the innovative approach as proposed in the Secretariat's oral presentation. This was used as a basis for the development of the required guidance as follows.

24. The Consultation noted that FAO's work should not be conditioned by the work of any other international fora. In this regard, it was noted for instance that FAO's mandate relates to fisheries management issues whereas the WTO mandate is concerned with trade related issues. However, if FAO can contribute to work being undertaken in other fora, such as the WTO, that would be a positive outcome, taking into account, however, that the work of FAO should not be delineated in a way that might be interpreted as prejudging the work of WTO.

25. The Consultation agreed that FAO should prioritise its programme of work with some activities to be carried out in the short term and others in the long term. In the short term, FAO should broadly examine the relationship between subsidies and overcapacity and IUU fishing. The examination should also, as part of the short-term work programme, consider the situation in developed and developing countries, high seas and Exclusive Economic Zones (EEZs), and the artisanal and industrial sectors. In addition, FAO should examine the role and impact of subsidies in fisheries development, particularly in the artisanal sector and with respect to food security and livelihoods and consider the effects and role of other economic instruments. This applies particularly to the situation of developing countries and their special needs. In this context, reference to the directions given in paragraphs 45 and 47 of document TC SUB/2004/2 was made.

26. A detailed outline of this short-term work programme should be presented to the twenty-sixth session of COFI for discussion and decision.

27. Some delegations requested FAO to assess the role and scope of access agreements and to develop a benchmark model; assess the role of infrastructure in evaluating transfers as public or private benefit; assess nature, extent and trend of transfers in key categories; and study the role of subsidies in aquaculture development. Other delegations emphasized that Government to Government payments and general infrastructure are excluded from the existing WTO definition of subsidies. In spite of the interest of many delegations on subsidies

in aquaculture, some delegations felt that this issue should be addressed in the long-term work programme.

28. It was recognized that the impact of subsidies on sustainable fisheries was dependent among other factors on the management regime in place and the state of the stocks. The long-term work was thus identified as evaluating the impact of fisheries subsidies on the various fisheries management regimes. The Consultation also agreed that FAO should work on indicators, consistent with existing international instruments, which could be used to identify resources that are under-exploited, moderately exploited and overexploited. It was noted that this was a continuing part of the FAO mandate.

29. The Consultation suggested that FAO work with other agencies (such as the United Nations Environment Programme (UNEP) and OECD), if practical, to reduce costs and eliminate duplication. It recognized that FAO's long term work on developing operational guidelines and indicators could complement rules based approaches. Similarly it was noted that FAO activities concerning capacity building for developing countries in cooperation with regional groupings such as the Association of Southeast-Asian Nations (ASEAN), the Caribbean Community (CARICOM), the African Union, the Pacific Island Forum and the Indian Ocean Commission have been a long-term endeavour.

30. A detailed outline of this long-term work programme should be presented to the twenty sixth session of COFI for discussion and decision.

31. Some delegations suggested the use of multidisciplinary integrated framework bioeconomic modelling for studying subsidies, which might assist countries to assess their activities in relation to the Code of Conduct for Responsible Fisheries. However, the shortcoming of bio-economic models due to lack of data and direct application especially to small scale fisheries was also noted in the discussion.

32. The Consultation considered the budgetary constraints experienced by FAO but recommended that FAO conduct this work within the Regular Programme budget .

33. In the light of the earlier mandate already received from COFI, it was recommended that FAO should begin implementing the practical mandate agreed by the Consultation without waiting for or prejudging the endorsement of this report by COFI, with the goal to having some practical analysis available for COFI review and as described in paragraphs 25 and 29 of this report.

## **ADOPTION OF THE REPORT**

34. The report of the Technical Consultation was adopted on 2 July 2004.



**APPENDIX A****Agenda**

1. Opening of the Technical Consultation
2. Election of the Chairperson
3. Adoption of the Agenda and arrangements for the Technical Consultation
4. Election of Vice-Chairpersons and designation of Rapporteur
5. Subsidies in fisheries. A review of the issue in terms of its effects on:
  - Fishing overcapacity
  - IUU fishing
  - Sustainable development and related issues especially in the context of developing countries and Small Island Developing States
6. Possible future directions for global work on subsidies in the fisheries sector
7. Adoption of the report





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**APPENDIX C****List of documents**

TC SUB/2004/1	Provisional agenda and timetable
TC SUB/2004/2	Working document – A global technical initiative on fisheries subsidies
TC SUB/2004/Inf.1	Provisional list of documents
TC SUB/2004/Inf.2	Provisional list of participants
TC SUB/2004/Inf.3	Information document – A summary of recent work on subsidies in the fishing sector
TC SUB/2004/Inf.4	Information document – A global Project for the Study of Impacts of Fisheries Subsidies
TC SUB/2004/Inf.5	Statement of Competence and Voting Rights by the European Community and its Member States

The Technical Consultation on the Use of Subsidies in the Fisheries Sector was held at FAO headquarters, Rome, Italy, from 30 June to 2 July 2004. The consultation worked under the terms agreed by the twenty-fifth session of the FAO Committee on Fisheries (COFI), which established that attention should be given to a practical mandate to consider the effect of subsidies on fisheries resources, such as effects on illegal, unreported and unregulated (IUU) fishing and overcapacity, taking into account the impact of subsidies on sustainable development, trade in fish and fishery products, food security, social security and poverty alleviation, especially in the context of recognizing the special needs of developing countries and Small Island Developing States as recognized in international instruments. The consultation agreed that FAO should prioritize its programme of work with some activities to be carried out in the short term and others in the long term. In the short term, FAO should broadly examine the relationship between subsidies and overcapacity and IUU fishing. The examination should also, as part of the short-term work programme, consider the situation in developed and developing countries, on the high seas and in exclusive economic zones (EEZs), and in the artisanal and industrial sectors. In addition, FAO should examine the role and impact of subsidies in fisheries development, particularly in the artisanal sector and with respect to food security and livelihoods, and consider the effects and role of other economic instruments. The long-term work was identified as evaluating the impact of fisheries subsidies on the various fisheries management regimes. In this regard, the consultation agreed that, as a continuing part of its mandate, FAO should work on developing related indicators and operational guidelines, and capacity building activities in developing countries. A detailed outline of the short-term and long-term work programmes should be presented to the twenty-sixth session of COFI for discussion and decision.

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