



# COMMITTEE ON FISHERIES

## Thirty-second Session

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### FAO'S CONSIDERATIONS REGARDING UNFSA'S ISSUE OF REPORTING DISTINCTLY CATCHES INSIDE AND OUTSIDE THE EEZs

#### Executive Summary

This information paper provides background information on the recommendation of the Resumed Review Conference on the UNFSA on the issue of reporting distinctly catches inside and outside the EEZs and matters for consideration including options for follow-up by FAO.

## I. Background

1. The 2006 Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) and the United Nations General Assembly Resolution 69/109 on Sustainable Fisheries recommended that FAO "...revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken."

2. In order to address this recommendation, FAO collaborated with regional fishery bodies (RFBs) including regional fisheries management organizations (RFMO) in the following initiatives on the modification of the statistical divisions' boundaries, with the aim of obtaining separate data between catches taken inside and outside the exclusive economic zones (EEZs) of coastal States:

- In 2005, a European Union (EU) Regulation amended the International Council for the Exploration of the Sea (ICES) statistical divisions. According to this regulation, countries report their catch statistics for FAO fishing area "27 – Northeast Atlantic" to Eurostat and ICES. This revision allowed separating catches in international waters under the North East Atlantic Fisheries Commission (NEAFC) jurisdiction (i.e. outside the EEZs of European countries). The revision was communicated to the Coordinating Working Party on Fishery Statistics (CWP) at its 21st session;
- In 2007, the 4th Session of the South East Atlantic Fisheries Organization (SEAFO) endorsed the revision<sup>1</sup> jointly proposed by FAO and SEAFO of statistical divisions in the FAO fishing area "47 – Southeast Atlantic", which distinguished between catches taken within and outside the EEZs of the coastal States. Unfortunately, although seven annual statistical inquiries have been run since the approval of the revision, there are still some countries fishing in area 47 which do not report catch data according to the revised statistical divisions;
- A similar proposal to modify statistical divisions in the Eastern Central Atlantic was also submitted to the 19th Session of Fishery Committee for the Eastern Central Atlantic (CECAF) in 2008 after the 5th CECAF Scientific Sub-Committee (SSC) had recommended a revision of the CECAF statistical divisions. Three possible options for this revision were presented but CECAF requested that the proposal would be evaluated at the next SSC which would provide advice on this issue to the following CECAF session. The 6th SSC discussed the three options and evaluated if the revision of the statistical divisions would have brought more advantages or disadvantages. The SSC concluded that no revision will be made to CECAF's statistical divisions.

3. The process of implementing the recommendation was slowed down by the difficulties mentioned above in revising statistical divisions to match the 200 nautical miles external borders of the EEZs and scarce compliance by distant water fishing nations with the newly established statistical divisions. In addition, since the late 2000s stricter rules on confidentiality of catches were established by some RFMOs from which FAO derives catch statistics. For example, the Western and Central Pacific Fisheries Commission (WCPFC) Tuna Fishery Yearbook included maps showing location of catches by country until the 2007 issue but since the 2008 issue, those maps are no longer published in

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<sup>1</sup> Garibaldi L. and H. Hamukuaya. 2007. Proposal for a revision of FAO Fishing Area 47 statistical divisions with a view to a collaboration between FAO and SEAFO in the compilation of national capture data. In: South East Atlantic Fisheries Organization (SEAFO). Report of the 3<sup>rd</sup> SEAFO Scientific Committee, Swakopmund, Namibia, 1–3 October 2007, SEAFO.

the Yearbook to "...avoid potential non-compliance with the WCPFC's rule that public domain data cover a minimum of three vessels<sup>2</sup>."

4. The recommendation was reiterated in the 2010 Resumed Review Conference on the UNFSA. In 2015, FAO considered it necessary to provide elements explaining the slow progress in implementing the recommendation in order to feed the Resumed Review Conference on the UNFSA in May 2016 with substantiated information. The 2016 Resumed Review Conference noted the issues highlighted by FAO and welcomed the fact that they will be discussed at the next COFI session. The conclusion of the 2016 Resumed Review Conference on the UNFSA on this matter is "[State Parties] Consider ways to improve the collection and dissemination of data and information to FAO on fisheries both within and beyond areas of national jurisdiction, recognizing confidentiality requirements in national law". The conference also reaffirmed States' primary responsibility for the collection and reporting of fishery statistics and concluded that the root issues that prevent improvement of timely collection, sharing and dissemination of fishery data, including at operational level, should be identified together with mechanisms to overcome these issues, taking into account the special requirements of developing countries and recognizing confidentiality requirements in national law. The specific paragraphs of the conclusion of the 2016 Resumed Review Conference on the UNFSA are restated in Appendix 1.

## **II. FAO proposal to address the UNFSA recommendation on issue of reporting distinctly catches inside and outside the EEZs**

5. The Committee is invited to note the information provided in this information paper and consider recommending a process that would encompass the following:

- Members commit to collecting, compiling and making available to FAO catch data separated between catches taken inside/outside of the EEZs;
- Members seriously take into account the fact that the revision of their data collection schemes would imply costs on the part of States, RFBs including RFMOs and FAO;
- FAO support the commitment by Members to revise their data collection schemes to record catches taken inside/outside the EEZs, through various actions leading to the eventual modification of FAO's global capture production database to accommodate this information; the role of the Coordinating Working Party on Fishery Statistics (CWP) will be key in this respect.
- Collaboration between FAO and RFBs including RFMOs, which are generally in a better position to foster collection of catch data, be strengthened.

6. The implementation of the FAO's global capture production database could accompany a general call for a full transparency of fisheries activities, linked to the fight against illegal, unreported and unregulated (IUU) fishing and tools such as the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, requesting States to collect and make available timely, complete, reliable and detailed catch statistics according to standards set up by FAO and RFMOs.

7. Appendix 2 provides practical considerations on the proposal.

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<sup>2</sup> Western and Central Pacific Fisheries Commission. 2009. Tuna Fishery Yearbook 2008. Pohnpei, Federated States of Micronesia, 122 p.

## **Appendix 1 – Conclusions of the 2016 Resumed Review Conference on the UNFSA**

### **9. Data collection and sharing of information**

- a) Improve the collection and sharing of data on catches, including [operations level data], by-catch and discards, stock assessments, as well as on related economic and social information, taking into account confidentiality requirements, recognizing that the timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks.
- b) [To increase compliance, including by improving] Improve understanding of the underlying causes of the lack of timely, complete and accurate submission of data and develop ways to overcome these difficulties through the utilization of incentives [and where necessary] when these difficulties are related to capacity-building needs while also considering sanctions and other compliance measures (e.g. "no data no fishing), taking into account the special requirements of developing countries and recognizing confidentiality requirements in national law.]
- c) [Enhance compliance measures for the complete and timely submission of data and develop ways to overcome these difficulties, taking into account the special requirements of developing countries and recognizing confidentiality requirements in national law.]
- d) Improve cooperation and to, the extent possible, develop standards or standardized requirements for the collection and sharing of data on catch and fishing effort to consider new tools for fisheries independent data collection.
- e) Recognize the importance of the Part VII Assistance Fund and financial and technical assistance from regional fisheries management organizations and arrangements to strengthen the capacity of developing countries to participate in fisheries and comply with obligation on data collection and information sharing.

### **10. Food and Agriculture Organization of the United Nations Data arrangements and the global fisheries statistics database**

- a) [State Parties] Fulfil their obligations in connection with the collection and submission of data and information on fisheries to the Food and Agriculture Organization of the United Nations
- b) Consider ways to improve the collection and dissemination of data and information to FAO on fisheries both within and beyond areas of national jurisdiction, recognizing confidentiality requirements in national law".

## **Appendix 2 – Practical considerations relating to FAO’s proposal for reporting distinctly catches inside and outside the EEZs**

### **A. The FAO global capture production database**

1. FAO’s statistical programme was established to meet the Organization’s function as stipulated under Article 1 of its Constitution which requires the Organization to "...collect, analyse, interpret and disseminate information relating to nutrition, food and agriculture."<sup>3</sup> FAO’s global capture production database contains capture production statistics organised by country or territory, species item and FAO Major Fishing Area and is used to monitor the contribution of fisheries and aquaculture to food security and other socio-economic criteria. It is essential for FAO to ensure that any evolution of its capture fisheries statistics will allow the continuation of trend analysis on data that go back to 1950,
2. The responsibility to collect and provide information on catches and their geographic location and to define the type and format of data to be collected and shared (i.e. catches taken in EEZ vs the high seas) lies primarily with flag States. In order to implement the recommendation of the Resumed Review Conference on the UNFSA to distinguish between catches taken in the EEZ and on the high seas, FAO Members should, through COFI, collectively mandate FAO to collate such information and provide guidance on the type and format of data to be collected by States for the purpose of stock and fisheries management and to define the access to and use of such data.
3. Catch data by species relevant for the purposes of the UNFSA are already available in the FAO database, though by FAO Major Fishing Areas and in some cases also by statistical divisions. Compilation of global statistics should continue to be based on catches reported primarily by the flag States, and not on models built on unverifiable assumptions regarding the distribution of catches.

### **B. Policy objectives necessitating the need for a Database that distinguishes between catches within and outside EEZs**

4. The configuration (including requirements and format) of a data base and whether such configuration should be modified will depend on the objective(s) of a data base. Possible policy objectives and indications of the need for modifications to FAO’s global capture production database and its configurations in order to distinguish between catches within and outside EEZs could be as follows:
5. Stock assessment: this would not be a valid justification for modifications to the database since for concerned stocks, existing assessments primarily consider stocks boundaries to gather required data and are conducted regardless of whether catches are made within or outside EEZs.
6. Fisheries management: the assessment of specific management measures (e.g. quotas) for the concerned species, and the monitoring of their effectiveness would indeed deserve distinguishing catches between each specific EEZ and the high seas. In this case the database would need the identifier of the EEZ where the catch originates from. Also such an objective would be best achieved if additional dimensions such as Gear type are also featured in the reporting.
7. Fisheries policy-making: an understanding of the amount or proportion of catches extracted within EEZs versus catches extracted from the high seas and whether such areas are under the competence of RFMOs or not, could quantify the degree to which species fall (or not) under management mandates and inform on progress or could help in quantifying impacts of specific

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<sup>3</sup> In accordance with Article 1 of the FAO Constitution, the term "agriculture" and its derivatives include fisheries, marine products, forestry and primary forestry products.

management measures taken in the high seas. For such general policy goals, the database would not need to specifically identify in which EEZ the catch is taken. It would be enough to just record whether the catch is located within/outside the EEZ in addition to the existing reporting by FAO Major Fishing Area or RFBs geographic divisions. Once-off desk studies implemented at regular intervals might satisfy the need as well.

### **C. Overview of practical considerations, related actions and costs**

8. Concept - The current FAO global capture production database compiles catch statistics by species, FAO major fishing area, Flag State, and year dimensions. Capture production is defined as nominal catches as derived from landings converted in live weight equivalent (see CWP definitions). FAO or other RFBs also maintain regional databases with higher geographic resolution where catch is compiled according to geographic sub-divisions endorsed by concerned RFBs (see CWP fishing areas for statistical purpose). The FAO global capture production database would include an additional dimension which would indicate whether the reported catch is 'within EEZ' or in the 'High Seas'. Where regional databases exist with sub-divisions compatible with this requirement, the compilation of FAO global database will simply consist in a simple aggregation process. In FAO major areas where there are no (compatible) geographic sub-divisions, flag States will directly report to FAO with the additional requirement to indicate whether catches are within or outside EEZ.

9. Facts - Implementation practicalities and costs need to take into account the following facts: as primary targets, about 200 species have been identified as being fished on the high seas either as highly migratory, straddling or other high seas fishery resources. These include highly migratory stocks composed of highly migratory species as listed in Annex 1 of the United Nations Convention on the Law of the Sea and deep seas demersal species. Depending on the implementation strategy, this might also concern other species of which the distribution is known to occur inside EEZs. These are generally under established RFMOs' monitoring mandates, but all are not yet successfully monitored. Although the UNFSA recommendation concerns all States, the real implementation efforts concern the approximately 70 distant water fishing nations which authorize vessels to fish on the high seas or in other States' EEZs, with a minimum estimate of reported distant water fishing vessels amounting to about 25000 vessels. Small scale fisheries would generally be assigned catches within EEZs and the distant industrial fleets are now regularly equipped with vessel monitoring system (VMS) and logbook systems so technically there should be no real obstacle to properly assign the location of their catches. However, there is a significant number of vessels in semi-industrial fleets that are still not equipped with VMS that can conduct fishing operations far away from their EEZ. Usually, it is not possible to ascertain the area of operations for these vessels, particularly for those flag States not party to RFMO agreements, and therefore spatial allocation of catches would be very uncertain.

10. Support Framework- The support by FAO and RFBs/RFMOs towards implementation of the recommendation of the Resumed Review Conference on the UNSFA to distinguish between catches taken in the EEZ and on the high seas should be provided through the Coordinating Working Party on Fishery Statistics (CWP), which will have to be given a role in this regard by COFI. Such role may have to be reflected in the revised terms of reference of the CWP as appropriate. In addition to regular CWP work, this might practically require the setting up of an ad hoc working group which may include FAO Members. CWP will have to consider:

- implementation targets and milestones to eventually publish statistics within/outside EEZs as production data
- revision of FAO areas, production of geo-reporting guidelines including where EEZs are not well defined
- review of the list of concerned species and proposed amendments as appropriate
- review concerned fleet segments and options to enable reporting

- roles of RFMOs in the collection scheme (which might, for example, imply the need to have data on other species or for specific data sharing protocols)
- exceptions calling for confidentiality requirements
- capacity building aspects
- costs assessment aspects

11. Costs - An assessment of the overall costs and funding requirements will be provided upon the guidance of COFI on this matter. Costs will have to be structured in accordance with the two dimensions shown in the table below:

Actions Levels	Support Framework	Implementation
Members	Attend ad hoc Working Groups	Fleet capacities: actual capacity from all concerned fleet segments to report with distinction HighSeas/EEZs (proper VMS and logbook implementation) Reporting authorities to implement new reporting structure (practical issues, time frames, capacity building)
RFBs/RFMOs	Attend ad hoc Working Groups	modifications in workflow and dissemination tools should be considered trivial and part of regular program activities
FAO	Coordinating dedicated actions under CWP Organize ad hoc Working Groups, including travel support for developing states (150.000 USD)	

Relevant Support Framework costs and funding assistance should be considered in the forthcoming COFI intersession should COFI proceed with a recommendation to separate catches within/outside EEZs.

12. Implementation targets: a detailed action plan with costs could be submitted for consideration to the next COFI; as an example of implementation targets, a first version of the database could be released after 5 years with two thirds of concerned fisheries duly reported; full implementation after 8 years.