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FAO AND THE COMMITTEE ON FISHERIES - AN UPDATE ON WORK TOWARDS THE DEVELOPMENT OF INTERNATIONAL GUIDELINES ON THE MARKING OF FISHING GEAR

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FAO AND THE COMMITTEE ON FISHERIES - AN UPDATE ON WORK TOWARDS THE DEVELOPMENT OF INTERNATIONAL GUIDELINES ON THE MARKING OF FISHING GEAR

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Abstract

The rationale for marking of fishing vessels and fishing gear is to determine ownership for the purpose of fisheries management, protection of fisheries resources, protection of the environment, reduction of navigation hazards and enhancement of safety at sea. While the FAO's Committee on Fisheries (COFI) endorsed a system for standard marking of fishing vessels in 1989, the work towards a similar system for the marking of fishing gear is still in progress, the most recent event being an Expert Consultation on the Marking of Fishing Gear held in April 2016 in FAO Headquarters. The consultation reviewed the body of work on this issue and prepared draft guidelines for the Marking of Fishing Gear to be considered by COFI. Later in 2016, the Thirty-Second meeting of COFI endorsed the recommendations from the Expert Consultation on the Marking of Fishing Gear, noting that gear marking can be a critical tool for reducing abandoned, lost or discarded fishing gear (ALDFG) and Illegal, Unreported and Unregulated fishing (IUU). The Committee supported the convening of a Technical Consultation to further develop the Guidelines. This short paper has been prepared for Members of the Western and Central Pacific Fisheries Commission (WCPFC) Intersessional Working Group (IWG) on FAD Management Options to (i) appraise the WCPFC IWG participants on key elements of the Draft Guidelines for the Marking of Fishing Gear relevant to the IWG, and (ii) inform IWG participants on the next steps supported by COFI towards drafting Guidelines for the Marking of Fishing Gears.

Short Paper

FAO has a long history of engagement with both the Marking and Identification of Fishing Vessels and the Marking of Fishing Gear. In the case of fishing vessels the stated objectives were to determine ownership for the purpose of fisheries management, protection of fisheries resources and the environment and enhancing safety at sea. In 1989 the eighteenth session Committee endorsed the Technical Specifications for the Marking of Fishing Vessels and their adoption on a voluntary basis¹.

FAO's work on the marking of fishing gears has similar objectives albeit over a longer time frame. At the nineteenth session of COFI in 1991, Canada informed the Committee of its intent to convene an Expert Consultation on the Marking of Fishing Gear and its intention to invite the Secretariat to collaborate. The Committee recommended that the subject should be again discussed at its twentieth session at which the report of the Expert Consultation could be reported on, and the comments of the International Maritime Organization vis a vis safety of navigation would be available. In order to prepare for the Expert Consultation, an ad-hoc Working Group on a Standardized System for the Marking of Fishing Gear was convened at FAO in 1991. The Group found that there are few requirements by governments for ownership marking on gear other than on marker buoys. Accordingly, most lost or abandoned gear, especially netting, was impossible to link to the fishery of origin. The Group noted several reasons why governments might wish to require the marking of fishing gear, including: (i) to aid in identifying the owner of lost or abandoned gear; (ii) to aid in resolving gear conflict incidents (e.g. mobile versus fixed gear); (iii) to aid fishers in identifying and recovering lost gear; (vi) to aid fisheries management (e.g. in controlling total effort in a fishery); and

¹ Report of the eighteenth session of the Committee on Fisheries
<http://www.fao.org/docrep/014/am684e/am684e.pdf>

(v) to aid fisheries monitoring, control and surveillance for enforcement of national laws and regulations.

At the Expert Consultation on the Marking of Fishing Gear held in Victoria, Canada, on 14 -19 July 1991 draft guidelines for a marking system were prepared. The Consultation identified requirements that any system of gear marking should have including: (i) a simple, workable and enforceable means of identifying the ownership and position of a fishing gear; (ii) a system which can be universally adopted; (iii) aid resource management systems and meet obligations of international conventions; and (iv) benefit fishers, including safety at sea considerations, as well as contribute to responsible fishing as related to protection of the environment. This report was provided for information to the 20th Session of COFI in March 1993 where some Members expressed their view that apparent additional administrative burdens might accrue from the adoption of a common system for the marking of fishing gear and COFI endorsement was not forthcoming at this time. COFI went into a hiatus for several sessions on this topic as other priority issues took precedence.

More recently, as concerns over the environment have grown and with it a greater recognition of ghost fishing impacts on endangered, threatened and protected species, calls for gear marking have once again come to the fore. The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks agreed that there should be “requirements for the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels”. At an Expert Workshop² convened in December 2014 by the Convention on Biological Diversity (CDB) the role of ALDFG in marine debris was examined and recommendations made for further action for the adoption of a gear-marking system. The Third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing (IUU) and Related Matters, held on 16-18 November 2015, noted that marking of fishing gear can assist in the fight against IUU fishing by allowing authorities to identify and verify the use of fishing gear in waters under their jurisdiction. The Working Group recommended that FAO, in collaboration with others develop international guidelines on the marking of fishing gear, taking into account MARPOL Annex V³ and related guidelines, and other instruments, where appropriate.

In response to the concerns described above and recommendations from COFI, FAO convened a Second Expert Consultation on the Marking of Fishing Gear on 4-7 April 2016 in Rome. The terms of reference for the Expert Consultation were:

- (1) Review existing requirements contained in domestic legislation and treaties for the marking of fishing gear (including Fish Aggregation Devices (FADs));
- (2) Clarify the purpose and necessity of a system for the marking of fishing gear (including FADs);
- (3) Review relevant previously developed proposals, including the ‘Proposed System for the Marking of Fishing Gear’ and the ‘Proposal for the Application of a Standard System of Lights and Shapes for the Identification and Location of fishing Gear’⁴;
- (4) Review available information relating to methods and techniques for the marking of fishing gear and their applications;
- (5) Analyse the requirements and barriers that should be addressed to achieve universal adoption of guidelines;

² Expert workshop was held in Baltimore, USA, on 2-4 December 2014 (UNEP/CBD/MCB/EM/2014/3/2)

³ MARPOL Annex V prohibits the discarding of fishing gear and requires the reporting of fishing gears that are accidentally lost or discharged

⁴ Fishing Operations. FAO Technical Guidelines for Responsible Fisheries. *No.1*. FAO 1996. 26 p. 6 annexes.

- (6) Provide a simple, workable and enforceable means of identifying the ownership and position of fishing gear;
- (7) Elaborate a system which can be universally adopted and which would support resource management systems to meet the obligations in treaties;
- (8) Provide guidance on reporting and retrieval of lost, abandoned and discarded fishing gear; and
- (9) Recommend next steps for FAO, in cooperation with other organizations, as appropriate.

The output from this Expert Consultation was a report of the meeting with an annex of draft technical guidelines for the application of a system for the marking of fishing gear. Draft Guidelines text that might be relevant to WCPFC IWG on FAD Management Options includes:

- The role of the guidelines as a guidance tool for the application of a system for the marking of fishing gears – *paragraph 11*.
- The application of the guidelines to be global in scope and applicable to all fishing gear types in all areas unless the relevant authorities deem otherwise through a risk assessment or other appropriate means - *paragraph 16, 17*.
- The importance of risk assessments based on the level of severity and likelihood of potential impacts of different fisheries, using the best available information at the time of the assessment – *paragraph 18*
- Recognition that a combination of marks / marking specifications may be allowed, provided they satisfy the minimum requirements set in the guidelines and further aids in the marking of gear – *paragraph 22, 23*.
- The definitions used for “fishing gear”, “mark” “fish aggregating device” (FAD) “abandoned fishing gear”, “discarded fishing gear” and “lost fishing gear” – *paragraph 26-31*
- Recognition of the role of policy making authorities in decision making in cooperation with interested parties – *paragraph 32*.
- Attention paid to enhancing cooperation, either bilaterally or through subregional or regional fishery bodies, including RFMO/As, as appropriate, to support establishment, implementation and harmonization of fishing gear marking schemes – *Paragraphs 33, 76, 78*.
- Risk Assessments based on (i) defensible estimates of the consequences and likelihoods of risks including those to navigation, safety and the environment, and (ii) address the benefits of having an effective gear marking and reporting system established in a fishery – *Annex A*
- The scope of a risk assessment should be based on the specific fishery conditions under consideration. Notwithstanding, the scope of a risk assessment should include parameters influencing consequences and impacts including, *inter alia*:
 - (i) Ecological risks
 - (ii) Economic risks
 - (iii) Technological risks
 - (iv) Safety and Navigational risks
 - (v) Social and cultural risks
 - (vi) Availability of information and the quality of information; and
 - (vii) The synergies to be derived from harmonizing gear marking systems.

– *Annex A*
- In addition to a risk assessment, decisions to implement a system for the marking of fishing gear should also be informed by the feasibility of implementing a system for the marking of gear and of the related costs and benefits – *Annex A*

In July 2016, at the Thirty Second Session of the Committee on Fisheries the Secretariat tabled the report of the Expert Consultation⁵. In its review, COFI welcomed the recommendations from the Expert Consultation on the Marking of Fishing Gear, noting that gear marking can be a critical tool for

⁵Report of the Expert Consultation on The Marking of Fishing Gear, Rome, 4–7 April 2016 <http://www.fao.org/3/a-i5729e.pdf>

reducing impacts associated with Abandoned, lost or otherwise discarded fishing gears and combatting IUU fishing. The Committee supported the proposed technical consultation to further develop the guidelines on marking of fishing gear.

The Secretariat is now preparing to convene a Technical Consultation on “Guidelines on marking of fishing gear” with the objective of presenting the results to the Thirty-third Session of the Committee on Fisheries in 2018. It is proposed that the Consultation take place in the second half of 2017 and will be open for participation from all Member States and observer organisations.