



ANNOTATED AGENDA AND SUMMARY OF PROPOSALS

Meeting of the High Seas Task Force
Paris, 9 March 2005

The first substantive meeting of the High Seas Task Force (HSTF) will take place on 9 March 2005 in Paris. The members of the HSTF will be invited to consider six core proposals (summarized herein) that could form part of a viable set of solutions in the fight against IUU fishing on the high seas. The HSTF will also be invited to consider its future programme of work with a view to implementation of the core proposals.

HSTF/03
10 February 2005

For any further information please contact Michael Lodge or Frank Meere, Secretariat, High Seas Task Force, 2 rue André Pascal, 75016, Paris Cedex 16, tel: +33 1 45 24 95 76 / 96 42; fax: +33 1 45 24 84 08; email: Michael.Lodge@oecd.org/ Frank.Meere@oecd.org.

ANNOTATED AGENDA

The first substantive meeting of the High Seas Task Force (HSTF) will take place on 9 March 2005 in Paris. The members of the HSTF will be invited to consider six proposals that we consider could form part of a viable set of solutions in the fight against IUU fishing on the high seas. The HSTF will also be provided with a preliminary analysis of the impacts of IUU fishing on developing countries based on the results of a study commissioned for the HSTF by the Department for International Development (United Kingdom).

13h30: Meeting starts

- **Introductory comments**
- **Discussions (see Summary of proposals and working papers)**
- **Future action**

18h30: Meeting ends

20h00: Dinner

Note: At the Chairman's discretion, there will be a break for refreshments during the session.

SUMMARY OF PROPOSALS

1. The proposals that we will be recommending to the HSTF are as follows:
 - Support for a dedicated high seas MCS network.
 - Establishment of an independent global information system on high seas fishing vessels.
 - Adoption of guidelines on flag State performance with respect to high seas fishing vessels, which may serve as criteria against which to evaluate flag State performance.
 - Promotion of universal acceptance of the notion of the responsible port State and commitment to action consistent with that notion.
 - Taking more stringent measures against nationals.
 - Adopting a coordinated strategy to improve global and regional high seas governance within existing legal frameworks and study potential long-term solutions to the underlying problems of managing high seas resources.

A. WHAT DO THESE PROPOSALS AIM TO ACHIEVE?

2. These core proposals have been developed by the HSTF Secretariat following extensive consultations with expert advisory groups, HSTF members and officials in HSTF member countries. Each is designed in some way to **expose** IUU fishing activities, **deter** them and **improve enforcement** against those responsible. The proposals are elaborated in further detail in working papers prepared by the Secretariat (listed in annex I).

B. THE DETAILED PROPOSALS

I. An improved MSC Network

3. The first proposal is to strengthen the existing voluntary MCS Network so that there is a more effective flow of information and intelligence about high seas fishing activity. Ultimately, what is needed is a dedicated MCS Network with its own financial resources, analytical capacity and the ability to provide training and technical assistance to all MCS practitioners and especially those in developing countries. Such a dedicated international resource would be able to act as a central communications hub for the exchange of information between national enforcement authorities as well as a reference point for the collection and analysis of intelligence. It would add significantly to national enforcement capability and would sharply increase the likelihood of successfully detecting and interdicting IUU fishing activity on the high seas. We recognize that a dedicated network might take time to develop and therefore propose an incremental and evolutionary approach to the establishment of such a network.

II. Better information on high seas fishing vessels

4. One of the greatest obstacles in the battle against IUU fishing is lack of access to transparent and unbiased information about the ownership and control of fishing vessels. To help overcome this problem, we propose the establishment of a publicly-available international database of information relating to the global high seas fishing fleet. The database would draw together information presently available from a range of sources, including shipping registries, national and regional vessel registers,

insurance records and corporate records in order to build up a catalogue of objective and impartial information on the characteristics, current and previous ownership and operations of high seas fishing vessels. We see this as a core proposal that cuts across and reinforces all other key proposals. We expect that the information held on the database would rapidly become a critical resource for national enforcement authorities, port authorities, RFMOs and other sectors involved in the fishing industry. Although it would be possible to set up a stand-alone database, we consider that the global information system could well be seen as a core activity of the proposed MCS Network and that the Network might therefore be seen as a logical place to host and develop the system.

III. Greater flag State responsibility

5. To help tackle the problem of flag States that fail to live up to their international responsibilities, we propose to prepare guidelines on flag State performance with respect to high seas fishing vessels. In effect, the HSTF would be endorsing a statement of best practice for flag States of high seas fishing vessels. What constitutes best practice is reflected in various international fisheries instruments. The problem is that many flag States simply do not apply these standards. As well as providing powerful political endorsement of the global standards, the guidelines adopted by the HSTF may also be used as criteria against which to evaluate flag State performance and give publicity to flag States that fall short of international standards.

IV. Reponsible port States

6. There is broad agreement that the active use of port State powers can be an effective weapon against IUU operations. The concept of “Responsible Fisheries” as a set of principles and international standards of behaviour for responsible practices is well established and is reflected in the FAO Code of Conduct for Responsible Fisheries. We propose that HSTF members promote universal acceptance of the notion of the “Responsible Port State” as a port State which is committed to making the fullest possible use of its jurisdiction under international law in furtherance of its own rights and interests as well as the international community’s interests in sustainable management and conservation of high seas marine living resources. We recommend that HSTF members support the adoption of FAO’s Port State Model Scheme and promote its application internationally. As a practical demonstration of their own commitment to the objective of global coverage of port State control, we also propose that HSTF members adopt an MOU based on the minimum standards set out in the FAO Port State Model Scheme. Finally, we recommend that HSTF members consider domestic legislation similar to the U.S. Lacey Act as a means of dealing with landings and transshipment of fish caught in ways that undermine international conservation and management measures.

V. Improved high seas governance

7. Our analysis to date suggests that lack of strong and effective governance of high seas fisheries lies at the core of international fisheries problems, including IUU fishing. Subject to what we will say about the deficiencies of the underlying governance structures for the high seas, we do not doubt that full implementation of all the measures set out in international fisheries instruments would significantly reduce the opportunities for IUU fishing. The past decade in particular has produced a large number of measures, including a number of international legal instruments adopted through the United Nations and its specialized agencies as well as at the regional level through regional fishery management organizations, aimed at combating IUU fishing. But as the OECD Fisheries Committee has pointed out, IUU fishing will be extremely difficult to prevent unless action is underpinned by serious political determination. Put simply, a large part of the problem is that States have been reluctant to sign up to international instruments and even where they have signed up, they have failed to do what they have agreed to do.

8. A fundamental requirement to effectively address IUU fishing is an international governance framework that provides appropriate long-term incentives for compliance by fishers, thereby reducing the incentive to operate outside of legal management regimes. In the paper on governance issues, we first consider ways in which high seas governance could be improved within existing institutional frameworks so as to reduce the incentives and opportunities for IUU fishing. These are considered

particularly in the context of the upcoming review of the UN Fish Stocks Agreement scheduled for 2006. But, recognizing that merely making selective improvements to the existing system will fall short of a truly effective means of managing the high seas as a global commons, we also propose for consideration and further study more radical ideas for the reform of high seas governance.

9. Given the strong evidence of failure to achieve significant progress through multilateral processes, the weight of our proposals is on measures that HSTF members can agree to immediately and implement without waiting for further multilateral agreement. This is in keeping with the underlying objectives of the HSTF, which are to identify and prioritize steps that are both analytically sound and politically achievable. None of our proposed measures would undermine multilateral processes and some could lend them new impetus. For example, the proposals relating to responsible port States are not only fully consistent with recent FAO proposals, but would in fact take the form of a demonstrated commitment to the implementation of the measures adopted by FAO. In any event, HSTF members will continue to be actively engaged in multilateral processes and to press for broad-based measures.

10. There are also some measures that can be advocated by the HSTF to others as being an effective means of amplifying the benefits that will flow from the lead HSTF members have taken; in other words, they are measures that will have a powerful coalition-building effect. The proposals relating to improving regional and global high seas governance, for example, will need to be implemented at a broader international level if they are to succeed. Given that it is beyond HSTF members alone to secure such an outcome, the proposals are couched as positions that HSTF members would commit themselves to develop further and advocate by way of a clear, united position in the regional fisheries organizations of which they are members and in other multilateral fora, such as FAO and the United Nations.

C. HOW WERE THE PROPOSALS DEVELOPED?

11. The High Seas Task Force was launched in December 2003. A small Secretariat for the Task Force is hosted at OECD headquarters in Paris by the Round Table for Sustainable Development at the OECD.¹

12. The Secretariat started its work in late February 2004. The first three months were taken up in organizational tasks, including recruitment of staff, establishing the necessary contractual and administrative relationships with the OECD and fund-raising. The Secretariat also established a website (www.high-seas.org) and established the membership of four expert advisory groups on legal, scientific, enforcement and economics and trade issues. Although the Secretariat is not institutionally linked to the work of the OECD Fisheries Committee, it has established a close working relationship with the OECD fisheries secretariat and has been able to draw upon the OECD's work, especially in the field of fisheries trade and subsidies.

13. In developing the present set of proposals, the HSTF Secretariat drew on the mass of material already available to identify substantive issues for consideration by the HSTF and to identify the key drivers which facilitate IUU activity on the high seas. The first working paper (HSTF/01) was circulated to members of the HSTF, officials in HSTF member countries and the expert groups in July 2004 and was also published on the website. The responses to the paper indicated that, in general, the key issues and drivers had been correctly identified.

14. A second substantive paper was issued in September 2004 (HSTF/02). Again, the paper was circulated widely to members of the HSTF, officials and the expert groups. It was also published on

¹ The Round Table on Sustainable Development at the OECD was established in 1999 to promote, on the basis of rigorous analysis, greater international cooperation on sustainable development issues and provide an authoritative view of the best means of prioritizing and advancing the global sustainable development agenda.

the website. This paper, which was based on a detailed analysis of the comments and suggestions made in response to document HSTF/01, sought to identify potential areas of intervention for the HSTF. Five broad areas were identified, namely: sharing of intelligence and better coordination of monitoring, control and surveillance; development of a global register of high seas fishing vessels; strengthening of in-port measures and control over nationals; trade-related measures; and RFMO-based initiatives and governance issues. These areas were selected for further study because it was felt that they provided opportunities for HSTF members to act individually and collectively even if other countries are not similarly minded. Based on analysis of the responses to the paper, the Secretariat developed the present set of more detailed proposals for consideration.

D. ADDITIONAL GROUND TO BE COVERED

15. This paper has focused on the specific proposals that are being placed before the HSTF for consideration at its March 2005 meeting. There are other, equally important, aspects of the IUU fishing problem which will also be analyzed as part of the work of the HSTF. One such aspect relates to the ecological and scientific effects of IUU fishing. Being able to quantify these effects is essential if we are to make a realistic assessment of the potential gains from improved scientific knowledge to resource management. We also need to identify critical gaps in the present state of the scientific knowledge necessary for proper management and identify what data and research are needed to fill these gaps. One factor that has emerged from our analysis is that IUU fishing, both on the high seas and as a spillover in exclusive economic zones, has a potentially serious adverse effect on the fisheries and economies of developing countries. The inability of many developing countries to control IUU fishing as a result of relatively weak domestic governance creates conditions in which IUU activity is able to thrive. At the same time, existing high seas governance structures create barriers to effective participation by developing countries.

16. The policies adopted by the HSTF need to address these problems if they are to succeed. If the policies and recommendations developed by the HSTF are not capable of implementation or participation by developing countries, they are likely to be substantially less effective. We recognized at an early stage that the HSTF would need to be able to identify the key impacts of IUU fishing on developing countries, better understand the areas of vulnerability that enable IUU activity to thrive and identify specific forms of assistance to enable developing countries to better implement their responsibilities in respect of high seas fisheries. To assist in this, a study of the impacts of IUU fishing on developing countries has been commissioned for the HSTF by the Department for International Development (United Kingdom). The preliminary results of the study will be made available to the HSTF at its meeting on 9 March.

17. One aspect which has not been considered sufficiently by the Secretariat to date is the question of the place of market-related measures in preventing IUU fishing, including catch monitoring and enforcement measures, product tracking and labelling and similar product-identification schemes. We need to be able to identify the characteristics of successful schemes and the lessons that can be drawn from them. With this in mind, we propose to commission a study which will provide a description of the market-place related measures currently being used by RFMOs, States, the fishing industry and non-governmental organisations to reinforce international fisheries conservation and management measures. This should enable the HSTF to make recommendations on the kind of market-related measure which could best contribute to its objectives, while ensuring full compliance with relevant international obligations, including in particular those enshrined through the WTO.

18. The Secretariat will also develop a position for the HSTF on the question of fisheries subsidies. This is a broad area in which there has already been a great amount of detailed analysis. Whilst not all subsidies directly create incentives for IUU fishing, there is a number that have the effect of lowering the cost of labour and capital and thus acting to encourage IUU fishing. The OECD

fisheries secretariat has particular expertise in this area and the HSTF Secretariat will work closely with it.

E. POINTS FOR DISCUSSION AND ACTION

19. The working papers prepared by the Secretariat contain specific questions and issues for discussion on each proposal. The meeting on 9 March will provide an opportunity for Task Force members to provide feedback to the Secretariat on these issues.

20. The broader questions for the HSTF are:

- a. whether the above proposals could form the basis of a credible set of solutions to the problem of IUU fishing on the high seas; and
- b. what HSTF members consider to be the best way of advancing these solutions in the immediate future and following the publication of the final report of the HSTF.

21. Assuming that the members of the HSTF agree with the general thrust of the proposals and the analysis of options to implement them put forward by the Secretariat, the next steps would be as follows:

- a. To outline the nature of the proposals and the rationale behind them to a broader group of countries so as to begin the process of building a wider coalition in support of the Task Force's objectives.
- b. To elaborate the proposals in sufficient detail to enable them to be swiftly implemented following the publication of the Task Force's final report.

22. An important factor in the development and implementation of the proposals will be a public education campaign to draw attention to the problem of IUU fishing on the high seas, the work of the HSTF and to improve knowledge of the social, economic and environmental consequences of IUU fishing on the high seas. This is an area where non-government organizations and industry groups have particular expertise and can be of significant assistance. Both groups provide access to sources of information and established networks which enable the collection and dissemination of information that may not be readily available to governments. They also communicate with groups who may not normally receive government information. These are strengths which the HSTF needs to harness and use.

23. The next substantive meeting of the HSTF is planned for early in 2006. The purpose of that meeting will be for the HSTF to adopt its final report and agree on a way forward. In order for that to happen, the Secretariat will need to complete the bulk of the draft report during the European summer of 2005. The draft will then be circulated amongst the expert groups, HSTF members and officials in HSTF member countries during the Fall of 2005 in order to ensure that the analysis is rigorous and the conclusions unassailable. Once the draft report has been adopted, the Secretariat will need time to finalize the report and prepare it for publication and dissemination.

24. Implementation of the proposed measures will require an ongoing political and financial commitment by members of the HSTF. It is particularly important, given the resources that have been invested so far, that there is no loss of momentum following the publication of the final report. Continuity is essential. This means that the HSTF needs to begin to consider at this stage how it could take forward the proposed measures during 2006 and beyond. Some measures, such as the establishment of a dedicated high seas MCS network, the global information system on high seas fishing vessels and guidelines on flag State performance will require the provision of immediate

financial and human resources by one or more HSTF members. Other measures, such as the development of harmonized positions on future high seas governance arrangements, will require a suitable mechanism for policy development and coordination. In both cases, since obtaining broad support for the proposed measures is critical to their ultimate success, the HSTF members will need to adopt a clear strategy for continued advocacy and coalition-building.

F. FINANCIAL RESOURCES

25. The HSTF Secretariat receives no financial support from the OECD. Funding for the Secretariat is provided by Task Force members, each of whom is expected to make a financial contribution. Additional funding has been provided by the Earth Institute, the European Commission, the Packard Foundation and the Oak Foundation.

26. Unfortunately, the amount of money that has been raised to date has fallen considerably short of the target originally envisaged as necessary to carry out the tasks needed to support the work of the HSTF. Against a project budget of €1,145,000, committed funding stands at €657,500, leaving a shortfall of €487,500. In particular, there are insufficient funds to carry out all the detailed technical studies that are needed and insufficient funds to hold regional consultations. It had been envisaged that several such regional consultations would be held, involving members of the expert advisory groups, officials from HSTF member countries and other interested countries, in order to subject the draft proposals to detailed criticism and analysis and in order to ensure that the results of the Secretariat's analysis are rigorous and credible.

27. Additional resources will be needed to complete the work of the HSTF and to produce an analytically sound and rigorous report. Even allowing for a substantial reduction in projected activities, further contributions of €100 – 150,000 are needed. HSTF members are asked to urgently consider providing further contributions.

ANNEX I

LIST OF WORKING PAPERS²

HSTF/04	Better high seas monitoring, control and surveillance: an improved MCS Network
HSTF/05	How to get better information on high seas fishing vessels
HSTF/06	Promoting responsible port States
HSTF/07	How well are flag States performing?
HSTF/08	Do we need to control nationals?
HSTF/09	High seas governance

The HSTF will also be provided with a preliminary review of the impact of IUU fishing on developing country fisheries in the form of a draft report prepared by Marine Resources Assessment Group (MRAG) Ltd., UK.

² Although the proposals that the Task Force is being invited to consider have been elaborated in separate papers, there is in fact extensive overlap between the various proposals. They are best viewed as a suite of mutually self-supporting measures.

ANNEX II

LIST OF ACRONYMS AND ABBREVIATIONS USED IN THE WORKING PAPERS

CCAMLR	Commission for the Conservation of Antarctic Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CDS	Catch Documentation Scheme
COLTO	the Coalition of Legal Toothfish Operators
EEZs	Economic Exclusive Zones
FAO	Food and Agriculture Organization of the United Nations
FFA	South Pacific Forum Fisheries Agency
FOC	Flag of Convenience
HSVAR	High Seas Vessel Authorization Record
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
ILO	International Labor Organization of the United Nations
IMO	International Maritime Organization of the United Nations
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing
ITF	International Transport Workers' Federation
ITLOS	International Tribunal for the Law of the Sea
ISM Code	International Safety Management Code
ISPS Code	International Ship and Port Facility Security Code
LOSC	United Nations Convention on the Law of the Sea
MCS	Monitoring Control and Surveillance
MTC	Maritime Transport Committee (OECD)
NAFO	Northwest Atlantic Fisheries Organization
NEAFC	North-East Atlantic Fisheries Commission
NGO	Non-Governmental Organization
OPRT	Organization for Promotion of Responsible Tuna Fisheries
RFMO	Regional Fisheries Management Organization
SEAFO	South East Atlantic Fisheries Organization
SOLAS	International Convention for the Safety of Life at Sea
TAC	Total Allowable Catches
TIS	Trade Information Scheme (CCSBT)
UNCED	United Nations Conference on Environment and Development
UNFSA	United Nations Agreement for the implementation of the provisions of the 1982 UN Convention on the Law of the Sea relating to Straddling Fish Stocks and Highly Migratory Fish Stocks
VMS	Vessel Monitoring System
WCPFC	Western Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission