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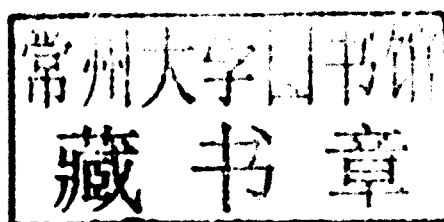
**FAO TECHNICAL CONSULTATION TO IDENTIFY A STRUCTURE AND
STRATEGY FOR THE DEVELOPMENT AND IMPLEMENTATION OF
THE GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED
TRANSPORT VESSELS AND SUPPLY VESSELS**

Rome, 8-12 November 2010



Report of the
TECHNICAL CONSULTATION TO IDENTIFY A STRUCTURE AND STRATEGY FOR THE
DEVELOPMENT AND IMPLEMENTATION OF THE GLOBAL RECORD OF FISHING VESSELS,
REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS

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PREPARATION OF THIS DOCUMENT

This is the final version of the report of the Technical Consultation to Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. The Technical Consultation was held at FAO Headquarters, Rome, Italy, from 8 to 12 November 2010.

FAO.

Report of the Technical Consultation to Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, Rome, 8–12 November 2010.

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ABSTRACT

This document contains the report of the Technical Consultation to Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. The Consultation was held at FAO headquarters, Rome, from 8–12 November 2010. The Consultation was convened by the Director General of the Food and Agriculture Organization of the United Nations upon the recommendation of the Twenty-eighth Session of the FAO Committee on Fisheries. The Technical Consultation produced recommendations for consideration by the Twenty-ninth Session of the FAO Committee on Fisheries. The Consultation was funded by the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America and by the European Commission.

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OPENING OF THE TECHNICAL CONSULTATION

1. On the recommendation of the FAO Committee on Fisheries (COFI) at its Twenty-eighth Session, the Director-General of the Food and Agriculture Organization of the United Nations (FAO), Mr Jacques Diouf, convened a Technical Consultation at FAO to Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.
2. The Technical Consultation was held at FAO Headquarters, Rome, Italy, from 8 to 12 November 2010. The Consultation was funded by the European Commission and the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America.
3. The Consultation was attended by 35 FAO Members and observers from six intergovernmental and international non-governmental organizations. The list of delegates and observers is in Appendix B. The documents that were placed before the Consultation are listed in Appendix C.
4. The Technical Secretary, Ms Michele Kuruc, called the Technical Consultation to order and reviewed some of the administrative arrangements. She then introduced Mr Árni Mathiesen, Assistant Director-General of FAO's Fisheries and Aquaculture Department, who made the opening statement. Mr Mathiesen welcomed the delegates to Rome and summarized the many adverse conditions caused by illegal, unreported and unregulated (IUU) fishing. He described the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) which, when established, would be the newest tool to fight IUU activities. The Global Record was designed to provide vessel identification information at a global level and to increase transparency, making it more difficult and expensive for those who tried to operate illegally. He then reviewed the milestones for the Global Record, starting with the 2005 Rome Declaration on IUU Fishing which called for the development of a global record and the steps taken since then by FAO and COFI to further elaborate the concept of how a record might be structured. The delegates were urged to consider that the Global Record was not a stand alone tool and that there will be synergies between the Global Record and other tools such as the International Plan of Action (IPOA) on IUU Fishing, the Port State Measures Agreement and the many tools utilized by regional fisheries bodies and States in the fight against IUU fishing. He noted that underlying successful efforts against IUU fishing were effective exchanges of information and international cooperation and these will be embodied in the envisaged Global Record. In considering coverage of the Global Record, delegates were reminded of the role of transshipping and supply vessels as enablers of IUU activities and the pervasiveness of IUU fishing in all regions and in all types of fisheries. Mr Mathiesen spoke about the need for the delegates to provide recommendations on the main issues included in the working document including scope of the Global Record, a unique vessel identification system, hosting, management and funding, a phased implementation, access and privacy issues, legal issues and the needs of developing countries as the key issues for the Consultation. These recommendations would be provided to the Twenty-ninth Session of COFI in January 2011 for consideration. He closed by wishing the delegates success in their work. Mr Mathiesen's opening statement is attached as Appendix D.

ELECTION OF THE CHAIRPERSON

5. Professor Martin Tsamenyi was elected Chairperson of the Consultation. In assuming the Chair he expressed his thanks to the Consultation for its confidence in electing him to the position. The Consultation agreed with the Chairperson's proposal that all discussion would be held in Plenary, although informal open-ended working groups could be established, as required, to address specific issues.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE TECHNICAL CONSULTATION

6. The Consultation adopted the Agenda as given in Appendix A. The Chairperson then outlined the timetable of work for the Consultation, noting that a degree of flexibility would be required to make best use of the resources available to the meeting.

ELECTION OF VICE-CHAIRPERSONS AND DESIGNATION OF RAPPORTEUR

7. Spain was designated as the first vice-chair, Argentina was designated as the second vice-chair and Japan was designated as the third vice-chair. Mr Jerry Walsh of Canada was designated as the Rapporteur.

CONSIDERATION OF THE PROPOSED STRUCTURE AND STRATEGY FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS AND THE DELIVERY OF RECOMMENDATIONS PERTAINING THERETO

Types of vessels eligible to be included in the Global Record (GR)

8. The Technical Consultation (TC) discussed the types of vessels eligible to be included in the GR and unanimously agreed that all vessels, including vessels of fishing entities, that fall within the definitions of ‘vessel’, ‘fishing’, and ‘fishing-related activity’ as specified in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, be included in the GR with the following exclusions: (i) recreational vessels, as defined by each member State or fishing entity; and (ii) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed.

9. China held the view that “other circumstances specified by regulations or laws of a flag State” should be inserted as the third exclusion in Recommendation 1.

Recommendation 1:

The TC recommended that all vessels, including vessels of fishing entities that fall within the definitions of ‘vessel’, ‘fishing’, and ‘fishing-related activity’ as specified in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, be included explicitly in the GR with the following exclusions:

- (i) recreational vessels, as defined by each member State or fishing entity; and
- (ii) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed.

Areas of fishing operation to be included in the GR

10. The TC discussed the areas of fishing operation to be covered by the GR. The discussion considered various areas of coverage including high seas, marine areas under national jurisdiction, inland waters and those areas that are subject to bilateral arrangements. It was agreed that a flexible approach should be taken so that all areas are included while at the same time allowing States to determine application. In relation to inland fisheries there was interest in making the GR available, particularly to large scale inland fisheries and that a flexible approach should be taken in the recommendation to accommodate this.

11. China held the view that the GR should apply only to vessels fishing in the high seas.

Recommendation 2:

Acknowledging the need for a phased and flexible approach, the TC recommended that as a general principle, the GR should apply to all vessels as defined in Recommendation 1 regardless of their area of operation, while at the same time allowing coastal States to determine application.

It was also recommended that a flexible approach should be taken to the inclusion of vessels fishing in fresh water areas to take account of different circumstances. States should be free to include such eligible vessels if deemed appropriate by them.

Vessels to be included in the GR as established by agreed criteria such as size

12. The TC discussed whether:

- (i) all fishing vessels should be included in the GR; or
- (ii) whether vessels should be included based on agreed criteria such as length and/or tonnage.

13. It was recognized that it may be difficult for some States to obtain the appropriate information on artisanal vessels, as defined by legislation of member States, to allow inclusion of these vessels in the GR.

Recommendation 3:

The TC recommended that all vessels ≥ 10 GT, ≥ 10 GRT or ≥ 12 metres in length (LOA) be included in the GR, recognizing that a phased implementation was necessary and that due consideration be given to the characteristics of smaller vessels.

Endorsement of the Unique Vessel Identifier (UVI) concept for the GR

14. Recognizing that the UVI is an essential prerequisite to maintaining the integrity of the GR, the TC discussed various options available for the development of a UVI for all eligible vessels in the GR.

15. The TC considered whether FAO should develop a new UVI scheme for use in the Global Record but agreed that the use of the established and proven UVI scheme administered by IHS-Fairplay provided significant advantages. In light of the alternatives analysed by the TC, IHS-Fairplay is the supplier with the most experience which could provide the UVI to the GR. It was understood that IHS-Fairplay has agreed to work with FAO and member States to both administer a UVI scheme for the GR and further develop appropriate information requirements for smaller vessels. There is a need for member States to clearly understand how information should be transferred in support of a UVI application to IHS-Fairplay. FAO should provide clarity in this respect.

Recommendation 4:

It was recommended that the provision of UVI numbers to all vessels in Recommendation 1 to be found in the GR be entrusted to a competent body, highlighting that IHS-Fairplay has the capability and experience in this field.

It was further recommended that due consideration be given to the characteristics of smaller vessels and the need for sufficient information to ensure a Unique Vessel Identifier could apply to smaller vessels.

Minimum information to be supplied in support of an application for a Unique Vessel Identifier for the GR

16. The TC determined that defining the minimum information to be submitted in support of an application for a UVI was complex and that the differing capacities of different member States to provide all the information needed to be considered. In drawing on a range of existing sources, specific criteria could be identified for larger vessels but recognizing that different criteria would be needed for smaller vessels.

17. The TC's attention was drawn to Article VI of the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and subsequent Agreements which could provide some general context for the development of minimum information required for the GR.

18. It was also recognized that member States needed flexibility to decide whether a vessel should be recorded in the large or small vessel category.

Recommendation 5:

It was recommended that the information contained in Tables 1 and 2 below should comprise the minimum criteria to be submitted in support of an application for a UVI for all vessels ≥ 100 GT, 100 GRT or ≥ 24 m (LOA).

It was further recommended that member States which have vessels of a lesser size should be free to apply these criteria, if they so wished, in order to expedite an application for a UVI for these vessels and their subsequent entry into the GR.

It was further recommended that separate criteria facilitating the application of the UVI for smaller vessels be developed and that COFI request FAO to work with member States and IHS-Fairplay to develop these criteria.

Table 1 Core information requirements for obtaining a UVI Vessels ≥ 100 GT / 100 GRT / 24 m (LOA) plus other vessels at flag State discretion	
<ul style="list-style-type: none"> • Registered owner • Flag state • Name of fishing vessel • National registration/official number • Previous vessel names • Port of registry • Address of owner or owners • Previous flag or flags (if any) • International radio call sign (if issued) • Where and when built • Type of vessel • Dead weight (if applicable) • Length 	<ul style="list-style-type: none"> • Moulded depth • Beam • MMSI (if issued) • GT or GRT (to be specified) • Net tonnage (if applicable) • Power of main engine or engines • Ship builder • Country of build • Parallel registry (if applicable) • Commercial operator (if applicable – name and address) • Date entered onto flag State register • Date ship de-registered (by the previous flag State, if applicable)

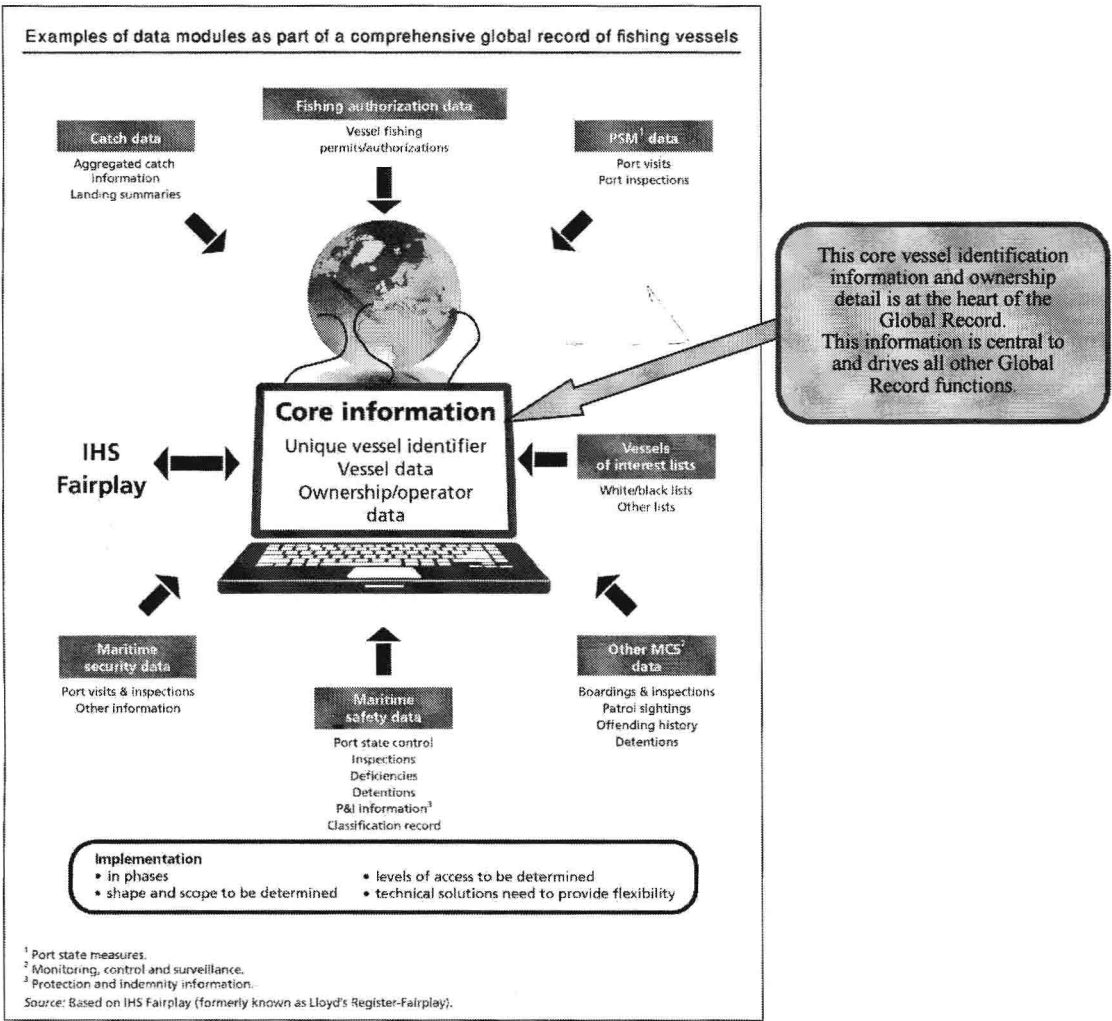
Table 2	
Additional information to be collected within 5 years of a UVI being issued	
Vessels ≥ 100 GT / 100 GRT / 24 m (LOA)	
<ul style="list-style-type: none">• Parent company registered owner• Ship manager (if applicable)• Bareboat/demise charter (if applicable)	<ul style="list-style-type: none">• Parallel-in ships true ownership Registration details (if any)• Parallel-out ships true owner details (if any)

Additional information modules supported

19. The TC considered what type of additional information should be introduced into the GR and found Figure 1 (below) particularly helpful. It displays the types of information that the TC believed would assist in the fight against IUU fishing and the type of modular development that could occur within the GR over time. No decision was made as to the specific information that should be included within each module.

20. The TC agreed that only the information required in support of an application for a UVI would be required in phase 1 of the GR implementation.

Figure 1



Recommendation 6:

The TC recommended that associated information be provided for the GR over time which are relevant and add value to the core purpose of fighting IUU fishing, recognizing the ongoing need for capacity development by member States where necessary.

The TC drew attention to the responsibilities of flag States under international law and, therefore recommended the provision and updating of information for the GR by the flag State.

Hosting, management and funding of the GR

21. The TC considered three options for the hosting and management of the GR:

- (i) a GR hosted and managed entirely within FAO;
- (ii) a GR managed within FAO but with the technical database services contracted to a suitable third party; and
- (iii) a GR hosted and managed entirely by an agency external to FAO.

The existing external databases considered as suitable hosts for the GR were the EQUASIS database and the GISIS database operated by IMO.

22. In principle there was support for FAO to host and manage the GR, subject to a cost comparison among the three options and a need for flexibility to enable the participation of fishing entities in the GR.

23. The Secretariat noted that the indicative estimated costs as reported in Document TC/GR/2010/2 represented a substantial proportion of the Regular Programme funds currently available to the Fisheries and Aquaculture Department and that therefore extra-budgetary funds would be required if FAO was to undertake these responsibilities without the need for substantial reductions in several other high priority programmes and activities currently being undertaken under the Regular Programme.

24. The TC agreed that, whatever funding option was decided on by COFI, long-term certainty of funding to the GR was essential.

Recommendation 7:

The TC requested that the FAO Secretariat develop a full cost comparison for the various options for COFI and conscious of the need for these cost considerations, the TC recommended that the hosting and management of the GR by FAO be subject to evaluation of the cost considerations by COFI.

A phased implementation of the GR is needed

25. The TC considered that a phased implementation of the GR was essential to allow sensible development and to cater for the development needs of member States so that maximum participation could be achieved.

26. Three phases were agreed subject to suitable progressive evaluation and further work on the information requirements pertaining to the application of a UVI to smaller vessels. The three phases that were agreed to are:

- (i) Phase 1: All vessels ≥ 100 GT or ≥ 100 GRT or ≥ 24 m. It was noted that the GR should provide sufficient flexibility for States to apply the information criteria to smaller vessels (particularly those in phase 2) and to introduce them as part of phase 1 if they so wish.
- (ii) Phase 2: All vessels < 100 GT or < 100 GRT or < 24 m but ≥ 50 GT or ≥ 50 GRT or ≥ 18 m).
- (iii) Phase 3: All other eligible vessels, notably vessels < 50 GT or < 50 GRT or < 18 m but ≥ 10 GT or ≥ 10 GRT or ≥ 12 m).

Overlaying the implementation of these three phases would be the development of appropriate information modules, subject to appropriate information criteria being agreed.

27. It was also agreed that the GR implementation plan will be contingent upon a number of considerations, including: a) provision of a sustainable and adequate budget; b) negotiation of appropriate contracts for various components of the GR, if needed; c) clarification of the appropriate criteria in support of an application for a GR UVI for smaller vessels; and d) overcoming the challenges of developing States in gathering the needed information through support for capacity development.

Recommendation 8:

It was recommended that the FAO proceed with a phased implementation of the GR over an eight-year period according to a plan developed by FAO.

It was further recommended that COFI request FAO to work with the member countries to clarify the administrative arrangements for the introduction and implementation of phase 1 of the GR.

Information access and privacy issues regarding GR information

28. The TC discussed the appropriate levels of access for various types of information. There was general support for having information on vessel characteristics publicly available as this supported the GR's goal of transparency in the fight against IUU fishing. A number of member States identified difficulties in providing personal or proprietary information as a result of legislative, judicial, policy or other restrictions which will need to be taken in to account. Protocols to control the access to certain types of information such as personal or proprietary information may need to be developed by FAO in collaboration with member States. It was also recognized that access to personal or proprietary information may need to be restricted if required by national legislation and individual States should address these issues over time. Appropriate restrictions may also need to be considered when determinations are made regarding future information to be supplied to the GR.

Recommendation 9:

It was recommended, as a general principle that vessel characteristics information be in the public domain.

It was further recommended that other information would be subject to some restriction if necessary, taking into account national legislative requirements.

The appropriateness of a future binding legal instrument for the GR

29. The TC was asked to consider whether the GR should be developed as a voluntary initiative and remain as such, or whether over time a legally binding instrument should be developed. The need for strong political commitment, in particular the need for member States to supply the information necessary to achieve the core GR objective of combating IUU fishing by improving transparency as it related to fishing vessels, was identified as essential to the success of the GR.

Recommendation 10:

It was recommended that the GR should be launched as soon as possible as a voluntary initiative, using a phased approach to the implementation process, including comprehensive evaluation at the end of phase one (approximately the end of 2013).

It was also recommended that based on the findings of that evaluation, further work should be completed to lay a foundation to consider on a voluntary basis a legally binding instrument which provides for the application of a UVI to eligible vessels along with specification as to the current and future information requirements of the GR.

Developing country needs and opportunities

30. The TC considered the needs and opportunities of developing countries in the context of the development, implementation and operation of the GR and in doing so noted that Article 21 of the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing is particularly helpful. The assessment of needs and opportunities should be completed as a first step recognizing some developing countries have various capacities with regard to implementation. It was also noted that these assessments should be mindful of the ongoing need for assistance and support beyond the initial implementation phase.

31. Areas identified for assistance included:

- in development of integrated national vessel record or registration systems between fisheries ministries and maritime authorities or administrations or other relevant authorities;
- assistance with technology;
- assistance to establish systems for the effective collection of data;
- assistance with legislative development; and
- training in the effective use of any capacity or technology improvements.

32. Suggestions were also made on how the needs of developing countries might be effectively assessed and FAO was encouraged to use all available means, including working with subregional groups and Regional Fisheries Management Organisations (RFMOs) and using such tools as questionnaires and workshops to obtain the information and implement solutions.

Recommendation 11:

It was recommended that FAO should provide, as far as possible, adequate resources and capacity to identify the needs and opportunities of developing countries in relation to the GR so that once identified, strategies can be developed and implemented to address these needs and to realize opportunities, enabling these developing countries to engage effectively in, and benefit from, the GR process.

OTHER MATTERS

33. Ms Kuruc notified delegates of the Third Global Fisheries Enforcement Training Workshop, to be held 28 February–4 March 2011, in Maputo, Mozambique. This is the only global level fisheries monitoring, control and surveillance (MCS) workshop in existence. It allows MCS professionals to exchange experiences and learn about some of the latest trends in the fishing sector regarding MCS and IUU fishing.

ADOPTION OF THE REPORT

34. The report of the Technical Consultation was adopted on 12 November 2010 at 16.30 hours.

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. Consideration of the proposed Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels and the delivery of recommendations pertaining thereto
6. Other matters
7. Adoption of the report

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