

## INTERNATIONAL PLAN OF ACTION FOR THE MANAGEMENT OF FISHING CAPACITY

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### Introduction

1. In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issues of excess fishing capacity in world fisheries is an increasing concern. Excessive fishing capacity is a problem that, among others, contributes substantially to overfishing, the degradation of marine fisheries resources, the decline of food production potential, and significant economic waste.
2. The Code of Conduct provides that States should take measures to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with sustainable use of fishery resources.
3. At its last Session in 1997, the Committee on Fisheries (COFI), requested FAO to address the issue of fishing capacity. FAO organized a Technical Working Group on the Management of Fishing Capacity in La Jolla, USA, from 15 to 18 April 1998. A subsequent FAO consultation was held in Rome from 26 to 30 October 1998, preceded by a preparatory meeting from 22 to 24 July 1998.

### PART I - NATURE AND SCOPE OF THE INTERNATIONAL PLAN OF ACTION

4. The International Plan of Action is voluntary. It has been elaborated within the framework of the Code of Conduct for Responsible Fisheries as envisaged by Article 2 (d). The provisions of Article 3 of the Code apply to the interpretation and application of this International Plan of Action and its relationship with other international instruments.
5. This document is in furtherance of the commitment of all States<sup>7</sup> to implement the Code of Conduct. States and regional<sup>8</sup> fisheries organizations should apply this document consistently with international law and within the framework of the respective competencies of the organizations concerned.
6. The International Plan of Action constitutes an element of fishery conservation and sustainable management.

### PART II - OBJECTIVE AND PRINCIPLES

7. The immediate objective of the International Plan of Action is for States and regional fisheries organizations, to achieve world-wide preferably by 2003, but not later than 2005, an efficient, equitable and transparent management of fishing capacity. *Inter alia*, States and regional fisheries organizations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries. Where long-term sustainability outcomes are being achieved, States and regional fisheries organizations nevertheless need to exercise caution to avoid growth in capacity undermining long-term sustainability objectives.

8. The above objective may be achieved through a series of actions related to four major strategies:

the conduct of national, regional and global assessments of capacity and improvement of the capability for monitoring fishing capacity;

the preparation and implementation of national plans to effectively manage fishing capacity and of immediate actions for coastal fisheries requiring urgent measures;

the strengthening of regional fisheries organizations and related mechanisms for improved management of fishing capacity at regional and global levels;

immediate actions for major transboundary, straddling, highly migratory and high seas fisheries requiring urgent measures.

These strategies may be implemented through complementary mechanisms to promote implementation of this international Plan of Action: awareness building and education, technical co-operation at the international level, and co-ordination.

9. The management of fishing capacity should be based on the Code of Conduct for Responsible Fisheries and take into consideration the following major principles and approaches:

*Participation:* The International Plan of Action should be implemented by States either directly, in co-operation with other States, or through FAO in co-operation with other appropriate intergovernmental organizations, including regional fisheries organizations. States and regional fisheries organizations, as appropriate, are encouraged to give effect to it and to inform FAO of actions taken to implement it. FAO will regularly provide information about its implementation.

*Phased implementation:* The management of fishing capacity on the basis of national and regional plans should be achieved through the following three phases: assessment and diagnosis (preliminary analysis to be completed by the end of 2000), adoption of management measures (preliminary steps to be adopted by the end of 2002) and periodic adjustment of such assessment and diagnosed measures, as appropriate. States and regional fisheries organizations should complete these steps and progressively implement by 2005 the complementary measures specified in the International Plan of Action.

*Holistic approach:* The management of fishing capacity should consider all factors affecting capacity in both national and international waters;

*Conservation.* The management of fishing capacity should be designed to achieve the conservation and sustainable use of fish stocks and the protection of the marine environment consistent with the precautionary approach, the need to minimize by-catch, waste and discard and ensure selective and environmentally safe fishing practices, the protection of biodiversity in the marine environment, and the protection of habitat, in particular habitats of special concern.

*Priority:* Priority should be given to managing the fishing capacity in those fisheries in which there already unequivocally exists overfishing;

*New technologies:* The management of fishing capacity should be designed so that it takes into account the incorporation of environmentally sound and evolving technology in all areas of capture fisheries.

*Mobility:* The management of fishing capacity should encourage efficient use of fishing capacity and discourage mobility when it negatively affects sustainability and take due account of socio-economic performances in other fisheries;

Transparency: The International Plan of Action should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct.

10. The implementation of the International Plan of Action should be based on the Code of Conduct, particularly Article 5, in relation to enhancing the ability of developing countries, to develop their own fisheries as well as to participate in high seas fisheries, including access to such fisheries, in accordance with their legitimate rights and their obligations under international law.

## **PART III - URGENT ACTIONS**

### **Section I: Assessment and monitoring of fishing capacity**

#### *Measurement of fishing capacity*

11. States should support coordinated efforts and research at national, regional and global levels to better understand the fundamental aspects of issues related to the measurement and monitoring of fishing capacity.
12. States should support the organization by FAO of a technical consultation to be held as early as possible in 1999 on the definition and measurement of fishing capacity and the subsequent preparation of technical guidelines for data collection and analysis, noting that the result of this consultation should provide specific guidance for preliminary assessments of fishing capacity and excess fishing capacity at national, regional and global levels.

#### *Diagnosis and identification of fisheries and fleets requiring urgent measures*

13. States should proceed, by the end of 2000, with a preliminary assessment of the fishing capacity deployed at the national level in relation to all the fleets of principal fisheries and update this assessment periodically.
14. States should proceed, by the end of 2001, with the systematic identification of national fisheries and fleets requiring urgent measures and update this analysis periodically.
15. States should cooperate, within the same time frame, in the organization of similar preliminary assessments of fishing capacity at the regional level (within the relevant regional fisheries organizations or in collaboration with them, as appropriate) and at the global level (in collaboration with FAO) for transboundary, straddling, highly migratory and high seas fisheries, as well as in the identification of regional or global fisheries and fleets requiring urgent measures.

#### *Establishment of records of fishing vessels*

16. States should support FAO in the development of appropriate and compatible standards for records of fishing vessels.
17. States should develop and maintain appropriate and compatible national records of fishing vessels, further specifying conditions for access to information.
18. While awaiting the entry into force of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement), States should support the establishment by FAO by the end of 2000 of an international record of fishing vessels operating in the high seas, following the model

indicated in the Compliance Agreement.

## **Section II: Preparation and implementation of national plans**

### ***Development of national plans and policies***

19. States should develop, implement and monitor national plans of action for managing fishing capacity, taking into account, *inter alia*, the effect of different resource management systems on fishing capacity.
20. States should develop the means to monitor fishing capacity systematically and accurately, and to regularly assess any imbalance with available fishery resources and management objectives.
21. States should develop, adopt and make public, by the end of 2002, national plans for the management of fishing capacity and, if required, reduce fishing capacity in order to balance fishing capacity with available resources on a sustainable basis. These should be based on an assessment of fish stocks and giving particular attention to cases requiring urgent measures and taking immediate steps to address the management of fishing capacity for stocks recognized as significantly overfished.
22. States should give due consideration, in the development of national plans, to socio-economic requirements, including the consideration of alternative sources of employment and livelihood to fishing communities which must bear the burden of reductions in fishing capacity.
23. When it has been found that a national plan to manage capacity is not necessary, States should ensure that the matter of fishing capacity is addressed in an ongoing manner in fishery management.
24. At least every four years, States should review the implementation of their national plans to manage capacity for the purpose of identifying cost effective strategies for increasing effectiveness.

### ***Subsidies and economic incentives***

25. When developing their national plans for the management of fishing capacity, States should assess the possible impact of all factors, including subsidies, contributing to overcapacity on the sustainable management of their fisheries, distinguishing between factors, including subsidies, which contribute to overcapacity and unsustainability and those which produce a positive effect or are neutral.
26. States should reduce and progressively eliminate all factors, including subsidies and economic incentives and other factors which contribute, directly or indirectly, to the build-up of excessive fishing capacity thereby undermining the sustainability of marine living resources, giving due regard to the needs of artisanal fisheries.

### ***Regional considerations***

27. States should cooperate, where appropriate, through regional fisheries organizations or arrangements and other forms of co-operation, with a view to ensuring the effective management of fishing capacity.
28. States should strive to collaborate through FAO and through international arrangements in research, training and the production of information and educational material aiming to promote effective management of fishing capacity.

**Section III: International considerations**

29. States should consider participating in international agreements which relate to the management of fishing capacity, and in particular, the Compliance Agreement and 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.
30. States should support co-operation and the exchange of information among all regional fisheries organizations in accordance with their procedures.
31. States should take steps to manage the fishing capacity of their vessels involved in high seas fisheries and cooperate, as appropriate with other States, in reducing the fishing capacity applied to overfished high seas stocks.
32. States should improve, through regional fisheries organizations where appropriate, and in collaboration with FAO, the collection of data on catches on the high seas as well as in the coastal area by their fleet.
33. States should recognize the need to deal with the problem of those States which do not fulfil their responsibilities under international law as flag States with respect to their fishing vessels, and in particular those which do not exercise effectively their jurisdiction and control over their vessels which may operate in a manner that contravenes or undermines the relevant rules of international law and international conservation and management measures. States should also support multilateral co-operation to ensure that such flag States contribute to regional efforts to manage fishing capacity.
34. States should be encouraged to become members of regional fisheries organizations or arrangements, or agree to apply the conservation and management measures established by such organizations or arrangements to their vessels.
35. States should promote, with the assistance of FAO, the exchange of information about the fishing activity of vessels which do not comply with conservation and management measures adopted by regional fisheries organizations and arrangements, consistent with Article VI of the Compliance Agreement.
36. Anticipating the entry into force of the Compliance Agreement, States should strive to apply the provisions of Article III of that Agreement.
37. States should ensure that no transfer of capacity to the jurisdiction of another State should be carried out without the express consent and formal authorization of that State.
38. States should, in compliance with their duties as flag States, avoid approving the transfer of vessels flying their flag to high seas areas where such transfers are inconsistent with responsible fishing under the Code of Conduct.

**Section IV: Immediate actions for major international fisheries requiring urgent measures**

39. States should take immediate steps to address the management of fishing capacity for international fisheries requiring urgent attention, with priority being given to those harvesting transboundary, straddling, highly migratory and high seas stocks which are significantly overfished.
40. Within the framework of their respective competencies, States should act individually,

bilaterally and multilaterally, as appropriate, to reduce substantially<sup>9</sup> the fleet capacity applied to these resources as part of management strategies to restore overfished stocks to sustainable levels considering, in addition to the other relevant provisions of the International Plan of Action:

the economic importance of the fleets catching overfished stocks and the need to limit these fleets to a level commensurate with stock sustainability and economic viability; and

the use of appropriate measures to control the transfer of overcapacity to fully exploited or overexploited fisheries, taking into consideration the condition of the fish stocks.

## **PART IV - MECHANISMS TO PROMOTE IMPLEMENTATION**

41. States should develop information programmes at national, regional and global levels to increase awareness about the need for the management of fishing capacity, and the cost and benefits resulting from adjustments in fishing capacity.

### ***Scientific and technical co-operation***

42. States should support the exchange of scientific and technical information on issues related to the management of fishing capacity and promote its world-wide availability using existing regional and global fora.
43. States should support training and institutional strengthening and consider providing financial, technical and other assistance to developing countries on issues related to the management of fishing capacity.

### ***Reporting***

44. States should report to FAO on progress on assessment, development and implementation of their plans for the management of fishing capacity as part of their biennial reporting to FAO on the Code of Conduct.

### ***Role of FAO***

45. FAO will, as and to the extent directed by its Conference, collect all relevant information and data which might serve as a basis for further analysis aimed at identifying factors contributing to overcapacity such as, *inter alia*, lack of input and output control, unsustainable fishery management methods and subsidies which contribute to overcapacity.
46. FAO will, as and to the extent directed by its Conference, and as part of its Regular Programme activities, support States in the implementation of their national plans for the management of fishing capacity.
47. FAO will, as directed by its Conference, support development and implementation of national plans for the management of fishing capacity through specific, in-country technical assistance projects with Regular Programme funds and by use of extra-budgetary funds made available to the Organization for this purpose.
48. FAO will, through COFI, report biennially on the state of progress in the implementation of the International Plan of Action.

- 1 See "Report of the FAO Technical Working Group Meeting on Reduction of Incidental Catch of Seabirds in Longline Fisheries". Tokyo, Japan, 25-27 March 1998. FAO Fisheries Report No. 585.
- 2 See "Report of the Preparatory Meeting for the Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries". Rome, Italy, 22-24 July 1998. FAO Fisheries Report No. 584.
- 3 In this document the term "State" includes Members and non-members of FAO and applies mutatis mutandis also to "fishing entities" other than States.
- 4 See: "Report of the FAO Technical Working Group on the Conservation and Management of Sharks". Tokyo, Japan, 23-27 April 1998. FAO Fisheries Report No. 583.
- 5 See "Report of the Preparatory Meeting for the Consultation on the Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries." Rome, Italy, 22-24 July,1998. FAO Fisheries Report No. 584.
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- 7 In this document, the term "State" includes Members and non-members of FAO and applies mutatis mutandis also to "fishing entities" other than States.
- 8 In this document, the term "regional" includes sub-regional, as appropriate.
- 9 The required reduction would vary from fishery to fishery; e.g. a 20 to 30% reduction was mentioned for large-scale tuna long line fleet (Report of the FAO Technical Working Group on the Management of Fishing Capacity. La Jolla, United States of America, 15-18 April 1998. FAO Fisheries Report No. 586).