

**Report of the**

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**STEERING COMMITTEE MEETING TO PREPARE FOR THE  
SECOND REGIONAL INTERGOVERNMENTAL MEETING ON THE  
ESTABLISHMENT OF A CENTRAL ASIAN AND CAUCASUS REGIONAL  
FISHERIES ARRANGEMENT**

**Ankara, Turkey, 24–26 March 2009**

**Отчёт по мероприятию**

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**МЕЖПРАВИТЕЛЬСТВЕННОГО СОВЕЩАНИЯ ПО СОЗДАНИЮ  
РЕГИОНАЛЬНОЙ ОРГАНИЗАЦИИ ПО РЫБНОМУ ХОЗЯЙСТВУ ДЛЯ  
СТРАН ЦЕНТРАЛЬНОЙ АЗИИ И КАВКАЗ**

**Анкара, Турция, 24–26 марта 2009 г**



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Report of the

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INTERGOVERNMENTAL MEETING ON THE ESTABLISHMENT OF A CENTRAL ASIAN  
AND CAUCASUS REGIONAL FISHERIES ARRANGEMENT

Ankara, Turkey, 24–26 March 2009

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Анкара, Турция, 24–26 марта 2009 г

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## PREPARATION OF THIS DOCUMENT

The Steering Committee Meeting to Prepare for the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement was held in Ankara, Turkey, from 24 to 26 March 2009. The meeting was organized by the FAO Subregional Office for Central Asia, and financed by the FAO Technical Cooperation Programme through project TCP/RER/3203 –component 2 –“Support to the establishment of a regional fisheries and aquaculture organization for Central Asia and the Caucasus”. The FAO Secretariat to the meeting consisted of Blaise Kuemlangan, Raymon van Anrooy, Thomas Moth-Poulsen and Pedro B. Bueno. The administrative, logistical and interpretation assistance to the meeting was provided by Ms Cana Salur, Ms Anara Forrester and Ms Svetlana Erozgen.

This report is the record of the meeting proceedings, which includes summaries of background documentation, presentations, statements and interventions by the focal points, and conclusions and recommendations of the meeting.

## ПОДГОТОВКА ДОКУМЕНТА

Совещание Организационного комитета по подготовке второго Регионального межправительственного совещания по созданию региональной организации по рыбному хозяйству для стран Центральной Азии и Кавказа было проведено в Анкаре, Турция, с 24 по 26 марта 2009 г. Совещание было организовано Субрегиональным бюро ФАО по Центральной Азии и финансировано Технической программой по сотрудничеству ФАО посредством проекта TCP/RER/3203 – Компонента 2: «Поддержка учреждения региональной организации по рыбному хозяйству и аквакультуре в Центральной Азии и на Кавказе». Секретариат ФАО на совещании состоял из Блеза Куэмлангана, Раймона ван Анроя, Томаса Мот-Поулсена и Педро Б. Буэно. Административную, логистическую и переводческую поддержку совещания обеспечивали г-жа Джана Салур, г-жа Анара Форрестер и г-жа Светлана Эрозген.

Настоящий протокол регистрирует события совещания и включает краткое содержание справочной документации, выступления участников, заявления и выступления национальных координаторов, а также выводы и рекомендации участников совещания.

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межправительственного совещания по созданию региональной организации по рыбному хозяйству для стран Центральной Азии и Кавказа, Анкара, Турция, 24–26 марта 2009 г.

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### ABSTRACT

The Steering Committee Meeting to Prepare for the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement (Ankara, Turkey, 24 – 26 March 2009) was organized by FAO in response to the request from governments at the Regional Intergovernmental Meeting to Initiate the Establishment of a Central Asian Fisheries Organization (Dushanbe, Tajikistan, 10–12 November 2008).

The meeting, funded under the FAO Technical Cooperation Programme, aimed to discuss the pros and cons of the remaining options for the establishment of a regional intergovernmental arrangement in fisheries and aquaculture and decide on the most suitable option for the region. The options presented and discussed were:

- 1) an independent Intergovernmental Organization (IGO) – following the example of the Network of Aquaculture Centers in Asia-Pacific (NACA), and
- 2) an Article XIV body under the FAO constitutions – following the examples of Regional Commission for Fisheries (RECOFI).

Legal and policy assistance towards the development of the outline agreement of a regional intergovernmental arrangement for fisheries and aquaculture was provided to a group of officially appointed focal points of nine countries (Armenia, Azerbaijan, China, Georgia, Kyrgyzstan, Russian Federation, Tajikistan, Turkey and Uzbekistan), as well as observers from the Interstate Coordination Water Commission (ICWC), which is an intergovernmental organization, Turkish International Cooperation Administration (TICA) and the World Bank.

The meeting initiated the drafting work on the substantive issues of the agreement and agreed on the next steps including a timeline to confirm the commitment to a cooperative arrangement and the choice on the option for the regional cooperative arrangement in order to prepare for the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement, which is scheduled to take place in Trabzon, Turkey from 3 to 5 June 2009.

## КРАТКОЕ СОДЕРЖАНИЕ

Совещание Организационного комитета по подготовке второго Регионального межправительственного совещания по созданию региональной организации по рыбному хозяйству для стран Центральной Азии и Кавказа (Анкара, Турция, 24–26 марта 2009 г.) было организовано ФАО в ответ на просьбу правительств, полученную в ходе Регионального межправительственного совещания для инициативы создания центрально-азиатской рыбохозяйственной организации (Душанбе, Таджикистан, 10–12 ноября 2008 г.).

Задачами совещания, проведенного при финансовой поддержке Технической программы по сотрудничеству ФАО, были обсуждение достоинств и недостатков оставшихся вариантов учреждения региональной межправительственной организации по рыбному хозяйству и аквакультуре и принятие решения о наиболее подходящем варианте для региона. Были представлены и обсуждены следующие варианты:

- 1) независимая межправительственная организация (МПО) – по примеру Сети центров по аквакультуре в Азиатско-Тихоокеанском регионе (НАСА), и
- 2) орган, созданный согласно Статье XIV Конституции ФАО – по примеру Региональной комиссии по рыбному хозяйству на Ближнем Востоке (RECOFI).

Группе официально назначенных национальных координаторов из девяти стран (Азербайджана, Армении, Грузии, Китая, Кыргызстана, Российской Федерации, Таджикистана, Турции и Узбекистана), а также наблюдателям из Межгосударственной координационной водохозяйственной комиссии (МКВК), являющейся межправительственной организацией, Турецкого главного управления по сотрудничеству и развитию (ТИКА) и Всемирного Банка была предоставлена правовая и политическая поддержка в разработке предварительного соглашения о региональной межправительственной организации по рыбному хозяйству и аквакультуре.

На совещании была начата работа по формулированию существенных пунктов соглашения и приняты решения о последующих шагах, включая сроки подтверждения заинтересованности в организации по сотрудничеству и выбор формы региональной организации, с целью подготовки ко второму Региональному межправительственному совещанию по созданию региональной организации по рыбному хозяйству для стран Центральной Азии и Кавказа, которое должно быть проведено в г. Трабзон, Турция, с 3 по 5 июня 2009 г.

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## **BACKGROUND AND OBJECTIVES**

1. The Regional Intergovernmental Meeting to Initiate the Establishment of a Central Asian Fisheries Organization which was held in Dushanbe, Tajikistan, from 10 to 12 November 2008 (Dushanbe meeting) recommended, among others, the establishment of a Steering Committee to Prepare the Outline Agreement of a Regional Fisheries and Aquaculture Arrangement.

2. The tasks of this Steering Committee were to prepare:

- an outline agreement of a regional collaborative fisheries and aquaculture arrangement;
- a technical work programme in research, training and information;
- funding and resource mobilization scheme including government contributions (if appropriate);
- a management and operational structure, systems and procedures;
- the legal framework and procedures; and
- the criteria for the selection of the host government and the contents of a host agreement (if appropriate);

3. Ten of the eleven countries that were contacted appointed their focal points (members) to the Steering Committee. These countries are Armenia, Azerbaijan, China, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkey and Uzbekistan.

4. The preparations for and implementation of the first meeting of the Steering Committee was facilitated by FAO with financial, legal and technical assistance, on the request of the delegations present at the Dushanbe meeting. The FAO Technical Cooperation Programme through project TCP/RER/3203 – component 2 – “Support to the establishment of a regional fisheries and aquaculture organization for Central Asia and the Caucasus”, made this assistance possible.

5. The meeting had the following objectives:

- Discuss the pros and cons of the two options for regional arrangements, which had been considered, among various models, as most suitable for the region by the Dushanbe meeting (i.e. an Intergovernmental Organization or a Commission under Article XIV of the FAO Constitution).
- Discuss the policy and legal implications of the two options.
- Discuss a draft outline agreement of the preferred option.
- Discuss the possible rules and regulations, management and operational structure, systems and procedures.

## **OPENING OF THE MEETING**

6. The focal points and observers were welcomed by Mr Raymon van Anrooy, Secretary of the Steering Committee.

7. In his opening speech, Mr Mustapha Sinaceur, FAO Subregional Coordinator for Central Asia noted that the fishery and aquaculture sector in Central Asia and the Caucasus offers opportunities for technical and economic cooperation and that the Steering Committee has been assigned the important task of preparing for a second intergovernmental meeting, a follow-up from the Dushanbe meeting. His opening address appears as Appendix C.

8. Mr Erkan Gözgözoğlu, Head of the Aquaculture Department of the Ministry of Agriculture and Rural Affairs (MARA) of Turkey, welcomed the participants on behalf of the Government of Turkey. He said the government was pleased to participate actively and contribute to the establishment of a regional cooperative arrangement for fisheries and aquaculture in Central Asia and the Caucasus. He added that Turkey’s experiences and expertise could contribute to the region’s combined experience and expertise through this cooperation. He emphasized that Turkey will also benefit from this cooperation and

therefore is keen to provide the support and cooperation that are needed to make the initiative a success. He also noted the important role of the Steering Committee in preparing the necessary documentation for the second regional intergovernmental meeting on the establishment of a Central Asian and Caucasus regional fisheries arrangement.

9. The meeting was attended by officially appointed focal points of nine countries (Armenia, Azerbaijan, China, Georgia, Kyrgyzstan, Russian Federation, Tajikistan, Turkey and Uzbekistan), as well as observers from the Interstate Coordination Water Commission (ICWC) based in Uzbekistan, Turkish International Cooperation Agency (TICA) and the World Bank.

10. The participation of the meeting consisted of 26 people. The list of participants is attached as Appendix B to this report.

## **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE MEETING**

11. In view of the technical nature of the meeting it was agreed that the FAO Secretariat would have a facilitating and moderating role and that no chair would be elected.

12. After a round of introduction of the participants, the meeting adopted the Agenda, which appears as Appendix A. The FAO secretariat to the Steering Committee outlined the timetable for the meeting. The FAO secretariat, consisting of Mr Bueno, Mr Kuemlangan, Mr Moth-Poulsen and Mr Van Anrooy, was entrusted with the rapporteurial duties.

13. Mr Van Anrooy described the objectives and expected outputs from the meeting. He summarized the background and activities that led to the meeting, including references to regional workshops in Beymelek (Turkey) and Tashkent (Uzbekistan) and the Dushanbe meeting (Tajikistan).

## **PRESENTATIONS AND DISCUSSIONS**

14. The Secretariat presented the background document “Institutional, operational and legal options for a regional cooperative arrangement for inland fisheries and aquaculture for Central Asia and the Caucasus” (Appendix D) as prepared by Mr Kuemlangan, FAO legal officer. Mr Kuemlangan described the policy and legal implications of two arrangements, an intergovernmental network organization (IGO) and a regional fisheries commission IGO. He reiterated the desired organizational features expressed by the Dushanbe meeting as follows:

- financially sustainable
- pragmatic
- flexible
- non-bureaucratic
- simple to manage

15. Mr Kuemlangan provided examples of legal frameworks i.e. a Network organization modelled on NACA and an FAO Article XIV body modelled on RECOFI that could have the features desired by the Dushanbe meeting. In summing up the difference and similarities of the two types of frameworks, he emphasized that while there are more similarities than differences, the factor that set aside a NACA-type arrangement from a FAO body is that the former conducted its affairs in a flexible and sustainable manner.

16. A wide-ranging discussion followed the presentation. It was argued that the mandate of the cooperative arrangement should be limited to inland fisheries and aquaculture. There was an expressed opinion that not all countries and regions could become a member of the arrangement. The secretariat explained that if an Article XIV body was preferred, in principle its membership is open to all FAO member countries particularly those located within the commission’s regional coverage. Experiences

of already established commissions however show that in practice not all FAO member countries want to be members of a regional commission except those with real interests or belong to the region. The difference between regular and associate membership was explained as well.

17. The focal points of the China and the Russian Federation informed the meeting of the fisheries and aquaculture activities in, respectively, the Sincan autonomous region (bordering Central Asian countries of Kazakhstan, Kyrgyzstan and Tajikistan) and the Northern Caucasus region (bordering Georgia and Azerbaijan). Both focal points stressed the need for regional collaboration in fisheries and aquaculture in view of the many common problems in the sector among the above mentioned Central Asian and Caucasus countries and their regions bordering these countries. Cooperation through exchange of information and knowledge, capacity building and technical advisory services in aquaculture was offered by the Russian Federation and China. The offer was welcomed by the other focal points.

18. China and Russia's focal points said that their membership in the regional arrangement shall be evaluated by their governments.

19. A greater point of discussion was related to the subject of inland fisheries and the management of fish stocks in transboundary water resources.

20. The FAO secretariat informed the meeting of the differences between an advisory and a management arrangement. It was noted that a regional arrangement could focus its mandate only on providing advice on inland capture fisheries (if the members so desire). Some focal points suggested that the list of functions and objectives of the regional arrangement prepared in the Dushanbe meeting should be examined again and modified depending on the advisory and management functions of the arrangement selected.

21. A question was raised as to whether the prospective members of a commission, in paying their contribution to the regional arrangement, are paying FAO twice. The Secretariat explained that the countries' regular membership contributions to FAO are used to support FAO's regular program activities dictated by the member countries at the FAO Conference and for fisheries specific matters also by the biennial COFI meeting. Should the arrangement be an FAO Article XIV body (i.e. a Commission), such Commission's work is supported by the Commission members' agreed direct contribution to the budget of the Commission and other donations. These funds are in principle considered as FAO extra budgetary contributions that support more specific activities as listed in the programme of work of the regional arrangement, A trust fund account is normally established for this purpose, in which members and other donors could deposit funds for the regional arrangement and from which the programme of work of the regional arrangement could be funded. On the other hand, if the body is an IGO, members would be contributing to the operation of their own autonomous organization.

22. The FAO secretariat informed the focal points that FAO should not be expected to allocate a specific budget from its regular budget to support the regional fisheries arrangement for Central Asia and the Caucasus if the body was as Article VIX body. However, FAO could assign a part-time secretary to the regional commission, in line with the current practice with existing regional fisheries commissions although the commissions are now encouraged to be responsible for this expense as well from their direct contributions and donated resources. The secretary is usually assigned by FAO and is often the regional or subregional fishery officer of FAO serving the region.

23. Following some questions from the focal points on financial and technical support from FAO to either option, the Secretariat noted that this is an irrelevant point, because for either option, FAO assistance through its established cooperative and assistance programme was available. It was mentioned as an example that despite the fact that NACA is an autonomous IGO, it has accessed funds and technical assistance from FAO through the various cooperation facilities (i.e. TCP) of FAO and benefited from other collaborative projects with FAO. It was pointed out that FAO's collaboration in NACA projects tend to attract further cooperation from various donor and development assistance organizations.

24. The focal points then gave their views on the pros and cons of either option, and raised the following general considerations:

- FAO support in the establishment process and the initial years of the arrangement is important.
- The practicality and efficiency of the arrangement should be emphasized,
- The common priorities and needs of the members be served by the arrangement, .
- The establishment process may take some time, possibly a few years, depending on the progress made by the members towards establishment and the arrangement preferred.
- It is unlikely that all countries will become members at the same time, from the start, as government procedures for membership differ. A minimum number of “founding” members would however be required.
- The fisheries and water sector should work closely together to take full advantage of the opportunities for fish production in irrigation systems; fisheries activities should be included in integrated water management plans wherever relevant.
- Overall objectives of the arrangement should include increasing the contribution of fisheries and aquaculture to food security and to alleviating poverty in the region.

25. Positive aspects of an Intergovernmental Network Organization like NACA were re-emphasized, including the following:

- It would be autonomous and could make its own decisions as to its regulations, operations and staffing.
- It would be able to respond more rapidly to demands and needs from the members.
- The membership can be decided upon by the (founding) members themselves.
- It may be easier to find a wide range of donors for activities under an IGO type of body. FAO’s participation as a partner as well as a (non voting) member of the governing board or council would give potential donors more confidence in providing collaborative assistance.

26. A few concerns regarding certain aspects of an Intergovernmental Organization were mentioned as follows:

- It may be susceptible to the political interests of some members.
- There is no assurance of sustainability of a network type arrangement.

27. The following positive aspects of an Article XIV body were mentioned by the focal points:

- It has a well-known structure, is transparent and appears to be functioning relatively well in other regions.
- The process for establishing an Article XIV body was clearly outlined in FAO’s regulations and practice and allows for easier establishment provided it is well timed with the schedule of the governing bodies.
- FAO will ensure neutrality of the body, which is considered important in a region with standing conflicts between potential member countries.
- FAO would be inherently involved in administration and in providing technical support to the members as the body is under FAO’s framework.
- Some potential donors may be more interested to work through a body which is linked to/under FAO, as FAO will ensure the use of funds following internationally agreed (United Nations) procedures.

28. Certain concerns about an Article XIV body were raised by the focal points as follows:

- It would be difficult to explain in the government, and particularly to the ministry of finance, that specific payments should be made to a FAO Article XIV body, while they are already paying their normal membership contribution to FAO.

- The body might be seen as part of FAO or a tool of FAO and not as a body of the members themselves, which may dampen members' commitment to the body and hesitation among some donors to support it.
- The body would be bound by certain administrative regulations and processes of FAO, which could impact on (e.g. cause delays) its operations and restrict independent actions.
- FAO would decide on the level of inputs to the secretariat, which may result in a part-time/inadequate secretarial support.
- A body under FAO could take a longer time to establish if the immediate biennial FAO Conference was missed.
- Part of the members' contributions could be used for FAO secretariat functions; and that the secretariat and other staff should be contracted internationally under FAO procedures and payment schemes, further reducing flexibility of staffing and likely increasing staff costs.
- It will be difficult to ensure visibility and raise the image of the body as its achievements would be likely attributed to FAO.
- FAO is an agency focused on rural development and food security so that research issues may not have much priority from the body.

29. The focal point from Turkey informed the meeting that the country would support the decision of the majority of countries in the region; while stressing that a start-up under the umbrella of FAO would be preferred. He added that there were some doubts about the capacity of the countries in the region to develop and sustain an IGO – network type arrangement.

30. Some focal points voiced their disappointment that discussions finalized at the Dushanbe meeting had to be repeated again and expressed their hope that the appointed focal points would be empowered by their respective authorities to continue to support the establishment process of the regional arrangement until its conclusion, including a conference of plenipotentiaries

31. The World Bank participant noted that the regional arrangement is needed and would have most chances of success if it aimed mainly at sharing information, capacity building, technology transfer and training in fisheries and aquaculture. He referred to the difficulties encountered in the establishment of a well-functioning arrangement for fisheries management for the Caspian Sea and suggested to limit the scope of the arrangement under discussion to inland fisheries and aquaculture. In terms of support from the World Bank, he informed the participants that at present no grants were available to support the establishment process, but that once the arrangement is established and could present a programme of work there shall be opportunities for support to relevant projects. The World Bank is in discussion with various governments on issuance of loan agreements in support of fisheries and aquaculture sector development and management. He said that the World Bank does not anticipate becoming an associate member of the arrangement, but would like to be kept informed and involved in specific activities of the arrangement.

32. In respect of the area of coverage, some focal points mentioned that they were members of the Commission for Aquatic Biodiversity (CAB) of the Caspian Sea, which has management of aquatic resources in the Caspian included in its mandate. It was however recognized that the CAB has been unable to perform all of the functions it was asked to perform for various reasons particularly some disagreements between members and between members and non-members. It was argued by some focal points that a new regional arrangement for fisheries should not have functions that overlap those of the CAB and therefore should be limited to inland fisheries (i.e. the Caspian Sea is excluded) and aquaculture. Alternatively, the new arrangement could absorb CABs functions in the field of fisheries management in the Caspian Sea. It was noted that some of the economically most important fish species (Caspian salmon and sturgeons) migrate between marine (sea) environments and freshwater environments (rivers and lakes) and that CAB does not deal with restocking issues.

33. As many focal points were new to the process, the technical and functional aspects of both options were reviewed by the FAO secretariat. The discussions on the nature and mechanisms of a regional IGO were informed by three presentations from Mr Bueno, the former Director General of the Network of Aquaculture Centers in Asia-Pacific (NACA).

34. The first presentation described the attributes of NACA which highlighted the importance of being autonomous and self-reliant, and of operating under the principle of TCDC (technical cooperation among developing countries). Being owned and operated by member governments gives it among other strengths, a stronger legal foundation, a stronger political traction and thus a stronger leverage with regional and international development agencies, and greater flexibility in development planning. He added that a network organization makes cost effective use of resources and, clearly, acquires collective strength. He also noted that FAO's participation as a partner in joint activities makes other donor agencies usually more attracted to take part and add resources to the development activities.

35. The second presentation described the steps in establishing the network organization particularly in developing its regional programme of work. It highlighted the need for ownership by governments of the work programme, although it should preferably be developed with the assistance of FAO to benefit from its international perspectives and technical expertise. It would also be desirable to include the participation of other institutions that have relevance to fisheries and aquaculture in the region to benefit from their experiences in and perspectives of regional issues associated with fisheries development.

36. He then illustrated how the work programme, which core activities consist of research, training and information, could be developed systematically and implemented by a network of regional lead centres, national aquaculture centres, collaborating institutions such as universities and technical institutes, and other regional and national institutions participating in the network. It was emphasized that the core resources to carry out the work programme are provided by the members with supplementation as needed by resources from partners and donor agencies. He stressed that donor assistance should be considered as a resource to supplement that of the organization's resources and not as a substitute for what the organization lacks. He informed the meeting that donor funding has provided a major part of the resources to implement NACA's regional work programme. But he stressed that donor assistance was generated only by the organization's investing in efforts and its own resources to initiate development projects. To illustrate the benefit from investing its own resources, he revealed that every dollar contributed by NACA members has generated more than 3.4 dollars in terms of external funding for projects.

37. The discussion which followed the presentations recognized the validity of the IGO option for the Central Asian and Caucasus region. The discussion focused on the difficulties encountered by NACA in its establishment. The Secretariat informed the meeting that some governments did not join immediately. The delays were not associated with having to shoulder mandatory financial obligation but with internal government procedures and also with the understandable need to first see clear benefits from membership. The Secretariat explained that the strategy used by NACA to show success and visible results in terms of better productivity earned the organization the confidence of governments and donor organizations.

38. As to a question on why Central Asian and Caucasus countries were not members of NACA, the Secretariat explained that this has more to do with practical reasons than a legal provision for exclusion. The countries in the Central Asian region can apply for membership but the cost of participation in meetings, conferences, and workshops would be prohibitive because of physical distance. There would also be much more diverse issues and problems that the NACA would have to address, It would be more effective and less costly for a regional arrangement to address the problems of members with similar agro-climatic conditions, common species and systems, and not so widely diverse socio-economic and cultural conditions.

39. Some focal points opined whether it would be possible for the wealthier members of the IGO or Art XIV body to support in the initial years the poorer members by paying their membership contribution, to allow them to join from the start. Alternatively, it was expected that some countries would only join after they could see clear and immediate benefits of joining the arrangement. The often limited contribution of the fisheries sector to national GDP in most of the countries of the region was considered as a constraining factor towards convincing the Ministries of Finance to pay the membership contribution of the arrangement. The Secretariat said that while there is nothing to prevent one country

from paying another country's participation, this would clearly violate the core principle of regional cooperation, which depends on the commitment of every member and the fact that fulfilling membership responsibilities including paying agreed contributions secured the right and objectivity in decision-making. It also noted that, as with the NACA governments, contributions are seen more as costs against expected benefits rather than merely costs.

40. While the examples of an IGO and a FAO Article XIV body as presented by the FAO Secretariat, showed minimum annual membership contributions of US\$ 5000 using the example of RECOFI, it was viewed by some focal points that this may be too much for some members. The Secretariat said that this concern would imply the need for designing a flexible arrangement, and reiterated that financial obligations of members are investments to a cooperation in regional development

41. The FAO secretariat requested the focal points to clearly express their preference for one of the two options presented. While some focal points were prepared to do so, or suggested to vote on the matter, the majority of the focal points informed the meeting that they could not give the opinion of their government, although they were mandated by their authorities. Some focal points had been instructed by their authorities to express their preference for one option, but decided that, given the information presented and the discussions at the meeting, their opinions may change. Consensus could not be reached on this matter. It was therefore decided that the focal points would consult again their respective authorities and report back to the FAO secretariat within two weeks after the meeting. Focal points of Kyrgyzstan and Tajikistan however confirmed their preference for an Article XIV body under the FAO Constitution.

42. The focal point of Azerbaijan requested that another document be prepared by the Secretariat outlining all options and their pros and cons again. The FAO Secretariat referred to the annexes of the Dushanbe meeting report, which is a body of comprehensive and necessary information to make an informed decision.

43. Mr Kuemlangan, on behalf of the Secretariat, presented overviews of the provisions of the two types of agreements namely a Network type agreement modelled on NACA and a FAO Article XIV body modelled on RECOFI. He stated that while the drafts of the agreements retained the core features of the agreements used as models, some modifications were made to "update" the agreements.

44. In his presentation on the NACA type agreement, Mr Kuemlangan highlighted the following issues:

- The preamble is updated to reflect the interest of the region and new global commitments.
- The Objective provision is reduced to make it clearer and succinct.
- The functions provision is expanded to include some functional statements in the provision of objective of the NACA Agreement. In addition, the provision could be enhanced to reflect the recommendations formulated in Dushanbe.
- Membership provisions could be reformulated to include "regular members" and "associate members" as well as to allow FAO to be an associated member although this is subject to further discussions.
- The decision making provision is modified to make it explicit that consensus can be a decision-making method.
- Settlement of dispute is done through the council or by arbitration using UNCITRAL Arbitration rules.

45. In the presentation of the FAO Article XIV agreement, Mr Kuemlangan highlighted, among others, the following:

- The draft agreement is modelled on the RECOFI Agreement because it is one of the recently established Article XIV bodies and focuses on capture fisheries and aquaculture.

- Some provisions reflecting requirements of the FAO Constitution cannot be omitted such as the provision establishing the body under the FAO framework and that membership shall be open to the members and associate members of FAO.
- The requirement for Chairperson and vice chairpersons to be appointed;
- Functions to reflect the Dushanbe meeting recommendations as a basis, subject to modifications as appropriated.
- Recommendations to be made by the Commission but implemented by countries.
- Subsidiary bodies can be established.
- Secretary of the commission is appointed by the Director-General of FAO.

46. Mr Kuemlangan concluded the presentations by highlighting the establishment process to be followed for each option. For the Network arrangement, a conference of plenipotentiaries must be convened to adopt an agreement. For an FAO Article XIV body, the consensus to establish such a body should be conveyed to the Director General of FAO and the proposal will be subject to FAO internal review before it is sent to Council for approval.

## **WORKING GROUP DISCUSSIONS**

47. After the presentation of the outline draft agreements of a Network type IGO and a FAO article XIV body, the focal points divided into two working groups to formulate drafting guidelines on certain issues. This included the name of the cooperative arrangement, definitions of terms e.g. “aquaculture”, “Area”, “inland fisheries” and “organization”, objective and functions of the arrangement and finances.

48. The two working groups presented the results of their discussions as follows:

### **Group A**

*Name.* After some deliberation on the issues that relate to the title, such as whether the word “fisheries” already includes aquaculture, and whether there should be an explicit mention of capture fisheries, and whether fisheries refers only to inland fisheries, the group agreed to propose the title Central Asia and the Caucasus Fisheries and Aquaculture Network (CACFAN) or Commission (CACFAC) for the regional body. They also suggested to have the title in Russian.

*Definitions.* The group recommended that any term that needs to be defined, particularly Aquaculture, Inland Fisheries, Organization, shall be that of the official FAO definition.

*Geographical scope and area of coverage.* The group agreed that the conduct of aquaculture presents no transboundary implications part from the spread of pathogens and the movement of live species. Capture fisheries on the other hand would raise not only transboundary but also territorial issues especially on common water bodies . It was thus agreed that capture fisheries should not include the Caspian Sea and the Black Sea but that aquaculture will be conducted in both inland and coastal environments. A provision was suggested to the effect that the “capture fisheries shall refer to that carried out only in inland water bodies such as rivers, irrigation systems, lakes and reservoirs and that aquaculture shall refer to that carried out in inland and coastal environments.

*Objectives and functions.* It was agreed that the body shall have an advisory function since other regional arrangements are already mandated with the management of the large water bodies in the region.

### **Group B**

*Name.* The group preferred the name to be “Central Asia and the Caucasus Fish (CACFish) as this name is generic (e.g. fish is also the focus in aquaculture), simple and does not exclude participation by countries like China, Turkey and the Russian Federation.



*Definitions.* Only the term “Area” was discussed. The group considered that the subject and area of the arrangement i.e. activities and geographical scope of the arrangement should be the inland fisheries and aquaculture in Central Asia and the Caucasus and in terms of fisheries, it should include the transboundary/basin areas in China and the Russian Federation bordering the region. No reference should be made to the Black Sea and the Caspian Sea as certain activities in these water bodies such as aquaculture could be included in the scope of the arrangement’s activities if there is no attention given it in those water bodies by other arrangements.

*Objectives and functions.* The functions should reflect the objectives. The relevant provision should reflect the objectives/functions as agreed in the Dushanbe meeting. However, the objectives/. functions from the Dushanbe meeting could be strengthened.

*Finances.* The group acknowledged that this was a difficult issue and that sustainability of the arrangement will also depend on adequate financing. Whatever the agreement on this issue, it is important to state clearly in the agreement that participation in the governing body and advisory committee meetings should be funded by the core budget, i.e. the sum of member contributions to the body.

*Other matters.* It was suggested within the group that the arrangement should not only make recommendations but should have some influence on decisions and activities at the national level.

49. The plenary discussions which followed the working group presentations stressed the need that management of fish stocks in transboundary river systems should be covered under the agreement and that the arrangement should not just produce advice but also have some power to influence decision-making processes where necessary. No consensus was reached on whether the arrangement should have management functions or not.

50. The focal point of Azerbaijan informed the meeting a number of times of the preference of his government to incorporate in the agreement a statement that would read as follows: “The agreement will respect internationally accepted national boundaries or borders”. He added that political dimensions and current territorial disputes are to be taken in consideration, while acknowledging that the arrangement should have a purely technical emphasis.

## **FOLLOW UP**

51. The follow-up activities by the Steering Committee were discussed. Reference was made by the FAO Secretariat to the (above-mentioned) tasks and the scheduled second regional intergovernmental meeting on the establishment of a Central Asian and Caucasus regional fisheries arrangement. The meeting has been planned to take place in Trabzon, Turkey, 3–5 June 2009. The Focal point from Turkey informed the meeting that the invitations from the host, the Ministry of Agriculture and Rural Affairs of Turkey (MARA), were being arranged for and that it would be difficult to stop or delay the process. It was argued that only two months of time to prepare for the meeting remain and that the countries should make up their mind on this subject urgently.

52. The FAO secretariat informed the focal points that FAO had provided substantial technical and financial support to the process of establishing a regional arrangement, as requested by its members in the region. The financial support to the process so far adds up to some US\$ 200 000. The Secretariat stressed that if only few indications of governmental commitments towards the process would be obtained within the next month, it would interpret this as an indication of insufficient regional interest in collaboration in fisheries and aquaculture. As such it would suspend (after consultation with MARA) work on the preparations for a second intergovernmental meeting (Trabzon meeting) and reconsider its support to the process.

53. The Secretariat emphasized that no legal preparatory and advisory work could be undertaken if the countries do not decide on the agreement type (IGO-Network body or an Art XIV Commission).

All information needed for making a decision on the preferred option was presented in Dushanbe and discussed in greater detail at this first Steering Committee meeting.

54. The Secretariat also stressed that the Trabzon meeting would not serve as plenipotentiary meeting, as first a minimum number of countries should agree on the agreement. The Secretariat would be able to prepare a draft agreement for the meeting if it receives clear advice, justifications for the preferred option and constructive instructions from the focal points. It was added that the secretariat would count on active collaboration and commitment from all focal points as without such collaboration the Trabzon meeting will likely fail.

55. Some focal points requested the Turkish Government, as host of the Trabzon meeting to investigate the possibility to organize, together with the FAO Secretariat, a one day Steering Committee meeting immediately before the Trabzon meeting. This meeting is meant to enable the Steering Committee to pre-discuss the final draft agreement to facilitate its approval by the Trabzon meeting, which is a Ministerial meeting. Other focal points requested the Government of Turkey, as host, to invite representation from their ministries of foreign affairs to accompany their ministers responsible for fisheries and aquaculture in order to increase awareness among government agencies and commitment towards the regional arrangement.

56. In view of the limited time available before the Trabzon meeting, and the non-availability of funds for organizing (and lack of offers to host) a Steering Committee meeting within the next month, it was agreed that the next steps in the discussion would take place via e-mail correspondence. The next steps, including agreed deadlines for response and delivery of inputs by the focal points and the FAO Secretariat, can be found below.

## **SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

57. The Steering Committee Meeting to Prepare for the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement, was held in Ankara, Turkey, from 24 to 26 March 2009.

58. Officially appointed focal points of nine countries (Armenia, Azerbaijan, China, Georgia, Kyrgyzstan, Russian Federation, Tajikistan, Turkey and Uzbekistan), as well as observers of one intergovernmental organization – Interstate Coordination Water Commission (ICWC), and Turkish International Cooperation Agency (TICA) and the World Bank participated in the meeting.

59. Based on the recommendations of the Regional Intergovernmental meeting to initiate the establishment of a Central Asian Fisheries Organization which was held in Dushanbe, Tajikistan, from 10 to 12 November 2008 (Dushanbe meeting), the FAO secretariat presented as requested the two most viable options for a regional collaborative arrangement in fisheries and aquaculture.

60. These options were:

- an independent Intergovernmental Organization (IGO)–following the example of the Network of Aquaculture Centers in Asia-Pacific (NACA), and
- an Article XIV body under the FAO constitutions –following the examples of Regional Commission for Fisheries (RECOFI).

61. The focal points were provided with a complete picture of the pros and cons of both options as well as the legal and policy implications related to the two options. As many focal points were new to the process, the outcomes of the Dushanbe meeting were summarized and technical and functional aspects of both options were repeated. Draft outline agreements for both options were presented and discussed.

62. The secretariat clarified that for an Article XIV body the FAO mandatory contribution would be limited to in-kind assistance in the form of a part-time secretary, appointed by the FAO Director General. It was also stressed that there is no historical evidence that an IGO would receive less support from FAO than an Article XIV body. It was however emphasized that an Article XIV body would have to be bound by certain administrative regulations and processes of FAO, which could impact on its operations.

## Conclusions

63. The focal points appreciated the guidance and information provided by the FAO secretariat to the meeting and the assistance provided in support of the process towards establishment of a regional fisheries and aquaculture arrangement.

64. The focal points also welcomed the offer from the Minister for Agriculture and Rural Affairs of Turkey to host the second Regional Intergovernmental Meeting on the Establishment of a Central Asian and Caucasus Regional Fisheries Arrangement in Trabzon, Turkey, from 3 to 5 June 2009.

- Many focal points underlined that the technical and scientific cooperation and technology transfer should be main objectives for the arrangement.
- On request of some focal points the option of an Article VI body under the FAO Constitution was discussed, and it was again noted that evidence suggested that such body would not be a viable option in the context of the recommendations of the Dushanbe meeting.
- Some focal points voiced their disappointment that discussions finalized at the Dushanbe meeting had to be repeated again and expressed their hope that the appointed focal points would be empowered by the respective authorities to continue to support the establishment process of the regional arrangement until its conclusion, including a conference of plenipotentiaries.
- The focal points of China and the Russian Federation informed the meeting that their Governments will evaluate the possibility to participate as members in the regional arrangement, which was welcomed by the other focal points, who acknowledged China's and the Russian Federation's large experience in aquaculture and their other useful contributions.
- A nominal financial contribution by the members to the selected arrangement was considered vital as it will show political will, increase ownership, guarantee participation of the members in activities of the arrangement and would attract larger donor contributions. Evidence from other regions was presented to show that the cost-benefit ratio of investments in regional collaboration in fisheries and aquaculture can be highly positive.
- Taking into account that certain countries are in the process of preparing and implementing national extension plans of integrated water resources management, the future arrangement should collaborate with existing interstate and national water management organizations, such as ICWC.
- With respect to the formulation of certain provisions within the draft outline agreements the focal points gave the following guidance:
  - The name of the arrangement should reflect the regional focus, i.e. Central Asia and the Caucasus and the range of activities i.e. inland fisheries and aquaculture. Examples offered were "Central Asia and the Caucasus Fish (CACFish) or Central Asia and the Caucasus Fisheries and Aquaculture Network (CACFAN) or Commission (CACFAC) for the regional arrangement. The title will also be in Russian.
  - The definitions of "Aquaculture", "Inland Fisheries" and "Organization" and other common terms should be consistent with FAO definitions;
  - The "Area" or scope with respect the conduct of aquaculture presents no transboundary implications apart from the spread of pathogens and the movement of live species while capture fisheries raises not only transboundary but also territorial issues especially on common water bodies. In terms of fisheries, it should include the transboundary/basin areas bordering the Central Asian and Caucasus region. No reference should be made to the Black Sea and the Caspian Sea as certain activities in these water bodies such as aquaculture could be included in the scope of the arrangement's activities if there is no attention given it in those water bodies.

- The Objectives and functions should reflect the role of the arrangement as advisory because other regional arrangements are already mandated with the management of the large water bodies in the region. The functions should be in line with the objectives and that the relevant provisions should reflect the objectives and the functions that had been agreed in the Dushanbe meeting. The arrangement should be able to influence decisions and activities at the national level.
- Financial matters was a difficult issue although the sustainability of the arrangement in financial terms was underscored. Whatever the agreement, it is important to state clearly in the agreement that participation in the governing body and advisory committee meetings will be funded by core budget/contributions;
- Other provisions will require further guidance but this can be provided at a later point.

### **Next steps**

65. In light of the above, the focal points agreed to urgently take action, as follows:

- 1) The FAO Secretariat would circulate the draft meeting report (in English and Russian language) to all focal points before Friday 3 April.
- 2) The focal points of Kyrgyzstan and Tajikistan indicated the preference of their countries for an Article XIV body under the FAO constitution. The others would send before Friday 10 April their opinion on the selection of one of the two options, with a clear and comprehensive justification of why one option was preferred over the other.
- 3) The FAO Secretariat would inform the focal points before Tuesday 21 April of the responses received and the justifications attached to the preferences expressed.
- 4) The focal points would confirm to the FAO Secretariat by Wednesday 29 April that they will adhere to the preference of the majority.
- 5) If the FAO Secretariat receives less than five (5) confirmations by the 29 April, it would consider the commitment from the future members towards regional collaboration as insufficient. The FAO Secretariat in consultation with the Turkish Government as host of the scheduled second Intergovernmental meeting would cancel that meeting and would stop further assistance to the process of establishment of a regional arrangement and report to the focal points and their respective national fisheries and aquaculture authorities.
- 6) If sufficient commitment is obtained, the FAO Secretariat will work with the focal points on the preparations of all necessary documentation for the second intergovernmental meeting (including a draft agreement, rules and procedures of the arrangement and a draft programme of work).

### **CLOSURE OF THE MEETING**

66. The above summary conclusions and recommendations were in general accepted and supported by the meeting on Thursday 26 March, at 12.00 hours.

67. The FAO Secretariat thanked the focal points for their active contribution to the discussions at the meeting, and extended special thanks to all FAO staff and other persons involved in the preparation and organization of the meeting. The focal point from Turkey, on behalf of the focal points attending the meeting, thanked FAO for the organization of the meeting and expressed his hopes to see all focal points again in Trabzon in June.