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TECHNICAL CONSULTATION

TECHNICAL CONSULTATION ON THE MARKING OF FISHING GEAR

Rome, Italy, 5–9 February 2018

BACKGROUND AND PROGRESS TOWARD THE DEVELOPMENT OF DRAFT GUIDELINES ON THE MARKING OF FISHING GEAR

The Technical Consultation is invited to:

- Further develop the concept and text of the draft Guidelines for the Marking of Fishing Gear;
- Note the results and recommendations provided in the information papers relating to pilot projects conducted by FAO and other interested parties;
- Provide recommendations on further work of FAO related to gear marking, specifically on ALDFG and its associated issues which may be presented to 33rd Session of COFI;
- Consider whether Annexes of the draft Guidelines, as amended by the Secretariat, should be further developed via a separate process and whether they could be periodically reviewed and updated by the Secretariat.

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INTRODUCTION

- 1) Gear marking has been identified as a tool, which, in conjunction with other fisheries management measures, can assist in the prevention of abandoned, lost or otherwise discarded fishing gear (ALDFG) and its harmful impacts.
- 2) Gear marking has also been identified as a tool which can assist in the effective management of fisheries and in efforts to prevent and identify illegal, unreported and unregulated (IUU) fishing.
- 3) ALDFG is a significant component of marine litter and has serious impacts on habitats, fish stocks and other marine species. ALDFG may result in reduced profits when it continues to fish ('ghost fishing') and increased operational costs for vessel owners/operators and authorities through the replacement of lost gear and retrieval efforts. ALDFG also represents a navigational and safety at sea issue.
- 4) Causes of ALDFG include excessive fishing effort, conflict between gear, extreme weather, operator error and deliberate abandonment. ALDFG is also linked to IUU fishing as those engaging in such activities are more prone to discard their fishing gear at sea.
- 5) Benefits of gear marking include; i) acting as a deterrent for deliberate or inappropriate disposal of fishing gear; ii) providing identification of ownership and responsible parties for the fishing gear; iii) assisting in the prevention of unauthorised setting or use of fishing gear which reduces the potential for gear conflict and loss; iv) the incorporation of tracking and relocation technology to enable location of fishing gear to be tracked and subsequently retrieved; v) reducing economic losses to gear owners and authorities by preventing gear loss, minimising retrieval and replacement expenditure, and reducing catch loss via ghost fishing; vi) reducing damage to the environment and harmful interactions with aquatic wildlife including aiding in the identification of gear components entangled on marine animals; vii) reducing the risk of vessel and diving accidents and loss of life at sea; viii) facilitating more effective management of fisheries, including capacity control and assisting with the prevention of IUU fishing.
- 6) IUU fishing is one of the greatest threats to aquatic ecosystems and undermines national and regional efforts to manage fisheries sustainably and conserve aquatic biodiversity. It also threatens the livelihoods of bona fide fishers and other fishery-sector stakeholders, exacerbates poverty and food insecurity, and results in economic inefficiencies that might otherwise be avoided.
- 7) The benefits of using gear marking as a tool to assist in the more effective management of fisheries and in preventing IUU fishing can be amplified when accompanied by adequate port state control procedures and other measures that facilitate the ability of authorities to inspect fishing gear, and when a requirement for gear marking is linked to the granting of fishing licences. A properly applied gear marking system will allow for the creation of records of ownership which can support fishing effort control measures.

BACKGROUND

- 8) The Eighteenth Session of the FAO Committee on Fisheries (COFI18) held in Rome in 1989 noted the absence of international regulations, guidelines or common practices for the marking of fishing gear to determine ownership of fishing gear. It was further noted that the development of a standard for the marking of fishing gear would be of benefit to member States.
- 9) An FAO Expert Consultation on the Marking of Fishing Gear held in Canada on 14 -19 July 1991 presented¹ their findings (including the recommendations for the marking of the fishing gear²) to the Twentieth Session of COFI in March 1993. Some Members expressed their view that additional administrative burdens might accrue from the adoption of a common system for the marking of fishing gear. The Committee called for a further review of the draft recommendations for the Marking of Fishing Gear.
- 10) The 1994 FAO Expert Consultation on the Code of Conduct for Responsible Fishing included an agenda item on the marking of fishing gear. The Experts noted, inter-alia: (i) the necessity of reporting all lost gear in terms of numbers and location to national management entities; (ii) fishing industry and governments should consider efforts and means to recover ALDFG; and (iii) all fishing gear should be marked, as appropriate, in such a way so as to uniquely identify the ownership of the gear. Article 8.2.4 of the 1995 Code of Conduct for Responsible Fisheries the (Code of Conduct or CCRF) (FAO 1995) states that fishing gear should be marked in accordance with national legislation in order that the owner of the gear can be identified and that gear marking requirements should take into account uniform and internationally recognizable gear marking systems.
- 11) More recently, several legally binding international instruments provide explicit requirements for the marking of fishing gear. For example, the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks³, adopted in August 1995, includes as part of the duties of flag States the requirement for the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems. Annex V of MARPOL 73/784 prohibits the disposal at sea of fishing gear made of synthetic material.

¹ Report of the Expert Consultation on the Marking of Fishing Gear. *FAO Fisheries Report No. 485. FIIT/R485*. 1993. 42 p.

² Recommendations for the Marking of Fishing Gear. Supplement to the Report of the Expert Consultation on the Marking of Fishing Gear. FAO Fisheries Report No. 485. Suppl. Rome, FAO, 1993. 48 p.

³ Agreement for the Implementation of the United Nations Convention on the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, opened for signature 4 December 1995 (entered into force 11 December 2001), article 18.3(d).

⁴ The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).

Furthermore, Annex B of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing (PSMA) requires inspectors to examine the fishing gear to ensure that the markings correspond to those authorized for the vessel, a procedure that contributes to identifying gears used in IUU fishing.

- 12) Binding instruments are supplemented by voluntary instruments. For example, the FAO International Guidelines on Bycatch Management and Reduction of Discards (FAO 2011) calls on States and regional fisheries management organizations and arrangements (RFMO/As) to consider measures to address the impact of ghost fishing on living aquatic resources, including through actions for identification of gear ownership.
- 13) The UN General Assembly resolution on Sustainable Fisheries (A/RES/60/31, paragraphs 77 to 81) called for action to address the issue of lost or abandoned fishing gear including through the collection of data on gear loss and its impacts, analysis of causes and solutions to gear loss, and the development and implementation of joint prevention and recovery programmes. The most recent UN General Assembly resolution on Sustainable Fisheries (A/RES/71/123) in its preambular section recognises that abandoned, lost or otherwise discarded fishing gear is an increasingly pervasive and destructive form of marine debris causing adverse impacts on fish stocks, marine life and the marine environment and that urgent preventative action is needed as well as removal action. The operative paragraphs call for accelerated progress in regards to A/RES/60/31. Paragraphs 77-81 welcomes the ongoing work of FAO to further develop guidelines on the marking of fishing gear and encourages FAO to conduct pilot projects to avoid ghost fishing by retrieving ALDFG and on the marking of fishing gear in developing countries in order to facilitate the implementation of these guidelines. It also notes the recommendations of the 2009 UNEP/FAO report on ALDFG5 highlights action on gear marking as a key measure to prevent lost or abandoned fishing gear.
- 14) At the Thirty-first Session of COFI held in 2014 concern was expressed over the continued fishing by ALDFG and that greater attention should be paid by Members, regional fishery bodies (RFBs) and RFMOs to mitigate ALDFG impacts, noting that cost effective technologies were available.
- 15) The Sustainable Development Goals (SDGs)⁶, which are central to the United Nation's "Transforming our World: the 2030 Agenda for Sustainable Development", adopted in Resolution A/RES/70/1 in 2015, calls for prevention and significant reduction of marine pollution of all kinds by 2025 within SDG14.1.
- 16) The United Nations Environment Assembly of the United Nations Environment Programme (UNEA/UNEP) has also repeatedly addressed the issue of marine debris, including urging specific action on fishing related litter within its Resolutions. UNEA Resolution 2/11 Marine plastic debris

⁵ <http://www.fao.org/docrep/011/i0620e/i0620e00.HTM>

⁶ <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>

and micro plastics paragraph 15 underlines the need for sharing knowledge and experience of the best available techniques and environmental practices for reducing littering from the fishing industry and aquaculture, and for the implementation of pilot projects where appropriate, including deposit schemes, voluntary agreements and recovery, in particular through preventative measures and through reduction, reuse and recycling.

- 17) In response to the concerns described above, FAO convened an Expert Consultation on the Marking of Fishing Gear on 4-7 April 2016 at FAO headquarters in Rome, Italy (Expert Consultation), which produced draft Guidelines on the Marking of Fishing Gear and a report containing associated recommendations. The Recommendations of the Expert Consultation commended that the draft guidelines be further developed through a Technical Consultation, that FAO should undertake work associated with effective implementation of a system for the marking of fishing gear including capacity development and case studies and that FAO should collaborate with relevant IGOs and regional organizations to raise awareness, improve communication and develop capacity on implementing effective systems for the marking of fishing gear, including Fish Aggregating Devices (FADs).
- 18) The report of the Expert Consultation was submitted to the Thirty-second Session of COFI (COFI32). COFI32, in Paragraph 142 of its report endorsed the recommendations of the Expert Consultation as follows: “COFI welcomed the work of FAO with respect to the issue of abandoned, lost or otherwise discarded fishing gear (ALDFG) and the recommendations from the Expert Consultation on the Marking of Fishing Gear, noting that gear marking can be a critical tool for reducing ALDFG and IUU fishing. The Committee supported the proposed Technical Consultation to further develop the guidelines on marking of fishing gear. Members encouraged FAO to conduct pilot projects to avoid ghost fishing by retrieving ALDFG and on fishing gear marking in developing countries to facilitate the implementation of these guidelines.”

PROGRESS MADE BY THE SECRETARIAT

- 19) In the intersessional period, the Secretariat made preparations for the Technical Consultation on the Marking of Fishing Gear and facilitated the implementation of two pilot projects: i) a global feasibility study focusing on the marking of Fish Aggregation Devices (FADs) and ii) a field project in Indonesia focused on the practical application of gear marking and lost gear retrieval in small-scale coastal fisheries.
- 20) The Secretariat made additional edits to the draft guidelines designed to enhance their content based upon further consultation with the participants of the 2016 Expert Consultation on the Marking of Fishing Gear, fishing industry stakeholders and experts, FAO staff with relevant expertise and taking into account the preliminary results of pilot projects facilitated by FAO. These edits are explained in document TCMFG2018/3 and are presented as tracked changes in Annex I of the

document. In this context, the draft Guidelines, as amended by the Secretariat, are proposed as a starting point for deliberation at the Technical Consultation.

- 21) The Annexes of the draft guidelines have also been reviewed by the Secretariat and presented with suggested amendments in document TCMFG2018/4. The Technical Consultation is invited to consider whether these Annexes should be further developed via a separate process and whether they could be periodically reviewed and updated by the Secretariat.

SUGGESTED ACTION BY THE TECHNICAL CONSULTATION

- 22) The Technical Consultation is invited to:

- Further develop the concept and text of the draft Guidelines for the Marking of Fishing Gear;
- Note the results and recommendations provided in the information papers relating to pilot projects conducted by FAO and other interested parties;
- Provide recommendations on further work of FAO related to gear marking, specifically on ALDFG and its associated issues which may be presented to the 33rd Session of COFI;
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