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TECHNICAL CONSULTATION ON FLAG STATE PERFORMANCE

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Good morning, ladies and gentlemen:

On behalf of the FAO's Director-General, Jacques Diouf, it gives me much pleasure to welcome you to FAO for this Technical Consultation.

We are aware that flag States have the primary responsibility under international law to exercise effective control over their fishing vessels and ensure compliance with relevant laws and conservation and management measures. However, over the past decade at least it has been of increasing concern to the international community that the performance of many flag States in the fulfillment of their international obligations has been inadequate. These States are either unable or unwilling to exercise effective control over their fishing fleets, many of which engage in illegal, unreported and unregulated (IUU) fishing and related activities in areas beyond the national jurisdiction of the flag State: that is in the high seas or in areas under the sovereignty or jurisdiction of other States.

As a result of this situation, the burden to control these fleets has been shifted increasingly to others including coastal States, port States and members of regional fisheries management organizations or arrangements (RFMO/As). This implies the need for these States to develop human resources, compliance tools and up-to-date mechanisms for all actions that must be taken as a consequence of this situation and especially to combat the IUU fishing and related activities by vessels flying flags of "non-compliance". This shift in burden, which is quite costly, has important implications for developing countries.

In 2007 at the twenty-seventh session of the FAO Committee on Fisheries (COFI) a number of Members spoke about irresponsible flag States. Many Members suggested the need to develop criteria for assessing the performance of flag States as well as to examine possible

actions against vessels flying the flags of States not meeting such criteria. As an initial step to address the issue, the convening of an Expert Consultation was proposed.

The Governments of Canada and Iceland, with FAO technical support, first convened an Expert Workshop on Flag State Responsibilities in Canada in March 2008. This Workshop was intended to provide input to the FAO Expert Consultation. It addressed key issues such as criteria to assess the performance of flag State responsibilities, instruments and mechanisms to ensure commitment and implementation of the criteria, compliance mechanisms, possible actions against vessels in the event of non-compliance, and avenues for assistance to developing countries in meeting commitments under the criteria.

The twenty-eighth session of COFI in 2009, considering again the issue of flag State performance took note of the preparatory work in the Workshop. COFI agreed that an Expert Consultation on the development of flag State performance criteria should be convened, to be followed by a Technical Consultation.

The Expert Consultation on Flag State Performance was held in Rome in June 2009. It was highly successful. The experts considered, and made recommendations on, criteria for assessing the performance of flag States; possible actions against vessels flying the flags of States not meeting the criteria identified; the role of national governments, regional fisheries management organizations, international institutions, international instruments and civil society in implementing the criteria and actions for flag State performance, and assistance to developing countries to assist them in meeting the criteria, taking actions and fulfilling their respective roles as appropriate.

The Expert Consultation recommended that international guidelines on criteria for assessing the performance of flag States and possible actions against vessels flying the flags of States not meeting such criteria be developed. An assessment process would be an important part of such guidelines. Noting the basis provided by international law for such assessments, the Expert Consultation agreed on the need for two processes: one for self-assessment and another for international or multilateral assessment. The latter assessment should be undertaken in a spirit of international cooperation, consistent with the 1982 United Nations Convention on the Law of the Sea. The Consultation further agreed upon draft criteria for flag State performance, processes for conducting assessments, post-assessment actions and assistance to developing countries to improve their performance as flag States.

At the twenty-ninth session of COFI in February of this year, the Committee welcomed the FAO arrangements that had been made to convene the Technical Consultation. Most recently, these sentiments were echoed by a number of Members at the one hundredth and forty-first session of the FAO Council in April 2011.

In keeping with existing practice I would like to advise the meeting that an administrative report will be prepared at the conclusion of the Consultation. It will be factual in content and attached to it will be the guidelines, or whatever document is agreed. The thirtieth COFI session in July 2012 will be informed of the outcome of the Consultation. I am confident that the Committee will take considerable interest in the meeting's deliberations and report.

In conclusion I hope you will have robust and fruitful discussions over the next five days. If my colleagues or I can be of assistance during the Consultation please do not hesitate to contact us.

Thank you very much.