



RAP Publication: 2000/04

ASIA-PACIFIC FISHERY COMMISSION (APFIC)

ASIA-PACIFIC FISHERY COMMISSION (APFIC)

REPORT OF THE APFIC SPECIAL SESSION

Rome, Italy, 17 February 1999

and

**REPORT OF THE AD HOC LEGAL AND FINANCIAL
WORKING GROUP**

Bangkok, Thailand, 6-8 July 1999

**APFIC SECRETARIAT
REGIONAL OFFICE FOR ASIA AND THE PACIFIC
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS**



ASIA-PACIFIC FISHERY COMMISSION (APFIC)

REPORT OF THE APFIC SPECIAL SESSION

Rome, Italy, 17 February 1999

and

REPORT OF THE AD HOC LEGAL AND FINANCIAL WORKING GROUP

Bangkok, Thailand, 6-8 July 1999

**APFIC SECRETARIAT
REGIONAL OFFICE FOR ASIA AND THE PACIFIC
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
September 1999**

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations concerning the legal status of any country, territory, city or area of its authorities, or concerning the delimitation of its frontiers or boundaries.

NOTICE OF COPYRIGHT

The copyright of this publication is vested in the Food and Agriculture Organization of the United Nations. This publication may not be reproduced, in whole or in part, by any method or process, without written permission from the copyright holder. Applications for such permission with a statement of the purpose and the extent of reproduction desired should be made through and addressed to the Regional Forestry Officer, FAO Regional Office for Asia and the Pacific, Maliwan Mansion, Phra Athit Road, Bangkok 10200, Thailand.

© FAO 2000

PREPARATION OF THIS REPORT

This is the final report of the meeting of the Special Session and the *Ad hoc* Legal and Financial Working Group of the Asia-Pacific Fishery Commission.

Asia-Pacific Fishery Commission

Report of the Special Session, Rome, Italy, 17 February 1999 and Report of the *Ad hoc* Legal and Financial Working Group, Bangkok, Thailand, 6-8 July 1999. RAP Publication: 2000/04, 46 p.

Abstract

This document presents the report of the Special on the establishment of the *Ad Hoc* Legal and Financial Working Group to review the future direction of the Commission. Subsequently, the Working Group discussed the challenges on fisheries and aquaculture in the Asia-Pacific region and recommended action to be undertaken by APFIC to meet these challenges.

Distribution:

Members of the Ad hoc Working Group
Member of the Commission
FAO Fisheries Department
Fishery Officers in Regional Offices

Bibliographic citation:

FAO 2000: Report of the Meeting of the Special Session and the *Ad hoc* Legal and Financial Working Group of APFIC. RAP Publication: 2000/04, 46 p.

CONTENTS

	<u>Page</u>
REPORT OF THE APFIC SPECIAL SESSION	
Introduction	1
Progress Report on the Implementation of the Decisions	1
Directives of the Commission	
<i>Ad hoc</i> Legal and Financial Working Group	1
Appendices:	
A. Agenda	4
B. List of Participants	5
C. List of Documents	8
D. Workplan for 1999-2000	9
 REPORT OF THE <i>AD HOC</i> LEGAL AND FINANCIAL WORKING GROUP	
Introduction	13
Opening of the Session	14
Adoption of the Report	14
Term of Reference and Workplan	14
APFIC and its Future Challenges in Asia and the Pacific	15
Membership, Structure and Function of APFIC	15
Future Programmes of APFIC	17
Contribution by FAO and Member States	18
Legal and Financial Implications	19
Conclusion	19
Adoption of the Recommendations	21
Appendices:	
A. Agenda	23
B. List of Participants	24
C. List of Documents	26
D. Terms of Reference and Workplan	27
E. Resolution 1/116 of the Council of FAO	29
F. Summary of the Replies on the Questionnaire on Future Direction of APFIC	30

	<u>Page</u>
G. Suspended Recommendation for further Amendments To the APFIC Agreement	33
H. Provisional Scheme and Scale of Contribution to An Autonomous Budget of APFIC	35
I. Proposed Financial Regulation of APFIC	44

ASIA-PACIFIC FISHERY COMMISSION*

Summary Report of the APFIC Special Session Rome, Italy, 17 February 1999

INTRODUCTION

1. In accordance with the Commission's decision at its Twenty-sixth Session (Beijing, People's Republic of China, 24-30 September 1998), a Special Informal Session of the Asia-Pacific Fishery Commission (APFIC) was held on 17 February 1999 at FAO Headquarters, Rome. Representatives from 12 Member States of the Commission participated. A list of participants is given in Appendix B.
2. The Commission adopted the Agenda presented in Appendix A. A list of the documents placed before the Commission is given in Appendix C.
3. The Meeting was chaired by Ms Maria Luisa B. Gavino from the Republic of the Philippines and the FAO Secretariat served as Rapporteur.

PROGRESS REPORT ON THE IMPLEMENTATION OF THE DECISIONS AND DIRECTIVES OF THE COMMISSION

4. The APFIC Secretary informed the Commission on action taken during October 1998 to February 1999. Three *Ad hoc* technical Working Groups of Experts were established to discuss issues concerning food safety, capture fishery data collection and rural aquaculture. The Working Groups shall meet at the FAO Regional Office for Asia and the Pacific in Bangkok, Thailand, in March, September and October 1999 respectively. Their reports will be submitted to the APFIC Executive Committee at its Sixty-eighth Session in March 2000 for further consideration.
5. The endorsement by the Commission on the merger of the Committee for the Development and Management of Fisheries in the Bay of Bengal (BOBC) of the Indian Ocean Fishery Commission (IOFC) was submitted to the Director-General of FAO. The IOFC shall discuss and decide on its future at the Eleventh Session.
6. The preparation for the Twenty-seventh Session of APFIC and the APFIC Symposium on Fisheries 2000 are in progress, in close consultation with the Host Government and FAO.

***AD HOC* LEGAL AND FINANCIAL WORKING GROUP**

7. The Commission considered the proposed terms of reference of the *Ad hoc* Legal and Financial Working Group of APFIC, established by the Commission at its Twenty-sixth Session. The Commission agreed on the following terms of reference:
 - (a) to formulate programmes of actions to be implemented by APFIC for the short and medium terms;

* This report was submitted to all Member States of APFIC on 25 February 1999

(b) to review the extent of financial contributions that could be provided by Member States, taking into account the methods of assessment adopted by other international and regional organizations;

(c) to formulate the draft financial regulations of APFIC if it decides to move towards autonomy with support from its Members (either full or in part) for consideration by the Finance Committee of FAO; and

(d) to review current agreements and procedures, and propose amendments necessary to facilitate effective functioning of APFIC.

8. The Commission was further informed that the Secretariat has prepared a questionnaire on future direction and submitted to the Members for consideration. Sixty percent of returns were received to date. The Members were encouraged to return the questionnaires in order to assess their views on the future direction of APFIC for further consideration by the *Ad hoc* Legal and Financial Working Group.

9. In discussing the future direction of APFIC, the delegate of Australia emphasized the need to reorient the future role of APFIC as there were many technical regional organizations already established in the region. APFIC should play a coordinating role between FAO and these regional bodies on issues concerning fisheries management and international instruments in the region. It should organize annual meetings on the state of fisheries and aquaculture in Asia and the Pacific and present the regional issues to the global forum such as the Committee on Fisheries.

10. The delegate of Thailand further suggested that APFIC's work programme should emphasize on regional or sub-regional issues of common interest. The Commission should serve as a coordinating body in transferring and exchanging technologies and capacity development as well as assisting the Members on current issues in world fisheries. In this connection, the delegate of Australia suggested that APFIC should be able to foresee potential activities in a response to fast changing fisheries and to develop strategic plans to assist the Members on these issues.

11. The delegate of France indicated its continued interest in the region and suggested that APFIC should actively serve as a coordinating body in fisheries in the region. Reference was made on the abundance of tunas in the region to which such coordinating body is needed.

12. The APFIC Secretary expressed appreciation on the advice and suggestions given by the Members and informed the Commission that these matters would be actively pursued by the *Ad hoc* Working Group which would meet in Bangkok in early July 1999.

13. The Commission reviewed and approved the workplan of the *Ad hoc* Legal and Financial Working Group as proposed by the Secretariat.

14. In closing, the Chairperson of the Session and the Secretary of APFIC conveyed appreciation to all participants for their cooperation and advice which were essential in strengthening APFIC to face its new challenges in near future.

AGENDA

1. Opening of the Session
2. Adoption of the Agenda
3. Progress report on the implementation of the decisions and directives of the Commission
4. Terms of reference and Workplan of the *Ad hoc* Legal and Financial Working Group
5. Any other matters

LIST OF PARTICIPANTS

AUSTRALIA

Glenn HURRY
Assistant Secretary
Fisheries and Aquaculture Branch
Department of Agriculture, Fisheries
and
Forestry
Canberra ACT 2601

BANGLADESH

CAMBODIA

CHINA

Qianfei LIU
Programme Officer
Bureau of Fisheries
Ministry of Agriculture
Beijing 100026

FRANCE

Jean-Michel SUCHE
Chef du bureau resource,
reglementation et
Affaires internationales
Ministere de l'Agriculture et de la
peche
3, Place Fontenoy
75700 Paris

INDIA

N.K. SINGH
Secretary to Government of India
Ministry of Agriculture
New Delhi 110 011

Y.S. YADAVA
Fisheries Development Commissioner
Ministry of Agriculture
New Delhi 110 011

INDONESIA

JAPAN

Shunji ISHIDA
Councillor
Fisheries Agency
Ministry of Agriculture, Forestry and
Fisheries
Tokyo 100-0013

Kengo TANAKA
Deputy Director
International Affairs Division
Fisheries Agency
Tokyo

Hiroshi MITSUYA
Assistant Director
Fisheries Division
Economic Affairs Bureau
Ministry of Foreign Affairs
Tokyo

KOREA, REPUBLIC OF

Choong-Shin OH
Assistant Director
International Organization Division
Ministry of Maritime Affairs and
Fisheries
Seoul

MALAYSIA

MYANMAR

NEW ZEALAND

Carolyn RISK (Ms)
Manager
Operation Policy
Ministry of Fisheries
Wellington

William K.B. EMERSON
Senior Policy Analyst
Ministry of Fisheries
Wellington

NEPAL

PAKISTAN

PHILIPPINES

Maria Luisa B. GAVINO (Ms)
Alternate Permanent Representative of
the
Republic of the Philippines to FAO
Embassy of the Republic of the
Philippines
Rome, Italy

SRI LANKA

Neville PIYADIGAMA
Secretary
Ministry of Fisheries and Aquatic
Resources Development
Colombo 10

THAILAND

Wimol JANTRAROTAI
Director
Fisheries Foreign Affairs Division
Department of Fisheries
Ministry of Agriculture and
Cooperatives
Bangkok 10900

Kasem PRASUTSANGCHAN
First Secretary
Royal Thai Embassys
Rome, Italy

UNITED KINGDOM

John TARBIT
Senior Fisheries and Aquatic
Resources Adviser
Department for International
Development
London SW1E 5JL

UNITED STATES OF AMERICA

Matteo MILAZZO
Foreign Affairs Officer
National Marine Fisheries Service
US Department of Commerce
NOAA
Silver Spring, MD 20910

VIETNAM

FAO SECRETARIAT

Dennis FADDA
Legal Officer
General Legal Affairs Service
Via delle Terme di Caracalla
00100 Rome, Italy

Purwito MARTOSUBROTO
Fishery Resources Officer
Marine Resources Service
Fishery Resources Division
Fisheries Department
Via delle Terme di Caracalla
00100 Rome, Italy

Peter K. BEN EMBAREK
Fishery Industry Officer
Fish Utilization and Marketing Service
Fishery Industries Division
Fisheries Department
Via delle Terme di Caracalla
00100 Rome, Italy

Janet WEBB (Ms)
Meeting Officer

Anne VAN LIERDE (Ms)
Secretary

Rine SOLA (Ms)
Secretary

APFIC SECRETARIAT

Veravat Hongkul
Senior Fishery Officer and Secretary of
APFIC
FAO Regional Office for Asia and the
Pacific
Maliwan Mansion
Bangkok 10200, Thailand

Richard M. STEIN
Legal Adviser
Rome, Italy

LIST OF DOCUMENTS

APFIC/99/1	Provisional Agenda
APFIC/99/2	Progress Report on the Implementation of the Decisions and Directives of the Commission
APFIC/99/2, add.1	Future Direction of APFIC
APFIC/99/3	Terms of Reference of the <i>Ad hoc</i> Legal and Financial Working Group
APFIC/99/4	Workplan of the <i>Ad hoc</i> Legal and Financial Working Group
APFIC/99/Inf. 1	Provisional List of Documents
APFIC/99/Inf. 2	Provisional List of Participants
APFIC/99/Inf. 3	Report of the Twenty-sixth Session of the Asia-Pacific Fishery Commission
APFIC/99/Inf. 4	APFIC: Its Evolution, Achievements and Future Direction

WORKPLAN FOR 1999-2000

1. The questionnaire on future direction of APFIC was submitted to all Member States on 9 November 1998 to evaluate the future role of the Commission as required by its Members (Annex 1 of document APFIC/99/2). The analysis on the responses received would form the basis for discussion on the future operation of APFIC, including *inter alia* its area of competence, functions, priority areas of activities, APFIC subsidiary bodies, contributions by Members, etc. The report on the future direction of APFIC will be prepared and submitted to Member States for consideration upon finalization of the return of the questionnaires by the Members.
2. The Meeting of the Ad hoc Legal and Financial Working Group shall be convened by the Secretariat at the FAO Regional Office for Asia and the Pacific in Bangkok, Thailand, from 6 to 8 July 1999. The Working Group shall discuss the future programmes of APFIC, in the light of recent development and international instruments and arrangements in the region; membership; tentative scheme and scale of voluntary contributions from Members in support to the activities of the Commission as well as future support by FAO; financial regulations and possible amendments of the APFIC Agreement and Rules of Procedure to ensure effective implementation of activities as well as any other matters as recommended by the Working Group.
3. All Member States shall be invited to participate at the meeting of the Working Group as directed by the Commission at the Twenty-sixth Session. The expenses of the delegates however, shall be determined and paid by their respective governments as stipulated in Article VIII.1 of the APFIC Agreement.
4. The Chairman of the Commission shall serve as the Chairman of the *Ad hoc* Working Group. He shall be assisted by a legal expert and other experts as required.
5. The report of the Working Group shall be submitted to the APFIC Executive Committee for consideration prior to its Sixty-eighth Session, scheduled to be held at the FAO Regional Office for Asia and the Pacific in Bangkok in March 2000. The recommendations of the Executive Committee shall be forwarded to all Member States for consideration and further discussion at the Twenty-seventh Session of APFIC, to be held in the Philippines in November 2000.
6. Due to the current financial constraint, further comments and suggestions from the Members prior to the Twenty-seventh Session should be communicated to the Secretariat through correspondence, unless additional fund could be secured for the Second Meeting of the *Ad hoc* Working Group in the 1999-2000 biennium.



ASIA-PACIFIC FISHERY COMMISSION (APFIC)

**Report of the *Ad Hoc* Legal and Financial Working Group
First Meeting, Bangkok, Thailand, 6-8 July 1999**

**APFIC SECRETARIAT
REGIONAL OFFICE FOR ASIA AND THE PACIFIC
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
September 1999**

CONTENTS

	<u>Paragraph</u>
INTRODUCTION	1 - 7
OPENING OF THE SESSION	8 - 10
ADOPTION OF THE REPORT	11
TERMS OF REFERENCE AND WORKPLAN	12 - 13
APFIC AND ITS FUTURE CHALLENGES IN ASIA AND THE PACIFIC	14 - 16
MEMBERSHIP, STRUCTURE AND FUNCTIONS OF APFIC	17 - 23
FUTURE PROGRAMMES OF APFIC	24 - 29
CONTRIBUTIONS BY FAO AND MEMBER STATES	30 - 35
LEGAL AND FINANCIAL IMPLICATIONS	36
CONCLUSION	37 - 45
ADOPTION OF THE RECOMMENDATIONS	46 - 47

APPENDICES	<u>Page</u>
A. Agenda	23
B. List of Participants	24
C. List of Documents	26
D. Terms of Reference and Workplan	27
E. Resolution 1/116 of the Council of FAO	29
F. Summary of the Replies on the Questionnaire on Future Direction of APFIC	30
G. Suspended Recommendations for further Amendments to the APFIC Agreement	33
H. Provisional Scheme and Scale of Contributions to an Autonomous Budget of APFIC	35
I. Proposed Financial Regulations of APFIC	44

**REPORT OF THE *AD HOC* LEGAL AND FINANCIAL
WORKING GROUP MEETING
Bangkok, Thailand, 6-8 July 1999**

INTRODUCTION

1. At the Twenty-sixth Session of the Asia-Pacific Fishery Commission (APFIC) held in Beijing, People's Republic of China, 24-30 September 1998, the Commission reviewed the activities and achievements of APFIC during its half century of existence (1948-1998). It was recognized that these activities had contributed significantly to accelerated development of fisheries of the Members.

2. The Commission concurred with the view of the Executive Committee that the outstanding success was due mainly to the sustained cooperation of the Members, donors support, technical and financial support from FAO and the untiring services and devotion of the Secretariat staff. It was unanimously agreed that APFIC should continue into the next millenium assisting its Members to move closer towards self-reliance in sustainable fisheries development and management.

3. In discussing its future direction, the Commission noted a number of constraints affecting the work of APFIC during its service to the region. It was agreed that the future programmes of action should be more specific and pragmatic with clear objectives, taking into consideration sub-regional needs. Close coordination between APFIC and other international and regional organizations between APFIC and other international and regional organizations or programmes concerned with fisheries and marine affairs is also emphasized, in order to avoid the duplication of effort and wastage of development assistance funds.

4. To facilitate further consideration on the future role of APFIC in the Asia-Pacific region, the Commission established an *Ad hoc* Legal and Financial Working Group to discuss its future programmes as well as related financial and institutional arrangements. It was agreed that the Working Group should recommend a possible scheme and scale of contributions and develop a self-sustaining financial mechanism under which APFIC would operate and manage its affairs more effectively. In this connection, the Commission was reminded that APFIC belong to the Members and that FAO's role was that of a facilitator and coordinator. It was hoped that the Members would increase their efforts to support the work of APFIC and thus demonstrate their confidence in the Commission.

5. A Special Session of the Commission was convened at the FAO Headquarters in Rome, Italy, on 17 February 1999, in conjunction with the Twenty-third Session of the FAO Committee on Fisheries (COFI). The Commission discussed the Terms of Reference and Workplan of the *Ad hoc* Legal and Financial Working Group. Seventeen representatives from 12 Member States attended this Special Session.

6. The Commission considered and approved the Terms of Reference of the Working Group as follows:

- a) to formulate programmes of actions to be implemented by APFIC for the short and medium terms;

- b) to review the extent of financial contributions that could be provided by Member States, taking into account the methods of assessment adopted by other international and regional organizations;
- c) to formulate the draft financial regulations of APFIC if it decides to move toward autonomy with support from its Members (either full or in part) for consideration by the Finance Committee of FAO; and
- d) to review the current Agreement and Rules of Procedure and to propose amendments necessary to facilitate the effective functioning of APFIC.

7. The Commission further reviewed and approved the workplan of the *Ad hoc* Legal and Financial Working Group which appears as Appendix D.

OPENING OF THE SESSION

8. The Meeting of the *Ad hoc* Legal and Financial Working Group of APFIC was convened at the FAO Regional Office for Asia and the Pacific, Bangkok, Thailand, from 6 to 8 July 1999 under the chairmanship of Dr. Arsenio S. Camacho, Chairman of APFIC. Eleven Member States accepted the invitation to attend the meeting. A list of the participants is given in Appendix B.

9. In his opening address, the Chairman of APFIC referred to the decision of the Commission and stressed the important task placed before the Working Group in guiding the Commission on its future direction. He expressed appreciation for the support provided by FAO to APFIC since its inception and requested all Member States to consider ways and means to assist APFIC in carrying out its future programmes of work effectively.

10. He noted that, while rendering service to the region, the Commission was affected by some constraints, most significant of which was the persistent lack of funding support. Moreover, Resolution 13/93 adopted by the FAO Conference in 1997 expressed the need for self-financing by regional bodies while responding to the ever growing needs of their members. He expressed hope that the Working Group would contribute positively to resolve these issues for APFIC to continue promoting the role of fisheries in food security, poverty alleviation and global competitiveness.

ADOPTION OF THE AGENDA

11. The Working Group adopted the Agenda as shown in Appendix A. The documents placed before the Working Group is listed in Appendix C.

TERMS OF REFERENCE AND WORKPLAN OF THE WORKING GROUP

12. The APFIC Secretary informed the Working Group on its Terms of Reference (TOR) and Workplan as adopted by the Commission at its Special Session in February 1999.

13. For the short- and medium- terms as specified in the TOR, the Chairman clarified that, generally, short-term aims for 3-5 years and ten years for the medium

term. Such criteria would be useful in defining future programmes of work and related budgetary requirements.

APFIC AND ITS FUTURE CHALLENGES IN ASIA AND THE PACIFIC

14. The APFIC Secretary presented the document APFIC/LFWG/99/3 which outlined the current status of fisheries and aquaculture in the region. It was evident that most major inland and marine fishery resources were fully exploited. The major challenge facing marine fisheries is improved and responsible management of fish stocks and fisheries by adopting the Code of Conduct for Responsible Fisheries and other international instruments and arrangements. For coastal, small-scale fisheries in the region, the promotion of traditional or community-based management practice is fostered as the most appropriate means of management. Noting high contributions from inland fisheries and aquaculture in the region, the major challenges would be finding ways and means to maintain and, where sustainable, enhance these contributions made to regional fish supplies. Nonetheless, the potential for further growth of aquaculture in the region is promising. Increased production could be achieved through expansion, intensification, diversification and latter integration of fish production into existing land and water use schemes.

15. In view of such challenges, the representative of the FAO Fisheries Department pointed out the urgent need to strengthen regional fishery bodies to meet these challenges effectively. He informed the Meeting that the Indian Ocean Fishery Commission (IOFC) was terminated and its former functions in the Bay of Bengal were merged into APFIC by the recent FAO Council's Resolution 1/116 (Appendix E). The Commission therefore should be strengthened through support from its Members in order to be autonomous as in the case of the Indian Ocean Tuna Commission (IOTC). Similarly, the General Fisheries Commission for the Mediterranean (GFCM) has been initiating mechanism for contributions by its Member States. Other bodies are also developing similar arrangements. These were the general trends in meeting the challenges for better governance of fisheries worldwide.

16. The Working Group discussed current issues on fisheries and aquaculture in the Asia-Pacific region. Several members of the Working Group stressed the need to improve fishery statistics for better management. It was recognized that, although APFIC was not a regional fisheries management body as IOTC, the Commission could serve as a forum to facilitate information exchanges among its Members and to coordinate fishery activities of FAO and other international/regional bodies in the region.

MEMBERSHIP, STRUCTURE AND FUNCTIONS OF APFIC

17. In order to facilitate the work of the Working Group, the Secretariat prepared a questionnaire on future direction of APFIC and submitted to all Member States for consideration on 9 November 1998. As of 1 June 1999, sixteen replies were received and the summary of these replies was presented to the Working Group (Appendix F). The preliminary assessment of the questionnaires returned indicated general opinion of the Member States on APFIC that was placed before the Working Group for consideration.

18. Most Members agreed that APFIC should continue to operate as an FAO Statutory Body under Article XIV of the FAO Constitution. It was also unanimously agreed that the Member States should make a collective and clear decision on the future of APFIC to ensure that the Commission is an effective regional body in Asia and the Pacific.

19. In reviewing the mandate of APFIC, there were ten Members that suggested for further amendments of the current functions of the Commission, as given in Article IV of the Agreement, in order that APFIC could serve more effectively as a regional fisheries management body. However, the proposed Article IV *bis* on Recommendations on Management Measures, which was pending at the Twenty-fifth Session (Appendix G), received few support from the Members as many Members were not ready for such regulatory body. After deliberation, the Working Group endorsed the present mandate as stipulated in Article IV of the Agreement.

20. Although most Member States concurred with the broad area of competence of APFIC as given in Article VI, *i.e.*, the Asia-Pacific area, some Members felt that such area was too broad and should be defined specific sub-regional areas for fisheries management purposes. It was noted that there were a number of international organizations established in the region after APFIC, such as SEAFDEC for Southeast Asia, FFA and SPC for South Pacific. Also, a new body for western and central Pacific is being formulated. APFIC must coordinate its activities with these bodies to avoid duplication of effort.

21. As regards its **Membership**, the Working Group stressed the need to keep membership open to all countries in the region in order to strengthen regional cooperation on fishery matters. The Secretariat informed that, in accordance with Article I.2, the Members of the Commission would be Member Nations and Associate Members of FAO as well as Members of the United Nations and Specialized Agencies that accept the Agreement. Efforts have been made in inviting the Republic of Maldives to join APFIC as well as non-FAO Members such as Brunei Darussalam.

22. The Working Group further reviewed the current structure of the Commission. It noted the abolition of all Working Parties of APFIC in accordance with Resolution 13/97 of the FAO Conference at its Twenty-ninth Session in 1997. The Working Group was informed that the existing technical Committees, namely, the Aquaculture and Inland Fisheries Committee (AIFIC) and the Committee on Marine Fisheries (COMAF) established by the Commission at its Twenty-fourth Session in 1993, had to postpone their meetings twice due to financial constraints faced by most Member States. Although such technical Committees have a significant role in reviewing the current states of fisheries and aquaculture in the region, their problems and constraints and subsequent advice for the Member Governments on development and management, the lack of quorum due to the absence of most Members at their sessions prevented effective implementation of their functions.

23. The Working Group discussed problems related to the activities of the technical Committees of APFIC and proposed that in order to reduce financial burden of the Member States, these two technical Committees should be abolished. The technical work of the Commission would be carried out by *ad hoc* Working Groups of experts when and where required. It further suggested that the Secretariat should

continue to perform core functions of the Commission pending reassessment of the future role of APFIC.

FUTURE PROGRAMMES OF APFIC

24. The Working Group reviewed emerging issues in the fisheries and aquaculture sectors in the region, including those identified by the Commission at its last session, namely:

- Collection, dissemination and exchange of fishery information and statistics;
- Sustainable development of inland capture fisheries and aquaculture;
- Assessment of fish stocks and trends in production;
- Development of suitable fishing gear and methods that are not harmful to aquatic habitats and minimize by-catch and wastage;
- Cooperative programmes on management of transboundary fish stocks, fishery monitoring, control and surveillance (MCS), and prevention of marine pollution;
- Improvement of quality assurance of fish products; and
- Harmonizing of fish trade policy.

25. The Working Group was further informed by the Secretariat that, in replying the questionnaires, some Members further suggested that APFIC could serve as a vehicle to assist the Member States in the region achieve sustainable fisheries and aquaculture to secure livelihood of the rural and coastal populations dependent on fishery resources, particularly, through the implementation of the international instruments and arrangements such as the Code of Conduct for Responsible Fisheries, the Compliance Agreement and the 1995 UN Fish Stock Agreement.

26. The Member States also ranked the priority of the future programmes of activities as follows:

- a) Development of national fishery policies towards attaining sustainability of fisheries and fishery resources;
- b) Collection, dissemination and exchange of fishery information and statistics;
- c) Development of responsible aquaculture;
- d) Marine fisheries management and related research; and
- e) Acceleration of transfer of appropriate technology and capacity building in the fisheries sector.

27. The Working Group discussed the above priority areas for future programmes of work of APFIC and agreed that the areas identified remain valid. However, on the regional basis, it suggested the following categorization:

- a) Short-term:
 - i) Harmonization of fishery policies toward attending the sustainability of fisheries and fishery resources; and

- ii) Development and standardization of fishery statistical systems and promotion of fishery information exchanges;

b) Medium term:

- i) Promotion of effective marine fisheries management and related marine resource research;
- ii) Development of sustainable aquaculture; and
- iii) Acceleration of the transfer of appropriate technology and capacity building in the fishery sector.

28. Several members of the Working Group stressed the need to collaborate with other international organizations in the region to avoid duplication of efforts in carrying out these programme of work by APFIC.

29. The Working Group further agreed that the more appropriate role that APFIC could play, in view of the existence of many regional and subregional fishery bodies in the region, is that of a regional consultative forum to facilitate discussion of approaches to address capture fishery and aquaculture issues among the Member States, FAO, other regional bodies as well as donor agencies interested in fisheries management and development programmes in the region. The Working Group noted a proposal whereby these regional consultative forums meeting on a biennium basis could provide inputs and guidance to regional programming workshop involving all concerned States, partners and donor agencies. While welcoming this proposal, the Secretariat pointed out that FAO may not be able to finance this activity and thus extra-budgetary funds would be required for such a regional workshop.

CONTRIBUTIONS BY FAO AND MEMBER STATES

30. The Working Group was informed by the FAO representative that FAO would continue to provide support to the APFIC Secretariat in carrying out its functions, but there were no significant prospects of substantial increase in the level of that support in the forthcoming years. As APFIC belongs to the Members and FAO's role is that of a facilitator and coordinator, the Member States of APFIC were requested to seriously consider the possibility of providing contributions to support the activities of the Commission in fulfilling its mandate.

31. The APFIC Secretary informed the Working Group that the Commission, at its Twenty-fifth Session in 1996, had discussed three possible options for contributions by the Members States to APFIC. However, at the Twenty-sixth Session in 1998, several Members were not prepared to support Option 1: Mandatory annual contributions from Members. Many delegations expressed their support in principle for Option 2: Voluntary contributions to a trust fund for specific projects, and Option 3: provision of travel expenses by the Members for their representatives at sessions of APFIC Committees and working groups.

32. To facilitate its further consideration of this important matter, the Commission unanimously agreed to establish this Working Group and directed that the Working Group should develop a self-sustaining financial mechanism under which APFIC would operate and manage its affairs more effectively. Taking into account the

economic conditions of the Members. The Working Group should recommend the possible scheme and scale of contributions, legal and institutional arrangements as well as financial regulations of APFIC for further consideration by the Commission at its forthcoming Twenty-seventh Session in November 2000.

33. The Secretariat further informed the Working Group that, due to financial constraints and the existence of other specialized regional bodies/programmes in the region, the development of APFIC into a technical implementing management body was not recommended. However, APFIC could implement sub-regional/regional projects of mutual interest with the participating Member State on a cost-sharing basis, and in cooperation of FAO.

34. In the long-term, the Member States could consider the possibility of establishing an autonomous budget of APFIC as successfully implemented by IOTC. An example of such financial scheme, including provisional scheme and scale of contributions by the Member States was presented by the Secretariat as Doc. APFIC/LFWG/99/6 (Appendix H) for consideration by the Working Group.

35. The Working Group discussed at length on the proposed three options for possible contributions by the Member States to APFIC. Although some Members of the Working Group stated their willingness to provide annual contribution, subject to further discussion for the agreed scheme and scale of such contributions under Option 1, the majority of the Member States, however, indicated that they could consider providing voluntary contributions to support project activities of their interest (Option 2), but not annual assessed contributions to APFIC as proposed by the Secretariat.

LEGAL AND FINANCIAL IMPLICATIONS

36. As the voluntary contributions to the Trust Fund and the provisions of expenses for the attendance of delegates at the Sessions of the Commission were clearly indicated in Article VIII of the Agreement, no further amendments to the Agreement and the establishment of the Financial Regulations (Appendix I) were required at this stage.

CONCLUSION

37. The *Ad hoc* Working Group reviewed the future challenges in fisheries and aquaculture in the Asia-Pacific region and the role of regional fishery bodies in assisting Member States to overcome these challenges. As most captured fishery resources in both inland and marine areas were exploited close to their maximum limit, there are urgent needs to strengthen fisheries management to maintain and promote the contribution made by fisheries to food security, employment and national economic development in the region.

38. The important roles at which regional fishery bodies were increasingly asked to play in the implementation of international instruments regarding the sustainable management of fishery resources and governance of fish stocks were discussed. It was recognized, however, that there is little facility for APFIC to take effective measures to conserve and manage marine capture fisheries unless its roles and functions are strengthened.

39. The Working Group reviewed the current functions and structure of APFIC as well as its future programmes of work. The Working Group considered that the current membership, area of competence, and functions of the Commission, as stipulated in Articles I, VI and IV of the Agreement, remain valid. However, if the Commission were to effectively address the challenges arising from emerging issues in the fishery and aquaculture sectors relevant to international instruments, these matters would need to be reviewed.

40. Although APFIC was established as the only FAO regional fishery body in the Asia-Pacific region, there are presently a number of intergovernmental organizations concerning with fisheries and aquaculture. Closer collaboration and cooperation were stressed to avoid duplication of efforts among these regional organizations.

41. The Working Group discussed the need for subsidiary bodies of APFIC. It noted the abolition of all Working Parties in accordance with Resolution 13/97 of the Twenty-ninth FAO Conference. The Working Group was informed that the existing technical Committees of APFIC, namely, the Aquaculture and Inland Fisheries Committee (AIFIC) and the Committee on Marine Fisheries (COMAF), had to postpone their meetings twice due to financial constraints faced by the Member States. The Working Group proposed that, in order to reduce financial burden, these two Technical Committees should also be abolished. The technical work of the Commission could then be carried out by *ad hoc* Working Groups of experts when and where required. It further suggested that the Secretariat should continue to perform core functions of the Commission pending reassessment of the future role of APFIC.

42. The Working Group discussed the priority areas identified by the Executive Committee at its Sixty-seventh Session. It agreed that the priority areas identified remain valid. However, on the regional basis, it suggested the following categorization:

a) Short-term:

- i) Harmonization of fishery policies toward attending the sustainability of fisheries and fishery resources; and
- ii) Development and standardization of fishery statistical systems and promotion of fishery information exchanges;

b) Medium-term:

- i) Promotion of effective marine fishery management and related marine resource research;
- ii) Development of sustainable aquaculture; and
- iii) Acceleration of the transfer of appropriate technology and capacity building in the fishery sector.

43. The Working Group agreed that the more appropriate role that APFIC could play, in view of the existence of many regional and subregional fishery bodies in the region, is that of a regional consultative forum to facilitate discussions of approaches to address capture fishery and aquaculture issues among the Member States, FAO, other regional bodies as well as donor agencies interested in fisheries management and development programmes in the region. The Working Group noted a proposal whereby this regional consultative forum meeting on a biannual basis could provide inputs and guidance to a regional programming workshop involving all concerned states, partners and donor agencies. While welcoming this proposal, the Secretariat pointed out that FAO may not be able to finance this activity.

44. The Working Group was informed by FAO that FAO shall continue to provide support to the APFIC Secretariat in carrying out its functions. However, as APFIC belongs to the Members and FAO's role is that of a facilitator and coordinator, the Member States of APFIC were requested to seriously consider the possibility of providing contributions to support the activities of the Commission in fulfilling its mandate.

45. The majority of the Member States indicated that they could consider providing voluntary contributions to support the project activities of their interest but not annual assessed contributions to APFIC. As the voluntary contributions to the Trust Fund and the provisions of expenses for the attendance of delegates at the sessions of the Commission were clearly indicated in Article VIII of the Agreement, no further amendment of the Agreement and the establishment of the Financial Regulations were required at this stage.

ADOPTION OF THE RECOMMENDATIONS

46. In conclusion, the *Ad hoc* Legal and Financial Working Group agreed to submit the following recommendations for further consideration by the Member States and the Commission:

Recommendation 1: The Membership, Area of Competence and Functions of the Commission should remain as stipulated in the Agreement.

Recommendation 2: In order to reduce financial burden of the Member States in attending the sessions of the Commission, the technical standing committees on aquaculture and inland fisheries and on marine fisheries should be abolished. In order to assist the Member States in discussing emerging issues concerning fisheries and aquaculture in the region, the Commission could establish *ad hoc* Working Groups of Experts to address these issues as and when required.

Recommendation 3: To strengthen effective implementation of national programmes to ensure the continued contribution from fisheries and aquaculture to food security and sustainable and responsible management of fisheries, the APFIC Secretariat should facilitate for Member States in the harmonization of fishery policies, taking into account international instruments and arrangements.

Recommendation 4: APFIC should initiate activities to serve as the regional consultative forum on fisheries and aquaculture in the Asia-Pacific region in order to discuss emerging issues and to avoid duplication of efforts among international and intergovernmental fishery bodies in the region.

Recommendation 5: Reflecting the objective of Recommendation 4, the Secretariat shall conduct a detailed review of APFIC's future functions and programme of activities in light of the conclusions of the Working Group in order to identify those activities which could in future be performed by the Commission in an effective manner, taking into account what is already performed in the region by other organizations, as well as any other pertinent considerations. The conclusions of this review should be examined by the Commission and discussed subsequently with all concerned Members and other organizations and partners. This would allow the APFIC Members and FAO to make a determination of what further changes would be required to the status of the Commission in the future, how the Commission could improve its role, what would be its priorities of actions, and the future financial commitment of the Members towards APFIC.

Recommendation 6: As the urgent need for accurate and timely fishery data and information is well recognized, APFIC should focus its efforts in the development and standardization of fishery statistical systems and the promotion of data and information exchanges in the region.

Recommendation 7: In order to facilitate effective implementations of provisions given in the UN Fish Stocks Agreement, the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries, APFIC should focus its attention to the strengthening of national capacities as well as legal and institutional framework, in cooperation with other relevant international organizations when and where appropriate.

Recommendation 8: As the role of aquaculture in providing food security for rural population is well recognized, APFIC should focus on providing assistance towards this goal, in cooperation with FAO and other relevant organizations.

47. In his closing remarks, the Chairman of APFIC expressed his appreciation to the members of the Working Group for their frank and constructive interventions. The recommendations as adopted would be forwarded to all Member States and be submitted to the APFIC Executive Committee for further consideration. He also thanked the Secretariat for the preparation of all useful documents and excellent arrangements made for the session.

AGENDA

1. Opening of the Session
2. Adoption of the Agenda
3. Terms of Reference and Workplan of the Working Group
4. APFIC and its future challenges in Asia and the Pacific
5. Membership, structures and functions of APFIC
6. Future Programmes of APFIC
7. Contributions by FAO and Member States
8. Legal and financial implications
 - 8.1 Suggested amendments of the APFIC Agreement and Rules of Procedures
 - 8.2 Financial regulations
9. Adoption of the Recommendations

LIST OF PARTICIPANTS

Australia

CASELLS, PETER
Acting Director, International Relations
Section
Department of Agriculture, Fisheries
and Forestry
GPO Box 858, Canberra ACT 2601
Tel.: +61-2 6272 4566
Fax: +61-2 6272 4566
E-mail: peter.cassells@affa.gov.au

Bangladesh

Cambodia

China

LIU XIAOBING
Deputy Director
International Cooperation Division
Bureau of Fisheries
Ministry of Agriculture
No. 11, Nongzhanguan Nanli
Beijing 100026
Tel.: (861) 6500 1886
Fax: (861) 6419 2951

France

METIVET, MARK
Assistant to Regional Counsellor
Regional Delegation for Scientific and
Technical Cooperation
29 Sathorn Tai Road
Bangkok 10120, Thailand
Tel.: +662 287 1592-8 ext. 206
Fax: +662 287 1019
E-mail: regional@asianet.co.th

India

YADAVA, YUGRAJ SINGH
Fisheries Development Commissioner
Department of Animal Husbandry and
Dairying
Ministry of Agriculture
Krishi Bhawan, New Delhi 110 001
Tel.: +91-11 338 6379
Fax: +91-11 338 4030
E-mail: yadava@krishi.delhi.nic.in

Indonesia

Japan

MATSUMOTO, MASAO
First Secretary and Deputy Permanent
Representative to ESCAP
Embassy of Japan
1647 New Petchburi Road
Bangkok, Thailand
Tel.: +66-2 252 6151 ext 253
Fax: +66-2 253 9863
E-mail: masao.matsumoto@mofa.go.jp

Korea, Rep. of

PAIK, JI-AH (Ms)
First Secretary
Embassy of the Republic of Korea
23 Thiam-Ruammit Road
Rachadapisake, Huay Kwang
Bangkok 10320
Thailand
Tel.: +662 247 7537-41
Fax: +662 237 7535

RAH, IN-CHEOL
Assistant Director
International Cooperation Division
Ministry of Maritime Affairs and Fisheries
10F Jinsol Bldg., 826-14 Yoksam-dong
Kangnam-gu, Seoul 135-080
Tel.: +82-2 554-2123
Fax: ++8-22 554-2023
E-mail: icdmomaf@chollian.net

Malaysia

Myanmar

Nepal

New Zealand

Pakistan

Philippines

CAMACHO, A. S.
Director
Bureau of Fisheries and Aquatic Resources
860 Quezon Avenue, Arcadia Bldg.
Quezon City, Metro Manila
Tel. No.: +632 373-7452; 372-5043
Fax No.: +632 372-5048; 372-5056
E-mail: acamacho@vlink.net.ph

Sri Lanka

WIJAYARATNE, B.
Deputy Director
Planning and Monitoring
Ministry of Fisheries and Aquatic
Resources Development
Maligawatta Secretariat
Colombo 10
Tel.: +94-1 446 183-5
Fax: +94-1 541 184

Thailand

JANTRAROTAI, WIMOL
Director, Fisheries Foreign Affairs Division
Department of Fisheries
Kasetsart University Campus, Bangkok
Bangkok 10900
Tel.: +662 562-0529
Fax : +662 562 0530

WONGKAMHLA, PETCHARIN (Ms)
Foreign Relations Officer
Department of Fisheries
Kasetsart University Campus
Bangkok 10900
Tel. No.: +662 562-0529
Fax No.: +662 562 0530

WINYOONUNTAKUL, SAOWALAK (Ms)
Foreign Relations Officer
Department of Fisheries
Kasetsart University Campus
Bangkok 10900
Tel. No.: +662 562-0529
Fax No.: +662 562 0530

United Kingdom

DE SOUZA, KEN
Natural Resources Adviser
Department for International Development-
South East Asia
c/o British Embassy
Wireless Road, Bangkok 10330
Tel.: +662 253 0191
Fax: +662 253 7124
E-mail: K-desouza@dfid.gov.uk

United States of America**Vietnam****FAO**

FISHERIES DEPARTMENT
(Via delle Terme di Caracalla, 00100 Rome,
Italy)
Fax: +39 06 570 56500; 570 55 188

SATIA, BENEDICT
Chief, International Institutions and Liaison
Service
Fishery Policy and Planning Division
E-mail: Benedict.Satia@fao.org

LEGAL OFFICE

TAVARES, ANTONIO
Legal Officer
Office of the Legal Counsel
E-mail: antonio.tavares@fao.org

**REGIONAL OFFICE FOR ASIA AND
THE PACIFIC**

(Maliwan Mansion, Phra Athit Road, Bangkok
10200, Thailand)
Fax: +66 2 280 0445

HONGSKUL, VERAVAT
Senior Fishery Officer and Secretary of APFIC
E-mail: veravat.hongskul@fao.org

SEILERT, HEIKO
Associate Professional Officer (Marine
Fisheries)
E-mail: heiko.seilert@fao.org

APFIC SECRETARIAT

David, Pornsuda
Technical Assistant

Aotarayakul, Kesara
Secretary

APPENDIX C

LIST OF DOCUMENTS

APFIC/LFWG/99/	1	Provisional Agenda and Timetable
	2	Terms of Reference and Workplan of the <i>Ad hoc</i> Legal and Financial Working Group
	3	APFIC and its Future Challenges in Asia and the Pacific
	4	Future Role of Regional Fishery Bodies and APFIC
	5	Future direction of APFIC
	6	Scheme and Scale of Contribution to an Autonomous Budget
	7	Draft Financial Regulations
APFIC/LFWG/99/Inf.1, Rev.1		List of documents
	2, Rev.1	List of participants
	3	APFIC: Structure, Functions and Directory of its Subsidiary Bodies
	4	APFIC: Its Evolution, Achievements and Future Direction
	5	Report of the Twenty-sixth Session of the Asia-Pacific Fishery Commission, Beijing, PRC, 24-30 September 1998
	6	Report of the APFIC Special Session, Rome, Italy, 17 February 1999
	7	The Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries
	8	Agreement for the Establishment of the Indian Ocean Tuna Commission

APPENDIX D

TERMS OF REFERENCE AND WORKPLAN OF THE AD HOC LEGAL AND FINANCIAL WORKING GROUP

1. The terms of reference of the *Ad hoc* Legal and Financial Working Group of APFIC, approved by the Commission at its Special Session (Rome, Italy, 17 February 1999), are as follows:

- a) To formulate programme of actions to be implemented by APFIC for the short- and medium- terms;
- b) To review the extent of financial contributions that could be provided by the Member States, taking into account the methods of assessment adopted by other international and regional organizations;
- c) To formulate the draft financial regulations of APFIC if it decides to move towards autonomy with support from its Members (either full or in part) for consideration by the Finance Committee of FAO; and
- d) To review current Agreement and Rules of Procedure, and to propose amendments necessary to facilitate effective functioning of APFIC.

2. The Commission also reviewed and approved the workplan of the *Ad hoc* Legal and Financial Working Group for 1999-2000 as follows:

1. The questionnaire on future direction of APFIC was submitted to all Member States on 9 November 1998 to evaluate the future role of the Commission as required by its Members. The analysis on the responses received would form the basis for discussion on the future operation of APFIC, including *inter alia* its area of competence, functions, priority areas of activities, APFIC subsidiary bodies, contributions by Members, etc. The report on the future direction of APFIC will be prepared and submitted to Member States for consideration upon finalization of the return of the questionnaires by the Members.

2. The Meeting of the *Ad hoc* Legal and Financial Working Group shall be convened by the Secretariat at the FAO Regional Office for Asia and the Pacific in Bangkok, Thailand, from 6 to 8 July 1999. The Working Group shall discuss the future programmes of APFIC, in the light of recent development and international instruments and arrangements in the region; membership; tentative scheme and scale of voluntary contributions from Members in support to the activities of the Commission as well as future support by FAO; financial regulations and possible amendments of the APFIC Agreement and Rules of Procedure to ensure effective implementation of activities as well as any other matters as recommended by the Working Group.

3. All Member States shall be invited to participate at the meeting of the Working Group as directed by the Commission at the Twenty-sixth Session. The expensed of the delegates however, shall be determined and paid by their respective governments as stipulated in Article VIII.1 of the APFIC Agreement.
4. The Chairman of the Commission shall serve as the Chairman of the *Ad hoc* Working Group. He shall be assisted by a legal expert and other experts as required.
5. The report of the Working Group shall be submitted to the APFIC Executive Committee for consideration prior to its Sixty-eighth Session, scheduled to be held at the FAO Regional Office for Asia and the Pacific in Bangkok in March 2000¹. The recommendations of the Executive Committee shall be forwarded to all Member States for consideration and further discussion at the Twenty-seventh Session of APFIC, to be held in the Philippines in November 2000.
6. Due to the current financial constraint, further comments and suggestions from the Members prior to the Twenty-seventh Session should be communicated to the Secretariat through correspondence, unless additional fund could be secured for the Second Meeting of the *Ad hoc* Working Group in the 1999-2000 biennium.

¹ *Postponed to July 2000 due to financial constraint.*

Abolition of the Indian Ocean Fishery Commission and Merger of the Committee for the Development and Management of Fisheries in the Bay of Bengal with the Asia-Pacific Fishery Commission

124. The Council considered the Report of the CCLM on this question and adopted the following Resolution:

Resolution 1/116

Abolition of the Indian Ocean Fishery Commission and its Subsidiary Bodies

Approval of the Merger of the Committee for the Development and Management of Fisheries in the Bay of Bengal with the Asia-Pacific Fishery Commission

THE COUNCIL,

Recalling that the Indian Ocean Fishery Commission (IOFC) was established under Article VI.1 of the FAO Constitution by Resolution 2/48 adopted by the Council at its Forty-eighth Session;

Noting that the Committee on Fisheries, at its Twenty-second Session in 1997 agreed that FAO regional fishery bodies “should be reviewed and evaluated in depth by their members on a case by case basis, taking full account of regional and membership differences in determining what measures might be taken to facilitate the strengthening of each body as appropriate”;

Noting that at its Hundred and Twelfth Session in June 1997, the Council, in adopting the report of the Twenty-second Session of the Committee on Fisheries, stressed the need for effective regional fishery organizations and arrangements and agreed that FAO regional fishery bodies should be reviewed and evaluated with a view to strengthening them;

Noting the recommendation by IOFC, at its Eleventh Session, in February 1999, that IOFC be abolished;

Nothing further the wishes expressed by IOFC, at its Eleventh Session, that the Committee for the Development and Management of Fisheries in the Bay of Bengal be merged with the Asia-Pacific Fishery Commission and that the Committee for the Development and Management of Fisheries Resources of the Gulfs and the Committee of the Development and Management of Fisheries in the Southwest Indian Ocean be established as Article XIV bodies under the FAO Constitution;

1. **Hereby abolishes** the Indian Ocean Fishery Commission together with all its subsidiary bodies;
2. **Approves** that the functions of the former Committee for the Development and Management of Fisheries in the Bay of Bengal be absorbed by the Asia-Pacific Fishery Commission;
3. **Authorizes** the Director-General to convene *ad hoc* meetings of the members of the former Committee for the Development and Management of Fisheries Resources of the Gulfs and the former Committee for the Development and Management of Fisheries in the Southwest Indian Ocean, as required, in order to complete the process of establishment of the new bodies envisaged and to take such interim action as may be required regarding the management of the fisheries resources of the areas covered by those former committees pending the formal establishment of the new bodies during the period preceding their formal conversion into Article XIV bodies.

Source: *Report of the Council of FAO, 116th Session, Rome, 14-19 June 1999. Doc. CL116/REP, p. 25.*

APPENDIX F

SUMMARY OF THE REPLIES ON THE QUESTIONNAIRE ON FUTURE DIRECTION OF APFIC*

	<u>YES</u>	<u>NO</u>
1. Do you concur with the APFIC Executive Committee (Para. 25 of the Report of the 67 th Session) that it is time for the Member States to make a collective and clear decision on the future of APFIC to ensure that the Commission is an effective regional body?	19	-
2. If no, please explain: -		
3. If yes, what should be the best option for APFIC to operate in the future:		
a) as an FAO statutory body under Article XIV of the FAO Constitution, partially funded by its Members?; or	17	1
b) as an independent intergovernmental body to be operated and funded by its Members?	1	8
4. If your answer is no to No. 1, do you agree with the current functions of the Commission as given in Article IV of the APFIC Agreement?	1	-
5. Should APFIC's functions be further amended in order to serve more effectively as a regional fisheries management body?	10	7
6. If yes, do you support the amendments to Article IV as proposed but suspended at the Twenty-fifth Session? (Appendix F of the Report of the 25 th Session, Seoul, Republic of Korea, 15-24 October 1996).	6	6
7. Do you agree with the broad area of competence of APFIC as given in Article VI, i.e., the Asia-Pacific area?	17	2
8. If no, what should be a more specific area of competence for APFIC?		
a) Marine fishing areas of Asia only;	1	3
b) Marine and inland areas of Asia;	3	-
c) Sub-regional areas, such as:		
(1) Bay of Bengal;	-	3
(2) South China Sea;	-	3
(3) East China Sea and Yellow Sea;	-	3
(4) Asian inland areas; or	-	3
(5) Others (please specify): Australian waters	1	-

* Three more Members submitted their replies after the Meeting. As of 30 August 1999, a total of 19 Member States responded to the questionnaires.

	<u>YES</u>	<u>NO</u>
9. Do you concur with emerging issues in the fisheries and aquaculture sectors in the region identified by the Commission as its last session (Para. 49 of the Report of the 26 th Session)?	18	1
10. If no, please indicate the issues that are most relevant to your country:		
1) <i>Securing livelihood of rural and coastal populations dependent on fishery resources;</i>		
2) <i>Adoption and implementation of the Code of Conduct for Responsible Fisheries;</i>		
3) <i>Analysis of fishery trends and state of fish stocks; and</i>		
4) <i>Coordination of activities with other fishery bodies in the region.</i>		
11. The Executive Committee has reviewed these issues and recommended that the programmes of activity in the following areas be accorded high priority by APFIC (Para. 29 of the Report of the 67 th Session):		<u>%</u>
a) Collection, dissemination and exchange of fishery information and statistics;		76
b) Development of national fishery policies towards attending the sustainability of fisheries and fishery resources;		80
c) Marine fisheries management and related research;		62
d) Development of responsible aquaculture; and		63
e) Acceleration of the transfer of appropriate technology and capacity building in the fisheries sector.		59
Please rank the importance of the above subjects in accordance with your country's needs (by giving scores: 0, for lowest priority, to 5 for highest priority) for each subject.		
12. The APFIC Secretariat presently has no budget and technical staff to assist Members in implementing activities as required. Will your government consider the possibility of providing a contribution to support the activities of the Commission?	5	11
13. As a body under Article XIV of the FAO Constitution (item 3a), do you agree that Members should provide contributions to support the activities of the Commission as specified in Article VIII of the APFIC Agreement?	13	5
14. If yes, what should be the appropriate option(s) for such a contribution?		
a) Members to provide annual contributions based on an agreed scale (if yes, see item 15);	5	7
b) Voluntary contributions by participating countries for specific activities or projects (if yes, see item 16);	10	2
c) Financial support for their own representatives at sessions of the Commission and its subsidiary bodies.	8	1
(Para. 61 of the Report of the 25 th Session)		

	<u>YES</u>	<u>NO</u>
15. If yes (for 14a), what should be the appropriate scheme and scale of the Members' contributions?:		
a) Same scale as that for the contributions of Member Nations to FAO (in percentages of agreed budget for the biennium);	1	2
b) Same scheme as that for the Indian Ocean Tuna Commission (IOTC);	1	3
c) New scheme and scale based on a fixed 15 percent for the Secretariat's expenses and 85 percent divided among Members in proportion to their <i>per caput</i> GNP, total fishery production and export earnings of fish and fishery products;	-	3
d) Another scheme and scale to be formulated by the <i>Ad hoc</i> Legal and Financial Working Group.	3	1
16. If yes (for 14b), would you support the establishment of a trust fund for Members' contributions to APFIC's co-operative projects?	6	5
17. In implementing regional co-operative projects, would you support the establishment of a technical group in the Secretariat in addition to those provided by FAO?	9	9
18. For future activities of the Commission, what should be the role of its subsidiary bodies?		
a) Maintain the current technical Committees to serve as fora for discussion among Members and to formulate recommendations on fisheries and aquaculture to the Commission;	10	3
b) Abolish the technical Committees and establish <i>ad hoc</i> Working Groups of Experts to serve as technical arms and to report directly to the Executive Committee or the Commission;	9	6
c) Revise the role and functions of the Executive Committee (Article III and Rule IX of the APFIC Agreement and Rules of Procedure) to serve more effectively as an administrative board of the Commission in the inter-sessional period.	8	7
d) Other suggestions: -		
19. As APFIC belongs to the Members and FAO's role is that of a facilitator and coordinator, will you provide the travel expenses of your delegate(s) to attend this important meeting of the <i>Ad hoc</i> Legal and Financial Working Group?	9	9

**SUSPENDED RECOMMENDATIONS FOR FURTHER AMENDMENTS
TO THE APFIC AGREEMENT***

Article III - Committees and Working Parties

Replace paragraph (1) by the following:

“1. There shall be an Executive Committee consisting of the Chairman, the Vice-Chairman, the immediately retired Chairman and five members elected by the Commission. In selecting the members, the Commission shall take into account the need for the various sub-regions and fisheries interests to be represented in the Executive Committee. In the unavoidable absence of one or two members of the Executive Committee from a Committee session, the Chairman shall have the power to co-opt the chairman of one or two of the committees which may from time to time be established in accordance with the Rules governing the procedure of the Commission, at his discretion, to substitute the absent Committee member or members for that Committee session only, provided that five permanent members of the Executive Committee shall always be present and that the number of voting members attending the Committee session shall in no case exceed eight.”

Article IV - Functions

Replace sub-paragraph (b) by the following:

- “(b) to formulate and recommend, in accordance with the provisions of Article IV bis, appropriate measures:
- (i) for the responsible utilisation, conservation and rational management of living aquatic resources, including measures:
 - regulating fishing methods and fishing gear;
 - prescribing the minimum size for individual of specified species;
 - establishing open and close fishing seasons and areas;
 - regulating the amount of total catch and fishing effort and their allocation among Members; and
 - (ii) for the implementation of these recommendations;”

* These proposed amendments were submitted by the APFIC Executive Committee at its Sixty-sixth Session to the Commission for consideration. The Commission decided to suspend its deliberations in respect of these amendments until a future Session of APFIC (Para. 71 and Appendix F of the Report of the Twenty-fifth Session).

Article IV bis

Add the following new Article IV *bis*:

“Article IV *bis* - Recommendations on Management Measures

1. The recommendations referred to in Article IV, paragraph (b), shall be adopted by a two-thirds majority of Members of the Commission present and voting. The text of such recommendations shall be communicated by the Chairman of the Commission to each Member.
2. Subject to the provisions of this Article, the Members of the Commission undertake to give effect to any recommendations made by the Commission under Article IV, paragraph (b), from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.
3. Any Member of the Commission may, within one hundred and twenty days from the date of notification of a recommendation, object to it and, in that event, shall not be under obligation to give effect to that recommendation. In the event of an objection being made within the one hundred and twenty days period, any other Member may similarly object at any time within a further period of sixty days. A Member may also, at any time, withdraw its objection and give effect to a recommendation.
4. If objections to a recommendation are made by more than one-third of the Members of the Commission, the other Members shall be relieved forthwith of any obligation to give effect to that recommendation; notwithstanding the foregoing, any or all of them may agree among themselves to give effect to it.
5. The Chairman of the Commission shall notify each Member immediately upon receipt of each objection or withdrawal of objection.”

**PROVISIONAL SCHEME AND SCALE OF CONTRIBUTION
TO AN AUTONOMOUS BUDGET OF APFIC**

INTRODUCTION

1. The financial constraint, impeding the implementation of planned or approved activities by the Commission, remains the major difficulty of APFIC. At the Twenty-fifth Session in 1996, the Commission recognized that FAO might not be able to fund all of APFIC's activities in future and underlined the need for possible contributions by Members, namely, (1) annual contributions based on an agreed scale, (2) voluntary contribution by participating countries for specific activities, and (3) travel expenses of their delegates attending the sessions of APFIC Committees and Working Parties. The Commission requested Members to discuss these options with their competent authorities for further consideration at its next session.

2. At the Twenty-sixth Session of the Commission in 1998, several delegations were not ready to support the first option, *i.e.*, mandatory annual contribution, while many expressed their support in principle to the second and third options. To facilitate further consideration of this important matter, the Commission agreed to establish an *Ad hoc* Legal and Financial Working Group to develop a self-sustaining financial mechanism under which APFIC would operate and manage its affairs more effectively.

3. In this connection, the Commission was reminded by FAO that APFIC belonged to the Members and that FAO's role was that of a facilitator and coordinator. It is hoped that the Members would increase their efforts to support the work of APFIC and thus demonstrate their confidence in the Commission.

4. The recent survey on the future direction of APFIC (Document APFIC/LFWG/99/5) showed that 68 percent of the Members agreed that Members should provide contributions to support the activities of the Commission as specified in Article VIII of the Agreement. However, most Members preferred voluntary contributions by participating countries for specific activities than annual contributions.

5. This document outlines, as an example, the provisional scheme and scale of contributions to an autonomous budget that could be established as a means to develop a self-sustaining financial mechanism as directed by the Commission. It was patterned on the agreed principle for similar financial systems adopted by the General Fisheries Commission for the Mediterranean (GFCM) and the Indian Ocean Tuna Commission (IOTC).

CONTRIBUTIONS BY MEMBER STATES TO APFIC

6. At its Twenty-fifth Session, the Commission noted with appreciation that core funding of the APFIC Secretariat would continue to be provided by FAO pursuant to Article VIII.2 of the Agreement, in spite of the financial difficulties being faced by FAO just as in other public international institutions. However, a specific amount for

such contribution could not be committed by FAO as its budget is decided by its governing bodies. Although the Committee on Fisheries, at its recent Twenty-third Session in February 1999, strongly recommended that the Council and the Conference should grant a substantially increased share of FAO's Regular Programme to Major Programme 2.3 on Fisheries, the supplementary fund for APFIC's activities is not likely to increase much more than the current level.

7. It is therefore essential that extra-funds for APFIC must be sought to ensure effective implementation of the Commission's directives and decisions. Specifically, contributions by Members are required, both in cash and in kind, to support technical activities such as expert consultations on emerging issues, assistance as requested by Member States, collection and dissemination of fishery information and data, analysis of fishery production and trends as well as the state of fishery resources in cooperation with fishery institutions and researchers in the region. The contribution in kind by Members shall cover the costs of their participation at APFIC Sessions. For specific projects, attempt shall be made to collaborate with other regional bodies or donor agencies in their implementation.

8. In order to request for contributions from the Member States, however, amendments to the APFIC Agreement and Rules of Procedure and the setting up of an autonomous budget are required. These imply new obligations for the Members of the Commission and shall enter into force only after acceptance by a two-thirds majority of its membership and for each of them after their own acceptance (Articles II.7 and IX of the APFIC Agreement). The following possible schemes and scales of contributions by APFIC Members are therefore preliminary proposals to facilitate consideration of the *Ad hoc* Legal and Financial Working Group.

BASIC ASSUMPTIONS OF THE AUTONOMOUS BUDGET

9. The proposal on the Members' contributions assumes that each APFIC member shall contribute annually its share to the autonomous budget in accordance with a scale of contributions to be adopted by the Commission, and that the amount that each member contributes shall be determined in accordance with a scheme to be adopted by the Commission.

10. Two basic assumptions for the proposed contributions are:

- (1) The autonomous budget is adopted at each regular session of the Commission on the basis of an annual work programme of APFIC; and
- (2) All current members accept the amendments to the APFIC Agreement relating to the provisions for the autonomous budget, and the amended Agreement enters into force for them.

THE BUDGET SCHEME

11. It is suggested that each member's contribution to the autonomous budget should consist of:

(a) a basic fee that is unrelated to either national wealth, fish production and/or export value; and

(b) a charge that reflects the member's national wealth, fish production and/or export value.

THE SCALE OF CONTRIBUTIONS: BASIC CALCULATIONS

The Basic Fee

12. The basic fee should be limited so that its payment does not cause too heavy burden on any member, but it should be substantial to secure a minimum basic stable income to the Commission to cover its administrative costs. It is suggested that 10 percent of the total budget will be covered by the payment of the basic fees. The amount shall be divided equally among ALL Members. Thus, in mid-1999, the total number of shares is 20.

The Charge Reflecting National Wealth and Fish Production

13. In order to determine the charge that reflects national wealth and fish production of each member, it is necessary to agree on standard measurement criteria, as proposed in the following paragraphs.

Measuring national wealth

14. It is suggested to use a three-year average of the World Bank estimates of per caput GNP as an indication of national wealth. The last year of the three year average in the calendar year occurring three years prior to the year in which the budget is being adopted (for example, a budget for the year 2000, adopted in 1999, will be based on the three year average for the period 1994/96). The per caput GNP shall be weighed according to the economic status of the Members in accordance with the World Bank's Classification of Economies and subject to change in the classification thresholds, i.e., for 1996, the criteria used are as follows:

- a) Low-income countries per caput GNP < US\$ 785 (Index = 1);
- b) Lower middle-income countries US\$ 3,115 > GNP > US\$ 786 (Index = 2);
- c) Upper middle-income countries US\$ 9,636 > GNP > US\$ 3,116 (Index = 3);
- d) High-income countries per caput GNP > US\$ 9,637 (Index = 4).

The sample of this measurement, as expressed as the Capacity-to-pay index, with a total of 45 shares, is given in Table 1.

Measuring fish production

15. It is essential to clearly define which fish production is to be measured. It is proposed to include fish produced by capture fisheries in Asia and the Pacific (*i.e.*,

FAO major fishing areas 04, 06, 51, 57, 61, 71 and 81) and to accept published FAO statistics as an agreed measurement of the quantities concerned.

16. The difference in price between major groups of species can be substantial. Such differences in value of fish produced should be taken into account in determining members' fish production. However, due to the present weakness in collecting and disseminating value data from most Member States, the price index has to be included in the calculations of share allocations at the later stage.

17. The three-year average of fish production, excluding aquaculture, in Asia and the Pacific shall form the basis in estimating the production index of the Members. The volume of production, expressed in percentages of total fishery production in the APFIC region shall be weighed by the following criteria:

a) Less than 0.50%	Index = 0
b) 0.51-5.00%	Index = 1
c) 5.01-10.00%	Index = 2
d) 10.01-20.00%	Index = 3
e) More than 20%	Index = 4

The sample of this measurement, with a total of 25 shares, is given in Table 2.

THE SCALE OF CONTRIBUTION

18. There are various ways of combining the measurement of national wealth and the measurement of fish production. In order to facilitate the consideration on the options, an autonomous budget with an hypothetical amount of US\$ 800,000 per annum is presented in Table 3. It is expected that an autonomous APFIC budget of this size would be needed for the Commission to fulfil its mandate in a year.

19. The basic fee, 10% of the total budget, is US\$ 80,000. Each member will equally share the annual contribution of US\$ 4,000 regardless of national wealth and fish production.

20. For the balance of 90%, two options are proposed:

- a) a combined charge based on national wealth or the capacity-to-pay index and the fish production index (Table 3); and
- b) a split charge based on each index. In this case, it is suggested that the charge for the national wealth covers 40% and the fish produced charge covers the remaining 50% (Table 4).

21. As many Members of the Commission are leading exporters of fish and fishery products, with a total export value as high as US\$ 20,778 million in 1996. The third option is to incorporate export earnings into the allocation of shares for the APFIC autonomous budget. The combined charges are given in Table 5 as an example of this model.

Table 1. Members' share relating to national wealth

APFIC Member	GNP per capita (US\$)				Capacity-to-pay Index
	1994	1995	1996	Average 1994-96	
Australia	17 980	18 720	20 090	18 930	4
Bangladesh	230	240	260	243	1
Cambodia	c ^{1/}	270	300	285 ^{2/}	1
China	530	620	750	633	1
France	23 470	24 990	26 270	24 910	4
India	310	340	380	343	1
Indonesia	880	980	1 080	980	2
Japan	34 630	39 640	40 940	38 403	4
Korea, Rep.	8 220	9 700	10 610	9 510	3
Malaysia	3 520	3 890	4 370	3 927	3
Myanmar	c	c	c	c	1
Nepal	200	200	210	203	1
New Zealand	13 190	14 340	15 720	14 417	4
Pakistan	440	460	480	460	1
Philippines	960	1 050	1 160	1 057	2
Sri Lanka	640	700	740	693	1
Thailand	2 210	2 740	2 960	2 637	2
United Kingdom	18 410	18 700	19 600	18 903	4
United States	25 860	26 980	28 020	26 953	4
Vietnam	190	240	290	240	1
					45

Source: The World Bank Atlas 1996, 1997, 1998.

Notes: ^{1/} c. Estimated to be low-income (\$ 725 or less).

^{2/} Figure corresponding to the average of the two years for which data are available.

Table 2. Fish Production Index for the APFIC Member States, based on nominal catches from capture fisheries in the Asia-Pacific region, 1994-1996^{1/}

APFIC Member	Fish production (x 1 000 mt)					Production Index
	1994	1995	1996	Average 1994-96	%	
Australia	201	205	192	199	0.52	1
Bangladesh	821	851	874	849	2.21	1
Cambodia	95	103	95	98	0.25	0
China	10 867	12 563	14 222	12 551	32.62	4
France ^{2/}	94	96	84	91	0.24	0
India	3 210	3 220	3 492	3 307	8.60	2
Indonesia	3 320	3 509	3 730	3 520	9.13	2
Japan	6 617	5 967	5 964	6 183	16.07	3
Korea, Rep.	2 358	2 320	2 414	2 364	6.14	2
Malaysia	1 068	1 112	1 131	1 104	2.87	1
Myanmar	751	758	805	771	2.00	1
Nepal	7	11	11	10	0.03	0
New Zealand	442	544	421	469	1.22	1
Pakistan	537	527	537	534	1.39	1
Philippines	1 852	1 862	1 790	1 835	4.77	1
Sri Lanka	221	229	225	225	0.58	1
Thailand	3 013	3 202	3 138	3 118	8.10	2
United Kingdom	-	-	-	-	-	-
United States ^{3/}	369	389	367	375	0.97	1
Vietnam	915	889	811	872	2.27	1
Total	36 758	38 357	40 303	38 475	100.00	25

Notes: ^{1/} FAO (1998). FAO Fishery Statistics Yearbook 1996. Vol. 82, Capture Production. Table A-2.

^{2/} Only nominal catches from Fishing Area 51.

^{3/} Only nominal catches from Fishing Areas 71, 77 and 87.

Table 3. Scale of contributions to hypothetical APFIC autonomous budget of US\$ 800,000 – Option a (combined charge)

APFIC Member	Capacity-to-pay Index ^{1/}	Production Index ^{2/}	Total Index	Share of 90% budget		Total contribution in US\$ (plus 10%, basic fee)
				in %	in US\$	
Australia	4	1	5	7.14	51 408	55 408
Bangladesh	1	1	2	2.86	20 592	24 592
Cambodia	1	0	1	1.43	10 296	14 296
China	1	4	5	7.14	51 408	55 408
France	4	0	4	5.71	41 112	45 112
India	1	2	3	4.29	30 888	34 888
Indonesia	2	2	4	5.71	41 112	45 112
Japan	4	3	7	10.00	72 000	76 000
Korea, Rep.	3	2	5	7.14	51 408	55 408
Malaysia	3	1	4	5.71	41 112	45 112
Myanmar	1	1	2	2.86	20 592	24 592
Nepal	1	0	1	1.43	10 296	14 296
New Zealand	4	1	5	7.14	51 408	55 408
Pakistan	1	1	2	2.86	20 592	24 592
Philippines	2	1	3	4.29	30 888	34 888
Sri Lanka	1	1	2	2.86	20 592	24 592
Thailand	2	2	4	5.71	41 112	45 112
United Kingdom	4	-	4	5.71	41 112	45 112
United States	4	1	5	7.14	51 408	55 408
Vietnam	1	1	2	2.86	20 592	24 592
Total	45	25	70	100.00	720 000	800 000

Notes: ^{1/} From Table 1.

^{2/} From Table 2.

Table 4. Scale of contributions to hypothetical APFIC autonomous budget of US\$ 800,000 – Option b (split charge)

APFIC Member	Capacity-to-pay Index	Share of 40% budget		Production Index	Share of 50% budget		Total contribution ^{1/} (in US\$)
		in %	in US\$		in %	in US\$	
Australia	4	8.89	28 448	1	4.0	16 000	48 448
Bangladesh	1	2.22	7 104	1	4.0	16 000	27 104
Cambodia	1	2.22	7 104	0	0	0	11 104
China	1	2.22	7 104	4	16.0	64 000	75 104
France	4	8.89	28 448	0	0	0	32 448
India	1	2.22	7 104	2	8.0	32 000	43 104
Indonesia	2	4.44	14 208	2	8.0	32 000	50 208
Japan	4	8.89	28 448	3	12.0	48 000	80 448
Korea, Rep.	3	6.67	21 344	2	8.0	32 000	57 344
Malaysia	3	6.67	21 344	1	4.0	16 000	41 344
Myanmar	1	2.22	7 104	1	4.0	16 000	27 104
Nepal	1	2.22	7 104	0	0	0	11 104
New Zealand	4	8.89	28 448	1	4.0	16 000	48 448
Pakistan	1	2.22	7 104	1	4.0	16 000	27 104
Philippines	2	4.44	14 208	1	4.0	16 000	34 208
Sri Lanka	1	2.22	7 104	1	4.0	16 000	27 104
Thailand	2	4.44	14 208	2	8.0	32 000	50 208
United Kingdom	4	8.89	28 448	-	0	0	32 448
United States	4	8.89	28 448	1	4.0	16 000	48 448
Vietnam	1	2.22	7 104	1	4.0	16 000	27 104
Total	45	100.0	320 000	25	100.00	400 000	800 000

Notes: ^{1/} Including a basic fee allocated equally among the Member at US\$ 4 000.

Table 5. Scale of contributions (Option a) taking into account of the export earnings

APFIC Member	Total value of exports (in US\$ million) ^{1/}					Export Index ^{2/}	Capacity Index ^{3/}	Production Index ^{4/}	Total Index	Share of contribution ^{5/} (90%)
	1994	1995	1996	Average 1994-96	%					
Australia	758	855	798	804	3.86	1	4	1	6	6.25
Bangladesh	287	287	255	276	1.32	1	1	1	3	3.12
Cambodia	18	14	23	18	0.09	0	1	0	1	1.04
China	2 320	2 835	2 857	2 671	12.82	3	1	4	8	8.33
France	910	993	1 003	969	4.65	1	4	0	5	5.21
India	1 125	1 105	978	1 069	5.13	2	1	2	5	5.21
Indonesia	1 583	1 667	1 678	1 643	7.88	2	2	2	6	6.25
Japan	743	713	709	722	3.47	1	4	3	8	8.33
Korea, Rep.	1 411	1 565	1 513	1 496	7.18	2	3	2	7	7.29
Malaysia	325	335	327	329	1.58	1	3	1	5	5.21
Myanmar	62	57	98	72	0.35	0	1	1	2	2.08
Nepal	...	71	...	71	0.34	0	1	0	1	1.04
New Zealand	692	811	816	773	3.71	1	4	1	6	6.25
Pakistan	153	144	141	146	0.70	1	1	1	3	3.12
Philippines	533	502	437	491	2.36	1	2	1	4	4.17
Sri Lanka	32	56	67	52	0.25	0	1	1	2	2.08
Thailand	4 190	4 449	4 118	4 252	20.41	3	2	2	7	7.29
United Kingdom	1 180	1 195	1 308	1 228	5.89	2	4	-	6	6.25
United States	3 230	3 384	3 148	3 254	15.62	3	4	1	8	8.33
Vietnam	484	513	504	500	2.40	1	1	1	3	3.12
Total	20 036	21 551	20 778	20 836	100.00	26	45	25	96	100.00

Notes: ^{1/} FAO (1998). FAO Fishery Statistics Yearbook 1996. Vol. 83, Commodities. Table A-5.

^{2/} Based on the percentage of total export value (1994-96): 0 for 0.01-0.50%; 1 for 0.51-5.00%; 2 for 5.01-10.00%; and 3 for 10% or more.

^{3/} From Table 1.

^{4/} From Table 2

^{5/} Excluding basic fee of US\$ 4 000 each.

PROPOSED FINANCIAL REGULATIONS OF APFIC

In accordance with paragraph 7 of Article II of the Agreement as amended, the Commission may adopt and amend, as required, its own Financial Regulations of the Commission by a two-thirds majority of its Members, which Financial Regulations shall be consistent with the principles embodied in the Financial Regulations of FAO. The Financial Regulations and amendments thereto shall be reported to the Finance Committee of FAO which shall have the power to disallow them if it finds that they are inconsistent with the principles embodied in the Financial Regulations of FAO.

Regulation I – Applicability

1. These regulations shall govern the financial administration of the Asia-Pacific Fishery Commission (APFIC).
2. The financial rules and procedures of FAO shall apply to the activities of the Commission for matters not covered by these Regulations.

Regulation II – The Financial Period

The financial period shall be one calendar year.

Regulation III – The Budget

1. The Budget Estimates shall be prepared by the Secretary of the Commission and shall be circulated to all Members of the Commission not less than 60 days before each regular session.
2. The Budget Estimates shall cover income and expenditures for the financial period to which they relate, and shall be presented in United States dollars.
3. The Budget Estimates shall reflect the programme of work for the financial period elaborated by appropriate information and data, and shall include the programme of work and such other information, annexes or explanatory statements as may be requested by the Commission.
4. The Budget shall comprise:
 - (a) The Administrative Budget referred to in paragraph 5 relating to the regular contributions of Members of the Commission payable under Article VIII *bis* of the Agreement Establishing the Asia-Pacific Fishery Commission and expenditures chargeable to the budget of the Commission under Article VIII *bis*, paragraphs 9 and 10. The Administrative Budget shall reflect in an appropriate manner the expenses to be borne by FAO under Article VIII *bis*, paragraph 9.
 - (b) The Special Budgets relating to funds made available during the financial period from donations and other forms of assistance received from organizations, individuals and other sources under Article VIII *bis*, paragraph 6.

5. The Administrative Budget for the financial period shall consist of provisions for:
 - Administrative Expenditures, including an amount to cover the Organization's costs equal to (4.5) percent of the total Budget of the Commission.
 - Expenditure for the activities of the Commission. Estimates under this chapter may be presented in a single total only but detailed estimates for each particular project will be prepared and approved as "supplementary details" of the Administrative Budget.
 - Contingencies.
6. The Administrative Budget shall be adopted by the Commission with such amendments as the Commission may deem necessary.
7. Special Budgets shall be adopted by the Commission in exceptional circumstances as appropriate.
8. The Administrative Budget of the Commission shall be submitted to the Finance Committee of the Organization for its information.

Regulation IV – Appropriations

1. After the budgets have been adopted the appropriations therein shall constitute the authority for the Commission to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.
2. In cases of emergency, the Commission is authorized to accept additional contributions from a Member or Members of the Commission or grants from other sources and incur expenditure against them for emergency action for which the said contributions or grants were specifically provided. Such contributions or grants and expenditure relating thereto will be reported in detail to the next session of the Commission.
3. Any unliquidated prior year obligation shall be cancelled or where an obligation remains a valid charge, transferred against current appropriations.
4. Transfers between provisions as per Regulation III.5 may be effected by the Commission on the recommendation of the Secretary of the Commission.

Regulation V – Provision of Funds

1. The appropriations of the Administrative Budget shall be financed by contributions from Members of the Commission determined and payable in accordance with Article VIII *bis*, paragraphs 1, 3 and 4, of the Agreement. Pending receipt of annual contributions, the Commission is authorized to finance budgeted expenditure from the uncommitted balance of the Administrative Budget.
2. Before the beginning of each calendar year the Secretary shall inform the Commission's Members of their obligations in respect of annual contributions to the budget.
3. Contributions shall be due and payable in full within 30 days of the receipt of the communication of the Secretary referred to in Regulation V.2 above, or as of the first days of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions shall be considered to be one year in arrears.

4. The annual contributions to the Administrative Budget shall be assessed in United States dollars and shall be calculated in accordance with the scheme annexed to these Regulations and forming an integral part thereof. The contributions shall be paid in US dollars unless otherwise determined by the Commission.
5. Any new Member of the Commission shall pay a contribution to the budget in accordance with the provisions of Article VIII *bis*, paragraph 3, of the Agreement for the financial period in which the membership becomes effective, such contribution beginning with the quarter in which membership is acquired.

Regulation VI – Funds

1. All contributions, donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of FAO.
2. With respect to the Trust Fund referred to in Regulation VI.1, the Organization shall maintain accounts:
 - 2.1 A General Account to which shall be credited receipts of all contributions paid under Article VIII *bis*, paragraph 1, and from which shall be met all expenditure chargeable against the sums allocated to the annual Administrative Budget; and
 - 2.1 Such additional accounts as may be necessary to which shall be credited the additional contributions under Regulation IV.2 and from which shall be met all expenditures relating thereto.

Regulation VII

These Regulations may be amended by the Commission in accordance with Article II, paragraph 7, of the Agreement.