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# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

**One hundred and sixth Session**

**Rome, 12-14 March 2018**

**Commission for Inland Fisheries and Aquaculture of Latin America and  
the Caribbean (COPESCAALC) - proposal to amend the Statutes of the  
Commission**

## I. Background

1. This matter was brought up at the 105th session of the Committee on Constitutional and Legal Matters (CCLM), which took place from 23 to 25 October 2017<sup>1</sup>. During this session, the CCLM examined and endorsed the draft Council resolution proposing amendments to the Statutes of the Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean (COPESCAALC) with the aim of expanding its mandate to include marine artisanal fisheries and recommended that the Council should approve the draft resolution during its next session<sup>2</sup>.

2. However, during its 158th session held from 4 to 8 December 2017, Council decided to defer approval of the draft resolution including amendments to the Statutes of COPESCAALC until the Commission had reviewed the amendments in detail and approved them. Council therefore asked the Secretariat to send the draft resolution to the Commission for examination and approval during its next session<sup>3</sup>.

## II. Amendments to the Statutes of COPESCAALC

3. The Fifteenth Session of COPESCAALC was held in Panama City, Panama, from 22 to 24 January 2018. During the meeting, the Secretariat gave an account of actions undertaken with regard to the request made by Commission member countries during the Fourteenth Session held in Lima, Peru from 1 to 3 February 2016 with a view to including marine artisanal fisheries in the Commission's mandate and purpose.

<sup>1</sup> CCLM 105/4

<sup>2</sup> CL 158/2

<sup>3</sup> CL 158/REP

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4. In response to the Council's request, the COPESCAALC Secretariat called on member countries participating in the Fifteenth Session to examine the proposed amendments to the Statutes of the Commission.
5. The Commission unanimously approved the amendments that are set out in the Annex to this document, which concern:
  - a. changing the name of the Commission to "*Commission for Small-Scale and Artisanal Fisheries and Aquaculture of Latin America and the Caribbean*" (COPPEAALC);
  - b. expanding the Commission mandate to include small-scale and artisanal fisheries. All the background and evidence for this proposal is included in the document "*Statutes of the Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean (COPESCAALC) - Proposal to Extend its Mandate*" submitted by the Secretariat to the 105th Session of the CCLM<sup>4</sup>;
  - c. establishing the possibility of setting up special technical committees or working groups to carry out work relating to the new Commission mandate. The establishment of such committees or working groups will not entail any financial implications for the Organization that are not already covered by the approved budget. The Commission took this opportunity to remove the reference to an Executive Committee because the Commission has never had a working party or committee of this type and there is no need to set one up.

### **III. Measures proposed to the Committee**

6. In light of the above, the Council is invited to examine and comment upon this document, as appropriate.
7. More specifically, the CCLM is invited to:
  - a. review the draft Council Resolution containing the revised Statutes of the Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean (COPESCAALC), including the change in name to become the "*Commission for Small-Scale and Artisanal Fisheries and Aquaculture of Latin America and the Caribbean (COPPEAALC)*"; and
  - b. forward the draft Resolution to the Council for approval.

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<sup>4</sup> CCLM 105/4

**COUNCIL RESOLUTION .../..****COMMISSION FOR ~~INLAND~~ SMALL-SCALE AND ARTISANAL FISHERIES AND  
AQUACULTURE OF****LATIN AMERICA AND THE CARIBBEAN (COPPESCAALC)****THE COUNCIL,**

**Recognizing** that the Council at its Seventieth Session, which took place in Rome from 29 November to 9 December 1976, established the Commission for Inland Fisheries of Latin America (COPESCAL), through Resolution 4/70;

**Bearing in mind** that the Hundred and Fortieth Session of the FAO Council, held from 29 November to 3 December 2010, amended COPESCAL Statutes to include aquaculture and changed its name to “*Commission for Inland Fisheries and Aquaculture of Latin America (COPESCAALC)*”;

**Taking into consideration** the broad geographical scope of COPPESCAALC which includes most of the countries of Central and South America as well as some of the Caribbean;

**Recognizing** the importance of small-scale and artisanal fisheries for the region and the need for a regional forum for political discussion on this topic;

**Recognizing** that COPPESCAALC has operated in an effective manner since its creation in 1976 and that, as a result of the experience it has gained over the years, members have considered it as the most appropriate forum in the region to discuss small-scale and artisanal fisheries;

**Taking note** that at the Fifteenth Session of COPPESCAALC, held in Panama City, Panama, from 22 to 24 January 2018, COPPESCAALC member countries unanimously adopted the Statutes in order to expand its mandate to small-scale and artisanal fisheries;

**Approves**, under Article VI, paragraph 1 of the Constitution, the change of the name of COPPESCAALC to “*Commission for small-scale and artisanal fisheries and aquaculture of Latin America and the Caribbean – COPPESCAALC*”, and

**Approves** its revised Statutes expanding the Committee’s mandate to small-scale and artisanal fisheries, as set out in the Annex to this Resolution.

ANNEX TO RESOLUTION .../..<sup>5</sup>**STATUTES OF THE COMMISSION FOR ~~INLAND~~ SMALL-SCALE AND ARTISANAL FISHERIES AND AQUACULTURE OF LATIN AMERICA AND THE CARIBBEAN (COPESCAALC)**1. Purpose

The purpose of the Commission is to promote the management and sustainable development of ~~inland~~ small-scale and artisanal fisheries and aquaculture in accordance with the principles and ~~standards~~ provisions of the Code of Conduct for Responsible Fisheries of FAO and the voluntary guidelines for securing sustainable small-scale fisheries and other applicable additional instruments adopted by FAO.

In addition, the Commission shall:

- a) foster the development of ~~inland~~ small-scale and artisanal fisheries and aquaculture as an instrument of support to food security;
- b) pay special attention to ~~subsistence inland~~ small-scale and artisanal fisheries and ~~small-scale~~ aquaculture;
- c) be able to establish coordination and cooperation relations with other international organizations in thematic areas of mutual interest.

Interpretation and application of these statutory provisions shall take place in accordance with the principles and rules of the Code of Conduct for Responsible Fisheries and its related instruments.

2. Membership

The Commission shall be open to all Member Countries and Associate Members of the Organization which are serviced by the Regional Office for Latin America and the Caribbean. It shall be composed of those eligible Member Countries and Associate Members which notify the Director-General of their desire to be considered as Members, and meet the required conditions therefore.

3. Functions

The functions of the Commission are:

- a) to support the formulation of national and regional policies and plans for the management and development of ~~inland~~ small-scale and artisanal fisheries and aquaculture, with due consideration of the social, economic, cultural and environmental aspects of the Member Nations;
- b) to promote and coordinate studies for the management and sustainable development of ~~inland~~ small-scale and artisanal fisheries and aquaculture, as well as national and regional programmes of research and development related to such activities;
- c) to foster the sustainable development of ~~subsistence inland~~ small-scale and artisanal fisheries and ~~small-scale~~ aquaculture;

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<sup>5</sup> Deleted text is shown with a ~~strike through~~ and additions are indicated by underlined italics.

- d) to promote, at regional level, activities aimed at protecting ecosystems related to ~~inland~~ *small-scale and artisanal* fisheries and aquaculture, including, as the case may be, appropriate restocking actions;
- e) to promote application of the ecosystems approach and implementation of adequate certification and biosafety measures in ~~inland~~ *small-scale and artisanal* fisheries and aquaculture;
- f) to identify the social, institutional and economic factors that hold back the development of ~~inland~~ *small-scale and artisanal* fisheries and aquaculture, and recommend measures that will contribute to improving the quality of life of stakeholders;
- g) to collaborate in the management and the economic and social assessment of *recreational and cultural* ~~inland~~ fishing *and* its development;
- h) to promote the implementation of good management practices and sustainable technologies in ~~inland~~ *small-scale and artisanal* fisheries and aquaculture, in accordance with the Code of Conduct for Responsible Fisheries *and the voluntary guidelines for securing sustainable small-scale fisheries*;
- i) to promote good post-catch and post-harvest practices, and good marketing practices for products of ~~inland~~ *small-scale and artisanal* fisheries and aquaculture, in accordance with internationally accepted sanitary and food safety standards;
- j) to contribute to the building of institutional capacity and to the development of human resources through training, extension and technology transfer in areas of competence of the Commission, in collaboration with national and regional institutions;
- k) to assist in the generation, dissemination and exchange of data, information and statistics on ~~inland~~ *small-scale and artisanal* fisheries and aquaculture;
- l) to help Member Countries, upon their request, with the management and sustainable use of transboundary stocks under their respective national jurisdictions;
- m) to collaborate with Member Countries in the formulation of national and regional plans and projects to be executed in cooperation with those Member Countries, and with other sources of international cooperation, in order to attain the objectives set out in the previous paragraphs;
- n) to promote the updating and harmonization of national legislations on ~~inland~~ *small-scale and artisanal* fisheries and aquaculture;
- o) to mobilize monetary and non-monetary resources to facilitate the activities of the Commission and to create, if necessary, one or more trust funds to receive voluntary contributions for that purpose;
- p) to foster collaboration among Member Countries of the Commission, and between the latter and international bodies;
- q) to draw up the Commission's plan of work; and
- r) ~~to perform any other functions related to the management and sustainable development of inland fisheries and aquaculture in the region.~~ *to provide assistance to any requesting Member Country in developing any other functions that could lead to the attainment of the above objectives, related to the management and sustainable development of small-scale and artisanal fisheries and aquaculture in the respective national jurisdictions.*

#### 4. Subsidiary bodies

The Commission may establish ~~Executive~~ *Technical* Committees, *Working Groups and* such other subsidiary bodies as may be required for the effective discharge of its functions *in accordance with FAO regulations.*

b) The establishment of any subsidiary body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission must have before it a report from the Director-General on the administrative and financial implications thereof.

#### 5. Reports

The Commission shall submit to the Director-General reports on its activities and recommendations at appropriate intervals so as to enable the Director-General to take them into consideration when preparing the draft Programme of Work and Budget of the Organization or other submissions to the Organization's Governing Bodies. The Director-General shall bring to the attention of the Conference through the Council any recommendations adopted by the Commission which have policy implications or which affect the programme or finances of the Organization. Copies of each report of the Commission will be circulated to Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available.

#### 6. Secretariat and expenses

a) The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him. The expenses of the Secretariat of the Commission shall be determined and paid by the Organization within the limits of the relevant appropriations in the approved budget of the Organization.

b) With a view to promoting the development of ~~inland~~ *small-scale and artisanal* fisheries and aquaculture, the Organization may also establish trust funds comprising voluntary contributions from the Members of the Commission or from private or public sources, and the Commission may advise on the use of such funds which shall be administered by the Director-General in accordance with the Financial Regulations of the Organization.

c) Expenses incurred by representatives of Members of the Commission, their alternates or advisers, when attending sessions of the Commission or its subsidiary bodies, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.

#### 7. Observers

a) Any Member Country or Associate Member of the Organization that is not a Member of the Commission but has an interest in the development of ~~inland~~ *small-scale and artisanal* fishery or aquaculture activities in the region of Latin America and the Caribbean may, upon prior request, be invited by the Director-General to attend meetings of the Commission or its subsidiary bodies in an observer capacity.

b) States which, while not Member Nations or Associate Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon their request, and with the approval of the Council of the Organization, be invited to attend meetings of the Commission or its subsidiary bodies in an observer capacity in accordance with the provisions relating to the granting of observer status to nations adopted by the Conference of the Organization.

#### 8. Participation of international organizations

Participation of international organizations in the work of the Commission and relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as the rules on relations with international organizations adopted by the Conference or Council of the Organization.

9. Rules of Procedure

The Commission may adopt and amend its own rules of procedure which shall be in conformity with the Constitution and the General Rules of the Organization and with the Statement of Principles Governing Commissions and Committees adopted by the Conference. The rules of procedure and amendments thereto shall come into force upon approval by the Director-General.