

**TRADE AND AGRICULTURE DIRECTORATE  
FISHERIES COMMITTEE**

**Cancels & replaces the same document of 27 October 2023**

**Post Accession Progress Report of Costa Rica in the Area of Fisheries and  
Aquaculture**

21-23 November 2023  
Confidential Session

This document is presented FOR DISCUSSION and APPROVAL at the 132<sup>nd</sup> session of COFI. It reports on progress made by Costa Rica in response to the recommendations contained in the Formal Opinion on the accession of Costa Rica to the OECD of the Fisheries Committee.

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### **Note by the Secretariat**

This document discusses Costa Rica's progress in implementing the recommendations made by the Fisheries Committee as set out in the Committee's Formal Opinion on Costa Rica's accession to the OECD [[TAD/FI/ACS\(2018\)2/FINAL](#)] issued in December 2019.

The report will be discussed during the Confidential Session of the 132<sup>nd</sup> meeting of the Fisheries Committee. Delegates are invited to take note of and approve the report, by assessing the progress made by Costa Rica, and determine whether the current level of implementation by Costa Rica is sufficient or if any further steps are required.

During the meeting, Delegates will be welcome to provide feedback to Costa Rican authorities on their assessment of the progress made and seek any clarification needed to assess the extent to which post-accession obligations have been met.

#### **ACTION REQUIRED**

The Committee will be asked to:

- Exchange views with the Delegation of Costa Rica on the progress made by Costa Rica towards alignment with the Committee's key recommendations; and
- Discuss and conclude that Costa Rica has achieved a satisfactory level of alignment and that post-accession reporting is completed, or, alternatively,
- Consider what further progress or information may be required before post-accession reporting is completed.

## 1. Introduction

1. This document discusses Costa Rica's progress in implementing the recommendations made by the Fisheries Committee (hereafter, 'the Committee') as set out in the Committee's Formal Opinion on Costa Rica's accession to the OECD [[TAD/FI/ACS\(2018\)2/FINAL](#)] issued in December 2019 (hereafter, 'the Formal Opinion').
2. The Formal Opinion was informed by a report prepared by the OECD Secretariat that provided background on the fisheries and aquaculture sector in Costa Rica and analysed the policies for its management, *Fisheries and Aquaculture in Costa Rica* [[TAD/FI/ACS\(2018\)1](#)] (hereafter, 'the Review of Fisheries and Aquaculture in Costa Rica'). It also drew on discussions between the Committee and Costa Rican authorities and took into consideration the initial steps taken by Costa Rican authorities in response to their exchanges with the Committee.
3. The Formal Opinion identified seven key recommendations to enhance the ongoing convergence between OECD best policies and practices in the field of fisheries and aquaculture and Costa Rica's policies and practices. The Committee requested that Costa Rica report back on progress in implementing these key recommendations within two years of accession. This commitment was reflected in the Decision of the OECD Council to invite Costa Rica to accede to the Convention on the OECD.
4. On 25 May 2021, Costa Rica became an OECD Member, triggering its obligation to provide a post-accession report in 2023. In the interim, Costa Rica has updated the Committee on the progress made in implementing the key recommendations outlined in the Formal Opinion with a document annexed to a letter from the Minister of Fisheries and Aquaculture, Mr. Heiner Méndez Barrientos, shared with the Committee on the [Confidential Delegates' Portal](#) and a presentation of the Minister to the Committee at its 131<sup>st</sup> session, on 3 May 2023 [[TAD/FI/ACS/M\(2023\)1](#)].
5. This post-accession report summarises the Secretariat's assessment of Costa Rica's progress in implementing the key recommendations of the Committee, two years on from its accession to the Organisation. It draws on the oral and written informal progress reports provided by Costa Rica, the comments and questions raised by members in their discussions with Costa Rica, and additional desk research by the Secretariat.
6. This document is structured as follows: first, it provides an overview of the fisheries and aquaculture sector in Costa Rica; second, it recalls Costa Rica's post accession reporting obligations and the key recommendations made by the Committee at the time of accession; third, it summarises the measures put in place by Costa Rica to implement the key recommendations of the OECD Fisheries Committee. A final section summarises Costa Rica's overall progress in implementing the Committee's key recommendations.

## 2. Fisheries and aquaculture in Costa Rica

7. This section largely draws on the Review of Fisheries and Aquaculture in Costa Rica, and updates some of the key statistics with the most recent data submitted by Costa Rica to the OECD.

## 2.1. The state of fisheries and aquaculture

8. Costa Rica has an exclusive economic zone (EEZ) of over 530 thousand square kilometres, approximately ten times larger than its continental territory.<sup>1</sup> Marine habitats in Costa Rica are highly diverse. They are home to an estimated 3.5% of the world marine biodiversity and contribute to a number of socio-economic sectors.<sup>2</sup>

9. Fisheries and aquaculture account for a relatively small share of Costa Rica's economy. However, fisheries remain important to some coastal communities that have exploited them for decades and have limited alternative sources of income.<sup>3</sup> The vast majority of the harvest occurs on the Pacific coast of the country and is concentrated in the Puntarenas province.

10. According to data reported to the OECD, the value of fisheries and aquaculture production, generated CRC 60 billion (in Costa Rican Colón) in 2020, equivalent to USD 103 million (see Figure 2.1). The sector employed 8 687 people in 2020, including indirect jobs, representing 0.36% of the total labour force (see Figure 2.2).

11. In 2020, capture fisheries production totalled 26 679 tonnes, a record high compared to the levels seen in the last two decades (Figure 2.3). This increase stems from higher reported catch volume of tuna. The same year, the value of landings amounted to CRC 36 billion, that is USD 62 million, the highest value in the last 5 years. Key species in terms of value included tuna; sharks, rays and skates; swordfish; marlins; common dolphinfish; as well as seabass, snappers and sailfish.

12. In 2020, aquaculture production was of 16 269 tonnes with a value of CRC 24 billion, that is USD 41 million, about the same levels registered in the early 2000s. The main product of Costa Rican aquaculture is tilapia, which accounted for about 82% of volume, and 62% of value on average, over the period 2010-2020. The other key products for aquaculture in Costa Rica are white leg shrimp and rainbow trout, which respectively accounted for 13.5% and 4.2% of total aquaculture volume in 2020.

13. Information on the status of fish stocks and marine ecosystems at large is scarce. Evidence however shows high over-exploitation rates for a number of the main fished stocks (mainly shrimp, snapper, seabass, sharks).<sup>4</sup>

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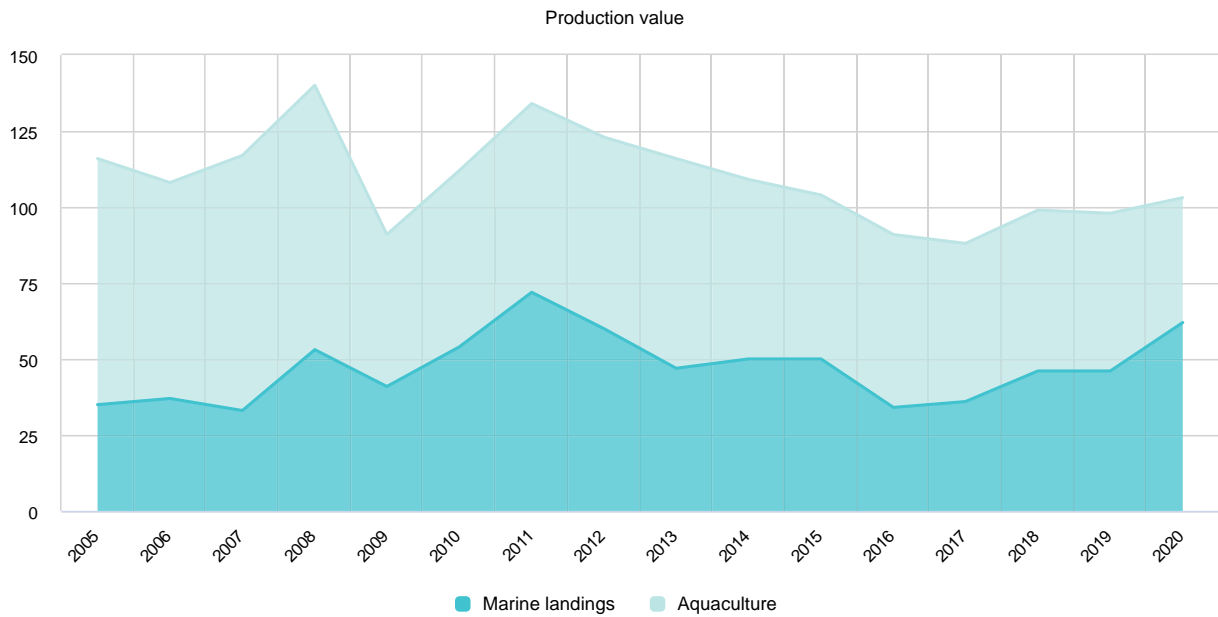
<sup>1</sup> National Geographic Institute of Costa Rica

<sup>2</sup> Cortés, Jorge, and Ingo S. Wehrtmann (2009). *Marine Biodiversity of Costa Rica, Central America*, Springer.

<sup>3</sup> World Bank. Costa Rica Sustainable Fisheries Development Project (P168475). The World Bank Group, February 2020. Available at : <https://documents1.worldbank.org/curated/en/442491585239390796/pdf/Costa-Rica-Sustainable-Fisheries-Development-Project.pdf>

<sup>4</sup> Ibid.

**Figure 2.1. Costa Rica Fisheries and Aquaculture Production (USD million)**

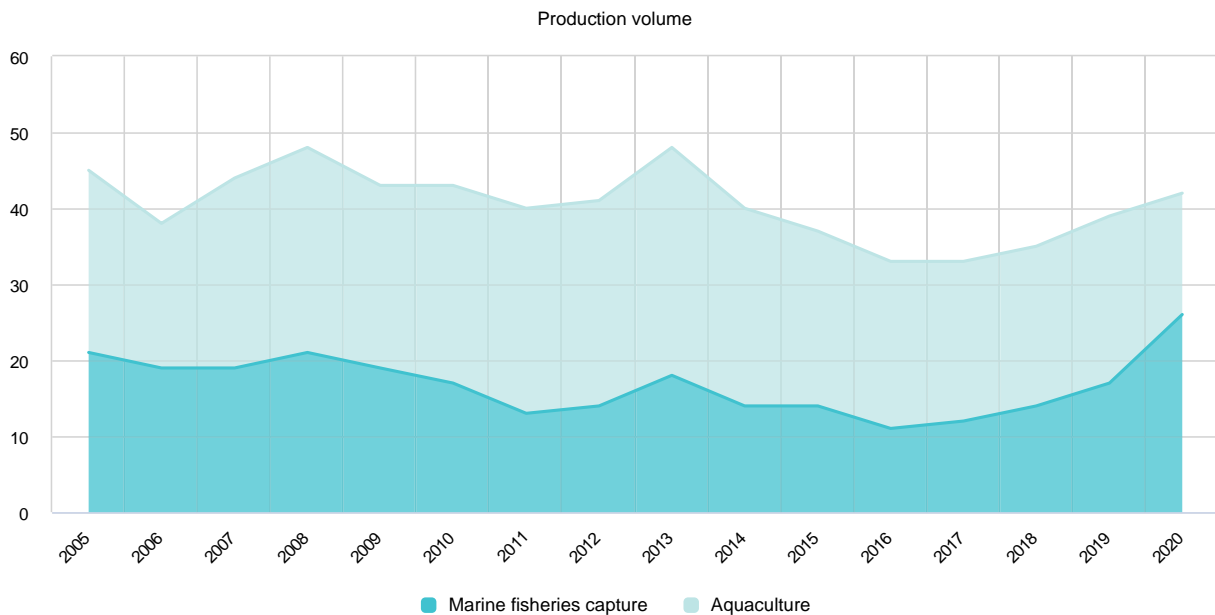


Source : <https://stats.oecd.org/>

**Figure 2.2. Costa Rica Employment Fisheries and Aquaculture sector 2010 - 2020**



Source: <https://stats.oecd.org/>

**Figure 2.3. Costa Rica Fisheries and Aquaculture production (tonnes)**

Source: <https://stats.oecd.org/>

## 2.2. Governance of the sector

14. The fisheries and aquaculture sector is managed by INCOPECSA, an autonomous institution created by the 1994 Law 7384, directed by an Executive Board on which both private sector and different government authorities are represented. However, the Ministry of Agriculture and Livestock (Ministerio de Agricultura y Ganadería, MAG) is the lead government agency (“*Rector*”) for rural and agricultural development, which includes fisheries and aquaculture. As such, MAG is responsible for defining fisheries policy objectives and the National Fisheries and Aquaculture Development Plan, in co-ordination with INCOPECSA.

15. The Scientific Technical Co-ordination Committee (CCCT), co-ordinated by INCOPECSA, is in charge of providing scientific advice on fisheries and aquaculture management. It brings together representatives from the government, including the Ministry of Environment and Energy (“*Ministerio de Ambiente y Energía*”, MINAE), the Ministry of Science, Innovation and Technology (“*Ministerio de Ciencia, Innovación y Tecnología*”, MICITT); academia, notably the School of Biology of the National University (UNA), the Centre for Research in Marine Sciences and Limnology (CIMAR) of the University of Costa Rica (UCR); and non-governmental organizations, notably Conservation International.

16. INCOPECSA went through a process of reform, in response to COFI recommendations formulated early in the Accession process. The main change was introduced with the Law 9767 of 2019 modifying the structure of the Executive Board that led to an increase in the number of government sector representatives on the Board, which gave public institutions a decision-making majority. This report discusses institutional reforms in more details in Section 4.1.

### 3. Key recommendations for post-accession reporting

17. The Formal Opinion of the Fisheries Committee regarding the Accession of Costa Rica to the OECD [[TAD/FI/ACS\(2018\)2/FINAL](#)], concluded that Costa Rica's policies and practices were moving towards convergence with OECD best policies and practices in the field of fisheries. At the same time, it stressed the importance of Costa Rica adopting a long-term perspective on challenges faced by the fishing sector and invited Costa Rican authorities to strengthen their efforts towards improved governance and better management of fisheries resources to restore all stocks to sustainable levels, thereby ensuring the resilience of the sector for future generations.

18. Specifically, the COFI recommended to Council that Costa Rica be requested to report back on the further implementation of seven key recommendations within two years of accession, namely:

1. **Governance:** The Formal Opinion called for the implementation of integrated and concerted policy-making processes across the government to ensure that marine ecosystems are used to benefit the Costa Rican people today and, in the future, (with clear steering from all relevant authorities of the Executive branch, and increased accountability of INCOPESCA).
2. **Scientific input:** The Formal Opinion called for the adoption and implementation of a legal obligation to define clear and sustainable management targets and to take scientific evidence into account in the policy decision-making process.
3. **Management:** The Formal Opinion called for the development of management or rebuilding plans for all main fisheries that are built around biological targets and incorporate social and economic principles in a way that does not compromise stock recovery, making use of all regulatory options as needed for success, in particular TAC limits when appropriate, as well as indicators that monitor the effectiveness of the measures taken.
4. **Impact assessment:** The Formal Opinion called for investment in monitoring the environmental and socio-economic impact of regulations.
5. **Data:** The Formal Opinion called for the build-up of a comprehensive information system that allows the regular collection and processing of information on landings, on the biological status of resources, and on the socio-economic characteristics of fisheries.
6. **Landing control:** The Formal Opinion called for increased controls in landing and delivery sites.
7. **At sea monitoring:** The Formal Opinion called for the adoption of modern monitoring systems for the industrial fleet, using standard methods such as VMS and on-board observer programmes.

### 4. Progress made by Costa Rica in implementing the key recommendations

19. This section summarises the progress made by Costa Rica in implementing each of the key recommendations formulated by COFI. The progress made with regards to each of the key recommendations is described sequentially.

#### 4.1. Governance and scientific input (key recommendations 1 and 2)

20. In its Formal Opinion, the Committee concluded that it was necessary for Costa Rica to improve its governance system to strengthen the role of the Executive Branch and ensure a co-ordinated approach across concerned Ministries (key recommendation 1).

21. It also recommended that scientific input in resource management be strengthened notably by creating a legal obligation to define clear and sustainable management targets, incorporating scientific input in decision-making, and by specifying how and by whom scientific evidence would be collected and transparently shared with sector stakeholders (key recommendation 2).

22. The Formal Opinion further recommended legally reinforcing the mandate of the CCCT by making some of its findings binding and ensuring that the scientific community and all sector stakeholders were represented on this Committee (key recommendation 2). Both these recommendations aimed to ensure that marine ecosystems are used to benefit the Costa Rican people today and, in the future, and increase the accountability of INCOPELCA.

23. Before completing the accession process, Costa Rican authorities already endeavoured to improve the decision-making process by (i) strengthening the leading role of Government institutions in the formulation and implementation of fisheries policies and (ii) better integrating scientific input in decision-making. This was driven by introducing changes to the functioning of:

- the INCOPELCA Executive Board
- the INCOPELCA itself
- the Technical-Scientific Co-ordination Commission (CCCT).

24. These three reform processes are detailed below. However, the recommendation to create a legal obligation to define clear and sustainable management targets has not yet been addressed.

##### *4.1.1. Legal reform of the Incopecsa Executive Board*

25. The first reform introduced concerned the INCOPELCA Executive Board. Adopted in October 2019, Law 9767 introduced important changes to the composition of the Executive Board of INCOPELCA. Notably, the law increased the number of government representatives on the Executive Board, giving public authorities a decision-making majority. After the reform, representatives from the following institutions were added to the executive board: MINAE, COMEX (Ministry of Foreign Trade), and MEIC (Ministry of Economy and Industry). The current administration has also given the National Coast Guard Service an alternate member status, in recognition of their responsibilities, shared with INCOPELCA, in control and surveillance. In addition, the diversity of views and interests represented in the Executive Board was expanded by the inclusion of a representative from the aquaculture sector and a surrogate that represents the interests of the sports and tourism fishing sectors.

26. The Law also calls for government institutions to be represented in the Executive Board at the level of Ministers and Vice-ministers, which is reported by Costa Rican authorities to have given greater visibility to the fishing sector, raised the level of technical and substantive discussions and promoted enhanced co-ordination among the institutions.

27. This new configuration of the Executive Board also seems to have increased the accountability of INCOPELCA, and shifted the decision-making power towards public



entities, which are less directly and regularly involved with the fishing industry, while preserving the possibility for the industry, and its different components, to influence and inform the decision-making process. Institutions like MINAE and COMEX, previously unrepresented, have been seen to exercise their power to contribute to the formulation of public policies in fisheries and aquaculture, introducing changes to proposed legal and administrative instruments, to integrate the interests of their institutions in the decision-making process.

28. One such example of the direct involvement of public institutions other than INCOPECSA in the decision-making process relates to the recent proposal by INCOPECSA to review and expand the “*List of Species of Freshwater Fish and Crustaceans of Aquaculture Interest in the continental, coastal and oceanic waters*” (commonly known as the list of species of commercial interest for fisheries and aquaculture). In April 2023 INCOPECSA issued the Agreement AJDIP/057-2023, which expanded the list of species of commercial interest from 34 to 234 species. The expanded list was, however, criticised in the media by Members of Congress, researchers and civil society due to a perceived lack of evidence justifying the commercial potential of some species and the status of their resources (or the lack of information thereon).<sup>5</sup> This Agreement AJDIP/057-2023 was ultimately declared void after MAG, MINAE and COMEX requested INCOPECSA to withdraw the amended list and called for prior consultation with the CCCT and stakeholders (Section 4.1.3 provides more details on the mandate of the CCCT regarding technical input in important new legislation). This process illustrates how the new configuration of the Executive Board effectively introduced a system of checks and balances in decision-making. It shows how government agencies with a relevant interest can steer policy decisions, and that appropriate inter-institutional co-ordination and consultation with a broad range of stakeholders is required.

#### 4.1.2. Administrative reform of Incopecsa

29. The second relevant reform concerns the general operation of the INCOPECSA. Two new Directorates were created in 2020 with the aim of improving INCOPECSA’s institutional organisation: the Directorate of Fisheries and Aquaculture Management (DOPA) and the Directorate of Fisheries and Aquaculture Development (DFAD). The DOPA is responsible for developing and implementing management and protection measures, with the objective of achieving the sustainability of hydrobiological resources in the long term. Under DOPA’s responsibility is the collection and analysis of data, as well as the implementation of research activities through the Fisheries and Aquaculture Information and Research Departments. DOPA has been strengthened in its human resources and technology dimensions with investments in a new integrated information

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<sup>5</sup> Members of the Legislative Assembly of Costa Rica, from the political Parties Broad Front (Frente Amplio) and Liberal Progressive Party (Partido Liberal Progresista) opposed this initiative and called for a constitutional control of the Agreement. <https://semanariouniversidad.com/pais/diputado-acude-a-sala-iv-contra-incopesca-por-nueva-lista-de-especies-sujetas-a-explotacion/>. INCOPECSA refutes the lack of evidence, as the agreement was adopted in view of the technical criteria issued by the DFPA, which was developed building on consultation of some of the interested parties.

The School of Biology of the National University (UNA) and the Centre for Research in Marine Sciences and Limnology (CIMAR) of the University of Costa Rica (UCR), members of the CCCT, sent formal communications to INCOPECSA indicating they were not consulted on the contents of the agreement and provided scientific elements on the reasons why they would oppose the adoption of this updated list. The letters and scientific considerations are available in: <https://www.crhoy.com/wp-content/uploads/2023/05/UNA-ECB-OFIC-468-2023.pdf> and <https://d1lqqtien6gys07.cloudfront.net/wp-content/uploads/2023/07/Anexo.-Revision-Lista-de-Especies-CIMAR-EB-UCR-.pdf>

system and appointment of qualified staff. The Directorate has recently improved co-ordination with regional offices, the National Coast Guard, and the administrative police, and has engaged in new projects with other governments and Non-Government Organizations (NGOs) in areas such as research, managements of resources and monitoring and control. With the support of the “Friends of Cocos Island Foundation”, INCOPECA is working on the first stage of a diagnosis of needed improvements to strengthen the operation of DOPA, through an analysis of its attributions, determination of human resources needs, possible improvements and simplification of process, and better incorporation of technology.

#### ***4.1.3. The revised mandate of the Scientific Technical Co-ordination Commission (CCCT)***

30. The CCCT was created with the view to providing scientific advice on fisheries and aquaculture management. It is co-ordinated by the INCOPECA and brings together representatives from the government (MINAE, and MICIIT) academic researchers from public universities and research centres and stakeholders (see Section 2.2). However, when the accession process started, the CCCT had been through a period of inactivity.

31. In response to a COFI recommendation, the CCCT was revived, and its mandate was reinforced via an agreement of the INCOPECA Executive Board (Agreement AJDIP/093-2020). This Agreement notably included the appointment of the members of the Commission and the definition of their main responsibilities, the appointment of a co-ordinator, and the definition of the procedures related to the request, preparation, adoption and submission of scientific and technical pronouncements.

32. Following this Agreement AJDIP/093-2020, INCOPECA also assigned the priority areas of work for the commission, according to the main needs and challenges of the sector, as identified by INCOPECA. Accordingly, since Accession, the CCCT has provided technical documents and recommendations to the Executive Board and to INCOPECA in areas like trade in CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) listed and other species, the creation and management of resources in marine protected areas (MPAs), and the sustainable fishing of shrimp.

33. Other priority areas of work, as defined by INCOPECA, where work is still ongoing, but no pronouncements have been adopted by the CCCT yet, are:

- the review of sailfish bycatch limits
- the development of a proposal for a data collection mechanism for tourist and sport fisheries
- the preparation of a proposal for the standardisation of commercial fishing licenses
- the evaluation of existing management measures related to minimum sizes and legal first catch sizes
- the development of a proposal for measurement and impact indicators of Responsible Fishing Marine Areas.

34. The Commission is also undertaking a review of its administrative procedures, with the aim of improving its functioning and achieving greater consistency in its pronouncements in the future.

35. The implementation of institutional reforms, and improvements in data collection, development of management plans and the strengthening of monitoring and control

activities will notably be facilitated and leveraged by a loan from the World Bank that Government of Costa Rica accepted in 2021 and which is expected to finance activities up to 2027.<sup>6</sup>

#### 4.1.4. Conclusion

36. The legal and administrative reforms discussed in this section are contributing to a more integrated and transparent process for fisheries policy making. Costa Rican authorities have made significant efforts to empower the Government institutions with a clearer steering role in fisheries policy-making. The reforms initiated have served as a catalyst for changes in how policies are designed and adopted in practice, and encouraged further debate around the balance between the economic, social and environmental aspects of fisheries policies.

37. The reinforcement of the CCCT through enhanced administrative and technical capacities, and the active work it is undertaking, are also positive steps forward for evidence-based policy-making for the sector.

38. That said, two years after Accession, the implementation of these reforms remains a work-in-progress and there is scope to improve the ways in which different institutions and stakeholders collaborate to increase the accountability of INCOPECSA and trust in the system. While a range of public authorities have a greater role in decision-making, interactions between the different institutions could be facilitated by greater dialogue and collaboration in the early phases of policy development, and greater transparency on the motivation and evidence basis for decisions. For example, making the pronouncements of the CCCT public before they are discussed by the INCOPECSA Executive Board could reinforce the transparency of, and trust in, the decision-making process.

39. Greater consideration of scientific input and independence for scientific institutions could also be beneficial.<sup>7</sup> To date, the CCCT remains an advisory and consultative body to the Executive Board and to the Executive President of INCOPECSA. There is also no clear legal obligation to consider scientific information in the policy formulation or decision-making processes. The effective role of the CCCT therefore depends both on what is requested of it by the INCOPECSA and whether its findings are used in policy decisions. It is important that INCOPECSA tasks the CCCT to investigate priority policy issues, such as the development of management and recovery plans for the main species of commercial interest. The Members of the INCOPECSA Executive Board have an essential role to play in ensuring that the scientific evidence produced by the Commission, and its policy recommendations are duly considered in policy formulation and evaluation before they

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<sup>6</sup> Law 10037 of 2021. The total investment for *the Sustainable Development Program for Fisheries and Aquaculture in Costa Rica* amounts to USD 82 million, with resources of USD 75 million coming from the loan from the World Bank and additional USD 7 million from national contributions.

<sup>7</sup> Since 2017, INCOPECSA has become the Scientific Authority representing Costa Rica in CITES, which grants INCOPECSA the responsibility to participate in the decision to authorise and regulate exports of protected species listed under CITES. This role is typically assumed by public research institutions or environmental Ministries and agencies in many countries. INCOPECSA's role in CITES has generated distrust among certain stakeholders. The NGO MarViva Foundation filed on July 2021 a lawsuit against the Costa Rican State in which it requested the annulment of Executive Decree No. 42842-MINAE-MAG that designated INCOPECSA as national representative before the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES): <https://delfino.cr/2021/07/marviva-denuncia-al-estado-costarricense-por-poner-proteccion-de-especies-marinas-en-manos-de-incopesca>. It might be beneficial to revisit this decision, or to find ways to transparently share the scientific evidence and advice that allows the INCOPECSA to play its role in CITES.

adopt new legislation and regulation.<sup>8</sup> INCOPECSA could also support the work of the CCCT directly by increasing its resources or indirectly by providing inputs, for example investing in stock assessments.

40. Finally, widening the consultation of stakeholders beyond fishers' associations could also help build trust in the system.<sup>9</sup>

#### 4.2. Science-based management (recommendations 3, 4 and 5)

41. Costa Rica's main species in terms of total landed value include tuna; sharks, rays, and skates; swordfish; marlins and sailfish; common dolphinfish; as well as seabass and snappers. During the Accession process, the Committee and the authorities from Costa Rica identified a need to improve the management of all the main species of commercial interest. Indeed, a considerable number of fish stocks harvested by the Costa Rican fleet are potentially overfished, and the lack of information on the status of many more stocks, suggested that the management system had not been adequate.<sup>10</sup>

42. The Committee invited Costa Rica to develop management or rebuilding plans for all main fisheries of commercial interest, that would be built around biological targets and incorporate social and economic principles in a way that does not compromise stock recovery. The Committee also invited Costa Rican authorities to make use of all regulatory options as needed for success, in particular Total Allowable Catch (TAC) limits when appropriate, as well as indicators that monitor the effectiveness of the measures taken.

43. Further, the Committee recommended investing in monitoring the environmental, social and economic impacts and results of the regulations, in particular of management measures adopted in the Responsible Fishing Marine Areas ("*Areas Marinas de Pesca Responsable*", AMPR). The AMPR approach was the main tool used for managing Costa Rican resources but enforcement and control in this area was being questioned by some stakeholders at the time.<sup>11</sup>

44. Finally, a related recommendation was to set up and develop a comprehensive information system that allows for the formulation and implementation of fisheries management plans as well as for better impact assessment of regulations. Such a system would enable the systematic collection and processing of information on landings, on the biological status of resources, and on the socio-economic characteristics of different fleet segments and coastal communities.

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<sup>8</sup> For example, under the new project "New alternatives for responsible deep-sea shrimp fishing" that INCOPECSA is currently leading, the technical Pronouncement of the Commission in 2021 on this same issue needs to be considered, and all the recommendations and conclusions of the commission must be addressed.

<sup>9</sup> Multiple reports in the Costa Rican media suggest that consultation with stakeholders remains insufficient and focused on fishers' associations. This seems to result in controversial decision-making and continued repeated conflicts between INCOPECSA and environmental organisations and academic institutions (see, e.g. footnotes 2 and 4).

<sup>10</sup> World Bank. Costa Rica Sustainable Fisheries Development Project (P168475). The World Bank Group, February 2020.

<https://documents1.worldbank.org/curated/en/442491585239390796/pdf/Costa-Rica-Sustainable-Fisheries-Development-Project.pdf>

<sup>11</sup> Chavez Carrillo, I. I., Partelow, S., Madrigal-Ballester, R., Schlüter, A., & Gutierrez-Montes, I. (2019). Do responsible fishing areas work? comparing collective action challenges in three small-scale fisheries in Costa Rica. *International Journal of the Commons*, 13(1), 705, <https://doi.org/10.18352/ijc.923>.

45. This section starts by reviewing the progress made in terms of data collection as this is, to some extent, a pre-requisite to sustainable management and policy impact assessment. It then reviews progress made in terms of better management and policy evaluation.

#### **4.2.1. Data collection**

46. INCOPECSA has responded to the recommendation to improve its data collection system by introducing a new legislation. This legislation aims to improve the scientific information on the status of key fisheries, which is essential to design and implement fisheries management plans.

47. Following adoption of the *Law 10155 of 2022 - Modification of the legislation on fishing for research purposes*, INCOPECSA can partner with fisheries associations for research purposes. Under such cooperative agreements, authorities are allowed to collect the necessary biological information from harvested fish, before fishers can then use their catches for consumption or commercialization. Two such collaborative data gathering projects are currently undertaken in Guanacaste and the gulf of Nicoya, focusing on seabass and snappers, two important species for the coastal communities in the Pacific Coast, whose catches have declined, which could indicate the need for better management.<sup>12</sup> These research projects aim to generate information for a biological evaluation of the stocks and, from there, generate management and conservation guidelines using an ecosystem approach. Small-scale fishers participating in the project have received training on how to handle the catches for research purposes. Both projects were approved in September 2022, data collection began in June 2023 and information is being incorporated in the databases. Implementation is therefore at a very early stage and it is not yet possible to draw conclusions regarding stock assessment nor derive proposals for management plans for these fisheries.

48. INCOPECSA is also planning the development of an electronic platform *Incopesca Digital*, to compile and generate essential information for decision making. As a first step, an expert on fisheries biostatistics was hired in 2022 to evaluate the current Costa Rican fisheries information management system. The intention is to identify the main needs and challenges and structure a road map to develop a modern and comprehensive information system.

49. It is expected that this system, funded through the World Bank loan, will strengthen data collection, use of technology and analytical systems within INCOPECSA, and produce specific information for effective management. The Costa Rican authorities expect that the first phases of the implementation of this system will take place during 2024 and 2025.

#### **4.2.2. Legislative framework for fisheries management**

50. INCOPECSA is working on updating the legal and regulatory framework of the fisheries and aquaculture sector. In this context, the national development plan for the fishing and aquaculture sector, that expired in 2021, is currently being reviewed by INCOPECSA. The active participation of the CCCT and the consultation of a variety of stakeholders in this process would be useful, and a key opportunity for the CCCT to play its advisory role in the formulation of management plans.

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<sup>12</sup> Landings of snappers were of 206 tonnes in 2021, compared to an average of 415 tonnes over 2012-21. Landings of Seabass were of 114 tonnes in 2021, compared to an average of 131 tonnes over 2012-2021.

51. No management or rebuilding plans have been developed yet, notably because the required data and evidence are lacking, and it is expected that, through the loan with the World Bank, management plans for snapper, seabass and sea bob shrimp will be developed between the end of 2023 and 2026 (see Section 4.1). Notwithstanding slow progress on these matters, some new measures to improve the use of resources have been adopted for a selection of key species.

#### 4.2.3. Tuna

52. In the case of Tuna, important positive steps have been adopted through Law 10304 of 2022 and associated implementing Decrees, with the objective of improving the management of the tuna resources and to take better advantage of the wealth derived from tuna fishing activity. These new developments concern:

- The allocation of fishing capacity under the IATTC
- The criteria for granting Tuna licenses
- The creation of a fishing exclusion zone for tuna purse-seiners.

53. First, Costa Rican authorities have adopted a new regulation for the allocation of the fishing capacity that can be mobilised by tuna purse seiners in the Eastern Pacific Ocean, in light of the quota of 9 364 cubic meters granted to Costa Rica by the Inter-American Tropical Tuna Commission (IATTC). Under the new regulation, a bid allocation model is established, under which each bidding ship owner must submit a proposal indicating the percentage of the quota for which it is bidding, and the price offered, with a minimum price of USD 330/cubic meter (more than double than the average price of USD 150/cubic meter charged in previous years). In July 2023, the first allocation of quota under the new procedure took place and as a result, 3 621 cubic meters of tuna capacity were allocated to three foreign-flagged purse seiners, for a period of two years. Since all three proponents complied with the minimum price, the government and particularly INCOPECA, is expected to receive an annual income of at least USD 1.2 million, under the allocated quota.

54. Second, the new legislation abolishes the granting and renewal of free tuna fishing licenses for foreign vessels. For 2023, the Executive Board of INCOPECA set the cost of licences for purse seine vessels to USD 56 000.<sup>13</sup> It is expected that the new financial resources derived from the quota allocation and the licences can be employed for investments in improved fisheries management; strengthened monitoring and surveillance; and cover the cost for administering the new system, as was recommended by the COFI.

55. Finally, the new Law creates an exclusion zone for industrial fishing in the EEZ aimed at improving access to tuna resources for small-scale, medium scale and large-scale artisanal commercial fishing fleets and avoiding conflicts in the use of resources. The exclusion zone spans over 80 nautical miles along the coast, such that tuna purse seine vessels can only conduct fishing activities beyond 80 miles off the coast. This initiative is an important development to address the recommendation of using natural resources to the benefit of the Costa Rican population and better incorporating socio-economic considerations into policy making without compromising the health of the stocks.

56. Tuna fishing has also benefited from improved monitoring and control, including through the obligation to use VMS systems (see Section 4.3). Financial resources from the World Bank loan are expected to fund the adoption of new digital technologies to replace

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<sup>13</sup> Agreement AJDIP/278-2022.

the use of physical documents and improve data collection and reporting to relevant national and regional organisations and are expected to finance a new research project to characterise tuna and other pelagic fisheries and design management measures. In addition, on 16 October, the Legislative Assembly of Costa Rica approved the bill regarding the accession of Costa Rica to the International Commission for the Conservation of Atlantic Tunas – ICCAT, which will allow Costa Rica to become a Contracting Party as of 2024, contributing to the governance, management and conservation of fisheries resources under the convention area. This will become effective once the Law is formally adopted by the president and the instrument is deposited in FAO.

#### 4.2.4. Sharks

57. Sharks and rays have represented almost one-quarter of the total capture in volume reported by Costa Rica throughout the last decade. Captures amounted to 6 702 tonnes in 2010 and represented 37% of total capture, and average capture over the past 10 years is of almost 4 000 t/yr. The participation of shark and rays in total capture has decreased over the last three years, falling to 14% in 2020.<sup>14</sup>

58. There are no national level assessments on the status of shark stocks. Assessing the health of shark stocks and formulating and implementing adequate management plans that include output controls is a pressing need, given the relevance of these species both in commercial and environmental terms. As sharks are highly migratory species, Costa Rica relies on the assessments conducted by the IATTC, for which the national authorities provide statistical information. Following the commitments under International Agreements and the scientific assessments made by IATTC and ICCAT (International Commission for the Conservation of Atlantic Tunas), Costa Rica has adopted a new *National Plan of Action for the Conservation and Management of Sharks* and has implemented new input controls for certain shark species. Measures include definitions of minimum sizes, definitions of sizes of first sexual maturity and enhanced monitoring and landing controls. The Plan also intends to develop a research and monitoring programme to obtain more accurate scientific information on this fishery and improve data collection and reporting to relevant regional organizations.

59. In addition, more restrictive measures have been adopted for a few species of sharks. In October 2022, MINAE and INCOPECSA signed an agreement that prohibits the retention on board, transshipment, landing, storage, sale, or offer to sell the body, in whole or in part, of Oceanic whitetip shark, Mobulidae rays, and sawfish, except for individuals captured for educational and research purposes. In February 2023, similar measures were adopted for the hammerhead sharks. These are positive developments, motivated by commitments under International Agreements like ICCAT and IATTC, appeals from stakeholders and academia, and also related to the longstanding legal dispute between INCOPECSA and environmental organisations regarding shark fishing that has led to several rulings by the Supreme Court of Justice. The last of these rulings led to the abrogation of the agreement AJDIP/290-2017 of INCOPECSA, which allowed the commercialisation of a number of shark species, including three species of hammerhead

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<sup>14</sup> Data based on FAO 2023 Fishery and Aquaculture Statistics. These figures include data for all the ASFIS species items that contain shark species, and therefore also includes rays, skates and other species not elsewhere included (nei). However, it should be noted that, in accordance to Decree 38027 of 2013, there is a prohibition to capture, possess, store, transport, commercialize, industrialize, retain on board, or disembark rays of the species *Manta raya* (*Manta* sp), *la raya diablo* (*Mobula* sp), *y la raya látigo* (*Dasyatis longa*). Furthermore, in 2022, INCOPECSA and the Ministry of Environment signed a binding Joint Action Agreement to promote the sustainable management of ecosystem services provided by shark species which prohibits the retention on board, transshipment, landing, storage, sale, or offer for selling the body, in whole or in part of Mobulidae rays (including *Manta* and *Mobula* rays).

sharks, a species listed as globally critically endangered by IUCN (International Union for Conservation of Nature) and listed as an Appendix II species by CITES. Further, Costa Rica is participating, together with Guatemala and El Salvador, in the formulation of a Regional Non-Detriment Finding (NDF) for two species of sharks (Thresher and Silky) within the framework of CITES.

#### 4.2.5. Shrimp

60. Deep-sea shrimp fishing has been the object of heated debates in Costa Rica for over a decade. In 2013, a ban on shrimp trawling was introduced as a result of a Resolution of the Supreme Court of Justice, which imposed the decision in light of the evidence of ecological damage related to this type of fishing.<sup>15</sup> In 2017, through Agreement AJDIP/474-2017, INCOPECA and MAG allowed shrimp trawling licences to be issued again while introducing new controls, including delimited geographical fishing areas, gear specifications, bycatch control devices, and closing seasons. The agreement also included a plan to study the rate of incidental catch. However, that decision was taken to court by stakeholders who argued there was insufficient scientific evidence to demonstrate the sustainability of shrimp trawling according to the previous judicial ruling. The Constitutional Court backed these arguments, and in March 2018 invalidated the Agreement. Subsequently, a new Law “*on the development and sustainable utilisation of shrimp in Costa Rica*” was discussed in the Congress but was vetoed by the then President of Costa Rica in light of the lack of support from the research community and in line with the pronouncements by the CCCT.<sup>16</sup> The CCCT indicated that the proposed legislation did not meet the scientific and technical requirements to resume fishing in a sustainable way, called for more rigorous scientific research and defined minimum scientific criteria that should be met for the adequate management of the resources.

61. Currently INCOPECA has launched the project “*New alternatives for responsible deep-sea shrimp fishing in the Costa Rican Pacific Ocean*” as a novel attempt to determine whether or not it is feasible to grant licenses for sustainable shrimp trawling based on scientific, economic and social criteria. The initiative started in March 2023 and aims to collect information on the stocks, identify potential catch areas, estimate biomass at maximum sustainable yield, determine the reproductive seasons, analyse the impacts of trawling on the seabed, and generate management guidelines for the conservation and sustainable fishing of the stocks. As the project is still in early stages of implementation, there is no scientific information available on the status of the shrimp stocks. In addition, there are no fishing management or conservation guidelines applicable to these stocks.

62. After over a decade of legal battles and contested decisions, this project could be an opportunity for INCOPECA and all competent authorities to formulate an objective, rigorous and scientific-based policy for the shrimp fishery. It is also an opportunity to implement in practice the legal and regulatory changes adopted to strengthen governance of the sector, conducting a consultation process with all relevant stakeholders, including the CCCT.

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15 Resolution of the Supreme Court of Justice of Costa Rica, No. 2013010540. Available at: [https://www.incopescas.go.cr/pesca/pesca\\_pesca\\_sostenible/especies%20prohibidas/03-sentencia\\_n\\_10540\\_de\\_sala\\_constitucional\\_de\\_la\\_corte\\_suprema\\_de\\_justicia\\_2013.pdf](https://www.incopescas.go.cr/pesca/pesca_pesca_sostenible/especies%20prohibidas/03-sentencia_n_10540_de_sala_constitucional_de_la_corte_suprema_de_justicia_2013.pdf)

16 CCCT Pronouncement No. 02-2021: “Pronouncement on file No. 21,478 of the project “Law for the Sustainable Use of Shrimp Fishing in Costa Rica”, available in: [Informe\\_de\\_labores\\_2021\\_CCCT.pdf](#) (incopesca.go.cr)



#### 4.2.6. *Sailfish, swordfish and marlins*

63. In February 2023, INCOPECSA adopted an agreement that establishes new regulations to limit the bycatch of the Pacific Sailfish.<sup>17</sup> The regulation defines the allowed percentage of bycatch, which may not exceed 10% (gutted weight) of the total catch of the vessel for each non-tourist commercial fishing trip. In addition, the export of this species is now prohibited – a measure that will be evaluated on a yearly basis. Although there are no domestic stock assessments for this species, there is evidence of increased pressure as a result of bycatch from the industrial tuna and swordfish fishing fleets.<sup>18</sup> Also, this measure intends to support the sports and touristic fishing, which makes an important contribution to the tourism sector and to the economy as a whole.

64. That said, no output controls or effective management are known to have been adopted yet for the North-Atlantic Swordfish and Blue Marlin, despite international recommendations, and commitments under ICCAT.<sup>19</sup>

#### 4.2.7. *Spatial measures*

65. An additional management instrument worth highlighting is the Responsible Fishing Marine Areas (AMPRs). These delimited geographic areas are defined based on specific biological, fishing, or sociocultural characteristics, and fishing activities are regulated in these areas, by INCOPECSA, with the support of coastal communities and other institutions. The objective of AMPRs is to ensure the sustainable use of fishing resources through the adoption of conservation measures. Costa Rica currently has 13 approved AMPRs with a total area of about 3 000 km<sup>2</sup>. Since 2021, three new AMPRs have been approved, two on the Pacific coast and one in the Caribbean. They use specific provisions to regulate fishing effort, fishing methods and authorised gear. With the support of INCOPECSA, local communities develop fishing management plans, including the definition of closed areas, research, monitoring and training. The impacts of these AMPRs have not been evaluated so far.

66. Further, it is worth highlighting the efforts made by Costa Rica in recent years to comply with the international pledge of protecting 30% of marine waters. The Cocos Island National Park Marine Protected Area was extended from 2 034 km<sup>2</sup> to 54 844 km<sup>2</sup> with the creation of Eastern Tropical Pacific Marine Corridor, which connects protected ocean areas from Costa Rica and three other nations — Panama, Ecuador and Colombia. The Bicentennial Marine Management Area was also significantly expanded from 9 649 km<sup>2</sup> to 106 286 km<sup>2</sup>. Both these developments aim to safeguard the routes used by migratory marine species, many of which are endangered, and could have a horizontal benefit on marine resources and in the fisheries sector.

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<sup>17</sup> Agreement AJDIP/017-2023

<sup>18</sup> Collette, B.B., Di Natale, A., Fox, W., Graves, J., Juan Jorda, M., Pohlot, B., Restrepo, V. & Schratwieser, J. 2022. *Istiophorus platypterus*. The IUCN Red List of Threatened Species 2022: e.T170338A46649664. Available at: <https://www.iucnredlist.org/species/170338/46649664>

<sup>19</sup> ICCAT Report for biennial period 2018 – 2019. Part II Vol 3. Available at : [https://www.iccat.int/Documents/BienRep/REP\\_TRILINGUAL\\_18-19\\_II\\_3.pdf](https://www.iccat.int/Documents/BienRep/REP_TRILINGUAL_18-19_II_3.pdf) and ICCAT recommendation Rec. 19-05 to stablish rebuilding programmes for white marlin. Available at: <https://www.iccat.int/Documents/Recs/compendiopdf-e/2019-05-e.pdf>

#### 4.2.8. Conclusion

67. The adoption of a legislative framework allowing participatory research programmes involving fishers is a positive step to improve and facilitate data collection and research, which is a key input in the development of management plans. Collaborative data collection initiatives may also help strengthen co-operation with stakeholders and raise awareness of the importance of evidence-based management. Moreover, a series of new management measures aimed at improving the use of resources have however been adopted for a number of species and area-based management and protection measures have been expanded.

68. However, the data gathering exercises remain limited in time, geographic coverage and scope. Altogether, knowledge of the biological status of marine ecosystems remains insufficient and limits the potential for the sustainable management of fishing resources.<sup>20</sup> In exchanges with the Committee and the Secretariat, Costa Rican authorities have recognised a remaining lack of information on the health of resources and ecosystems, as well as a need to further improve the management of hydrobiological resources, and have provided information on efforts and new financial resources to address these gaps, for example through the recently approved loan with the World Bank.<sup>21</sup>

69. An overarching initiative for more systematic data collection, assessment of resources and development of science-based management and rebuilding plans, that include output controls, as well as indicators to measure impact, would thus be welcome. Increased regional collaboration on fisheries management would also be welcome, especially in the case of shared species. Participation in International Organisations and RFMOs, and work with fisheries agencies of other countries, has proven to be an effective instrument to advance in the implementation of standards, improvement of transparency and adoption of management plans.

### 4.3. Monitoring and control of landings and at sea (recommendations 6 and 7)

70. As a complement to sustainable management, COFI identified the need for better monitoring and control – both in landing and delivery sites, and at sea – and called for the continuation of efforts to better co-ordinate the actions of INCOPECSA and the National Coastguard Service (SNG) (recommendation 6). COFI also considered that adopting electronic monitoring systems for the industrial fleet, using standard methods such as VMS and on-board observer programmes was a prerequisite for Costa Rica to develop a sustainable fisheries sector (recommendation 7).

#### 4.3.1. Controls of landings

71. During the Accession Process, Costa Rica made important improvements in the monitoring and control of landing and delivery sites. One of the most relevant steps adopted in this regard was the adoption in February 2018 of the agreement AJDIP/067-2018 “*Manual of Operational Procedure for Landings of Fishery Products in Costa Rican Docks or Ports*”. This agreement set forth the actions to be taken by INCOPECSA officials upon vessel arrival to port and it also established guidelines to be followed in co-ordination with other competent governmental entities before, during and after a discharge.

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<sup>20</sup> Costa Rica has not provided stock status data to the OECD Secretariat (nor data on the management of key species) in the context of the data calls for the 2020 and 2022 editions of the Review of Fisheries.

<sup>21</sup> In the context of the Formal Opinion [TAD/FI/ACS\(2018\)2/FINAL](#) and the informal post accession report to the Committee [[TAD/FI/ACS/M\(2023\)1](#)].

72. As informed by the Costa Rican authorities, and since the implementation of the *Manual of Operating Procedures*, INCOPECSA has performed over 7 500 inspections of national and foreign vessels (an average 3 300 inspection per year), and landings at national fishing ports, and around 18 irregularities have been detected.

73. After its accession to OECD, and as part of the implementation of the PSMA (Port State Measures Agreement), Costa Rica adopted in 2022 the “*National plan for the inspection of landings of fishery products*”, a protocol that defines standardised procedures applicable to all foreign-flagged vessels, compliant with PSMA obligations, including the analysis of information from the different inspections and the issuance of technical criteria for the application of port state measures. This National Plan strengthens the collaboration among competent governmental authorities, including INCOPECSA, the Ministry of Environment and the Coast Guard, among others.

#### **4.3.2. Monitoring and control at sea**

74. In 2017, before completing its accession to the OECD, Costa Rica adopted the obligation for long-liners harvesting tuna to use satellite devices. This was one of the first steps in strengthening Monitoring, Control and Surveillance (MCS) system at sea, and implied important collaboration with the private sector.

75. In addition, following the recommendations from COFI, further actions have been undertaken by the competent authorities, improving the MCS of fishing activities throughout the value chain, especially regarding monitoring systems. Notably, Agreement AJDIP-076-2022 “*Regulation for the monitoring, control, and surveillance of fishing vessels of national and foreign fleets*” establishes that all national and foreign vessels must have satellite tracking devices and transmit continuously and permanently to INCOPECSA platforms.

76. According to Costa Rican authorities, currently, the entire medium and advanced scale fleet, for a total of 310 vessels, is using satellite tracking devices. Also, and after extending the implementation deadline, from January 2024 onwards, the medium-scale tourism and sport fishing sector will also have to use satellite tracking devices and transmit the signal to INCOPECSA platforms.

77. In addition, recognising the need for, and importance of, setting up observer programmes that encompass both an electronic monitoring system and human observers, Costa Rica has been advancing discussions with various International Organisations to implement pilot programmes, particularly focused on the longline fleet. INCOPECSA has indicated an intention to implement a comprehensive National observer programme (NOP) and has initiated work on the terms of reference and definition of main objectives of the programme. Costa Rica has indicated the goal of 2024 to start implementation of these programmes at a national scale.

#### **4.3.3. Co-operation with the coastguards**

78. In December 2019, INCOPECSA and the SNG signed an Inter-institutional Co-operation Agreement aiming at strengthening operational actions for monitoring, control, and surveillance of national and foreign fishing vessels and joint satellite MCS activities.

79. Costa Rica has also planned to invest additional financial resources for improved MSC action in the fisheries sector and improve surveillance of related to IUU activities by the SNG, by purchasing equipment and vessels. This initiative has a specific budget allocation of USD 1.89 million from the loan with the World Bank detailed in Section 3.1.

#### **4.3.4. Conclusion**

80. Costa Rica has made continued efforts to improve its MCS processes as well as institutional co-ordination and is encouraged to persist in its endeavours to continually improve control systems that effectively contribute to the design and establishment of resource management measures that restore or maintain populations at sustainable levels. As recognised by COFI, the fight against IUU fishing and improved MCS is a continued effort by each OECD Member and the international community.

81. Close co-ordination within government agencies and collaborative efforts with relevant regional and International Organisations and stakeholders have produced positive results and should be continued in the future.

### **5. Overall conclusion on Costa Rica's progress**

82. Overall, Costa Rica has taken important steps towards alignment with the Committee's key recommendations. The reform of the INCOPECA Executive Board, in particular, has allowed the relevant Government institutions to take a more direct role in the decision-making process, with the objective that fisheries resources be managed in the interest of all Costa Rican people today and in the future. Significant progress has also been made in the area of control and monitoring, and in the management of the tuna fishery, while initiatives have been launched to collect the data needed to improve the management of the other main species of commercial interest.

83. That said, the Committee encourages Costa Rican authorities to continue ensuring that Government institutions drive the fisheries policymaking process and scale-up investment in data collection efforts and the development of management and recovery plans, with due consideration of scientific input, to further align with the best policies and practices identified by the Fisheries Committee in the medium and long term.

84. Costa Rica is invited to keep the Committee updated on the progress and results of the different projects underway, and planned, notably with funding from the World Bank loan, which are expected to further leverage and promote the implementation of the policy recommendations formulated by the committee.