

**INTERNATIONAL ACTION AND RESPONSES BY REGIONAL FISHERY  
BODIES OR ARRANGEMENTS TO PREVENT, DETER AND ELIMINATE  
ILLEGAL, UNREPORTED AND UNREGULATED FISHING**



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by

**Judith Swan**

SwanSea Oceans Environment Inc.

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## PREPARATION OF THIS CIRCULAR

This Circular was prepared within the framework of the Regular Programme as part of on-going activities of the FAO International Institutions and Liaison Service (FIPL) aimed at providing information on activities of regional fishery bodies.

Swan, J.

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### ABSTRACT

The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) requires that FAO should further investigate the issue of IUU fishing. This Circular provides a global perspective on initiatives at the international level and by Regional Fishery Bodies or Arrangements (RFBs) to combat IUU fishing.

This Circular reviews and comparatively analyses responses and action taken by RFBs to prevent, deter and eliminate IUU fishing. It is based on responses by RFBs to a questionnaire and identifies progress in the implementation of the IPOA-IUU. It also analyses common trends and challenges for RFBs in combating IUU fishing, noting common actions and approaches to solutions, as well as any relevant impact on IUU fishing.



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## ACRONYMS

APEC	Asia-Pacific Economic Cooperation
CEM	Conservation and Enforcement Measures adopted by NAFO
COFI	FAO Committee on Fisheries
CSD	Commission on Sustainable Development
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FAO Strategy	FAO Strategy for Improving Information on Status and Trends of Capture Fisheries
FSI	The IMO Sub-Committee on Flag State Implementation
ILO	International Labour Organization
IMO	International Maritime Organization
IPOA	International Plan of Action elaborated under the FAO Code of Conduct
IPOA–IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	Illegal, unreported and unregulated fishing
MTC	Harmonized minimum terms and conditions for fisheries access of the FFA member countries
MCS	Monitoring, control and surveillance
MEPC	Marine Environment Protection Committee of the IMO
MSC	Maritime Safety Committee of the IMO
NGO	Non-government organization
NPOA	National plan of action elaborated under an IPOA
OECD	Organisation for Economic Co-operation and Development
RFBs	Regional Fishery Bodies or Arrangements
RFMO	Regional fisheries management organizations
SBT	Southern bluefin tuna
STACFAC	The Standing Committee on Non-Contracting Party Fishing Activities of NAFO
TAC	Total allowable catch
UNICPOLOS	The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
WSSD–POI	2002 Johannesburg Political Declaration on Sustainable Development and Plan of Implementation of the World Summit on Sustainable Development

**ACRONYMS – REGIONAL FISHERY BODIES OR ARRANGEMENTS**

APFIC	Asia-Pacific Fishery Commission
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CECAF	Fishery Commission for the Eastern Central Atlantic
CTMFM	Joint Technical Commission for the Argentine–Uruguay Maritime Front
FFA	South Pacific Forum Fisheries Agency
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
IBSFC	International Baltic Sea Fishery Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IOTC	Indian Ocean Tuna Commission
IPHC	International Pacific Halibut Commission
IWC	International Whaling Commission
NAFO	Northwest Atlantic Fisheries Organization
NAMMCO	North Atlantic Marine Mammal Commission
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North-East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
PSC	Pacific Salmon Commission
RECOFI	Regional Commission for Fisheries
SEAFO	South East Atlantic Fisheries Organization
SWIOFC	Southwest Indian Ocean Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WCPFC	Western Central Pacific Fisheries Commission

## 1. ACTION AT THE INTERNATIONAL LEVEL TO COMBAT IUU FISHING

### 1.1 Introduction

Action at the international level to combat illegal, unreported and unregulated (IUU) fishing gathered momentum throughout the 1990s, even before the term “IUU fishing” gained currency. The undesirable consequences of this type of fishing had been acknowledged for a much longer period of time, as reflected in the ongoing establishment of regional fishery bodies or arrangements (RFBs), including regional fisheries management organizations (RFMOs) mandated to adopt conservation and management measures.

At the heart of the action was an awareness of the increasingly rapid extent to which IUU fishing was contributing to the undermining and unattainment of management goals and the loss of both short-term and long-term social and economic opportunities. It was recognized that IUU fishing – in many cases unquantified or unquantifiable – is a worldwide phenomenon, and could lead to the collapse of a fishery or seriously affect efforts to rebuild fish stocks that have already been depleted.

During the 1990s and before the term “IUU fishing” was initially used in 1997 by the Commission for the Conservation of Antarctic Living Marine Resources (CCAMLR),<sup>1</sup> various international instruments emerged, providing a general framework for addressing relevant activities. They were based on basic principles in the 1982 United Nations Convention on the Law of the Sea (1982 UN Convention), including flag State responsibility and the duty of non-nationals to comply with coastal State measures and laws. Key among the international fishery instruments were the 1993 FAO Compliance Agreement,<sup>2</sup> the 1995 UN Fish Stocks Agreement<sup>3</sup> and the 1995 FAO Code of Conduct for Responsible Fisheries (Code of Conduct). In turn, international action to implement the FAO Code of Conduct in respect of specific issues in fisheries management was guided by the International Plans of Action (IPOAs) elaborated under the Code of Conduct and adopted by the FAO Committee on Fisheries (COFI) in 1999, on seabirds, sharks and capacity.<sup>4</sup>

Action at the international level to specifically address IUU fishing began to emerge within FAO towards the end of the 1990s. The development, adoption and implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) has since become prominently visible and the subject of ongoing high-level attention in the UN system and other organizations and fora. Relevant international action to combat IUU fishing and implement the IPOA–IUU is described below in terms of action by: the Food and Agriculture Organization of the United Nations (FAO); other UN agencies and fora; organizations and fora outside the UN system.

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<sup>1</sup> Reference to IUU fishing was included as an agenda item for the Sixteenth Meeting of the Commission in 1997. It also appeared in an Annex to the Report of that Meeting, setting out a communication policy with non-Contracting Parties relating to IUU fishing in the CCAMLR Convention Area. In 1998, the Report of the Seventeenth Meeting of the Commission, in relation to IUU fishing, recorded discussion on the following measures aimed at better controlling IUU fishing in the Convention Area: catch certification scheme; trade statistics for *Dissostichus* spp.; marking of fishing vessels and fishing gear; automated satellite-linked vessel monitoring system (VMS); application of VMS in areas adjacent to the Convention Area; licensing and inspection regime of Contracting Parties; cooperation between Contracting Parties to ensure compliance; CCAMLR vessel register; action plan; actions in respect of companies and nationals of flag States.

<sup>2</sup> Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High seas. Part of the Code of Conduct, the 1993 FAO Compliance Agreement entered into force on 24 April 2003.

<sup>3</sup> Agreement for the Implementation of the Provisions of the United Nations Convention for the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

<sup>4</sup> They were adopted at the Twenty-third Session, and comprised the International Plans of Action on: Incidental catch of seabirds in longline fisheries (IPOA – Seabirds); Conservation and management of sharks (IPOA – Sharks); Management of fishing capacity (IPOA – Capacity). The IPOAs were adopted by the twenty-third Session of the FAO Committee on Fisheries (COFI) in February 1999 and endorsed by the FAO Council at its November 2000 Session.

## 1.2 Action by FAO to address IUU fishing activities

IUU fishing was formally raised as an issue in FAO at the Twenty-third Session of COFI in February, 1999 on the basis of a paper presented by Australia. The paper urged that an international plan of action to combat IUU fishing be developed. The Committee expressed concern about information presented indicating increases in IUU fishing, including fishing vessels operating under open registries.

The following month, the Rome Declaration on Responsible Fisheries was adopted unanimously by the Ministerial Meeting on the Implementation of the Code of Conduct for Responsible Fisheries.<sup>5</sup> The Ministers declared, *inter alia*, that they “will develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying ‘flags of convenience’”.

Subsequently, in June 1999 the FAO Council, in considering the Report of the Twenty-third Session of COFI, urged that a global approach be taken by FAO to the development of a strategy to address IUU fishing. Furthermore, the Council proposed that this initiative be carried forward through the development of an IPOA within the framework of the FAO Code of Conduct.

The IPOA–IUU, developed through a process of FAO consultations,<sup>6</sup> was adopted by COFI in March 2001<sup>7</sup> and endorsed by the FAO Council in June 2001.<sup>8</sup> The FAO Council encouraged States to develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve its objectives and to give full effect to its provisions as an integral part of their fisheries management programmes and budgets. This requirement was agreed in paragraph 25 of the IPOA–IUU, with an effective implementation date of 2004.

The scope of the IPOA–IUU is broad, and addresses IUU fishing in a holistic manner. The objective of the IPOA–IUU is to prevent, deter and eliminate IUU fishing by providing all States with a “toolbox” of comprehensive, transparent and effective measures by which to act, including through RFMOs. The IPOA defines principles and strategies, as well as a number of key terms used in the text including illegal, unreported and unregulated fishing. The common thread of the definition of IUU fishing is that it may be said to occur in violation of – or at least with disregard for – applicable fisheries rules, whether adopted at the national, regional or international level.

The IPOA–IUU clearly sets out the responsibilities of all States and of flag States. It describes measures to be taken by coastal States and port States, and elaborates internationally agreed market related measures. It refers also to responsibilities and measures of States acting through RFMOs, and of States that are not members of RFMOs. The measures are integrated, and should be applied in accordance with international and other applicable law. The IPOA–IUU identifies these responsibilities and measures under the following headings:

- Responsibilities of all States;
- Responsibilities of flag States;
- Coastal States measures;
- Port State measures;
- Internationally agreed market-related measures;
- Research;
- RFMOs;
- Special requirements of developing countries;

<sup>5</sup> Convened in Rome on 10 and 11 March 1999, the Meeting was attended by 126 Members of FAO.

<sup>6</sup> The process to develop the IPOA-IUU included an expert consultation convened by the Government of Australia in Sydney, Australia in cooperation with FAO in May 2000, and FAO Technical Consultations in Rome in October 2000 and February 2001.

<sup>7</sup> At the twenty-fourth Session in March, 2001.

<sup>8</sup> At its Hundred and Twentieth Session.

- Reporting; and
- The role of FAO.

The IPOA–IUU calls for national plans of action (NPOAs) to be implemented by 2004,<sup>9</sup> including action to implement initiatives adopted by relevant RFMOs. Similar to other instruments, particularly the FAO Code of Conduct, implementation is carried out by governments and interested stakeholders, including industry, fishing communities and Non-governmental Organizations (NGOs).

The FAO Fisheries Department has prepared and published Technical Guidelines to support implementation of the IPOA–IUU.<sup>10</sup> The Guidelines provide advice as to how the measures in the IPOA–IUU can be put into effect, and on the possible organization and content of national plans of action for implementation of the IPOA–IUU. The Guidelines also encourage RFMOs to find ways to integrate measures to control IUU fishing with their other basic missions, including, for example, conservation of resources, control of catches and effort, management of fishing capacity, bycatch reduction, scientific research, and general data collection and dissemination.<sup>11</sup>

FAO presented its first progress report on achievements in the implementation of the IPOA–IUU at the twenty-fifth session of COFI in February 2003, together with its report on the implementation of the Code of Conduct. The report was based on responses to questionnaires by Members<sup>12</sup> and regional fishery bodies or arrangements.<sup>13</sup>

The Thirty-second Session of the FAO Conference,<sup>14</sup> held in 2003, discussed IUU fishing in some depth, with Members reiterating that the continuing and growing incidence of IUU fishing and the lack of effective implementation of the IPOA–IUU had far-reaching adverse consequences for the sustainable management of fishery resources and the livelihoods of small-scale fishers. The situation was aggravated by, *inter alia*, the use of vessels flying “flags of convenience” or “flags of non-compliance”, fishing overcapacity and lack of political will and/or resources for addressing IUU

<sup>9</sup> Paragraph 25 provides that “States should develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programmes and budgets”. Because the IPOA was adopted in 2001, the target date for implementation is 2004.

<sup>10</sup> FAO Fisheries Department. Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Technical Guidelines for Responsible Fisheries. No. 9. Rome, FAO. 2002. 122p.

<sup>11</sup> For discussion on actions taken by RFMOs to address IUU fishing and related matters prior to development of the IPOA–IUU, see Swan, J., “The Role of National Fisheries Administrations and Regional fishery bodies in Adopting and Implementing Measures to Combat IUU Fishing”, prepared for the Expert Consultation on Illegal, Unreported and Unregulated Fishing organized by the Government of Australia in Cooperation with FAO, Sydney, Australia, 15-19 May 2000.

<sup>12</sup> In 2003, FAO noted that Members reported that measures taken to deter IUU fishing included the ratification of international agreements, strengthened policy and legislation to conform with the IPOA–IUU including tougher licensing/management arrangements and improved mechanisms to address flag State and port State responsibilities, control over nationals working on vessels, measures to address “flag of convenience vessels”, higher penalties and imprisonment terms for fishers engaged in IUU fishing, increased MCS and the mandatory implementation of VMS, the seizure and destruction of catches resulting from IUU fishing, seizure and destruction of fishing gear, tightened catch reporting, enhanced observers’ programme, strengthened regional cooperation through RFBs, the introduction of certification to trace the origin of fish and prohibition of certain landings, catches of vessels from third Party countries, the promotion of fishers’ associations, and awareness building among stakeholders about the effects of IUU fishing. See COFI/2003/3Rev.1, Progress in the implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action.

<sup>13</sup> In 2003, FAO noted that more than half of RFBs addressed IPOA–IUU. In particular, RFBs dealing with specific species such as tunas (IATTC and ICCAT) and salmon (NASCO and NPAFC) showed more positive approach to implementation of IPOA–IUU. IATTC created a Permanent Working Group on Fishing by Non-Parties to address IUU fishing. IATTC also agreed to establish a regional register of vessels authorized to fish in its competent area and measures to discourage landings and trade of fish caught by IUU fishing. ICCAT indicated that many of its measures were stricter than those of IPOA–IUU. ICCAT also held a special meeting on ways to combat IUU fishing in May 2002. The Council of NASCO adopted a Protocol for States not Party to the Convention for the Conservation of Salmon in the North Atlantic Ocean, calling for each Party to the Protocol to prohibit fishing for salmon beyond areas of fisheries jurisdiction. The organization also promoted exchange of information and coordinated surveillance activities. The Committee on Enforcement of NPAFC coordinated enforcement activities by its Contracting Parties for eliminating IUU fishing in its competent area. APFIC and CECAF distributed all IPOAs to member States. *Ibid.*

<sup>14</sup> FAO Headquarters, Rome, 29 November – 10 December 2003.

fishing problems effectively.<sup>15</sup> The Conference acknowledged that responsibility for combating IUU fishing rested primarily with States but that this would be greatly facilitated, *inter alia*, by strengthening regional fisheries management organizations and collaboration among States.<sup>16</sup>

The Thirty-second session of the FAO Conference adopted Resolution 6/2003 concerning the Progress Report on the implementation of the IPOA–IUU, attached in Appendix 1. The Resolution, in relation to RFMOs:

- Encourages States, and as appropriate, RFMOs to develop and implement National, and as appropriate, Regional Plans of Action to combat IUU fishing as soon as possible, but no later than 2004;
- Urges that States take all necessary steps, consistent with international law, to prevent fish caught by vessels identified by relevant RFMOs to have been engaged in IUU fishing being traded or imported into their territories;
- Calls upon States to ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant RFMOs.

Since the adoption of the IPOA–IUU, FAO has hosted two expert consultations to consider major issues in relation to IUU fishing: port State control and flag State control. In November, 2002 FAO convened an Expert Consultation to Review Port State Measures to Combat IUU Fishing, which elaborated a draft memorandum of understanding on port State measures to combat IUU fishing and made specific recommendations for FAO action.<sup>17</sup> In September, 2003 FAO convened an Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing. The Consultation adopted a range of recommendations in relation to all States, flag States, coastal States, port States and assistance to developing States.

In November, 2003, FAO convened the first of a series of planned regional workshops on implementation of the IPOA–IUU<sup>18</sup> to address an appeal to FAO by many members from developing States to continue to provide technical assistance to facilitate implementation, especially for the development of national plans of action to implement the IPOA–IUU.<sup>19</sup> The objective is to develop national capacity so that countries will be better placed to elaborate their NPOAs and, as a result, meet the requirements of the IPOA–IUU. Model national plans of action (NPOAs) for coastal States and small island developing States to implement the IPOA–IUU were prepared and distributed to support this activity.

In a more general way, and without specifically addressing IUU fishing, FAO has been active in monitoring progress towards the World Food Summit and Millennium Development Goals.<sup>20</sup> The latter identifies broad goals, including protecting the environment, which encourage activities such as

<sup>15</sup> See Report of the Conference of FAO, Thirty-second Session, Rome, 29 November – 9 December 2003. FAO Report No. C/2003/Rep, paragraph 72. The Report also refers to measures reported by many members taken to combat IUU fishing, including better port State and flag State control, recognition of the principle of “genuine link” in relation to the duty of States to exercise effective control over ships flying their flags, enhanced monitoring, control and surveillance and vessel monitoring systems, strengthening of regional fisheries management organizations, and improved legal frameworks and institutional arrangements. (Paragraph 73)

<sup>16</sup> Paragraph 74 of the Report of the Conference of FAO, *Ibid*.

<sup>17</sup> These included: (a) Convene a technical consultation addressing principles and guidelines for the establishment of regional memorandums of understanding on port State measures to combat IUU fishing; (b) Elaborate and implement programmes of assistance to facilitate human resources development and institutional strengthening, including legal assistance, in developing countries so as to promote the full and effective implementation of port State measures to combat IUU fishing; and (c) Consider the establishment of a database concerning relevant port State measures.

<sup>18</sup> FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: Southern and East African Subregion, Kariba, Zimbabwe, 24-28 November 2003.

<sup>19</sup> Report of the Twenty-fifth Session of the Committee on Fisheries, Rome, 24-28 February 2003. CL124/7.

<sup>19</sup> Paragraph 18.

<sup>20</sup> See The State of Food Insecurity in the World, 2003. Fifth edition, FAO 2003. Rome. 36pp.

combating IUU fishing. An associated General Assembly Resolution regarding the United Nations Millennium Declaration, adopted in 2000,<sup>21</sup> identified the central challenge faced today as ensuring that globalization becomes a positive force for all the world's people. Among the fundamental values identified in the Resolution is the respect for nature:

*“Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can be immeasurable riches provided to us by nature be preserved and passed on to our descendents. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendents.”*

The Resolution also reaffirmed support for the principles of sustainable development, including those set out in Agenda 21, agreed at the 1992 United Nations Conference on Sustainable Development.

### **1.3 Action by other UN Agencies and Fora to address IUU fishing activities**

#### **1.3.1 UN agencies**

Since 1999, agencies in the UN system other than FAO have specifically addressed IUU fishing, including the Commission on Sustainable Development (CSD), the International Maritime Organization (IMO) and the International Labour Organization (ILO).

In April, 1999, CSD supported the decision of the Ministers to give priority to the development of an IPOA–IUU,<sup>22</sup> and underscored the issues of flag State and port State measures in combating IUU fishing. CSD endorsed a role for the IMO, as had the FAO Ministerial Meeting, inviting that organization to develop, as a matter of urgency, measures in binding form to ensure that ships of all flag States meet international rules and standards so as to give full and complete effect to the 1982 UN Convention on the Law of the Sea<sup>23</sup> as well as other relevant conventions.

FAO initiated coordination with IMO in May, 1999<sup>24</sup> to give effect to the international calls to secure concerted action to combat IUU fishing through a Joint FAO/IMO Ad Hoc Working Group.<sup>25</sup> The

<sup>21</sup> A/Res/55/2, “United Nations Millennium Declaration”.

<sup>22</sup> At the Seventh Session of the CSD.

<sup>23</sup> In particular, Article 91.

<sup>24</sup> In response to the request made by the FAO Ministerial Meeting, FAO submitted a paper to the Maritime Safety Committee (MSC) of the IMO. This paper, while bringing the IUU fishing issue to the attention of IMO Members, achieved very little. However, subsequent follow-up action by FAO at the Sub-Committee on Flag State Implementation (FSI) at its eighth session in January 2000 resulted in a substantive outcome in that the Sub-Committee recommended that a joint FAO/IMO *ad hoc* working group be established. However, recognizing that there was a need for a policy decision on IUU fishing, FSI proposed that the matter be referred to parent committees, the Marine Environment Protection Committee and the MSC. In 1999, COFI had also encouraged FAO to cooperate with IMO. The Working Group was established as a result of the call made by the UN Commission on Sustainable Development, which met in April 1999, highlighting the issue of flag and port State responsibilities and the need for FAO and the International Maritime Organization (IMO) to cooperate on solving problems relating to IUU Fishing. Subsequently the United Nations General Assembly Resolution 54/32, *inter alia* “called upon IMO, in cooperation with FAO, and ... to define the concept of the genuine link between the fishing vessels and the State...” IUU fishing was raised at the Eighth Session of IMO's Sub-Committee on the Flag State Implementation (FSI-8) (London, 24-28 January 2000). The Sub-Committee, realizing that IMO, and in particular the Sub-Committee itself, could provide assistance to FAO on this matter, but recognizing the need for a policy decision on the issue, agreed to refer the matter to the Marine Environment Protection Committee (MEPC) and the MSC for further guidance on how the issues involved could be incorporated in the Sub-Committee's work programme. The Sub-Committee further recommended that these two Committees consider the formation of a joint FAO/IMO *Ad hoc* Working Group and invited FAO to submit a relevant document, including draft terms of reference, for such a joint group, to the 72<sup>nd</sup> Session of the MSC 72 in May 2000. There had also been encouragement for FAO/IMO cooperation in 1999 by the 1999 FAO Ministerial Meeting and Twenty-second Session of COFI.

<sup>25</sup> Establishment of the Working Group was supported by a call made by the UN Commission on Sustainable Development, which met in April 1999, highlighting the issue of flag and port State responsibilities and the need for FAO and the International Maritime Organization (IMO) to cooperate on solving problems relating to IUU Fishing. Subsequently the United Nations General Assembly Resolution 54/32, *inter alia* “called upon IMO, in cooperation with FAO, and ... to define the concept of the genuine link between the fishing vessels and the State...” IUU fishing was raised at the Eighth Session of

purpose of the Working Group was to facilitate FAO's work on IUU fishing and to respond to calls made in international fora in 1999 and 2000 for closer cooperation between FAO and IMO on issues fundamental to combating IUU fishing. The Terms of Reference of the IMO Working Group also included cooperation with other UN Agencies, including the International Labour Organization (ILO).<sup>26</sup>

In its work, the Group focused largely on technical matters concerning flag State control over fishing vessels and port State measures for fishing vessels.<sup>27</sup> The matter has been reviewed at subsequent Sessions of the Sub-Committee on Flag State Implementation (FSI), and consideration of further cooperation is on the agenda.<sup>28</sup>

The ILO is, at the time of writing, preparing a comprehensive standard (a Convention supplemented by a Recommendation) on conditions of work in the fishing sector.<sup>29</sup> This issue will first be discussed by the 92nd Session of the International Labour Conference in June 2004 and then again by the subsequent session of the Conference in June 2005. The new standard may address such issues as minimum age of work on board fishing vessels, medical examination of fishers, work agreements, occupational safety and health, crew accommodation and other labour-related issues.

Concerning IUU fishing, the ILO is seeking to determine if there is a link between IUU fishing and substandard living and working conditions on board fishing vessels. It seems likely that those who break laws aimed at protecting fish stocks may also break laws concerning conditions of work of fishing vessel crews. The issues of IUU fishing and substandard crew conditions may therefore be related, and addressing one may have an impact on addressing the other. One of the issues that will be discussed is whether a coastal State might set out certain requirements concerning labour conditions

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IMO's Sub-Committee on the Flag State Implementation (FSI-8) (London, 24-28 January 2000). The Sub-Committee, realizing that IMO, and in particular the Sub-Committee itself, could provide assistance to FAO on this matter, but recognizing the need for a policy decision on the issue, agreed to refer the matter to the MEPC and the MSC for further guidance on how the issues involved could be incorporated in the Sub-Committee's work programme. The Sub-Committee further recommended that these two Committees consider the formation of a joint FAO/IMO *ad hoc* Working Group and invited FAO to submit a relevant document, including draft terms of reference, for such a joint group, to the 72<sup>nd</sup> Session of the MSC 72 in May 2000. FAO made a submission to the Seventy-second Session of IMO's MSC in May 2000 proposing the formation of a Joint FAO/IMO *Ad hoc* Working Group on IUU Fishing and Related Matters. The Committee agreed to this FAO proposal, and the Joint FAO/IMO *Ad Hoc* Working Group met at FAO Headquarters in Rome in October 2000. There had also been encouragement for FAO/IMO cooperation by the 1999 FAO Ministerial Meeting and COFI.

<sup>26</sup> In particular, "In relation to conditions of work and service in the fishing industry, the group may call upon the advice of ILO."

<sup>27</sup> In 2002, FSI 10 noted that no submission had been made by Members clearly stating the problems they have identified and making specific proposals on actions requested of IMO and having discussed the matter, the Sub-Committee: 1) Took into account the relevant request of the Assembly resolution A.925(22) on entry into force and implementation of the 1993 Torremolinos Protocol (relating to the 1977 Torremolinos International Convention for the Safety of Ships) and 2) noted that in the context of the item on IUU fishing and related matters, an opinion was expressed that IMO might assist FAO in developing their port State control procedures. The Sub-Committee recommended to MSC 75 to extend the agenda item to include consideration of the implementation of Resolution A.925(22) and to modify the title of the work programme to read "Illegal, Unregulated and Unreported (IUU) fishing and implementation of resolution A.925(22)", with a target completion of 2005. At its eleventh session in 2003, The Sub-Committee noted progress made by the Food and Agriculture Organization of the United Nations (FAO), in collaboration with IMO, on port State measures to combat IUU fishing.

<sup>28</sup> At the time of writing, the agenda is set for the 12th Session in March, 2004. The action requested includes an invitation to take into consideration FAO Conference Resolution 6/2003, in particular paragraph 10 (inviting relevant competent international organizations to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels); and paragraph 11 (encouraging States, the FAO, the IMO, RFMOs and other relevant competent international organizations dealing with maritime issues to cooperate in the development of measures to combat IUU fishing, including through the sharing of information).

<sup>29</sup> The International Labour Office, the ILO Secretariat, will prepare two reports to be used as a basis for discussion at the Conference. The first had been produced at the time of writing and is available on the internet at: <http://www.ilo.org/public/english/standards/reim/ilc/ilc92/pdf/rep-v-1.pdf>. It contains information on "law and practice" concerning labour matters in the fishing sector. It also provides a questionnaire about possible contents of a new standard. The report and questionnaire were sent to all ILO Member States last year. The ILO was completing its second report for the Conference at the time of writing. This latter document provides and summary and analysis of the replies to the questionnaire, and it provides "proposed conclusions" on the format and content of the new fishing standard.



for vessels authorized to fish in the EEZ of the State – a rather controversial topic. The issue of port State control of fishing vessels will also be discussed, at least in relation to labour matters.<sup>30</sup>

### 1.3.2 UN fora

UN fora which have addressed IUU fishing include the 2002 World Summit on Sustainable Development (WSSD) and the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS).

The 2002 Johannesburg Political Declaration on Sustainable Development and Plan of Implementation of the World Summit on Sustainable Development (WSSD–POI)<sup>31</sup> contains many fisheries-related provisions that reflect commitments in the four FAO IPOAs elaborated under the Code of Conduct prior to 2002, including the IPOA–IUU.<sup>32</sup> It has been noted that it is difficult to locate in the WSSD–POI aspects of fisheries not addressed by the Code of conduct, and the reverse is probably also true.<sup>33</sup>

The main objectives of the WSSD–POI include the sustainable development of fisheries in a globalizing world, alleviating poverty in coastal and fishing communities, improving marine safety and halving the number of hungry. The strategy to achieve the objectives is multipronged and involves the implementation of the IPOAs, *inter alia*, the elimination of IUU fishing<sup>34</sup> and the elimination of subsidies that contribute to IUU fishing and overcapacity.<sup>35</sup>

The WSSD–POI indicated specific timeframes for several activities and instruments, and adopted the 2004 time frame set by the IPOA–IUU for its implementation. In this regard, the WSSD–POI called for the urgent development and implementation of national and, where appropriate, regional plans of action to give effect to the IPOA–IUU and the establishment of effective monitoring, control and surveillance (MCS) of fishing vessels, including by flag States, to further the implementation of the IPOA–IUU.<sup>36</sup>

UNICPOLOS has addressed IUU fishing since 2000.<sup>37</sup> In 2003, after the FAO report on IUU fishing was given, a number of delegations proposed, *inter alia*, to accelerate the implementation of controls on IUU fishing through a more systematic approach to compliance and enforcement measures adopted at the regional level and to strengthen RFBs to allow them to develop and apply an ecosystem-based and precautionary management approach to fishing activity.<sup>38</sup>

<sup>30</sup> Information from personal communication with Brandt Wagner, ILO, Geneva.

<sup>31</sup> United Nations. 2003. Johannesburg Declaration on Sustainable Development and Plan of Action of the World Summit on Sustainable Development. UN. New York. 89p. It is broadly consistent with FAO's Strategic Framework for FAO 2000-2015.

<sup>32</sup> The Code of Conduct, together with the IPOAs, and the 2003 FAO Strategy for improving information on status and trends of Capture Fisheries (FAO Strategy), embraces FAO fisheries work programme. See Garcia S.M. and Doulman D.J., "FAO Fisheries Programme and the Implementation of the Plan of Action from the World Summit on Sustainable Development", February 2004. A first version of the paper was prepared for the Global Conference on Oceans, Coasts and Islands, Paris, 12-14 November 2003.

<sup>33</sup> See Garcia S.M. and Doulman D.J., *Ibid.*

<sup>34</sup> Paragraph 31(d).

<sup>35</sup> Paragraph 31(f).

<sup>36</sup> Paragraph 31(g).

<sup>37</sup> The report of the Session, held in late May and early June 2000, *inter alia*:

Noted the significance of the work being undertaken by FAO to develop a comprehensive IPOA to combat IUU fishing. UNICPOLOS called for the FAO work to continue so that the Twenty-fourth Session of COFI would be in a position to adopt elements for inclusion in a comprehensive and effective IPOA; invited FAO to continue its cooperative arrangements with UN agencies on IUU fishing, and to report to the Secretary-General for inclusion in his annual report on oceans and law of the sea on priorities for cooperation and coordination in this work; appealed to States and regional fisheries management organizations and arrangements to promote the implementation of the Code of Conduct for Responsible Fisheries within their areas of competence, and welcomed the FAO/IMO collaboration, together with ILO, in working towards more effective flag State control of fishing vessels and to consider the functions of port States in controlling such vessels. See paragraphs 9 to 14 of the Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. UN General Assembly document A/55/274. UN. New York. 20p.

<sup>38</sup> Paragraph 43 of the Report on the Work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. UN General Assembly document A/58/95. UN. New York. 36p. In addition, in the context of

### 1.3.3 Resolutions of the UN General Assembly relating to IUU fishing activities

The IPOA–IUU is the subject of ongoing attention in the UN General Assembly, most recently in two 2003 Resolutions: one calling for States to take all necessary steps to implement the IPOA–IUU, including through relevant RFMOs;<sup>39</sup> and another urging States to develop and implement national and, where appropriate regional plans of action, to put the IPOA–IUU into effect by 2004.<sup>40</sup> These, and key elements of other Resolutions adopted since 2000 that *inter alia* include specific reference to the IPOA–IUU and RFMOs are noted below.

#### 2000 “Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks”<sup>41</sup>

- Urges all States to participate in the efforts of FAO to develop an IPOA–IUU, and in all efforts to coordinate all the work of FAO with other international organizations, including the IMO.

#### 2001 “Oceans and the law of the sea”<sup>42</sup>

- Urges States to continue the development of an IPOA–IUU for FAO, as a matter of priority, and in this context recognizes the central role that regional and subregional fisheries organizations and arrangements will have in addressing this issue.

#### 2002 “Oceans and the law of the sea”<sup>43</sup>

- Welcomes the adoption by COFI of the IPOA–IUU and urging States to take, as a matter of priority, all necessary steps to implement it effectively, including through RFMOs.

#### 2003 “Oceans and the law of the sea”<sup>44</sup>

- Urges States to take, as a matter of priority, all necessary steps to implement the IPOA–IUU effectively, including through relevant RFMOs.

#### “Large-scale pelagic driftnet fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries bycatch and discards, and other developments.”<sup>45</sup>

- Urges States to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the IPOA–IUU and to establish effective monitoring, reporting and enforcement and control of fishing vessels, including by flag States, to further the IPOA;

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considering flag State implementation and enforcement, the Report invited IMO to strengthen its functions with regard to port State control and invited FAO to continue its work in promoting port State measures in relation to fishing vessels in order to combat IUU fishing. Paragraph 12, *Ibid*.

<sup>39</sup> A/Res/57/141 “Oceans and the law of the sea”.

<sup>40</sup> A/Res/57/142 “Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments”.

<sup>41</sup> A/Res/54/32. This resolution addresses the linkage between IUU fishing and issues such as vessel safety, fishing vessel casualties and pollution of the marine environment which are within the mandate and jurisdiction of IMO.

<sup>42</sup> A/Res/55/7.

<sup>43</sup> A/Res/56/12.

<sup>44</sup> A/Res/57/141.

<sup>45</sup> A/Res/57/142.

- Invites FAO to continue its cooperative arrangements with UN agencies on the implementation of the IPOA and to report to the Secretary-General on priorities for cooperation and coordination in this work;
- Affirms the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law.

**“Sustainable Fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.”<sup>46</sup>**

- Urges States to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the IPOA–IUU;
- Urges relevant RFMOs to implement effective measures against IUU fishing, inter alia, by compiling a record of vessels authorized to fish in their area of competence, in accordance with the Code of Conduct.

**“Oceans and the law of the sea”<sup>47</sup>**

- Invites IMO to strengthen its functions with regard to port State control in relation to specified area, and invites FAO to continue its work in promoting port State measures in relation to fishing vessels in order to combat IUU fishing.

#### **1.4 Some organizations and fora outside the UN System that have addressed IUU fishing activities**

IUU fishing has been addressed in international organizations and fora outside the UN system, often with technical support from FAO. These include the Organization for Economic Co-operation and Development (OECD), the Asia-Pacific Economic Cooperation (APEC) Fisheries Working Group, international Conferences in Santiago, Chile in January 2000 and in Spain in November 2002, and the European Union (EU).

The OECD first considered IUU fishing in 2002 in the 89<sup>th</sup> Session of the Committee for Fisheries.<sup>48</sup> It decided to undertake a study on the environmental, economic and social issues and effects of IUU/Flag of Convenience fishing activities in the period 2003–2005. At the 91<sup>st</sup> Session the Committee<sup>49</sup> welcomed the project outline presented by the Secretariat and further defined its scope.

OECD announced in December 2003 that five maritime countries from around the world announced the launch of a task force to tackle the problems posed by IUU fishing, as part of urgent efforts under the auspices of the OECD’s Round Table on Sustainable Development to safeguard dwindling world fishery resources.<sup>50</sup> The Ministerial Task Force will be led by Britain’s Minister of State for the Environment, and other members include the Ministers of Fisheries of Australia, Chile, Namibia and New Zealand.

<sup>46</sup> A/Res/58/14. This Resolution also refers to the efforts of FAO in cooperation with IMO to address substantive issues relating to the role of the port State.

<sup>47</sup> A/Res/58/L.19.

<sup>48</sup> Paris 17-19 March 2002.

<sup>49</sup> Paris, 24-27 March, 2003.

<sup>50</sup> [http://www.oecd.org/document/44/0,2340,em\\_2649\\_201185\\_2509429\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/44/0,2340,em_2649_201185_2509429_1_1_1_1,00.html). An OECD Workshop on IUU Fishing is scheduled for 19 and 20 April 2004 and participants from FAO, WTO, IMO and ILO, among others, are to attend.

The APEC Fisheries Working Group has considered IUU fishing since 1999. The APEC 2002 Seoul Oceans Declaration includes a resolve to “eliminate IUU fishing activities from the APEC region”. FAO is cooperating with APEC to implement the IPOA–IUU in the region.<sup>51</sup>

An International Conference on Monitoring, Control and Surveillance (MCS) was held in Santiago, Chile in January 2000, which developed important efforts to combat IUU fishing. In this regard, Chile, Australia, Peru, United States of America and the European Community worked together to create an international information network on monitoring, control and surveillance against IUU fishing. Their efforts resulted in the establishment of the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control and Surveillance Activities, with the goals of improving the efficiency and effectiveness of fisheries-related MCS activities through enhanced cooperation, coordination, information collection and exchange among national organizations/institutions responsible for fisheries-related MCS.<sup>52</sup>

In November 2002, Spain, in technical collaboration with FAO, convened an International Conference on IUU Fishing to discuss measures to address IUU fishing at the national and global levels.

A Regional Economic Integration Organization, the European Union, has focused some attention on IUU fishing. A Communication from the European Commission of 28 May 2002<sup>53</sup> contained a working paper on a Community action plan for the eradication of IUU fishing. Because Community rules to implement the IPOA–IUU were already relatively developed, the aim of the working paper was to identify new measures or initiatives that should be undertaken under Community rules in the context of regional fisheries organizations, or by international multilateral organizations.

The Communication referred to the introduction of effective and coherent arrangements for monitoring fishing activities, and the considerable threat caused by “flags of convenience” – which undermine the entire monitoring system – to the survival of fisheries worldwide.<sup>54</sup> The Communication noted that the reform of the common fisheries policy is a particularly appropriate framework in which to conduct a coherent debate on the matter.

The Community action plan referred to measures: at Community level;<sup>55</sup> at the level of regional fisheries organizations;<sup>56</sup> at international level;<sup>57</sup> and in partnership with developing countries.<sup>58</sup>

The EU Fisheries Council adopted a number of conclusions on IUU fishing on 11 June 2002, in which the European Commission is urged to actively exercise its powers amongst the member States and the international community, especially among the regional fisheries organizations, in order to attain specified objectives.<sup>59</sup>

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<sup>51</sup> In 2002, the FAO Statement at the Fisheries Senior Officials Meeting referred to facilitation of the APEC Fisheries Working Group as a forum for elaborating principles contained in the IPOA-IUU and follow-up with APEC member economies on adoption of national plans of action on IUU fishing (see document AOMM/2002/FAO). It was noted that the members of APEC combine to make up over 80 *percent* of the world’s market for fish and fish products.

<sup>52</sup> The website address is: <http://imcsnet.org>.

<sup>53</sup> COM (2002) 180 final, Brussels, 28.5.2002. 11pp.

<sup>54</sup> See the report of the European Parliament’s Committee on Fisheries (A5-0405/2001, Rapporteur Patricia McKenna) and its resolution of 13 December 2001 on the role of flags of convenience in the fisheries sector.

<sup>55</sup> Comprised of four actions: State control over nationals; defining procedures for the implementation of arrangements approved at international level relating to the sustainability of fish stocks; control of activities associated with IUU fishing; and alerting the fishing industry, consumers and the public in general to the need to control IUU fishing.

<sup>56</sup> Comprised of five actions: development of framework plans for control and inspection within each regional fisheries organization; regulation of certain fishing activities on the high seas; identification and monitoring of IUU vessels; promoting uniform action plans to curb illegal fishing; identifying and quantifying illegal catches and certificates and documents.

<sup>57</sup> Comprised of four actions: improvement of information concerning fishing vessels; strengthening of international cooperation; definition of a substantial link between a State and a vessel; definition of rights and responsibilities of port States.

<sup>58</sup> Assistance for developing countries to control unlawful fishing.

<sup>59</sup> The objectives are: elaborate registers of authorized vessels and lists of unauthorized or illegal vessels in RFMOs; draw up lists of states or territories that do not cooperate with the RFMOs, which might be subject to transparent and non-discriminatory trade measures; measures of control over nationals and Community residents who use flags of convenience as

A 2003 Declaration of the Ministerial Conference – Ministers and the EC representative responsible for fisheries – addressing the sustainable development of fisheries in the Mediterranean<sup>60</sup> recognized that IUU fishing must be combated. In that context, it invited the relevant RFMO<sup>61</sup> to adopt effective measures based on the IPOA–IUU.<sup>62</sup>

RFBs, including RFMOs, considered IUU fishing at their 2001 and 2003 biennial meetings in Rome.<sup>63</sup> In 2001, the meeting acknowledged that IUU fishing was a widespread international issue that impacted the work of management organizations and expressed support for the draft IPOA, noting that it should ultimately reduce and eventually eliminate the incidence of IUU fishing. However, the meeting also recognized the differences in incidence and scope of IUU fishing between high seas and inshore fisheries and between marine and coastal and inland capture fisheries. Many RFBs indicated that IUU fishing was a serious problem in their respective areas and these organizations were addressing the problems generated by IUU fishing in ways that were largely consistent with the provisions of the draft IPOA–IUU.<sup>64</sup> At the 2003 meeting, RFBs noted the relevance of the issue of regional plans of action in support of the IPOAs, discussed in the Twenty-fifth Session of COFI.<sup>65</sup>

## **2. ROLE AND RESPONSES OF RFBs TO PREVENT, DETER AND ELIMINATE IUU FISHING**

### **2.1 Background: the role of RFBs and the IPOA–IUU**

Concurrent with action taken at the international level, and even before the term “IUU fishing” became commonplace, some regional fisheries organizations were already beginning to take initiatives to counter relevant practices.<sup>66</sup> This proactive approach, together with the mandates of RFMOs in general to adopt conservation and management measures, have contributed to a widely held view that RFMOs are the only realistic option for the conservation and management of shared stocks, or high seas stocks.

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a means to evade those measures of regulation and conservation that have been established; implement monitoring, control and surveillance programmes in each RFMO; identify and quantify illegal catches, and determine the origin of these catches in order to act before the corresponding flag State; implementation of regimes of classification or documentation regarding fish species that do so require, as an additional measure of international control; definition of the rights and obligations of the Port State concerning the access of fishing vessels to port facilities; provide assistance for developing countries to fulfil the commitments they have to undertake in relation with the International Plan of Action.

<sup>60</sup> Declaration of the Ministerial Conference for the Sustainable Development of Fisheries in the Mediterranean, Venice, 25-26 November 2003.

<sup>61</sup> GFCM.

<sup>62</sup> It referred, *inter alia*, to principles upon which to base a system of inspection, establishment of procedures to identify and take action against IUU vessels, and establishment of a register of authorized vessels.

<sup>63</sup> These meetings are conducted by RFBs and facilitated by FAO, and consist of FAO and non-FAO RFBs.

<sup>64</sup> FAO. Report of the Second Meeting of FAO and non-FAO Regional fishery bodies or Arrangements. Rome, 20-21 February 2001. FAO Fisheries Report. No. 645. Rome, FAO. 2001. 26p.

<sup>65</sup> FAO. Report of the Third Meeting of Regional fishery bodies. Rome, 3-4 March 2003. *FAO Fisheries Report*. No. 708. Rome, FAO. 2003. 26p.

<sup>66</sup> For example, CCAMLR first identified IUU fishing in 1997. See note 1, above. ICCAT had also taken extensive measures to combat IUU fishing prior to the development of the IPOA-IUU. It adopted a Resolution at its Ninth Special Meeting (Madrid, November-December, 1994), Regarding the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, which states that the Contracting Parties should take the necessary measures as soon as possible to maintain a register of all high seas fishing vessels greater than 24 meters in length and provide ICCAT with this information annually. ICCAT has been encouraging non-Contracting parties to do the same. In 1999, ICCAT published a list of around 340 longline tuna fishing vessels claimed to be involved in IUU fishing and flagged to countries operating open registers. Further, The ICCAT Resolution Concerning the Unreported and Unregulated Catches of Tunas by Large-Scale Longline Vessels in the Convention Area adopted at the 11th Special Meeting in Spain, 1998 requires the Commission to request the Contracting Parties, Cooperating Parties, entities or fishing entities which import or land frozen tuna and tuna-like products to submit specified information on an annual basis. The Compliance Committee and Permanent Working Group for the Improvement of ICCAT Statistics must then identify those whose vessels diminish the effectiveness of management measures. ICCAT may then request the revocation of their vessel registration or fishing licenses. For extensive discussion on actions taken by other RFMOs to address IUU fishing and related matters prior to the development of the IPOA-IUU, see Swan, J., “The Role of National Fisheries Administrations and Regional fishery bodies in Adopting and Implementing Measures to Combat IUU Fishing”, *op. cit.* note 11.

Collectively, their areas of competence cover all oceans, and they offer a mechanism for cooperation, decision and action to both members and, increasingly, non-members.

This view is reinforced by the rapidly increasing number of resolutions, recommendations and related decisions that have been adopted to date by many RFMOs to address IUU fishing and related activities, shown in Appendix 2. Although this compendium is based on publicly available information and may not be exhaustive, it contains a substantial number of measures and actions taken by the RFMOs. Of over fifty resolutions and other decisions, forty have been adopted since 2000, and twenty-nine refer specifically to IUU fishing. Information includes areas of concern to the RFMO, as well as main points of the action or measures taken.

From the perspective of most regional fishery bodies or arrangements – including those without management mandates – the issue of IUU fishing is prominent. The RFB secretariats identified their priority issues in response to a 2002 FAO questionnaire, and IUU fishing was among the issues cited as important by the highest aggregation of organizations.<sup>67</sup>

The important role of RFMOs in combating IUU fishing is reflected in paragraphs 78 through 84 of the IPOA–IUU, titled “Regional Fisheries Management Organizations”. Broadly, these paragraphs encourage States to take the measures and actions summarized below through RFMOs in conformity with international law and obligations. (Although these paragraphs are directed towards regional bodies with management mandates, they have to some extent also been applied by some RFBs that do not have management mandates. Discussion of the application or implementation of these paragraphs in subsequent sections of this document will therefore encompass regional fishery bodies or arrangements as a whole.)

- Ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant RFMO and by which they are bound, and cooperate to establish such organizations where none exist.<sup>68</sup>
- Because non-members are not discharged from their obligation to cooperate with RFMOs, States should give effect to their duty to cooperate by agreeing to apply the conservation and management measures established by the RFMO, or adopting consistent measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.<sup>69</sup>
- Strengthen and develop innovative ways to combat IUU fishing, and consider a range of measures to achieve this relating to, *inter alia*: institutional strengthening; compliance; mandatory reporting; exchange of information on vessels engaged in or supporting IUU fishing; records of authorized and IUU vessels in the area of competence; methods of compiling and using trade information to monitor IUU fishing; a range of specified MCS measures; boarding and inspection regimes; observer programmes; market-related measures; presumptions concerning IUU fishing; education and public awareness programmes; action plans; examination of chartering arrangements if there is concern they may result in IUU fishing.<sup>70</sup>
- Compile and make available to other RFMOs and FAO, information relevant to combating IUU fishing, including: estimates of the extent, magnitude and character of IUU activities; details of measures to combat IUU fishing; records of authorized fishing vessels; records of vessels engaged in IUU fishing.<sup>71</sup>

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<sup>67</sup> See Swan, J., Summary information on the role of international fishery organizations or arrangements and other bodies concerned with the conservation and management of living aquatic resources. *FAO Fisheries Circular*. No. 985. Rome, FAO. 2003. 114p.

<sup>68</sup> Paragraph 78.

<sup>69</sup> Paragraph 79.

<sup>70</sup> Paragraph 80.

<sup>71</sup> Paragraph 81.

- Objectives of institutional and policy strengthening in relation to IUU fishing should include enabling RFMOs to: determine policy objectives, both for internal purposes and coordination with other RFMOs; strengthen institutional mechanisms, including mandate, functions, finance, decision-making, reporting or information requirements and enforcement schemes, for the optimum implementation of policies in relation to IUU fishing; regularize coordination with institutional mechanisms of other RFMOs as far as possible, in particular information, enforcement and trade aspects; ensure timely and effective implementation of policies and measures internally, and in cooperation with other RFMOs and relevant regional and international organizations.<sup>72</sup>
- Encourage non-contracting parties with a real interest in the fishery concerned to join the RFMOs and participate fully in their work. Where this is not possible, non-contracting parties should be encouraged, *inter alia*, to participate in the RFMO and apply its conservation and management measures. Access to the resource should be addressed by RFMOs.<sup>73</sup>
- Draw the problem of IUU fishing activities to the attention of the flag State where it fails to ensure that its vessels or, to the greatest extent possible, its nationals do not engage in IUU fishing activities that affect the fish stocks covered by the RFMO. If the problem is not rectified, members may agree to adopt appropriate measures.<sup>74</sup>

The IPOA–IUU actions and measures summarized above underline the primary role of RFMOs in combating IUU fishing. They provide States, acting through RFMOs, with a number of tools designed for use at the regional level, building on measures that several RFMOs had already developed and implemented. As noted in the Technical Guidelines for the implementation of the IPOA–IUU, “The IPOA–IUU, while recognizing that States are only directly bound by measures adopted by RFMOs of which they are members, also reaffirms that States that are not members of RFMOs have a responsibility to ensure that their nationals and vessels do not undermine fishery and conservation measures adopted by RFMOs.”<sup>75</sup>

## 2.2 Methodology: current information on RFB actions to combat IUU fishing

Information on the actions and measures taken to date to implement the IPOA–IUU was sought through distribution of a questionnaire (Appendix 3). Although the IPOA–IUU refers only to RFMOs – regional fishery bodies with a management mandate – all RFBs were polled, including inland and scientific bodies.<sup>76</sup> This afforded those RFBs without a management mandate an opportunity to respond if they had undertaken activities to implement the IPOA–IUU, while recognizing that it may be completely outside the mandate of other RFBs. Some RFBs that do not have management mandates contribute to implementation of the IPOA–IUU through providing advice, or providing a forum for members to agree on measures or action to be implemented at national level or, by separate agreement, at regional level.

For these reasons, reference will be made throughout the remainder of this document to RFBs, as a term that includes both RFMOs (as specified in the IPOA–IUU), and RFBs that have reported taking measures or action in implementing the IPOA–IUU.

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<sup>72</sup> Paragraph 82.

<sup>73</sup> Paragraph 83.

<sup>74</sup> Paragraph 84.

<sup>75</sup> *Op. cit.*, note 10, p. 7.

<sup>76</sup> Thirty-four bodies were polled, including some that are in the early stages of being established.

The questionnaire was comprised of three parts as follows:

Part 1 RFMO Action to Implement the IPOA–IUU: Activity in relation to measures and actions identified in paragraphs 78–84 of the IPOA–IUU. Questions and responses are described in section 3, below.

Part 2 Extent and Effects of IUU Fishing in Area of Competence: Questions and responses are described in section 4, below.

Part 3 Summary of Challenges, Measures and Actions against IUU Fishing Activities: Questions and responses are described in section 5, below.

Responses were received from twenty-two marine RFBs,<sup>77</sup> and of these the total field of responses reported and assessed below is fifteen: twelve RFMOs<sup>78</sup> and three RFBs that do not have a management mandate.<sup>79</sup> As noted above, although the IPOA–IUU refers specifically to RFMOs, this document will take into account responses by all organizations and collectively refer to them as RFBs except where otherwise stated.

Seven respondents, including four RFMOs, advised that implementation of the IPOA–IUU is not now possible or relevant to their activities and/or did not complete the questionnaire.<sup>80</sup> All sixteen RFMOs in existence at the time of writing responded either to the questionnaire or by providing other information.

Of the three RFB respondents that do not have a management mandate, two indicated they have been addressing various areas of the IPOA–IUU.<sup>81</sup> One indicated that no action has yet been taken due to its

<sup>77</sup> APFIC, CCAMLR, CCSBT, CECAF, CTMFM, FFA, GFCM, IATTC, IBSFC, ICCAT, IOTC, IPHC, IWC, NAFO, NAMMCO, NASCO, NEAFC, NPAFC, PSC, RECOFI, SEAFO, WECAFC. This includes all sixteen of the RFMOs in existence at the time of writing.

<sup>78</sup> CCAMLR, CCSBT, CTMFM, GFCM, IATTC, IBSFC, ICCAT, IPHC, NAFO, NASCO, NEAFC, NPAFC.

<sup>79</sup> CECAF, FFA and RECOFI.

<sup>80</sup> APFIC noted the biggest problem is the legal, unreported and unregulated small-scale fishing vessels, which will be addressed through APFIC. IOTC, provided a Report on the Progress in the Measures to Eliminate Illegal, Unreported and Unregulated Large Scale Tuna Longline Fishing Vessels, a document submitted by Japan at the Eighth Session of IOTC, 8-12 December 2003, IOTC-S8-03-11. For purposes of assessing the questionnaire, this response is not considered in the total number of responses received because it is a report of a member country rather than the RFB. However, a number of resolutions and other decisions adopted by IOTC on IUU fishing appear in Appendix 2. IWC noted that as the moratorium on commercial whaling is still in force and discussions are not yet concluded on the form a revised supervision and control scheme would take should the moratorium be lifted, it is not possible to complete the questionnaire. Discussions on the supervision and control scheme are focusing on the following elements: 1. National inspectors and international observers; 2. The need for VMS in addition to national inspectors and international observers; 3. The need for additional catch verification measures, i.e. in addition to that provided by national inspectors and international observers. Currently two possible measures are included in discussions: (a) DNA register and genetic monitoring of markets, and (b) catch documentation. While there is reasonable agreement on national inspectors and international observers, there is as yet no agreement on items (2) and (3) above. NAMMCO noted that it does not deal with fisheries as such. It has an Observation Scheme in place that monitors whaling and sealing activities in the member countries, but does not address IUU fishing as such. PSC advised that it does not have direct responsibility regarding these types of issues. The way PSC is set up, it is the responsibility of the various management agencies from the respective parties to put in place the necessary practices. If there are concerns that management practices of a particular agency are impeding the objectives of the Treaty, then it is deliberated at one of their meetings. SEAFO advises that the SEAFO Convention had come into force in April 2003 and the Secretariat would only be formally established with the holding of the first SEAFO Commission Meeting in March 2004. The Interim Secretariat is unable to provide information as there are no monitoring and surveillance activities in place. WECAFC advises it cannot respond to Part 1 because it is not actively involved in fisheries management in the region and does not have any regulatory powers. The responsibility for fisheries management is left to the member countries. The Commission provides management advice or scientific information upon which management decisions should be based.

<sup>81</sup> FFA indicated that measures/action were taken in thirteen areas identified in the questionnaire, and CECAF in five areas, with some other areas under review.



recent establishment, and responded “no” to all questions in Part 1 but offered comments in Parts 2 and 3 of the questionnaire.<sup>82</sup>

On a regional basis, two transocean RFBs provided substantive responses,<sup>83</sup> as did seven in the Atlantic Ocean region,<sup>84</sup> four in the Pacific Ocean region,<sup>85</sup> and one each in the Indian Ocean region<sup>86</sup> and the Mediterranean, Black Sea and connecting waters.<sup>87</sup>

Responses to the questionnaire were prepared by the secretariats, and not formally considered by members. The information provided by the RFBs can be supplemented in many cases by reference to the relevant body’s website, but this document is based on the responses to the questionnaires in order to reflect information provided and priorities indicated by the responding RFBs.

### **3. RFB ACTION TO IMPLEMENT THE IPOA–IUU**

#### **3.1 Summary of objective and responses**

The objective of Part 1 of the questionnaire – RFMO Action to Implement the IPOA–IUU – was to seek information on action taken to implement, or other decisions that address, paragraphs 78 – 84 of the IPOA–IUU. The thirty-five substantive questions, or items, based on measures or actions stated in the IPOA–IUU, fall generally into the categories of “measures”, “compilation and exchange of information”, “policy objectives, institutional strengthening” and “general”. There was also an open-ended question in the event other relevant measures/action were taken and not covered in the questionnaire.

Respondents were asked to indicate the following in respect of each question:

“Yes”	If RFMO has undertaken the measures/action
“No”	If no measures/action have been undertaken
“N/A” (Not Applicable)	As appropriate
“Under Review”	As appropriate
“Information on Website”	As appropriate
“Highly effective measure”	Optional
“Comment”	Optional

The total number of responses for each question under the above headings is summarized in Appendix 4 except for “Comments”, which are noted in the narrative below. A total of fifteen RFBs responded to this Part of the questionnaire, including three RFBs that do not have a management mandate.

IUU fishing activities, by both members and non-members, affects the management goals of most RFBs and/or their members, giving rise to similar problems among them. However, the differences – in the mandates, legal authorities, membership, geographical coverage and priorities – encouraged agreement on the “toolbox” approach of the IPOA–IUU. In balancing these similarities and it is a reflection of the general applicability of paragraphs 78–84 of the IPOA–IUU that, for 29 of the 35 substantive items in the questionnaire (with different items indicated in each of the two cases):

- the number of “yes” responses was greater than the number of “no” responses;
- the “not applicable” option was chosen by a range of only 0 – 2 RFBs.

<sup>82</sup> RECOFI commented that as an organization, it has not yet even discussed IUU fishing issues in its two meetings so far. However, some member countries on their own have adopted some measures in controlling illegal fishing by foreign vessels in their waters. Other countries have issued rules and regulations to protect certain fishing grounds by certain fishing gear.

<sup>83</sup> CCAMLR, CCSBT.

<sup>84</sup> CECAF, CTMFM, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

<sup>85</sup> FFA, IATTC, IPHC, NPAFC.

<sup>86</sup> RECOFI.

<sup>87</sup> GFCM.

Of the six items where the “no” responses were greater, four items showed that a number of RFBs had the matter under review, so the total of “yes” and “under review” items was the same as or exceeded the number of “no” responses.<sup>88</sup>

The responses are indicative of trends and general priorities in the measures and actions taken by RFBs to implement the IPOA–IUU. Results are presented below in three groups, according to the number of “yes” responses to each item on the questionnaire. They are summarized in Figures 1, 2 and 3 in section 3.3, below, as follows:

- Figure 1 – Significant activity indicated: Nine to eleven “yes” responses. (14 items identified)
- Figure 2 – Moderate activity indicated: six to eight “yes” responses. (13 items identified)
- Figure 3 – Some activity indicated: five or less “yes” responses. (9 items identified)

Before reviewing the responses in Figures 1 – 3, and to better appreciate the significance of the “yes” responses in a broader context, the items showing the greatest number of “yes”, “no”, “not applicable”, “under review” and “highly effective” responses are profiled below.

### 3.1.1 “Yes” Responses

In general, the greatest number of “yes” responses (10 or 11 per item) were indicated in respect of the following items, most of which relate to compilation and/or exchange of records and information:<sup>89</sup>

- Undertaking institutional strengthening to enhance the capacity to combat IUU fishing;
- Compiling and exchanging records of authorized vessels.
- Developing compliance measures;
- Maintaining a record of authorized fishing vessels;
- Compilation, exchange of information on details of measures taken on IUU fishing; and
- Regularizing coordination with other RFMOs in respect of information.

Generally, only 1–3 RFBs responded “no” to each of these items.

### 3.1.2 “No” Responses

Conversely, the greatest number of “no” responses (8), in respect of the items shown below, also attracted the lowest number of “yes” responses:

- Examination of chartering arrangements;<sup>90</sup>
- Regularizing coordination with other RFMOs on trade issues.<sup>91</sup>

A lesser number of “no” responses (6 or 7) were given for the following items, but these are balanced by a greater number of “yes” responses.

<sup>88</sup> The two items where the total “no” responses exceeded the “yes” plus “under review” responses are Question 18, Examination of Chartering Arrangements and Question 32, Regularizing coordination with other RFMOs on trade. These are discussed in the text below.

<sup>89</sup> Details of respondents are noted in Figure 1.

<sup>90</sup> Question 18. CCSBT, CECAF, CTMFM, FFA, GFCM, IATTC, NASCO, RECOFI. Three RFBs indicated “yes”.

<sup>91</sup> Question 32. CCAMLR, CCSBT, FFA, GFCM, ICCAT, NAFO, NASCO, RECOFI. One RFB indicated “yes”, however five RFBs indicated this was not applicable. IATTC responded “yes”.

- Development of methods of compiling and using trade information to monitor IUU fishing;<sup>92</sup>
- Market-related measures to combat IUU fishing;<sup>93</sup>
- Institutional mechanisms strengthened – enforcement schemes;<sup>94</sup>
- Regularize coordination with other RFMOs – enforcement.<sup>95</sup>

It is evident from the above that trade and marketing measures or action, and certain aspects of enforcement are areas where many RFBs are not currently focusing attention. This may be attributed both to the general mandates and priorities of the RFBs, and to other identifiable factors, for example: an RFB may apply its trade scheme to species not managed by other RFMOs, making coordination with other RFBs impossible;<sup>96</sup> and enforcement issues may require legal authority under member States' laws, bilateral or multilateral agreements.

More generally, and with one exception,<sup>97</sup> there was a threshold between “no” and “yes” responses: where there were five or less “no” responses for an item there were more than five “yes” responses.

### 3.1.3 “Not Applicable” Responses

For the most part, there were 0–2 responses in the “not applicable” (N/A) column for each item.<sup>98</sup> The following items attracted three or four responses each, except for the last item which five RFBs identified as not applicable.

- Policy objectives determined for coordination with RFMOs;<sup>99</sup>
- Institutional mechanisms strengthened – mandate;<sup>100</sup>
- Institutional mechanisms strengthened – finance;<sup>101</sup>
- Regularize coordination with other RFMOs – enforcement;<sup>102</sup>
- Timely, effective implementation of policies, measures internally, with other RFMOs and internationally;<sup>103</sup>
- Other measures/actions not covered above;<sup>104</sup>
- Regularizing coordination with other RFMOs – trade.<sup>105</sup>

It is noteworthy that responses indicate moderate activity by RFBs in relation to the first two items, which were each designated “N/A” by three RFBs, and only some activity for the remaining five. In fact, only one “yes” response was received for the last item, reinforcing the low level of activity, and high number of “no” responses, in relation to many trade-related actions or measures.

<sup>92</sup> Question 7. CECAF, CTMFM, FFA, GFCM, NAFO, NASCO, RECOFI. Five RFBs responded “yes”, one “N/A”, and two “under review”.

<sup>93</sup> Question 15. CECAF, CTMFM, FFA, NAFO, NASCO, RECOFI. Five RFBs responded “yes”, none “N/A”, three “under review”.

<sup>94</sup> Question 29. CCSBT, FFA, GFCM, IATTC, ICCAT, NASCO, RECOFI. Five RFBs responded “yes” two “N/A”, one “under review”.

<sup>95</sup> Question 31. CCSBT, FFA, GFCM, IATTC, ICCAT, NAFO, RECOFI. Three RFBs responded “yes”, three “N/A” and one “under review”.

<sup>96</sup> e.g., CCAMLR.

<sup>97</sup> Question 33. Timely, effective implementation of policies, measures internally, with other RFMOs and internationally. Five RFBs responded “no” and four responded “yes”.

<sup>98</sup> Of the 36 items, 29 showed a response of 0-2 RFBs.

<sup>99</sup> Question 23. CECAF, NEAFC, NPAFC.

<sup>100</sup> Question 24. IPCH, NEAFC, NPAFC.

<sup>101</sup> Question 26. CTMFM, IPHC, NEAFC, NPAFC.

<sup>102</sup> Question 31. IPHC, NEAFC, NPAFC.

<sup>103</sup> Question 33. CTMFM, FFA, IPHC, NEAFC.

<sup>104</sup> Question 36. CECAF, IPHC, NASCO, NEAFC.

<sup>105</sup> Question 32. CECAF, CTMFM, IPHC, NEAFC, NPAFC.

There were only two questions that did not attract an “N/A” response. These related to the development of boarding and inspection regimes, and market-related measures to combat IUU fishing.

Only six RFBs indicated “N/A” throughout the entire questionnaire.<sup>106</sup> Although it is difficult to identify a common thread among their mandates, one notable feature is the general absence of RFBs with a tuna mandate from this group. The only exception was the indication by one tuna RFB with an advisory mandate that institutional strengthening to enhance capacity to combat IUU fishing is not applicable.<sup>107</sup> This would be unnecessary due to the imminent establishment of a management-mandated tuna organization for its mandated region.<sup>108</sup>

### 3.1.4 “Under Review” Responses

Similarly, for the most part, there were 0–2 responses in the “Under Review” column for each item.<sup>109</sup> The following items showed three responses each:

- MCS – Port control measures;<sup>110</sup>
- Development of boarding and inspection regimes;<sup>111</sup>
- Development of observer programmes;<sup>112</sup>
- Market-related measures to combat IUU fishing;<sup>113</sup>
- Development of action plans to combat IUU fishing;<sup>114</sup>
- Policy objectives determined for coordination with RFMOs;<sup>115</sup>
- Regularizing coordination with other RFMOs – information;<sup>116</sup>
- Measures/actions relating to flag State responsibility.<sup>117</sup>

Of the above, only one area is already experiencing significant activity: regularizing coordination with other RFMOs on information. Only some activity has been indicated by RFBs for the item “market-related measures to combat IUU fishing” so the reviews would add important energy to this area. The other items show moderate activity by RFBs, so further activity would enhance existing initiatives.

### 3.1.5 “Highly Effective” Responses

An opportunity to indicate measures or actions that are highly effective was offered to respondents on an optional basis. Only three items were marked “highly effective”:

- Information exchange on IUU fishing, support vessels;<sup>118</sup>
- Development of observer programmes;<sup>119</sup>
- Development of action plans to combat IUU fishing.<sup>120</sup>

<sup>106</sup> CECAF, CTMFM, FFA, IPHC, NEAFC, NPAFC.

<sup>107</sup> FFA.

<sup>108</sup> The Western Central Pacific Fisheries Commission.

<sup>109</sup> Twenty-seven of the items marked “Under Review” showed 0-2 RFBs each.

<sup>110</sup> Question 11. GFCM, ICCAT, NEAFC. ICCAT also indicated “no” for this question.

<sup>111</sup> Question 13. CCSBT, CECAF, ICCAT.

<sup>112</sup> Question 14. CECAF, CTMFM, NEAFC.

<sup>113</sup> Question 15. GFCM, NEAFC, NPAFC.

<sup>114</sup> Question 17. CCAMLR, GFCM, NEAFC. CCAMLR noted that the draft prepared is under review. IATTC (not included) commented that there is no formal plan, but evidentiary measures are being adopted.

<sup>115</sup> Question 23. GFCM, IATTC, IBSFC. IATTC referred to discussions at meetings of RFMOs and tuna RFMOs.

<sup>116</sup> Question 30. CECAF, GFCM, IBSFC.

<sup>117</sup> Question 35. CCAMLR, GFCM, IPHC.

<sup>118</sup> Question 4. NPAFC.

<sup>119</sup> Question 14. CCSBT, FFA.

<sup>120</sup> Question 17. NPAFC, which referred to the Joint Operations Information Coordination Group; Enforcement Evaluation and Coordination Meetings. Information is on the website.

Two RFBs indicated the development of observer programmes to be highly effective, while one RFB responded in each of the other two items.

### 3.2 Actions and measures taken to implement the IPOA-IUU

The indicative trends described above are elaborated in this section in the context of affirmative responses and comments made by RFBs. As described above, these are grouped into categories of significant activity, moderate activity and some activity, according to the number of “yes” responses.

RFBs were given an opportunity to comment on each item, on an optional basis. A number of useful comments were received, describing practices and rules adopted by RFBs. These are summarized in the narrative accompanying the figures below.

#### 3.2.1 Significant activity indicated

At the high end, fourteen items on the questionnaire attracted the greatest number of affirmative responses, indicating the strongest priorities at regional level. A total of nine, ten or eleven “yes” responses were indicated for each item in Figure 1. A majority of the items in this group relate to the compilation, exchange and/or coordination of records and information, and various aspects of MCS, including development of compliance measures. Policy and institutional issues are also included.

**Figure 1. Significant activity indicated  
(Nine to eleven “yes” responses)<sup>121</sup>**

- Institutional strengthening undertaken to enhance capacity to combat IUU fishing;<sup>122</sup>
- Development of compliance measures;<sup>123</sup>
- Development, implementation of comprehensive arrangements for mandatory reporting;<sup>124</sup>
- Maintain record of fishing vessels – authorized;<sup>125</sup>
- Maintain a record of fishing vessels – IUU;<sup>126</sup>
- MCS – promoting implementation of MCS by members in their jurisdictions;<sup>127</sup>
- MCS – real time catch and vessel monitoring systems;<sup>128</sup>
- MCS – monitoring landings;<sup>129</sup>
- MCS – regulation of transshipment;<sup>130</sup>
- Compilation, exchange of information on details of measures taken on IUU fishing;<sup>131</sup>
- Records of authorized vessels compiled, exchanged;<sup>132</sup>
- Policy objectives determined for internal purposes;<sup>133</sup>
- Institutional mechanisms strengthened – reporting, information requirements;<sup>134</sup>
- Regularize coordination with other RFMOs – information.<sup>135</sup>

<sup>121</sup> ICCAT has advised that it responded “yes” to a number of questions, particularly relating to MCS, where measures have been adopted but are not expected to formally enter into force until June 2004.

<sup>122</sup> Question 1. CCAMLR, CCSBT, CECAF, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

<sup>123</sup> Question 2. CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

<sup>124</sup> Question 3. CCAMLR, CCSBT, FFA, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

<sup>125</sup> Question 5. CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

<sup>126</sup> Question 6. CCAMLR, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

<sup>127</sup> Question 8. CCAMLR, CECAF, CTMFM, FFA, IBSFC, ICCAT, NAFO, NASCO, NEAFC.

<sup>128</sup> Question 9. CCAMLR, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

In general, many RFBs reported institutional strengthening both to enhance their capacity to combat IUU fishing,<sup>136</sup> and in respect of mechanisms for reporting and information requirements.<sup>137</sup> As well, many have determined policy objectives for internal purposes, and a few noted that their Conventions contain policy objectives.<sup>138</sup>

Many RFBs reported that they have developed compliance measures,<sup>139</sup> and implemented comprehensive arrangements for mandatory reporting.<sup>140</sup> Records of both authorized<sup>141</sup> and IUU<sup>142</sup> fishing vessels are maintained by many RFBs.

Some respondents, indicating action to promote implementation of MCS by members in their jurisdictions, have commented on subregional and national MCS initiatives,<sup>143</sup> “catch and monitoring” systems<sup>144</sup> and development of a series of MCS measures.<sup>145</sup>

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<sup>129</sup> Question 10. CCAMLR, CECAF, CMFM, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

<sup>130</sup> Question 12. CCAMLR, CECAF, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

<sup>131</sup> Question 20. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

<sup>132</sup> Question 21. CCAMLR, CCSBT, CECAF, CTMFM, FFA, IATTC, IBSFC, ICCAT, IPHC, NAFO, NEAFC.

<sup>133</sup> Question 22. CCAMLR, CCSBT, CTMFM, IBSFC, ICCAT, IPHC, NAFO, NASCO, NPAFC.

<sup>134</sup> Question 28. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO, NPAFC.

<sup>135</sup> Question 30. CCAMLR, CCSBT, CTMFM, FFA, IATTC, ICCAT, IPHC, NAFO, NASCO, NEAFC.

<sup>136</sup> CCAMLR reported the establishment of a Committee (SCIC) with Revised Terms of Reference on Implementation and Compliance. CTMFM noted that the Commission has the mandate to adopt norms and measures aimed at ensuring the rational exploitation of the fisheries within its jurisdiction. The existing institutional framework is continuously updated by means of agreements arrived to in the Commission. IATTC referred to the Antigua Convention signed 14 November 2003. NAFO noted that the Secretariat has the necessary resources to carry out its functions, and non-Members whose vessels fish in the NAFO area are routinely invited to join the Convention.

<sup>137</sup> CTMFM noted that the Commission, within its jurisdiction, serves as a channel for the exchange of fisheries information between both member countries.

<sup>138</sup> CTMFM commented that the policy objectives are set out in the Treaty (to ensure rational exploitation of the fisheries within the Commission’s jurisdiction) and developed in successive Resolutions approved by the Commission. NAFO, in a similar vein, noted that there seems to be flexibility enough in the Convention itself that enables NAFO to meet the objectives outlined in this paragraph. And as commented on above, most of these means are already in place in NAFO. However, there seems to be room for improvement concerning coordination and cooperation with other regional fisheries management organizations (this comment is also applicable to items 23-33 of the questionnaire).

<sup>139</sup> CCAMLR noted that a suite of measures has been developed and is kept under review, and new measures are adopted. CTMFM reported that since 17 November 2003, Argentine fishing vessels must be equipped with compulsory satellite positioning systems. The Uruguayan fleet will implement the same system as soon as possible. Until that system is ready, Uruguayan ships must report their position at specified intervals. Relevant IATTC resolutions since 1998 are available on the website, and NAFO has adopted Conservation and Enforcement Measures (CEM) which include compliance measures, and that are under consecutive review by the Fisheries Commission.

<sup>140</sup> CTMFM has the matter under review, and noted that it is in the process of setting up a common fishing report. FFA has undertaken its work through the Harmonised Minimum Terms and Conditions for Foreign Fishing Vessel Access (MTCs). NAFO referred to PART III (E) (Hail system) of the Conservation and Enforcement Measures.

<sup>141</sup> CCAMLR noted that a vessel database has been established and is maintained. CTMFM explained that the competent fisheries Authority of each of the Parties is in charge of issuing fishing permits. This information must be communicated to the Commission and to the other Party. FFA referred to the Regional Register of Foreign Fishing Vessels, and NAFO referred to its Conservation and Enforcement Measures Part IIID, Notification of Fishing and Processing Vessels.

<sup>142</sup> CCAMLR noted that the vessel database has information of IUU vessels. CTMFM reported that Navies and Coast Guards have the task of reporting on IUU fishing activities. NAFO referred to paragraph 5.2 of the Rules of Procedure for the General Council, concerning The Standing Committee on Non-Contracting Party Fishing Activities (STACFAC).

<sup>143</sup> CECAF noted the existence of sub-regional and national MCS initiatives, and CCSBT reported that its members all have MCS systems in place. Their implementation is reported to the CCSBT in various ways at meetings. CTMFM referred to the requirement since 17 November 2003 for Argentine fishing vessels to be equipped with compulsory satellite positioning systems. The Uruguayan fleet is to implement the same system as soon as possible. Until that system is ready, Uruguayan ships must report their position at specified intervals.

<sup>144</sup> NAFO has established “catch and monitoring” systems and systems for monitoring of landings and port control, see PART VII (Port inspections) of the Conservation and Enforcement Measures. These measures include transshipment, see PART I J) and PART III E), 1 (e) and paragraphs 2, 5, 10 and 11 of the non-CP Scheme.

<sup>145</sup> ICCAT adopted a package of MCS measures in November 2003, but they are not expected to formally enter into force until June 2004.

A number of RFBs commented on another MCS item – real time catch and vessel monitoring systems (VMS). One RFB reported the development of a centralized VMS where members will report VMS data in 2004 on a voluntary basis.<sup>146</sup> Several others referred to specific VMS requirements,<sup>147</sup> and more generally one RFB, with the matter under review, noted sensitization on VMS possibilities in the region.<sup>148</sup> One RFB has measures for the weekly reporting of purse seine activities, but no VMS.<sup>149</sup>

Some RFBs referred to their measures regarding a further MCS item – monitoring landings,<sup>150</sup> and one advised that this control is executed by each member country.<sup>151</sup>

One RFB reported that MCS – regulation of transshipment is problematic because it is a national effort, restricted by means to monitor vessels at sea.<sup>152</sup> However, others reported measures taken to address this area.<sup>153</sup>

The compilation and exchange of information appeared to be a high priority, especially in relation to details of measures taken on IUU fishing<sup>154</sup> and on records of authorized vessels.<sup>155</sup> Many RFBs also indicated regularized coordination of information with other RFBs. Interestingly, a lesser – but still significant – number of RFBs indicated that they undertake estimates of the extent, magnitude and character of IUU activities.<sup>156</sup>

### 3.2.2 Moderate activity indicated

A total of six, seven or eight respondents indicated “yes” for each of the thirteen items in the questionnaire described in Figure 2. Several of these items are compliance-related measures, and some involve strengthening institutional mechanisms. Others concern policy, cooperation, coordination and information exchange.

Responses to these items show that a slightly reduced number of RFBs exchange information on IUU fishing and support than those that exchange information on measures taken and vessel records as

<sup>146</sup> CCAMLR is developing centralized VMS. FFA also coordinates centralized VMS.

<sup>147</sup> CTMFM reported that, from November 17, 2003, Argentine fishing vessels must be equipped with compulsory satellite positioning systems. The Uruguayan fleet will implement the same system as soon as possible. Until that system is ready, Uruguayan ships must report their position at specified intervals. FFA’s centralized approach monitors vessel positions only. IPHC referred to limited implementation for domestic, primarily for domestic purposes. NAFO referred to CEM PART I, D) (Recording of catch), PART III E) (Hail system) and PART VI (Program for observers and satellite tracking. VMS is real time. ICCAT adopted relevant measures in November 2003, but they are not expected to formally enter into force until June 2004.

<sup>148</sup> CECAF.

<sup>149</sup> IATTC.

<sup>150</sup> CCAMLR referred to its trade documentation scheme and Catch Documentation Scheme for *Dissostichus* spp. CECAF noted statistical reporting, ICCAT referred to measures adopted in November 2003 but are not expected to formally enter into force until June 2004, and NAFO cited CEM PART VII (Port Inspections).

<sup>151</sup> CTMFM.

<sup>152</sup> CECAF.

<sup>153</sup> FFA cited the agreed Minimum Terms and Conditions of Access by Foreign Fishing Vessels. ICCAT referred to relevant measures adopted in November 2003, but not yet expected to formally enter into force until June 2004. NAFO referred to CEM PART I (J) and PART III (E), 1 (e) and paragraphs 2, 5, 10 and 11 of the non-CP Scheme.

<sup>154</sup> CCAMLR reported that this is annually reviewed by the Standing Committee on Implementation and Compliance (SCIC) and reported to the Commission. CCSBT noted that this is done in an unstructured way by providing other RFBs with the report of the CCSBT deliberations. IATTC stated that resolutions are circulated to non-members and other tuna RFMOs. NAFO reported that this information is not made available to other RFMOs or FAO.

<sup>155</sup> CCAMLR noted that this information is compiled and exchanged between members via the CCAMLR website. CCSBT reports that the “positive list” is one of the four pillars of its approach to IUU fishing. At the 2003 annual meeting the CCSBT agreed to introduce a list of vessels over 24 metres authorized to fish for SBT. This will come into effect on 1 July 2004. The list will include vessels from members and all cooperating countries. Members are required to prevent the import of SBT from any vessel that is not on the list of approved vessels. The list of approved vessels will be published on the CCSBT website. The agreed scheme requires the Secretariat to make the information available to other RFBs to assist in the coordination of efforts to combat IUU fishing. The CCSBT agreed not to develop a negative list at this stage preferring to wait until the effectiveness of the positive list could be determined. ICCAT referred to information on its website, and NAFO noted that this information is not made available to other RFMOs or FAO.

<sup>156</sup> Eight responded affirmatively, see Figure 2.

indicated in Figure 1.<sup>157</sup> This could be partly attributable to the difficulty, often expressed by RFBs, of obtaining such information from members or non-members. It may also be linked to the fact that only about half of the RFBs undertake estimates of the extent, magnitude and character of IUU activities – again, possibly because of the difficulty in obtaining the information.

**Figure 2. Moderate activity indicated  
(Six to eight “yes” responses)**

- Information exchange on IUU fishing, support vessels;<sup>158</sup>
- MCS – port control measures;<sup>159</sup>
- Development of boarding and inspection regimes;<sup>160</sup>
- Development of observer programmes;<sup>161</sup>
- Definition of presumptions for IUU fishing, support;<sup>162</sup>
- Development of action plans to combat IUU fishing;<sup>163</sup>
- Estimates undertaken of the extent, magnitude and character of IUU activities;<sup>164</sup>
- Policy objectives determined for coordination with RFMOs;<sup>165</sup>
- Institutional mechanisms strengthened – mandate;<sup>166</sup>
- Institutional mechanisms strengthened – functions;<sup>167</sup>
- Institutional mechanisms strengthened – decision-making;<sup>168</sup>
- Cooperation with non-members;<sup>169</sup>
- Measures/actions relating to flag State responsibility.<sup>170</sup>

<sup>157</sup> A higher number of RFBs responded “no” to the question on exchange of information on IUU fishing (5 RFBs) than to questions on exchange of information on measures (2 RFBs) and vessel records (3 RFBs). Responding to this question, CCAMLR noted that the information exchange is arranged via the CCAMLR website. CTMFM, designating N/A, stated that the fisheries in the area of the Commission do not employ support vessels. IATTC referred to its resolutions on fishing by non-Party vessels and its List of Large Scale Tuna Longline Vessels. NAFO has established a specific committee (STACFAC) addressing issues regarding non-Contracting Parties activities in the Regulatory Area and has adopted a Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO (“the non-CP Scheme”).

<sup>158</sup> Question 4. CCAMLR, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

<sup>159</sup> Question 11. CCAMLR, CTMFM, FFA, IBSFC, IPHC, NAFO, NASCO.

<sup>160</sup> Question 13. CCAMLR, FFA, IBSFC, IPHC, NAFO, NEAFC, NPAFC.

<sup>161</sup> Question 14. CCAMLR, CCSBT, CTMFM, FFA, IATTC, IBSFC, IPHC, NAFO.

<sup>162</sup> Question 16. CCAMLR, CCSBT, IATTC, ICCAT, NAFO, NEAFC.

<sup>163</sup> Question 17. CCSBT, CTMFM, IBSFC, ICCAT, NASCO, NPAFC.

<sup>164</sup> Question 19. CCAMLR, CTMFM, IATTC, ICCAT, NAFO, NASCO, NEAFC, NPAFC.

<sup>165</sup> Question 23. CCAMLR, CCSBT, CTMFM, ICCAT, NAFO, NASCO.

<sup>166</sup> Question 24. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NASCO.

<sup>167</sup> Question 25. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO.

<sup>168</sup> Question 27. CCAMLR, CCSBT, CTMFM, IATTC, IBSFC, ICCAT, NAFO, NPAFC.

<sup>169</sup> Question 34. CCAMLR, CCSBT, FFA, IATTC, ICCAT, NASCO, NEAFC, NPAFC.

<sup>170</sup> Question 35. CCSBT, FFA, IATTC, IBSFC, ICCAT, NAFO, NASCO, NEAFC.



Some respondents that do exchange information on IUU fishing and support cited the following mechanisms: the RFB website;<sup>171</sup> adoption of resolutions on fishing by non-Party vessels and a list authorized vessels;<sup>172</sup> and establishment a committee/scheme to promote compliance by non-contracting parties.<sup>173</sup>

RFBs that commented on MCS – port control measures included reference to their trade documentation scheme and conservation measures adopted in support of a catch documentation scheme,<sup>174</sup> and conservation and enforcement measures.<sup>175</sup> One RFB noted that this control is exercised by each country,<sup>176</sup> and another indicated that such measures are contained in agreed regional minimum terms and conditions for access by foreign fishing vessels.<sup>177</sup>

Few RFBs referred to existing boarding and inspection schemes. One reported that a system on inspection has been in place since 1988,<sup>178</sup> and another since 1993.<sup>179</sup> The scheme forms part of the conservation and enforcement measures of one RFB,<sup>180</sup> and the harmonized minimum terms and conditions for fisheries access (MTCs) of another.<sup>181</sup> One RFB referred to the exchange of information on guiding inspectors,<sup>182</sup> and another has recently adopted measures.<sup>183</sup>

Of the measures considered to be highly effective, the development of observer programmes was the only item endorsed by two RFBs.<sup>184</sup> One RFB reported an observer programme that has been in place since 1996,<sup>185</sup> and another cited its Program for Observers and Satellite Tracking.<sup>186</sup>

Two RFBs referred to presumptions they have adopted describing elements of IUU fishing.<sup>187</sup> The presumptions assist in identifying IUU fishing vessels in order that agreed measures and action can then be taken. Information on these and similar resolutions adopted by other RFBs is in Appendix 2.

RFBs referred to both formal and informal action plans to combat IUU fishing. A formal Action Plan forms one of the four pillars of the approach of one RFB to IUU fishing.<sup>188</sup> The Plan identifies countries that are supporting illegal fishing for southern bluefin tuna (SBT). Several countries have been identified and threatened with trade restrictive action. Of the countries identified to date, four have left the fishery and another three are now cooperating fully with the RFB's management objectives. The action plan is a permanent agenda item for consideration at each annual meeting of the Commission. Another RFB has prepared a formal draft Action Plan, under review at the time of writing.<sup>189</sup>

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<sup>171</sup> CCAMLR.

<sup>172</sup> IATTC.

<sup>173</sup> NAFO.

<sup>174</sup> CCAMLR.

<sup>175</sup> NAFO referred to its CEM PART VII (Port Inspections).

<sup>176</sup> CTMFM.

<sup>177</sup> FFA.

<sup>178</sup> CCAMLR.

<sup>179</sup> NPAFC, under the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean.

<sup>180</sup> NAFO, which referenced CEM PART IV (Scheme of joint international inspection and surveillance).

<sup>181</sup> FFA.

<sup>182</sup> CECAF.

<sup>183</sup> ICCAT: the measures are not expected to enter into force before June 2004.

<sup>184</sup> CCSBT and FFA.

<sup>185</sup> CCAMLR, the Scheme of International Scientific Observation.

<sup>186</sup> NAFO, CEM PART VI.

<sup>187</sup> CCAMLR cited Conservation Measure 10-06: see [www.ccamlr.org](http://www.ccamlr.org). Concerning vessels flying the flag of Contracting Parties, NAFO referred to CEM PART IV paragraph 9. Concerning non-Contracting Party vessels, see paragraph 10 of the non-CP scheme.

<sup>188</sup> CCSBT.

<sup>189</sup> CCAMLR.

Other RFBs report that no formal plan has been adopted, but that specific action has been taken such as requiring satellite positioning systems or developing evidentiary measures.<sup>190</sup> One RFB referred to its mechanism of Enforcement Evaluation and Coordination Meetings in this context.<sup>191</sup>

Some RFBs reported annual or other focused estimates of the extent, magnitude and character of IUU fishing.<sup>192</sup> One RFB stated that it estimates IUU fishing exists, but that it is not relevant in extent or magnitude.<sup>193</sup>

The determination of policy objectives for coordination with RFMOs was reported to be carried out under the framework of the Convention/Treaty by two of the respondents, by and another in discussions at meetings with RFMOs.<sup>194</sup>

There are three items referring to the strengthening of institutional mechanisms, relating to mandate, functions and decision-making. In respect of all three, one RFB referred to its comment regarding the applicability of the Convention/Treaty noted in the preceding paragraph.<sup>195</sup> Another did the same in respect of mandate, and for functions reported that the Commission continuously updates and develops the institutional framework for the rational exploitation of fisheries within its jurisdiction.<sup>196</sup>

Cooperation with non-members is carried out regularly by many RFBs, and one RFB reported that a comprehensive policy is adopted and implemented.<sup>197</sup> Another cited such cooperation as one of the four pillars of its approach to IUU fishing, and elaborated that it established the status of cooperating non-member as part of a strategy to engage with all countries active or interested in the fishery.<sup>198</sup> This status provides non-members with the right to participate fully in the affairs of the RFB other than to vote and imposes responsibilities to implement the management and conservation measures of the RFB including to limit catch to an agreed amount. It is regarded as a transitional measure to full membership and accession to the Convention. Three countries have indicated that they wish to apply for cooperating non-member status. If granted, the RFB will be setting catch limits for almost 100 percent of catch activity in the fishery. For 2003–2004 the RFB set catch limits on members totalling 14,030 tonnes and another 900 tonnes for cooperating non-members.

On the other hand, an RFB that responded “no” to this item<sup>199</sup> commented that it is an “open” organization but has, however, not established a policy to encourage non-contracting Parties to join the RFB. It adopted a resolution in 1999 to guide future new members’ expectations with regard to fishing opportunities in the regulatory area.

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<sup>190</sup> CTMFM and IATTC, respectively.

<sup>191</sup> NAFO. The meetings fall within its Joint Operations Information Coordination Group.

<sup>192</sup> CCAMLR and NAFO carry out annual estimates, and NAFO referred to the annual compliance report and list of non-contracting Parties vessels fishing in the NAFO area. This is not made available to other RFMOs or FAO, however. IATTC referred to purse seine vessels that are not complying with management measures, and identification of non-reporting longline vessels. ICCAT reported that catches are estimated mainly for bluefin and bigeye tunas; vessels investigated have mostly been large-scale longliners.

<sup>193</sup> CTMFM.

<sup>194</sup> CTMFM referred to the Rio de la Plata Management Commission within the framework of the Treaty, IATTC identified discussions at meetings of RFMOs and tuna RFMOs, and NAFO stated that there seems to be flexibility enough in the Convention itself that enables NAFO to meet the objectives outlined in this paragraph. Most of these means are already in place in NAFO. However, there seems to be room for improvement concerning coordination and cooperation with other regional fisheries management organizations. NAFO applied this comment to the next three points as well: institutional mechanisms strengthened for mandate, functions and decision-making.

<sup>195</sup> NAFO.

<sup>196</sup> CTMFM.

<sup>197</sup> CCAMLR.

<sup>198</sup> CCSBT.

<sup>199</sup> NAFO.

Many respondents indicated they are taking measures or actions relating to flag State responsibility, and some others have the matter under review. Actions taken by two of the respondents were described. In one, if a non-contracting Party vessel has been observed fishing in the regulatory area, the President of the RFB sends a letter to the flag State of the vessel, requesting their cooperation.<sup>200</sup> Another indicated that it carries out diplomatic demarches.<sup>201</sup> A third cited measures agreed at regional level in the minimum terms and conditions of fisheries access for foreign fishing vessels.

### 3.2.3 Some activity indicated

Five or less RFBs responded “yes” to each of the nine items on the questionnaire shown in Figure 3, indicating some activity only. The highest aggregation of items relate to trade and market-related measures, followed by institutional and coordination aspects of enforcement. An area relevant to enforcement, examination of chartering arrangements, is included in this grouping. The remaining items relate to strengthening institutional finance mechanisms, timely and effective implementation of policies internally, with other RFMOs and internationally, and other measures/action.

Of the above, the items in this grouping where the least activity is indicated are the examination of chartering arrangements and regularizing coordination with other RFMOs on enforcement, which received three affirmative responses each, and regularizing coordination with other RFMOs on trade, with only one RFB responding affirmatively.

**Figure 3. Some activity indicated  
(Five or less “yes” responses)**

- Development of methods of compiling and using trade information to monitor IUU fishing;<sup>202</sup>
- Market-related measures to combat IUU fishing;<sup>203</sup>
- Examination of chartering arrangements;<sup>204</sup>
- Institutional mechanisms strengthened – finance;<sup>205</sup>
- Institutional mechanisms strengthened – enforcement schemes;<sup>206</sup>
- Regularize coordination with other RFMOs – enforcement;<sup>207</sup>
- Regularize coordination with other RFMOs – trade;<sup>208</sup>
- Timely, effective implementation of policies, measures internally, with other RFMOs and internationally;<sup>209</sup>
- Other measures/action not covered above.<sup>210</sup>

<sup>200</sup> NAFO.

<sup>201</sup> NEAFC.

<sup>202</sup> Question 7. CCAMLR, CCSBT, IATTC, IBSFC, ICCAT.

<sup>203</sup> Question 15. CCAMLR, CCSBT, IATTC, ICCAT, IPHC.

<sup>204</sup> Question 18. CCAMLR, ICCAT, NAFO.

<sup>205</sup> Question 26. CCAMLR, CCSBT, IATTC, ICCAT, NAFO.

<sup>206</sup> Question 29. CCAMLR, CTMFM, IBSFC, NAFO, NPAFC.

<sup>207</sup> Question 31. CCAMLR, CTMFM, NASCO.

<sup>208</sup> Question 32. IATTC.

<sup>209</sup> Question 33. CCAMLR, IATTC, NAFO, NASCO.

<sup>210</sup> Question 36. CTMFM.

Two RFBs commented on their existing measures and activities in relation to the development of methods of compiling and using trade information to monitor IUU fishing. One referred to its Catch Documentation Scheme in place since 2000.<sup>211</sup> A third RFB reported that the matter is under discussion.<sup>212</sup> Another RFB, which has implemented a trade documentation scheme as one pillar of a four-point approach to IUU fishing, described its procedures as follows.<sup>213</sup>

*The trade documentation scheme requires members not to import southern bluefin tuna (SBT) unless it is accompanied by a trade document of the RFB. These will only be accepted from countries who have undertaken to cooperate with the RFB. The trade documents have a specified structure and a minimum list of data to be supplied. Apart from the usual data requirements associated with identifying the product and where it was caught and by whom, the country of destination must be completed. They are consecutively numbered.*

*Members that import SBT are also required to send copies of all trade document scheme forms to the Secretariat for reconciliation. The Secretariat contacts the exporting country if forms are missing. Data collected from the Scheme will be placed on the RFB website shortly.*

*In recent years some new markets have developed in countries who are not members of the RFB. To ensure the integrity of the scheme, the RFB will be asking these countries to assist by returning the forms to the Secretariat for reconciliation.*

*This scheme has eliminated flag of convenience vessels from a number of countries from the fishery because the market has been made inaccessible.*

*More recently the scheme enabled the RFB to identify flag of convenience vessels operating under the flag of a country that was cooperating with it. The RFB approached the cooperating country on the basis of the trade information. The vessels have been de-registered and the vessels are no longer active in the fishery.*

Four of the five RFBs indicating affirmative responses to the above item on trade information also provided affirmative responses to the item on market-related measures to combat IUU fishing. One RFB referred to its Catch Documentation Scheme under each question.<sup>214</sup>

Of the three RFBs that indicated implementation of the measure to examine chartering arrangements, one referred to the system of notification and reporting under chartering agreements that is in place.<sup>215</sup> Another commented that the matter has been partly examined.<sup>216</sup>

One RFB commented on the item relating to strengthening institutional mechanisms regarding finance. It noted that there seems to be enough flexibility in its Convention to enable it to meet the objectives stated, and most are already in place. However, it noted that there seems to be room for improvement concerning coordination and cooperation with other RFMOs. The RFB applied the same comment to the remaining substantive items in this grouping.<sup>217</sup>

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<sup>211</sup> CCAMLR, referring to the Catch Documentation Scheme for *Dissotichus* spp.

<sup>212</sup> NAFO.

<sup>213</sup> The CCSBT reported it has a very effective trade documentation scheme. The effectiveness derives in significant part from a member (Japan) being almost a monopsonist buyer of SBT. The input costs of targeted fishing for SBT on the high seas means that Japanese sashimi prices are required to make the enterprise viable.

<sup>214</sup> CCAMLR.

<sup>215</sup> CCAMLR.

<sup>216</sup> NAFO.

<sup>217</sup> NAFO, which indicated “yes” for strengthening institutional mechanisms in relation to finance and enforcement schemes and timely, effective implementation of policies and measures internally, with other RFMOs and internationally. It indicated “no” for regularizing coordination with other RFMOs on coordination and trade.

No other comment was received regarding strengthening institutional mechanisms in relation to finance. One RFB that responded “yes” in relation to institutional strengthening for enforcement schemes noted that the Commission establishes fishing regulations and each country is in charge of enforcement within its jurisdiction.<sup>218</sup> The same RFB responded “yes” to the item on regularizing coordination with other RFMOs on enforcement, and commented that it has coordination arrangements with a relevant Commission for a specific species within the framework of its treaty.<sup>219</sup>

The one RFB that referred to other measures/action not covered by the substantive items referred to management measures it had taken.<sup>220</sup>

## **4. THE EXTENT AND EFFECTS OF IUU FISHING IN AREAS OF COMPETENCE**

### **4.1 Summary of objective and responses**

The objective of Part 2 of the questionnaire, “The Extent and Effects of IUU Fishing in the Area of Competence”, was to seek information that will assist in identifying global trends and activities in relation to IUU fishing. RFBs were requested to comment on: the main types of IUU fishing in their areas of competence; the main perceived causes of IUU fishing; the intensity or gravity of the activities; and the extent or impact of fishing in terms of volumes, percentage of TAC, values or other. Each RFB was invited to provide this information on three main types of IUU fishing, or more or less as appropriate.

Eleven RFBs responded to Part 2,<sup>221</sup> including four with a mandate concerning tuna, four with a multispecies mandate, two with a mandate over salmon or anadromous fish and two that do not have a management mandate. The combined areas of competence of the respondents cover the Antarctic, Atlantic and Pacific Oceans, the Mediterranean Sea and, for the Indian Ocean, the northwest areas covered by an advisory RFB and the area where southern bluefin tuna occurs.

### **4.2 Main types of IUU fishing**

The eleven responding RFBs collectively described twenty-one main types of IUU fishing that occur in their respective areas of competence. Fifteen of these were described in terms of species, including *Dissostichus* spp., various species of tuna,<sup>222</sup> North Pacific and Atlantic salmon, reef-associated shark, mackerel and oceanic redfish. Nearly half of the fifteen references to species – a total of seven – concerned tuna.

Ten types of IUU fishing were described in terms of gear, with some referring also to species. These included seven references to longlining (five connected with a species of tuna,<sup>223</sup> and one each referring to *Dissostichus* spp.<sup>224</sup> and reef-associated sharks<sup>225</sup>), two to purse seining (for species of

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<sup>218</sup> CTMFM.

<sup>219</sup> CTMFM referred to coordination with the Rio de la Plata Management Commission, specifically for coastal demersal species within the framework of the treaty.

<sup>220</sup> CTMFM. While not directly related to measures or action on IUU fishing, it indicates that fishing contrary to these measures would result in IUU fishing. Specific reference was made to: the establishment of: TAC for the main species; closed areas to prevent concentration of juveniles of the main species; the use of selective fishing gears is compulsory for hake; the establishment of a season period of squid harvest; the establishment of minimum catch size for the main species; the establishment of a protection line for demersal coastal species. Vessels of more than 28 m length, can not cross to the northwest of the established line in order to prevent overfishing.

<sup>221</sup> CCAMLR, CCSBT, CTMFM, FFA, GFCM, IATTC, ICCAT, NASCO, NEAFC, NPAFC AND RECOFI.

<sup>222</sup> Southern bluefin, yellowfin, bigeye, southern albacore, skipjack.

<sup>223</sup> CCSBT – southern bluefin tuna; FFA – yellowfin and bigeye, southern albacore; IATTC – bigeye; ICCAT – bigeye and bluefin.

<sup>224</sup> CCAMLR.

<sup>225</sup> FFA.

tunas),<sup>226</sup> two to trawling (including one for oceanic redfish);<sup>227</sup> and one to driftnet fishing (for salmon).<sup>228</sup>

Six types of IUU fishing, in addition to those referring to species and/or gear, were described by respondents as shown below. Two of these refer specifically to IUU fishing by Contracting Parties or authorized vessels, and one by non-Members. (One RFB that had described IUU fishing in terms of gear and species, noted above, also referred to IUU fishing by vessels of members and non-members, including flags of convenience.<sup>229</sup>) Two respondents referred to fishing in closed areas, and one to unlicensed fishing.

- authorized fishing vessels which catch species not allowed by the terms of their permits;<sup>230</sup>
- unreported catches of Atlantic salmon by Contracting Parties;<sup>231</sup>
- fishing for salmon in international waters by Non-contracting parties;<sup>232</sup>
- fishing for salmon in the St. Pierre and Miquelon fisheries zone;<sup>233</sup>
- unlicensed fishing;<sup>234</sup>
- fishing in closed areas and closed seasons.<sup>235</sup>

The types of fishing described underline the global nature of the problem. For tuna RFBs, which constitute the greatest number of species-related RFBs, the collective responses indicate that IUU fishing for tuna is carried out for all species of tuna and in all oceans,<sup>236</sup> primarily by longlining but also by purse seining. The fact that the tuna organizations constitute nearly half of the number total RFBs that have adopted resolutions, recommendations and other decisions in the recent past to address IUU fishing shown in Appendix 2, reflects not only the high proportion of RFBs with a tuna mandate, but also the global concern over the IUU activity in respect of tuna. However, other species are also at risk as described below in terms of the intensity and impact of IUU fishing.

### 4.3 Intensity/gravity and extent/impact of IUU fishing

Respondents were requested to state the intensity and gravity of IUU fishing in terms of numbers of vessels, trends or other factors. Information was also requested on the extent and impact of IUU fishing in terms of volumes, total allowable catch (TAC) percentage, values or other factors. Because these areas are related, they are reported and assessed together below.

In general, the respondents were unable to provide specific information on the intensity/gravity or extent/impact of IUU fishing. Of the twenty-one IUU fisheries identified, estimated vessel numbers were reported for only five, with other responses indicating that the intensity of fishing is unknown, or is at a low/medium background level. Three RFBs estimated the intensity in terms of volumes caught, and one RFB pointed to the difficulty of evaluating the intensity of IUU fishing.

<sup>226</sup> FFA – purse seine for skipjack and yellowfin tuna; IATTC – purse seine for tropical tunas, non-compliance with measures in 2002 by Bolivia and Columbia.

<sup>227</sup> GFCM; NEAFC - for oceanic redfish.

<sup>228</sup> NPAFC – illegal large scale driftnet salmon fishery in the Convention Area.

<sup>229</sup> CCAMLR.

<sup>230</sup> CTMFM.

<sup>231</sup> NASCO.

<sup>232</sup> NASCO. This is a subsistence fishery and recreational fishery in St. Pierre and Miquelon for salmon originating in rivers in the US and Canada.

<sup>233</sup> NASCO.

<sup>234</sup> RECOFI.

<sup>235</sup> RECOFI.

<sup>236</sup> This includes input from four of the five major RFBs, covering relevant areas of the Atlantic, Pacific and Indian Ocean in which the species occur. However, there was no input from the IOTC, which has addressed IUU fishing in its area of competence in recent years (see Appendix 2).

Estimates of the extent or impact of IUU fishing – in terms of volumes, TAC percentage, values or other – were similarly difficult for RFBs to supply. This information was given in terms of estimated tons of catch for only seven of the twenty-one fisheries, with respondents indicating for ten of the fisheries that it is very difficult to evaluate, or no information was available. Other estimates were made in terms of low or moderate impact.

#### 4.3.1 Responses by species

Notwithstanding the difficulties in estimating the intensity and extent of IUU fishing for many of the fisheries identified, the responses provide estimates for some species that are of clear concern to the relevant RFBs. The greatest intensity and extent of IUU fishing on a regional basis was reported for the species *Dissostichus* spp. and bigeye tuna fisheries, as described below. Although the vessel numbers are reported to be decreasing or low at present for bluefin, relevant RFBs are cautious, noting a wide range of potential threats and the fact that this does not prove a declining trend.<sup>237</sup> A moderate to steady background level was reported for yellowfin tuna.<sup>238</sup> Estimates were also provided for some other species of fish, as described below, but in most cases estimates were not made because of lack of information as indicated by the respondent RFBs.

##### *Dissostichus* spp.

CCAMLR reports that there is an extensive IUU longline fishery, expanding in area, for *Dissostichus* spp. About 30 IUU vessels are sighted and reported annually and the location of IUU fishing has progressed from the Atlantic Ocean into the Indian Ocean and later the Pacific Ocean sectors of the Convention Area. Estimates of IUU catches continue to be in an order of magnitude comparable with the legal reported catches.

##### *Tuna*

For tuna species, relatively intense activity in respect of bigeye tuna, and moderate to low activity in respect of other species were reported as shown below. In most cases, the impact – if known – was assessed as moderate or with no proof of a declining trend, including for yellowfin, bluefin and skipjack. In one case the political impact of IUU fishing was reported as severe, since it affects the willingness of other States to agree to management measures.

- IATTC: 166 large-scale longline vessels targeting bigeye, whose flag State is not reporting to IATTC, have been identified, and the impact is probably moderate. Measures for regulating longline fishing do not take effect until 2004, and it is unclear how these flags will comply with them. Eight purse seine vessels have been identified fishing tropical tunas as a result of non-compliance with management measures in 2002 by Bolivia and Columbia. The conservation impact is moderate, with about 5,000 tons of yellowfin, bigeye and skipjack taken contrary to conservation measures. However, the political impact affecting the willingness of other States to agree to management measures is severe.
- ICCAT: Estimates of the number of IUU vessels longlining for bigeye and bluefin tunas are lower now than 2–4 years ago, but this is no proof of a declining trend. For bigeye tuna, unreported catches were estimated to be as high as 25,000 t in 1998–99 (almost one-third of the total longline catch). Current estimates are one order of magnitude lower.
- CCSBT: For southern bluefin tuna, vessel numbers and impact are believed to be low at present. However, there is a wide range of potential threats.

<sup>237</sup> CCSBT, ICCAT. See text below.

<sup>238</sup> FFA, IATTC. See text below.

- FFA: There is a medium, steady background level of IUU longlining for bigeye and yellowfin tuna, and a low, steady background level for IUU longlining for southern albacore and purse seining for yellowfin and skipjack, but no information is available on the extent and impact of any of these fisheries.

### *Salmon*

IUU fishing for salmon reported by NASCO (Atlantic salmon) and NPAFC (Pacific salmon) is generally low or eliminated, except for unreported catches of Atlantic salmon by NASCO Contracting Parties. The estimate of the 2002 unreported catch was 838 – 1158 tonnes, almost half the reported catch of 2621 tonnes. NASCO reports that progress is being made in minimizing unreported catches. The other salmon fisheries identified by these two RFBs are as follows.

- NASCO: Fishing for salmon in international waters by non-Members has been problematic, but is reported as eliminated. The peak catch was estimated to be 180–350 tonnes in 1990. No sightings have taken place since 1994 following diplomatic actions by NASCO and its Contracting Parties. In the period 1989–1994 approximately six vessels were thought to be involved.
- NASCO: Fishing for salmon in the St. Pierre and Miquelon fisheries zone (a subsistence and recreational fishery for salmon originating in the waters of the US and Canada) is estimated at about two tonnes. However, it is not consistent with the scientific advice provided by ICES. NASCO and its Contracting Parties have expressed concern to France (in respect of St. Pierre and Miquelon) about harvest levels and is seeking to cooperate with St. Pierre and Miquelon on a sampling programme for the fishery.
- NPAFC: No estimates are given for either the intensity or extent of the illegal large scale driftnet salmon fishery.<sup>239</sup>

### *Reef-associated sharks*

IUU longline fishing for reef-associated sharks in the Western Central Pacific is reported by FFA to be rapidly increasing from a low background level. However, no information is available on the extent or impact of the activity.

### *Oceanic redfish, mackerel in the Northeast Atlantic*

NEAFC reports that twelve IUU vessels were involved in pelagic trawling for oceanic redfish. The total TAC is 120,000 tonnes, and the estimated IUU catch is 15,000 tonnes. Two IUU vessels were reported to be fishing for mackerel, but the extent is not known.

### *Shrimp, lobster*

RECOFI reports unlicensed fishing for lobster in Oman, estimated to be six times greater than reported catches. In Iran, the shrimp fishery is problematic. It is believed that IUU fishing takes the form of non-compliance with closed seasons and illegal exports to other RECOFI States.

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<sup>239</sup> However, the NPAFC website ([www.npafc.org](http://www.npafc.org)), to which NPAFC referred, reports that between 1993-2002, the cooperative enforcement efforts of the NPAFC Parties resulted in the detection of 39 vessels conducting directed driftnet fishing operations for salmon in the Convention Area. Of those vessels, 14 were apprehended. However, there have been no apprehensions since 2000. The website also notes that despite the decline in illegal fishing operations within the Convention Area in recent years, the threat of illegal high seas fishing activities contrary to the provisions of the Convention continues, requiring the international community to remain vigilant in improving monitoring and enforcement efforts in the North Pacific.



### 4.3.2 Responses by areas, gear, other

Some RFBs with multispecies mandates referred to other types of IUU fishing, but information was not known about the intensity or extent of such fishing or, in the case of fishing in closed areas, was not relevant. They are:

- CTMFM: Fishing in closed areas, illegal fishing gear, authorized fishing vessels that catch species not allowed by the terms of the fishing permits;
- GFCM: Trawling.

These responses illustrate some forms that IUU fishing takes, in addition to the species-targeted examples noted in the previous section.

### 4.3.3 Summary of trends in responses

The responses indicate that trends in concerns about the intensity and extent of IUU fishing do not relate to regions as much as they concern IUU fishing for relatively high-value species, including *Dissostichus* spp. all species of tuna (with most frequent reference to bigeye, bluefin, and yellowfin) and Atlantic salmon. This could be partly a reflection of the species-related mandates of many of the responding RFBs, but the existence of those RFBs can be seen as a reflection of the need for such species to be managed on a regional basis.

There did not appear to be any discernable trends in relation to the RFBs with a multispecies mandate. Irrespective of region, their responses indicated concern about various forms of IUU fishing, such as use of specified gear.

RFBs were unable to estimate the extent or impact of IUU fishing activities in terms of volumes or TAC percentages for over half of the types of IUU fishing that were identified. However, the reference by one RFB regarding the severity of the political impact (as it affects the willingness of other States to agree to the management measures) introduced an important consideration into the responses.

In general, responses underlined the difficulty of quantifying the intensity and extent of IUU fishing activities. This result suggests that there may be scope for some RFBs to strengthen mechanisms for identifying and estimating the extent or impact of IUU fishing. Such activities could build on current trends and initiatives: for example, seven RFBs have adopted presumptions as to when IUU fishing is taking place,<sup>240</sup> and RFB activity is generally high or increasing in implementing various aspects of the IPOA–IUU relating to MCS.<sup>241</sup>

## 4.4 Main perceived causes of IUU fishing

RFBs were asked to describe the main perceived causes of IUU fishing, and responses were given for nineteen of the IUU fisheries identified.<sup>242</sup> The causes most often indicated were no effective flag State control (thirteen fisheries) and profit (nine fisheries), and it is likely that these causes could also be applicable to many other fisheries. These two perceived causes were cited by all the respondent tuna organizations, which collectively represent the greatest intensity and extent of IUU fishing that was reported. The two perceived causes were also cited indirectly in respect of *Dissostichus* spp. where IUU fishing was reported to be carried out by vessels of Members and non-Members, including flags of convenience.<sup>243</sup> Three other RFBs also pointed to one or both of these factors.<sup>244</sup>

<sup>240</sup> CCAMLR, CCSBT, IATTC, ICCAT, IOTC, NAFO, NEAFC. See Appendix 2: while many of these are relatively recent resolutions, some were adopted prior to the adoption of the IPOA-IUU.

<sup>241</sup> As indicated in responses to Part 1 of the questionnaire.

<sup>242</sup> The two fisheries where no response was given were identified as national fisheries by RECOFI.

<sup>243</sup> By CCAMLR.

Two RFBs referred to open vessel registries as a main perceived cause of IUU fishing.<sup>245</sup> This is distinguishable from the lack of effective flag State control for two principal reasons: some open registries exercise flag State control over fishing vessels; and vessels reflag in some open registries to avoid being bound by the rules of an RFMO to which their flag State may belong. A third RFB referred specifically to the problem of reflagging.<sup>246</sup>

Profit or economic motivation appeared to be the underlying cause of some IUU fishing practices reported such as suppression of information thought to be unfavourable, or local sale or consumption.

Other concerns were expressed as follows:

- Displacement from other fisheries;<sup>247</sup>
- Ineffective implementation of coastal State fisheries management plans;<sup>248</sup>
- Limited resources for effective control by flag State or coastal State;<sup>249</sup>
- For unreported catches of Atlantic salmon by Contracting Parties:<sup>250</sup>
  - absence of a requirement for catch statistics to be collected;
  - suppression of information thought to be unfavourable;
  - local sale or consumption;
  - inaccuracy in making returns;
- For pelagic trawling of oceanic redfish and for mackerel:<sup>251</sup>
  - provisional licences;
  - inadequate legal framework.

In summary, the predominant perceived cause of IUU fishing by respondents was lack of effective control by flag States by both members and non-members of RFBs, and through the operation of relevant open registries. However, as one RFB noted, this could be due in part to limited resources of the flag State. An inadequate legal framework could also be relevant to ineffective flag State control in many cases, especially where flag States have not adopted laws such as providing catch statistics or fishing beyond areas of national jurisdiction. Effective control would also include adequate MCS to address inaccurate returns.

## **5. SUMMARY OF CHALLENGES, MEASURES AND ACTIONS AGAINST IUU FISHING ACTIVITIES**

### **5.1 Summary of objective and responses**

The objective of Part 3 of the questionnaire was to seek information to assist in the assessment of common trends, problems, responses and effectiveness in RFB responses to and action against IUU fishing activities. RFBs were requested to provide brief summary points on the following:

- major challenges in combating IUU fishing activities;
- effective measures/action against IUU fishing activities;
- improved measures/actions needed against IUU fishing activities; and
- impact of measures/actions against IUU fishing activities.

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<sup>244</sup> CTMFM cited profit in respect of authorized vessels which catch species not allowed by the terms of their fishing permits. GFCM pointed to no effective control by flag State for IUU trawling. NPAFC named both for the illegal large scale driftnet salmon fishery in the Convention Area.

<sup>245</sup> CCSBT. Longlining for southern bluefin tuna; ICCAT – longlining for bigeye and bluefin tunas.

<sup>246</sup> NASCO. Fishing for salmon in international waters by non-Members.

<sup>247</sup> CCSBT. Longlining for southern bluefin tuna.

<sup>248</sup> FFA. Longlining for yellowfin and bigeye tuna, longline for reef-associated sharks.

<sup>249</sup> CTMFM. Fishing in closed areas, illegal fishing gear.

<sup>250</sup> NASCO.

<sup>251</sup> NEAFC.

A total of nine to eleven RFBs responded to each of the above categories.<sup>252</sup> Responses to this part of the questionnaire were generally wide-ranging. They reflect the diverse interests and objectives of the RFBs, and the complexities of dealing with IUU fishing. Some trends were indicated, but generally by an aggregation of only around three or four of the responding RFBs for each area. Because of the open-ended nature of the question, many areas of concern were named by only one RFB; this demonstrates the importance of the point to that RFB. However, considering the responses to the other parts of the questionnaire, most of the issues expressed in this part by one or more RFBs could be shared by a number of other organizations.

## 5.2 Major challenges in combating IUU fishing activities

The array of responses provided by nine RFBs indicating their major challenges in combating IUU fishing reflects the breadth of the existing issues.<sup>253</sup> Common concern was expressed by two or more RFBs about the lack of flag State control, MCS/inspections at sea, reporting, economic or trade disincentives and cooperation with other States, as described below.

- Lack of flag State control.<sup>254</sup>
- Difficulties with inspections at sea and related MCS,<sup>255</sup> including the vastness of the area and conditions of the sea<sup>256</sup> as well as lack of adequate human capacity and equipment to effectively deal with violations and encroachments.<sup>257</sup> One RFB cited the non-cooperation by operators of industrial vessels with national authorities to enable them to monitor and regulate their activities, knowing that the countries do not have the means to check them at sea.<sup>258</sup>
- Issues relating to reporting,<sup>259</sup> including non-reporting, obtaining sufficient information to apply management measures to vessels where States have not previously reported catches<sup>260</sup> and remaining vigilant with regard to fishing by non-Members and further minimise the level of unreported catches by Contracting Parties.<sup>261</sup> However, one RFB reported progress in transparent reporting of information concerning unreported catches by Contracting Parties.<sup>262</sup>
- Creating economic or trade-related disincentives to IUU fishing. One RFB referred to creating economic and other disincentives so that it does not pay to practice IUU fishing or to register IUU vessels.<sup>263</sup> A related challenge for another RFB was limiting the import of fish if the consignment cannot be shown to have been caught under the management process of a RFB.<sup>264</sup>
- Securing cooperation of certain States in observing conservation and management measures.<sup>265</sup>

<sup>252</sup> Respondents to this Part of the questionnaire were: CCAMLR, CCSBT, CECAF, ICCAT, CTMFM, FFA, GFCM, IATTC, NASCO, NPAFC and RECOFI.

<sup>253</sup> CCAMLR, CCSBT, CECAF, ICCAT, CTMFM, FFA, GFCM, IATTC, NASCO.

<sup>254</sup> CCAMLR, CCSBT, FFA. FFA's concern was expressed in terms of foreign flag vessels using the high seas as a "safe haven" for conducting IUU fishing in the exclusive economic zones (EEZs) of members countries.

<sup>255</sup> CCAMLR, CECAF, FFA.

<sup>256</sup> CCAMLR referred to the difficulties caused by the size of its area of competence (it covers about 12 *percent* of the world's oceans) and sea and ice conditions.

<sup>257</sup> CECAF stated that human capacity and equipment to effectively deal with violations and encroachments are weak, and FFA pointed to the lack of manpower and financial resources for fisheries MCS in member countries' EEZs.

<sup>258</sup> CECAF.

<sup>259</sup> FFA, IATTC, NASCO.

<sup>260</sup> IATTC referred to application of its longline management measures in 2004 to vessels where States have not previously reported catches.

<sup>261</sup> NASCO.

<sup>262</sup> NASCO.

<sup>263</sup> ICCAT.

<sup>264</sup> CCSBT.

<sup>265</sup> IATTC referred expressly to Colombia and Bolivia, which are not member States. NASCO referred to seeking cooperation from France (in respect of St. Pierre and Miquelon) on a sampling programme for the salmon fishery.

Other challenges reported by RFBs relate to fisheries management, legal requirements, non-members of RFBs, awareness-raising, capacity and political will as shown below. Although each of these issues was identified by one RFB, the themes are more generally applicable as indicated by responses to other parts of the questionnaire.

- Limiting destructive fishing practices.<sup>266</sup>
- Weak capacity of member countries to combat IUU fishing, including inadequate, and poor exchange of, information on industrial vessels (as major culprits).<sup>267</sup>
- To create awareness among shipowners and fishing captains about the importance of the conservation of species.<sup>268</sup>
- Mending gaps in fisheries regulatory regimes.<sup>269</sup>
- Assessing the extent of non-Member State IUU fishing, as well as the extent, nature and characteristics of IUU fishing by flag State members and especially the will of those States to effectively combat IUU fishing.<sup>270</sup>

A comparison of the challenges described and areas where RFBs are already engaged in significant activity as described in section 3.2.1, above is shown in Appendix 5, together with the main perceived causes of IUU fishing described in section 4.4, above. The most activity is concentrated around the challenges of flag State control and MCS, and relates to the main perceived causes of ineffective flag State control. Other challenges, related to causes such as profit-taking, may be addressed by lower levels of RFB activity not shown. The analysis and responses indicate that further actions are needed to address the challenges, such as legal reform, strengthened capacity and improved political will.

### 5.3 Effective measures/actions against IUU fishing activities

Examples of positive action were sought by requesting RFBs to state any effective measures/actions that have been taken against IUU fishing. Eleven RFBs responded to this question, representing the highest number of responses to this Part of the questionnaire.<sup>271</sup> However, of these, six RFBs explained why they could not respond to the question: one RFB, established relatively recently, reported that there have been no effective measures to control IUU fishing in its region,<sup>272</sup> one reported that the issue has just been addressed and described the agreed measures and procedures,<sup>273</sup> one noted that most measures are too recent for an evaluation of effectiveness,<sup>274</sup> one referred to its website<sup>275</sup> and two provided views on potentially effective measures.<sup>276</sup>

The remaining five RFBs, including three with a tuna mandate, cited a relatively wide range of effective measures relating to catch/trade documentation schemes, trade sanctions, port State control, MCS and compliance measures and cooperation with other organizations/non-contracting parties and diplomatic relations with regard to fishing by non-contracting parties. They are:

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<sup>266</sup> CCSBT.

<sup>267</sup> CECAF.

<sup>268</sup> CTMFM.

<sup>269</sup> FFA.

<sup>270</sup> GFCM.

<sup>271</sup> CCAMLR, CCSBT, CECAF, ICCAT, CTMFM, FFA, GFCM, IATTC, NASCO, NAPFC, RECOFI.

<sup>272</sup> RECOFI.

<sup>273</sup> GFCM responded that workshops are planned to define steps and measures to be taken to combat IUU fishing, and identifying areas where related institutional and financial adaptations will be needed. As a first step, it has been agreed to establish “white” and “black” lists of vessels and supporting vessel registers.

<sup>274</sup> IATTC.

<sup>275</sup> NPAFC. However, the annual report on the website did not provide specific information: [www.npafc.org](http://www.npafc.org).

<sup>276</sup> CTMFM referred to developing a system to enable effective and continuous control, and CECAF elaborated more fully on this theme. It stated that information exchange on vessels licensed and registered in the respective countries should be formalized and strengthened to deter illegal operators and violators of regulations and zones. The register or information should be monitored or managed with the support of an effective MCS structure at national or sub-regional level. Sanctions should be stiff and deterrent.

- Catch documentation/certification schemes;<sup>277</sup>
- Trade documentation schemes;<sup>278</sup>
- Trade sanctions;<sup>279</sup>
- Port State control;<sup>280</sup>
- Improved MCS measures by Contracting Parties;<sup>281</sup>
- Surveillance systems, VMS;<sup>282</sup>
- Coordination of surveillance in international waters;<sup>283</sup>
- Aerial and maritime surveillance;<sup>284</sup>
- Fisheries observers;<sup>285</sup>
- Agreement of minimum terms and conditions for foreign fishing vessel access and a treaty on cooperation in surveillance;<sup>286</sup>
- Cooperation, consultation and collaboration with other organizations to take measures to eliminate or deter IUU fishing;<sup>287</sup>
- Cooperating with non-Members taking part in fishing for and/or trade in relevant species;<sup>288</sup>
- Effective diplomatic relations with regard to fishing by non-Members.<sup>289</sup>

It is encouraging that the five RFBs described such a wide-ranging suite of measures as effective. It underlines the potential for broader application of such measures to combat IUU fishing.

#### 5.4 Improved measures/actions needed against IUU fishing

Nine RFBs described improved measures or actions that are needed to combat IUU fishing activities.<sup>290</sup> They are diverse, and tend to reflect priorities for these RFBs more than general trends. However, they do reinforce other responses to the questionnaire. The areas described include public awareness, flag State control, port State control, general management and MCS measures, an action plan for non-cooperating States, market-based measures and improved RFMO coordination. They are detailed below.

- Public awareness through education to develop a culture of compliance;<sup>291</sup>
- Measures to improve flag State control, such as centralized VMS;<sup>292</sup>
- Measures to improve port State control, such as a web-based electronic catch documentation scheme;<sup>293</sup>
- Strengthened MCS and improved information collection and exchange to better detect IUU fishing;<sup>294</sup>
- Improvement of at-sea surveillance capability;<sup>295</sup>

<sup>277</sup> CCAMLR, CCSBT.

<sup>278</sup> CCSBT, ICCAT.

<sup>279</sup> ICCAT, CCSBT (referring to sanctions against countries that do not control their fleets).

<sup>280</sup> CCAMLR, FFA.

<sup>281</sup> NASCO.

<sup>282</sup> CCSBT, FFA (referring to members' VMS systems).

<sup>283</sup> NASCO.

<sup>284</sup> FFA.

<sup>285</sup> FFA.

<sup>286</sup> FFA.

<sup>287</sup> FFA.

<sup>288</sup> CCAMLR.

<sup>289</sup> NASCO.

<sup>290</sup> CCAMLR, CECAF, ICCAT, CTMFM, FFA, GFCM, IATTC, NASCO, RECOFI.

<sup>291</sup> RECOFI, CTMFM.

<sup>292</sup> CCAMLR, FFA, CTMFM. CCAMLR referred to centralized VMS. FFA referred to more effective control of foreign flag vessels fishing on the high seas adjacent to the EEZs of member countries. CTMFM referred to applying the best technology against IUU fishing, such as satellite positioning.

<sup>293</sup> CCAMLR is developing such measures.

<sup>294</sup> CECAF, which called also for assistance to its members in these areas.

<sup>295</sup> RECOFI.

- Reporting – to ensure catch statistics reporting confirms to RFB’s minimum standards, and further measures to reduce unreported catches, in particular those arising from illegal activities;<sup>296</sup>
- Fisheries observers;<sup>297</sup>
- Implementation of RFB’s sampling programme;<sup>298</sup>
- Formulation of management measures by member States;<sup>299</sup>
- The development of an action plan to identify non-cooperating States, to seek their cooperation and if necessary to develop measures to encourage them to cooperate;<sup>300</sup>
- Introduction of market-based measures such as trade documentation schemes;<sup>301</sup>
- More coordinated actions among RFMOs;<sup>302</sup>
- Improved measures needed in almost all areas of IUU fishing.<sup>303</sup>

A relatively high concentration of responses was directed at aspects of compliance, particularly MCS. Many of these would require action by, and sufficient capacity in, the member States.

### 5.5 Impact of measures/actions against IUU fishing

RFBs were asked to describe the impact of measures or actions they had taken against IUU fishing. Eight RFBs responded substantively,<sup>304</sup> and four of these indicated a positive impact resulting from measures or actions that have been taken against IUU fishing, as noted below. Only one RFB reported the elimination of IUU fishing, and the others reported a mitigation or localization of IUU fishing activities.

- NASCO: Fishing in international waters by non-Members, which at its peak amounted to 180–350 tonnes, has been eliminated and coordination of surveillance improved. Progress is being made by the Contracting Parties in minimizing unreported catches so that the proportion of the total catch reported has increased.
- CCAMLR: In general, IUU fishing activities have been localized and dealt with effectively on a case-by-case basis. Details of flags/operators/owners of remaining but most perceived offenders have been identified, and a list of IUU vessels has been established.
- CCSBT: The trade documentation scheme has eliminated flag of convenience vessels from a number of countries from the fishery because the market has been made inaccessible. More recently the scheme enabled the CCSBT to identify flag of convenience vessels operating under the flag of a country that was cooperating with the CCSBT. The CCSBT approached the cooperating country on the basis of trade information. The vessels have been deregistered and are no longer active in the fishery.
- FFA: Keeping IUU fishing to a low background level instead of allowing it to get out of control.

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<sup>296</sup> NASCO.

<sup>297</sup> CTMFM.

<sup>298</sup> NASCO. The referenced programme is at St. Pierre and Miquelon.

<sup>299</sup> RECOFI.

<sup>300</sup> IATTC.

<sup>301</sup> FFA.

<sup>302</sup> ICCAT.

<sup>303</sup> GFCM.

<sup>304</sup> CCAMLR, CECAF, ICCAT, CTMFM, FFA, GFCM, IATTC, NASCO, RECOFI. CECAF’s response, when read with the responses to other questions in Part 3, indicated benefits from suggested MCS measures, rather than those already applied. It is understood that CECAF’s current focus for combating IUU fishing is on MCS. Its response pointed to less illegal fishing in coastal waters, less encroachment into restricted fishing zones (nurseries or artisanal fishing areas), better production statistics and better planning for fisheries resources management and sustainable fisheries development in the area. GFCM responded N/A.

Two of the RFBs with a mandate over tuna did not describe the impact of measures against IUU fishing, in one case because they were adopted relatively recently and their impact has not yet been assessed.<sup>305</sup> Another expressed a related concern that might be shared by a number of RFBs – many decisions taken in the past have worked on an annual time scale, while the nature of IUU fishing vessels is very dynamic. This has diminished the potential impact of many measures.<sup>306</sup>

Looking to the future, one of the respondents predicted that less illegal fishing will occur as a result of improved measures.<sup>307</sup> Another RFB stated that while there was no impact of IUU measures as such, in some countries a higher catch of shrimp and trap fisheries, both in quantities and as CPUE, has occurred when effective measures of effort reduction and fishing grounds protection measures were introduced.<sup>308</sup>

In summary, relatively few RFB respondents reported positive impact resulting from measures or actions taken against IUU fishing activities. However, most of the same respondents reported having taken effective measures against IUU fishing, in section 5.3, above.<sup>309</sup>

## 5.6 Trends in responses

An objective of Part 3 of the questionnaire was to obtain information to assist in an assessment of common trends, problems responses and effectiveness in matters relating to IUU fishing. For the most part, responses did not indicate global, interregional or regional trends because of the wide range of challenges, effective measures and needed measures indicated by RFBs. In fact, as noted above, most of the items in each of these areas were identified by only one or two RFBs.

However, in assessing the responses, two other types of trends emerge, unconnected to geography. One indicates major challenges, responses by RFBs and further action thought to be needed to combat IUU fishing activities, and the second highlights effective measures and positive action by some RFBs. The trends are indicative only, based on responses to the questionnaire, but clear patterns emerge in the responses. Tabular summaries were prepared for each, described below.

The first tabular summary, in Appendix 6, shows, in general terms, the responses described in detail in sections 4.1, 4.2 and 4.3 above. It shows the major challenges identified by RFBs in combating IUU fishing activities, effective measures or actions that have been taken, and improved measures or actions that are needed. Although most of the items indicated were proposed by only one or two RFBs, many may have more extensive applicability. It also demonstrates the wide range of concerns and activity taking place.

There are ten general areas where major challenges were identified, and of these four show multiple entries for effective measures/actions or improved measures that are needed. They are: lack of flag State control, MCS, reporting, and creating economic, trade or other disincentives to IUU fishing. Of these, MCS attracted the highest aggregate of responses under both “effective measures/actions” and “improved measures needed”. Lack of flag State control had the second highest responses in those two categories, but some of the responses shown in the MCS challenge also apply.

One major challenge was identified where there was no response indicating effective measures/actions, but where it was stated that improved measures were needed. This is awareness and education to develop a culture of compliance.

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<sup>305</sup> IATTC.

<sup>306</sup> ICCAT.

<sup>307</sup> CTMFM.

<sup>308</sup> RECOFI.

<sup>309</sup> The RFBs that reported effective measures are: CCAMLR, CCSBT, FFA, ICCAT, NASCO.

Four major challenges were identified with no effective or improved measures/actions stated: weak capacity of member countries to combat IUU fishing; mending gaps in fisheries regulatory regimes, assessing the extent of non-member and member State IUU fishing, and limiting destructive fishing practices.

Improved cooperation and coordination among RFBs was stated to be effective, with one RFB indicated a need for improvement. Other areas that were perceived to need improvement were formulation of management measures by member States and, in general, almost all areas of IUU fishing.

The second table, in Appendix 7, shows the RFBs that cited effective measures/actions they had taken against IUU fishing activities and also indicated a positive impact of these measures against IUU fishing. There is a very high correlation, because of the five RFBs that detailed effective measures, four reported a positive impact – CCAMLR, CCSBT, FFA and NASCO – and the fifth, ICCAT, expressed some caution. For purposes of IUU fishing, all these RFBs are generally species-focused,<sup>310</sup> and three of the five are tuna RFBs, two of which have a management mandate. Three of the five have adopted catch/trade documentation schemes.

Effective measures cited by two or more RFBs in this group related to catch and trade documentation schemes, trade or other sanctions against countries that do not control their fleets, surveillance systems, port State control, improved MCS by member States and cooperation or diplomatic initiatives with non-Members. Also mentioned were lists of IUU vessels, fisheries observers and consultation and collaboration with other RFBs.

Two RFBs reported the elimination of certain IUU fishing activities. NASCO reported the elimination of fishing in international waters by non-Members, and improved coordination of surveillance. CCSBT, which has adopted a relevant Action Plan,<sup>311</sup> reported the elimination of flag of convenience vessels from a number of countries from the fishery because the trade documentation scheme made the market inaccessible. More recently the scheme led to the deregistration of flag of convenience vessels operating under the flag of a cooperating country.

Two RFBs reported there has been some containment of IUU fishing activities. CCAMLR referred to the localization of IUU fishing activities, and dealing with them effectively on a case-by-case basis. Most perceived offenders have been identified. CCAMLR has a draft Action Plan to combat IUU fishing under review. FFA described the impact of the compliance measures as keeping IUU fishing to a low background level instead of allowing it to get out of control.

The fifth RFB, ICCAT, had reported in Part 2 of the questionnaire a reduction in the estimates of both vessel numbers and unreported catches of bigeye. However, as noted above ICCAT had underlined its concern that this is no proof of a declining trend. It also expressed concern that the potential impact of its measures is diminished because of the time lag between adoption and entry into force of the measures and the dynamic nature of IUU fishing. The latter reflects similar requirements of the decision-making process of most, if not all, RFBs.

It is apparent that measures taken by some RFBs against IUU fishing are starting to have an impact. The measures tend to be species-oriented, and focus on catch documentation, trade, MCS and other forms of compliance. However, while notable progress has been made, the proportion of RFBs that reported positive results is still relatively low and the global reach of IUU fishing remains relatively high.

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<sup>310</sup> CCAMLR has a multispecies mandate, but directs substantial efforts towards IUU fishing for *Dissostichus* spp.

<sup>311</sup> The objective of the Action Plan is to identify countries that are supporting illegal fishing for SBT, and it is a permanent agenda item for consideration at each annual meeting of the Commission.



Looking to the future, some RFBs identified possible improvements to existing measures in order to achieve better results in combating IUU fishing, as noted above. Many referred to adopting or strengthening the type of measures that are now achieving effective results, and in addition some RFBs have referred to such measures as IUU action plans and public awareness/education programmes to develop a culture of compliance.

## 6. SUMMARY AND CONCLUSIONS

At international levels, IUU fishing is the subject of intensified and ongoing high-level concern. It continues to be addressed in agencies and fora of the United Nations, as well as by other national, regional and international organizations and fora. Despite some successes reported by RFBs in combating IUU fishing, information available to FAO indicates that, in general, IUU fishing is increasing in both intensity and scope and is continuing to undermine national and regional efforts to sustainably manage fisheries, as called for in all international fishery instruments concluded since the 1992 United Nations Conference on Environment and Development (UNCED).<sup>312</sup>

The potential role of RFBs as highly effective vehicles for consolidating energies and moving forward in efforts to combat IUU fishing activities is widely acknowledged. As noted above, it was an RFB that gave life to the term “IUU fishing” then introduced a comprehensive suite of measures to counter its effects. The importance of the role of RFBs is reinforced by the recent or planned establishment of three new RFBs in as many oceans,<sup>313</sup> and the intensified activities of many existing organizations.

The IPOA–IUU reflects international recognition of the potential contribution of RFMOs by identifying a toolbox of actions and measures for their consideration and use as appropriate. Almost all RFMOs<sup>314</sup> and some RFBs that do not have a management mandate have responded by reporting implementation, to varying degrees, all of the tools provided in the IPOA–IUU.

However, even with the adoption to date of a wide range of measures against IUU fishing, most RFBs have indicated that many challenges lie ahead. One significant and continuing challenge is estimating the extent and effects of IUU fishing; while some RFBs were able to estimate the number of IUU vessels and total catch, many were unable to provide even general estimates. Where IUU fishing was estimated, it was expressed principally in terms of species and/or related gear.

Some other clear trends emerged in the responses, summarized below. They include RFBs’ perceptions of the main causes of IUU fishing and the issues of: flag State control; MCS; trade and marketing issues; and information, institutional and policy aspects of combating IUU fishing. However, there did not appear to be any discernable trends among RFBs with multispecies mandates, or in relation to the geographical distribution of IUU fishing.

Most respondents perceived the main causes of IUU fishing as the lack of effective flag State control by both members and non-members, the operation of open registries and the profit motive. However, the limited resources available in some member countries for effective control by the coastal State or flag State was acknowledged.

Notwithstanding this concern, the issue of flag State control was a strong and recurring one throughout the responses. Flag State control was identified both as a major challenge in combating IUU fishing, and an area where some effective measures have been taken, but mostly where improved measures are needed. It was suggested that a culture of compliance be created through awareness-raising.

<sup>312</sup> Report of the Food and Agriculture Organization concerning United Nations General Assembly Resolution A/58/L.19 on Oceans and the Law of the Sea, January 2004.

<sup>313</sup> The South-East Atlantic Fisheries Organization (SEAFO), the Southwest Indian Ocean Fisheries Commission (SWIOFC), and the Western Central Pacific Fisheries Commission (WCPFC).

<sup>314</sup> As noted above, the only exceptions include those RFMOs that advised they: are newly established; are not affected by IUU fishing; or were engaged in relevant discussions at the time of writing.

A second predominant issue was MCS. In this regard, activities that were identified as major challenges in combating IUU fishing activity included nonreporting/misreporting, difficulty in carrying out inspections at sea, and lack of equipment and human capacity. Interestingly, several respondents identified certain MCS measures they had adopted as “effective”, and other RFBs that have not yet adopted such measures identified the same measures as “needed”. These measures included strengthened MCS in general, surveillance systems/VMS, improved or coordinated surveillance at sea, fisheries observers, port State control and an improved legal framework. Observer programmes were described by some RFBs as “highly effective”.

A third major issue was trade and marketing measures, but generally for those RFBs that have already adopted such measures. This clearly addresses the profit motive for IUU fishing, because the purpose is to block sales, or make it more difficult to sell fish harvested by IUU fishers. They were described as both effective and having a positive impact on reducing IUU fishing.

The five RFBs that identified certain measures as effective also reported a positive impact of those measures in reducing or eliminating IUU fishing. Most of those measures relate to the above three issues: flag State control, MCS and trade. However, this represents a relatively low proportion of RFBs, and in many cases the extent of the impact is not clear.

A fourth area concerns three categories of activity that support the previous issues: the information, institutional and policy aspects of dealing with IUU fishing. Although many relevant measures were not generally cited as “effective” or “needed”, responses indicated significant activity by the RFBs in these areas. In particular, areas that appeared to be important for RFBs included certain aspects of institutional strengthening, determination of internal policy objectives and information collection and exchange (including with other RFBs). One RFB designated information exchange on IUU fishing as “highly effective”.

In addition to issue-specific trends, the RFB responses showed trends in levels of activity in implementing the various measures in the IPOA–IUU. A significant number of RFBs have implemented 40 percent, and a moderate number of RFBs have implemented an additional 37 percent of the measures.

Many of the items where significant activity was reported reflect to a large extent the priority RFBs attribute to developing MCS and compliance measures, in particular those relating to reporting, monitoring landings, regulating transshipments, real time VMS and promoting implementation of MCS by members.

Many of the items where moderate activity was reported have only recently begun to assume importance in the battle against IUU fishing. These include development of measures relating to flag State responsibility and port State control, presumptions for IUU fishing and support, information exchange on IUU fishing, estimates of the extent of IUU fishing activity, development of boarding and inspection regimes and observer programmes, determination of policy objectives for coordination with other RFBs and some aspects of institutional strengthening (mandate, functions and decision-making). While moderate activity is also reported for the development of action plans, one RFB designated this as a “highly effective” measure.

The remaining items, where only some respondents indicated implementation, largely focused on measures or action that may not be broadly applicable, such as those relating to marketing, trade, chartering arrangements and coordination with other RFBs on policy and enforcement. One such measure may, however, affect the extent to which other measures can be implemented: institutional strengthening in respect of finance. However several RFBs indicated this was not applicable.

Five RFBs indicated that their measures had a positive impact on combating species-specific IUU fishing, and trends indicate that RFBs are adopting an increasing range of measures that implement the IPOA–IUU. However, operational challenges and potential impediments were also flagged. Some

RFBs expressed concern about situations that encourage IUU fishing, such as the knowledge by fishers that there is no capability for surveillance or inspection at sea, and the impact of continuing IUU fishing on the political will of RFB members to agree on appropriate measures. However, where measures have been agreed, other RFBs expressed concern that the time lag between their adoption and entry into force – possibly six months or more – may operate to dilute their impact due to the dynamic nature of IUU fishing. And, where they have entered into force, it could take a substantial amount of time to evaluate their effectiveness.

It is clear that RFBs will encounter many challenges in the way forward, but the framework provided by the IPOA–IUU provides a common platform for taking appropriate actions and measures. RFBs, as a whole, have made significant strides in implementing many of these measures both before and after the adoption of the IPOA–IUU. There have been some favourable results, but there is still a need for continuing and intensified efforts to combat IUU fishing on a global scale, accompanied by timely monitoring and evaluation of those efforts.

Regional fishery bodies or arrangements, including those with and without management mandates, have demonstrated that they are well positioned to achieve success in preventing, deterring and eliminating IUU fishing in the future. However, although it is the RFBs that are in the “front line” of the assault against IUU fishing for shared stocks and high seas fishing, the measure of success will depend to a great extent on the cooperation of members and non-members to implement and enforce the agreed measures and actions.

## FAO CONFERENCE

## RESOLUTION 6/2003

**Progress Report on Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing**

**THE CONFERENCE,**

**Noting** the continuing high and growing incidence of illegal, unreported and unregulated (IUU) fishing and related activities and the lack of political will and capacity by some Governments to deal effectively with such fishing;

**Noting** the lack of commitment by some States to meet their obligations under international law;

**Noting** further that IUU fishing seriously undermined national, regional and international efforts to achieve long-term sustainability in fisheries;

**Recalling** the adoption on 11 March 1999 of the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries at the FAO Ministerial Meeting on Fisheries wherein it was agreed, *inter alia*, that States would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying "flags of convenience";

**Noting further** the increasing incidence of vessels flying "flags of convenience" and the inability or lack of will on the part of some countries to apply any controls over the vessels they flag;

**Recalling** the endorsement of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) by the Hundred and Twentieth Session of the FAO Council on 23 June 2001 wherein States were encouraged to develop and implement, as soon as possible but not later than three years after the adoption of the International Plan of Action, national plans of action to further achieve its objectives and to give full effect to its provisions as an integral part of their fisheries management programmes and budgets;

**Recalling** the Johannesburg Plan of Implementation adopted on 4 September 2002 by the World Summit on Sustainable Development wherein States were urged to implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing through national and, where appropriate, regional plans of action by 2004;

**Recalling** the relevant provisions of Resolutions (A/58/L.18 and A/58/L.19) on Oceans and the Law of the Sea adopted by the United Nations General Assembly on 24 November 2003:

1. **Urges**, as a matter of priority and urgency, States that have not done so to accept, accede to, or ratify, as appropriate, the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement and to implement and give full effect to the 1995 FAO Code of Conduct for Responsible Fisheries and the international plans of action and fisheries management guidelines developed in the framework of the Code of Conduct for Responsible Fisheries;
2. **Calls upon** States to ensure that they exercise full and effective control over fishing vessels flying their flags, in accordance with international law, to combat IUU fishing and to implement the IPOA–IUU;
3. **Encourages** States, and as appropriate, Regional Fisheries Management Organizations (RFMOs), to develop and implement National, and as appropriate, Regional Plans of Action to combat IUU fishing as soon as possible, but no later than 2004;
4. **Urges** States, to the greatest extent possible, to take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing;

5. **Requests** port States to take measures, in accordance with international law, to combat IUU fishing and as a means of implementing the IPOA–IUU;
6. **Urges** that States take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by relevant RFMOs to have been engaged in IUU fishing being traded or imported into their territories;
7. **Calls upon** States to ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant RFMOs;
8. **Encourages** States to participate actively in the intergovernmental Technical Consultations to review progress towards full implementation of the IPOA–IUU and the IPOA–Capacity to be organized by the FAO in June 2004;
9. **Encourages** the full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations;
10. **Invites** relevant competent international organizations to study, examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;
11. **Encourages** States, the FAO, the International Maritime Organization (IMO), RFMOs and other relevant competent international organizations dealing with maritime issues to cooperate in the development of measures to combat IUU fishing, including through the sharing of information, and
12. **Encourages** States, on their own initiative, or with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA–IUU and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25 of the IPOA–IUU.

(Adopted on 9 December 2003)

**RESOLUTIONS AND OTHER DECISIONS OF SOME REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS RELATING TO  
ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING AND RELATED ACTIVITIES**

<b>COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)</b>	
<b>Flagging and Licensing of Non-Contracting Party Vessels</b> Resolution 13/XIX (2000)	This Resolution urges all Contracting Parties, consistent with their domestic legislation, to avoid flagging a non-Contracting Party vessel or licensing such a vessel to fish in waters under their fisheries jurisdiction, if that vessel has a history of IUU fishing in the Convention Area.
<b>Catch Documentation Scheme: Implementation by Acceding States and Non-Contracting Parties</b> Resolution 14/XIX (2000)	All Acceding States and non-Contracting Parties not participating in the Catch Documentation Scheme (CDS) which fish for, or trade in, <i>Dissostichus</i> spp. are urged to implement the Scheme as soon as possible, and the CCAMLR Secretariat and members are requested to make appropriate representations to such States and Parties.  Commission members are reminded of their obligation under the CDS to prevent trade in <i>Dissostichus</i> spp. in their territory, or by their flag vessels, with Acceding States or non-Contracting Parties when it is not carried out in compliance with the Scheme. The issue will be continued to be reviewed.
<b>Use of Ports not Implementing the Catch Documentation Scheme for <i>Dissostichus</i> spp.</b> Resolution 15/XIX (2000)	This Resolution urges Contracting Parties: <ul style="list-style-type: none"> <li>• not to use ports of Acceding States and non-Contracting Parties which are not implementing the CDS for <i>Dissostichus</i> spp., where they are unable to provide an authorized Flag State official(s) to monitor a landing;</li> <li>• to attach to the authorization to fish a list of all Acceding States and non-Contracting Parties that are implementing the CDS.</li> </ul>
<b>Use of VMS and other Measures for the Verification of CDS Catch Data for Areas Outside the Convention Area, in particular, in FAO Statistical Area 51</b> Resolution 17/XX (2001)	Concerned that the Catch Documentation Scheme for <i>Dissostichus</i> spp. (CDS) could be used to disguise IUU catches of <i>Dissostichus</i> spp. in order to gain legal access to markets, this Resolution urges participating States to ensure that Dissostichus Catch Documents (DCDs) relating to landings or imports are checked to verify that the information is consistent with data reports derived from a Vessel Monitoring System (VMS).  It urges States participating in the CDS to consider reviewing their domestic laws and regulations, with a view to prohibiting landings/transshipments/ imports of <i>Dissostichus</i> spp. if the Flag State fails to demonstrate that it verified the DCD using automated satellite-linked VMS derived data reports.  It also requests the Scientific Committee to review relevant data outside the Convention Area to assist in the conservation and management of <i>Dissostichus</i> stocks and in defining the areas and potential biomasses which could be landed/imported/exported under the CDS.

<p><b>Flags of Non-Compliance</b> Resolution 19/XXI (2002)</p>	<p>The Resolution refers to the lack of effective control over fishing vessels by some flag States, especially non-contracting Parties, leads to IUU catches of fish, and the practice of flagging or reflagging vessels as a means of avoiding compliance is among the factors that seriously undermine the effectiveness of conservation and management measures. Noting the IPOA–IUU, the Resolution urges all contracting and non-contracting parties to:</p> <ul style="list-style-type: none"> <li>• take measures or cooperate to ensure that their nationals do not support or engage in IUU fishing, including engagement on board flag of non-compliance (FONC) vessels;</li> <li>• ensure full cooperation of relevant national agencies and industries in implementing CCAMLR measures;</li> <li>• develop ways to ensure that the export or transfer of fishing vessels from a FONC State is prohibited;</li> </ul> <p>Prohibit the landings and transshipments of fish and fish products from FONC vessels.</p>
<p><b>Illegal, Unregulated and Unreported (IUU) Fishing in the Convention Area</b> CCAMLR XXI – Report of the Twenty-First Meeting of the Commission (2002)</p>	<p>This agenda item at the CCAMLR Annual Meeting is a record of the Commission’s consideration of IUU fishing and the extensive discussions at the Meeting, including actions to be taken. <i>Inter alia</i>, the Commission noted that the in Scientific Committee’s Report:</p> <ul style="list-style-type: none"> <li>• IUU catches within the Indian Ocean sector of the Convention Area were most likely to be underestimated;</li> <li>• the current levels of IUU fishing reported from Areas 51 and 57 would have seriously depleted whatever stocks might have been present in those areas, if they were present at all;</li> <li>• current levels of IUU fishing have depleted stocks in Division 58.4.4 and in Subareas 58.6 and 58.7, and the catch rates in Division 58.5.1 have substantially declined; and</li> <li>• current levels of IUU fishing would substantially reduce populations of seabirds which have been taken as bycatch in longline fishing operations.</li> </ul>
<p><b>Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures</b> Conservation Measure 10–07 (2003)</p>	<p>This Conservation Measure states that at each annual meeting the Commission shall identify those non-Contracting Parties whose vessels are engaged in IUU fishing activities in the Convention Area that threaten to undermine the effectiveness of CCAMLR conservation measures, and shall establish a list of such vessels (IUU Vessel List) in accordance with the procedures and criteria set out in the document.</p>
<p><b>COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA (CCSBT)</b></p>	
<p><b>Action Plan</b> Report of the Sixth Annual Meeting, Second Part, Attachment I (2000)</p>	<p>The Resolution notes that a significant number of non-Party vessels are catching SBT, and refers to the strenuous efforts by Parties to encourage non-Parties to accede to the Convention or cooperate with the Commission, and to deter non-Party fishing which could adversely affect the objective of the Convention. It:</p> <ul style="list-style-type: none"> <li>• requests non-members catching SBT to cooperate fully and advise it of actions taken;</li> <li>• calls for identification by CCSBT non-member fishing that diminishes the effectiveness of conservation/management measures;</li> <li>• provides procedures for communicating with non-members to request them to rectify their fishing activities;</li> <li>• refers to the possibility that the Commission may decide to impose trade-restrict measures.</li> </ul> <p>Subsequent meetings have agreed that there was value in preparing a list of IUU vessels and the Trade Information Scheme (TIS) would be used to assist in this respect.<sup>315</sup></p>

<sup>315</sup> e.g. Report of the Eighth Annual Meeting, 2001, paragraph 36.

<p><b>Southern Bluefin Tuna Statistical Document Programme</b> Decision of the Sixth Annual Meeting, Second Part Attachment J (2000)</p>	<p>This decision provides for a Trade Information Scheme (TIS) requiring all SBT to be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document for importation into the territory of a member. The Programme provides for:</p> <ul style="list-style-type: none"> <li>• required information;</li> <li>• validation;</li> <li>• exchange of information;</li> <li>• record and reports; and</li> <li>• re-export.</li> </ul> <p>Subsequent meetings have considered implementation of the TIS and its value for reducing IUU fishing activities.<sup>316</sup></p>
<p><b>INDIAN OCEAN TUNA COMMISSION (IOTC)</b></p>	
<p><b>Registration and Exchange of Information on Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence</b> Recommendation 98/04 (1998)</p>	<p>This Recommendation requires Contracting Parties and cooperating non-Contracting Parties (CPCs):</p> <ul style="list-style-type: none"> <li>• to submit a list of their vessels greater than 24 meters that have fished during the previous year, with specified information. (This also applies to Contracting Parties that issue licences to foreign vessels in the Convention Area);</li> <li>• to notify the Secretary of any information concerning fishing vessels not covered by the above but are presumed to be fishing for tropical tunas in the Area.</li> </ul> <p>The Secretary must request the flag State of vessels presumed to be fishing for tropical tunas in the Area to take necessary measures to prevent the vessel from fishing.</p>
<p><b>Management of Fishing Capacity and the Reduction of the Catch of Juvenile Bigeye Tuna by Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence</b> Recommendation 99/01 (1999)</p>	<p>This Recommendation recalls the IPOA–Capacity and notes that if the catch of bigeye tuna continues at high levels, the stock is likely to become overexploited. Very concerned that IUU fishing activities by large-scale tuna vessels have continued to increase, severely diminishing the potential effectiveness of IOTC conservation and management measures and impeding stock assessment, IOTC:</p> <ul style="list-style-type: none"> <li>• undertakes to adopt concerted actions to limit the fishing capacity of large-scale vessels fishing for tropical tunas to the appropriate level;</li> <li>• engages to adopt at its session in 2000, a season and area closure of the use of floating objects in the Area of Competence on the basis of specified scientific advice;</li> <li>• urges CPCs to fulfil their obligation concerning the transmission of the list of fishing vessels.</li> </ul>

<sup>316</sup> e.g. *Ibid.*, paragraph 86.



<p><b>Calling for Actions Against Fishing Activities by Large Scale Flag of Convenience Longline Vessels</b> Recommendation 99/02 (1999)</p>	<p>This Recommendation expresses concern that fishing activities by large scale flag of convenience (FOC) tuna longline vessels in the IOTC Areas have continued and increased, and notes that many vessels have reflagged to avoid compliance with IOTC measures. Aware that most of the vessels are owned and operated by Taiwan Province of china (TPC) entities and almost all their products are being exported to Japan, the Resolution welcomes the development of the IPOA–IUU fishing including FOC. Further action to be taken by CPCs to deter FOC fishing activities is resolved, including:</p> <ul style="list-style-type: none"> <li>• ensuring that their flag vessels do not engage in IUU fishing (e.g. by means of denying licences);</li> <li>• refusing port access to FOC vessels engaged in activities that diminish the effectiveness of IOTC measures;</li> <li>• taking action consistent with relevant laws to: <ul style="list-style-type: none"> <li>➢ urge their importers, transporters and other concerned business people to refrain from transactions/transshipments in tuna and tuna-like species caught by vessels carrying out FOC activities;</li> <li>➢ urge manufacturers and business people to prevent their vessels and equipment/devices from being used for FOC operations.</li> <li>➢ inform the general public;</li> </ul> </li> <li>• monitoring and exchange of information;</li> <li>• repatriation or scrapping of FOC vessels undermining IOTC measures;</li> <li>• instructing the IOTC Secretariat to prepare possible measures to prevent or eliminate FOC fishing activities, including restrictive trade measures.</li> </ul>
<p><b>Support of the IPOA–IUU Plan</b> Recommendation 01/07 (2001)</p>	<p>This Recommendation supports the IPOA–IUU, and calls for the identification to IOTC of vessels engaged in IUU activities through agreed procedures in a fair, transparent and non-discriminatory manner. IOTC should then establish the exchange of information on vessels engaged in or supporting IUU fishing, including trade information.</p>
<p><b>The Establishment of an IOTC Programme of Inspection in Port</b> Recommendation 02/01 (2002)</p>	<p>This Recommendation notes that port inspection is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing. Measures taken in accordance with the IOTC Agreement are to take full account of the right and duty of the Port State in accordance with international law. More specifically, it:</p> <ul style="list-style-type: none"> <li>• provides for port State inspections;</li> <li>• describes elements of and priorities for the inspection;</li> <li>• requires Contracting Parties to adopt regulations to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission;</li> <li>• requires the Port State to draw evidence of any violation of an IOTC measure to the attention of the flag State concerned and as appropriate the IOTC.</li> </ul>
<p><b>On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unregulated and Unreported Fishing In the IOTC Area</b> Recommendation 02/04 (2002)</p>	<p>Conscious of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities, this Recommendation sets evidentiary criteria for a presumption that fishing vessels flying the flag of a non-Contracting Party have carried out illegal, unregulated and unreported fishing activities in the IOTC Area. It:</p> <ul style="list-style-type: none"> <li>• calls on CPCs to transmit to the Secretary annually a list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area during the current and previous year;</li> <li>• describes procedures, including consideration by the Compliance Committee leading to the adoption of a list of IUU fishing vessels</li> <li>• describes measures to be taken against such vessels.</li> </ul>

<p><b>The Establishment of an IOTC Record of Vessels over 24 metres Authorized to Operate in the IOTC Area</b> Recommendation 02/05 (2002)</p>	<p>The IOTC notes that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have a high potential of operating in the IOTC area without timely registration with the Commission. Recalling that the IPOA–IUU stipulates that RFBs should take action to deal with IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in or supporting IUU fishing, the IOTC adopts the following:</p> <ul style="list-style-type: none"> <li>• an IOTC Record of fishing vessels larger than 24 metres (large scale fishing vessels, or “LSFV”) is to be established;</li> <li>• for the purposes of this Recommendation, LSFVs not entered into the Record are deemed not be authorized to fish for, retain on board, tranship or land tuna and tuna-like species;</li> <li>• information to be submitted by CPCs;</li> <li>• measures CPCs must take to ensure compliance and prevent their flag vessels with a history of IUU fishing activities from fishing/being included on the IOTC Record (unless there are new owners and evidence to the contrary);</li> <li>• measures CPCs must take to validate statistical information and ensure that species covered by Statistical Document Programs are accompanied by required documentation when imported by Contracting Party.</li> <li>• procedures where vessels not on the IOTC Record are fishing or transshipping tuna and tuna-like species in the IOTC Area.</li> </ul>
<p><b>Measures to Prevent the Laundering of Catches by IUU Large-Scale Tuna Longline Fishing Vessels (LSTLFVs)</b> Recommendation 02/07 (2002)</p>	<p>Taking into account the need to implement the IPOA–IUU, and gravely concerned that a significant amount of catches by the IUU fishing vessels are believed to be transferred under the names of licensed fishing vessels, the IOTC recommends:</p> <ul style="list-style-type: none"> <li>• CPCs should ensure that their licensed large-scale tuna longline fishing vessels (LSTLFVs) have prior authorization for at sea or in port transshipment and obtain the validated Statistical Document prior to transshipment;</li> <li>• CPCs should ensure transshipments are consistent with the reported catch amount and require transshipment reports;</li> </ul> <p>CPS that import tuna and tuna-like species caught by LSTLFVs should require transporters to ensure that Statistical Documents are issued prior to transshipment in their ports. Documents to be submitted directly after transshipment.</p>
<p><b>INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)</b></p>	
<p><b>Fishing by Vessels of non-Parties</b> Resolution (2000)</p>	<p>The IATTC, referring to the principles of the Code of Conduct and the Compliance Agreement and addressing fishing by non-Parties, recommends to the High Contracting Parties that they:</p> <ul style="list-style-type: none"> <li>• gather and exchange information on such fishing vessels that could undermine IATTC conservation and management measures;</li> <li>• request the Director to communicate with the flag State governments of such vessels and report to members so they may take appropriate measures.</li> </ul>
<p><b>Regional Vessel Register</b> Resolution (2000)</p>	<p>The IATTC, referring to the principles of the Code of Conduct and the Compliance Agreement and addressing the need for pertinent information relative to the fishing operations in the Eastern Pacific Ocean (EPO), recommends to the High Contracting Parties that they:</p> <ul style="list-style-type: none"> <li>• request the Director to establish and maintain a record of vessels authorized to fish in the Convention area, on the basis of specified information and procedures;</li> <li>• request non-members with vessels fishing in the EPO to provide the specified information and follow the terms of the Resolution.</li> </ul>
<p><b>Fishing by Vessels of non-Parties</b> Resolution (2000)</p>	<p>This Resolution provides the conditions for not including a vessel in the Regional Vessel Register. The Director must:</p> <ul style="list-style-type: none"> <li>• compile a list of vessels identified as fishing in the EPO that is not a flag vessel of a member or cooperating State;</li> <li>• communicate with the flag State requesting specific information;</li> <li>• report on above matters to the Commission which may then determine a vessel may be placed on a list of non-cooperating vessels.</li> </ul>

<p><b>Establishment of a List of Longline Fishing Vessels over 24 meters (LSTLFVs) Authorized to Operate in the Eastern Pacific Ocean</b> Resolution C-03-07 (2003)</p>	<p>Recalling that the IPOA–IUU stipulates that RFBs should take action to deal with IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in or supporting IUU fishing, this Resolution establishes and sets requirements for a list of LSTLFVs over 24 meters authorized to fish in the EPO. It includes:</p> <ul style="list-style-type: none"> <li>• information requirements;</li> <li>• procedures;</li> <li>• extensive duties of flag CPCs on the List, including taking measures relating to LSTLFVs on, and not on the list;</li> <li>• duties of the Director and the Commission.</li> </ul>
<p><b>Attaining the Status of Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATCC</b> Resolution C-03-11 (2003)</p>	<p>This Resolution refers to the urgent need to develop criteria to establish the conditions under which the status of cooperating non-party of cooperating fishing entity is determined in AIDCP and IATCC, and sets the following requirements:</p> <ul style="list-style-type: none"> <li>• information requirements;</li> <li>• compliance requirements;</li> <li>• participation at plenary and scientific meetings as observers.</li> </ul>
<p><b>INTERNATIONAL BALTIC SEA FISHERY COMMISSION (IBSFC)</b></p>	
<p><b>An Inspection Scheme Monitoring Compliance with BACOMA<sup>317</sup></b> Resolution XXV (2003)</p>	<p>The Resolution sets out a specific scheme in port and at sea for the inspection of BACOMA, inspectio all coastal States to develop a coordinated programme. They are to deploy adequate resources and agree on specified elements of each programme.</p>
<p><b>The Improvement of Control and Enforcement of Unreported Catches in the Baltic Sea</b> Resolution XXVI (2003)</p>	<p>The Contracting Parties express their deep concern on the unreported catches and underline the need to further enhance collaboration on control and enforcement. The Resolution recognizes that a major effort will be required to address the difficulties of unreported catches and to ensure the means of inspection and surveillance is available in the Baltic Sea to establish equal treatment. The Contracting Parties:</p> <ul style="list-style-type: none"> <li>• are to commit to adopt in the shortest time comprehensive and efficient measures to enhance control and enforcement to improve cod catch reporting and elimination of unauthorized landings; and</li> <li>• advocate an integrated strategy.</li> </ul>
<p><b>INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA (ICCAT)</b></p>	
<p><b>Transshipments and Vessel Sightings</b> Recommendation 97-11 (1997)</p>	<p>This Resolution addresses the problem of stateless vessels that may threaten the integrity of ICCAT measures. Contracting Parties:</p> <ul style="list-style-type: none"> <li>• must immediately report to ICCAT any sightings of vessels that appear to be without nationality that may be fishing for ICCAT species;</li> <li>• may board and inspect the vessel on the high seas where there are reasonable grounds to suspect it is stateless;</li> <li>• may, where evidence warrants, take action in accordance with international law</li> <li>• are encouraged to establish points of contact to facilitate cooperation and other appropriate actions.</li> </ul>

<sup>317</sup> BACOMA is a specific trawl used in the Baltic Cod fishery.

<p><b>Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels In the Convention Area</b> Resolution 98-18 (1998)</p>	<p>This Resolution recognizes that a large number of longline vessels were not reporting catches or respecting ICCAT conservation measures, and were transferring their flag to avoid trade restrictive measures. It specifies information the Commission is to request of certain importing countries in relation to such activities, in order that it can be reviewed with a view to adoption by the Commission of effective measures to prevent the vessels from continuing operations.</p>
<p><b>Calling for Further Actions against Illegal, Unregulated and Unreported Fishing Activities by Large Scale Longline Vessels in the Convention Area and Other Areas</b> Resolution 99-11 (1999)</p>	<p>Concerned that IUU fishing activities by large scale tuna longline vessels in the Convention Area have continued and increased, and aware that many vessels are shirting their flag from Non-Contracting Parties to Contracting Parties, this Resolution also notes that most of the vessels are owned and operated by Chinese Taipei's business entities while almost all of their products are exported to Japan. The Resolution calls for parties, cooperating non-parties, entities or fishing entities to ensure that LSTLFVs do not carry out IUU fishing in the Convention Area and other Areas, and directs them to take every possible action to urge businesses to refrain from engaging in transactions and transshipments of tuna and tuna-like species caught by vessels carrying out IUU fishing activities in the Convention Area and elsewhere.</p> <p>The Commission also praises and urges Chinese Taipei's effort to register Chinese Taipei built vessels engaged in IUU fishing and urges Japan to scrap Japan-built vessel engaged in IUU fishing activities in the Convention Area and elsewhere.</p>
<p><b>The Need for New Approaches to Deter Activities that Diminish the Effectiveness of ICCAT Conservation and Management Measures</b> Resolution 99-12 (1999)</p>	<p>This Resolution expresses concern that despite the adoption of conservation and management measures, more than half of the major stocks of species continue to be at levels below that necessary to maintain maximum sustainable catch and most other stocks appear to be at or near full exploitation levels. Aware that flag States remain unable or unwilling to fulfil responsibilities in the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement, and convinced that new measures and approaches are needed beyond those already adopted, the Resolution:</p> <ul style="list-style-type: none"> <li>• expresses the Commission's full endorsement of the FAO initiative to develop the IPOA-IUU;</li> <li>• calls upon Contracting Parties to become parties to the instruments;</li> <li>• encourages Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) to participate in efforts called for in the IPOA-Capacity.</li> </ul>
<p><b>To Enhance the Effectiveness of the ICCAT Measures to Eliminate Illegal, Unregulated and Unreported Fishing Activities by Large-scale Tuna Longline Vessels in the Convention Area and Other Areas</b> Supplemental Resolution 00-19 (1999)</p>	<p>Concerned that a substantial number of owners of IUU LSTLFVs, most being Chinese Taipei's business entities, are still trying to continue IUU fishing by changing flag, vessel name and/or ownership, and that de-registered IUU vessels are trying to find new hosts, this Resolution:</p> <ul style="list-style-type: none"> <li>• urges Japan and Chinese Taipei to take the necessary measures to complete the scrapping of IUU vessels built in Japan and the re-registration of IUU vessels built in Chinese Taipei and owned by its residents to Chinese Taipei registry;</li> <li>• requests contracting parties and others to intensify the actions in Resolution 99-11; and</li> <li>• requests Japan and Chinese Taipei to report any changes to relevant information.</li> </ul>
<p><b>Further Defining the Scope of IUU Fishing</b> Resolution 01-18 (2001)</p>	<p>Recognizing that the IPOA-IUU defines IUU fishing, the Resolution calls on all relevant parties to take every possible action to ensure concerned business people refrain from engaging in transaction and transshipment of tuna caught by IUU fishing vessels. This includes fishing not in compliance with relevant ICCAT conservation and management measures, in the Convention area or elsewhere.</p>

<p><b>More Effective Measures to Prevent, Deter and Eliminate IUU Fishing by Tuna Longline Vessels</b> Resolution 01-19 (2001)</p>	<p>This Resolution addresses the problems in preparing a list of IUU fishing vessels from various trade data, including name and flag changes by vessels, and notes that a significant amount of IUU catch are believed to be transferred under the names of licensed vessels. A majority of the crew onboard the IUU tuna longline vessels are residents of the Contracting Parties and others associated with ICCAT.</p> <p>A working group meeting is called in 2002 to work out more effective measures to prevent, deter and eliminate IUU fishing, taking into account the IPOA–IUU. Terms of reference and follow-up for the meeting are set, and actions of the contracting parties and others are suggested.</p>
<p><b>A Management Standard for the Large-Scale Tuna Longline Fishery</b> Resolution 01-20 (2001)</p>	<p>Recognizing the difficulty in control and management of LSTLFVs, due to their mobility between oceans, transfer of catches to the market without going through flag countries, shifting of flags to Contracting Parties with less management ability and changing vessel names and nominal owners, this Resolution encourages:</p> <ul style="list-style-type: none"> <li>• CPCs to take provisional measures to meet specified minimum standards for licence issuance, and report to ICCAT on specified format; and</li> <li>• continuous review of the measures.</li> </ul>
<p><b>Establishment of a List of Vessels Presumed to have carried out IUU Fishing Activities in the ICCAT Convention Area</b> Recommendation 02-23 (2002)</p>	<p>This recommendation recalls that the IPOA–IUU stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way. It recognizes continued IUU activity especially by vessels that have been re-flagged to avoid compliance and evade ICCAT trade measures, and states determination to address this by way of countermeasures. The recommendation:</p> <ul style="list-style-type: none"> <li>• establishes evidentiary criteria for a presumption that IUU fishing has been carried out;</li> <li>• requires CPCs to transmit annually to ICCAT a list of non-Contracting Party vessels presumed to be carrying out IUU activities in the Convention Area, and sets subsequent procedures by the Secretariat;</li> <li>• provides measures that CPCs must take under their applicable legislation in respect of vessels on the IUU list, including refusing to grant their flag to listed vessels, encouraging importers, transporters and others to refrain from transaction and transshipment of tuna caught by listed vessels, and prohibiting: <ul style="list-style-type: none"> <li>➤ flag vessels from participating in transshipment with listed vessels;</li> <li>➤ landings or transshipments from listed vessels voluntarily in ports;</li> <li>➤ chartering listed vessels; and</li> <li>➤ imports, landings, transshipments of tuna and tuna-like species from listed vessels.</li> </ul> </li> <li>• provides for publicity and dissemination of IUU list with other RFBs.</li> </ul>
<p><b>Implementation of the Recommendation Concerning the ICCAT Record of Vessels</b> Resolution 02-24 (2002)</p>	<p>The Resolution notes that despite the establishment of an ICCAT Record of Vessels over 24 meters authorized to operate in the Convention Area under Recommendation 02-22, a hundred LSTLFVs are believed to continue IUU fishing in the Convention Area and elsewhere, and identifies action to be taken:</p> <ul style="list-style-type: none"> <li>• by the Executive Secretary to identify newly listed vessels;</li> <li>• by the Compliance Committee and Working Group to examine possible involvement of the remaining IUU vessels on the ICCAT Record.</li> </ul>

<p><b>Measures to Prevent the Laundering of Catches by Illegal, Unreported and Unregulated (IUU) Large-scale Tuna Longline Fishing Vessels</b> Resolution 02-25 (2002)</p>	<p>Taking into account the need to implement the IPOA–IUU, concerned that a significant number of catches by IUU fishing vessels are believed to be transferred under the names of licensed vessels and building on previous recommendations to improve control over transshipments, this Resolution calls upon CPCs:</p> <ul style="list-style-type: none"> <li>• in respect of transshipments, to ensure that their licensed large-scale tuna longlining vessels have prior authorization and validated documentation, and that reports are made and validated;</li> <li>• in respect of importing tuna and tuna-like species caught by large-scale tuna longlining vessels, to obligate transporters that intend to land such species in their port to submit required documentation prior to and immediately after the transshipment.</li> </ul>
<p><b>Concerning Cooperative Actions to Eliminate Illegal, Unreported and Unregulated Fishing Activities by Large Scale Tuna Longline Vessels</b> Resolution 02-26 (2002)</p>	<p>The Working Group formed by Resolution 01-19 encouraged collaborative work between Chinese Taipei and Japan to study further the involvement of the former’s residents and licensed vessels in IUU fishing, and to work out effective measures to prevent such involvement.</p> <p>This Resolution encourages such collaboration, and urges:</p> <ul style="list-style-type: none"> <li>• Japan to work closely with the flag States of LSTLFVs, and implement the 2002 ICCAT Recommendation to establish a Record of Vessels over 24 meters authorized to operate in the Convention Area;</li> <li>• Chinese Taipei to consider appropriate domestic legislation to improve its control its residents that invest in or otherwise support or engage in IUU fishing;</li> <li>• Contracting Parties and others associated with ICCAT to urge their residents from engaging in or associating with activities that support IUU fishing.</li> </ul>
<p><b>Regarding Process and Criteria for ICCAT IUU Trade Restrictive Measures</b> Resolution 02-27 (2002)</p>	<p>Recognizing the desirability of implementing the IPOA–IUU, and the range of valuable tools already developed by ICCAT for doing so, this Resolution:</p> <ul style="list-style-type: none"> <li>• calls for a Working Group to develop criteria and a process for the fair, transparent and consistent application of ICCAT measures, including trade restrictive measures, to prevent, deter and eliminate IUU fishing; and</li> <li>• specifies terms of reference and minimum documentation to be considered.</li> </ul>
<p><b>Trade Measures</b> Resolution 03-15 (2003)</p>	<p>Considering <i>interm alia</i> the obligation of all CPCs to respect the ICCAT conservation and management measures, and aware of the necessity for sustained efforts by CPCs to ensure the enforcement of ICCAT’s conservation and management measures and the need to encourage non-Contracting Parties, Entities or Fishing Entities (NCPs) to abide by these measures, this Resolution encourages:</p> <ul style="list-style-type: none"> <li>• CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed, to collect and examine as much import or landing data and associated information as possible and submit specified information to the Commission annually;</li> <li>• the Commission to identify each year the CPCs that have failed to comply with ICCAT’s Convention in respect of conservation and management measures, and NCPs that have failed to discharge their international obligations;</li> </ul> <p>a range of other actions by the Commission, CPCs and NPC.</p>

<p><b>The Duties of Contracting Parties and Cooperating Non-Contracting Parties, Entities or Fishing Entities in Relation to their Vessels Fishing in the ICCAT Convention Area</b> Recommendation 03-12 (2003)</p>	<p>In accordance with the Needs and Principles set forth in the <i>General Outline of Integrated Management Measures Adopted by ICCAT</i>, adopted by the Commission in 2002 to ensure effective monitoring measures, this Recommendation requires CPCs to:</p> <ul style="list-style-type: none"> <li>• adopt measures so their vessels comply with and do not undermine ICCAT conservation and management measures;</li> <li>• authorize their vessels to fishing the ICCAT Convention area by means of fishing authorizations, licences or permits;</li> <li>• ensure that they do not authorize their vessels to fishing the Convention area unless they are able to effectively exercise their responsibilities in respect of such vessels, including monitoring and controlling their fishing activities;</li> <li>• ensure their vessels do not conduct unauthorized fishing within areas under national jurisdiction of other States;</li> <li>• require their vessels fishing on the high seas to carry the licence, authorization or permit on board at all times and to produce it on inspection by a duly authorized person;</li> <li>• investigate and follow-up on an alleged violations;</li> <li>• establish and maintain an up to date record of fishing vessels entitled to fly its flag and authorized of fish species managed by ICCAT in the Convention area;</li> <li>• ensure vessels are marked in accordance with specified criteria.</li> </ul>
<p><b>The Recording of Catch by Fishing Vessels in the ICCAT Convention Area</b> Recommendation 03-13 (2003)</p>	<p>In accordance with the Needs and Principles set forth in the <i>General Outline of Integrated Management Measures Adopted by ICCAT</i>, adopted by the Commission in 2002 to ensure effective monitoring measures, this Recommendation requires CPCs to:</p> <ul style="list-style-type: none"> <li>• ensure that all fishing vessels flying its flag and authorized to fish species managed by ICCAT in the Convention area be subject to a data recording system.</li> <li>• To that end, all commercial fishing vessels over 24 m length overall must keep a bound or electronic logbook recording specified information, and sport fishing vessels must have comparable data-collection systems.</li> </ul>
<p><b>Minimum Standards for the Establishment of a Vessel Monitoring System in the ICCAT Convention Area</b> Recommendation 03-14 (2003)</p>	<p>In accordance with the Needs and Principles set forth in the <i>General Outline of Integrated Management Measures Adopted by ICCAT</i>, adopted by the Commission in 2002 to ensure effective monitoring measures, and recognizing the developments in vessel monitoring systems (VMS) this Recommendation requires CPCs to:</p> <ul style="list-style-type: none"> <li>• implement a VMS, with specified requirements, by a date to be decided by the Commission.</li> </ul>
<p><b>Adoption of Additional Measures against Illegal, Unreported and Unregulated (IUU) Fishing</b> Recommendation 03-16 (2003)</p>	<p>Mindful of the need to improve the control and management of quotas and catch limits fixed by ICCAT and concerned that IUU fishing in the ICCAT Convention area continues, undermining the effectiveness of ICCAT conservation and management measures, and noting that certain vessels land, place in cages for farming, market and/or tranship tuna and tuna-like species when their flag State has no quota, catch limit or effort allocation in accordance with ICCAT conservation and management measures, this Recommendation requests CPCs to:</p> <ul style="list-style-type: none"> <li>• take the necessary measures to prohibit landings from fishing vessels, placing in cages for farming and/or the transshipment within their jurisdiction of tuna or tuna-like species caught by IUU fishing activities.</li> </ul>
<p><b>The Continuance of Trade Measures Against Equatorial Guinea</b> Recommendation 03-17 (2003)</p>	<p>Calling attention to, <i>inter alia</i>, a 2000 Recommendation by ICCAT regarding Equatorial Guinea Pursuant to the 1998 Resolution Concerning the Unreported and Unregulated Catches of Tuna by Large-scale Longline Vessels in the Convention Area (00-16), which prohibits imports of Atlantic bluefin tuna and its products and Atlantic bigeye tuna and its products from Equatorial Guinea, this recommends that:</p> <ul style="list-style-type: none"> <li>• Contracting Parties continue to take appropriate measures to the effect of prohibiting the import of these species from Equatorial Guinea, until decision by the Commission and notification by ICCAT permits a lifting of the prohibitions.</li> </ul>

<b>Bigeye Tuna Trade Restrictive Measures on Georgia</b> Recommendation 03-18 (2003)	<i>Inter alia</i> , recalling the adoption in 1998 of the <i>Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large-Scale Longline Vessels in the Convention Area</i> , this recommends that: CPCs take appropriate measures to the effect that the import of Atlantic bigeye tuna and its products in any form from Georgia be prohibited, until decision by the Commission and notification by ICCAT permits a lifting of the prohibitions.
<b>NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION (NASCO)</b>	
<b>Fishing for Salmon on the High Seas</b> Resolution CNL (92)54 (1992)	Taking into account the United Nations Convention on the Law of the Sea, NASCO's prohibition on high seas fishing and non-parties fishing for salmon on the high seas despite appeals by NASCO to cease fishing activities, this Resolution calls for: <ul style="list-style-type: none"> <li>• measures to encourage non-contracting parties to sign and comply with the NASCO Protocol;</li> <li>• encourages the Contracting Parties to report sightings of high seas fishing activities that may undermine NASCO's conservation measures;</li> <li>• requests NASCO to take a number of measures, including collection, compilation and dissemination of relevant information.</li> </ul>
<b>NORTH EAST ATLANTIC FISHERIES COMMISSION (NEAFC)</b>	
<b>Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations Established by NEAFC</b> Recommendation (1998)	The Recommendation is directed at non-Contracting Party vessels engaged in fishing activities in areas beyond national jurisdiction in the high seas in the Convention Area ("the Regulatory Area"), and: <ul style="list-style-type: none"> <li>• creates a presumption that a non-Contracting Party vessel sighted in the Regulatory Area engaging in fishing activities is undermining the effectiveness of NEAFC Recommendations (it also applies to other vessels involved in transshipment with such vessels, inside or outside the Regulatory Area);</li> </ul> provides procedures for the transmission of information, boarding and inspection, port inspection, prohibition of landings and transshipments, reports and evidence.
<b>Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations Established by NEAFC</b> Recommendation, Document AM 2003/34 (2003)	This Scheme addresses activities in relation to: <ul style="list-style-type: none"> <li>• Sightings of Non-Contracting Party (NCP) vessels;</li> <li>• Inspections at sea;</li> <li>• Inspections in port;</li> <li>• Landings, transshipments and joint fishing operations;</li> <li>• Notification of presumed IUU activities;</li> <li>• Reports on IUU activities;</li> <li>• IUU vessel lists;</li> <li>• Cooperating non-Contracting Parties'</li> <li>• Follow-up action;</li> <li>• Action vis-à-vis Flag States</li> </ul>



<p><b>Actions against Non-Contracting Parties Engaged in Illegal, Unregulated and Unreported (IUU) Fishing in the Regulatory Area</b> Resolution, Document AM 2003/39 (2003)</p>	<p>This Resolution, concerned that IUU fishing compromises the primary objectives of the Convention, and aware that a significant number of vessels registered to non-Contracting Parties engaged in fishing operations in the Regulatory Area in a manner which diminishes the effectiveness of NEAFC management measures, urges Contracting Parties to:</p> <ul style="list-style-type: none"> <li>• take steps towards States identified to have vessels flying their flags being engaged in IUU fishing in the Regulatory Area by approaching the flag States concerned requesting them to take all appropriate steps to halt the undermining of NEAFC management measures.</li> </ul>
<p><b>NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)</b></p>	
<p><b>Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO</b> NAFO/GC Doc. 97/6 (1997)</p>	<p>Acknowledging the rights, duties and obligations of States whose vessels fish on the high seas expressed in the 1982 UN Convention, the 1995 UN Fish Stocks Agreement, the 1993 FAO Compliance Agreement and general principles of international law, this document:</p> <ul style="list-style-type: none"> <li>• establishes a presumption that non-contracting party vessels engaged in fishing activities in the NAFO Regulatory Area are undermining the effectiveness of NAFO Conservation and Enforcement Measures, and applies the presumption to any other non-contracting party vessels which has engaged in transshipment activities with such vessels inside or outside the Regulatory Area;</li> <li>• sets out procedures for information and reports relating to sightings of the above;</li> <li>• sets out procedures for boardings and inspections;</li> <li>• requires contracting parties to ensure their vessels do not receive transshipments of fish from such vessels;</li> <li>• sets out procedures for review of the Scheme.</li> </ul>
<p><b>WESTERN CENTRAL PACIFIC FISHERIES COMMISSION (WCPCF)</b></p>	
<p><b>Resolution of the Preparatory Conference relating to Illegal, Unreported and Unregulated Fishing and Limits on Fishing Capacity</b> (2002)</p>	<p>Noting a number of international instruments, including the IPOA–IUU, that fishing capacity has continued to increase in the region since 1999 and the potential redeployment of IUU vessels from other regions into the Convention Area, the Resolution:</p> <ul style="list-style-type: none"> <li>• urges States and other entities to exercise reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area and to apply the precautionary approach forthwith;</li> <li>• urges States and other entities concerned to take every appropriate measure to prevent, deter and eliminate IUU fishing in the Convention Area;</li> <li>• promotes cooperation in exchanging information on the IUU fishing activities and other activities that might undermine the effectiveness of the Resolution.</li> </ul>

## QUESTIONNAIRE FOR REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

### Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

A Technical Consultation will be held at FAO headquarters in June, 2004 to review progress and promote the full implementation of the International Plans of Action: to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU); and on Management of Fishing Capacity (IPOA–Capacity). This has been endorsed by the Twenty-fifth Session of the Committee on Fisheries (COFI), mindful of the objectives to implement the IPOA–IUU by 2004 and the IPOA–Capacity by 2005.

The implementation of the IPOA–IUU by regional fisheries management organizations (RFMOs) will form an important component of the 2004 Technical Consultation. The attached questionnaire has been prepared to seek RFMO input to an FAO Fisheries Circular which will serve as a basis for consideration of this component. The responses will enhance understanding of: the progress in implementation; the general extent and effects of IUU fishing at regional level; and trends in challenges, measures and actions for RFMOs in combating IUU fishing activities.

The questionnaire is in three parts:

- Part 1 – implementation of the IPOA–IUU;
- Part 2 – extent and effects of IUU fishing in the Area of Competence (to assist in establishing a general profile of activity);
- Part 3 – main challenges, measures and actions in combating IUU fishing activities (to assist in identifying trends).

Complementary information for the report will also be sought from publicly available sources, such as websites and publications.

While we are seeking responses principally from the RFMOs – regional fishery bodies with management mandates – we would also be grateful for responses from regional fishery bodies with advisory mandates if any questions are relevant to their activities. This would involve Parts 2 and 3 of the questionnaire only.

We would be most grateful for your response by 30 November 2003. Please copy your response to [Judith.Swan@fao.org](mailto:Judith.Swan@fao.org) who will be preparing the FAO Fisheries Circular. Thank you in advance for your kind cooperation.

Benedict Satia  
Chief  
International Institutions and Liaison Service  
FAO Fisheries Department  
Tel: +39 06 5705 2847  
Fax: +39 06 5705 6500  
[Benedict.Satia@fao.org](mailto:Benedict.Satia@fao.org)

**PART 1 – RFMO ACTION TO IMPLEMENT THE IPOA–IUU**

**This information addresses measures and action RFMOs should take to implement the IPOA–IUU, as provided in paragraphs 78–84, IPOA–IUU.**

Please check (x):

Optional:

“Yes” If RFMO has undertaken measures/action to implement IPOA–IUU  
 “No” If no measures/action have been undertaken

Highly Effective measure/action (x)  
 Comment

“N/A” (Not Applicable) As appropriate  
 “Under Review” As appropriate  
 “Information on website” As appropriate

Measures/Action to Implement IPOA–IUU	Yes	No	N/A	Under Review	Info on Web site	Highly Effective (Optional)	Comment (Optional)
<b>MEASURES</b>							
1. Institutional strengthening undertaken to enhance capacity to combat IUU fishing							
2. Development of compliance measures							
3. Development, implementation of comprehensive arrangements for mandatory reporting							
4. Information exchange on IUU fishing, support vessels							
5. Maintain record of fishing vessels – authorized							
6. Maintain record of fishing vessels – IUU							
7. Development of methods of compiling and using trade information to monitor IUU fishing							
8. MCS – promoting implementation of MCS by members in their jurisdictions							
9. MCS – real time catch and vessel monitoring systems							
10. MCS – monitoring landings							
11. MCS – port control measures							
12. MCS – regulation of transshipment							
13. Development of boarding and inspection regimes							
14. Development of observer programmes							
15. Market-related measures to combat IUU fishing							
16. Definition of presumptions for IUU fishing, support							
17. Development of action plans to combat IUU fishing							

Measures/Action to Implement IPOA-IUU	Yes	No	N/A	Under Review	Info on Web site	Highly Effective (Optional)	Comment (Optional)
18. Examination of chartering arrangements							
<b>COMPILATION AND EXCHANGE OF INFORMATION</b>							
19. Estimates undertaken of the extent, magnitude and character of IUU activities							
20. Compilation, exchange of information on details of measures taken on IUU fishing							
21. Records of authorized vessels compiled, exchanged							
<b>POLICY OBJECTIVES, INSTITUTIONAL STRENGTHENING</b>							
22. Policy objectives determined for internal purposes							
23. Policy objectives determined for coordination with RFMOs							
24. Institutional mechanisms strengthened – mandate							
25. Institutional mechanisms strengthened – functions							
26. Institutional mechanisms strengthened – finance							
27. Institutional mechanisms strengthened – decision-making							
28. Institutional mechanisms strengthened – reporting, information requirements							
29. Institutional mechanisms strengthened – enforcement schemes							
30. Regularize coordination with other RFMOs – information							
31. Regularize coordination with other RFMOs – enforcement							
32. Regularize coordination with other RFMOs – trade							
33. Timely, effective implementation of policies, measures internally, with other RFMOs and internationally							
<b>GENERAL</b>							
34. Cooperation with non-members							
35. Measures/actions relating to flag State responsibility							
36. Other measures/action not covered above (please comment)							

**PART 2 – EXTENT AND EFFECTS OF IUU FISHING IN AREA OF COMPETENCE**

This information will assist in identifying a general profile of IUU fishing on a global basis, when compiled with information from other RFMOs. The objective is to describe the main type(s) of IUU fishing of concern to your organization, with reference to gear and/or species as appropriate. Any information or views on the main perceived causes of the IUU fishing, its intensity/gravity and extent/impact on the resource, would be of value in assessing global activities and trends.

If applicable, please briefly identify the following elements of IUU fishing with reference to three main types of IUU fishing in the Area of Competence, or more or less as appropriate.

<b>MAIN TYPES of IUU FISHING</b>  <b>(Gear, species as appropriate)</b>	<b>MAIN PERCEIVED CAUSES</b>  <b>(Profit, no effective control by flag State, other)</b>	<b>INTENSITY, GRAVITY</b>  <b>(Numbers of vessels, trends, other)</b>	<b>EXTENT, IMPACT</b>  <b>(Volumes, TAC percentage, values, other)</b>
1.			
2.			
3.			

**PART 3 – SUMMARY OF CHALLENGES, MEASURES and ACTIONS AGAINST IUU FISHING ACTIVITIES**

If applicable, please provide brief summary points to assist in an assessment of common trends, problems, responses and effectiveness.

<b>MAJOR CHALLENGES IN COMBATING IUU fishing activities</b>	
<b>EFFECTIVE MEASURES/ACTIONS AGAINST IUU fishing activities</b>	
<b>IMPROVED MEASURES/ACTIONS NEEDED AGAINST IUU fishing activities</b>	
<b>IMPACT OF MEASURES/ACTIONS AGAINST IUU fishing activities</b>	

## APPENDIX 4

## SUMMARY TOTAL OF RESPONSES TO PART 1 OF THE QUESTIONNAIRE

Measures/Action to Implement IPOA-IUU	Yes	No	N/A	Under Review	Highly Effective
1. Institutional strengthening undertaken to enhance capacity to combat IUU fishing	11	2	2	0	
2. Development of compliance measures	10	2	2	2	
3. Development, implementation of comprehensive arrangements for mandatory reporting	9	2	2	2	
4. Information exchange on IUU fishing, support vessels	8	5	2	1	1
5. Maintain record of fishing vessels – authorized	10	3	1	1	
6. Maintain record of fishing vessels – IUU	9	5	1		
7. Development of methods of compiling and using trade information to monitor IUU fishing	5	7	1	2	
8. MCS – promoting implementation of MCS by members in their jurisdictions	9	3	2	1	
9. MCS – real time catch and vessel monitoring systems	9	3	1	2	
10. MCS – monitoring landings	9	4	0	2	
11. MCS – port control measures	8	3	1	3	
12. MCS – regulation of transshipment	9	3	1	2	
13. Development of boarding and inspection regimes	7	5	0	3	
14. Development of observer programmes	8	4	1	3	2
15. Market-related measures to combat IUU fishing	5	6	0	3	
16. Definition of presumptions for IUU fishing, support	6	5	2	1	
17. Development of action plans to combat IUU fishing	6	5	1	3	1
18. Examination of chartering arrangements	3	8	2	0	
19. Estimates undertaken of the extent, magnitude and character of IUU activities	8	3	2	1	
20. Compilation, exchange of information on details of measures taken on IUU fishing	10	2	2	1	
21. Records of authorized vessels compiled, exchanged	11	3	1	0	
22. Policy objectives determined for internal purposes	9	3	2	0	
23. Policy objectives determined for coordination with RFMOs	6	3	3	3	
24. Institutional mechanisms strengthened – mandate	8	3	3	1	
25. Institutional mechanisms strengthened – functions	7	3	1	1	
26. Institutional mechanisms strengthened – finance	5	3	4	2	
27. Institutional mechanisms strengthened – decision-making	8	3	2	2	
28. Institutional mechanisms strengthened – reporting, information requirements	9	2	2	1	
29. Institutional mechanisms strengthened – enforcement schemes	5	6	2	1	
30. Regularize coordination with other RFMOs – information	10	1	1	3	
31. Regularize coordination with other RFMOs – enforcement	3	6	4	1	
32. Regularize coordination with other RFMOs – trade	1	8	5	0	
33. Timely, effective implementation of policies, measures internally, with other RFMOs and internationally	4	5	4	1	
34. Cooperation with non-members	8	5	1	0	
35. Measures/actions relating to flag State responsibility	8	2	2	3	
36. Other measures/action not covered above	1	1	4	0	





**MAJOR CHALLENGES IDENTIFIED – SIGNIFICANT ACTIVITY INDICATED BY RFBs IN IMPLEMENTING THE IPOA-IUU  
AND MAIN PERCEIVED CAUSES OF IUU FISHING**

<b>MAJOR CHALLENGES</b>	<b>SIGNIFICANT ACTIVITY</b>
1. Lack of flag State control, including: <ul style="list-style-type: none"> <li>• operation of open registries – registering IUU vessels</li> <li>• securing cooperation of some States in observing measures</li> </ul>	<ul style="list-style-type: none"> <li>• Development of compliance measures</li> <li>• Maintain record of fishing vessels – authorized</li> <li>• Maintain a record of fishing vessels – IUU</li> <li>• Compilation, exchange of information on details of measures taken on IUU fishing</li> <li>• Records of authorized vessels compiled, exchanged</li> <li>• Regularize coordination with other RFMOs – information</li> </ul>
2. MCS, including: <ul style="list-style-type: none"> <li>• inspections at sea</li> <li>• lack of human capacity and equipment</li> <li>• non-cooperation by vessel operators</li> </ul>	<ul style="list-style-type: none"> <li>• Institutional strengthening undertaken to enhance capacity to combat IUU fishing</li> <li>• MCS – promoting implementation of MCS by members in their jurisdictions</li> <li>• MCS – real time catch and vessel monitoring systems</li> <li>• MCS – monitoring landings</li> <li>• MCS – regulation of transshipment</li> </ul>
3. Reporting	<ul style="list-style-type: none"> <li>• Development, implementation of comprehensive arrangements for mandatory reporting</li> <li>• Institutional mechanisms strengthened – reporting, information requirements</li> </ul>
4. Create economic, trade or other disincentives to IUU fishing	
5. Create awareness among shipowners, captains about importance of conservation	
6. Weak capacity of member countries to combat IUU fishing	
7. Mend gaps in fisheries regulatory regimes	
8. Assessing the extent of non-member and member State IUU fishing	
9. Limit destructive fishing practices	
	<ul style="list-style-type: none"> <li>• Policy objectives determined for internal purposes</li> </ul>

**MAIN PERCEIVED CAUSES OF IUU FISHING:** In general: no effective flag State control; open vessel registries; profit or economic motivation; displacement from other fisheries; ineffective implementation of coastal State fisheries management plans; limited resources for effective control by the flag State or coastal State. For a specified fishery: absence of a requirement for catch statistics to be collected; suppression of information thought to be unfavourable; local sale or consumption; inaccuracy in making returns; provisional licences; inadequate legal framework.

## SUMMARY OF RESPONSES TO SOME QUESTIONS IN PART 3 OF THE QUESTIONNAIRE

MAJOR CHALLENGES	EFFECTIVE MEASURES/ACTIONS	IMPROVED MEASURES NEEDED
1. Lack of flag State control, including: <ul style="list-style-type: none"> <li>• registering IUU vessels</li> <li>• securing cooperation of some States in observing measures</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable MCS measures, below</li> <li>• Cooperating with non-Members taking part in fishing and/or trade in relevant species, including effective diplomatic relations</li> </ul>	<ul style="list-style-type: none"> <li>• Measures to improve flag State control (eg centralized VMS)</li> <li>• Development of an action plan to identify non-cooperating States, seek their cooperation and if necessary to develop measures to encourage them to cooperate</li> </ul>
2. MCS, including: <ul style="list-style-type: none"> <li>• inspections at sea</li> <li>• lack of human capacity and equipment</li> <li>• non-cooperation by vessel operators</li> </ul>	<ul style="list-style-type: none"> <li>• Port State control</li> <li>• Improved MCS measures by Contracting Parties</li> <li>• Surveillance systems, VMS</li> <li>• Coordination of aerial and maritime surveillance</li> <li>• Coordination of surveillance in international waters</li> <li>• Fisheries observers</li> <li>• Regional agreement on access for foreign vessels, cooperation in surveillance</li> </ul>	<ul style="list-style-type: none"> <li>• Improvement of at-sea surveillance capability</li> <li>• Measures to improve port State control (e.g. web-based electronic catch documentation scheme)</li> <li>• Strengthened MCS and improved information collection and exchange to better detect IUU fishing</li> <li>• Fisheries observers</li> </ul>
3. Reporting	<ul style="list-style-type: none"> <li>• Applicable MCS measures, above</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure catch statistics reporting conform to RFB's minimum standards</li> <li>• Measures to reduce unreported catches, especially those arising from illegal activity</li> </ul>
4. Create economic, trade or other disincentives to IUU fishing	<ul style="list-style-type: none"> <li>• Catch documentation, certification schemes</li> <li>• Trade documentation schemes</li> <li>• Trade sanctions</li> </ul>	<ul style="list-style-type: none"> <li>• Introduction of market-based measures such as trade documentation schemes</li> </ul>
5. Create awareness among shipowners, captains about importance of conservation		<ul style="list-style-type: none"> <li>• Public awareness through education to develop a culture of compliance</li> </ul>
6. Weak capacity of member countries to combat IUU fishing		
7. Mend gaps in fisheries regulatory regimes		
8. Assessing the extent of non-member and member State IUU fishing		
9. Limit destructive fishing practices		
	<ul style="list-style-type: none"> <li>• Cooperation, consultation and collaboration with other organizations to take measures to eliminate or deter IUU fishing</li> </ul>	<ul style="list-style-type: none"> <li>• More coordinated actions among RFBs</li> </ul>
		<ul style="list-style-type: none"> <li>• Formulation of management measures by member States</li> </ul>
		<ul style="list-style-type: none"> <li>• Almost all areas of IUU fishing</li> </ul>

## RFBs REPORTING EFFECTIVE MEASURES/ACTIONS AND THEIR IMPACT ON IUU FISHING

RFB	EFFECTIVE MEASURES/ACTIONS	IMPACT OF MEASURES/ACTIONS ON IUU FISHING
CCAMLR	<ul style="list-style-type: none"> <li>• Catch Documentation Scheme</li> <li>• Port State control</li> <li>• Cooperation with Non-Contracting Parties taking part in fishing for or trade in <i>Dissostichus</i> spp.</li> <li>• List of IUU vessels established</li> </ul>	<ul style="list-style-type: none"> <li>• IUU fishing activities localized and dealt with effectively on a case-by-case basis. Most perceived offenders identified.</li> </ul>
CCSBT	<ul style="list-style-type: none"> <li>• Catch certification scheme</li> <li>• Trade documentation schemes</li> <li>• Sanctions against countries that do not control their fleets</li> <li>• Surveillance systems</li> </ul>	<ul style="list-style-type: none"> <li>• The trade documentation scheme has eliminated flag of convenience vessels from a number of countries from the fishery because the market has been made inaccessible. More recently the scheme enabled the CCSBT to identify flag of convenience vessels operating under the flag of a country that was cooperating with the CCSBT. The CCSBT approached the cooperating country on the basis of trade information. The vessels have been deregistered and are no longer active in the fishery.</li> </ul>
FFA	<p>Use of a wide range of compliance measures, including:</p> <ul style="list-style-type: none"> <li>• the MTCs</li> <li>• the Regional Register of Foreign Fishing Vessels</li> <li>• aerial and maritime surveillance</li> <li>• fisheries observers</li> <li>• port State controls</li> <li>• members' VMS</li> <li>• regional treaty on cooperation in surveillance</li> <li>• consultation and collaboration with other RFBs.</li> </ul>	<ul style="list-style-type: none"> <li>• Keeping IUU fishing to a low background level instead of allowing it to get out of control</li> </ul>
ICCAT	<ul style="list-style-type: none"> <li>• Trade documentation schemes</li> <li>• Trade sanctions</li> </ul>	<ul style="list-style-type: none"> <li>• Noted in Part 2 of the questionnaire that estimates of vessel numbers are lower than 2–4 years ago, but this is no proof a declining trend</li> <li>• Expressed a related concern that might be shared by a number of RFBs – many decisions taken in the past have worked on an annual time scale, while the nature of IUU fishing vessels is very dynamic. This has diminished the potential impact of many measures</li> </ul>
NASCO	<ul style="list-style-type: none"> <li>• Coordination of surveillance in international waters</li> <li>• Effective diplomatic initiatives with regard to fishing by non-Members</li> <li>• Improved MCS measures by Contracting Parties.</li> </ul>	<ul style="list-style-type: none"> <li>• Fishing in international waters by non-Contracting parties has been eliminated and coordination of surveillance improved.</li> <li>• Progress is being made by the Contracting Parties in minimizing unreported catches so the proportion of the total catch reported has increased.</li> </ul>

