

STUDIES AND REVIEWS

No. 76

2005

**IMPLEMENTATION OF THE INTERNATIONAL
PLAN OF ACTION TO PREVENT, DETER AND
ELIMINATE ILLEGAL, UNREPORTED AND
UNREGULATED FISHING: RELATIONSHIP TO,
AND POTENTIAL EFFECTS ON, FISHERIES
MANAGEMENT IN THE MEDITERRANEAN**



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GENERAL FISHERIES COMMISSION FOR THE MEDITERRANEAN

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DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING:
RELATIONSHIP TO, AND POTENTIAL EFFECTS ON, FISHERIES MANAGEMENT
IN THE MEDITERRANEAN**

by

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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
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PREPARATION OF THIS DOCUMENT

This paper was prepared as a background document and wide introduction to the issues of illegal, unreported and unregulated fishing in the Mediterranean for the General Fisheries Commission for the Mediterranean at its twenty-eighth session held in Tangiers, Morocco, from 14 to 17 October 2003. It establishes the link between the International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing with the IPOA-Capacity, situating them both in the broader context of recent international instruments related to fisheries management. It summarizes actions that have been taken by comparable regional fisheries management organizations, as material for reflexion by GFCM in its work.

The paper was written by Judith Swan (FAO Consultant) and edited with the assistance of FAO FishCode Programme.

Swan, J.

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Studies and Reviews. General Fisheries Commission for the Mediterranean. No. 76. Rome, FAO. 2005. 48p.

Abstract

The evolving management role of regional fisheries management organizations (RFMOs), as agreed in recent international fisheries instruments, is set out, together with agreed provisions relating to illegal, unreported and unregulated (IUU) fishing. Issues common to IUU fishing and management of fishing capacity are also reviewed, especially as contained in the International Plans of Action (IPOAs) relating to these areas.

The status and implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) in the Mediterranean is described with reference to: the contexts in which IUU fishing has been addressed by the General Fisheries Commission for the Mediterranean (GFCM); the adoption of national plans of action (NPOAs) on IUU fishing by GFCM members; and the adoption by the European Union (EU) Fisheries Council of conclusions on IUU fishing.

Many RFMOs have been active in implementing the IPOA–IUU, and their decisions, actions and measures are noted.

Options for implementing the IPOA–IUU in the Mediterranean are reviewed, taking into account some features of existing fisheries management relating to IUU fishing. These include the diverse national legal frameworks, activities in the subregions covered by the CopeMed and AdriaMed projects and monitoring, control and surveillance capabilities. A possible process and considerations for implementation of the IPOA–IUU by GFCM are identified, and in conclusion the potential effects on fisheries management are noted.

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ABBREVIATIONS AND ACRONYMS

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 Committee for the Eastern Central Atlantic
COFI	FAO Committee on Fisheries
EEZ	exclusive economic zone
FAO	Food and Agriculture Organization of the United Nations
FIGIS	FAO Fisheries Global Information System
FPZ	fisheries protection zone
GFCM	General Fisheries Commission for the Mediterranean
HSVAR	FAO High Seas Vessels Authorization Record
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
IPOA–Capacity	International Plan of Action on the Management of Fishing Capacity
IPOA–IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU fishing	illegal, unreported and unregulated (IUU) fishing
LOU	local operational units
MCS	monitoring, control and surveillance
MEDFISIS	Mediterranean Fishery Statistics and Information System
NAFO	Northwest Atlantic Fisheries Organization
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North East Atlantic Fisheries Commission
NGO	non-governmental organization
NPAFC	North Pacific Anadromous Fish Commission
NPOA	National Plan of Action
OECD	Organisation for Economic Co-operation and Development
OU	operational unit
RFMO	regional fisheries management organization
SAC	Scientific Advisory Committee of the GFCM
SEAFO	South East Atlantic Fisheries Organization
VMS	vessel monitoring system
WCPFC	Western Central Pacific Fisheries Commission
WTO	World Trade Organization

1. INTRODUCTION

Illegal, unreported and unregulated (IUU) fishing activities occur in virtually all capture fisheries, whether they are conducted within areas under national jurisdiction or the high seas. IUU fishing activities pose a direct and significant threat to effective conservation and management of many fish stocks, causing multiple adverse consequences for fisheries and for the people who depend on them in the pursuit of their legitimate livelihoods.

By frustrating fishery management objectives, IUU fishing activities can lead to the collapse of a fishery or seriously impair efforts to rebuild depleted fish stocks. This, in turn may result in lost economic and social opportunities, both short-term and long-term, and may diminish food security. Left unchecked, IUU fishing activities can completely negate the benefits of effective fisheries management.

It is only in recent years that the international community consolidated attention around the term “IUU Fishing Activities”. Prior to that, a number of international fisheries instruments were adopted that provided a framework upon which agreement could be reached on the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA–IUU). These instruments, described below, have increasingly been implemented through regional fisheries management organizations (RFMOs) for two principal and interdependent reasons:

- the potential for a strengthened role of RFMOs in fisheries management is recognized and developed in the instruments;
- most RFMOs that have been established or that have renegotiated their mandates over the past two decades have adopted strengthened management roles, as provided in the instruments.

This has allowed RFMOs to take a number of measures that result in implementing the international fisheries instruments in respect of IUU fishing. In a recent FAO Circular that compiled input from the secretariats of RFMOs identifying their priority issues, IUU fishing was among the issues cited as important by the highest aggregation of organizations.¹ The related issue of fleet capacity has also been part of the agenda of many RFMOs in recent years.

This document describes the international instruments, referring to the strengthened role of RFMOs, activities of the General Fisheries Commission for the Mediterranean (GFCM), and the relationship to and potential effects of implementation of the IPOA–IUU and relevant instruments on fisheries management in the Mediterranean.

2. THE INTERNATIONAL INSTRUMENTS: EVOLVING ROLE OF RFMOS AND PROVISIONS RELATING TO IUU FISHING

2.1 Background

The international instruments relating to fisheries provide a framework both for the evolving role of RFMOs and for the development of measures that can be taken in relation to IUU fishing activities.

Just over half of the regional fishery bodies currently in existence were established prior to the adoption of the 1982 United Nations Convention on the Law of the Sea (“the 1982 UN Convention”). The earlier bodies tended to have advisory mandates only, and served primarily as fora for international cooperation and vehicles for research, analysis, and data repository and exchange.

The 1982 UN Convention, which has 143 Parties as at August 2003, including nineteen GFCM member countries,² broadened the role of regional fishery bodies, based on a suite of activities including:

- protecting stocks associated with harvested stocks from depletion;

¹ 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.

² See Appendix 1: two additional Members have signed but not yet ratified the 1982 UN Convention.

- conserving stocks outside 200 miles;
- giving advice to coastal states on the conservation of stocks inside the 200 mile zone;
- pursuit of compulsory dispute settlement options;
- providing coastal states with all relevant information regarding fishing activities in high seas areas adjacent to their exclusive economic zone;
- transmission to coastal states of appropriate minimum standards;
- providing a conduit through which coastal states can fulfill their obligation to give due notice of their relevant conservation and management laws and regulations and make information available on the outer limits of their exclusive economic zones;
- considering stricter regulations for marine mammals than those required for other species.

In addition to these activities, the 1982 UN Convention encourages states to cooperate through or to establish subregional or regional fisheries organizations for specified purposes. These include taking measures for the conservation of fisheries resources in the high seas, and in respect of straddling fish stocks and highly migratory fish stocks.

Basic principles that would form the basis of later elaboration of IUU fishing were also included in the 1982 UN Convention, including flag State responsibility and the duty of non-nationals to comply with coastal State measures and laws.

However, although many of these provisions would assist RFMOs in addressing IUU fishing, an impediment to exercising the new mandates in the most effective manner has been attributed to the fact that the UN Convention does not confer management authority on regional fishery bodies.

In the years to come, the absence of broad international agreement on the management authority of RFMOs received increasing attention, fueled by a growing awareness of the scarcity of fishery resources. It was acknowledged that to be effective, RFMOs would need a clear mandate to manage the fishery resources in full respect of international law.

Adoption of the 1995 United Nations Fish Stocks Agreement (“UN Fish Stocks Agreement”)³ brought the role of RFMOs into sharper focus and is enhanced by other international fisheries instruments agreed in the years following the 1992 United Nations Conference on Environment and Development (UNCED), especially the:

- 1993 FAO Compliance Agreement, (“Compliance Agreement”);⁴
- 1995 FAO Code of Conduct for Responsible Fisheries (“Code of Conduct”);
- the International Plans of Action (IPOAs) elaborated under the Code of Conduct-
 - 1999 Incidental catch of seabirds in longline fisheries, (IPOA–Seabirds);
 - 1999 Conservation and management of sharks, (IPOA–Sharks);
 - 1999 Management of fishing capacity (IPOA–Capacity); and
 - 2001 Prevention, deterrence and elimination of illegal unreported and unregulated fishing, (IPOA–IUU).

The Code of Conduct and the IPOAs are voluntary. The 1982 UN Convention, the UN Fish Stocks Agreement and the Compliance Agreement are binding on parties that have ratified or adhered to the instrument, but are also being implemented by many states that have not yet formally deposited their instruments of ratification.

³ The 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.

⁴ 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.

GFCM Members that have signed, ratified or adhered to these instruments are shown in Appendix 1. Nearly all have ratified the 1982 UN Convention, six have adhered to the Compliance Agreement and seven have signed the UN Fish Stocks Agreement, including the European Community with four members having ratified it.

Many RFMOs are actively encouraging their members to ratify or adhere to the international instruments. However, the pace is slow. While most RFMOs are investigating and reviewing, through appropriately constituted working groups how best to address the relevant issues, few RFMOs have actually taken concrete steps towards implementing the desired regime. The issues are complex, and the RFMOs are the only realistic option for the conservation and management of shared stocks. To this end, RFMOs could adopt, and encourage members and non-members to adopt, provisional measures to implement applicable international instruments, as formal solutions are being developed.

2.2 The 1995 UN Fish Stocks Agreement

The UN Fish Stocks Agreement entered into force on 11 December 2001, and is the most comprehensive of the binding international instruments in defining the role of RFMOs and elaborating measures that could be taken in relation to IUU fishing activities. It was signed by 59 states and entities, including eleven GFCM members, and by August 2003, 36 ratifications had been deposited.⁵ There have been successive General Assembly Resolutions calling for the implementation of the UN Fish Stocks Agreement.⁶ The vital role of RFMOs in implementing the UN Fish Stocks Agreement was recognized by all States Parties at the 2002 Informal Meeting of the States Parties.⁷

However, a May, 2003 report on the status and implementation of the UN Fish Stocks Agreement, prepared in response to a request by the General Assembly,⁸ provides an overview of the main trends in implementation and identifies one constraint as the fact that no RFMO was composed exclusively of Parties to the Agreement at the time of writing.⁹ It was therefore not possible to say that any RFMO is bound by the Agreement. In addition, several important fishing states are not parties.

The report, which features findings from a survey of states and other stakeholders, also states that “Notwithstanding the constraints, practice since the adoption of the Agreement demonstrates that even before entry into force, provisions of the Agreement have been widely used as a benchmark for State practice.” Positive trends identified in the report are the wide application of the UN Fish Stocks Agreement, even by non-parties, and a high priority given to almost all of the general principles for conservation and management in Article 5.

Although the UN Fish Stocks Agreement applies primarily to the highly migratory and straddling fish stocks on the high seas,¹⁰ its broad acceptance and application is evidenced by the reinforcement of other international instruments, implementation at the regional level, and to some extent by State practice within areas of national jurisdiction.

The UN Fish Stocks Agreement complements and strengthens a number of provisions of the 1982 UN Convention. The former seeks to ensure a harmonious development of coherent conservation and

⁵ See Appendix 1. Of the eleven GFCM members that signed the Fish Stocks Agreement, four have ratified and the EU ratification is expected before the end of 2003.

⁶ Most recently General Assembly Resolution 57/143. See also the 2002 Report of the Informal Consultative Process, paragraph 41, document 57/80.

⁷ http://www.un.org/Depts/los/convention_agreements/FishStocksMeetings/UNFSTA_ICSP2002_DraftRep.pdf

⁸ See http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm. General Report of the Secretary General, distribution 30 May 2003, advance, unedited text. The status and implementation of the 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 (the Fish Stocks Agreement) and its impact on related or proposed instruments throughout the UN system, with special reference to implementation of Part VII of the Fish Stocks Agreement, dealing with the requirements of developing States.

⁹ At the time of writing this document, the EC is expected to ratify the Fish Stocks Agreement. When this happens, and with current membership, the South-East Atlantic Fisheries Organization (SEAFO) will become the first RFMO in which all members are parties to the Fish Stocks Agreement.

¹⁰ Provisions on the precautionary approach and compatibility of conservation and management measures may apply within areas of national jurisdiction: Fish Stocks Agreement, Article 3. Also note the Convention of one RFMO implements the Fish Stocks Agreement for all stocks on the high seas, and is not limited to straddling and highly migratory fish stocks.

management measures for exclusive economic zones (EEZs) and the high seas, and thereby alleviate some of the existing tensions and conflicts. It is recognized that the effective implementation of this instrument depends on political will and a high degree of cooperation between coastal states and high seas fishing nations and fishing entities on a range of technical issues. Part III, relating to mechanisms for international cooperation, sets out the central role of appropriate RFMOs as a mechanism through which States Party to the Agreement should act to meet their obligations and exercise their rights under the Agreement.

In particular, Article 8 of Part III is pivotal, and relates to cooperation for conservation and management. It provides, *inter alia*, that where a competent RFMO exists, states should either become members, or they should agree to apply the conservation and management measures established by such organizations. This complements other Articles, including those providing the following:

- only those states which are members of a RFMO, or which agree to apply the relevant RFMOs conservation and management measures, shall have access to the fishery resources to which these measures apply;¹¹
- the establishment and functions of RFMOs;¹²
- the nature and extent of participatory rights for new members;¹³
- transparency required in the activities of RFMOs;¹⁴
- the strengthening of existing organizations and arrangements;¹⁵
- monitoring, control and surveillance (MCS) by flag States providing for international, regional and subregional cooperation in enforcement, including:¹⁶
 - duties of the flag State;
 - compliance and enforcement by the flag State;
 - international cooperation in enforcement;
 - subregional and regional cooperation in enforcement;
 - basic procedures for boarding and inspection;
 - port State measures.

Many of these Articles provide the impetus for specific measures relating to IUU fishing taken by RFMOs, including information and data requirements, establishment of registers, requirements for high seas fishing, landings, port inspection and transshipment, inspection and enforcement and cooperation with non-members.

An important deterrent against IUU fishing in the UN Fish Stocks Agreement relates to non-members of RFMOs. If they do not agree to apply the conservation and management measures, they are not discharged from the obligation to cooperate in the conservation of the relevant fish stocks. If they do not cooperate, members are to take measures to deter activities of vessels which undermine the effectiveness of the RFMO's conservation and management measures.¹⁷ This has taken the form in some RFMOs of trade information/catch documentation schemes, trade sanctions and measures *inter alia* prohibiting transshipment and landings of fish caught from IUU activities, and seeking to discourage investment in such activities. Some RFMOs have established subsidiary bodies such as compliance committees to develop procedures to collect information on IUU fishing and recommend deterrent measures.

¹¹ Article 8(4).

¹² Articles 9 and 10.

¹³ Article 11.

¹⁴ Article 12.

¹⁵ Article 13.

¹⁶ Articles 18–23.

¹⁷ Article 17.

2.3 The FAO Compliance Agreement

The FAO Compliance Agreement entered into force in April, 2003, and as at August 2003 had been accepted by 27 states, including six GFCM members.¹⁸ It concerns high seas fishing, and seeks to encourage countries to take effective action, consistent with international law, and to deter the reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas.

The Compliance Agreement assigns the primary role of international coordination to FAO rather than RFMOs, but does assign some roles to the latter. The preamble calls upon states which do not participate in global, regional or subregional fishery organizations or arrangements to do so, with a view to achieving compliance with international conservation and management measures. Some articles relating to RFMOs provide:

- that the parties shall, when and as appropriate, enter into cooperative agreements or arrangements of mutual assistance, on a global, regional, subregional or bilateral basis, in order to promote the objectives of the Agreement;¹⁹
- for the parties to RFMOs to exchange information;²⁰
- that the parties cooperate on a global, regional, subregional or bilateral level, to provide assistance to developing State parties, in order to assist them to fulfill obligations under the Agreement.²¹

The failure to exercise flag State responsibility is a major cause of IUU fishing, and the Compliance Agreement has extensive provisions relating to this, similar to those in the UN Fish Stocks Agreement. Among other things, it requires authorizations for fishing on the high seas. In that context, a State must be satisfied that it can effectively exercise its responsibilities before it authorizes its flag vessels to fish on the high seas, and authorizations are not to be granted to vessels that have undermined conservation and management measures.²²

The Compliance Agreement also requires Parties to keep a record of fishing vessels authorized for fishing on the high seas,²³ international cooperation including port State investigation²⁴ and has extensive requirements on the exchange of information and obligations of FAO in this regard.²⁵ Non-parties are addressed by requiring Parties to encourage them to accept the Agreement and adopt appropriate laws, and to cooperate to the end that non-parties' vessels do not undermine the conservation and management measures.

2.4 The FAO Code of Conduct for Responsible Fisheries

The development of the Code of Conduct occurred over the same general time period as that of the UN Fish Stocks Agreement, and closely tracks the latter's provisions. The Code extends to all fisheries and to fisheries-related matters beyond those covered by the UN Fish Stocks Agreement. RFMOs are among the agencies tasked to implement the Code.²⁶

The Code of Conduct is a voluntary, broad and comprehensive instrument that sets out principles and standards for the conservation and management of all fisheries and aquaculture including processing and trade in fish and fishery products, research, and the integration of fisheries and aquaculture into coastal area management. The Code makes numerous references to the role of RFMOs in establishing a responsible international fisheries regime. Some relevant provisions are:

¹⁸ See Appendix 1.

¹⁹ Article V(3).

²⁰ Article VI, (4), (6) and (11).

²¹ Article VII.

²² Article III.

²³ Article IV.

²⁴ Article V.

²⁵ Article VI.

²⁶ Articles 1.2 and 4.1, Code of Conduct for Responsible Fisheries. Also see Appendix 1.

- the Code is global in scope, and directed towards stakeholders that include RFMOs;²⁷
- RFMOs are charged with collaborating in the implementation of the objectives and principles in the Code;²⁸
- RFMOs should apply a precautionary approach to the conservation, management and exploitation of living aquatic resources;²⁹
- the role of RFMOs in attaining fisheries management objectives, providing a management framework and procedures, data gathering and management advice, application of the precautionary approach, describing management measures and implementation of the Code itself.³⁰

The Code also provides a foundation for action on IUU fishing in particular through Article 8, Fishing Operations. That Article contains paragraphs relating to the duties of all states, flag States and port states, and the conduct of fishing activities. These provisions enhance those of the UN Fish Stocks Agreement and the Compliance Agreement.

2.5 International Plans of Action: Capacity and IUU Fishing

All IPOAs elaborated within the framework of the Code of Conduct refer to the role of RFMOs in respect of the relevant activity: in particular, the IPOA–Capacity and the IPOA–IUU contain a number of provisions to this effect. Both IPOAs are relevant for IUU fishing, and the 2002 World Summit on Sustainable Development identified actions that are required at all levels to achieve sustainable fisheries including to:

urgently develop and implement national, and, where appropriate, regional plans of action, to put into effect the international plans of action of the FAO, in particular the IPOA–Capacity by 2005 and the IPOA–IUU by 2004.³¹

At the twenty-fifth session of the FAO Committee on Fisheries (COFI) in 2003, the Committee agreed that there is a linkage between fleet overcapacity and IUU fishing.³² Some members also stated that this relationship was exacerbated by the payment of government subsidies to industry. The Committee endorsed the convening of a Technical Consultation in 2004 to review progress and promote the full implementation of the IPOA–IUU and the IPOA–Capacity.

In discussion, many members pointed out that IUU fishing, often by displaced vessels,³³ undermined efforts to sustainably manage fisheries at both national and regional levels. There was agreement that measures of positive listing for fishing vessels should be adopted by regional fishery bodies, and the Committee reaffirmed the need for the global implementation of measures against IUU fishing. The Committee considered a range of initiatives to more effectively address IUU fishing, and those relating to capacity included decommissioning and scrapping vessels rather than deregistering them, and tightening fishing vessel registration procedures, including the deregistration of vessels that have engaged in IUU fishing.

²⁷ Article 1.2.

²⁸ Article 4.1.

²⁹ Article 6.5.

³⁰ Article 7.

³¹ Report of the World Summit on Sustainable Development, Johannesburg, 26 Aug.–Sept. 2002, A/CONF.199/20.

³² Report of the twenty-fifth session of the Committee on fisheries, Rome, 24–28 Feb. 2003. CL124/7.

³³ *Ibid.* The reference in the Report is to vessels displaced from fisheries trying to address the issue of over-capacity.

2.5.1 IPOA–Capacity

The UN General Assembly adopted a Resolution in 2003 that encouraged states, through RFMOs as appropriate, to implement the IPOAs, on sharks, seabirds and capacity since, according to the IPOA timetables, progress on implementation should be either completed or at an advanced stage.³⁴

In its introduction, the IPOA–Capacity states that excessive fishing capacity is a problem that, among others, contributes substantially to overfishing, the degradation of marine fisheries resources, the decline of food production potential and significant economic waste. The objective is for states and regional fisheries organizations to achieve an equitable and transparent management of fishing capacity not later than 2005, through implementation of the IPOA.

Urgent actions needed to implement the Plan are specified, and include assessment and monitoring of fishing capacity, preparation and implementation of national plans and taking international considerations including through regional fisheries organizations. The IPOA–Capacity incorporates many actions similar to those in the IPOA–IUU and is based on the international fisheries instruments. The common actions include:

- exchange of information among all regional fisheries organizations;
- improve data collection;
- recognize the need to deal with flag States that do not fulfil their international responsibilities;
- encourage states to become members of regional fisheries organizations or apply their measures;
- promote the exchange of information about the activity fishing vessels which do not comply with measures adopted by regional fisheries organizations;
- avoid approving the transfer of vessels flying their flag to high seas areas where it would be inconsistent with responsible fisheries.

Appropriate capacity reduction and subsequent management of capacity is central to the successful implementation of the IPOA. Poor implementation in terms of temporary reductions in fleet capacity and the displacement of capacity to other fisheries may actually aggravate the overcapacity problem and contribute to IUU fishing. In addressing the management of fisheries and fishing capacity, some regions such as Southeast Asia are pursuing a rights-based approach, while others, such as the multispecies, multifleet fisheries of the Adriatic Sea, are pursuing an effort-constraining approach.³⁵

2.5.1.1 FAO database and recent COFI consideration of capacity

In addition to its emphasis on the management of capacity, the IPOA–Capacity emphasizes the importance of reliable fishery fleet statistics. FAO collects global data on fishery fleets through a biennial questionnaire for its report to COFI on the implementation of the Code of Conduct. In view of previous difficulties encountered in collecting such data, FAO has revised and simplified the fishery fleet questionnaire, which has resulted in a better rate of returns from countries.

FAO has also established a data base, the High Seas Vessels Authorization Record (HSVAR), which is included in the Fisheries Global Information System (FIGIS). The HSVAR implements requirements in the Compliance Agreement for flag States to report the vessels they have authorized

³⁴ General Assembly Resolution A/Res/57/142, 2003: “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.”

³⁵ Greboval, D. “The Management of Fishing Capacity: General Overview and Preliminary Considerations in Reference to the Case of the Adriatic Sea”, prepared for the AdriaMed Seminar on Fishing Capacity, Fano, Italy, 24-25 October 2002. The Report of the fourth session of the SAC, 2001, FAO Fisheries Report No. 653, refers to work being done to polish the definition of Operational Units, and the fact that many countries had yet to submit Operational Units Data. The issue of Management Units was addressed, and the collection of data with reference to a statistical geographic pattern. The twenty-sixth session of the GFCM agreed on a temporary delimitation of the Management Units that were re-named “Geographical Sub-Areas”. See also “Regional Guidelines for Responsible Fisheries in Southeast Asia”, Southeast Asian Fisheries Development Center, ISBN: 974-537-297-8, April 2003.

for high seas fishing. At present, Canada, the USA, Japan, Norway and the European Union have provided vessel authorization data to HSVAR. There were 5506 vessel records on the database in September 2003. The user may query the database for a particular vessel by radio call sign, flag State, vessel name, port or registration number, and may request details of all queries made in the past seven days. Information categories include agreements, exemptions and recent additions.

The twenty-fifth session of COFI was informed of members' actions to address fleet capacity-related problems where they already exist. These included implementing awareness campaigns among fishers to highlight the damaging effects of overfishing, introducing limited entry schemes and ITQs, instituting controls on fishing efforts (by way of vessel licensing schemes), prohibiting the exploitation of species that are particularly threatened, intensifying the use of MCS/VMS, undertaking a review of fishing licences and in some cases a reduced number of licences issued, introducing zone and time restrictions, promoting work on the selectivity of fishing gear, introducing size limits, establishing processing quotas, initiating and strengthening publicly-funded vessel buyback and early retirement schemes, encouraging fishers to move to other fisheries and occupations outside the fishery sector and discouraging credit for inshore fishing.

To prevent excess fishing capacity from developing, some Members have elaborated plans and national policies, established vessel registers and sought to strengthen databases. Other measures to prevent excess capacity have included banning the issuance of new fishing licences, introducing seasonal and area closures, withdrawal of licences and imposing maximum capacity restrictions on gear.

In the biennial report to COFI on implementation of the Code of Conduct, FAO advised the twenty-fifth session, based on information received from Members, that a few Members³⁶ have indicated that they have developed their NPOAs-Capacity while other Members³⁷ have partially done so. Some Members reported that they have not proceeded to develop a NPA-Capacity. A few other Members³⁸ indicated that they would not have their NPOAs-Capacity in place by the 2005 deadline.

2.5.1.2 Key GFCM actions in relation to capacity

Adoption of measures designed to reduce and control the fishing effort is one of the basic tools for the management of Mediterranean fisheries; management by total allowable catch and quota management systems is thought to be less appropriate for the region's multispecies, multi-gear fisheries. On an ongoing basis, the GFCM's task to implement fishing effort control involves the following:

- defining indicators of sustainability (economic and social indicators, biological reference points, environmental benchmarks);
- consolidating a statistical base;
- defining geographical management units/sub-areas and operational fisheries units;
- identifying key shared fisheries; and
- agreeing upon fleet segmentation to monitor fishing capacity.

In an early initiative, the GFCM adopted, at its twenty-first session, Resolution 95/4 which called upon members to prepare a list of fishing boats operating from ports in the Mediterranean and requested the Secretariat to establish a common data base on existing fleets of fishing vessels operating outside national jurisdiction.

³⁶ Madagascar, Malawi, Mozambique and Namibia; Nepal; Spain; Argentina and Venezuela; New Zealand.

³⁷ Burundi, Cape Verde, Democratic Republic of Congo, Mauritius, Morocco, Sierra Leone, South Africa, Tanzania, Togo and Uganda; India, Indonesia, Republic of Korea, Malaysia, Myanmar, Philippines and Thailand; Cyprus, European Community, Finland, Greece, Lithuania, Norway, Poland and Sweden; Bahamas, Brazil, Chile, Colombia, Dominica, El Salvador, Guatemala, Panama and Peru; Egypt and Oman; Canada and the United States of America; Cook Islands, Fiji, Marshall Islands and Samoa.

³⁸ Cameroon, Ghana, Guinea-Bissau and Nigeria; Lithuania and Turkey; Honduras, Nicaragua and St Lucia; Jordan and Sudan; Nauru and Tonga.

To implement the Resolution, CopeMed³⁹ collaborated in 1997 and 1998 in gathering data on vessels over 15 m fishing in the Western Mediterranean, in accordance with the Compliance Agreement, the Code of Conduct and the UN Fish Stocks Agreement. In 2000, information submitted by relevant member countries⁴⁰ showed vessel attributes⁴¹ and types of boat/gear. However, activity by CopeMed has since ceased.

At the twenty-fourth session of GFCM, Resolution 95/4 was recognized to be still valid, but not fully complied with. It was recognized that progress in implementation needs to be monitored. It was further noted that the implementation of this unfulfilled Resolution was essential for the work of the Scientific Advisory Committee (SAC) and that the list of vessels should include artisanal vessels operating from each port in each sub-area. The work of SAC involves a number of activities that are closely related to assessing fishing capacity, commissioned by GFCM since the twenty-third session.⁴² These include:

- the definition of appropriate geographical management units and operational management units;
- the definition of parameters to express fishing effort; the identification of socio-economic indicators;
- a study on structure and fishing parameters of artisanal fisheries.

In 2002, the SAC Sub-Committee on Economic and Social Sciences emphasized the need to further specify the characteristics of operational units, in particular through defining its spatial dimension in relation to the concept of Local Operational Units (LOUs).⁴³ The Sub-Committee identified 13 fleet segments mainly based on métiers and vessel length. It noted that the combination of LOUs and the vessel segmentation would constitute the basis for analysis aimed at monitoring fleet capacity. SAC recommended to GFCM that it adopt for the Mediterranean the fleet segmentation being identified, and requested the Sub-Committee to undertake pilot studies to further define the concept of LOUs.

GFCM in turn requested SAC to monitor and fine tune, as necessary, fleet segmentation to support an update (at subregional level and by geographical areas) of the inventory of operational units generating catches of shared stocks.⁴⁴ GFCM also adopted Recommendation GFCM/2002/1 that encouraged Members in relevant geographical sub-areas (management units) to adopt measures aimed at adjusting the fishing effort for selected demersal species and small pelagics, and to rationalize their exploitation on the basis of advice from the SAC.

³⁹ CopeMed, an FAO-executed regional project in support of GFCM, stands for “Advice, Technical Support and Establishment of Cooperation Networks to Facilitate Coordination to Support Fisheries Management in the Western and Central Mediterranean”. The project was initiated in 1996.

⁴⁰ Spain, Morocco, France, Malta, Tunisia, Libya.

⁴¹ Including type of vessel, gear, GRT, previous name, flag of the vessel, name and address of the owner and operator.

⁴² The Report of the fourth session of the SAC, 2001, *FAO Fisheries Report No. 653*, refers to work being done to polish the definition of Operational Units, and the fact that many countries had yet to submit Operational Units Data. The issue of Management Units was addressed, and the collection of data with reference to a statistical geographic pattern. The twenty-sixth session of the GFCM agreed on a temporary delimitation of the Management Units that were re-named “Geographical Sub-Areas”.

⁴³ At the fifth session of the SAC, 2002, *FAO Fisheries Report No.684*.

⁴⁴ At the twenty-seventh session in 2002.

2.5.2 IPOA-IUU

The IPOA-IUU is prominently visible and the subject of ongoing high-level attention. Two supportive General Assembly Resolutions were adopted in 2003: one urged states to take all necessary steps to implement the IPOA-IUU, including through relevant RFMOs,⁴⁵ and another urged states to develop and implement national and, where appropriate regional plans of action, to put the IPOA-IUU into effect by 2004.⁴⁶ The latter also urged states to coordinate their activities and cooperate as appropriate through RFMOs, in implementing the IPOA, to promote information-sharing, to encourage the full participation of all stakeholders, and to coordinate all the work of the FAO with other international organizations. It also affirmed the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation in the management of fish stocks and in combating IUU fishing.

The IPOA-IUU's scope is broad and addresses IUU fishing in a holistic manner. During the negotiation process it was recognized that a range of measures were necessary to deal effectively with IUU fishing, and that the IPOA-Capacity would reinforce its objectives through reducing fleet capacity, lowering fishing pressure on fish stocks and reducing incentives for fishers to engage in irresponsible activities.

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, and a number of key terms as they are used in the text, including illegal, unreported and unregulated fishing. The full definitions are in Appendix 2, and the common thread is that IUU fishing 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 sets out clearly 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;
- reporting; and
- the role of FAO.

A summary description of the paragraphs in the IPOA-IUU under the above headings is elaborated in Appendix 3. The IPOA-IUU calls for national plans of action (NPOAs) to be implemented by 2004, including action to implement initiatives adopted by relevant RFMOs. Similar to other instruments,

⁴⁵ A/Res/57/141, 2003. Oceans and Law of the Sea.

⁴⁶ A/Res/57/142, 2003. 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.

particularly the Code of Conduct, implementation is carried out by governments and interested stakeholders, including industry, fishing communities and non-government organizations (NGOs).

The FAO Fisheries Department has prepared and published Technical Guidelines to support implementation of the IPOA–IUU.⁴⁷ 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, by-catch reduction, scientific research, and general data collection and dissemination.⁴⁸

Some issues in the IPOA–IUU are linked to capacity, especially those relating to economic support⁴⁹ and measures relating to fishing vessel registration.⁵⁰ The latter reiterates requirements for the grant of a flag to a fishing vessel, and for authorizations to fish including conditions on information and reporting. Regarding economic support, the two IPOAs provide as follows:

- IPOA–IUU encourages states to avoid conferring economic support in their national law, including subsidies, to companies, vessels or persons that are involved in IUU fishing; and
- IPOA–Capacity calls on all states to reduce and progressively eliminate all factors, including subsidies and economic incentives, which contribute to the build-up of excess fishing capacity, thereby undermining the sustainability of marine living resources.

While the implementation will require considerable work at the international and national levels, some of which is already under way,⁵¹ the IPOA–IUU Technical Guidelines urge states to move immediately to end all forms of government economic support for IUU fishing.

2.5.2.1 *FAO: Recent COFI consideration of the IPOA–IUU*

In the biennial report to COFI on implementation of the Code of Conduct, FAO advised the twenty-fifth session, based on information received from Members, that some Members⁵² indicated that they would take steps in the near future to finalize their national plans of action to implement the IPOA–IUU (NPOAs–IUU) while other Members⁵³ indicated that the plan would be completed before the 2004 deadline in the IPOA–IUU. There are no members of GFCM among those indicating the NPOAs would be completed, but the NPOA–IUU of Spain, dated November 2002, is discussed under section 3.2, below.

Members reported that measures taken to deter IUU fishing include 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

⁴⁷ 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.

⁴⁸ For extensive discussion on actions taken by RFMOs to address IUU fishing and related matters, 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.

⁴⁹ Paragraph 23.

⁵⁰ Paragraphs 34-41.

⁵¹ Paragraph 28 of WTO Ministerial Declaration adopted in Doha, 14 November 2001, agreed to negotiations to clarify and improve WTO disciplines on fisheries subsidies. Paragraph 32 of that Declaration also encouraged the WTO Committee on Trade and Environment to give particular attention in its future work to those situations (including situations involving subsidies to the fisheries sector) in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development. Recent decisions of other international organizations, including FAO and OECD, to continue to work on the issue of fisheries subsidies will buttress these efforts within the WTO.

⁵² Angola, Benin, Cameroon, Cape Verde, Comoros, Republic of Congo, Côte d’Ivoire and Seychelles; Pakistan and Sri Lanka; Estonia and Finland; Colombia, Dominican Republic, Guyana, Haiti and Trinidad and Tobago; Islamic Republic of Iran; Australia, Cook Islands, Marshall Islands, New Zealand and Samoa.

⁵³ Benin, Comoros, Malawi, Mauritius, Seychelles and South Africa; Pakistan; Estonia; Argentina, Chile, Colombia, Dominican Republic and Haiti; Islamic Republic of Iran; Australia, Cook Islands, Nauru and Papua New Guinea.

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.

COFI expressed concern at its session in 2003 about the continuing high and growing incidence of IUU fishing and the lack of effective implementation of the IPOA–IUU. References to the IPOA–IUU in the report of that session⁵⁴ include the following, indicating activity at both national and regional levels.

- Many Members from developing countries indicated that a lack of capacity constrained implementation and they appealed to FAO to continue to provide technical assistance to facilitate implementation, especially for the development of national plans of action to implement the IPOA–IUU.⁵⁵
- Many Members proposed a range of initiatives to more effectively address IUU fishing including strengthening the functions of RFMOs.⁵⁶

To address the request for technical assistance, FAO is planning a series of regional workshops with the objective of developing national capacity so that countries will be better placed to elaborate their NPOAs and, as a result, meet the requirements of the IPOA–IUU. One workshop, to be announced, is planned for the FAO Near East Members in 2005.

3. MEDITERRANEAN STATUS/IMPLEMENTATION OF THE IPOA–IUU

3.1 Consideration of IUU fishing by GFCM

IUU fishing is not a new issue in the GFCM context.⁵⁷ It was, for example, addressed by the (former) Committee on Fisheries Management at its ninth session (Rome, October 1994) which emphasized the need to take measures to make available information on fishing boats operating in the Mediterranean under flags of states which are not members of the GFCM and are not contracting states of the International Commission for the Conservation of Atlantic Tuna (ICCAT).

In Resolution No. 95/2 adopted at its twenty-first session, noted above in relation to the IPOA–Capacity, GFCM expressed concern that there is no provision for vessels of non-coastal states that operate in the Mediterranean to report on their activities to the GFCM. It further requested all states without distinction, whose fishing vessels operate in international waters in the Mediterranean, to provide information on these vessels, as set out in Article VI of the Compliance Agreement, to the Secretariat of the GFCM.

At the twenty-third session of GFCM in September 2000, it was further suggested, among priority actions for a medium and long term work programme, that a control scheme be developed concerning, in particular, the activities of vessels fishing under flags of convenience in the Mediterranean. Many member countries reported on activities in relation to IUU fishing, and ICCAT reported on a series of management measures aimed at curbing IUU fishing activities (these are elaborated at the end of this section).

GFCM has been developing a project to help countries to raise the required common minimum standard in fisheries statistics: MEDFISIS (“Mediterranean Fishery Statistics and Information System”).⁵⁸ This would be important for purposes of improving scientific information, and also has

⁵⁴ Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003. CL124/7.

⁵⁵ Paragraph 18.

⁵⁶ Paragraph 22.

⁵⁷ See background document prepared for the twenty-fifth session of GFCM, “Selected Global Issues in Fisheries of Relevance to GFCM” (GFCM/XXV/2000/3).

⁵⁸ The report of the fourth session of the SAC in 2001, addressing statistics, reports on the formulation of a draft proposal for a regional project on statistics, MEDFISIS, the concept of which stemmed from a preliminary meeting of experts held in

the potential of collecting and using information that may be used to assist in combating IUU fishing, especially in respect of shared fish stocks or highly migratory fish stocks.

With a more critical tone, the report noted the Commission's concern on the unbalanced participation, both in connection with scientific discipline and geographical distribution, in the work of SAC. It encouraged all Members to ensure the participation of national scientists in SAC activities and to provide the Committee with the data it needed to perform its mandate. The Commission also noted the need to clarify and implement properly the procedures governing the work of the Sub-Committees and Working Groups, in order to enhance participation and make data collection and analysis more effective. There was also a call for GFCM Members to supply data on Operational Units (OUs), with a view to further clarifying the relationship between the fleet segmentation, vessel capacity and resource stocks.

In summary, GFCM has considered the need for:

- all states without distinction, whose fishing vessels operate in international waters in the Mediterranean, to provide information on these vessels;
- a fishing control scheme to be developed concerning, in particular, the activities of vessels fishing under flags of convenience in the Mediterranean; and
- improved data collection and analysis by its members.

It was recognized at the June, 2003 EC Venice Interministerial Conference Preparatory Technical Meeting, which addressed *inter alia* the reinforcement of monitoring of fishing in the Mediterranean, that it would be appropriate to start a discussion on the definition of methodology enabling the GFCM to develop a control plan adapted to the specific characteristics of the Mediterranean. It was considered advisable to give a mandate to the GFCM to work out a control and inspection plan, that should emphasize flag State responsibility. To launch the discussions, the following principles are suggested:

- definition of flag State and Contracting Party obligations;
- promotion of new technologies;
- definition of an inspection and observation programme including procedures for the legal proceedings of infringements;
- definition of a programme aiming to encourage compliance by non-contracting party vessels, including measures to fight against IUU fishing.

These principles capture some of the elements that are contained in the international instruments and in effect in other RFMOs. A review encompassing the provisions in the instruments (described above), especially the Technical Guidelines for the IPOA-IUU, and experience in other RFMOs (described below) could further assist in elaborating a strategy for GFCM. For example, other areas that could be considered include the obligations of non-members, institutional strengthening, cooperation with other RFMOs, measures to ensure compliance by both contracting and non-contracting party vessels. Discussions may also focus on measures, as well as programmes and schemes.

A reference point could be consideration of the actions and measures taken by GFCM's sister RFMO, ICCAT, which provides a model for GFCM action on IUU fishing. Collaboration between the two organizations – through such mechanisms as the Joint GFCM/ICCAT Working Group on Large Pelagic Fishes – provides a good foundation for further cooperation in combating IUU fishing. In addition, ICCAT's leadership in taking effective measures against IUU fishing is well recognized internationally.

ICCAT reported a series of management measures aimed at curbing IUU activities at the twenty-fifth session of GFCM in 2000 as follows:

FAO in 2001. It entails the integration of the efforts being made by CopeMed, AdriaMed and MedsudMed in support of their respective member countries as well as funding matters. Three phases are anticipated: development of the system and consolidation at country level, and integration at regional level.

- a reporting/sighting scheme to detect illegal fishing and vessels;
- a system to monitor imports, landings and transshipments of tunas by IUU vessels;
- identification and publication of a list of alleged IUU vessels;
- discouraging the purchase of IUU fish;
- contacts with flag States of IUU vessels; and
- non-discriminatory, trade restrictive measures (consistent with international agreements).

These measures were reported to have proved to be effective in reducing IUU activities (e.g. as evidenced by the reported reduction of IUU vessels in the Mediterranean). Governments of some flag States of alleged IUU vessels have started imposing stricter regulations on their fleets and have also started taking appropriate actions against these vessels.

The collaboration of GFCM with ICCAT to combat IUU fishing was considered essential, and ICCAT requested GFCM to give due consideration to the various ICCAT measures aimed at curbing IUU activities in the Mediterranean.

At the twenty-sixth session of GFCM in 2001, the Commission endorsed a recommendation by ICCAT relating to registration and exchange of information of fishing vessels fishing for tuna and tuna-like species in the Convention Area, which relates to both capacity and compliance.

At the twenty-seventh session of GFCM in 2002, the Commission endorsed ICCAT recommendations formulated at the ICCAT plenary in respect of bluefin tuna. These issues are focused on management rather than IUU fishing, but are further evidence of the important collaboration between the two RFMOs.

3.2 Adoption of National Plans of Action by GFCM Members

As noted above, much work needs to be done to put the IPOA–IUU into effect by 2004, including through adoption of NPOAs. The IPOA–IUU Technical Guidelines, in recommending a framework for NPOAs-IUU, provide that the NPOAs should include plans to implement the IPOA through RFMOs.

Spain is the only GFCM member country reported to have prepared an NPOA-IUU. It describes a programme of new measures in Spain, adopted in 2001-2002. They relate to rules to be implemented within the framework of an act conferring exclusive competency to the State in regulating marine fishing.

With respect to RFMOs, the Plan does not refer to GFCM in its list of RFMOs to which it or the EC is a Contracting or Cooperating Party, but the list does not appear to be exclusive and the NPOA would have implications for GFCM.

The Spanish NPOA-IUU refers to national regulations relating to flags of convenience and non-cooperating parties in RFMOs. In its proposed programme of new measures, the NPOA suggests it would be useful to draw up lists of both vessels and states involved in IUU fishing, complemented by an information system enabling the continuous updating of information. To this end, it proposes to encourage the establishment of registers at both regional and international levels. A proposed measure is:

to foster within the RFMOs the definition of criteria to draw up the lists of fisheries flags of convenience or non-cooperating states, with the aim of implementing measures for such countries in a fair, transparent and non-discriminatory manner.

For other member countries of GFCM, the planned FAO Workshops on developing NPOAs-IUU could be of value in developing national measures to put the IPOA–IUU into effect, including through GFCM.

3.3 Adoption by EU Fisheries Council of conclusions and measures on IUU fishing

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 among the member states and the international community, especially among the RFMOs,⁵⁹ in order to attain the following objectives:⁶⁰

- 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 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.

Although this is only directly applicable to the EU members of GFCM, the objectives could form a framework from which further strategies and actions may be elaborated to implement the IPOA–IUU. Of special importance in this context is the role these objectives attribute to RFMOs.

3.4 The 2002 EC Community Action Plan for conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy

The 2002 EU Community Action Plan (“Community Action Plan”) for conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy,⁶¹ approved by the Council of the European Communities, concludes that the number of shared fisheries identified already justifies common action to be taken for those fisheries both at Community and international levels.

The Community Action Plan, although it applies to EU member countries and not the entire GFCM membership, was presented to GFCM members at the twenty-seventh session in 2002. It profiles some features of the Mediterranean fisheries that are useful in considering implementation of the IPOA–IUU by GFCM Members. These are:

- most of Mediterranean fishery resources, be they demersal, small pelagic or highly migratory species, have long been considered overexploited;
- considerable uncertainties exist in stock evaluations due to a lack of key data, and major efforts in data collection are required to get a clear picture of the status of the key stocks;⁶²

⁵⁹ The document refers to “Regional Fishery Organizations”, which would include RFMOs.

⁶⁰ This forms part of the Preamble of Spain’s NPOA-IUU, November 2002.

⁶¹ Communication from the Commission to the Council and the European Parliament laying down a Community Action Plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy, Brussels, 09.10.2002, COM (2002) 535 Final.

⁶² This is discussed in the context of the eastern bluefin tuna stock, assessed in the past by ICCAT, and the swordfish. The document also refers to the level of bluefin tuna being caught outside a framework of regulated and reported catches, and put in cages for rearing.

- the increasing efficiency of fishing methods and the widespread illegal trawl fisheries in coastal areas show the need for management measures to bring exploitation to a sustainable level;
- major constraints to control and enforcement of the stocks are the artisanal nature of the Mediterranean fishing vessels, with 80 percent being smaller than 12 m in length and the numerous small landing sites, spread over thousands of kilometers of coastline, where fish are for the most part marketed by direct sale.

Underlying these concerns is the EU proposal for its member countries to make a concerted declaration of Fisheries Protection Zones (FPZs) of up to 200 miles from baselines. Currently, most GFCM Member States have a territorial sea of 12 miles, the exceptions being:

Syria	35 nautical miles (nm)
Greece	6 nm
Turkey	6 nm, 12 nm in the Black Sea
United Kingdom	3 nm (in respect of Gibraltar and the Cypriot bases of Akrotiri and Dhekelia).

The countries that have established extended fishing zones include:

Algeria	32 nm from border with Morocco, 52 nm from border with Tunisia
Libya	20 nm or 200 m depth
Malta	25 nm
Spain	49 nm, or equidistant border

Agreement would need to be sought on the desirability of a common approach for FPZs among EU members, and whether establishment of FPZs should include limitation of access for third parties or have as its main purpose the adequate control of fishing activities.

Because about 95 percent of Community catches are taken within 50 miles of the coast in the Mediterranean, the Community Action Plan suggests that FPZs could lead to improved control and management. This could affect approaches to implement the IPOA–IUU in many ways. Successful implementation would depend *inter alia* on the effectiveness of national management systems and institutions, clear agreement on boundaries and strong regional collaboration and cooperation in management and enforcement. The above noted features of Mediterranean fisheries, however, indicate that such effectiveness does not appear to have materialized to date in respect of smaller areas. A worst case scenario could result in fragmentation of management in the region at a time when integrated, holistic management appears to be most needed.

Whether or not FPZs are adopted in the Mediterranean, an essential pillar of sustainable fisheries management, in the face of issues relating to shared and highly migratory fish stocks, capacity and IUU fishing, is the urgent improvement of regional cooperation and collaboration.

4. RFMO IMPLEMENTATION OF THE IPOA–IUU

Many RFMOs face problems of IUU fishing. As stocks decline, a number of RFMOs have adopted increasingly stringent rules to manage the fisheries for which they are responsible. Some fishing vessels comply with the stricter rules, but others choose to ignore the rules or to register in states that are not members of the RFMOs and are thus not directly bound by the rules. In this respect, the IPOA–IUU Technical Guidelines suggest that any strategy for dealing with IUU fishing should take into account that vessels of both members and non-members of RFMOs engage in IUU fishing, and should address both groups effectively. Strategies should also take into account that the inability to agree on equitable access can contribute to IUU fishing.

The IPOA–IUU addresses actions to be taken by RFMOs both indirectly under various headings and directly under the heading of RFMOs. Indirect references appear in the objective and principles of the IPOA–IUU,⁶³ National Plans of Action,⁶⁴ cooperation between states,⁶⁵ port State measures,⁶⁶ internationally agreed market-related measures⁶⁷ and reporting.⁶⁸

The IPOA–IUU directly addresses actions by RFMOs, reinforcing provisions of the other post-UNCED instruments. It describes action to be taken by states through RFMOs, and by RFMOs. It repeats the obligation of non-member states to cooperate with the RFMO and not to undermine its measures – therefore giving broad effect to the decisions of the RFMO. The areas addressed by the paragraphs of the IPOA relating directly to RFMOs are:⁶⁹

- establishment of RFMOs;
- compliance with RFMO policies and measures;
- non-members;
- measures on IUU fishing;
- compilation and dissemination of information;
- objectives of institutional and policy strengthening;
- cooperation with non-contracting parties;
- failure to ensure flag vessels/nationals do not engage in IUU fishing activities.

A summary description of the paragraphs in the IPOA–IUU under the above headings is elaborated in Appendix 4.

RFMOs cooperate among themselves to address many of these issues, both in meetings with other RFMOs with a similar geographical or species mandate – such as the cooperation among GFCM and ICCAT and among RFMOs with a mandate for highly migratory fish stocks, and in issue-oriented consultations. With respect to the latter, a consultation was convened in January 2002 by the Chair of the Second Biennial Meeting of Regional Fishery Bodies or Arrangements, in cooperation with FAO, to address catch certification schemes and to review possibilities for a greater degree of coordination among fishery bodies on existing and potential schemes.⁷⁰ In addition, an expert consultation was held at FAO Headquarters, Rome in November 2002 to review port State measures to combat IUU fishing.

⁶³ Paragraphs 8 and 9.

⁶⁴ Paragraph 25.

⁶⁵ Paragraphs 28 and 51.2.

⁶⁶ Paragraphs 58.5, 62, 63 and 64.

⁶⁷ Paragraphs 68 and 73.

⁶⁸ Paragraph 87.

⁶⁹ Paragraphs 78–84.

⁷⁰ The consultation took place at IATTC Headquarters, La Jolla, USA. This initiative was taken in accordance with paragraphs 76 and 91 of the IPOA–IUU.

The IPOA–IUU has been the subject of much attention by RFMOs, with over half reporting on measures that have been taken for a report prepared for consideration by COFI in February, 2003.⁷¹ Following is a list of measures or actions that RFMOs can take, or have taken to prevent, deter and eliminate IUU fishing:⁷²

- collect and disseminate information relating to IUU fishing;⁷³
- establishment of registers of fishing vessels, including “blacklists” and “whitelists”;
- coordination and cooperation with non-members;⁷⁴
- coordination and cooperation with RFMOs and other organizations;
- identify vessels that are engaging in IUU fishing and coordinate measures against them;
- identify states whose vessels are engaging in IUU fishing and can urge identified states to rectify such behaviour;
- call on their members to take action against vessels without nationality that are fishing in the relevant region;⁷⁵
- adopt rules to ensure that vessel chartering arrangements do not lead to IUU fishing;
- adopt port inspection schemes, restrictions on transshipment and landings;
- develop evidentiary criteria for a presumption that fishing vessels flying the flag of a non-Contracting Party have carried out IUU fishing activities in the relevant Area of Competence;
- adopt MCS schemes involving boarding, inspection and VMS;
- call on their members to address excessive fleet capacity;
- adopt catch certification and/or trade documentation schemes;
- adopt other market-related measures to combat IUU fishing;

In support of the above, information on resolutions and other decisions of some RFMOs relating to IUU fishing is provided in Appendix 5. The information was taken from publicly available sources,

⁷¹ A report prepared by FAO for the twenty-fifth session of COFI in 2003 (COFI/2003/3Rev.1) titled “Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action” states that more than half of RFMOs have addressed IPOA–IUU. In particular, RFMOs 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. Also see information in 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.

⁷² The Technical Guidelines refer to many of these measures and actions as critical steps that RFMOs can take in the discussion on the role of RFMOs in addressing IUU fishing.

⁷³ This activity is common among RFMOs, but can take different forms, such as reporting sightings, preparing a list of IUU fishing vessels from various trade data, or developing evidentiary standards for a presumption of IUU fishing and establishing a list of vessels presumed to be engaged in IUU fishing activities. Dissemination of the information could be at all levels, including from the RFMO to members, other RFMOs or FAO.

⁷⁴ This activity is also very common among RFMOs, for example CCAMLR, CCSBT, GFCM, IATTC, ICCAT, IOTC, NAFO, NASCO, NPAFC. See Swan, J., “The Role of National Fisheries Administrations and Regional Fishery Bodies in Adopting and Implementing Measures to Combat IUU Fishing”, *op. cit.* n. 47.

⁷⁵ As discussed in Section 3.2.3 of the IPOA–IUU Technical Guidelines, schemes adopted by ICCAT and NEAFC call upon their respective members to take action against vessels without nationality in accordance with international law. To the extent that the rules of international law regarding the permissible scope of such actions may not be entirely clear, RFMOs may wish to provide more specifically which types of actions against stateless vessels should be taken.

and is indicative of approaches and detail considered by RFMOs. It identifies the resolution or decision by title, and summarizes both the circumstances described in the preamble and the agreed measures. It summarizes the information from nine RFMOs,⁷⁶ and reports on a range of 36 resolutions and other decisions relating to IUU fishing. A significant feature is that a vast majority (25) were adopted in the years since 2000, and of those nearly half (12) have been adopted since 2002. This indicates that the IPOA–IUU may have raised awareness and through its toolbox, provided clear options for effective action. A general period of consolidation is underway, and the similarity among many resolutions reflects increasing commitment and cooperation on the part of RFMOs.

The resolutions and decisions taken by some RFMOs in relation to IUU fishing cover a range of areas. Of the RFMOs surveyed, several had taken decisions in respect of non-parties,⁷⁷ establishing criteria for a presumption of IUU fishing⁷⁸ and listing IUU fishing vessels, including those presumed to be fishing.⁷⁹ From a positive viewpoint, the practice of “white” listing, or establishing a record of vessels authorized to operate in the Area, is increasing,⁸⁰ and procedures for attaining the status of cooperating non-party have been agreed.⁸¹

Information bases on IUU fishing have been enhanced by resolutions relating to information on IUU catches⁸² transshipments and vessel sightings,⁸³ establishment of a port inspection programme⁸⁴ and exchange of information.⁸⁵

Measures against flag of convenience vessels have been adopted,⁸⁶ as well as general requirements for fishing vessels including management standards⁸⁷ and conditions for flagging.⁸⁸ One RFMO has adopted a resolution relating to “flags of non-compliance”. In trade-related issues, catch documentation/trade information schemes have been adopted,⁸⁹ and a process and criteria for IUU trade restrictive measures has been identified.⁹⁰ A recommendation has been adopted to facilitate information on vessels transferring flag to avoid trade measures.⁹¹

Targeting businesses involved in IUU fishing, measures have been adopted to prevent laundering of catches by IUU vessels⁹² to take actions against businesses involved in IUU fishing⁹³ and other cooperative actions with countries where the businesses are based.⁹⁴

Working groups have been established to address more effective measures against IUU fishing.⁹⁵

The challenge for some RFMOs consists less of the development and adoption of policies and measures against IUU fishing, than their implementation among members. This can form a considerable chasm between the objective and results. For example, RFMOs’ policies and measures on IUU fishing tend to address non-parties and open register flagging even though it is acknowledged that IUU fishing is also carried out by companies and individuals originating from the RFMOs’ parties. In developing effective measures, a balanced, holistic approach needs to be taken.

⁷⁶ CCAMLR, CCSBT, IOTC, IATTC, IBSFC, ICCAT, NASCO, NEAFC, NAFO and WCPFC.

⁷⁷ CCSBT, IATTC, NEAFC, NAFO.

⁷⁸ ICCAT, NEAFC, NAFO.

⁷⁹ CCSBT, IOTC, ICCAT.

⁸⁰ IOTC, IATTC.

⁸¹ IATTC.

⁸² IATTC.

⁸³ ICCAT, IBSFC.

⁸⁴ IOTC.

⁸⁵ IOTC, ICCAT.

⁸⁶ IOTC, CCAMLR, WCPFC.

⁸⁷ ICCAT.

⁸⁸ CCAMLR.

⁸⁹ CCAMLR, CCSBT.

⁹⁰ ICCAT.

⁹¹ ICCAT.

⁹² IOTC, ICCAT.

⁹³ ICCAT.

⁹⁴ ICCAT.

⁹⁵ ICCAT, NAFO.

5. MEDITERRANEAN FISHERIES: POSSIBLE OPTIONS FOR IMPLEMENTING THE IPOA-IUU AND POTENTIAL EFFECTS ON FISHERIES MANAGEMENT

5.1 Features of existing fisheries management in the Mediterranean relating to IUU fishing

5.1.1 GFCM

Many of the management initiatives and constraints facing GFCM are described in the preceding sections of the paper, with the constraints including uneven data submission by members, the need for an integrated database, uncertainties in stock evaluations, monitoring (of fishing effort, as well as fisheries activities), control and surveillance/enforcement and institutional capacity.

A major constraint in this regard is the difficulty of identifying and quantifying IUU fishing activities in the Mediterranean. Although a Capture Database for the GFCM area is maintained at FAO, it does not readily reveal IUU fishing information. The data is sourced from ICCAT and FAO member countries, and it is unclear whether it is verified. It shows data from 1972 primarily for highly migratory fish stocks, and there is a distinct downward trend in catches in recent years. Reported catches by distant water fishing vessels (including members and non-members of GFCM) decreased to a low of 396 tonnes in 2000 from a high of 5 685 tonnes in 1996. It shows information on flag vessels from China, Japan, Republic of Korea, Panama, Portugal, Taiwan Province of China and others “not identified.”⁹⁶ The greatest proportion of catch was taken by unidentified flag vessels over the past ten years, except for 2001 when the catches are attributed primarily to Japan, Panama, Portugal and Taiwan Province of China.

Likewise, the FAO High Seas Vessel Authorization Record, while well-conceived, contains information from a limited range of countries and does not easily provide information on IUU fishing in the Mediterranean. To benefit GFCM in respect of those vessels on the Register, it would need a well-planned system for sighting and reporting vessels carrying out IUU fishing activities.

The ICCAT “List of Large-Scale Longline Vessels Believed to be Engaged in IUU Fishing Activities in the ICCAT Convention Area and Other Areas”, approved by the Commission in 2002, lists 378 vessels and indicates the area transhipped. There are two entries for the Mediterranean, and many for the Atlantic region. A majority of the vessels listed show the current flag, or previous flag, to be from a country that operates open registers.

Based on existing information, it is believed that there are a number of vessels carrying out IUU fishing activities in the Mediterranean that are foreign, many from the Asia-Pacific region, and some are open register vessels. As noted above, it is believed that IUU fishing activities take place both on the high seas and in areas under national jurisdiction. However, in order to better detect and manage such activities, it appears that there is a clear need to address the existing constraints described above.

5.1.2 National legal framework, GFCM Members: CopeMed and AdriaMed

Reviews setting out summaries of national fisheries laws have been prepared for FAO in respect of CopeMed for the western Mediterranean and AdriaMed for the Adriatic Sea.⁹⁷ While there can be a vast difference between what is on the books and what is effectively implemented on-ground, the existing national legal regimes can indicate where a country may be prepared to effectively implement national or regional measures on IUU fishing activities, where lacunae exist and where harmonization may be needed.

The international obligations of each country may vary, but as noted above, if a State is not party to an international instrument, this does not preclude implementation. In addition, the Code of Conduct, IPOA-Capacity and IPOA-IUU are voluntary instruments and are meant to be implemented without formal acceptance.

⁹⁶ Referred to as “nei” or not elsewhere identified.

⁹⁷ Cacaud, Philippe, “Revue de la réglementation relative à la pêche maritime et aux aires protégées dans les pays participant au projet CopeMed”, Rome, January 2002, and Cacaud, Philippe, “Review of Fisheries Legislation and Regulations in the AdriaMed Countries”, Rome, October 2002.

The reviews described below are very useful in providing a database on the legal and institutional framework relating to fisheries in the relevant sub-region. For purposes of IUU fishing, however, the information might be further enhanced in future by noting what needs to be done to implement the IPOA–IUU and relevant international instruments, so that priorities can be set. For example, a checklist of areas of national law that might be needed for this purpose could be developed for planning purposes, including, as appropriate, requirements relating to:

- principles of fisheries management;
- institutional responsibilities, including policies, coordination, consultation;
- reporting requirements, including data and other information;
- licensing requirements, including for national vessels beyond areas of national jurisdiction;
- access requirements for non-national vessels;
- registers for licensing, high seas fishing;
- foreign fishing access requirements;
- fishing vessel registration;
- flag State responsibility;
- appropriate MCS provisions, including VMS requirements, powers of inspectors, authorized officers, observers, high seas boarding and inspection;
- port State inspection;
- transshipments;
- trade measures;
- determination of serious offences;⁹⁸
- level of fines (to deter serious offences);
- “long arm” jurisdiction.

5.1.2.1 *CopeMed*

The review of the legislation for the Western Mediterranean⁹⁹ contains information on regional cooperation,¹⁰⁰ maritime zones, regulation of marine fisheries (including sub-sectors of fisheries such as commercial, recreational and highly migratory) and marine protected areas.

In describing the regulation of marine fisheries, the review describes a range of measures, such as: establishment of zones for fishing; regulation of gear; fishing methods, size requirements for fish, and fishing effort and capacity. This useful encyclopedic approach shows great variances in management frameworks and measures, and could benefit any future initiatives to coordinate the regulation of shared stocks or highly migratory stocks.

In a subsequent study for the area, requested by the CopeMed project, comparative information on fisheries management was presented in the context of four themes: maritime zones; access regimes

⁹⁸ The 1995 UN Fish Stocks Agreement refers to this, Article 21(8).

⁹⁹ This area encompasses Algeria, Morocco, Tunisia, Libya, Malta, Italy, France, Spain and the European Union.

¹⁰⁰ For protection of biodiversity in the Mediterranean and for the conservation and management of fishery resources through ICCAT and GFCM. Regarding regional cooperation through GFCM, the report notes that GFCM encourages non-member States whose vessels fish in the region to become members or to cooperate with the work and recommendations adopted by GFCM.

under national jurisdiction; management institutions and administration of fisheries activities; and management of fishing effort.¹⁰¹

Although the studies are not aimed at IUU fishing, some relevant information is included. For example, for the most part commercial fishing within areas of national jurisdiction of CopeMed countries is reserved for national flag vessels, and only four countries¹⁰² require authorizations for national fishing vessels to fish beyond areas of national jurisdiction. Access agreements are usually required for non-national vessels to fish in areas under national jurisdiction. The latter is a standard provision in the laws of many countries, in order that flag State responsibility can be invoked by the coastal State. The practice is changing in some places, with arrangements based instead on joint ventures or other mechanisms.

Institutional arrangements are described in terms of central administration, research and negotiation/consultation bodies. They vary widely, with only two countries reported to have instituted consultative mechanisms at regional and local levels.¹⁰³ Representation by interest groups in the fishing industry is reported to take many forms throughout the region. The policies/plans/strategies of the institutions are not described, and this could be a useful next step in terms of addressing issues relating to IUU fishing and capacity.

Regarding management of fishing effort, a comparative table is provided showing, by country, the limitation of fishing licenses and seasons or area, regulations allowing management by quota or total allowable catch (TAC) and plans or measures relating to fishing capacity.

The study shows that all states have regulations on minimum size of fish and gear or fishing methods, most have laws to allow for regulation of the length, tonnage and power of vessels,¹⁰⁴ four have marine reserves¹⁰⁵ and three can regulate fisheries by zones.¹⁰⁶

5.1.2.2 *AdriaMed*

The review of the AdriaMed countries¹⁰⁷ takes a similar approach to the study for CopeMed, describing *inter alia* access regimes, conservation and management measures and MCS. The information is based on responses to a questionnaire, and shows a wide variety of practices with respect to licensing for the various sub-sectors, effort and gear limitation and fisheries reserves, and for MCS purposes registers, landing requirements, data collection, and observers. Summaries comparing the approaches by the different countries are not provided, but this could be a useful reference document for the sub-region and for use in developing regional measures.

5.2 MCS in the GFCM region

The MCS in the GFCM region is currently carried out primarily on a national basis. For areas under national jurisdiction, MCS is the responsibility of the coastal State, and as required under coastal State and international laws, the flag State. National MCS can also be coordinated with other coastal states in the region and relevant RFMOs.

On a regional basis, including the high seas, some measures taken by RFMOs, described above, show a range of possible approaches to coordinated MCS, such as development by working groups of registers that can be used for control through use as “black” (IUU vessels) or “white” (vessels authorized to fish) lists, development of catch documentation or trade information schemes, action against non-parties, port inspection programmes and coordination of VMS schemes. In the Mediterranean, GFCM does not currently implement any of these measures but ICCAT requirements

¹⁰¹ Cacaud, Philippe, “Etude comparative sur la réglementation en matière de pêche maritime dans les pays de la Méditerranée occidentale participant au projet CopeMed”, Rome, May 2002.

¹⁰² Spain, France, Italy and Malta.

¹⁰³ France and Morocco.

¹⁰⁴ Libya is the only country that does not.

¹⁰⁵ Spain, France, Libya and Malta.

¹⁰⁶ Algeria, Italy and Tunisia.

¹⁰⁷ Albania, Croatia, Italy and Slovenia.

noted previously would apply to the relevant species, and relevant FAO databases could support management/MCS, mindful of current limitations.

From the perspective of the European Commission, a 2000 report “Control and Surveillance Operations of Member States”¹⁰⁸ reviews the second five-year programme of Community financial contribution towards the control and surveillance of Member States, covering 1996–2000. While this report does not apply to all GFCM members, trends in EU assessment and priorities for MCS may be of relevance to future decisions of GFCM.

The report notes that the programme of support for the EU countries, valued at €205 million, committed almost two thirds to the funding of “heavy” control equipment – large patrol vessels and aircraft. This compares with a ten per cent allocation to inshore patrols and land vehicles. Nearly ten percent was allocated to the programme of satellite tracking and monitoring, and a similar amount to the upgrading of the data-processing capacities of the control services of Member States. Only two per cent and one per cent respectively was allocated to communication equipment and training.

Assessments suggested that the introduction of new technology and the more integrated approaches to MCS being adopted by most Member States will inevitably lead to a reduction in the reliance on and use of heavy equipment. The modernization and improved effectiveness of MCS operations was favoured by the report over the maintenance of MCS operations.

The building of a pan-European system of VMS had been established as a high priority, backed up with Community legislation requiring that all vessels over 24m in length participate in such automated monitoring, or comply with even more stringent physical inspection procedures, by January 2000. This part of the programme was judged to be particularly successful in promoting and achieving the establishment and installation of a new infrastructure for control.

While some EU members were reported to have made considerable advances in improved data handling and integration, collaborations in data exchange¹⁰⁹ were reported as being less in evidence.

The report assessed that greater use could be made of financial assistance in meeting the costs of training. Productive areas of activity were identified as improving the number and range of skilled personnel engaged in control activities, and making use of programmes for the exchange of experience. However, these continued to receive low ranking in member State submissions for funding.

The report recommended that the focus for the next five-year programme should be integration, including the following, which could be useful for all GFCM members to consider:

- integration of data handling and data comparisons between different elements of national and regional MCS systems;
- integration of control and enforcement infrastructures within each member State;
- further integration of VMS;
- increased integration of land-based monitoring systems with more fishing monitoring systems;
- increased penetration of product monitoring along the supply chain, particularly across borders, and integration of such information with existing data comparisons;
- further promotion of joint activities – in training, the establishment of common standards and procedures, the design and implementation of joint control activities, and joint research and development projects.

¹⁰⁸ “Evaluation of the Community Financial Contribution towards the Control and Surveillance Operations of Member States”, prepared for DG FISH of the European Commission by Nautilus Consultants Ltd. (UK) in partnership with study partners in May 2000.

¹⁰⁹ Between member States and between member States and the European Commission.

The capacity of non-EU GFCM members for MCS activities is generally lower, especially in terms of activities such as VMS.¹¹⁰ However, in addressing MCS in the context of GFCM and IUU fishing, and prioritizing programmes, the above offers a useful checklist.

5.3 Possible process and considerations for implementation

This document has described some major difficulties of fisheries management in the GFCM Area of Competence. Although GFCM has taken some important steps in the direction of improving fisheries management, noted above in section 3.1, much needs to be done at regional, subregional and national levels to address IUU fishing activities by flag of convenience vessels, non-member non-cooperating vessels and vessels of GFCM Member States, and by others who participate in activities relating to IUU caught fish, such as landings, transshipments and marketing. In this regard, the focus should be on “IUU fishing activities” as appropriate, and not just “IUU fishing”.

The formal process could involve, at national level, the formation of NPOAs that address measures and other actions to implement the IPOAs, as suggested by the FAO Technical Guidelines. It is recognized, however, that many GFCM member countries may not currently have the capacity to do so. This is an area where technical assistance and/or capacity strengthening could produce significant results. In any event, the experience of most RFMOs shows that agreement on major measures and actions often takes place first at regional level, and as appropriate implementation occurs at national level, through NPOAs or other mechanisms.

An option to approach implementation of the IPOA–IUU would therefore be to identify priorities and actions for GFCM in implementing the IPOA–IUU and related areas of the IPOA–Capacity, taking into account international instruments, subregional and regional initiatives and institutional arrangements, and the strengths, differences and deficiencies in fisheries management in member countries throughout the region.

In parallel, and within the context of GFCM priorities and strategies, action could be undertaken to assess the progress or capacity of GFCM member countries to formulate NPOAs, identify where national action, technical assistance or capacity strengthening might be needed and develop, as appropriate, national strategies and programmes.

Decisions would need to be taken as to the mechanisms for forwarding such a procedure to implement the IPOA–IUU, including for example expert consultations, technical consultations, working groups and the development of policies, plans and strategies.

This approach has potential benefits at regional, subregional and national levels. First, it can lead to strengthened regional fisheries management through a range of measures and actions to combat IUU fishing. Also, it can promote among GFCM members the harmonization of measures and actions central to the management of high seas fisheries resources, shared stocks and highly migratory stocks. It is also consistent with the Technical Guidelines, which recommend that an integral part of the NPOAs should refer to cooperation through RFMOs.

In embarking on a such a process, consideration could be taken of relevant frameworks, precedent and potential measures and actions as detailed in this document in the following areas:

- background information on international instruments relating to RFMOs and IUU fishing;
- provisions relating to RFMOs in the UN Fish Stocks Agreement, IPOA–Capacity, IPOA–IUU and Technical guidelines;
- EU Council’s conclusions and measures on IUU fishing;
- steps taken by RFMOs to prevent, deter and eliminate IUU fishing;
- a summary of some resolutions and other decisions of select RFMOs;
- possible areas for reform in national legislation;

¹¹⁰ Although, for example, Morocco is developing a VMS programme.

- potential areas for developing MCS.

Priorities and procedures would need to be agreed in GFCM for considering all relevant areas, and potential cooperation and collaboration could be identified in respect of other RFMOs, bodies, organizations and states (including non-members). The existing programmes and management initiatives of GFCM, described above, could be further elaborated in this context.

6. CONCLUSION

There are many potential effects on fisheries management of implementing through GFCM the IPOA–IUU and related areas of the IPOA–Capacity. An overall objective would be to restore the health of the Mediterranean fish stocks, and achieve long-term conservation and sustainable use of the resources through effective implementation. Depending on the measures and actions agreed, the following areas could be affected in a positive manner.

- **Management:** Improved and integrated management, especially for shared and high seas fish stocks, could result from agreement to take actions under the IPOAs, such as to: further strengthen and integrate relevant databases including FAO registers as appropriate; develop monitoring mechanisms for fishing effort and activities; improve stock evaluation; implement management measures; and develop and cooperate in a range of MCS activities.
- **Enhanced cooperation:** Cooperation is central to effective implementation, and could take place among GFCM members, as well as between GFCM and its members, other RFMOs, bodies, states and entities. Enhanced cooperation has the potential of building alliances that extend past the GFCM Area and positively affecting global efforts to prevent, deter and eliminate IUU fishing activities.
- **Strengthened implementation of flag State responsibility:** Of the corpus of measures in the resolutions and decisions taken by RFMOs relating to implementation of the IPOA–IUU, many are said to have achieved a reduction of IUU fishing by resulting in the strengthened implementation of flag State responsibility.
- **Institutional strengthening:** Reference is made in the IPOAs to institutional strengthening, and this would be an important component of implementation if current institutional arrangements are inadequate to cater to agreed priorities and plans.
- **Strengthened national fisheries management:** National implementation and harmonization of regionally-agreed management actions and measures could serve to strengthen fisheries management. In particular, the adoption of NPOAs would assist in strengthening action against IUU fishing in areas under national jurisdiction or in respect of flag vessels.
- **Focus for development assistance:** Where GFCM developing, least developed or small island developing member countries do not currently have the capacity or legal framework for implementation and harmonization of regional fisheries management measures, this could serve as a focus for development/technical assistance, thereby improving national and regional fisheries management.

Implementation of the IPOA–IUU and relevant parts of the IPOA–Capacity have the potential of transforming management, in a cooperative and coordinated manner, so that sustainable fisheries can be achieved. The measure of success in this regard will depend on the commitment and vision of GFCM members, and long-term planning. The guideposts reviewed in this document, together with the global dedication to addressing IUU fishing, provide a solid foundation for future action. The need for such action is evident.

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APPENDIX 1

GFCM MEMBERS – INTERNATIONAL FISHERIES INSTRUMENTS

Signatures, adherences, ratifications

August 2003

	1982 UN CONVENTION	1993 FAO COMPLIANCE AGREEMENT	1995 UN FISH STOCKS AGREEMENT
Albania	23 June 2003		
Algeria	11 June 1996		
Bulgaria	15 May 1996		
Croatia	5 April 1995		
Cyprus	12 December 1998	19 July 2000	25 September 2002
European Community	1 April 1998	6 August 1996	Member competence ¹¹¹
Egypt	26 August 1983	14 August 2001	
France	11 April 1996		
Greece	21 July 1995		Signed
Israel			Signed
Italy	13 January 1995		Signed
Japan	20 June 1996	20 June 2000	Signed
Lebanon	5 January 1995		
Libya	Signed		
Malta	20 May 1993		11 November 2001
Monaco	20 March 1996		9 June 1999
Morocco	Signed	30 January 2001	Signed
Romania	17 December 1996		4 August 1997
Serbia and Montenegro	12 March 2001		
Slovenia	16 June 1995		
Spain	15 January 1997		Signed
Syria		13 November 2002	
Tunisia	24 April 1985		
Turkey			

¹¹¹ The European Commission has indicated that it is expected that the instruments of ratification for its members will be deposited on 20 September 2003.

DEFINITION OF IUU FISHING

Illegal fishing refers to fishing activities:

- (1) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- (2) conducted by vessels flying the flag of states that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the states are bound, or relevant provisions of the applicable international law; or
- (3) in violation of national laws or international obligations, including those undertaken by cooperating states to a relevant regional fisheries management organization.

Unreported fishing refers to fishing activities:

- (1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (2) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

Unregulated fishing refers to fishing activities:

- (1) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- (2) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.¹¹²

¹¹² The IPOA-IUU notes that “certain unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under” the IPOA-IUU.

APPENDIX 3

**SUMMARY DESCRIPTION OF ACTIONS AND MEASURES
IN KEY PARTS OF IPOA–IUU**

ALL STATE RESPONSIBILITIES

International Instruments: Give full effect to international law and implement relevant international instruments.

National Legislation: should address all aspects of IUU fishing, including evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies. In particular, measures relating to the following should be addressed:

- State Control over Nationals
- Vessels without Nationality
- Sanctions to be of sufficient severity, and applied consistently and transparently
- Non-cooperating states to a relevant regional fisheries management organization which engage in IUU fishing.
- Economic Incentives
- Avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.
- Monitoring, Control and Surveillance
- Actions to undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination

National Plans of Action: Give full effect to the IPOA's provisions as an integral part of their fisheries management programmes and budgets.

Cooperation between states: Coordinate activities and cooperate directly, and through RFMOs.

Publicity: Publicize widely, including through cooperation with other states, full details of IUU fishing and actions taken to eliminate it.

Technical Capacity and Resources: Make available the technical capacity and resources which are needed to implement the IPOA.

FLAG STATE RESPONSIBILITIES

Fishing Vessel Registration: Responsibilities of flag States to ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing, and to avoid flagging vessels with a history of non-compliance except under certain situations.

Record of Fishing Vessels: Should be kept, information requirements.

Authorization to Fish: For flag vessels in waters outside flag State sovereignty or jurisdiction, information requirements.

COASTAL STATE MEASURES

The measures elaborated by the IPOA–IUU which coastal states should consider, consistent with national legislation and international law, and to the extent practicable and appropriate, include:

- effective monitoring, control and surveillance of fishing activities in the EEZ;
- cooperation and exchange of information with other states and RFMOs;
- requiring vessels to have a valid authorization to fish in coastal State waters;
- ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;

- ensure that each vessel fishing in its waters maintains a logbook;
- ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;
- regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and
- avoiding licensing vessels with a history of IUU fishing.

PORT STATE MEASURES

Prior Notice: Require prior notice for port access in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

Prohibition: Where there is clear evidence of IUU fishing activity, prohibit landings or transshipments in port, and should report the matter to the flag State of the vessel.

Publicity: Publicize ports to which foreign flagged vessels may be admitted, ensure capacity for inspections.

Collection of Information: Port states to collect specified information and remit to the flag State and RFMO.

Report IUU Fishing to flag State, coastal State, RFMO: The port State may take other action with the consent of, or upon the request of, the flag State.

Port State control strategy, procedures: Establish and publicize.

Compatible measures for port State control of fishing vessels: Cooperation to develop.

Presumption of IUU Fishing: Develop within RFMOs presumption of IUU fishing by non-members of RFMOs where they have not agreed to cooperate, and are engaged in fishing activities, and appropriate port State measures.

Cooperation: Enhance among relevant RFMOs and states.

INTERNATIONALLY AGREED MARKET-RELATED MEASURES

Prevent Importation or Trade of IUU Caught Fish: Trade measures to be used in exceptional circumstances where other measures unsuccessful, avoid unilateral imposition.

International trade measures: To be transparent, based on scientific evidence, in accordance with internationally agreed rules.

Multilateral RFMO trade-related measures: Trade in specific fish and fish products must not encourage IUU fishing or undermine the effectiveness of conservation and management measures.

Trade-related measures: Could include multilateral catch documentation and certification requirements, import and export controls or prohibitions.

Stock or species-specific trade-related measures: To reduce or eliminate the economic incentive for vessels to engage in IUU fishing.

Transparency of markets: Increase to allow the traceability of fish or fish products.

Assist other states: In deterring trade in fish and fish products illegally harvested in its jurisdiction.

Ensure awareness of detrimental effects of doing business: For importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public of doing business with IUU vessels, or for fishers doing business with importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers and other services suppliers identified as doing business with IUU vessels, through legislation prohibiting such business or trade.

Harmonized Commodity Description and Coding System: Should be used.

Certification and documentation requirements: Should be standardized, electronic schemes developed.

RESEARCH

States should encourage scientific research on methods of identifying fish species from samples of processed products. FAO should facilitate the establishment of a network of databases of genetic and other markers used to identify fish species from processed product, including the ability to identify the stock of origin where possible.

REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS

See Summary in Appendix 4.

SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

Cooperation to support training and capacity building and consider providing financial, technical and other assistance to developing countries, so that they can more fully meet their commitments under the IPOA. Cooperation by states, with the support of FAO and relevant international financial institutions and mechanisms to enable:

- review and revision of national legislation and regional regulatory frameworks;
- the improvement and harmonization of fisheries and related data collection;
- the strengthening of regional institutions;
- the strengthening and enhancement of integrated MCS systems, including satellite monitoring systems.

REPORTING

States and RFMOs to report to FAO on progress to FAO as part of biennial reporting on the Code of Conduct.

ROLE OF FAO

Among other responsibilities, COFI is to biennially evaluate the progress towards the implementation of the IPOA.

APPENDIX 4

**SUMMARY DESCRIPTION OF PARAGRAPHS IN IPOA-IUU ON
REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS**

Paragraph number	Summary description of paragraph
78.	<p>Compliance with RFMOs policies and measures, establishment of RFMOs: States should ensure compliance with and enforcement of relevant RFMOs policies and measures having a bearing on IUU fishing, and cooperate in the establishment of RFMOs in regions where none currently exist.</p>
79.	<p>Non-members: non-members are not discharged from their obligation to cooperate with RFMOs, and should agree to apply the conservation and management measures or adopt consistent measures, and ensure that vessels entitled to fly their flag do not undermine such measures.</p>
80.	<p>Measures on IUU fishing: States, acting through relevant RFMOs, should take action to strengthen and develop innovative ways to prevent, deter and eliminate IUU fishing. Consideration should be given to including the following measures:</p> <ul style="list-style-type: none"> • institutional strengthening; • development of compliance measures in conformity with international law; • development and implementation of comprehensive arrangements for mandatory reporting; • establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing; • development and maintenance of records of vessels fishing in the area of competence of a relevant RFMO, including those authorized to fish and those engaged in or supporting IUU fishing; • development of methods of compiling and using trade information to monitor IUU fishing; • development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment, as appropriate; • development within a RFMO, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers; • development of observer programmes; • where appropriate, market-related measures in accordance with the IPOA; • definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing; • development of education and public awareness programmes; • development of action plans; and • where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.
81.	<p>Compilation and dissemination of information: States, acting through relevant RFMOs should compile and make available on a timely basis, and at least on an annual basis, to other RFMOs and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including:</p> <ul style="list-style-type: none"> • estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization;

- details of measures taken to deter, prevent and eliminate IUU fishing;
 - records of vessels authorized to fish, as appropriate; and
 - records of vessels engaged in IUU fishing.
82. **Objectives of institutional and policy strengthening:** Objectives should include enabling RFMOs to:
- determine policy objectives regarding IUU fishing, both internally and for co-ordination with other RFMOs;
 - strengthen institutional mechanisms as appropriate, 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 relation to IUU fishing, in particular information, enforcement and trade aspects; and
 - ensure timely and effective implementation of policies and measures internally, and in cooperation with other RFMOs and relevant regional and international organizations.
83. **Cooperation with non-contracting parties:** States, acting through RFMOs, should encourage non-contracting parties with a real interest in the fishery concerned to join and to participate fully. Where this is not possible, the RFMOs should encourage and facilitate the participation and cooperation of non-contracting parties. RFMOs should address access to the resource to foster cooperation and enhance sustainability in the fishery. States, acting through RFMOs, should also assist, as necessary, non-contracting parties in the implementation of paragraphs 78 and 79 of the IPOA.
84. **Failure to ensure flag vessels/nationals do not engage in IUU fishing activities:** When a State fails to ensure that its flag vessels or, to the greatest extent possible, its nationals, do not engage in IUU fishing activities, member states, acting through a relevant RFMO, should draw the problem to the attention of that State. If the problem is not rectified, members of the RFMO may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.

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

COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR)	
<p>Flagging and Licensing of Non-Contracting Party Vessels Resolution 13/XIX (2000)</p>	<p>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.</p>
<p>Catch Documentation Scheme: Implementation by Acceding States and Non-Contracting Parties Resolution 14/XIX (2000)</p>	<p>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.</p> <p>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 continue to be reviewed.</p>
<p>Use of Ports not Implementing the Catch Documentation Scheme for <i>Dissostichus</i> spp. Resolution 15/XIX (2000)</p>	<p>This Resolution urges Contracting Parties:</p> <ul style="list-style-type: none"> • 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; • to attach to the authorization to fish a list of all Acceding States and non-Contracting Parties that are implementing the CDS.
<p>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 Resolution 17/XX (2001)</p>	<p>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).</p> <p>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.</p> <p>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>
<p>Flags of Non-compliance 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"> • 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; • ensure full cooperation of relevant national agencies and industries in implementing CCAMLR measures; • develop ways to ensure that the export or transfer of fishing vessels from a FONC State is prohibited; • Prohibit the landings and transshipments of fish and fish products from FONC vessels.

COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA (CCSBT)	
<p>Action Plan 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 southern bluefin tuna (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"> • requests non-members catching SBT to cooperate fully and advise it of actions taken; • calls for identification by the CCSBT non-member fishing that diminishes the effectiveness of conservation and management measures; • provides procedures for communicating with non-members to request them to rectify their fishing activities; • refers to the possibility that the Commission may decide to impose trade-restrict measures. <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.¹¹³</p>
<p>Southern Bluefin Tuna Statistical Document Program 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 Program provides for:</p> <ul style="list-style-type: none"> • required information; • validation; • exchange of information; • record and reports; and • re-export. <p>Subsequent meetings have considered implementation of the TIS and its value for reducing IUU fishing activities.¹¹⁴</p>
INDIAN OCEAN TUNA COMMISSION (IOTC)	
<p>Registration and Exchange of Information on Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence Recommendation 98/04 (1998)</p>	<p>This Recommendation requires Contracting Parties and cooperating non-Contracting Parties (CPCs):</p> <ul style="list-style-type: none"> • 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); • 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. <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>

¹¹³ e.g. Report of the Eighth Annual Meeting, 2001, paragraph 36.

¹¹⁴ e.g. *Ibid.*, paragraph 86.

<p>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</p> <p>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"> • undertakes to adopt concerted actions to limit the fishing capacity of large-scale vessels fishing for tropical tunas to the appropriate level; • 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; • urges CPCs to fulfil their obligation concerning the transmission of the list of fishing vessels.
<p>Calling for Actions Against Fishing Activities by Large Scale Flag of Convenience Longline Vessels</p> <p>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"> • ensuring that their flag vessels do not engage in IUU fishing (e.g. by means of denying licences); • refusing port access to FOC vessels engaged in activities that diminish the effectiveness of IOTC measures; • taking action consistent with relevant laws to: <ul style="list-style-type: none"> ○ 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; ○ urge manufacturers and business people to prevent their vessels and equipment/devices from being used for FOC operations.inform the general public; • monitoring and exchange of information; • repatriation or scrapping of FOC vessels undermining IOTC measures; • instructing the IOTC Secretariat to prepare possible measures to prevent or eliminate FOC fishing activities, including restrictive trade measures.
<p>Support of the IPOA–IUU Plan</p> <p>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>The Establishment of an IOTC Programme of Inspection in Port</p> <p>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"> • provides for port State inspections; • describes elements of and priorities for the inspection; • 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; • 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.

<p>On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unregulated and Unreported Fishing In the IOTC Area 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 IUU fishing activities in the IOTC Area. It:</p> <ul style="list-style-type: none"> • 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; • describes procedures, including consideration by the Compliance Committee, that lead to the adoption of a list of IUU fishing vessels; • describes measures to be taken against such vessels.
<p>The Establishment of an IOTC Record of Vessels over 24 metres Authorized to Operate in the IOTC Area 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"> • an IOTC Record of fishing vessels larger than 24 metres (large scale fishing vessels, or “LSFV”) is to be established; • for the purposes of this Recommendation, LSFVs not entered into the Record are deemed not be authorized to fish for, retain on board, transship or land tuna and tuna-like species; • information to be submitted by CPCs; • 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); • 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. • procedures where vessels not on the IOTC Record are fishing or transshipping tuna and tuna-like species in the IOTC Area.
<p>Measures to Prevent the Laundering of Catches by IUU Large-Scale Tuna Longline Fishing Vessels (LSTLFVs) 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"> • 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; • CPCs should ensure transshipments are consistent with the reported catch amount and require transshipment reports; • 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.

**INTER-AMERICAN TROPICAL TUNA COMMISSION
(IATTC)**

<p>Fishing by Vessels of non-Parties 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"> • gather and exchange information on such fishing vessels that could undermine IATTC conservation and management measures; • request the Director to communicate with the flag State governments of such vessels and report to members so they may take appropriate measures.
<p>Regional Vessel Register 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"> • 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; • request non-members with vessels fishing in the EPO to provide the specified information and follow the terms of the Resolution.
<p>Fishing by Vessels of non-Parties 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"> • compile a list of vessels identified as fishing in the EPO that is not a flag vessel of a member or cooperating State; • communicate with the flag State requesting specific information; • report on the above matters to the Commission, which may then determine that a vessel may be placed on a list of non-cooperating vessels.
<p>Establishment of a List of Longline Fishing Vessels over 24 meters (LSTLFVs) Authorized to Operate in the Eastern Pacific Ocean 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"> • information requirements; • procedures; • extensive duties of flag CPCs on the List, including taking measures relating to LSTLFVs on, and not on the list; • duties of the Director and the Commission.
<p>Attaining the Status of Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATCC 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 the Agreement on the International Dolphin Conservation Program (AIDCP) and IATTC, and sets the following requirements:</p> <ul style="list-style-type: none"> • information requirements; • compliance requirements; • participation at plenary and scientific meetings as observers.

**INTERNATIONAL BALTIC SEA FISHERY COMMISSION
(IBSFC)**

**IBSFC Fishery Rules
Rule 2**

With a view to achieve a better utilization of existing fishing possibilities of the fish stocks subject to regulations agreed by the Baltic Commission, transfers can be made between Contracting Parties, subject to specified procedures.

Vessels flying a flag other than the a Contracting Party in whose waters they are fishing, outside a fisheries agreement between Contracting Parties or with a third country, must have a specific authorization from the authorities of that Contracting Party and the flag State. The Contracting Party must, prior to the commencement of the fishery, inform the Secretariat the conditions under which this fishery can take place, including specified information. Further procedures are specified, including logbook requirements, provision of a list of authorized vessels to the Commission, changes and circulation of information.

Other paragraphs of this rule cover requirements for the Contracting Parties to provide statistical information to the Commission *inter alia* on catches and landings, and requirements to refuse landings of cod which have been transshipped. A Contracting Party shall refuse landings of vessels from other Contracting Parties of species of which the relevant national quota is exhausted.

**INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS
(ICCAT)**

**Transshipments and Vessel Sightings
Recommendation 97-11**

This Resolution addresses the problem of stateless vessels that may threaten the integrity of ICCAT measures. Contracting Parties:

- must immediately report to ICCAT any sightings of vessels that appear to be without nationality that may be fishing for ICCAT species;
- may board and inspect the vessel on the high seas where there are reasonable grounds to suspect it is stateless;
- may, where evidence warrants, take action in accordance with international law
- are encouraged to establish points of contact to facilitate cooperation and other appropriate actions.

**Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area
Resolution 98-18 (1998)**

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.

Calling for Further Actions against Illegal, Unregulated and Unreported Fishing Activities by Large Scale Longline Vessels in the Convention Area and Other Areas Resolution 99-11 (1999)

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.

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>The Need for New Approaches to Deter Activities that Diminish the Effectiveness of ICCAT Conservation and Management Measures</p> <p>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"> • expresses the Commission’s full endorsement of the FAO initiative to develop the IPOA–IUU; • calls upon Contracting Parties to become parties to the instruments; • encourages CPCs to participate in efforts called for in the IPOA–Capacity.
<p>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</p> <p>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"> • 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; • requests contracting parties and others to intensify the actions in Resolution 99-11; and • requests Japan and Chinese Taipei to report any changes to relevant information.
<p>Further Defining the Scope of IUU Fishing</p> <p>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>More Effective Measures to Prevent, Deter and Eliminate IUU Fishing by Tuna Longline Vessels</p> <p>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>A Management Standard for the Large-Scale Tuna Longline Fishery</p> <p>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"> • CPCs to take provisional measures to meet specified minimum standards for licence issuance, and report to ICCAT on specified format; and • continuous review of the measures.
<p>Establishment of a List of Vessels Presumed to have carried out IUU Fishing Activities in the ICCAT Convention Area</p> <p>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"> • establishes evidentiary criteria for a presumption that IUU fishing has been carried out; • 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;

	<ul style="list-style-type: none"> • 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"> ○ flag vessels from participating in transshipment with listed vessels ○ landings or transshipments from listed vessels voluntarily in ports ○ chartering listed vessels ○ imports, landings, transshipments of tuna and tuna-like species from listed vessels; • provides for publicity and dissemination of IUU list with other RFBs.
<p>Implementation of the Recommendation Concerning the ICCAT Record of Vessels 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"> • by the Executive Secretary to identify newly listed vessels; • by the Compliance Committee and Working Group to examine possible involvement of the remaining IUU vessels on the ICCAT Record.
<p>Measures to Prevent the Laundering of Catches by Illegal, Unreported and Unregulated (IUU) Large-scale Tuna Longline Fishing Vessels 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"> • 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; • 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.
<p>Concerning Cooperative Actions to Eliminate Illegal, Unreported and Unregulated Fishing Activities by Large Scale Tuna Longline Vessels 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. This Resolution encourages such collaboration, and urges:</p> <ul style="list-style-type: none"> • 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; • Chinese Taipei to consider appropriate domestic legislation to improve its control its residents that invest in or otherwise support or engage in IUU fishing; • Contracting Parties and others associated with ICCAT to urge their residents from engaging in or associating with activities that support IUU fishing.
<p>Regarding Process and Criteria for ICCAT IUU Trade Restrictive Measures 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"> • 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 • specifies terms of reference and minimum documentation to be considered.

NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION (NASCO)	
Fishing for Salmon on the High Seas Resolution CNL(92)54 (1992)	<p>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:</p> <ul style="list-style-type: none"> • measures to encourage non-contracting parties to sign and comply with the NASCO Protocol; • encourages the Contracting Parties to report sightings of high seas fishing activities that may undermine NASCO's conservation measures; • requests NASCO to take a number of measures, including collection, compilation and dissemination of relevant information.
NORTH EAST ATLANTIC FISHERIES COMMISSION (NEAFC)	
Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations Established by NEAFC Recommendation (1998)	<p>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:</p> <ul style="list-style-type: none"> • 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); • provides procedures for the transmission of information, boarding and inspection, port inspection, prohibition of landings and transshipments, reports and evidence.
NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)	
Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO NAFO/GC Doc. 97/6	<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"> • 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. • sets out procedures for information and reports relating to sightings of the above • sets out procedures for boardings and inspections; • requires contracting parties to ensure their vessels do not receive transshipments of fish from such vessels; • sets out procedures for review of the Scheme.

WESTERN CENTRAL PACIFIC FISHERIES COMMISSION
(WCPFC)

Resolution of the Preparatory Conference relating to Illegal, Unreported and Unregulated Fishing and Limits on Fishing Capacity
2002

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:

- 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;
- urges States and other entities concerned to take every appropriate measure to prevent, deter and eliminate IUU fishing in the Convention Area;
- promotes cooperation in exchanging information on the IUU fishing activities and other activities that might undermine the effectiveness of the Resolution.

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This paper sets out the evolving management role of regional fisheries management organizations (RFMOs), as agreed in recent international fisheries instruments. Issues common to illegal, unreported and unregulated (IUU) fishing and management of fishing capacity are described, especially as contained in the International Plans of Action (IPOAs) relating to these areas. The status and implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) in the Mediterranean is also described with reference to: the contexts in which IUU fishing has been addressed by the General Fisheries Commission for the Mediterranean (GFCM); the adoption of national plans of action (NPOAs) on IUU fishing by GFCM members; and the adoption by the European Union Fisheries Council of conclusions on IUU fishing. A possible process and considerations for implementation of the IPOA–IUU by GFCM are identified, and in conclusion the potential effects on fisheries management are noted.

