

TRADE POLICY BRIEFS

FAO SUPPORT TO THE WTO NEGOTIATIONS AT THE 12TH MINISTERIAL CONFERENCE

**TRADE IN FISHERIES PRODUCTS:
FISHERIES SUSTAINABILITY, FISHING CAPACITY, AND ILLEGAL,
UNREPORTED AND UNREGULATED (IUU) FISHING**

KEY MESSAGES

- Sustainable fisheries are critical for marine ecosystems and communities dependent on fish and fisheries for food and livelihoods.
- The maximum sustainable yield (MSY) refers to the largest long-term catch that can be taken from a fish stock without causing the stock to decline in the future and is used to classify fish stocks.
- The objective of the International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity) is to promote the achievement of efficient, equitable and transparent management of fishing capacity by limiting expansion and progressively reducing it.
- Illegal, unreported and unregulated (IUU) fishing has contributed significantly to the depletion of fish stocks all over the world. IUU fishing undermines sustainable fisheries management, threatens the health of marine ecosystems and has negative socio-economic impacts on legitimate fishers and coastal communities, especially in developing countries and Small Island Developing States (SIDS).

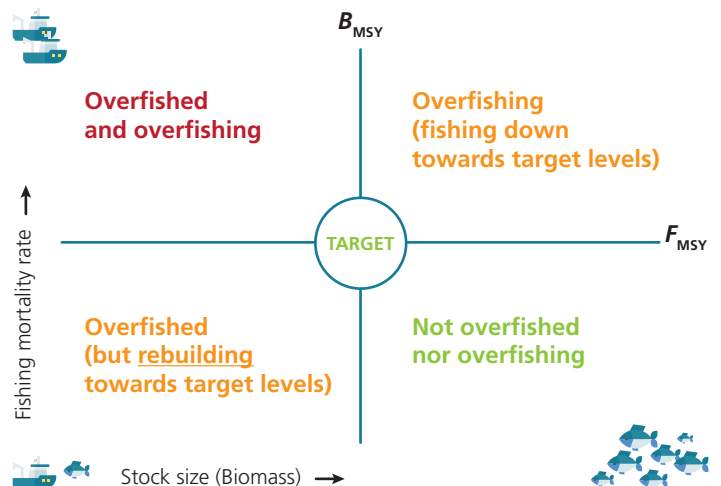
The concepts of overfishing and overfished stocks

The Food and Agriculture Organization of the United Nations (FAO) has monitored the state of the world’s fish stocks since 1974 and currently assesses around 450 stocks by FAO major fishing areas, which are used to determine a geographically disaggregated ecological sustainability index. The assessed fish stocks – which are classified as overfished, maximally sustainably fished, or underfished – are reported every two years in the FAO State of World Fisheries and Aquaculture (SOFIA), based on the concept of the maximum sustainable yield (MSY), in line with other international instruments. A fish stock for which abundance is at, or is greater than, the level that can produce the MSY is classified as biologically sustainable. By contrast, when abundance falls below the MSY level, the stock is considered biologically unsustainable, as illustrated in Figure 1.

Overfished refers to the abundance or biomass (**B**) of a fish population or stock, which is basically the amount of fish in the water. Thus, an overfished stock is one with biomass or population size that is too low, jeopardizing the stock’s ability to produce MSY. The amount of fish (**B**) that will generate the MSY is called **B_{MSY}**. If the biomass of fish in the water is well below **B_{MSY}**, the stock is overfished or depleted. If the amount of fish in the water is more than what would produce the MSY, it is underfished. The ratio of **B/B_{MSY}** is commonly used to classify a stock as overfished or not overfished. According to FAO, a ratio under 0.8 represents an overfished stock. However, national legislation may use different ratios or definitions to make fisheries governance more straightforward. It should be noted that fisheries have natural population cycles, resulting in figures below or over 0.8 for different periods under similar fishing conditions.

Overfishing refers to fishing mortality (**F**), or the rate of fish killed by catching them. Overfishing describes a stock having more fish being removed than what is sustainable or with a harvest rate higher than the rate that produces the MSY. The ideal proportion of fish to catch that will generate MSY is called **F_{MSY}**. If the ratio of fish caught (**F**) is greater than **F_{MSY}**, overfishing is happening. If **F** is less than **F_{MSY}**, underfishing is happening. Fishing mortality is usually calculated as a ratio of **F/F_{MSY}**; a ratio over 1 means overfishing. Overfishing is a direct consequence of fishing activities and, if persistent in time, can result in many adverse effects, including depleted populations, lost yield, economic losses, and ecosystem impacts.

Figure 1. Fishing Mortality (Y-axis) and Fish Stock Biomass (X-axis) Diagram



THE 1999 IPOA-Capacity

The International Plan of Action for the management of fishing capacity (IPOA-Capacity), anchored at the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF), was adopted in 1999 by the FAO Committee on Fisheries to promote the achievement of efficient, equitable, and transparent management of fishing capacity by limiting expansion and progressively reducing the fishing capacity where overcapacity exists, undermining long-term sustainability outcomes. The IPOA-Capacity constitutes a tool for fishery conservation and sustainable management and is closely linked to other international fisheries instruments. These include e.g. the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas - Compliance Agreement, the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), and the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA), among others.

IUU FISHING

IUU fishing is found on the high seas and in areas within national jurisdiction and in all scales of fisheries, from artisanal to industrial. IUU fishing can concern all supply chain stages, including pre- and post-harvest activities. IUU fishing threatens livelihoods, exacerbates poverty, and increases food insecurity.

An international framework has been developed over the last decades with responsibilities to ensure conservation and sustainable use of living marine resources, including preventing, deterring and eliminating IUU fishing. It is based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS); the FAO Compliance Agreement; the UNFSA; the CCRF; the 2001 International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU); the PSMA; the 2014 FAO Voluntary Guidelines for Flag State Performance (VGFSP); and the 2017 FAO Voluntary Guidelines for Catch Documentation Schemes (VGCDs).

The PSMA aims to prevent fish caught through IUU fishing from entering national and international markets by prohibiting the entry into and the use of ports by foreign vessels that have engaged or are believed to have engaged in IUU fishing. The PSMA requires port States to implement specific measures and verifiable steps to ensure proper detection and verification of IUU fishing through risk analysis and inspection and follow-up actions, reporting, and notification to relevant countries, regional fisheries management organisations (RFMOs) and other international organizations, including enforcement measures and the prevention of fish derived from IUU fishing from being unloaded in ports.

RFMOs have established a suite of measures aimed at combatting IUU fishing. These include mandatory fishing authorizations, mandatory recording and reporting (including vessel monitoring systems and logbook requirements), schemes on port control, at-sea inspection, on-board observers, catch documentation, and listing of vessels engaging in IUU fishing. All RFMOs have procedures and criteria to consider the inclusion of vessels on the IUU fishing list.

Flag, port and coastal States and RFMOs can determine that a vessel has engaged in IUU fishing activities, or in activities supporting such fishing. Under international law, it is the primary responsibility of flag States to exercise effective jurisdiction and control over their flagged vessels wherever they operate and to ensure their compliance with applicable national and international law. The UNCLOS, the FAO Compliance Agreement, the UNFSA, and RFMO Conservation and Management Measures (CMMs) embody the norms for this responsibility. The coastal States have the responsibility of adopting and effectively implementing appropriate measures to conserve and manage the resources in areas under national jurisdiction, including on foreign-flagged vessels operating in their waters.

Actions to address key challenges:

- ▶ to improve the capacities of developing countries to manage fish stocks, particularly considering that the percentage of fish stocks within biologically sustainable levels in those countries decreased to 65.8 percent in 2017;
- ▶ to quantify the extent of IUU fishing; and
- ▶ to achieve an effective collaboration between flag, port, and coastal States to allow all existing international frameworks to combat IUU fishing, particularly the PSMA, to produce concrete results and actions against vessels found to have engaged in IUU fishing activities.