



# Illegal, unreported and unregulated fishing



## 1. Key challenges to the sustainability of the fisheries sector and food security

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to marine ecosystems due to its potent ability to undermine national and regional efforts to manage fisheries sustainably as well as endeavours to conserve marine biodiversity. IUU fishing takes advantage of corrupt administrations and exploits weak management regimes, in particular those of developing countries lacking the capacity and resources for effective monitoring, control, and surveillance (MCS). It is found in all types and dimensions of fisheries, occurs both on the high seas and in areas under national jurisdiction, concerns all aspects and stages of the capture and utilisation of fish, and may sometimes be associated with organized crime. Fisheries resources available to bona fide fishers are poached in a ruthless manner by IUU fishing, often leading to the collapse of local fisheries, with small-scale fisheries in developing countries proving particularly vulnerable. Products derived from IUU fishing can find their way into overseas trade markets thus throttling local food supply. IUU fishing therefore threatens livelihoods,

exacerbates poverty, and augments food insecurity. It is well known that IUU fishing has escalated in the past 20 years, especially in high seas fisheries. Unfortunately the dynamic, adaptable, highly mobile, and clandestine nature of IUU fishing prevents a straightforward estimation of its impact. Rough calculations, however, indicate that IUU fishing across the world's oceans weighs in at around 11–26 million tonnes of fish each year or a price tag of US\$10–23 billion.

**Illegal, Unreported and Unregulated (IUU) fishing** is a broad term which includes:

- Fishing and fishing-related activities conducted in contravention of national, regional and international laws.
- Non-reporting, misreporting or under-reporting of information on fishing operations and their catches.
- Fishing by “Stateless” vessels.
- Fishing in convention areas of Regional Fisheries Management Organizations (RFMOs) by non-party vessels.
- Fishing activities which are not regulated by States and cannot be easily monitored and accounted for.

## International Framework to combat IUU fishing

A framework of international instruments has been developing over the last decades and, together, include a powerful suite of tools which can be used to combat IUU fishing.

- **United Nations Convention on the Law of the Sea (1982)** defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.
- **FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, (1993)** aims to prevent the "re-flagging" of vessels fishing on the high seas under the flags of States that are unable or unwilling to enforce international fisheries conservation and management measures. The maintenance of records of fishing vessels, international cooperation, are covered extensively by the provisions of the Agreement.
- **UN Fish Stocks Agreement (1995)** aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks within the framework of UNCLOS. The Agreement also spells out the duties of flag States including those related to registration and records of vessels, authorisations, MCS and compliance and enforcement. Cooperation in international, regional and sub-regional enforcement is also addressed, along with boarding and inspection procedures and port State measures.
- **FAO Code of Conduct for Responsible Fisheries (1995)** comprises principles and international standards of behaviour for responsible fishing practices and aquaculture development. It serves as a reference for national and international efforts, including for policies and institutional frameworks and instruments, to ensure sustainable exploitation of aquatic living resources in harmony with the environment. It also promotes, inter alia, responsible trade of fish and fishery products. It includes provisions on the duties of all States, flag States, port States and market States, and the role of RFMOs.
- **International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (2001)**, is a toolbox to combat IUU fishing, for use by all States, in general, flag States, coastal States, market States, port States and RFMOs. The IPOA-IUU calls upon all countries to develop and implement a consistent National Plan of Action and to review it periodically. Implementation of flag State responsibilities, as well as coastal State, port State, and market-related measures, are core elements of the IPOA-IUU.

- **FAO Agreement on Port State Measures to Prevent, Deter and Eliminate, Illegal, Unreported and Unregulated Fishing (2009)**, aims to prevent vessels engaged in IUU fishing from using ports and landing their catches, thereby reducing the incentive of such vessels to continue to operate and blocking fishery products derived from IUU fishing from reaching national and international markets. The Agreement also covers the role of flag States and RFMOs in the implementation of port State measures.
- **Voluntary Guidelines for Flag State Performance (2014)**, provides guidance to strengthen and monitor compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels. It covers the relevant responsibilities of flag States on the basis of elements contained in international law, including binding and non-binding international fisheries instruments. Fisheries management, registration and records of vessels, authorizations, MCS and cooperation between flag States and coastal States are among the central components of the Guidelines. RFMOs should play a role in using the Guidelines to strengthen flag State performance.

## 2. FAO and global initiatives to combat IUU fishing

### *Voluntary Guidelines on Catch Documentation Schemes*

A number of importing countries have begun to implement Catch Documentation Schemes (CDS) in their fight against IUU activities in an attempt to tackle the problem from a market and trade perspective. In order to ensure that these schemes do not constitute an unnecessary barrier to trade, the UN General Assembly Resolution on Sustainable Fisheries in December 2013 requested member countries to assist FAO in elaborating guidelines and other relevant criteria relating to catch documentation schemes. It was stipulated that these should be in conformity with the provisions of relevant international law, not create unnecessary barriers to trade, follow the principle of equivalence and be risk-based. The assessment of schemes and formats includes cost-benefit considerations and take into account catch documentation schemes already existing in certain member states, member organisations, and in the context of RFMOs. The proposed draft Voluntary Guidelines on Catch Documentation Schemes are currently undergoing technical consultation and could be adopted by the 40th session of the FAO Conference in July 2017.

### *The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record)*

The Global Record is a voluntary, phased and collaborative global initiative intending to make information available on vessel identification and other relevant data with the aim of providing a reliable and rapid way to contrast

data with other sources. Fishing vessels along with other vessels involved in fishing operations are included. The Global Record aims to increase transparency, traceability and the dissemination of data on the global fishing fleet and its operations.

#### *Collaboration between international organizations and networks*

A number of international organizations are working together in various forms to combat IUU fishing, and collaboration between these is imperative. FAO actively participates in a number of these, namely the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing, and meetings of other international organizations such as ILO, WTO, UNODC, together with expert meetings of the International Monitoring, Control and Surveillance (IMCS) Network.

#### *IUU fishing guidelines on methodologies for estimating IUU catches*

Recognizing the importance of quantifying IUU fishing, whether at the national or regional level, the 32nd session of the FAO Committee on Fisheries (COFI) 2016 supported the development of technical guidelines on FAO methodologies and indicators for estimating the magnitude and impact of IUU fishing and called for reliable periodic estimates of IUU fishing, including at the regional level.

#### *Common Oceans – global sustainable fisheries management and biodiversity conservation in areas beyond national jurisdiction (ABNJ)*

Areas beyond national jurisdiction (ABNJ) are those areas of ocean for which no one nation has the specific or sole responsibility for management. Achieving sustainable management of fisheries resources and biodiversity conservation in ABNJ is extremely difficult given the complexity of the ecosystems as well as the many and diverse actors involved, and yet is at the heart of the IUU fishing discussion. The benefits of managing ABNJ effectively also extend to coastal countries, as fisheries resources often straddle into their exclusive economic zones. The GEF-funded Common Oceans ABNJ Program, coordinated by FAO and in close collaboration with other implementing partners, aims to promote efficient

and sustainable management of fisheries resources and biodiversity conservation in ABNJ to achieve internationally agreed global targets. It is focused on tuna and deep-sea fisheries, with an emphasis on creating valuable partnerships and enhancing global and regional coordination on ABNJ issues.

#### **Milestones in combatting IUU fishing**

##### *The Port State Measures Agreement*

One of the most recent and significant achievements in the fight to prevent, deter and eliminate IUU fishing was the entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) on 5 June 2016. This marked the first-ever binding international agreement specifically targeting IUU fishing.

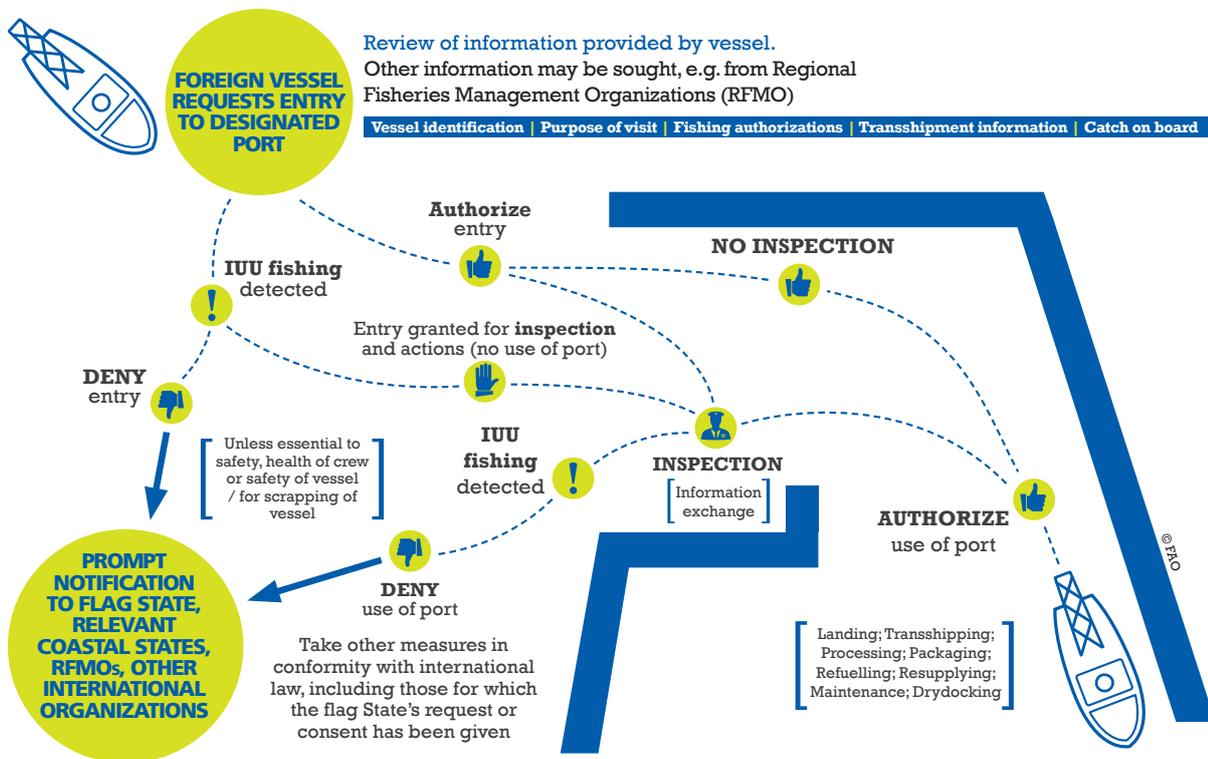
##### *How does the PSMA work?*

Port State Measures (PSM) are requirements established or interventions undertaken by port States which a foreign fishing vessel must comply with or is subjected to as a condition for use of ports within the port State. These would typically include requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transshipment of fish, restrictions on supplies and services, documentation requirements and port inspections, as well as related measures, such as IUU vessel listing, trade-related measures and sanctions.

Key measures that Parties to the Agreement commit to include:

- Designation of ports receiving fishing vessels flagged by another State and ensuring that there is sufficient capacity to conduct appropriate inspections.
- Require foreign fishing vessels wishing to enter a designated port to request permission from the port State ahead of time, transmitting information, including on their activities and the fish they have on board. This will give authorities an opportunity to spot any illicit behaviour in advance.
- Carrying out of inspections on vessels according to a





minimum set of standards. Reviews of vessel papers, checking of fishing gear, examining of catches and screening of a vessel's records can often reveal if it has engaged in IUU fishing.

- Denial of entry and / or use of port to vessels engaged in IUU fishing. When a vessel is denied entry to, or use of port, port States must communicate that information to other relevant States and international entities.
- Take measures and prosecution action, in conformity with international law, including those for which the flag State's request or consent has been given, against vessels which have conducted IUU fishing.

Measures defined in the PSMA apply to foreign fishing vessels, however States are expected to apply, at least, similar measures to their own fishing fleets as well. Parties are obliged to undertake regular monitoring of compliance with the Agreement, with the first major review scheduled to occur four years after the Agreement first takes effect.

A general overview of the implementation of the key provisions of the PSMA is illustrated above.

### FAO capacity building and awareness raising activities on combatting IUU fishing

In order to reinforce and broaden the delivery of assistance, FAO has recently formulated a global capacity development umbrella programme entitled "Support for the implementation of the 2009 FAO Agreement on Port State Measures and complementary instruments to combat illegal, unreported and unregulated fishing". This five-year programme aims to enhance the capacity of developing countries in

combatting IUU fishing, by strengthening their policy, legal and operational frameworks in line with the PSMA and other relevant international instruments and regional schemes.

### 3. Why partner with FAO?

As a neutral broker and an authority on fisheries and aquaculture, both in terms of accumulated knowledge, globally recognized statistics on all aspects of marine and capture fisheries, as well as its hands-on experience, FAO can provide its partners with access to the most up-to-date information on all aspects of fisheries and aquaculture, including future prospects and planning for sustainable fisheries across the globe. FAO's expertise and direct experience in fisheries management and governance issues, including the development and implementation of international agreements and instruments, ensure that the complex issue of IUU fishing is addressed in the comprehensive manner that is needed.

### 2030 Agenda for Sustainable Development highlights partnerships

The 2030 Agenda highlights the importance of building partnerships and strengthening stakeholder participation as key to progress and success in promoting and effectively implementing activities in support of Sustainable Development Goals targets. In the important area of IUU fishing, FAO is working with the IMO, ILO, OECD, IMCS Network, UNOCD, CITES, WWF, PEW, and numerous other NGOs and IGOs, as well as in direct partnership with regional fisheries management organisations (RFMOs)/Regional Fishery Bodies (RFBs) and member countries at both the national and regional level.