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# COMMITTEE ON FISHERIES

## Thirty-fifth Session

5–9 September 2022

## COMBATTING ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

### Executive Summary

This document reports on FAO's contributions towards achieving Targets 14.4 and 14.6 of Sustainable Development Goal (SDG) 14 of the 2030 Agenda for Sustainable Development, which aim to end illegal, unreported and unregulated (IUU) fishing and eliminate subsidies that contribute to IUU fishing, respectively. The document gives an overview of the progress on: (i) the development of technical guidelines on methodologies and indicators for the estimation of the magnitude and impact of IUU fishing; (ii) adherence to, and implementation of, the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA); the outcomes of the third Meeting of the Parties to the PSMA; (iii) the conduction of a study to evaluate the status of implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement); (iv) global information exchange tools to combat IUU fishing; (v) the development of Voluntary Guidelines for Transshipment; (vi) new technical guidelines in support of the implementation of the Voluntary Guidelines on Catch Documentation Schemes; (vii) the revised terms of reference of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG); (viii) the Sustainable Development Goal Indicator 14.6.1; (ix) the recently agreed World Trade Organization's Agreement on Fisheries Subsidies; (x) activities related to *FAO's Global Programme to Support the Implementation of the PSMA and Complementary International Instruments*; (xi) the role of regional fisheries management organizations (RFMOs) and regional fisheries advisory bodies (RFABs) in combatting IUU fishing; and (xii) the current state of affairs in global fisheries with regard to the marking and identification of fishing vessels.

### Suggested action by the Committee

The Committee is invited to:

- welcome the continued global commitment to prevent, deter and eliminate IUU fishing through a more efficient and coordinated implementation of international instruments and urge all FAO Members to become Parties to the PSMA, the FAO Compliance Agreement and the UN Fish Stocks Agreement.
- note the conclusions of the Third Meeting of the Parties to the PSMA, which include that the Parties to the PSMA agreed that the PSMA Global Information Exchange System

(GIES) should enter a pilot phase and that discussions around developing a strategy to improve the effectiveness of the PSMA be deferred to an ad hoc working group.

- call for increased participation in the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record).
- consider the outcome of the Technical Consultation on Voluntary Guidelines for Transshipment and endorse the Voluntary Guidelines for Transshipment.
- endorse the revised terms of reference of the Joint FAO/ILO/IMO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG).
- welcome the World Trade Organization's Agreement on Fisheries Subsidies that was agreed during the WTO Ministerial Conference in June 2022.
- consider the need for updating the 1989 FAO Standard Specifications for the Marking and Identification of Fishing Vessels, and to propose a process to do so.

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## I. INTRODUCTION

1. Throughout the last decades, the international community has developed a comprehensive framework of instruments and tools aimed at exploiting marine resources in a sustainable manner. This framework continues to evolve to close the gaps in practices that might undermine sustainability, as is the case with the current process of developing voluntary guidelines for the regulation, monitoring and control of transshipment. Such gaps identified and inadequate implementation of the broad framework of instruments leads the way to illegal, unreported and unregulated (IUU) fishing.
2. Commitment, cooperation and sharing of information are key elements for a concerted action needed to close those gaps and support an adequate implementation of measures designed to ensure sustainability. The commitment shown by becoming Party to key binding instruments at global, regional and subregional levels and transposing non-binding ones to national legislation and regional measures. Cooperation in working together and supporting others to implement adequately the provisions of those instruments. Sharing essential information with relevant stakeholders, such as control authorities, to enable verification of information and feed into risk analysis, a key element for success in the fight against IUU fishing.

## II. MAGNITUDE OF IUU FISHING

3. Quantifying the amount of IUU fishing can be important for invoking appropriately precautionary management; helping design appropriate monitoring, control and surveillance (MCS) measures; and generating the political will to combat the problem. Despite these strong and important motivations, such work can be technically challenging and resource-intensive, as well as potentially controversial. To assist Members in assessing the magnitude of IUU fishing, FAO is expanding its series entitled “Technical Guidelines on Methodologies and Indicators for the Estimation of the Magnitude and Impact of IUU Fishing” with two new documents in preparation.
4. The first guidance document (COFI/2022/SBD/17) is a catalogue of examples for estimating IUU fishing which introduces 26 methodologies covering a wide range of geographies, fishing gears and IUU fishing activities. These are organized by objective/approach and available data to guide the reader towards the most relevant example for their specific situation. Each methodology is presented in a simplified manner to highlight its basic ingredients and steps, along with alternative inputs and approaches and notes on when it is difficult and easy to apply. These examples are designed to facilitate absolute or relative estimates of IUU fishing for those fisheries which need this comprehensive level of quantification.
5. The second guidance document (COFI/2022/SBD/18) focuses on indicators of IUU fishing for fisheries needing a more streamlined approach. By measuring something that provides insight into, but does not actually estimate, the level of IUU fishing, an indicators approach has the advantage of being simpler to calculate, therefore easier to update and track as a time series, and thus more accessible to a wide range of fisheries management systems. Indicators may take several forms ranging from direct measures of, or opportunities for, IUU fishing activities to MCS system performance measures highlighting where improved enforcement is needed. Whenever possible indicators should be based on national MCS data and represent operational conditions rather than theoretical risks.
6. FAO will add these two new guidance documents to previously released volumes on scoping and execution of IUU fishing studies, and publish them as a series. A further planned volume on impacts (including valuation) will follow.

### III. IMPLEMENTATION OF THE 2009 FAO AGREEMENT ON PORT STATE MEASURES

7. The 2009 FAO Agreement on Port State Measures (PSMA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing entered into force on 5 June 2016. As of April 2022, there were 70 Parties to the Agreement, including four new Parties that have adhered to the Agreement since COFI 34. The Agreement is currently in force in 56 percent of port States, and 48 percent of all States globally.

8. The Third Meeting of the Parties to the Agreement on Port State Measures (PSMA) was held virtually from 31 May to 4 June 2021, and was organized by FAO and hosted by the European Union. This meeting was of special significance as it served as an opportunity for Parties to review and assess the effectiveness of the Agreement in achieving its objective, in accordance with Article 24.2 of the Agreement.

9. The meeting was attended by 65 Parties to the Agreement, and by observers from 44 States, 35 intergovernmental and 12 international non-governmental organizations. A High Level Event was held, leading to the commencement of the meeting on 31 May, featuring opening words by the European Commissioner for Environment, Oceans and Fisheries, Mr Virginijus Sinkevičius, and the Director General of FAO, Dr Qu Dongyu, as well as statements and testimonials from personalities and high level officials.

10. At their third meeting, Parties: (i) approved the use of a questionnaire for the review and assessment of the effectiveness of the PSMA every four years, whilst noting the need for further improvements, and tasked FAO to review the questionnaire, (ii) agreed that a standardized questionnaire for Regional Fishery Bodies is also needed and tasked FAO to develop a first draft of this questionnaire, (iii) agreed that the prototype of the PSMA global information exchange system (GIES) should enter a pilot phase, and (iv) requested that discussions around developing a strategy to improve the effectiveness of the PSMA be deferred to an ad hoc working group, and approved the terms of reference of the PSMA Strategy Ad Hoc Working Group. In addition, the Secretariat announced the launch of the Global Capacity Development Portal. The report of the meeting is included in COFI/2022/SBD/16.

11. At their first, second and third meetings, Parties to the PSMA agreed on the importance of convening regional meetings to coordinate and monitor the implementation of the Agreement, and to contribute to the process of drawing up a strategy to improve the effectiveness of the Agreement. PSMA Regional Coordination Meetings were scheduled throughout May to July 2022 for: (i) Asia, (ii) the Pacific, (iii) Africa, Near East and the Mediterranean, and (iv) Latin America and the Caribbean.

12. During the 2022-2023 biennium, efforts will continue to bring Parties together to discuss implementation challenges, good practices and next steps, including at: (i) the third meeting of the PSMA technical working group on information exchange, planned for late 2022, (ii) the meeting of the PSMA Strategy Ad Hoc Working Group, planned late 2022, and (iii) the Fourth Meeting of the Parties to the PSMA, scheduled for 8-12 May 2023 in Bali, Indonesia.

### IV. COMPLIANCE AGREEMENT

13. The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement) is the first international legally binding instrument completely devoted to elaborating flag State control and responsibilities and setting out requirements for strengthening the role of the flag States in exercising responsibilities over their vessels.

14. The FAO Compliance Agreement stipulates the responsibility of flag States to ensure that their vessels cannot operate on the high seas unless authorized, and that they can effectively exercise control over their vessels to ensure their compliance with international fishery conservation and management measures. Additionally, the FAO Compliance Agreement provides for a mechanism for

enhanced international cooperation and increased transparency through information sharing, particularly through FAO.

15. In the framework of coordinated implementation of international fisheries instruments, regional mechanisms and tools, FAO is conducting a study on the status of implementation of the Compliance Agreement to examine various aspects of its implementation including its relevance to different fisheries instruments, RFMO/As implementation of relevant provisions of the FAO Compliance Agreement, general implementation at the national level and the level of compliance with information sharing requirements under the Agreement, as well as a comparison with other FAO Article XIV Agreements. Based on the analysis, the study presents different options to strengthen its implementation and coordinate support for more effective implementation of the FAO Compliance Agreement. The study is included in COFI/2022/SBD/19.

## V. GLOBAL INFORMATION EXCHANGE

16. Global information exchange is essential to an adequate implementation of the international framework of instruments and tools to combat IUU fishing. Sharing information with relevant authorities enables the processes of verification of information and risk analysis both critical to a successful implementation of agreed rules. Flag States need certified and accurate information about previous flags, owners and fishing activity to take decisions on whether to register a vessel under their flag, or not, in cases of suspected IUU fishing activity. Port States can benefit from relevant compliance information to assess risks involved with foreign vessels visiting their ports. Coastal and market States require information to monitor activities in their EEZs and supply chains. Availability of key pieces of information is essential to conducting flag, coastal, port and market States responsibilities in an efficient and effective manner.

17. A global information exchange system can enable all these processes by making the right information available in internationally agreed formats to the authorities that need to make use of it, thereby supporting transparency.

18. Currently, the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) and the PSMA Global Information Exchange System (GIES) are called to play this important role at global level, by connecting systems at national and regional level, and delivering the right information to the intended recipients.

19. The Global Record has been operative since 2017 reaching 40 percent of the global eligible fleet (with IMO numbers) contributed from 66 FAO Members as of April 2022. For this tool to be really effective, efforts need to be scaled up to complete the full picture of the global fleet with international activity and keep that information updated.

20. FAO has established a Help Desk to scale up support to FAO Members and is preparing the launch of a second, more efficient, version of the system based in the cloud. This second version is to be connected to the PSMA GIES to strengthen its functionalities.

21. The Parties to PSMA agreed to the launch of a GIES pilot phase which took effect on 15 December 2021. Since then, Parties have started contributing to the system.

22. These two systems together can make the difference in the fight against IUU fishing. However, participation by FAO Members and Parties to PSMA is critical to its usefulness and eventual success. Their benefits expand beyond the PSMA itself to support an adequate implementation of other instruments such as the Voluntary Guidelines for Flag State Performance, the FAO Compliance Agreement or the future instrument on transshipment to name but a few.

## VI. DEVELOPMENT OF VOLUNTARY GUIDELINES FOR TRANSSHIPMENT

23. The international community has for some time expressed concerns about the risks that transshipment could represent in relation to supporting, Illegal, Unreported and Unregulated (IUU) fishing operations and other criminal activities. FAO has undertaken two studies on transshipment, confirming that a lack of regulation, monitoring and control increases the risk of IUU caught fish entering the seafood supply chain, undermining sustainable fisheries.
24. COFI 34 welcomed the latest in-depth study on Transshipment published in 2020 and called upon FAO to proceed with developing draft Voluntary Guidelines for the regulation, monitoring and control of transshipment (Voluntary Guidelines for Transshipment). It also called upon FAO to convene an Expert Consultation to review the draft Voluntary Guidelines for Transshipment, followed by a Member-led negotiation through the convening of a Technical Consultation.
25. The objective of the Voluntary Guidelines for Transshipment will be to provide assistance to States, Regional Fisheries Management Organizations, regional economic integration organizations and other intergovernmental organizations for their development of new transshipment regulations or review of existing regulations, with a view to integrating these within the broader regulatory framework for fisheries management.
26. The Expert Consultation was held virtually from 11 to 15 October 2021 and resumed on 3 November 2021 to adopt the report. The Technical Consultation was held at FAO headquarters, Rome, in hybrid mode from 30 May to 3 June 2022 and resumed virtually on 7 July 2022 to adopt the report of the Technical Consultation. Its outcome is included in Information Document COFI/2022/INF/10.
27. COFI is invited to consider the outcome of the Technical Consultation on Voluntary Guidelines for Transshipment and endorse the Voluntary Guidelines for Transshipment.

## VII. VOLUNTARY GUIDELINES FOR CATCH DOCUMENTATION SCHEMES

28. The Voluntary Guidelines on Catch Documentation Schemes (VGCDS) were adopted in 2017 to assist in developing or implementing new CDS, or harmonizing or reviewing existing CDS. In support of the VGCDS, FAO published “Understanding and implementing catch documentation schemes - A guide for national authorities”<sup>1</sup> in February 2022 as part of the Technical Guidelines for Responsible Fisheries Series.
29. The document is designed to provide practical guidance at the national level for supplying data to, and handling CDS documents and related processes. Its overarching aim is to bolster national validation and verification processes and thereby strengthen legal provenance traceability throughout the international supply chain.
30. The document focuses on the functional requirements underlying the validations required by current CDS. Moving the focus away from filling in forms, the concept of functional requirements calls on countries to determine, in advance, how to most appropriately align and prioritize national information resources with CDS validation requirements. The publication distils functional requirements from the existing CDS and gives specific examples for validations involving fishing vessels, catches, transshipment and landing.
31. The document was presented at the Eighteenth Session of the Sub-Committee on Fish Trade, on 8 June 2022.

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<sup>1</sup> <https://www.fao.org/3/cb8243en/cb8243en.pdf>

## VIII. JOINT FAO/ILO/IMO WORKING GROUP ON IUU FISHING AND RELATED MATTERS

32. There has been a longstanding cooperative relationship among the secretariats of the Food and Agriculture Organization (FAO), the International Labour Organization (ILO) and the International Maritime Organization (IMO) on matters related to the fisheries sector. Through the Joint FAO/ILO/IMO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG), the three international organizations coordinate efforts to address IUU fishing and related matters in the context of each member organization's mandate: FAO on fisheries in general, ILO on working conditions in the fishing sector, and IMO on maritime safety and security, and the protection of the marine environment. The objective of the JWG is to promote global, regional and national cooperation on IUU fishing and related matters, in particular, among the various national authorities and other public actors involved.

33. At its fourth Session held in Torremolinos, Spain from 23 to 25 October 2019, the JWG recommended that the terms of reference of the JWG be revised. A revision of the terms of reference had become necessary to reflect developments since the establishment of the JWG, e.g. in terms of membership, composition, function and cooperation. Following guidance from COFI 34, the joint FAO/ILO/IMO Secretariat developed revised draft terms of reference (see Annex 1), reflecting the inclusion of ILO as member organization and ensuring that discussions are focussed on current issues of mutual concerns which have evolved since the terms of reference were first drafted. This draft has been approved by the Governing Body of ILO on 14 March 2022 and considered favourably by the Sub-Committee on IMO Instruments (III) at its 7<sup>th</sup> Session (12-16 July 2021) and is now presented to the 35<sup>th</sup> session of COFI for endorsement. The fifth meeting of the JWG is tentatively planned for 2023.

## IX. SUSTAINABLE DEVELOPMENT GOALS INDICATORS

34. The implementation of relevant international instruments is key to combating IUU fishing. In this regard, SDG Indicator 14.6.1 measures the degree of implementation by States of five of the principal instruments. State reporting on this indicator showed that between 2018 and 2022, the average degree of implementation of international instruments to combat IUU fishing as measured by the indicator has improved across the world. In this period, the global aggregated indicator has risen from 3 to 4 in 2018 (out of a maximum score of 5) to 4 in 2020 and 2022. Based on their reporting for SDG Indicator 14.6.1, States have thus made good overall progress in carrying out the recommended measures to combat IUU fishing, with close to 75 percent scoring highly in their degree of implementation of relevant international instruments in 2022 compared to 70 percent in 2018.

35. Small Island Developing States (SIDS), faced with specific challenges in fully implementing these instruments due to the large amounts of waters under their jurisdiction, registered an improvement from a medium level of implementation in 2018 and 2020 to a high level in 2022. In the case of least developed countries, which often face challenges in implementing these instruments, implementation has remained at a medium level from 2018 through to 2022. In terms of regional groupings, fluctuation can be seen over the years in certain regions and no clear trend can be noted in the aggregate levels of implementation.

## X. FISHERIES SUBSIDIES AND IUU FISHING

36. At its Thirty-fourth session, COFI emphasized the importance of reaching a positive outcome in World Trade Organization (WTO) negotiations in fisheries subsidies, including appropriate and effective special and differential treatment for developing and least developed countries.

37. In line with the request from COFI, FAO has continued to provide technical assistance on fisheries topics to the WTO's negotiations on fisheries subsidies.

38. The World Trade Organization's new Agreement on Fisheries Subsidies was agreed upon the WTO Ministerial Conference in June 2022, it is WTO's second plurilateral set of regulations since the inception of the WTO in 1995.

39. The Agreement includes disciplines to address harmful fisheries, subsidies associated with overfished stocks, IUU fishing and fishing operations outside areas of national jurisdiction. The Agreement also sets crucial procedures that provide the necessary incentives for continuing the negotiating process within a specific deadline. Furthermore, the area of notification of fisheries subsidies, as well as the function that FAO is required to perform, is an essential aspect of the Agreement.

40. FAO is specifically mentioned in two parts of the Agreement, each with a distinct function to perform. First, FAO is designated as a reference international agency for collaboration with WTO to provide technical assistance and capacity building to developing countries in implementing the Agreement's requirements. FAO will have clear roles within the recently announced WTO funding mechanism for the implementation of the Agreement.

41. In addition, the WTO can consult with FAO on the recently created Committee on Fisheries Subsidies, which is responsible for providing a forum for consultation between Members, assessing information received related to the WTO Agreement on Fisheries Subsidies, and recommending eventual changes to the Agreement's implementation.

42. Specific aspects involving the technical assistance that can be provided by FAO directly or indirectly linked to fisheries subsidies are being addressed by the Sub-Committee on Fish Trade (COFI:FT), as reported in document COFI:FT/XVIII/2022/2.

## **XI. FAO'S GLOBAL PROGRAMME TO SUPPORT THE IMPLEMENTATION OF THE PSMA AND COMPLEMENTARY INTERNATIONAL INSTRUMENTS**

43. In 2017, FAO launched its Global Programme to Support the Implementation of the PSMA and Complementary International Instruments, Regional Mechanisms and Tools to Combat IUU Fishing (the Programme). The Programme aims to contribute to national, regional and global efforts to prevent, deter and eliminate IUU fishing and thus achieve Target 14.4 of SDG 14, by promoting the uptake and implementation of relevant international instruments and tools, and providing capacity development support to developing States.

44. As of April 2022, the Programme has funding in excess of USD 27 million - of which USD 11 million was mobilized during the biennium - from the European Union, Germany, Iceland, Norway, Republic of Korea, Spain, Sweden and United States of America.

45. Since its inception, the Programme, together with FAO Regular Programme funding and complementary fisheries related projects, have supported 48 developing States in their implementation of the PSMA, including among others: (i) strategies and action plans to implement the PSMA and complementary international instruments developed for 41 developing States, (ii) support to align domestic policies and legislation to the requirements of the Agreement and complementary instruments provided to 24 developing States, (iii) support on monitoring, control and surveillance operations and enforcement, including in-country training and capacity building, provided to 26 States, (iv) trainings on international fisheries law and enforcement delivered to concerned officials from 23 States, and (v) international training programmes for port State inspectors delivered to concerned officials from seven developing States.

46. Noteworthy progress since COFI 34 under the Programme has included: (i) inclusion of six new capacity development recipient countries, (ii) development of a fully-fledged Training Programme, covering public international law, the law of the sea, fisheries law, fisheries management, fisheries monitoring, control and surveillance, fisheries enforcement, cooperation and port State measures, (iii) publication of a number of capacity development materials and guidelines, including

checklists of coastal, flag and port State responsibilities to combat IUU fishing<sup>2</sup> and legal measures and provisions to incorporate into national legislation<sup>3</sup>, and (iv) the launch of a Global Portal for Capacity Development to combat IUU fishing<sup>4</sup>, the objective of which is to publicize all relevant initiatives in a timely manner, and to promote synergies, complementarities and exchanges among relevant programmes, projects, and institutions, whilst avoiding overlap and duplication of interventions.

47. The Programme has also supported the setting up of a network of cooperation of the Community of Portuguese Speaking Countries (CPLP)<sup>5</sup>. The aim of the network, established during the 2<sup>nd</sup> UN Oceans Conference in Lisbon, is to promote sustainable fishing and prevent, combat and eliminate IUU fishing through cooperation on harmonisation of policy and legal frameworks, strengthening of technical and operational resources and capacity building among the 9 countries.

48. Progress made since COFI 34 on other initiatives covered under the Programme are described in detail in other sections of this document.

## **XII. ROLE OF REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS (RFMOS) AND REGIONAL FISHERIES ADVISORY BODIES (RFABS)**

49. At its Thirty-fourth Session, COFI reiterated the key role that RFMOs and RFABs play in combatting IUU fishing. As defined in international instruments and in accordance to their mandates, RFMOs have increasingly adopted and enforced the implementation of conservation and management measures that directly or indirectly contribute to combatting IUU fishing (e.g. those related to port State measures, CDS, IUU fishing vessel lists, flag State performance). On the other hand, and taking into consideration that they do not have a regulatory mandate, RFABs have contributed to advise, suggest actions and provide support to their members, including through the organization of capacity building activities to contribute to the implementation of measures targeting IUU fishing.<sup>6</sup> Notably, significant achievements pertaining to IUU fishing have been recently made by some of the RFMOs with the adoption of decisions on the regulation of transshipment, IUU fishing vessels lists, minimum standards for port inspections, as indicated in the document Developments in global and regional processes related to fisheries and aquaculture (COFI/2022/9).

50. Following the guidance of COFI, and with the aim to strengthen support to RFMOs and RFABs and thereby increase their cooperation, FAO is working to organize two regional meetings with focus on the Central and Eastern Atlantic region and Indian Ocean region. Through enhanced regional cooperation and coordination, this initiative seeks to identify priorities and to allow for the sharing of policies and practices, including ongoing RFBs initiatives and measures related to IUU fishing implemented by RFBs in their region.

51. With regards to measures implemented by RFBs to combat IUU fishing, several organizations and RFMOs in particular, have adopted various requirements of the PSMA in conservation and management measures (CMMs) that are binding on their members. Some RFMOs have reflected PSMA requirements in their CMMs, whereas others vary in the implementation of its requirements.

52. A report of the progress made by the RFMOs was provided on the occasion of the Third Meeting of the Parties to the PSMA (31 May - 4 June 2021)<sup>7</sup>. Similarly, also RFABs provided information in relation to the activities undertaken to assist their members in implementing the PSMA, including supporting member countries in the PSMA ratification process, coordination in the adoption

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<sup>2</sup> <https://www.fao.org/3/cb5992en/cb5992en.pdf>

<sup>3</sup> <https://www.fao.org/3/cb6186en/cb6186en.pdf>

<sup>4</sup> <https://www.fao.org/iuu-fishing/capacity-development/en/>

<sup>5</sup> FAO has a cooperation agreement with CPLP since 1999.

<sup>6</sup> <https://www.fao.org/3/ne710en/ne710en.pdf>

<sup>7</sup> <https://www.fao.org/3/nf260en/nf260en.pdf>

of regional measures and plan of actions to combat IUU fishing, exchange of information through regional networks or electronic platforms.

53. As a result, the Meeting of the Parties agreed that a standardized questionnaire for RFBs is needed in order to permit more detailed assessments of results in future meetings and tasked FAO to develop a first draft of the questionnaire, in cooperation with secretariats of RFBs and in consultation with the Parties.

### XIII. VESSEL MARKING

54. The marking of fishing vessels is important for their identification and supports the global efforts to combat IUU fishing. In 1989, the 18<sup>th</sup> session of COFI adopted the FAO Standard Specifications for the Marking and Identification of Fishing Vessels<sup>8</sup>. The Standard Specifications provide a standardized system for the identification of fishing vessels operating, or likely to operate, in waters other than those of their flag States.

55. The Standard Specifications address physical markings and propose the International Telecom Union International Radio Call Sign (IRCS) as the primary identification mark. In the last 30 years, global developments have had an impact on the usefulness of the Standard Specifications, including:

- Trends in usage of IRCS for vessel marking and identification.
- Increased use of the International Maritime Organization (IMO) ship identification number scheme for fishing vessel identification, including by RFMOs.
- Establishment and operation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, requiring the IMO number as the Unique Vessel Identifier.
- Global collaboration to prevent, deter and eliminate IUU fishing including widespread ratification of the PSMA, which requires adequate fishing vessel marking.
- Technological developments with satellite-based tracking and communication.

56. Ongoing research by The PEW Charitable Trusts and FAO into legal requirements of FAO Member States and RFMOs for vessel marking shows that while commonalities exist, there is limited harmonization on this subject (see COFI/2022/SBD.12). Given these developments and findings, COFI may consider the need for an update of the Standard Specifications.

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<sup>8</sup> <http://www.fao.org/3/t8240t/t8240t.pdf>

## ANNEX 1

### Draft

#### **Terms of Reference for the Joint FAO/ILO/IMO ad hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters**

#### **Background**

1. There has been a longstanding cooperative relationship among the secretariats of the Food and Agriculture Organization (FAO), the International Labour Organization (ILO) and the International Maritime Organization (IMO) on matters related to the fishing sector.
2. The establishment of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG) was prompted by a call from the FAO Committee on Fisheries (COFI), in 1999, for FAO to obtain assistance from IMO, in particular, with regard to general concerns about re-flagging and IUU fishing. Also in 1999, the United Nations Commission on Sustainable Development highlighted the need for FAO and IMO to cooperate on solving problems related to IUU Fishing. IMO and FAO worked together to establish the JWG, and the first JWG meeting was held in 2000.
3. ILO attended JWG meetings in 2000, 2007 and 2015 as an observer. As from 2019, ILO was admitted as the third member organization of the JWG.

#### **Objective**

4. The three member organizations, i.e. FAO, ILO and IMO, shall collaborate in order to coordinate efforts to address IUU fishing and related matters. This collaborative work shall be undertaken within the context of each member organization's mandate: FAO on fisheries in general, ILO on decent work in the fishing sector, and IMO on maritime safety and security, and the protection of the marine environment. The JWG will promote global, regional and national cooperation on IUU fishing and related matters, in particular, among the various national authorities and other public actors involved.

#### **Secretariat**

5. The member organizations shall establish a joint secretariat with an identified focal point for each member organization.
6. The joint secretariat shall have the following functions:
  1. coordinate the selection of members to JWG meetings;
  2. decide on the convening of special meetings and organize the holding of JWG meetings, as appropriate;
  3. provide services to the JWG to facilitate the execution of its functions;
  4. be responsible for preparing draft agendas and the receipt, collection, circulation, submitting documents or issuing submissions received for JWG meetings;
  5. issue the JWG report, including recommendations, in cooperation with the chairperson and the vice-chairpersons, and its publication, as appropriate;
  6. be responsible for the coordination of the follow-up to the recommendations of the JWG, including coordination of technical cooperation and follow-up of work plans;
  7. maintain contacts with relevant governments, international organizations and institutions;
  - and
  8. undertake other functions or responsibilities as may be conferred by the JWG.

## Composition

7. The JWG shall be composed of up to 12 members<sup>9</sup> nominated by FAO and up to 12 members<sup>10</sup> nominated by IMO, as well as four members – two representatives of employers and two representatives of workers – nominated by the ILO through the respective Employers' and Workers' groups of the ILO Governing Body.

8. Bearing in mind that one of the key objectives of the JWG is to enhance awareness and cooperation among various authorities involved in fishing and fishery management-related matters at the national level, each FAO and IMO member shall endeavor to participate with representatives from fisheries, labour and maritime authorities.

9. The FAO and IMO shall nominate their members, giving due consideration in particular to equitable geographical representation and a balance between developed and developing member States.

10. All members may submit working and information documents and may be assisted by experts and advisers when needed.

## Functions

11. In order to meet its objective, the JWG shall discuss, coordinate and, as appropriate, make recommendations concerning cooperation among and between flag, port, coastal, market and labour supplying States, with respect to:

1. IUU fishing;
2. maritime safety and security;
3. decent work in the fishing sector;
4. protection of the marine environment;
5. capacity development; and
6. other relevant topics.

12. The JWG shall exchange information about relevant developments, propose workplans for intersessional periods, and initiate and support FAO, ILO and IMO coordination and cooperation at global, regional and national levels.

## Chairperson and vice-chairpersons

13. The JWG shall elect among the members a chairperson and two vice-chairpersons so that all three member organizations are duly represented. These positions shall rotate from one meeting to the other.

14. The chairperson shall have the following functions:

- (a) declare the opening and closing of each meeting of the JWG;
- (b) direct the discussions, while being guided as much as practicable by the following order of interventions (see paragraph 7): members; member States of FAO and IMO that are not nominated as members; secretariat members of the United Nations and specialized agencies of the United Nations; intergovernmental organizations (IGOs) and non-governmental organizations (NGOs);
- (c) put forward questions, suggestions and conclusions on recommendations;

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<sup>9</sup> For the purpose of these Terms of Reference, the references to "members" include Member Nations, Associate Members and Regional Economic Integration Organizations.

<sup>10</sup> For the purpose of these Terms of Reference, the references to "members" include Member States and Associate Members.

- (d) rule on points of order;
- (e) control the proceedings of the meeting;
- (f) in cooperation with the joint secretariat, prepare meeting reports;
- (g) as practicable, contribute to the consideration of the outcome of JWG by member organizations; and
- (h) perform any other function that may be decided by the JWG.

15. In the absence or at the request of the chairperson, her/his functions shall be exercised by the vice-chairperson or, in the absence of the latter, by the second vice-chairperson.

### **Observers**

16. Eligible observers to JWG meetings are: (1) all member States of FAO and IMO that are not selected as members (see paragraph 7), (2) the United Nations and specialized agencies of the United Nations, and (3) IGOs and NGOs with observer status within at least one of the member organizations.

17. Observers have the right to speak at meetings, following as much as practicable the order of interventions set out in paragraph 14(b), and may submit information documents, as well as working documents, subject to co-sponsoring of the latter by at least one member identified in paragraph 7 to the joint secretariat for distribution to the JWG.

### **Recommendations**

18. The members of the JWG shall adopt the Recommendations by consensus.

### **Reports**

19. The joint secretariat shall prepare, in consultation with the chairperson and the vice-chairpersons, as appropriate, a brief report in English focussing on the recommendations of the meeting, which shall be finalized within 30 days after a meeting.

### **Follow-up actions**

20. Each member organization's secretariat shall ensure that recommendations relevant to that particular member organization are submitted to the appropriate bodies within the respective organization.

### **Meetings**

21. The JWG shall aim to hold one regular meeting every four years.

22. In general, meetings shall take place at the headquarters of one of the member organizations, which would be expected to cover the costs related to the hosting of the meeting. Time and place shall be notified in accordance with existing procedures of each member organization.

23. Registration of the participants shall be conducted by the joint secretariat in coordination with the hosting organization.

24. The member organizations may agree to invite additional experts to meetings for particular aspects.

### **Documents**

25. Working documents shall be prepared by the joint secretariat and members, as necessary. Observers may prepare and submit working documents in accordance with paragraph 17. Working documents shall in general be put on the respective websites of the member organizations nine weeks ahead of the meetings. All participants may prepare and submit information documents.

26. The meetings shall be conducted in the English language, and documents related to the work of the JWG shall be prepared in the English language. Other UN languages would be used subject to available funding.

**Expenses**

27. In general, participants shall meet their own expenses. Necessary financial resources may be obtained by relevant funding mechanisms, in accordance with existing rules and procedures of each member organization.

**Co-operation with the United Nations and specialized agencies of the United Nations**

28. The cooperation with the United Nations and other specialized agencies of the United Nations may be sought on particular aspects, within their competences.