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WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)

SEVENTEENTH SESSION

Miami, United States of America, 15-18 July 2019

Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing in WECAFC Member Countries (2019-2029)

This document presents the Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing in WECAFC Member Countries (2019-2029), developed by the Joint WECAFC/CRFM/OSPESCA Regional Working Group on IUU (RWG-IUU) Fishing.

Suggested Action by the Session

The Commission is invited to

- (i) review, amend as appropriate, and endorse the RPOA-IUU,
- (ii) acknowledge the important collaborative framework which led to the development of this essential instrument and its potential for sustaining ownership throughout the region, and
- (iii) provide guidance for the effective implementation and gauging of progress at national and regional levels

List of Abbreviations and Acronyms

CCCFP	Caribbean Community Common Fisheries Policy
CMoU	Memorandum of Understanding on Port State Control in the Caribbean Region
COFI	FAO Committee on Fisheries
CRFM	Caribbean Regional Fisheries Mechanism
FAO	Food and Agriculture Organization of the United Nations
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA-Capacity	International Plan of Action for the Management of Fishing Capacity
IPOA-IUU	FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing
IPOA-Seabirds	International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries
IPOA-SHARKS	International Plan of Action for Conservation and Management of Sharks
IRCS	International Telecommunication Union Radio Call Sign
ITU	International Telecommunications Union
IUU fishing	Illegal, unreported and unregulated fishing
LOA	Length overall
MCS	Monitoring, Control and Surveillance
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate IUU fishing
OECS	Organization of Eastern Caribbean States
OSPESCA	Organization for Fisheries and Aquaculture of Central America
PSMA	FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (Port State Measures Agreement)
RFMO	Regional Fisheries Management Organization
RPOA	Regional Plan of Action
RPOA-IUU	Regional Plan of Action to Prevent, Deter and Eliminate IUU fishing
RWG-IUU	Joint WECAFC/CRFM/OSPESCA Regional Working Group on IUU Fishing
SAG	Scientific Advisory Group of WECAFC
SDG	Sustainable Development Goal
SOP	Standard operating procedure
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Agreement on Straddling and Highly Migratory Fish Stocks or UN Fish Stocks Agreement
VGCDs	FAO Voluntary Guidelines on Catch Documentation Schemes
VGFSF	FAO Voluntary Guidelines for Flag State Performance
VGSSF	FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
WECAFC	Western Central Atlantic Fishery Commission
WIN	WECAFC Identification Number

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The Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing in WECAFC Member Countries (2019-2029) was developed by the Joint WECAFC/CRFM/OSPESCA Regional Working Group on IUU (RWG-IUU) Fishing, especially during its 3rd meeting from 26-28 September 2018, and the Workshop on Identification of Provisions for the Regional Plan of Action Against IUU Fishing in the WECAFC Geographic Area of Competence from 6-7 March 2019. Both meetings were held at the UN House in Bridgetown, Barbados.

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Executive Summary

This Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) fishing (RPOA-IUU) recognizes the negative impacts of IUU fishing on the marine environment, the economic development and the social wellbeing of coastal communities in the WECAFC area of competence. The objective of the RPOA-IUU is to prevent, deter and eliminate IUU fishing in the area of competence of the Western Central Atlantic Fishery Commission (WECAFC) through effective regional cooperation among its 34 Member States and other sub-regional organizations. The plan further contributes to the Commission's overall objective of promoting the effective conservation, management and development of the living marine resources in the WECAFC area, in accordance with the FAO Code of Conduct for Responsible Fisheries and addressing common problems of fisheries management and development faced by Members of the Commission.

The WECAFC RPOA-IUU has been developed by the joint Regional Working Group on IUU fishing (RWG-IUU) of WECAFC which includes two sub-regional organizations, the Caribbean Regional Fisheries Mechanism (CRFM) and the Organization for Fisheries and Aquaculture of Central America (OSPESCA). **[It has been adopted at the 17th Session of WECAFC in July 2019]** for implementation at national and regional levels. The timeframe for this RPOA-IUU is 10 years, commencing in 2019, with systematic reviews at regular intervals, using the joint WECAFC/CRFM/OSPESCA RWG-IUU as a mechanism for this.

The RPOA-IUU is an important link between the implementation of the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU) and the formulation of National Plans of Action to Prevent, Deter and Eliminate IUU fishing (NPOA-IUU) and corresponding measures to combat IUU fishing in WECAFC Member States. This plan also supports the effective implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), the first international legally binding agreement to target IUU fishing. It is further important to harmonize policies, to encourage information sharing, to identify capacity development needs, and to better facilitate the implementation of international instruments and tools to prevent, deter and eliminate IUU fishing through effective regional and international cooperation as already foreseen in the Caribbean Community Common Fisheries Policy (CCCFP).

The WECAFC RPOA-IUU identifies 28 measures and actions to combat IUU fishing in the region and to fulfil the WECAFC Member States' obligations in their different capacities as port, flag, coastal and market States through regional cooperation, consistent with relevant international fisheries instruments. Four main aspects are considered: (1) policy and legal framework; (2) operations and monitoring, control and surveillance (MCS); (3) regional cooperation and information-sharing; and (4) capacity development.

Introduction

The Western Central Atlantic Fishery Commission (WECAFC) is an advisory fishery body promoting the effective conservation, management and development of living marine resources in the WECAFC area of competence, including the Wider Caribbean Region and the North Brazil shelf¹, in accordance with the FAO Code of Conduct for Responsible Fisheries and its related instruments². The WECAFC addresses common problems of fisheries management and development faced in the region by its 34 members³. To this end, WECAFC cooperates closely with other relevant international, regional and sub-regional organizations.

Illegal, unreported and unregulated (IUU) fishing undermines sustainable fisheries management and is a serious threat for marine ecosystems, leads to the loss of short- and long-term social and economic opportunities and has negative impacts for the livelihoods of legitimate fisherfolk and on coastal communities around the globe, particularly in developing countries. IUU fishing occurs both in coastal waters and on the high seas. Also, IUU fishing has been associated with organized crime. In a time of overexploitation of fisheries resources, the WECAFC Member States feel the economic, social and environmental harm caused by IUU fishing and recognize the importance of regional information sharing and cooperation to effectively combat IUU fishing. The members of the sub-regional fisheries frameworks, the Caribbean Regional Fisheries Mechanism (CRFM) and the Organization for Fisheries and Aquaculture of Central America (OSPESCA), have already taken important steps to build capacity for combatting IUU fishing in the region.

The 2001 FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) is a voluntary instrument within the framework of the Code of Conduct for Responsible Fisheries. The IPOA-IUU recognizes the negative impacts of IUU fishing and provides a comprehensive ‘toolbox’ to be used in combatting IUU fishing. The 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement or PSMA) is the first international, legally binding treaty to specifically target IUU fishing. Its objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. The importance of combatting IUU fishing is widely recognized and the range of national and international instruments directed at combatting IUU fishing has evolved considerably since the adoption of the IPOA-IUU. Under the *United Nations Sustainable Development Goal (SDG) 14 on Conserving and Sustainably Using the Oceans, Seas and Marine Resources*, one of the specific targets refers to effectively ending IUU fishing by 2020 in order to ensure prosperity, food security and sustainable development for all.

¹ Western Central Atlantic (FAO Major Fishing Area 31) and the northern portion of FAO Fishing Area 41

² As laid out in the revised Statutes of the WECAFC, Resolution 1/131 of the FAO Council under Article VI (I): <http://www.fao.org/fishery/docs/DOCUMENT/wecafc/statutes.pdf>

³ The current members of WECAFC are: Antigua and Barbuda, The Bahamas, Barbados, Belize, Brazil, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, European Union, France, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Jamaica, Japan, Mexico, Netherlands, Nicaragua, Panama, Republic of Korea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain, Suriname, Trinidad and Tobago, United Kingdom, United States of America, Bolivarian Republic of Venezuela.

The WECAFC Member States have adopted two Resolutions⁴ to promote the implementation of international fisheries instruments to combat IUU fishing, foremost among them the 2001 FAO IPOA-IUU and the Port State Measures Agreement.

At the 15th Session of the Commission in 2014, the WECAFC Member States agreed to establish a Regional Working Group on IUU Fishing (RWG-IUU), a joint working group of WECAFC, CRFM and OSPESCA with the aim to improve coordination and cooperation among national and regional organizations responsible for fisheries related monitoring, control and surveillance (MCS) in support of their common efforts to combat IUU fishing. This RWG-IUU has been tasked to work on appropriate legal frameworks and protocols for the cooperation among countries to ensure the effective implementation of the PSMA and other relevant international instruments and to strengthen effective regional cooperation to combat IUU fishing, in line with the Castries Declaration on IUU Fishing⁵, the Caribbean Community Common Fisheries Policy (CCCFP) and the OSPESCA IUU Action Plan⁶. The terms of reference of the RWG-IUU were endorsed at the 16th Session of the WECAFC in 2016.

This WECAFC Regional Plan of Action to prevent, deter and eliminate IUU fishing (RPOA-IUU) has been developed by the joint RWG-IUU with the objective to combat IUU fishing in the WECAFC area of competence through effective regional cooperation among the WECAFC Member States and other sub-regional organizations. The RPOA-IUU is an important link between the implementation of the IPOA-IUU and the formulation of National Plans of Action to Prevent, Deter and Eliminate IUU fishing (NPOA-IUU) and corresponding measures to combat IUU fishing in WECAFC Member States. The RPOA-IUU is further important to harmonize policies, to encourage information sharing, to identify capacity development needs, and to better facilitate the implementation of international instruments and tools to prevent, deter and eliminate IUU fishing through effective regional and international cooperation as already foreseen in the CCCFP.

The WECAFC RPOA-IUU has been developed in accordance with the principles and provisions of the IPOA-IUU, the PSMA and other complimentary international instruments. It draws on core principles from other international legally binding agreements for promoting sustainable fisheries management, such as the United Nations Convention on the Law of the Sea (UNCLOS, 1982), the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement, 1993) and the United Nations 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 Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement or UNFSA, 1995). Furthermore, there is reference to other principles and standards of responsible fishing practices enshrined in the FAO Code of Conduct for Responsible Fisheries and other voluntary international instruments such as the FAO Voluntary Guidelines for Flag State Performance

⁴ (1) Resolution WECAFC/14/2012/1 (Resolution of the members of the Western Central Atlantic Fishery Commission on strengthening the implementation of international fisheries instruments (2012) and (2) Resolution WECAFC/15/2014/9 (Resolution on the implementation of the Port State Measures Agreement and the FAO Voluntary Guidelines on Flag State Performance in the Region (2014))

⁵ Resolution WECAFC/15/2014/6 "On region-wide support for the implementation of the CRFM "Castries, Saint Lucia (2010) Declaration on Illegal, Unreported and Unregulated Fishing (Castries Declaration)"

⁶ Reglamento Regional OSP-08-2014. Para Prevenir, Desalentar y Eliminar la Pesca Ilegal, No Declarada y no Reglamentada en los Países Miembros del SICA

(VGFSP)⁷, the FAO Voluntary Guidelines on Catch Documentation Schemes (VGCDS), the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF), [the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas,] and the 2019 FAO Voluntary Guidelines on the Marking of Fishing Gear (see Annex 1).

The WECAFC RPOA-IUU is presented in three parts. Part 1 provides the international context of IUU fishing, the economic, social and environmental harm it is causing and international responses. Part 2 provides the background on combatting IUU fishing in the WECAFC region, including the fisheries involved and the gaps identified to effectively combat IUU fishing. Part 3 outlines more specifically the WECAFC RPOA-IUU and the range of identified actions and measures.

Part 1: International Context of IUU Fishing

CONCEPT OF IUU FISHING

Illegal, unreported and unregulated (IUU) fishing is a broad term that captures a variety of fishing activities undermining sustainable fisheries management and the health of the marine environment. IUU fishing occurs both in areas within national jurisdiction and on the high seas and is found in all types and dimensions of fisheries.

The term IUU fishing, as described in paragraph 3 of the IPOA-IUU, has three interrelated components, namely: (1) illegal fishing, (2) unreported fishing and (3) unregulated fishing.

- **Illegal fishing** takes place where vessels operate in violation of the laws of a fishery. This can apply to fishing activities conducted under the jurisdiction of a coastal State or to fishing activities on the high seas where the respective fisheries are managed by regional fisheries management organizations.
- **Unreported fishing** includes fishing that has been unreported or misreported to the relevant national authority or regional organization, in contravention of applicable laws and regulations.
- **Unregulated fishing** generally refers to fishing by vessels without nationality, or to vessels flying the flag of a country not party to the regional organization governing that fishing area or species.

The full scope of IUU fishing, as defined in the IPOA-IUU, is reproduced in Box 1.

⁷ Resolution WECAFC/15/2014/9 “On the implementation of the Port State measures Agreement and the FAO Voluntary Guidelines for Flag State Performance in the Region”

Box 1: Definition of IUU Fishing from the IPOA-IUU

3.1 Illegal fishing refers to activities

3.1.1 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;

3.1.2 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 the organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

3.2. Unreported fishing refers to fishing activities:

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 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

3.3 Unregulated fishing refers to fishing activities:

3.3.1 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

3.3.2 in areas of 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.

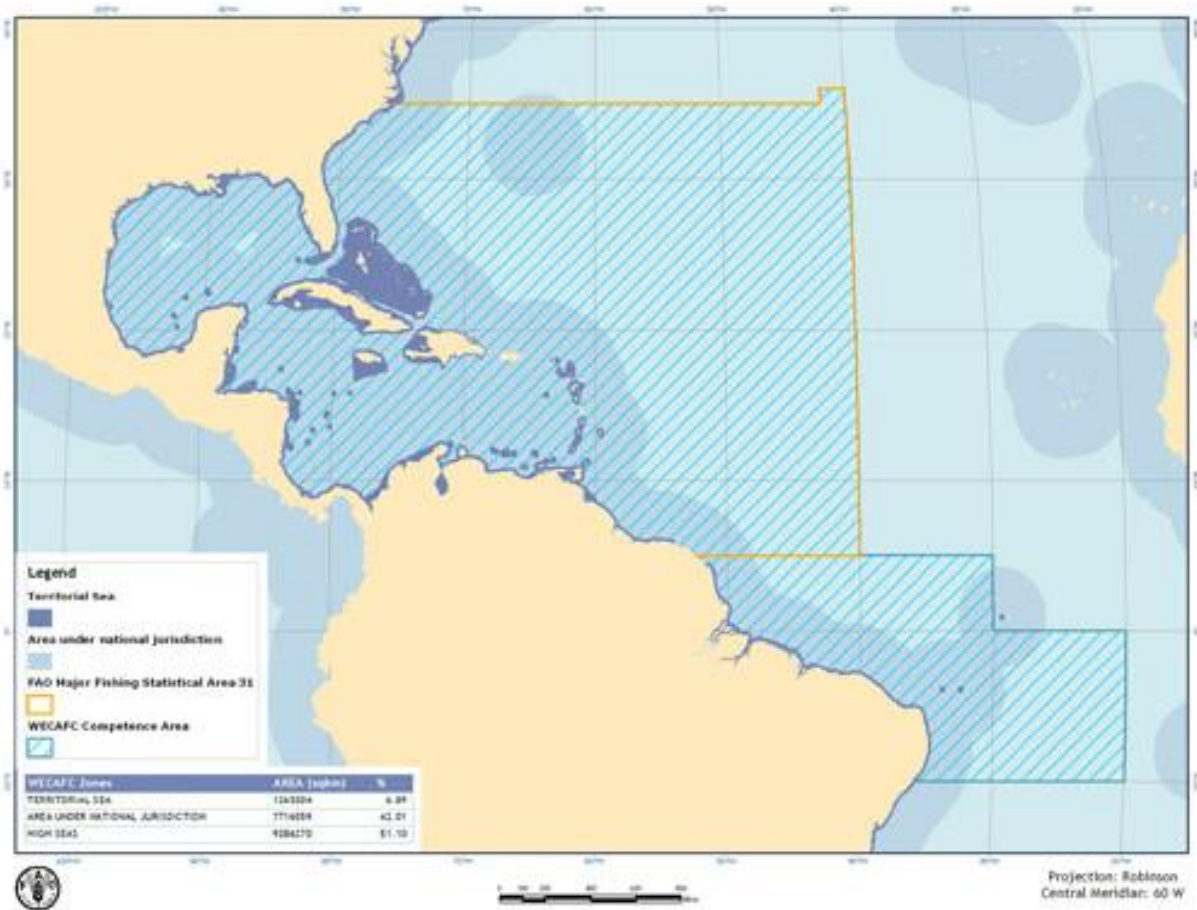


Fig 1: Map of the region and WECAFC Member States.

Maritime boundaries of EEZs in the map are indicative, as many of these have not been officially defined and recognized between Member States, leading to uncertainties with regard to the management of fisheries resources and law enforcement.

INTERNATIONAL CONCERNS ABOUT IUU FISHING

Over the last decade, international awareness has grown about the negative impacts of IUU fishing. IUU fishing has contributed significantly to the depletion of fish stocks all over the world. It 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 endeavors to conserve marine biodiversity. IUU fishing distorts competition, puts legitimate fishers at an unfair disadvantage, and negatively impacts the wellbeing and food security of people in coastal communities, particularly in developing countries. Furthermore, IUU fishing can be associated with transnational organized crimes such as tax evasion, money laundering, smuggling of wildlife, drugs and weapons, as well as violations of labor laws and human rights.

The ecological, economic and social harm caused by IUU fishing is also reflected in the SDG 14, on Conserving and Sustainably Using the Oceans, Seas and Marine Resources in its target 14.4: “By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.”

Experts estimate that about one in five fish caught globally can be attributed to IUU fishing. However, accurate quantifications do not exist. The only estimate for the global extent of illegal

and unreported fishing is based on a useful study that is a decade old and refers to data more than 15 years back.⁸ The study refers to economic losses between USD 10 billion and USD 23.5 billion, representing between 11 million tonnes and 26 million tonnes of fish. As fishing activities, economies and the international, regional and national contexts influencing levels of IUU fishing have changed since then, these figures are considered outdated.⁹ The increased awareness of the negative impacts of IUU fishing has spurred interest in an updated estimate of the global extent of IUU fishing and differences by world region and fishery. Technical guidelines on methodologies and indicators for the estimation of the magnitude of IUU fishing are currently being developed.

A number of regional and international initiatives have been set up to strengthen the cooperation to control fishing vessels, to increase the risk and reduce the profits associated with IUU fishing and to eventually prevent, deter and eliminate IUU fishing.

INTERNATIONAL AND REGIONAL RESPONSES TO IUU FISHING

The **2001 FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU)** was developed as a voluntary instrument within the framework of the FAO Code of Conduct for Responsible Fisheries and its overall objective to promote sustainable fisheries. It was conceived as a comprehensive toolbox, in that it provides a full range of tools that are available for use in different situations to combat IUU fishing. It covers flag, port, coastal and market state responsibilities, focuses on international agreed market-related measures and research and addresses the role of Regional Fisheries Management Organizations (RFMOs). Despite its voluntary nature, many of the provisions are enshrined in other binding instruments such as UNCLOS, the FAO Compliance Agreement and the UN Fish Stocks Agreement. The IPOA-IUU was adopted in March 2001 by the FAO Committee on Fisheries (COFI) and endorsed by the FAO Council in June 2001.

The **2009 FAO Agreement on Port State Measures (PSMA)** is the first binding international agreement to specifically target IUU fishing. Its objective is **to prevent, deter and eliminate IUU fishing** by preventing vessels engaged in IUU fishing from using ports and landing their catches. In this way, the PSMA increases risk and reduces the incentives and profitability of IUU fishing operations while it also blocks fishery products from IUU fishing from reaching national and international markets. The effective implementation of the PSMA around the globe ultimately contributes to the long-term conservation and sustainable use of living marine resources and marine ecosystems. The Agreement entered into force in June 2016. At the time of writing **there are 60 Parties** to the Agreement from all parts of the world, among them 59 States and the European Union. The provisions of the PSMA apply to foreign flagged fishing, transport and supply vessels seeking entry into a designated port and also cover responsibilities of States as flag States.

Other relevant international instruments to combat IUU fishing include the FAO Voluntary Guidelines for Flag State Performance (VGFSP), the FAO Voluntary Guidelines on Catch Documentation Schemes, the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, the FAO Voluntary Guidelines on the Marking of Fishing Gear, the International Plan of Action for Conservation and

⁸ Agnew, D.J., Pearce, J., Pramod, G., et al., 2009: Estimating the Worldwide Extent of Illegal Fishing. PLoS ONE 4, e 4570.

⁹ Macfadyen, G., Caillart, B., Agnew D.J., 2016: Review of studies estimating levels of IUU fishing and the methodologies utilized. Poseidon Aquatic Resource Management Ltd., submitted to the UN Food and Agriculture Organization (FAO) in June 2016.

Management of Sharks (IPOA-SHARKS), the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds), and the International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity) (see Annex 1).

The WECAFC has adopted a Resolution on strengthening the implementation of international fisheries instruments, including international instruments to combat IUU fishing. The WECAFC Member States have further agreed to cooperate through, support and strengthen existing subregional and regional and international organizations and initiatives in efforts to implement international fisheries instruments and, as appropriate, establish new mechanisms and initiatives in this regard.¹⁰

International and regional cooperation is key to effectively combat IUU fishing. While enforcement is a national task, the sharing of information and the coordination of activities, particularly on the regional level, are essential to take action against IUU fishing operators. UNCLOS requires States to cooperate in the conservation and management of shared stocks and highly migratory species. The UN Fish Stocks Agreement elaborates on how such cooperation can occur in respect of straddling fish stocks and highly migratory fishing stocks and the PSMA sets a framework for international and regional cooperation in the context of combatting IUU fishing. In order to implement the relevant international instruments and to facilitate effective information sharing and concrete coordination of actions, a number of initiatives have been set up on the international and regional levels. This RPOA-IUU aims to combat IUU fishing in the WECAFC area of competence through effective regional cooperation among the WECAFC Member States and other sub-regional organizations such as CRFM and OSPESCA.

Part 2: Combating IUU fishing in the WECAFC area

FISHERIES IN THE WECAFC REGION

WECAFC promotes the effective management of nearly 15 million km² of marine area that includes the South-East coast of the United States of America, the Gulf of Mexico, the Caribbean Sea and the North-East coast of South America. This region is characterized by a wide range of fisheries because of the diverse environments that support coastal, offshore and reef-associated fisheries.

Generally, biological productivity in the Caribbean Sea is relatively low despite its high species diversity that supports varied fisheries including molluscs, crustaceans and fishes. In the coastal waters off the northern coast of South America biological productivity is high. Shrimp and groundfish dominate in the waters of the Brazil-Guianas shelf. Deep slope demersal fisheries target snappers and groupers. Examples of characteristic fisheries in the region include the reef-fisheries of the Eastern Caribbean and the conch and lobster fisheries of Jamaica, the Bahamas and Belize. Migratory species such as wahoo, dolphinfish and Spanish mackerel move across the region and support important fisheries. Offshore large pelagic fisheries target tunas, billfish and sharks, exploited by fleets of WECAFC Member States as well as by fleets from Asia and Europe.¹¹

¹⁰ Resolution WECAFC/14/2012/1 (Resolution of the members of the Western Central Atlantic Fishery Commission on strengthening the implementation of international fisheries instruments (2012): <http://www.fao.org/fishery/docs/DOCUMENT/wecafc/resolution.pdf>.

¹¹ See e.g. CRFM Regional strategy on MCS to combat IUU fishing in the CARICOM/CARIFORUM area

A significant portion of the fishing vessels in the region are small-scale fishing vessels with a length overall of less than 12 meters and most catches are taken by a variety of these small-scale vessels. Industrial-scale vessels mostly target demersal species such as spiny lobster, shrimp, conch and finfish, as well as pelagic species including tuna and Gulf Menhaden.¹²

After a gradual increase in the total landings in the WECAFC area, the landings peaked in 1984 and were halved since, first declining sharply and then more gradually with some fluctuations relating to Gulf Menhaden. The status for many stocks in the region is unknown.^{13,14}

Apart from WECAFC, CRFM and OSPESCA, the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Caribbean Fisheries Management Council (CFMC)¹⁵, are other organizations managing the fisheries and other marine living resources in the region. A number of regional and sub-regional projects also support fisheries management improvement, among them the CLME+ Project¹⁶ that aims at improving the management of the marine living resources through ecosystem-based fisheries management.

IUU RELATED ISSUES

IUU fishing is considered a major threat to sustainable fisheries management in the Wider Caribbean Region, undermining regional efforts to conserve and manage fish stocks. The only available estimates refer to 20–30 percent of total reported catches in the WECAFC area to originate from illegal and unreported catches, representing a value of 450 to 750 million USD annually.¹⁷ Vessels both flagged to States in the region and outside the region can be engaged in IUU fishing or fishing related activities. Firstly, vessels from distant water fishing fleets may exploit remaining loopholes in the MCS and enforcement system and maximize profits through illicit practices. Secondly, poaching activities by neighboring countries are regularly being observed in the waters of some Member States. Thirdly, some IUU fishing is also carried out by national operators in national waters.¹⁸ Generally, IUU fishing and fishing related activities can be carried out by industrial-scale vessels or the large number of small-scale vessels. Combatting IUU fishing therefore requires a varied and comprehensive approach to identify and stop IUU fishing in the WECAFC region.

REGIONAL INITIATIVES TO COMBAT IUU FISHING

There has been increasing regional commitment to tackle IUU fishing in the Wider Caribbean Region over the last decade. The Castries Declaration on IUU Fishing (2010), the Caribbean

¹² See e.g. CRFM Regional strategy on MCS to combat IUU fishing in the CARICOM/CARIFORUM area

¹³ Review of the States of Fisheries in the WECAFC Region, 16th WECAFC Session 2016: <http://www.fao.org/fi/static-media/MeetingDocuments/WECAFC16/2e.pdf>

¹⁴ Report of the 8th Session of the WECAFC Scientific Advisory Group, 3-4 November 2017, Merida, Mexico. <http://www.fao.org/3/i8745t/i8745T.pdf>

¹⁵ https://sero.nmfs.noaa.gov/sustainable_fisheries/caribbean/

¹⁶ The CLME+, implemented by the United Nations Development Program (UNDP) and co-financed by the Global Environment Facility (GEF) assists participating countries in improving the management of their shared living marine resources through ecosystem-based fisheries management in the two large marine ecosystems (LMEs) (1) the Caribbean LME and (2) the North Brazil Shelf LME.

¹⁷ From Draft Recommendation WECAF/17/2018/1 „on the marking and identification of fishing vessels in the WECAFC area“ – as these only available estimates are based on the Agnew et al. 2009 estimates, these estimates could be outdated.

¹⁸ CRFM Regional Strategy on Monitoring, Control and Surveillance to Combat IUU Fishing in the CARICOM/CARIFORUM Region. CRFM Technical & Advisory Document Series, Number 2013/11.

Community Common Fisheries Policy (2014), OSPESCA Regional Regulation OSP-08-2014, and the joint Regional Working Group on IUU fishing of WECAFC, CRFM and OSPESCA reflect this increased awareness and commitment.

- The **Western Central Atlantic Fishery Commission (WECAFC)** is a Regional Fisheries Advisory Body established in 1973 by Resolution 4/61 of the FAO Council under Article VI (1) of the FAO Constitution with the objective to promote the development, conservation and management of the living marine resources in the Western Central Atlantic Region. WECAFC assists its 34 members in the implementation of the Code of Conduct for Responsible Fisheries and the IPOA-IUU. WECAFC encourages cooperation amongst its members by improving fisheries governance through institutional arrangements. At its 14th Session in 2012, WECAFC members adopted a Resolution on strengthening the implementation of international fisheries instruments and at its 15th Session in 2014, WECAFC members adopted a Resolution on the implementation of the FAO Agreement on Port State Measures and the FAO Voluntary Guidelines on Flag State Performance in the Region. During the 15th Session, the Commission also agreed to establish a dedicated Regional Working Group with CRFM and OSPESCA to focus on preventing, deterring, and eliminating IUU fishing (joint **WECAFC/CRFM/OSPESCA RWG-IUU**). The first three meetings of the RWG-IUU were held in Barbados 1-2 March 2017¹⁹, 19-21 September 2017²⁰ and 26-28 September 2018. The third meeting discussed the provisions to be included in this RPOA-IUU. WECAFC Recommendations promote harmonized (sub-) regional conservation, management and development, and the establishment of regional measures. WECAFC has **[adopted] Recommendations** related to combatting IUU fishing in the WECAFC area, among them on (1) the marking and identification of fishing vessels, (2) on the establishment of a WECAFC record of fishing vessels, and (3) the establishment and maintenance of a IUU vessel list.
- The **Caribbean Regional Fisheries Mechanism (CRFM)**²¹, an institution of CARICOM²², was established in 2003 as a sub-regional fisheries body that promotes and facilitates the responsible utilization of the fisheries resources and other aquatic resources as well as the establishment of cooperative arrangements of shared, straddling and highly migratory marine living resources in the Caribbean. The CRFM adopted the **Castries (St. Lucia) Declaration**²³ on IUU fishing in 2010 that declares the determination and commitment of the CRFM Member States to work together with other stakeholders to combat IUU fishing and to intensify efforts to effectively implement relevant international instruments for the sustainable use, conservation and management of marine

¹⁹ FAO, Fisheries and Aquaculture Report SLC/FIA/R1190 (Bi)

²⁰ FAO, Fisheries and Aquaculture Report SLC/FIA/R1193 (Bi)

²¹ Members of CRFM are: Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Turks and Caicos Islands.

²² The Caribbean Community (CARICOM) is an organization of 15 Caribbean nations and dependencies promoting economic integration and cooperation among its members, to ensure that the benefits of integration are equitably shared, and coordinating foreign policy. The organization was established in 1973. In 2001, the heads of government signed a revised Treaty of Chaguaramas that cleared the way to transform the idea of a common market CARICOM into a Caribbean (CARICOM) Single Market Economy.

²³ 2010 Castries Declaration on IUU Fishing: <http://www.fao.org/fishery/docs/DOCUMENT/wecafc/15thsess/ref11e.pdf>

living resources. In 2013, CRFM developed a Regional Strategy on Monitoring, Control and Surveillance to Combat IUU in the CARICOM/CARIFORUM Region²⁴.

- The **Caribbean Community Common Fisheries Policy (CCCFP)**²⁵ is a binding instrument adopted in 2014 focusing on cooperation of Caribbean people, fishermen and their governments in conserving, managing and sustainably utilizing fisheries and related ecosystems. The CCCFP clearly specifies as one of its nine objectives to “prevent, deter and eliminate IUU fishing, including by promoting the establishment and maintenance of effective MCS systems”. The common policy is further based on the principle, among others, of “good governance, accountability and transparency, including the equitable allocation of rights, obligations, responsibilities and benefits”.²⁶ Pursuant to Article 20 the parties agree to establish a protocol for cooperation in MCS to combat IUU fishing.
- The **Central American Fisheries and Aquaculture Organization (Organización del Sector Pesquero y Acuícola del Istmo Centroamericano, OSPESCA)**²⁷ was established in 1995 to promote the sustainable development and the coordinated management of regional fisheries and aquaculture activities, helping to strengthen the Central American integration process. OSPESCA has a governance model with binding agreements on the basis of ministerial decisions, taking into account national, regional and international legislation. The Fisheries and Aquaculture Integration Policy for the Central American Isthmus²⁸ also addresses the integration of regional actions strengthening regional cooperation to ensure biological, economic, social and environmental sustainability of fisheries. OSPESCA has developed an IUU Action Plan²⁹ and implemented a range of projects to assess capacity needs and to support the member countries in implementing the PSMA and complementary international fisheries instruments to combat IUU fishing.
- The 10-year (2015 – 2025) politically endorsed **Strategic Action Programme for the Sustainable Management of the Shared Resources of the Caribbean and North Brazil Shelf Large Marine Ecosystems (CLME+ SAP)** provides a roadmap towards the management of the CLME+ region’s marine resources through strengthened and consolidated regional cooperation. One of the transboundary issues which the SAP addresses is that of unsustainable fisheries. CLME+ SAP Strategy 2 – “Enhance the Regional Governance Arrangements for Sustainable Fisheries” outlines a number of actions to address the issue of IUU fishing including the development and implementation of fisheries-specific initiatives for IUU and MCS.

²⁴ Regional Strategy on Monitoring, Control and Surveillance to Combat IUU in the CARICOM/CARIFORUM Region: http://www.crfm.int/images/Regional_Strategy_on_MCS_to_Combat_IUU_Fishig_in_the_CARICOM-CARIFORUM_Region.pdf

²⁵ Approved by the CARICOM Council for Trade and Economic Development (COTED) on 10 October 2014. It is binding upon the 15 CARICOM countries: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Monserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago.

²⁶ Agreement Establishing the Caribbean Community Common Fisheries Policy, Articles 4.3 (d) and 5 (e): <http://extwprlegs1.fao.org/docs/pdf/mul167228.pdf>

²⁷ OSPESCA member States are: Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama.

²⁸

<http://www.fao.org/fishery/docs/DOCUMENT/ospesca/publications/FisheriesAquacultureIntegrationPolicyCentralAmerica.pdf>

²⁹ Reglamento Regional OSP-08-2014. Para Prevenir, Desalentar y Eliminar la Pesca Ilegal, No Declarada y no Reglamentada en los Países Miembros del SICA

GAPS IDENTIFIED TO EFFECTIVELY COMBAT IUU FISHING IN THE WECAFC REGION

The RWG-IUU reviewed the current legislative, policy and procedural framework in the WECAFC region and identified several strengths and weaknesses in respect of the effective implementation of international fisheries instruments and regional mechanisms to combat IUU fishing.

Strengths include the political will in the region and the basis for regional cooperation to act against IUU fishing operators as reflected by the Castries Declaration on IUU fishing, the CCCFP and the RWG-IUU itself, in which WECAFC, CRFM and OSPESCA work together to improve coordination and cooperation among national and regional organizations/institutions responsible for MCS and enforcement to combat IUU fishing. Advances have been made regarding operational procedures on MCS and enforcement in selected WECAFC Member States. Capacity building and the strengthening of institutions has been an integral part of the work of regional and sub-regional bodies over the last decade.

However, the RWG-IUU identified remaining gaps to effectively implement international instruments and regional mechanisms to effectively combat IUU fishing, particularly with regard to regional information sharing and cooperation. For example, only few WECAFC Member States have adopted a NPOA-IUU and some Member States have not ratified, adopted or acceded to the relevant international fisheries instruments. Gaps remain in the legal frameworks and inter-agency coordination. Importantly, information sharing and cooperation needs to be improved, both on the national and the regional levels. This includes the introduction of mechanisms and tools to effectively identify vessels engaged in IUU fishing and related activities and to take coordinated action against the vessel operators. Furthermore, training is needed in various fields to enhance the capacity to strengthen the implementation of the PSMA and relevant international instruments.

Part 3: Regional Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (RPOA-IUU)

OBJECTIVES

The objective of the WECAFC Regional Plan of Action (RPOA-IUU) is to strengthen the prevention, deterrence and elimination of IUU fishing in the WECAFC area of competence through effective regional cooperation among the WECAFC Member States and the sub-regional organizations, namely the Caribbean Regional Fisheries Mechanism (CRFM) and the Organization for Fisheries and Aquaculture of Central America (OSPESCA).

The RPOA-IUU aims to contribute to the WECAFC's overall objective of promoting the effective conservation, management and development of the living marine resources in the WECAFC area, in accordance with the FAO Code of Conduct for Responsible Fisheries, and of addressing common problems of fisheries management and development faced by Members of the Commission. The WECAFC RPOA-IUU is based on the principles and provisions governing the IPOA-IUU, the PSMA and related complementary international instruments and supports the effective regional cooperation against IUU fishing in line with the Castries Declaration on IUU Fishing, the Caribbean Community Common Fisheries Policy (CCCFP) and the OSPESCA IUU Action Plan.

The WECAFC RPOA-IUU further provides guidance for the formulation of National Plans of Action to prevent, deter and eliminate IUU fishing (NPOA-IUU).

TIMEFRAME AND REVIEW

The timeframe for the RPOA-IUU is 10 years, from 2019 to 2029, commencing in 2019, with systematic reviews at regular intervals in line with Article 24 of the PSMA to assess progress and to adapt the plan to changing circumstances, using the joint WECAFC/CRFM/OSPESCA RWG-IUU and their meetings as the mechanism for this. In addition to reviewing the RPOA-IUU to ensure it is regularly updated, it is also foreseen that the WECAFC/CRFM/OSPESCA RWG-IUU will review the national performance of WECAFC Member States and identify capacity development needs to effectively fulfil their responsibilities as flag, port, coastal and market States to effectively combat IUU fishing.

PRIORITY MEASURES AND ACTIONS TO COMBAT IUU FISHING IN THE WECAFC AREA

The WECAFC RPOA-IUU identifies 28 measures and actions to combat IUU fishing in the region and to fulfil the WECAFC Member States' obligations as port, flag, coastal and market States through regional cooperation, consistent with relevant international fisheries instruments. Four main aspects were considered: (1) Policy and legal framework; (2) Operations and monitoring, control and surveillance (MCS); (3) regional cooperation and information-sharing; and (4) capacity development.

POLICY AND LEGAL FRAMEWORK

National Plans of Action

Measure 1: WECAFC Member States [are encouraged to] develop and adopt a National Plan of Action to prevent, deter and eliminate IUU fishing (NPOA-IUU) based on the IPOA-IUU, using this RPOA-IUU as guidance and with due regard to port, flag, and coastal States responsibilities.

International Instruments

This plan is consistent with existing international fisheries instruments relevant to the sustainable management of marine living resources and the prevention, deterrence and elimination of IUU fishing.

Measure 2: Member States [shall], if they have not done so, ratify, adopt or accede to the 2009 FAO Agreement to prevent, deter and eliminate IUU Fishing (**PSMA**), the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (**Compliance Agreement**) and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (**UN Fish Stocks Agreement**, UNFSA) and become Parties to relevant Regional Fisheries Management Organizations (RFMOs), including the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Measure 3: Member States [shall], to the extent possible, fully and effectively implement the relevant legally binding international fisheries instruments and [are strongly encouraged] to fully and effectively implement the voluntary international instruments referred to in Part 1 and Appendix 1 of this Plan. Members should also ensure compliance with conservation and management measures of the RFMOs they are party to.

National Legislative Framework

Effectively implementing the IPOA-IUU, the PSMA and complementary instruments requires the adoption of a comprehensive legal framework at the national level to support measures of the State as a port, flag, coastal and market State.

Measure 4: Member States [should] review and update, as necessary, policy and legislation frameworks to facilitate the implementation of port, flag, coastal and market State responsibilities, considering the relevant binding and voluntary international instruments and their standards and principles as well as regional mechanisms (see Part 1 and Appendix 1).

Measure 5: Member States [should] revise their laws and regulations so that they are aligned with the requirements of the PSMA. This includes requirements on (1) designated ports, (2) advance request for port entry, (3) authorization/denial of port entry, (4) *force majeure*, (5) use of port, (6) conduct and priorities of vessel inspections, (7) content and information sharing of inspection reports, (8) Port State actions following inspections, and (9) flag State responsibilities with regards to the PSMA.

Measure 6: Member States [are encouraged to] delimit their maritime boundaries if they have not yet done so.

Measure 7: Member States [are encouraged to] align national regulations to ensure effective MCS of transshipment activities. In the WECAFC 9th Session of SAG concern was expressed about transshipment activities which, when inadequately regulated, monitored and controlled, can contribute to IUU fishing.³⁰ In-depth studies should be conducted in the region to support the development of FAO guidelines on regulation, practices, monitoring and control of transshipment.

Regional Policies and Tools

Combating IUU fishing is as much a regional task as it is a national task. Regional cooperation and harmonization of MCS measures are essential to close loopholes that have allowed IUU fishing operators to continue their operations.

Measure 8: Member States [are encouraged to] establish a common policy with respect to registration, licensing and chartering of fishing vessels and with respect to transshipment in line with the Caribbean Community Common Fisheries Policy³¹ and WECAFC [Draft] Recommendations.³² Alignment of national policies with the regional common policy ensures more effective fisheries management, prevents flag-hopping of fishing vessels and facilitates a better identification of vessels engaged in IUU fishing and fishing related activities, including illegal and unmonitored transshipment at sea.

Measure 9: Member States [are strongly encouraged] establish and maintain a WECAFC Regional Record of Fishing Vessels, using the OSPESCA model for guidance, and ensuring compatibility with the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), taking into account the high proportion of small-scale fishing vessels in the region. This measure is consistent with the [Draft] Recommendation

³⁰ WECAFC 9th Session of the Scientific Advisory Group (SAG), 19-20 November 2018: Work plans of selected joint Working Groups <http://www.fao.org/fi/static-media/MeetingDocuments/WECAFC/SAG2018/12e.pdf>

³¹ Agreement Establishing the Caribbean Community Common Fisheries Policy, Article 13 on Registration and Licensing: <http://extwprlegs1.fao.org/docs/pdf/mul167228.pdf>

³² E.g. WECAFC (Draft) Recommendations WECAFC/17/2018/1, WECAFC/17/2018/2.

WECAFC/17/2018/2 on the establishment of a WECAFC record of vessels over 12 meters in length overall (LOA) authorized to fish, or to transship, or engaged in any fishing related activities in the WECAFC area. This should include all vessels involved in catching fish, as well as auxiliary, carrier, supply and support vessels larger than 12 meters and any other vessels that are eligible to have an IMO number. Vessels larger than 12 meters LOA not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land species covered by WECAFC. Minimum data requirements should be in line with Article VI (paragraphs 1 and 2) of the 1993 Compliance Agreement.

Measure 10: Member States [are strongly encouraged] establish and maintain a list of vessels [presumed (provisional list) and/or] confirmed to have carried out IUU fishing in the WECAFC area in line with the [Draft] Recommendation WECAFC/17/2018/3 and ensure due process for the listing of vessels in a fair, transparent, non-discriminatory manner.

Measure 11: Member States [are encouraged to] use harmonized codes for the classification of fish and fishery products to facilitate a greater understanding and control of trade as well as identification of product as referred to in the (Draft) Recommendation WECAFC/17/2019/7 “On queen conch trade” and in line with Article 18 of the CCCFP.

Measure 12: Member States [should] develop a harmonized catch documentation scheme consistent with the FAO Voluntary Guidelines for Catch Documentation Schemes (VGCS).

OPERATIONS AND MCS RELATED ACTIONS

A strong system for MCS and enforcement with clear procedures is the key to effectively identify IUU fishing operators, take action against them, and support compliance with relevant laws and regulations.

Measure 13: Member States [are encouraged to] develop national strategies and procedures for combatting IUU fishing with due regard to port, flag, coastal and market State obligations. Member States are further encouraged to implement their MCS strategies. This includes the development of procedures for implementation of the PSMA on (1) designated ports, (2) advance request for port entry, (3) authorization/denial of port entry, (4) *force majeure*, (5) use of port, (6) conduct and priorities of vessel inspections, (7) content and information sharing of inspection reports, (8) Port State actions following inspections, and (9) Flag State responsibilities with regards to the PSMA.

Measure 14: Member States [should] develop and utilize a regional MCS toolbox, based on international guidelines and using regional best practices. This includes procedures and tools for effective information sharing and risk assessment to effectively direct MCS capacities at vessels with a high risk of being engaged in IUU fishing and related activities.

Measure 15: The WECAFC Member States and Secretariat [are encouraged to] collaborate with the FAO Global Record Information System by exchanging information on the WECAFC Regional Record of Vessels with the Global Record, ensuring consistency, transparency and harmonization, through the use of international standardized reference lists and data types defined in the Global Record.

Measure 16: Member States [are encouraged to] implement the [Draft] Recommendation WECAFC/17/2018/1 on the marking and identification of fishing vessels in the WECAFC area in order to improve transparency and allow a better identification of non-compliant vessels. This measure requires that WECAFC Member States ensure that their flagged motorized fishing vessels, refrigerated transport vessels and supply vessels of 100 GT or above, or equal to or greater than 12 meters LOA and authorized to operate outside waters under national jurisdiction and other eligible vessels, obtain an IMO number and use it as mark for identification. For all other vessels involved in fishing and fishing related activities in the WECAFC area of competence, each Member State [shall], as applicable, ensure that these are marked with

WECAFC Identification Numbers (WIN) for identification purposes (through International Telecommunication Union Radio Call Signs (IRCS) or through characters allocated by the International Telecommunications Union (ITU)).

Measure 17: Member States [should] develop national inspection plans, harmonizing these across the region in line with Article 14 of the CCCFP, as well as standard operating procedures (SOPs) with regards to Port State Measures in line with the minimum standards as laid out in the PSMA.

Measure 18: Member States [should] establish joint regional MCS and enforcement procedures, such as on inspection schemes, patrols and observer programs.

Measure 19: Member States [are strongly encouraged to] comply with international standards on gear marking to address the issue of abandoned, lost or otherwise discarded fishing gear in line with the FAO Voluntary Guidelines on the Marking of Fishing Gear.

Measure 20: Member States [are encouraged to] establish fisheries enforcement units in their fisheries agencies and to formalize an inter-agency information-sharing and coordination mechanism at the national level for relevant agencies to combat IUU fishing.

INFORMATION EXCHANGE AND COOPERATION AT REGIONAL LEVEL

Effective and efficient information sharing and cooperation among agencies on the national and regional levels and increasing the transparency with regards to fisheries operations are fundamental for the effective implementation of the PSMA and complementary instruments to combat IUU fishing.

Measure 21: Member States [should] establish a formal collaboration and coordination mechanism among relevant agencies (e.g. fisheries, port, maritime, customs, coast guard, port health, immigration, police) for combatting IUU fishing at the regional level to address issues related to flag, port, coastal and market state responsibilities.

Measure 22: Member States [should] develop a regional mechanism for effective information sharing and cooperation to combat IUU fishing, including for the purpose of risk assessment and verification of vessel information. Member States [should]:

- Establish and keep updated a regional database (or databases) of MCS related information, fishing vessel registration and licensing information;
- Establish and keep updated an overview of relevant contact points for MCS, registration and licensing information as well as of relevant contact points in regional organizations (e.g. WECAFC, CRFM, OSPESCA, ICCAT) and international organizations;
- Develop and keep updated a regional database with a record of (1) relevant histories and offences by foreign fishing, refrigerated transport and supply vessels and of (2) port state actions;
- Develop and implement protocols, procedures and supporting tools for reporting and sharing of information on the national and regional levels and for accessing timely, updated and relevant information for MCS purposes, particularly for verifying vessel information of foreign fishing vessels provided by vessel operators;
- Share relevant information at the regional level to facilitate enforcement of transshipment regulations as reflected in the work plan of the RWG-IUU.³³

³³ WECAFC 9th Session of the Scientific Advisory Group (SAG), 19-20 November 2018: Work plans of selected joint Working Groups <http://www.fao.org/fi/static-media/MeetingDocuments/WECAFC/SAG2018/12e.pdf>

Measure 23: Member States [should] develop a network of relevant agencies involved in vessel inspection, using the Memorandum of Understanding on Port State Control in the Caribbean Region³⁴ (CMoU) as a model, to facilitate effective and concrete information sharing and cooperation at the regional level through the relevant regional and international organizations.

Measure 24: Member States [should] develop a regional plan for flag States to take actions with respect to the FAO Voluntary Guidelines for Flag State Performance (VGFSP, see Annex 1).

Measure 25: The WECAFC Member States and Secretariat [are encouraged to] use and contribute to the FAO web-based portals for the Global Record and the Agreement on Port State Measures (PSMA).³⁵

Measure 26: Member States [should] improve data capture, data management and analysis for an estimation of fish taken through IUU fishing in the WECAFC region guided by the (Draft) FAO Technical Guidelines on methodologies and indicators for the estimation of the magnitude and impact of IUU fishing.

CAPACITY DEVELOPMENT

Article 21 of the PSMA recognizes the need of developing countries to build capacity for the effective implementation of the Agreement and requires Parties to provide assistance to developing State Parties in this regard. The special requirements of developing countries are also addressed in Part V of the IPOA-IUU and other international instruments such as the UN Fish Stocks Agreement, the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries equally recognize this need of developing countries to build capacity. It is important that all countries are supported to increase their capacities as only a broad and effective implementation of the PSMA and complementary instrument will eventually close all ports to IUU fishing operators and contribute to the aim of preventing, deterring, and eliminating IUU fishing. Based on the weaknesses identified in the WECAFC region, technical assistance and training is needed to develop a legal basis, to strengthen the operational framework and to increase the capacity for regional cooperation and information sharing related to MCS and enforcement.

Measure 27: Member States [should] ensure adequate training of personnel to enhance the capacity to strengthen the implementation of the PSMA and relevant international instruments, particularly with regard to the analytical capacity to provide timely and relevant information for MCS and enforcement:

- Port State inspections and related reporting requirements to relevant flag, port and coastal States as well as to relevant regional and international organizations;
- Operational procedures related to fisheries MCS and enforcement, including the effective tracking of vessel movements and activities;
- Fisheries laws and regulations;
- Investigations and prosecution of IUU fishing offences;
- At-sea observer programs;
- Use of e-logbooks;
- Assessment of standards and procedures for the collection, analysis, storage, sharing and strategic use of information to facilitate and strengthen information-sharing at the regional level;
- Set-up and use of databases, particularly the Regional Record of Vessels and the record of port State actions and IUU-related offences by operators of foreign flagged vessels;

³⁴ <http://www.caribbeanmou.org>

³⁵ (1) <http://www.fao.org/global-record/en/and> (2) <http://www.fao.org/port-state-measures/en/>

- Integration of databases into information-sharing systems;
- Other relevant tools and technology to strengthen national and regional MCS.

Measure 28: Member States [should] ensure capacity development to establish and maintain a formalized and effective inter-agency cooperation on the national, regional and international levels, including cooperation on joint patrols.

Appendix 1: Summary of Relevant International Instruments supporting the WECAFC RPOA-IUU

UN CONVENTION ON THE LAW OF THE SEA, 1982 (UNCLOS)

The *United Nations Convention on the Law of the Sea (UNCLOS)*, adopted on 10 December 1982 and which entered into force on 16 November 1994, established overarching rules governing all uses of the world's oceans and seas and their resources. UNCLOS provides the basic legal framework that regulates all marine sector activities, including the utilization of the resources of the sea and the conservation of the marine environment. Of particular relevance to fisheries are their parts V (articles 55 to 75) on the Exclusive Economic Zone (EEZ), and Part VII on the High Seas (articles 86 to 120). Important aspects relate to requirements for conservation and management measures to promote the optimum utilization of fishery resources in EEZs, requirements for cooperation among States to manage fish stocks, including on the high seas, and provisions on the conservation, management and utilization of high seas fisheries such as the implementation of flag State duties. The Convention is the point of departure with respect to the conservation of living marine resources, for binding and voluntary international fisheries instruments adopted by the FAO, including those on combatting IUU fishing, as well as non-binding but politically significant fisheries resolutions, such as those adopted by the UN General Assembly.

For more information:

https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm;

https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf

FAO COMPLIANCE AGREEMENT, 1993

The *FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement)* was unanimously approved, subject to acceptance, at the Twenty-seventh Session of the Conference of the FAO in November 1993 and entered into force on 24 April 2003. The Compliance Agreement seeks to strengthen the provisions in UNCLOS relating to high seas fishing and aims to enhance the role of flag States in the control of their flagged vessels to ensure compliance with international conservation and management measures. The Compliance Agreement also seeks to prevent 'flag-hopping' of vessels fishing on the high seas under flags that are unable or unwilling to enforce international fisheries conservation and management measures. It notes the special responsibility of flag States to ensure that none of their vessels are fishing on the high seas unless authorized. The Compliance Agreement aims to increase transparency of all high seas fishing operations through the collection and dissemination of data, especially through the maintenance of records of fishing vessels and international cooperation.

For more information:

<http://www.fao.org/documents/card/en/c/8cb30770-3145-55ed-a0db-315cbbb722a6>

UN FISH STOCKS AGREEMENT, 1995

The *United Nations 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 Stocks and Highly Migratory Fish Stocks, 1995 (UN Fish Stocks Agreement or UNFSA)* was adopted on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and entered into force on 11 November 2001. The UN Fish Stocks Agreement builds on several general provisions of UNCLOS in an effort to strengthen cooperation for the long-term conservation and sustainable use of straddling and highly migratory fish stocks that occur both within EEZs and on the high seas through global, regional and sub-regional fisheries management organizations. It prescribes that the measures related to the conservation and management of the straddling and highly migratory fish stocks under national jurisdiction and in the adjacent high seas must be compatible and recognizes the special requirements of developing States. The UN Fish Stocks Agreement also spells out the duties of flag States including those related to registration of vessels, authorizations, MCS and enforcement.

For more information:

https://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm

FAO PORT STATE MEASURERS AGREEMENT, 2009 (PSMA)

The *Agreement on Port State Measures to prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement, PSMA)* was approved by the FAO Conference at its Thirty-sixth Session on 22 November 2009 and entered into force on 5 June 2016. The Agreement is the first legally binding intentional agreement to specifically target IUU fishing. Its main objective is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures and thereby to prevent vessels engaged in IUU fishing from using ports and landing their catches. The PSMA establishes a system of minimum standards for the purpose of monitoring and controlling the activity of foreign flagged vessels involved in fishing and fishing related activities. The application of the measures set out in the Agreement are designed to contribute to harmonized port State measures and enhanced regional and international cooperation. In this way, the Agreement reduces the incentives for such vessels to continue their IUU fishing operations while it also blocks fisheries products derived from IUU fishing from entering national and international markets. The PSMA recognizes the need to provide assistance to developing countries to adopt and implement the Agreement and requires Parties to cooperate in order to establish appropriate funding mechanisms to assist developing States in the implementation of this Agreement. The effective and world-wide implementation of the Agreement ultimately contributes to the long-term conservation and sustainable use of living marine resources and marine ecosystems.

For more information:

<http://www.fao.org/port-state-measures/en/>

FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES, 1995

The *Code of Conduct for Responsible Fisheries* was initiated in 1991 by FAO Committee on Fisheries (COFI) and unanimously adopted in Resolution 4/95 by the FAO Conference on 31 October 1995. While the Code of Conduct is voluntary in nature, parts of it were based on relevant rules of international law, including those in UNCLOS, FAO Compliance Agreement, and the UN Fish Stocks Agreement. With its comprehensive, all-embracing character, it sets out principles and international standards of behavior for responsible practices in fisheries with a view to ensuring the effective conservation, management and development of living aquatic resources, with due respect for the ecosystem and biodiversity. The Code of Conduct is a reference framework for national and international efforts, including in the formulation of policies and other legal and institutional frameworks and instruments, to ensure sustainable fishing and production of aquatic living resources in harmony with the environment. The Code of Conduct is global in scope, directed towards both members and non-members of FAO, fishing entities, sub-regional, regional and international organizations, governmental and non-governmental organizations, and all persons concerned with the conservation of fisheries resources and management and development of fisheries. The Code of Conduct is to be interpreted and applied in conformity with international law.

For more information:

<http://www.fao.org/fishery/code/en>

A series of instruments have been established within the framework of the Code of Conduct for Responsible Fisheries to assist fishers, industry and governments in taking the necessary practical steps to implement the various facets of the Code of Conduct. These include four International Plans of Action (IPOAs):

International Plan of Action on IUU Fishing (IPOA-IUU)

The most important in the context of the WECAFC RPOA-IUU is the *International Plan of Action to Prevent, Deter, and Eliminate Illegal Unreported and Unregulated Fishing (IPOA-IUU)* that was adopted by consensus at the Twenty-fourth Session of COFI in March 2001 and endorsed by the Hundred and Twentieth Session of the FAO Council in June 2001. The IPOA-IUU is voluntary and has been elaborated within the framework of the FAO Code of Conduct as envisaged by Article 2 (d). The objective of the IPOA-IUU is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law.

For more information: <http://www.fao.org/3/a-y1224e.pdf>; <http://www.fao.org/fishery/ipoa-iuu/about/en>

International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds)

The *International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds)* was developed after increased awareness about the incidental catch of seabirds in the longline fisheries around the world and its potential negative impacts on seabird populations. Noting the increased awareness, a proposal was made at the Twenty-second Session

of COFI in March 1997 that FAO organize an expert consultation to develop Guidelines leading to a Plan of Action to be submitted at the following Session of COFI in 1999 aiming at a reduction in such incidental catch. The IPOA-Seabirds is voluntary and has been elaborated within the framework of the FAO Code of Conduct as envisaged by Article 2 (d). The IPOA-Seabirds aims to reduce the incidental catch of seabirds in longline fisheries. It applies to States in the waters of which longline fisheries are being conducted by their own or foreign vessels and to States that conduct longline fisheries on the high Seas and in the EEZs of other States. The IPOA-Seabirds provides that States implementing the IPOA-Seabirds should carry out a set of activities in conjunction with relevant international organizations based on an assessment of the incidental catch of seabirds in longline fisheries.

For more information: <http://www.fao.org/fishery/ipoa-seabirds/about/en>;
<http://www.fao.org/3/x3170e/x3170e02.htm>

International Plan of Action for the Conservation and Management of Sharks (IPOA-SHARKS)

The *International Plan of Action for the Conservation and Management of Sharks (IPOA-SHARKS)* arose out of concerns over the increase of shark catches and its consequences for the populations of some shark species in several areas of the world' oceans. It was developed through the meeting of a Technical Working Group on the Conservation and Management of Sharks in Tokyo, Japan, in April 1998 and the Consultation on Management of Fishing Capacity, Shark Fisheries and Incidental Catch of Seabirds in Longline Fisheries in Rome, Italy, in October 1998 leading to a Plan of Action submitted at the following Session of COFI in 1999. The IPOA-SHARKS is voluntary and has been elaborated within the framework of the FAO Code of Conduct as envisaged by Article 2 (d). The objective of the IPOA-SHARKS is to ensure the conservation and management of sharks and their long-term sustainable use. The term "sharks" is taken to include all species of sharks, skates, rays and chimaeras (Class Chondrichthyes). The IPOA-SHARKS applies to States in the waters of which sharks are caught by their own or foreign vessels and to States the vessels of which catch sharks on the high seas.

For more information: <http://www.fao.org/ipoa-sharks/en/>; <http://www.fao.org/ipoa-sharks/background/about-ipoa-sharks/en/>

International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity)

The *International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity)* addresses the issue of excess fishing capacity in world fisheries as it contributes substantially to IUU fishing, overfishing and the degradation of marine fisheries resources, the decline of food production potential and significant economic waste. It was developed at a Meeting of the Technical Working Group on the Management of Fishing Capacity in La Jolla, USA, in July 1998 and at the subsequent FAO consultation in Rome, Italy, in October 1998 leading to a Plan of Action to be submitted at the following Session of COFI in 1999. The IPOA-Capacity is voluntary and has been elaborated within the framework of the FAO Code of Conduct as envisaged by Article 2 (d). The objective of the IPOA-Capacity is for States and regional fisheries management organizations to achieve efficient, equitable and transparent management of fishing capacity. To this end, the IPOA-Capacity encourages States and regional fisheries organizations

with an overcapacity problem to initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries.

For more information: <http://www.fao.org/fishery/ipoa-capacity/about/en>;
<http://www.fao.org/3/X3170E/x3170e04.htm>

FAO VOLUNTARY GUIDELINES

FAO Voluntary Guidelines for Flag State Performance (VGFSP), 2015

The *2015 FAO Voluntary Guidelines for Flag State Performance (VGFSP)* seek to prevent, deter and eliminate IUU fishing through the effective implementation of flag State responsibilities. The Guidelines were developed in Technical Consultations of Flag State Performance at the FAO headquarters in Rome, Italy, in May 2011, March 2012 and February 2013 and were endorsed by COFI at its Thirty-first Session in June 2014. The Guidelines are wide-ranging and address the purpose and principles, the scope of application, performance, assessment criteria, cooperation between flag States and coastal States, procedures for carrying out an assessment, encouraging compliance and deterring non-compliance by flag States, cooperation with and assistance to developing States with a view to capacity development, as well as the role of the FAO. They are expected to provide a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels. The Guidelines draw on and refer to existing international fisheries instruments such as the 1993 Compliance Agreement, the 1995 Code of Conduct for Responsible Fisheries and the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing.

For more information: <http://www.fao.org/3/a-i4577t.pdf>.

FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (VGSSF), 2015

The *2015 FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (VGSSF)* were developed as a complement to the 1995 FAO Code of Conduct for Responsible Fisheries. They are a globally agreed framework for small-scale fisheries development and governance and provide complementary guidance with respect to small-scale fisheries in support of the overall principles and provisions of the Code of Conduct. The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries outline the responsibilities of both States and small-scale fisheries to collaborate in fisheries management, as well as in the registration of fishing activities, reporting on catches, and in the monitoring, control and surveillance (MCS) and enforcement activities to deter, prevent and eliminate all forms of IUU and destructive fishing practices with negative effects on marine ecosystems. The Guidelines are intended to support the visibility, recognition and enhancement of the already important role of small-scale fisheries and to contribute to global and national efforts towards the eradication of hunger and poverty.

For more information: <http://www.fao.org/3/a-i4356en.pdf>

FAO Voluntary Guidelines on Catch Documentation Schemes (VGCDs), 2017

The 2017 FAO Voluntary Guidelines for Catch Documentation Schemes (VGCDs) is the first international policy document with comprehensive a elaboration about catch documentation schemes (CDS). The VGCDs were officially adopted by the FAO Conference at its Fortieth Session in July 2017. Their objective is to provide assistance to States, Regional Fisheries management Organizations (RFMOs), regional economic integration organizations and other intergovernmental organizations when developing and implementing new CDS, or harmonizing or reviewing an existent CDS. The CDS is a system to determine throughout the supply chain whether fish originate from catches consistent with applicable national, regional and international conservation and management measures, established in accordance with relevant international obligations. As trade-related measure to prevent, deter and eliminate IUU fishing CDS could function most effectively in synergy with other international instruments including the FAO Agreement on Port State Measures (PSMA) and the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.

For more information: <http://www.fao.org/3/a-i8076e.pdf>

FAO Voluntary Guidelines on the Marking of Fishing Gear, 2019

The 2019 FAO Voluntary Guidelines on the Marking of Fishing Gear are a tool to contribute to sustainable fisheries, to improve the state of the marine environment, and to enhance safety at sea by combatting, minimizing and eliminating abandoned, lost or otherwise discarded fishing gear and facilitating the identification and recovery of such gear. The Thirty-first Session of COFI in 2014 expressed concern over continued 'ghost fishing' by abandoned, lost or otherwise discarded gear and urged for greater attention to be paid to the matter. The Thirty-second Session of COFI in 2016 welcomed the work of the Expert Consultation and its recommendations, including that FAO should further develop the work through a Technical Consultation. The Technical Consultation adopted the text of the Voluntary Guidelines which were then endorsed by the Thirty-third Session of COFI in 2018. The Voluntary Guidelines assist fisheries management and can be used as a tool in the identification of IUU fishing activities. They are expected to assist States in meeting their obligations under international law, including relevant international agreements and related government frameworks and the specific requirements for gear marking contained in the FAO Code of Conduct for Responsible Fisheries.

For more information: <http://www.fao.org/3/ca3546t/ca3546t.pdf>

