COMBATTING IUU FISHING
THE ROLE OF RFMOs

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Illegal, unreported and unregulated (IUU) fishing is a broad term originally defined in 2001, within the context of the IPOA-IUU, and includes:

- **Fishing and fishing-related activities conducted in contravention of national, regional and international laws.** (illegal)

- **Non-reporting, misreporting or under-reporting of information on fishing operations and their catches.** (unreported)

- **Fishing by “Stateless” vessels.** (unregulated)

- **Fishing in convention areas of RFMOs by non-party vessels.** (unregulated)

- **Fishing activities which are not regulated by States and cannot be easily monitored and accounted for.** (unregulated)

- **Fishing in areas or for fish stocks for which there are no conservation or management measures.** (unregulated)
Relationship between IUU fishing and other crimes

- IUU Fishing
- Fisheries-related crimes
- Crimes associated with fisheries
THE INTERNATIONAL FRAMEWORK TO COMBAT IUU FISHING

Comprises principles and international standards of behaviour for responsible fishing practices and aquaculture development. The Code serves as a reference for national and international efforts, including the formulation of policies and other legal and institutional frameworks and instruments, to ensure sustainable exploitation of aquatic living resources in harmony with the environment. It also promotes, inter alia, responsible trade of fish and fishery products. The Code also includes provisions on the duties of all States, flag States, port States and market States, and the role of RFMOs, which are relevant to combatting IUU fishing.

FAO International Plan of Action - IUU fishing (2001)

A toolbox to combat IUU fishing, for use by all States, in general, flag States, coastal States, market States, port States and RFMOs. The IPOA-IUU calls upon all countries to develop and implement a consistent National Plan of Action and to review it periodically. Implementation of flag State responsibilities, including those related to fishing vessel registration and records, fishing authorisation and MCS, as well as coastal State measures, port State measures and market-related measures, are core elements of the IPOA-IUU.

FAO Voluntary Guidelines for Flag State Performance (2014)

Provides guidance to strengthen and monitor compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels. It covers the relevant responsibilities of flag States on the basis of elements contained in international law, including binding and non-binding international fisheries instruments. Fisheries management, registration and records of vessels, authorizations, MCS and cooperation between flag States and coastal States are among the central components of the Guidelines. RFMOs should play a role in using the Guidelines to strengthen flag State performance.
**UNCLOS (1982)**

UNCLOS defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

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**UN Fish Stocks Agreement (1995)**

Aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks within the framework of UNCLOS. The Agreement also spells out the duties of flag States including those related to registration and records of vessels, authorisations, MCS and compliance and enforcement. Cooperation in international, **regional and sub-regional** enforcement is also addressed, along with boarding and inspection procedures and port State measures.

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**FAO Compliance Agreement (1993)**

Aims to prevent the "re-flagging" of vessels fishing on the high seas under the flags of States that are unable or unwilling to enforce international fisheries conservation and management measures. The maintenance of records of fishing vessels, international cooperation, submission of data on fishing vessels to FAO and exchange of information, through FAO and **RFMOs**, are covered extensively by the provisions of the Agreement.

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**FAO Port State Measures Agreement (2009)**

Aims to prevent vessels engaged in IUU fishing from using ports and landing their catches, thereby reducing the incentive of such vessels to continue to operate and blocking fishery products derived from IUU fishing from reaching national and international markets. The Agreement also covers the role of flag States and **RFMOs** in the implementation of port State measures.
The Port State Measures Agreement
Foreign vessel requests entry to designated port

Review of information provided by vessel. Other information may be sought, e.g. from RFMO

- Vessel identification
- Purpose of visit
- Fishing authorizations
- Transshipment information
- Catch on board

IUU fishing detected IUU fishing detected

Authorize entry Entry granted for inspection and actions (no use of port) Deny Entry

Authorize use of port Entry granted for inspection and actions (no use of port) Deny entry

NO INSPECTION INSPECTION

Incon grante for inspection and actions (no use of port) Authorized use of port

IUU fishing detected

INSPECTION

Landing; Transshipping; Processing; Packaging; Refuelling; Resupplying; Maintenance; Drydocking

Take other measures in conformity with international law, including those for which the flag State’s request or consent has been given.

Prompt notification to flag State, relevant coastal States, RFMOs, other IOs.

Unless essential to safety, health of crew or safety of vessel / for scrapping of vessel
The role of RFMOs

- RFMOs play a key role in the implementation of the FAO port State measures Agreement; RFMO measures against IUU fishing are effective in stemming the flow of IUU-caught product into international markets: these initiatives must be supported, strengthened and implemented.

- Achieving full implementation (policy, legal, institutional and operational aspects) of RFMO measures by Contracting Parties is challenging and developing countries need to be supported by international assistance.

- RFMOs provide readily available information needed by managers in port control procedures (e.g., IUU vessel lists, authorized vessel lists, conservation and management measures); the development of a one-stop-shop RFMO information system in the future would be highly beneficial.

- In regions where RFMOs are absent, common objectives for the region are usually lacking and cooperation and communication between countries are weak; in such cases the development of regional MCS networks and/or regional plans of action to combat IUU fishing would help alleviate the constraint.
Several RFMOs have formally adopted measures in line with many of the provisions of the PSMA. For example:

- Designation and publication of ports for landings and transshipments.
- Establishment of record of authorized vessels and IUU vessel list.
- Catch documentation schemes.
- Notification by vessels prior to entry into port and data verification procedures.
- Landing and transshipment ban for vessels on IUU vessel lists and vessels which have been involved in fishing activities which contravene conservation and management measures.
- Inspection procedures, inspection thresholds and transmission of results.
- Denial of use of port failing to comply with a set of conditions.
- Requirement of vessel masters to allow access, cooperate, assist and provide information during inspections.
- Provisions related to flag State responsibilities (e.g. vessel compliance monitoring, authorization and compliance declarations)
- Provisions for submission of reports and publication of information (transshipments, landings, denial of port-entry, actions taken etc.).
Entry into force and implementation of the PSMA

- The entry into force of the PSMA would not only **strengthen international efforts to curb IUU fishing** but will, as a result, also contribute to **strengthened fisheries management and governance** at all levels.

- Through the implementation of defined procedures to verify that foreign vessels have not engaged in IUU fishing, and other provisions relating to the denial of access to ports, port inspections, prohibition of landing, detention and sanction, fish caught from IUU fishing activities can be **blocked from reaching national and international markets**.

- Used in conjunction with other tools such as vessel records, catch documentation schemes and other MCS tools, port State measures have the potential to be **the most cost-effective and efficient means of combating IUU fishing**.

- For the PSMA be effective, Parties would need to move ahead with developing **implementation strategies**, supported by sound policy, legal and institutional frameworks, as well as operational mechanisms sustained by sufficient human and financial resources.
PERSISTENT CHALLENGES

There are several political, legal, institutional, educational and operational challenges to be addressed in the fight against IUU fishing, including:

• Strengthening of legal and governance frameworks at national, regional and global levels

• Enhancing the capacity of developing States to manage, monitor and control fishing activities

• Developing globally accepted standards for market access, trade and traceability mechanisms
Thank you for your attention