

**GLOBAL OVERVIEW OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING AND
ITS IMPACTS ON NATIONAL AND REGIONAL EFFORTS TO SUSTAINABLY MANAGE
FISHERIES:
THE RATIONALE FOR THE CONCLUSION OF THE 2001 FAO INTERNATIONAL PLAN OF
ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND
UNREGULATED FISHING**

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August 2003

ABSTRACT: After a brief introduction the paper outlines a number of issues fundamental to illegal, unreported and unregulated (IUU) fishing. A discussion of the international responses to IUU fishing follows, in terms of global action, responses by regional fishery management organizations or arrangements (RFMOs) and national initiatives to prevent, deter and eliminate IUU fishing. The next section focuses on the role of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), discussing in particular the range of measures provided in the IPOA 'tool kit'. The final section of the paper draws conclusions and emphasises that all countries, including those that operate open registries must ensure that their flag vessels are properly authorized to fish and that effective flag State control must be exercised if the deleterious effects of IUU fishing are to be avoided.

INTRODUCTION

Illegal, unreported and unregulated (IUU) fishing is a major impediment to the achievement of long-term sustainable fisheries as called for, *inter alia*, in the 1992 Chapter 17 of Agenda 21,² the 1995 FAO Code of Conduct for Responsible Fisheries (Code of Conduct),³ the 2000 UN Millennium Development Goals⁴ and the 2002 Johannesburg Plan of Implementation.⁵

IUU fishers undermine national and regional efforts to implement management measures designed to promote responsible fisheries. This is a grave situation given that FAO estimated in 2002 that some 75 percent of world fisheries are already being fully exploited, overexploited or depleted.⁶ Where fish stocks are seriously depleted, IUU fishing will inhibit, if not prevent, the re-building of those stocks.

IUU fishing is a widespread problem that occurs in both marine and inland capture fisheries, irrespective of their location, species targeted, fishing gear employed or intensity of exploitation. Such fishing is not confined to any particular group of fishers, though experience shows that IUU fishing is widely practiced in fisheries – both within exclusive economic zones (EEZs) and on the high seas – where the prospects for apprehension are small relative to the gains to be made from such fishing, where penalties are insufficiently harsh to act as a deterrent and by fishers that operate vessels that are not subject to effective flag State control.⁷

Within available resources and capacities, national fisheries administrations and regional fishery management organizations or arrangements (RFMOs) strive to implement measures to facilitate the responsible use of fish stocks. They do this to ensure that the livelihoods of fishers and fishing communities

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² Adopted in 1992 by the United Nations Conference on Environment and Development (UNCED).

³ Adopted in 1995 by the Twenty-eighth Session of the FAO Conference.

⁴ Adopted in 2000 by the United Nations General Assembly at its Fifty-fifth Session.

⁵ Adopted in 2002 by the World Summit on Sustainable Development (WSSD).

⁶ FAO. 2002. The State of World Fisheries and Aquaculture.

⁷ Many countries, because of their limited means to implement effective measures in their EEZs to regulate legitimate and illegitimate fishing activities, are subject to re-occurring IUU fishing by both national and foreign fleets.

are not prejudiced, either now or in the future and that fisheries continue to make a significant contribution to food security and social and economic development. However, IUU fishing undermines these national and regional goals and management efforts. IUU fishers seek to make maximum short-term financial gains from their illicit activities at the expense of longer-term social, economic and biological objectives.

BOX 1: ORIGIN OF IUU FISHING TERMINOLOGY

IUU fishing is new fisheries terminology. It traces its origins to Sessions of Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) where it evolved from discussions concerning illegal and/or non CCAMLR-compliant fishing activities by Parties (illegal and unreported) and non-Parties (illegal and unregulated) in the Convention area.

The first mention of IUU fishing in a CCAMLR meeting agenda was in 1997 when it appeared as Agenda Item 1, Illegal, Unregulated and Unreported Fishing in the Convention Area, at the Seventh Session of the Standing Committee on Observation and Inspection. Shortly afterwards in the same year the item also appeared as Agenda Item 5, Illegal, Unreported and Unregulated Fishing in the Convention Area, at the Sixteenth Session of the Commission.

Since its initial use in 1997 the term IUU fishing has been used regularly at CCAMLR meetings, and it has subsequently been diffused into international fisheries discussions. In 1999, the terminology found its way in meeting reports of the Food and Agriculture Organization (FAO), the International Maritime Organization (IMO), the Commission on Sustainable Development (CSD), regional fishery management organizations and arrangements (RFMOs), and other fora.

REALITY OF IUU FISHING

IUU fishing is a real, re-occurring and increasing problem in the fisheries sector. The issue has been propelled to international prominence in the last five years with the recognition that it is more extensive and significant than had been believed. The inability to responsibly manage fish stocks that are subject to IUU fishing is a real issue and not the invention of an interest group that may wish to use IUU fishing to drive its own “agenda”. In summary, IUU fishing:

- has many dimensions and motivations, through the most obvious motivations are those of a financial nature;
- requires that States exercise effective flag State control over their vessels, in accordance with international law, if the problem is to be deterred, prevented and eliminated. A consistent failure by countries to meet their international obligations with respect to the control of fishing vessels flying their flags is the major contributing factor to IUU fishing;⁸
- is exacerbated by the fishing activities of vessels from many ‘flag of convenience’ or open registry countries because very often these vessels are not subject to effective flag State control;
- disadvantages fishers who are good national and international citizens, who have proper authorizations to fish and who abide by the terms and conditions of their authorizations. This occurs because IUU fishers do not face the same constraints in terms of operating costs, catch restrictions, etc, nor do IUU fishers implement the same safety standards for fishing and

⁸ To achieve more effective flag State control over fishing vessels, and to provide a more effective link between the flag and the vessel, it is essential that flag States provide authorizations for all vessels to fish, irrespective of whether this authorization is for operations in zones of national jurisdictions, exclusive economic zones (EEZs) of other countries, or on the high seas. However, in addition to this authorization by the flag State other supporting activities are required to ensure that vessels comply fully with the terms and conditions of their authorizations, that reporting is complete, accurate and timely and that unregulated fishing does not occur. This authorization to fish should be provided by the national fisheries administration of the flag State. This is essential to address IUU fishing in a substantive and front-on manner. In this connexion it has been reported that some States that operate open registries, as part of their efforts to promote responsible fisheries, now require fishing authorizations to be provided by their respective national fisheries administrations.

support vessels and crews as is required by their counterparts who do not engage in IUU fishing;

- presents a serious moral consideration in that it contributes to food insecurity in some coastal and inland fishing communities that are heavily dependent on fish for food and revenue derived from the sale of fishing licences and fish exports;
- is, by its nature, virtually impossible to globally assess and quantify. However, catch and economic assessments by some RFMOs enable a global picture of the dimensions of the problem to be pieced together. As a consequence of assessments it should be possible to consolidate a broader, though incomplete, perspective on IUU fishing across regions;⁹ and
- requires that countries and RFMOs adopt innovative measures to address the problems where flag State responsibility is poorly exercised or does not exist. These measures, viewed as ‘secondary defences’, represent a ‘second-best approach’ to dealing with IUU fishing.

A matter of concern with respect to IUU fishing is the age and capability of the fleet registered on open registries. It had been assumed, perhaps implicitly, that vessels re-flagging to these registries or switching to such registries to circumvent regionally agreed conservation and measures were old vessels, fully depreciated and nearing the end of their productive lives. However, recent fleet analysis by FAO shows, based on data available from Lloyds Maritime Information Services, that this is not the case. An increasing number of young and recently constructed vessels are moving to open registries. Consequently, the ‘flag of convenience’ fleet is not an old and aging fleet as had been thought previously. The European Commission, on this matter, has pointed out that fishing by ‘flag of convenience’ vessels represent a considerable threat to the survival of fisheries worldwide.¹⁰

The incidence and intensity of IUU fishing is functionally related to, and symptomatic of, a number of problems facing the management of fisheries. These problems must also be concurrently addressed and resolved if IUU fishing is to be prevented, deterred and eliminated. These problems include, *inter alia*:

- excess fleet capacity and the ‘pushing out’ and re-flagging of vessels from managed fisheries as regulations tighten to fisheries that are un- or poorly managed. This process may involve a migration of displaced fleet capacity from vessel registries in developed to developing countries;¹¹
- the payment of fisheries and fisheries-related subsidies where they have the effect of maintaining or increasing fleet capacity and masking of the real economic costs of vessel construction and fishing operations; and
- ineffective fisheries monitoring, control and surveillance (MCS), inadequate sanctions and a lack of international cooperation to promote exchanges of information about IUU fishers.

In view of the seriousness of IUU fishing some governments are inclining to the view that such fishing is no longer a ‘soft or administrative offence’ and that fishers who operate in an illegal and unreported manner should be considered guilty of a more serious offence. This notion is being promulgated so that fishers who engage in certain types of IUU fishing should be subject to more severe sanctions and not benefit from their illicit activities.

INTERNATIONAL RESPONSES TO IUU FISHING

⁹ With respect to the magnitude of IUU fishing it is believed that IUU fishing accounts for upto 30 percent of total catches in some important commercial fisheries; that IUU (black) landings account for 50 percent of total landings in some ports and, in the case of one RFMO, it has been estimated that IUU catches could be as high as three times the permitted catch level. These data, if accurate, have major consequences for national and regional stock assessments, and in turn, the determination of catch levels and other management measures adopted and implemented by countries and RFMOs.

¹⁰Commission for the European Communities. 2002. Communication from the Commission: Community action plan for the eradication of illegal, unreported and unregulated fishing. European Commission. Brussels. 11p.

¹¹This point was highlighted at the 2003 Twenty-fifth Session of the Committee on Fisheries. Some countries pointed out that IUU fishing, often by displaced vessels, undermines efforts to sustainably manage fisheries at both national and regional levels.

Global action

FAO has been at the forefront of international efforts to address IUU fishing. The 1999 FAO Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries (Rome Declaration)¹² states, *inter alia*, that countries would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying "flags of convenience".

This seminal Declaration set the international stage for action to prevent, deter and eliminate IUU fishing and provided the impetus and a framework for FAO to pursue a structured suite of activities relating to the elaboration of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).¹³

Box 2: ELABORATION AND ADOPTION OF THE IPOA-IUU

The Twenty-third Session of the FAO Committee on Fisheries (COFI) in 1999, and subsequently the FAO Ministerial Meeting on Fisheries, gave FAO a clear mandate to develop a voluntary international plan of action (IPOA) to combat IUU fishing within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries.

An Expert Consultation on IUU fishing was convened in May 2000 by the Government of Australia in cooperation with FAO. The experts prepared a preliminary draft IPOA. Subsequently, an FAO Technical Consultation on IUU Fishing was held in Rome in October 2000. Its purpose was to elaborate an IPOA to combat IUU fishing. A Second Technical Consultation was convened in February 2001 immediately prior to the Twenty-fourth Session of COFI. The IPOA-IUU was then adopted by consensus by COFI. The IPOA-IUU was endorsed by the Hundred and Twentieth Session of the FAO Council in June 2001.

Following the adoption of the Rome Declaration, growing international concern and impatience about IUU fishing led the issue to be addressed by United Nations General Assembly (UNGA). Indeed, since 2000 IUU fishing has been included each year in UNGA resolutions.¹⁴ These resolutions have, *inter alia*:

- condemned IUU fishing in all its forms;
- called on States to implement full and effective flag State control over vessels flying their flags;
- encouraged bilateral and regional cooperation to combat IUU fishing;
- urged States to address IUU fishing and to implement the IPOA-IUU through the elaboration of national plans of action (NPOAs) by 2004, as called for in the IPOA-IUU; and
- encouraged the implementation of effective MCS and vessel monitoring systems (VMS) as a means of combating IUU fishing.

Within the ambit of the UNGA, IUU fishing has also been reviewed since 2000 by all sessions of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS). The reports of these meetings, which are forwarded to the UNGA for consideration, have noted, *inter alia*:

- IUU fishing presents an urgent and serious challenge to the international community if sustainable fisheries are to be achieved;
- the necessity to secure a global consensus on reversing declines in fish stocks and taking coordinated steps to address overfishing and the continuing problem of IUU fishing;

¹² Adopted in 1999 by the FAO Ministerial Meeting on Fisheries.

¹³ Given the serious nature of IUU fishing and its effects on undermining sustainable and responsible fisheries, FAO Members agreed that IUU fishing should be addressed by the FAO Conference at its Thirty-second Session in November/December 2003.

¹⁴ UNGA resolutions A/RES/55/7 (2000); A/RES/55/8 (2000); A/RES/56/12 (2001); A/RES/57/141 (2002), and A/RES/57/142 (2002).

- the requirement for all States and RFMOs to take action to implement the IPOA-IUU;
- the need for effective flag State control if IUU fishing is to be combated;
- the importance of further examining and clarifying the role of the ‘genuine link’ in relation to the duty of flag States to exercise control over vessels flying their flags; and
- the role of port States in preventing, deterring and eliminating IUU fishing and encouraged FAO to continue its work in promoting port State measures to combat IUU fishing.¹⁵

With a sharp focus on fisheries issues and the need to secure sustainable outcomes in the fisheries sector as promulgated at the 1992 United Nations Conference on Environment and Development (UNCED),¹⁶ the 2002 World Summit on Sustainable Development (WSSD) addressed, *inter alia*, the scope and effects of IUU fishing. The Johannesburg Plan of Implementation, which also reflects certain decisions adopted by FAO Committee on Fisheries (COFI), called on States to implement the Code of Conduct and its related IPOAs and guidelines. Significantly, the Johannesburg Plan of Implementation urges that States take action to implement by 2004 national and, where appropriate, regional plans of action, to give effect to the IPOA-IUU.¹⁷

Regional responses

RFMOs are critical for the promotion of international cooperation in fisheries. It is through these organizations that countries come together and agree to be bound by decisions relating to the conservation and management of fish stocks. Some RFMOs have reported that IUU fishing in their convention areas by both party and non-party flag vessels is widespread and that such fishing handicaps their efforts to rationally manage fisheries. This is a vital issue because if RFMOs are not in a position to fulfil their mandates with respect to management, the outlook for the sustainable utilization of many of the world’s major fish stocks is bleak.¹⁸

RFMOs and other regional fora have, in regular and special sessions, addressed IUU fishing and its effects on their efforts to sustainably manage mandated fish stocks.¹⁹ Many of these organizations, independent of the FAO-led process to develop an IPOA-IUU, have taken steps to combat IUU fishing. Regional measures to curb IUU fishing have focussed on several issues including:

- encouraging non-Members to become parties to their organizations;²⁰
- implementing new, and strengthen existing, policies, procedures and mandates;
- implement black or white lists of vessels with a view to gaining the greater cooperation of flag States;

¹⁵ FAO. 2002. Report of the Expert Consultation to review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. FAO. Rome. 22p.

¹⁶ Agenda 21 provides the principles and a programme of action for achieving sustainable development.

¹⁷ The Plan also specifies deadlines for five fisheries issues including the development and implementation of national and regional plans of action to put into effect the IPOA for the management of fishing capacity by 2005; the establishment of representative networks of marine protected areas by 2012; and the application of the ecosystem approach to fisheries by 2010; and the restoration of depleted stocks not later than 2015. To enhance the implementation of the IPOA-IUU and to reduce the incidence of IUU fishing and fishing fleet overcapacity, the Plan urges States to establish effective MCS systems for fishing vessels, including by flag States and to eliminate subsidies paid to the fishing industry that contribute to IUU fishing.

¹⁸ CCAMLR’s Sixteenth Session’s Report notes, *inter alia*, that “... overfishing, illegal, unregulated and unreported constituted a most serious challenge to the reputation and credibility of CCAMLR as an intergovernmental organization for rational management of living marine resources on a sustainable basis. ...” Moreover, the report further noted that IUU catches in the Commission’s area exceeded reported fishing by a factor several times over and that more than half of the vessels presumed to engage in IUU fishing fly the flags of CCAMLR Members.

¹⁹ A recent FAO study noted that “IUU fishing was named by a number of RFBs as an important issue. Concern was expressed about the level of unreported catches¹⁹ and extent and impact of IUU fishing. One RFB attributes the unreporting in its area of competence to the fact that the vessels concerned are flagged in open registry countries. However, under the threat of Port State control measures and trade documentation schemes, some of these countries are now cooperating with the Commission and providing some data. It is apparent that in most cases, however, they would most likely not apply management measures decided by the Commission.” Swan, Judith. 2003. “Summary Information on the Role of International Fishery Organizations or Arrangements and Other Bodies Concerned with the Conservation and Management of Living Aquatic Resources”. FAO Fisheries Circular No. 985. FAO. Rome. 114p.

²⁰ The issue of RFMOs accommodating new entrants should be substantively addressed as a means of minimizing the impact of IUU fishing by non parties on their work.

- implementing market measures, primarily through catch documentation schemes that attempt to identify the origin of fish caught and influence its sale. The purpose of these measures is to try to block or to make more difficult the sale of fish taken by IUU fishers; and
- encouraging parties to strengthen their port measures so as to try to prevent the landing of fish taken by IUU fishers.

Such measures to combat IUU fishing have been adopted, individually or in combination, by many RFMOs. The number and distribution of organizations that have adopted anti IUU fishing reflects the global nature of the problem. IUU fishing occurs in all oceans and in different types of fisheries: IUU fishing is not, for example, only a problem in tuna fisheries.

RFMOs that have acted against IUU fishing include:

- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);
- Commission for the Conservation of Southern Bluefin Tuna (CCSBT);
- Indian Ocean Tuna Commission (IOTC);
- Inter-American Tropical Tuna Commission (IATTC);
- International Convention for the Conservation of Atlantic Tunas (ICCAT);
- North Atlantic Salmon Conservation Organization (NASCO);
- North East Atlantic Fisheries Commission (NEAFC);
- Northwest Atlantic Fisheries Organization (NAFO); and
- Preparatory Commission for the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.

A summary of the resolutions adopted by these RFMOs, which is impressive in terms of the number and scope, is in Appendix 1. Other RFMOs are in the process of reviewing and taking stock of the impact of IUU fishing on their work. For example, the General Fisheries Commission for the Mediterranean (GFCM) will address IUU fishing in depth at its session in October 2003.

BOX 3: STRENGTHENED ROLE FOR RFMOs¹

Measures that States might adopt through RFMOs to combat IUU fishing include:

- institutional strengthening;
- development of compliance measures;
- mandatory reporting;
- cooperation in the exchange of information;
- development and maintenance of records of fishing vessels;
- using trade information to monitor IUU fishing;
- MCS, boarding and inspection schemes and observer programmes;
- market-related measures;
- definition of circumstances in which vessels are deemed to have engaged in IUU fishing;
- education and public awareness programmes;
- development of NPOAs;
- examination of fishing vessel chartering arrangements;
- exchange of information on an annual basis among RFMOs;
- estimation of the extent, magnitude and character of IUU fishing in an RFMO convention area; and
- maintenance of records of vessels authorized to fish and records of vessels engaged in IUU fishing.

¹Paragraph 80 of the IPOA-IUU.

National initiatives

In reporting to FAO in 2002 on their efforts to implement the Code of Conduct for Responsible Fisheries 61 countries advised that IUU fishing is problematic and that it hampers efforts to achieve sustainable fisheries. Forty-seven countries indicated that they had taken steps towards developing NPOAs to try to curb IUU fishing and as a means of implementing the IPOA-IUU.

Countries also reported that IUU fishing occurs in all capture fisheries. However, the extent and full impact of IUU fishing is not well known. Countries further reported on the types of IUU fishing being encountered. These included:

- incursions (poaching) into EEZs and inshore areas by foreign fishing vessels which sometimes impact small-scale fishers;
- a lack of compliance by fishers with the terms of their fishing authorization;
- fishing by unauthorized vessels;
- unauthorized fishing in restricted areas;
- incomplete catch and effort reporting by industrial fleets;
- under-reporting of catches;
- the use of banned fishing gears;
- fishing with explosives and poisons, resulting in the non-selective destruction of resources; and
- use of dams for the illegal netting of fish in inland fisheries.

Twenty-three countries indicated that they would take steps in the near future to finalize their NPOAs. A further 18 countries advised that their NPOAs would be completed before the March 2005 deadline, as indicated in the IPOA-IUU.

BOX 4: CONTROL OVER NATIONALS¹

In the light of relevant provisions of the 1982 UN Convention, and without prejudice to the primary responsibility of the flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.

States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.

¹ Paragraphs 18 and 19 of the IPOA-IUU

Some countries have already taken steps to strengthen national action against IUU fishing, despite not having already elaborated an NPOA. Some of these national measures reflect the measures taken by RFMOs to combat IUU fishing. National measures have included:

- revision of national fisheries and related legislation to close 'loopholes' that permit IUU fishing and related activities to take place, including provisions for tougher vessel licensing and the deregistration, decommissioning and scrapping of vessels that have engaged in IUU fishing. Some countries have opted to impose higher penalties and imprisonment terms for IUU fishers;
- acceptance and implementation of the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement and the implementation of the Code of Conduct for Responsible Fisheries. It has been noted that even where countries have not formally accepted, acceded to or ratified to these two legally binding instruments, in some instances their provisions have been implemented through policy changes and legislative revision;

- tightened flag State measures to ensure that vessels comply fully with national laws and, where appropriate, agreed regional arrangements, including enhanced national MCS;
- denial of port access to vessels known to have engaged in IUU fishing;²¹
- de-registration of vessels where these vessels have been reported or convicted in a court of law for having engaged in IUU fishing; and
- closure of markets through the prohibition of landings where fish has been taken outside agreed regional conservation and management arrangements;²²
- strengthen the functions of RFMOs;
- implementation of measures to give greater control over nationals working on fishing vessels of any flag State;
- implementation of measures against ‘flag of convenience vessels’;
- enhancement of MCS and the mandatory implementation of VMS, including improved fishing vessel observer programmes;
- seizure and destruction of catches resulting from IUU fishing so that fishers do not benefit from their illegal activities;
- seizure and destruction of fishing gear used for IUU fishing;
- implementation of more comprehensive catch reporting; and
- building awareness among stakeholders, including fishers’ associations, concerning the extent and detrimental effects of IUU fishing.

The strong global focus on IUU fishers and IUU fishing highlights the determined resolve to address the problem at all levels. A review of regional and national initiatives that are being implemented to deal with such fishing shows that the net is slowly tightening against those fishers who engage in illicit activities outside their authorizations. Secondary defences against IUU fishing will have an impact on reducing such fishing but the most effective means of preventing, deterring and eliminating IUU fishing would be for States to ensure that they meet their international obligations with respect to flag State control.

INTERNATIONAL PLAN OF ACTION

The IPOA-IUU’s scope is broad and addresses IUU fishing in a holistic manner.²³ During the negotiation process it was recognized explicitly that a range of measures were necessary to deal effectively with IUU fishing.²⁴ However, it was further recognized that a degree of flexibility was also required in dealing with IUU fishing because IUU fishing differs among countries and regions and, as a result, not all the measures would be equally applicable. Consequently, a so-called ‘tool box’ approach was adopted so that countries could select those measures that were most relevant to their particular situations.

Not all the measures in the ‘tool box’ were easily agreed during the negotiation of the IPOA-IUU, and there was considerable compromise in reaching agreement on some of the ‘tools’. However, all

²¹ It was noted at the FAO/IMO Joint *Ad hoc* Working Group that port States can unilaterally exercise wide powers in their ports so long as these powers are exercised in a manner consistent with international law. It was also noted that this is one of the reasons why port State control is such an attractive option against IUU fishing. However, there must be national legislation in force to support actions taken by the port State so as to prevent legal challenges. For many States this legislative requirement is a weak link as States do not have the required legislation in place. See FAO. 2001. Report of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters. FAO Fisheries Report No. 637. FAO. Rome. 24p.

²² The International Coalition of Fisheries Associations (IFCA) has urged the World Trade Organization (WTO) to support the use of trade measures as a means of encouraging compliance with global and regional fisheries conservation and management measures. IFCA maintains that trade measures can be very effective in discouraging and eliminating FOC fishing operations and IUU fishing

²³ The purpose of the IPOA-IUU is to prevent, deter and eliminate IUU fishing by providing countries with a set of comprehensive, effective and transparent measures on the basis of which they may act either directly or through the relevant RFMOs.

²⁴ The IPOA-IUU was the fourth IPOA that to be developed in FAO. One of the three IPOAs that had been adopted previously, the IPOA on fishing capacity, is particularly important and relevant, since it should reinforce the IPOA-IUU through reducing fleet capacity; lowering fishing pressure on fish stocks; and reducing incentives for fishers to engage in irresponsible activities. The IPOA-IUU was the fourth IPOA that to be developed in FAO. One of the three IPOAs that had been adopted previously, the IPOA on fishing capacity, is particularly important and relevant, since it should reinforce the IPOA-IUU through reducing fleet capacity; lowering fishing pressure on fish stocks; and reducing incentives for fishers to engage in irresponsible activities.

countries accepted that if IUU fishing is to be combated in an effective manner, more innovative and broader action than in the past is needed. In short, conventional measures and approaches were failing to prevent, deter and eliminate IUU fishing and its adverse impacts on fisheries conservation and management.

The implementation of the IPOA-IUU focuses primarily on six types of measures. Responsibility for implementation rests with governments and interested stakeholders, including industry, fishing communities and non-governmental organizations (NGOs), through the elaboration of NPOAs.²⁵

NPOAs should be developed as soon as possible but not later than 3 years after the adoption of the IPOA-IUU (i.e., March 2004).²⁶ To ensure that NPOAs continue to remain relevant and up-to date, the IPOA-IUU urges that, after their adoption, they should be reviewed periodically. Such a review process should enable countries to identify cost-effective strategies to increase the effectiveness of their plans and emerging issues.

The measures designed to implement the IPOA-IUU are internally consistent and mutually reinforcing, and should be applied in accordance with international law. The measures are categorized as follows:

- **All States' responsibilities.** These measures are directed to all States irrespective of their role in the fisheries. States should:
 - accept and implement international fishery instruments;
 - adopt and/or implement national legislation that addresses all aspects of IUU fishing such as State control over nationals, vessels without nationality, sanctions, non-cooperating States, economic incentives, monitoring, control and surveillance;
 - adopt and/or implement national plans of action to combat IUU fishing;
 - facilitate cooperation with other States in matters relating to IUU fishing;
 - publicize measures being taken to address IUU fishing; and
 - make available the technical capacity and resources necessary to implement the IPOA.
- **Flag State responsibilities.** Flag States should ensure that their flag vessels do not engage in, or support, IUU fishing. To this end, flag States should ensure that they have:
 - a system of vessel registration;
 - a record of fishing vessels; and
 - an authorization to fish.

BOX 5: AUTHORIZATION TO FISH¹

States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas, in particular the rights and duties set out in articles 116 and 117 of the 1982 UN Convention, or in conformity with national legislation within areas of national jurisdiction.

A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

²⁵ FAO does not have an implementing and executing role in the IPOA-IUU. Rather, FAO's role is to support national and regional initiatives.

²⁶ To assist countries implement the IPOA-IUU, FAO has prepared a technical guideline that provides practical guidance on how the address the issues contained in the IPOA.

¹ Paragraphs 44 and 45 of the IPOA-IUU.

- **Coastal State measures.** Coastal States should implement measures, in the exercise of their sovereign rights within their EEZs, to combat IUU fishing. For this purpose, coastal States should:
 - consider the implementation of effective MCS programmes;
 - enter into cooperation and exchange arrangements for data and information with other States;
 - ensure that vessels are authorized to fish and that they maintain catch logs;
 - ensure that at-sea transshipment and processing of fish are authorized or conducted in conformity with management regulations; and
 - avoid licensing vessels if they have a history of non-compliance and IUU fishing.

- **Port State measures.** Port States have an important supportive role to play in assisting flag States in fulfilling their obligations under international law. Measures adopted by port States should be fair, transparent and non-discriminatory and be framed in accordance with international law. These measures could involve:
 - requiring prior notice for fishing vessels to enter ports;
 - refusing the landing or transshipment of catch where there is clear evidence that a vessel granted entry to a port has engaged in IUU fishing;
 - collecting specified information about a vessel that has been granted access and transmit it to the flag State and, where appropriate, to relevant RFMOs;
 - reporting suspected IUU fishing activity to the flag State and relevant RFMOs;
 - establishing and publicizing a national strategy on port State control of fishing and associated vessels; and
 - cooperating with other States to develop, within relevant RFMOs, port State measures.

BOX 6: PORT STATE MEASURES¹

Where a port State has clear evidence that a vessel having been granted access to its ports has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel.

¹Paragraph 56 of the IPOA-IUU.

- **Internationally agreed market-related measures.** These measures, which represent an innovation in seeking to enhance fisheries conservation and management by reducing the incidence of IUU fishing, urge countries to:
 - prevent the importation of fish that has been identified to have been harvested by vessels engaged in IUU fishing;
 - cooperate to adopt multilaterally agreed trade-related measures, consistent with the principles, rights and obligations of the World Trade Organization (WTO), to prevent, deter and eliminate IUU fishing;
 - adopt multilateral catch-documentation and certification requirements as a means of reducing or eliminating trade in fish derived from IUU fishing;
 - improve the transparency of markets to allow traceability of fish; and
 - take steps to ensure that importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other service suppliers and the public are aware of the detrimental effects of doing business with vessels that are known to engage in IUU fishing. Likewise,

fishers should be aware of the detrimental effects of doing business with these counterparts associated with IUU fishing.

BOX 7: MARKET-RELATED MEASURES¹

States should take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by the relevant regional fisheries management organization to have been engaged in IUU fishing being traded or imported into their territories. The identification of the vessels by the regional fisheries management organization should be made through agreed procedures in a fair, transparent and non-discriminatory manner. Trade-related measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and implemented in a fair, transparent and non-discriminatory manner. Unilateral trade-related measures should be avoided.

¹ Paragraph 66 of the IPOA-IUU.

- **RFMOs.** RFMOs have a central role to play in combating IUU fishing. To enable RFMOs to effectively address this type of fishing, States should:
 - ensure compliance with, and enforcement of, policies and measures adopted in relation to IUU fishing by any RFMOs;
 - give effect to the duty to cooperate by applying the conservation and management measures adopted by a RFMO, or by adopting measures consistent with those measures, and further ensure that flag vessels do not undermine such measures;
 - through RFMOs, seek to strengthen and develop innovative ways to address IUU fishing;
 - through RFMOs, compile and make available on a timely basis to other RFMOs and to FAO information relating to the prevention, deterrence and elimination of IUU fishing;
 - encourage non-contracting parties with a real interest in the fishery to join RFMOs and to participate fully in their work; and
 - through RFMOs, bring to the attention of another State instances where its flag vessels or nationals have engaged in activities that have affected the stocks subject to its mandate. If the matter is not rectified RFMO Members may agree to adopt appropriate measures.

CONCLUSION

IUU fishing flourishes primarily because countries fail to meet their obligations under international law with respect to flag State control. In a world where effective flag State control was exercised over fishing vessels the incidence of IUU fishing would be greatly reduced. However, many countries are not meeting their flag State obligations either because they are unable or unwilling to do so. This situation has necessitated that countries and RFMOs look beyond conventional solutions to combat IUU fishing and adopt and implement a wider and more innovative suite of measures that are secondary defences. This was one of the fundamental reasons why FAO agreed to elaborate the IPOA-IUU. It has the potential to facilitate long-term sustainable fisheries. Reinforced by, and supportive of, other national and international fisheries instruments, the IPOA-IUU has the capacity to facilitate cooperative, concerted and targeted action at the root causes of IUU fishing.

Frustration and impatience with countries that do not exercise effective flag State control over their fishing vessels has led a growing number of countries to implement measures that hitherto were not considered necessary to secure sustainable fisheries. Viewed as 'secondary defences' these measures seek to promote compliance with the norms of behaviour considered necessary to achieve sustainable outcomes.

RFMOs are also moving to develop innovative approaches and schemes to prevent, deter and eliminate IUU fishing. These approaches and schemes mirror, in many cases, measures being adopted by countries. RFMOs and their members view them as being fundamental tools to combat IUU fishing.

The implementation of the IPOA-IUU is a challenge for countries, especially developing countries that often lack the necessary capacity and resources to implement such sophisticated international instruments. For all countries the implementation of the IPOA-IUU involves substantial additional cost. With reduced levels of IUU fishing and with more effective flag State control over fishing vessels, funds that are being used to combat IUU fishing could be used for more productive social and economic purposes.

The number of countries operating open registries and offering ‘flags of convenience’ to fishing vessels, often seemingly for limited financial return, is increasing.²⁷ Many of these countries are failing to:

- ensure that the vessels they flag are properly authorized to fish; and
- exercise effective flag State control.

This is the crux of the IUU fishing problem. This lack of control over fishing vessels undermines responsible fisheries and therefore threatens the future of fisheries. It further creates adverse publicity for all the countries that operate open registries, including those countries that offer a legitimate open registry service.

²⁷ Swan, Judith. 2002. “Fishing Vessels Operating Under Open Registers and the Exercise of Flag State Responsibilities: Information and Options”. FAO Fisheries Circular No. 980. FAO. Rome. 65p.

**RESOLUTIONS AND OTHER DECISIONS OF SOME REGIONAL FISHERY MANAGEMENT ORGANIZATIONS RELATING TO
ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING AND RELATED ACTIVITIES**

| COMMISSION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR) | |
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| Flagging and Licensing of Non-Contracting Party Vessels Resolution 13/XIX (2000) | This Resolution urges all Contracting Parties, consistent with their domestic legislation, to avoid flagging a non-Contracting Party vessel or licensing such a vessel to fish in waters under their fisheries jurisdiction, if that vessel has a history of IUU fishing in the Convention Area. |
| Catch Documentation Scheme: Implementation by Acceding States and Non-Contracting Parties Resolution 14/XIX (2000) | <p>All Acceding States and non-Contracting Parties not participating in the Catch Documentation Scheme (CDS) which fish for, or trade in, <i>Dissostichus</i> spp. are urged to implement the Scheme as soon as possible, and the CCAMLR Secretariat and members are requested to make appropriate representations to such States and Parties.</p> <p>Commission members are reminded of their obligation under the CDS to prevent trade in <i>Dissostichus</i> spp. in their territory, or by their flag vessels, with Acceding States or non-Contracting Parties when it is not carried out in compliance with the Scheme. The issue will be continued to be reviewed.</p> |
| Use of Ports not Implementing the Catch Documentation Scheme for <i>Dissostichus</i> spp. Resolution 15/XIX (2000) | <p>This Resolution urges Contracting Parties:</p> <ul style="list-style-type: none"> • not to use ports of Acceding States and non-Contracting Parties which are not implementing the CDS for <i>Dissostichus</i> spp., where they are unable to provide an authorised Flag State official(s) to monitor a landing; <p>to attach to the authorisation to fish a list of all Acceding States and non-Contracting Parties that are implementing the CDS.</p> |
| Use of VMS and other Measures for the Verification of CDS Catch Data for Areas Outside the Convention Area, in particular, in FAO Statistical Area 51 Resolution 17/XX (2001) | <p>Concerned that the Catch Documentation Scheme for <i>Dissostichus</i> spp. (CDS) could be used to disguise IUU catches of <i>Dissostichus</i> spp. in order to gain legal access to markets, this Resolution urges participating States to ensure that <i>Dissostichus</i> Catch Documents (DCDs) relating to landings or imports are checked to verify that the information is consistent with data reports derived from a Vessel Monitoring System (VMS).</p> <p>It urges States participating in the CDS to consider reviewing their domestic laws and regulations, with a view to prohibiting landings/transshipments/ imports of <i>Dissostichus</i> spp. if the Flag State fails to demonstrate that it verified the DCD using automated satellite-linked VMS derived data reports.</p> <p>It also requests the Scientific Committee to review relevant data outside the Convention Area to assist in the conservation and management of <i>Dissostichus</i> stocks and in defining the areas and potential biomasses which could be landed/imported/exported under the CDS.</p> |
| COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA (CCSBT) | |
| Action Plan Report of the Sixth Annual Meeting, Second Part, Attachment I (2000) | <p>The Resolution notes that a significant number of non-Party vessels are catching SBT, and refers to the strenuous efforts by Parties to encourage non-Parties to accede to the Convention or cooperate with the Commission, and to deter non-Party fishing which could adversely affect the objective of the Convention. It:</p> <ul style="list-style-type: none"> • requests non-members catching SBT to cooperate fully and advise it of actions taken; |

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| | <ul style="list-style-type: none"> • calls for identification by the CCSBT non-member fishing that diminishes the effectiveness of conservation and management measures; • provides procedures for communicating with non-members to request them to rectify their fishing activities; • refers to the possibility that the Commission may decide to impose trade-restrict measures. <p>Subsequent meetings have agreed that there was value in preparing a list of IUU vessels and the Trade Information Scheme (TIS) would be used to assist in this respect.²⁸</p> |
| Southern Bluefin Tuna Statistical Document Program Decision of the Sixth Annual Meeting, Second Part Attachment J (2000) | <p>This decision provides for a Trade Information Scheme (TIS) requiring all SBT to be accompanied by a CCSBT Southern Bluefin Tuna Statistical Document for importation into the territory of a member. The Program provides for:</p> <ul style="list-style-type: none"> • required information; • validation; • exchange of information; • record and reports; and • re-export. <p>Subsequent meetings have considered implementation of the TIS and its value for reducing IUU fishing activities.²⁹</p> |
| INDIAN OCEAN TUNA COMMISSION (IOTC) | |
| Registration and Exchange of Information on Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence Recommendation 98/04 (1998) | <p>This Recommendation requires Contracting Parties and cooperating non-Contracting Parties (CPCs):</p> <ul style="list-style-type: none"> • to submit a list of their vessels greater than 24 meters that have fished during the previous year, with specified information. (This also applies to Contracting Parties that issue licences to foreign vessels in the Convention Area); • to notify the Secretary of any information concerning fishing vessels not covered by the above but are presumed to be fishing for tropical tunas in the Area. <p>The Secretary must request the flag State of vessels presumed to be fishing for tropical tunas in the Area to take necessary measures to prevent the vessel from fishing.</p> |
| Management of Fishing Capacity and the Reduction of the Catch of Juvenile Bigeye Tuna by Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence Recommendation 99/01 (1999) | <p>This Recommendation recalls the IPOA-Capacity and notes that if the catch of bigeye tuna continues at high levels, the stock is likely to become overexploited. Very concerned that IUU fishing activities by large-scale tuna vessels have continued to increase, severely diminishing the potential effectiveness of IOTC conservation and management measures and impeding stock assessment, IOTC:</p> <ul style="list-style-type: none"> • undertakes to adopt concerted actions to limit the fishing capacity of large-scale vessels fishing for tropical tunas to the appropriate level; • engages to adopt at its session in 2000, a season and area closure of the use of floating objects in the Area of Competence on the basis of specified scientific advice; • urges CPCs to fulfil their obligation concerning the transmission of the list of fishing vessels. |
| Calling for Actions Against Fishing Activities by Large Scale Flag of Convenience Longline Vessels Recommendation 99/02 (1999) | <p>This Recommendation expresses concern that fishing activities by large scale flag of convenience (FOC) tuna longline vessels in the IOTC Areas have continued and increased, and notes that many vessels have reflagged to avoid compliance with IOTC measures. Aware that most of the vessels are owned and operated by Taiwan Province of china (TPC) entities and almost all their products are being exported to Japan, the Resolution welcomes the development of the IPOA-IUU fishing including FOC. Further action to be taken by CPCs to deter FOC fishing activities is resolved, including:</p> |

²⁸ e.g. Report of the Eighth Annual Meeting, 2001, paragraph 36.

²⁹ e.g. *Ibid.*, paragraph 86.

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| | <ul style="list-style-type: none"> • ensuring that their flag vessels do not engage in IUU fishing (e.g. by means of denying licences); • refusing port access to FOC vessels engaged in activities that diminish the effectiveness of IOTC measures; • taking action consistent with relevant laws to: <ul style="list-style-type: none"> ○ urge their importers, transporters and other concerned business people to refrain from transactions/transhipments in tuna and tuna-like species caught by vessels carrying out FOC activities; ○ urge manufacturers and business people to prevent their vessels and equipment/devices from being used for FOC operations. ○ inform the general public; • monitoring and exchange of information; • repatriation or scrapping of FOC vessels undermining IOTC measures; <p>instructing the IOTC Secretariat to prepare possible measures to prevent or eliminate FOC fishing activities, including restrictive trade measures.</p> |
| Support of the IPOA-IUU Plan Recommendation 01/07 (2001) | This Recommendation supports the IPOA-IUU, and calls for the identification to IOTC of vessels engaged in IUU activities through agreed procedures in a fair, transparent and non-discriminatory manner. IOTC should then establish the exchange of information on vessels engaged in or supporting IUU fishing, including trade information. |
| The Establishment of an IOTC Programme of Inspection in Port Recommendation 02/01 (2002) | This Recommendation notes that port inspection is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing. Measures taken in accordance with the IOTC Agreement are to take full account of the right and duty of the Port State in accordance with international law. More specifically, it: <ul style="list-style-type: none"> • provides for port State inspections; • describes elements of and priorities for the inspection; • requires Contracting Parties to adopt regulations to prohibit landings and transhipments by non-Contracting Party vessels where it has been established that the catch has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission; • requires the Port State to draw evidence of any violation of an IOTC measure to the attention of the flag State concerned and as appropriate the IOTC. |
| On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unregulated and Unreported Fishing In the IOTC Area Recommendation 02/04 (2002) | Conscious of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities, this Recommendation sets evidentiary criteria for a presumption that fishing vessels flying the flag of a non-Contracting Party have carried out illegal, unregulated and unreported fishing activities in the IOTC Area. It: <ul style="list-style-type: none"> • calls on CPCs to transmit to the Secretary annually a list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area during the current and previous year; • describes procedures, including consideration by the Compliance Committee, that lead to the adoption of a list of IUU fishing vessels; • describes measures to be taken against such vessels. |
| The Establishment of an IOTC Record of Vessels over 24 metres Authorised to Operate in the IOTC Area Recommendation 02/05 (2002) | The IOTC notes that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have a high potential of operating in the IOTC area without timely registration with the Commission. Recalling that the IPOA-IUU stipulates that RFBs should take action to deal with IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in or supporting IUU fishing, the IOTC adopts the following: <ul style="list-style-type: none"> • an IOTC Record of fishing vessels larger than 24 metres (large scale fishing vessels, or “LSFV”) is to be established; • for the purposes of this Recommendation, LSFVs not entered into the Record are deemed not be authorised to fish for, retain on board, tranship or land tuna and tuna-like species; |

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| | <ul style="list-style-type: none"> • information to be submitted by CPCs; • measures CPCs must take to ensure compliance and prevent their flag vessels with a history of IUU fishing activities from fishing/being included on the IOTC Record (unless there are new owners and evidence to the contrary); • measures CPCs must take to validate statistical information and ensure that species covered by Statistical Document Programs are accompanied by required documentation when imported by Contracting Party. • procedures where vessels not on the IOTC Record are fishing or transshipping tuna and tuna-like species in the IOTC Area. |
| Measures to Prevent the Laundering of Catches by IUU Large-Scale Tuna Longline Fishing Vessels (LSTLFVs) Recommendation 02/07 | Taking into account the need to implement the IPOA-IUU, and gravely concerned that a significant amount of catches by the IUU fishing vessels are believed to be transferred under the names of licensed fishing vessels, the IOTC recommends: <ul style="list-style-type: none"> • CPCs should ensure that their licensed large-scale tuna longline fishing vessels (LSTLFVs) have prior authorization for at sea or in port transshipment and obtain the validated Statistical Document prior to transshipment; • CPCs should ensure transshipments are consistent with the reported catch amount and require transshipment reports; CPS that import tuna and tuna-like species caught by LSTLFVs should require transporters to ensure that Statistical Documents are issued prior to transshipment in their ports. Documents to be submitted directly after transshipment. |
| INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC) | |
| Fishing by Vessels of non-Parties Resolution (2000) | The IATTC, referring to the principles of the Code of Conduct and the Compliance Agreement and addressing fishing by non-Parties, recommends to the High Contracting Parties that they: <ul style="list-style-type: none"> • gather and exchange information on such fishing vessels that could undermine IATTC conservation and management measures; • request the Director to communicate with the flag State governments of such vessels and report to members so they may take appropriate measures. |
| Regional Vessel Register Resolution (2000) | The IATTC, referring to the principles of the Code of Conduct and the Compliance Agreement and addressing the need for pertinent information relative to the fishing operations in the Eastern Pacific Ocean (EPO), recommends to the High Contracting Parties that they: <ul style="list-style-type: none"> • request the Director to establish and maintain a record of vessels authorized to fish in the Convention area, on the basis of specified information and procedures; • request non-members with vessels fishing in the EPO to provide the specified information and follow the terms of the Resolution. |
| Fishing by Vessels of non-Parties Resolution (2000) | This Resolution provides the conditions for not including a vessel in the Regional Vessel Register. The Director must: <ul style="list-style-type: none"> • compile a list of vessels identified as fishing in the EPO that is not a flag vessel of a member or cooperating State; • communicate with the flag State requesting specific information; • report on the above matters to the Commission, which may then determine that a vessel may be placed on a list of non-cooperating vessels. |
| Establishment of a List of Longline Fishing Vessels over 24 meters (LSTLFVs) Authorized to Operate in the Eastern Pacific Ocean Resolution C-03-07 (2003) | Recalling that the IPOA-IUU stipulates that RFBs should take action to deal with IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in or supporting IUU fishing, this Resolution establishes and sets requirements for a list of LSTLFVs over 24 meters authorized to fish in the EPO. It includes: <ul style="list-style-type: none"> • information requirements; • procedures; • extensive duties of flag CPCs on the List, including taking measures relating to LSTLFVs on, and not on the list; • duties of the Director and the Commission. |
| Attaining the Status of | This Resolution refers to the urgent need to develop criteria to establish the conditions under which the status of cooperating non-party of |

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| Cooperating Non-Party or Cooperating Fishing Entity to AIDCP and IATCC Resolution C-03-11 (2003) | cooperating fishing entity is determined in AIDCP and IATTC, and sets the following requirements: <ul style="list-style-type: none"> • information requirements; • compliance requirements; • participation at plenary and scientific meetings as observers. |
| INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNA (ICCAT) | |
| Transhipments and Vessel Sightings Recommendation 97-11 | This Resolution addresses the problem of stateless vessels that may threaten the integrity of ICCAT measures. Contracting Parties: <ul style="list-style-type: none"> • must immediately report to ICCAT any sightings of vessels that appear to be without nationality that may be fishing for ICCAT species; • may board and inspect the vessel on the high seas where there are reasonable grounds to suspect it is stateless; • may, where evidence warrants, take action in accordance with international law • are encouraged to establish points of contact to facilitate cooperation and other appropriate actions. |
| Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels In the Convention Area Resolution 98-18 (1998) | This Resolution recognizes that a large number of longline vessels were not reporting catches or respecting ICCAT conservation measures, and were transferring their flag to avoid trade restrictive measures. It specifies information the Commission is to request of certain importing countries in relation to such activities, in order that it can be reviewed with a view to adoption by the Commission of effective measures to prevent the vessels from continuing operations. |
| Calling for Further Actions against Illegal, Unregulated and Unreported Fishing Activities by Large Scale Longline Vessels in the Convention Area and Other Areas Resolution 99-11 (1999) | Concerned that IUU fishing activities by large scale tuna longline vessels in the Convention Area have continued and increased, and aware that many vessels are shirking their flag from Non-Contracting Parties to Contracting Parties, this Resolution also notes that most of the vessels are owned and operated by Chinese Taipei's business entities while almost all of their products are exported to Japan. The Resolution calls for parties, cooperating non-parties, entities or fishing entities to ensure that LSTLFVs do not carry out IUU fishing in the Convention Area and other Areas, and directs them to take every possible action to urge businesses to refrain from engaging in transactions and transhipments of tuna and tuna-like species caught by vessels carrying out IUU fishing activities in the Convention Area and elsewhere. The Commission also praises and urges Chinese Taipei's effort to register Chinese Taipei built vessels engaged in IUU fishing and urges Japan to scrap Japan-built vessel engaged in IUU fishing activities in the Convention Area and elsewhere. |
| The Need for New Approaches to Deter Activities that Diminish the Effectiveness of ICCAT Conservation and Management Measures Resolution 99-12 (1999) | This Resolution expresses concern that despite the adoption of conservation and management measures, more than half of the major stocks of species continue to be at levels below that necessary to maintain maximum sustainable catch and most other stocks appear to be at or near full exploitation levels. Aware that flag States remain unable or unwilling to fulfil responsibilities in the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement, and convinced that new measures and approaches are needed beyond those already adopted, the Resolution: <ul style="list-style-type: none"> • expresses the Commission's full endorsement of the FAO initiative to develop the IPOA-IUU; • calls upon Contracting Parties to become parties to the instruments; • encourages CPCs to participate in efforts called for in the IPOA-Capacity. |
| To Enhance the Effectiveness of the ICCAT Measures to Eliminate Illegal, Unregulated and Unreported Fishing Activities by Large-scale Tuna Longline Vessels | Concerned that a substantial number of owners of IUU LSTLFVs, most being Chinese Taipei's business entities, are still trying to continue IUU fishing by changing flag, vessel name and/or ownership, and that de-registered IUU vessels are trying to find new hosts, this Resolution: <ul style="list-style-type: none"> • urges Japan and Japan and Chinese Taipei to take the necessary measures to complete the scrapping of IUU vessels built in Japan and the re-registration of IUU vessels built in Chinese Taipei and owned by its residents to Chinese Taipei registry; |

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| <p>in the Convention Area and Other Areas Supplemental Resolution 00-19 (1999)</p> | <ul style="list-style-type: none"> • requests contracting parties and others to intensify the actions in Resolution 99-11; and • requests Japan and Chinese Taipei to report any changes to relevant information. |
| <p>Further Defining the Scope of IUU Fishing Resolution 01-18 (2001)</p> | <p>Recognizing that the IPOA-IUU defines IUU fishing, the Resolution calls on all relevant parties to take every possible action to ensure concerned business people refrain from engaging in transaction and transshipment of tuna caught by IUU fishing vessels. This includes fishing not in compliance with relevant ICCAT conservation and management measures, in the Convention area or elsewhere.</p> |
| <p>More Effective Measures to Prevent, Deter and Eliminate IUU Fishing by Tuna Longline Vessels Resolution 01-19 (2001)</p> | <p>This Resolution addresses the problems in preparing a list of IUU fishing vessels from various trade data, including name and flag changes by vessels, and notes that a significant amount of IUU catch are believed to be transferred under the names of licensed vessels. A majority of the crew onboard the IUU tuna longline vessels are residents of the Contracting Parties and others associated with ICCAT. A working group meeting is called in 2002 to work out more effective measures to prevent, deter and eliminate IUU fishing, taking into account the IPOA-IUU. Terms of reference and follow-up for the meeting are set, and actions of the contracting parties and others are suggested.</p> |
| <p>A Management Standard for the Large-Scale Tuna Longline Fishery Resolution 01-20 (2001)</p> | <p>Recognizing the difficulty in control and management of LSTLFVs, due to their mobility between oceans, transfer of catches to the market without going through flag countries, shifting of flags to Contracting Parties with less management ability and changing vessel names and nominal owners, this Resolution encourages:</p> <ul style="list-style-type: none"> • CPCs to take provisional measures to meet specified minimum standards for licence issuance, and report to ICCAT on specified format; and • continuous review of the measures. |
| <p>Establishment of a List of Vessels Presumed to have carried out IUU Fishing Activities in the ICCAT Convention Area Recommendation 02-23 (2002)</p> | <p>This recommendation recalls that the IPOA-IUU stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way. It recognises continued IUU activity especially by vessels that have been re-flagged to avoid compliance and evade ICCAT trade measures, and states determination to address this by way of countermeasures. The recommendation:</p> <ul style="list-style-type: none"> • establishes evidentiary criteria for a presumption that IUU fishing has been carried out; • requires CPCs to transmit annually to ICCAT a list of non-Contracting Party vessels presumed to be carrying out IUU activities in the Convention Area, and sets subsequent procedures by the Secretariat; • provides measures that CPCs must take under their applicable legislation in respect of vessels on the IUU list, including refusing to grant their flag to listed vessels, encouraging importers, transporters and others to refrain from transaction and transshipment of tuna caught by listed vessels, and prohibiting: <ul style="list-style-type: none"> ○ flag vessels from participating in transshipment with listed vessels ○ landings or transshipments from listed vessels voluntarily in ports ○ chartering listed vessels ○ imports, landings, transshipments of tuna and tuna-like species from listed vessels; • provides for publicity and dissemination of IUU list with other RFBs. |
| <p>Implementation of the Recommendation Concerning the ICCAT Record of Vessels Resolution 02-24 (2002)</p> | <p>The Resolution notes that despite the establishment of an ICCAT Record of Vessels over 24 meters authorized to operate in the Convention Area under Recommendation 02-22, a hundred LSTLFVs are believed to continue IUU fishing in the Convention Area and elsewhere, and identifies action to be taken:</p> <ul style="list-style-type: none"> • by the Executive Secretary to identify newly listed vessels; • by the Compliance Committee and Working Group to examine possible involvement of the remaining IUU vessels on the ICCAT Record. |

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| Measures to Prevent the Laundering of Catches by Illegal, Unreported and Unregulated (IUU) Large-scale Tuna Longline Fishing Vessels Resolution 02-25 (2002) | Taking into account the need to implement the IPOA-IUU, concerned that a significant number of catches by IUU fishing vessels are believed to be transferred under the names of licensed vessels and building on previous recommendations to improve control over transshipments, this Resolution calls upon CPCs: <ul style="list-style-type: none"> • in respect of transshipments, to ensure that their licensed large-scale tuna longlining vessels have prior authorization and validated documentation, and that reports are made and validated; • in respect of importing tuna and tuna-like species caught by large-scale tuna longlining vessels, to obligate transporters that intend to land such species in their port to submit required documentation prior to and immediately after the transshipment. |
| Concerning Cooperative Actions to Eliminate Illegal, Unreported and Unregulated Fishing Activities by Large Scale Tuna Longline Vessels Resolution 02-26 (2002) | The Working Group formed by Resolution 01-19 encouraged collaborative work between Chinese Taipei and Japan to study further the involvement of the former's residents and licensed vessels in IUU fishing, and to work out effective measures to prevent such involvement. This Resolution encourages such collaboration, and urges: <ul style="list-style-type: none"> • Japan to work closely with the flag States of LSTLFVs, and implement the 2002 ICCAT Recommendation to establish a Record of Vessels over 24 meters authorised to operate in the Convention Area; • Chinese Taipei to consider appropriate domestic legislation to improve its control its residents that invest in or otherwise support or engage in IUU fishing; • Contracting Parties and others associated with ICCAT to urge their residents from engaging in or associating with activities that support IUU fishing. |
| Regarding Process and Criteria for ICCAT IUU Trade Restrictive Measures Resolution 02-27 (2002) | Recognising the desirability of implementing the IPOA-IUU, and the range of valuable tools already developed by ICCAT for doing so, this Resolution: <ul style="list-style-type: none"> • calls for a Working Group to develop criteria and a process for the fair, transparent and consistent application of ICCAT measures, including trade restrictive measures, to prevent, deter and eliminate IUU fishing; and • specifies terms of reference and minimum documentation to be considered. |
| NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION (NASCO) | |
| Fishing for Salmon on the High Seas Resolution CNL(92)54 (1992) | Taking into account the United Nations Convention on the Law of the Sea, NASCO's prohibition on high seas fishing and non-parties fishing for salmon on the high seas despite appeals by NASCO to cease fishing activities, this Resolution calls for: <ul style="list-style-type: none"> • measures to encourage non-contracting parties to sign and comply with the NASCO Protocol; • encourages the Contracting Parties to report sightings of high seas fishing activities that may undermine NASCO's conservation measures; • requests NASCO to take a number of measures, including collection, compilation and dissemination of relevant information. |
| NORTH EAST ATLANTIC FISHERIES COMMISSION (NEAFC) | |
| Scheme to Promote Compliance by Non-Contracting Party Vessels with Recommendations Established by NEAFC Recommendation (1998) | The Recommendation is directed at non-Contracting Party vessels engaged in fishing activities in areas beyond national jurisdiction in the high seas in the Convention Area ("the Regulatory Area"), and: <ul style="list-style-type: none"> • creates a presumption that a non-Contracting Party vessel sighted in the Regulatory Area engaging in fishing activities is undermining the effectiveness of NEAFC Recommendations (it also applies to other vessels involved in transshipment with such vessels, inside or outside the Regulatory Area); provides procedures for the transmission of information, boarding and inspection, port inspection, prohibition of landings and |

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| | transhipments, reports and evidence. |
| NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO) | |
| Scheme to Promote Compliance by non-Contracting Party Vessels with the Conservation and Enforcement Measures Established by NAFO NAFO/GC Doc. 97/6 | <p>Acknowledging the rights, duties and obligations of States whose vessels fish on the high seas expressed in the 1982 UN Convention, the 1995 UN Fish Stocks Agreement, the 1993 FAO Compliance Agreement and general principles of international law, this document:</p> <ul style="list-style-type: none"> • establishes a presumption that non-contracting party vessels engaged in fishing activities in the NAFO Regulatory Area are undermining the effectiveness of NAFO Conservation and Enforcement Measures, and applies the presumption to any other non-contracting party vessels which has engaged in transhipment activities with such vessels inside or outside the Regulatory Area. • sets out procedures for information and reports relating to sightings of the above • sets out procedures for boardings and inspections; • requires contracting parties to ensure their vessels do not receive transhipments of fish from such vessels; • sets out procedures for review of the Scheme. |
| WESTERN CENTRAL PACIFIC FISHERIES COMMISSION (WCPFC) | |
| Resolution of the Preparatory Conference relating to Illegal, Unreported and Unregulated Fishing and Limits on Fishing Capacity 2002 | <p>Noting a number of international instruments, including the IPOA-IUU, that fishing capacity has continued to increase in the region since 1999 and the potential redeployment of IUU vessels from other regions into the Convention Area, the Resolution:</p> <ul style="list-style-type: none"> • urges States and other entities to exercise reasonable restraint in respect of any expansion of fishing effort and capacity in the Convention Area and to apply the precautionary approach forthwith; • urges States and other entities concerned to take every appropriate measure to prevent, deter and eliminate IUU fishing in the Convention Area; • promotes cooperation in exchanging information on the IUU fishing activities and other activities that might undermine the effectiveness of the Resolution. |