

**National Plan of Action to Prevent,
Deter and Eliminate Illegal, Unreported
and Unregulated Fishing**

Republic of Korea

Ministry of Oceans and Fisheries

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I . Preamble

IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Accordingly, the need arose for a comprehensive international instrument, one that regulates illegal fishing activities, or activities that threaten the long-term conservation and maintenance of resources.

The 23rd Session of the FAO Committee on Fisheries (COFI) in February 1999 addressed the need to prevent, deter and eliminate IUU fishing. The Committee was concerned about information presented in the meeting indicating increases in IUU fishing, including data on fishing vessels flying flags of convenience.

Afterward, an FAO Ministerial Meeting on Fisheries in March 1999 declared that, without prejudice to the rights and obligations of States under international law, the FAO would develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying flags of convenience through coordinated efforts by States, the FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO), as provided in Article IV of the Code of Conduct.

Accordingly, the draft International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted by the Technical Consultation on 23 February 2001 and unanimously approved by the COFI on 2 March 2001.

The IPOA-IUU program, to encourage States to increase their efforts to eliminate illegal fishing, called upon all committee members to develop and implement national plans of

action no later than three years after the adoption of the IPOA, in order to achieve the objectives of the IPOA by February 2004, and to review them every four years.

While the choice to draw up a national plan of action is voluntary, the plans will have substantial binding power, as the program was unanimously adopted and the eradication of IUU fishing is such an important problem to solve. Therefore, the Republic of Korea (referred to as “Korea” hereinafter), as a responsible, leading fisheries state, needs to set up its National Plan of Action to eradicate IUU fishing.

II . Aims and Principles of the National Plan of Action

1. Aims

The aims of the National Plan of Action – IUU are to prepare systematic measures consistent with the goal of the IPOA, and fulfill State responsibilities and reinforce the cooperation with relevant States and regional fisheries management organizations to eliminate IUU fishing.

2. Principles

Korea’s National Plan of Action – IUU is designed to boost the effectiveness of conservation and management measures with practical methods that consider the national fisheries environment while upholding the objectives and principles of the IPOA.

3. Definition of IUU Fishing

Illegal fishing refers to activities:

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

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

Unreported fishing refers to fishing activities:

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

Unregulated fishing refers to fishing activities:

- 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
- in areas or 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.

III. All State Responsibilities

1. International Instruments

1.1 IPOA-IUU Provisions

- States should give full effect to relevant norms of international law, in particular as

reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing (Article 10).

- States are encouraged to ratify, accept or accede to the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. Those States that have not acceded to these instruments should not act in a manner inconsistent with these instruments (Article 11).
- States should implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to (Article 12).
- Nothing in the IPOA affects, or should be interpreted as affecting, the rights and obligations contained in the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement, for States that are parties to those instruments (Article 13).
- States should fully and effectively implement the Code of Conduct and its associated International Plans of Action (Article 14).
- States whose nationals fish on the high seas in fisheries not regulated by a relevant regional fisheries management organization should fully implement their obligations under Part VII of the 1982 UN Convention (Article 15).

1.2 National System and Measures

Korea observes the 1982 UN Convention on the Law of the Sea and relevant norms under international law to deter IUU fishing, with a deep interest in the conservation and management measures for fisheries resources, and is committed to actively participating in relevant international activities.

Korea has joined or essentially implemented international conventions relevant to the elimination of IUU fishing, ratifying the UN Convention on the Law of the Sea in 1996 and the FAO Compliance Agreement in 2003.

1.3 Further Measures

Korea will periodically incorporate the conservation measures of international

bodies including RFMOs in national regulations such as the “Notification on the Implementation of Fishing Regulations of International Fisheries Organizations” which was enacted in 2002.

Korea will review its position on whether to join the UN Fish Stocks Agreement in the near future after thoroughly examining various aspects of the Agreement.

2. National Legislation

2.1 State Control over Legislation and Nationals

2.1.1 IPOA-IUU Provisions

- National legislation should address in an effective manner all aspects of IUU fishing (Article 16).
- National legislation should address evidentiary standards and admissibility including the use of electronic evidence and new technologies (Article 17).
- Each State should take measures to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing and cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing (Article 18).
- States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities (Article 19).

2.1.2 National System and Measures

Regulations on IUU fishing are incorporated in various laws and ordinances such as the Fisheries Act, the Fishing Vessel Act and Fisheries Resources Protection Decree.

In particular, the government of Korea has legislated the “Special Act for Reducing Small-sized Bottom Trawlers” which will be enforced from April 2005, in order to eradicate IUU fishing activities in its coastal and offshore fisheries.

Korea takes measures to prevent IUU fishing through fishing license systems and prohibits Korean nationals to be involved in IUU fishing by the Fisheries Law.

Persons fishing without a license or involved in IUU fishing are punished according to the Fisheries Law.

2.1.3 Further Measures

Korea's national systems to control illegal fishing are comparatively well organized. However, strict execution and on-going improvements of relevant regulations are needed to effectively deal with IUU fishing.

Korea will actively participate in the international efforts to effectively regulate IUU fishing vessels and the transfer of the capital for such activities.

2.2 Measures to Sanction Vessels Without Nationality or Flying Flags of Non-Cooperative States

2.2.1 IPOA-IUU Provisions

- States should take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing (Article 20).
- Sanctions for IUU fishing should be of sufficient severity to effectively deprive offenders of the benefits accruing from such fishing (Article 21).
- All possible steps should be taken, consistent with international law, by regional fisheries management organizations to eliminate the activities of non-cooperative IUU fishing States (Article 22).
- States should, to the extent possible in their national laws, avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing (Article 23).

2.2.2 National System and Measures

In Korea, vessel owners are required to register their vessels with the provincial governor in charge of the ports and harbors that they use, in accordance with Article 13 of Korea's Fishing Vessels Law. Unregistered fishing vessels found to be engaged in any fishing activities face punishment.

Persons who engage in IUU fishing are subject to a variety of sanctions including judicial measures, administrative oversight and fines. Furthermore, they are excluded from economic support such as tax-free oil and fisheries loans. Korea's specific penalty standards are contained in the related acts and regulations such as the Fisheries Act, Fisheries Resources Conservation Ordinances, and the Act on the Exercise of Sovereign Rights on Foreigners' Fishing within the Exclusive Economic Zone.

Classification	Specifics of Penalty
<p>Judicial Penalty (Ministry of Justice)</p>	<ul style="list-style-type: none"> ◦ Legal punishments can differ depending on the severity of the violation. <ul style="list-style-type: none"> - Deep-sea fishing activities without an appropriate license in accordance with Articles 8, 41, and 57 of the Fisheries Act <ul style="list-style-type: none"> • up to 3 years imprisonment or a fine of from KW 2,000,000 to 20,000,000 - Keeping and/or carrying illegal fishery products in accordance with Article 75 <ul style="list-style-type: none"> • up to 2 years imprisonment or a fine of up to KW 5,000,000 ◦ Fishing gear and fish involved in IUU fishing may be confiscated (Article 99 of the Fisheries Act) ◦ Investigations of accomplices to illegal fishing and legal measures <ul style="list-style-type: none"> - Punishment of a sailor as an accomplice to IUU crimes in addition to punishing the captain of the vessel
<p>Administrative Punishments (Ministry of Maritime Affairs and Fisheries/Province/Metropolitan City and City/District/County)</p>	<ul style="list-style-type: none"> ◦ Elimination of possibility of reduced punishments for repeated offenders <ul style="list-style-type: none"> - for a person found guilty of and punished for more than two IUU offenses within one year ◦ Cancellation of the registration of illegal fishing vessels which are in breach of Article 57 of the Fisheries Act
<p>Exclusion from assistances (National Federation of Fisheries Cooperatives)</p>	<ul style="list-style-type: none"> ◦ Access to tax-free oil suspended (for a period twice as long as the administrative punishments) ◦ Withdrawal and suspension of loans for fishermen (for a person facing a fishery suspension of more than 60 days) ◦ Expulsion from the member list for the fisheries cooperatives (for a person whose fishery license is canceled)

Korea takes the necessary steps to abide by the measures adopted by regional fisheries management organizations to prevent, deter and eliminate IUU fishing activities of non-cooperating States to the organizations.

2.2.3 Further Measures

The standards of sanctions should be applied more strictly and their appropriateness should be periodically reconsidered in order to eliminate IUU fishing.

2.3 Monitoring, Control and Surveillance (MCS)

2.3.1 IPOA-IUU Provisions

- States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from the vessel's point of departure to its final destination (Article 24):
 - Developing and implementing schemes for access to waters and resources, including authorization schemes for vessels (24.1)
 - Maintaining records of all vessels and their current owners and operators authorized to engage in fishing (24.2)
 - Implementing a vessel monitoring system (VMS), including the requirement for vessels to carry VMS on board (24.3)
 - Implementing observer programs with the requirement that vessels carry observers on board (24.4)
 - Providing training and education for those involved in MCS operations (24.5)
 - Planning, funding and undertaking MCS operations in a manner that will maximize their ability to prevent IUU fishing (24.6)
 - Promoting understanding of the need for and cooperative participation in MCS activities (24.7)
 - Promoting knowledge and understanding of MCS issues within national judicial systems (24.8)
 - Establishing and maintaining systems for the acquisition, storage and dissemination of MCS data, taking into account confidentiality requirements (24.9)
 - Ensuring effective implementation of national boarding and inspection regimes consistent with international law (24.10)

2.3.2 National System and Measures

Korea set up the authorization scheme for fishing vessels and is keeping records of all the vessels authorized to fish by Korean (local) governments.

All fishing vessels' records have been strictly managed in Korea by introducing and regularizing vessel management systems since 1998.

All fishing vessel registration records are consolidated into a database linked to the local government information system supervised by the Ministry of Government Administration and Home Affairs.

The legal basis for mandatory implementation of VMS systems to control fishing in the jurisdictional waters of regional fisheries management organizations has been prepared by enacting the "Notification on the Implementation of Fishing Regulations by International Fisheries Organizations."

Training and education programs have been provided for land and on board observers at the National Fisheries Research and Development Institute since the year 2004.

In Korea, MCS operations for fishing are carried out under the cooperation of the Ministry of Maritime Affairs and Fisheries (MOMAF), Korea Coast Guard (KCG) and local governments.

The above-mentioned organizations are training those involved in MCS operations and trying to maximize their ability to prevent IUU fishing. Certain kinds of incentive programs have been operating to promote the activities to prevent, deter and eliminate IUU fishing.

2.3.3 Further Measures

As a long term plan, revision of relevant laws should be considered to reflect the requirement for coastal-offshore fisheries, where appropriate, to carry VMS and to devise instruments to provide small-scale fishermen with financial support for VMS, considering their economic difficulties.

Observer boarding and related training activities need to be accordingly implemented, in line with those required by international organizations.

3. Cooperation between States

3.1 IPOA-IUU Provisions

- Encourage States to coordinate their activities and cooperate directly or through relevant regional fisheries management organizations in directly deterring IUU fishing (Article 28).
 - Exchange data or information ensuring confidentiality requirements, based on standardized formats from records of vessels authorized to fish
 - Cooperate in effective acquisition, management and verification of relevant data and information from fishing

- Allow and enable MCS practitioners or enforcement personnel to cooperate in the investigation of IUU fishing, and collect and to this end maintain data and information relating to such fishing
- Cooperate in transferring expertise and technology
- Cooperate to make policies and measures compatible
- Develop cooperative mechanisms that allow rapid responses to IUU fishing
- Make available (to other States and relevant regional or international organizations) information about vessels deleted from their records or whose authorization to fish has been cancelled (Article 29)
- Nominate and publicize initial formal contact points in order to facilitate cooperation and exchanges of information (Article 30)
- Consider entering into agreements or arrangements with other States and cooperate for the enforcement of laws and conservation and management measures or provisions adopted at the national, regional or global level (Article 31)

3.2 National System and Measures

Korea is actively cooperating directly with other nations, or through regional fisheries management organizations to prevent, deter and eliminate IUU fishing, to the greatest extent possible.

It has ratified most of the related international instruments including the UN Convention on the Law of the Sea and the FAO Compliance Agreement and acceded to 10 major regional fisheries organizations. Korea has almost finished the procedure to get consent from the member States to accede to the IATTC.

Korea is providing and is ready to provide information on vessels whose fishing licenses are canceled due to IUU fishing, to the greatest extent possible.

3.3 Further Measures

After Korea accedes to the IATTC, Korea will try to finish work to join regional fisheries management organizations which cover jurisdictional areas where Korean fishing vessels operate.

Korea (Ministry of Maritime Affairs and Fisheries) will provide contact points for staff members involved in all relevant matters on its website.

It is needed to consider reflecting articles related to preventing IUU fishing when it

arranges a bilateral fisheries agreement, to promote cooperation for the prevention of IUU fishing.

IV. Flag State Responsibilities

1. Vessel's Registration

1.1 IPOA-IUU Provisions

- Prevent fishing vessels entitled to fly their flag from engaging in IUU fishing (Article 34)
- A flag state should ensure, before it registers a fishing vessel, that the vessel does not engage in IUU fishing (Article 35)
- Avoid flagging vessels with a history of non-compliance (Article 36)
 - Except where the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel
 - Or, having taken into account all relevant facts, the flag State determines that flagging the vessel would not result in IUU fishing
- All states involved in a chartering arrangement should take measures to ensure that chartered vessels do not engage in IUU fishing (Article 37).
- States should deter vessels from reflagging, or flag hopping; (that is to say, the practice of repeated and rapid changes of a vessel's flag) for the purpose of non-compliance with conservation and management measures (Article 38,39).
- States should ensure appropriate links between the operation of their vessel registers and the records they keep of their fishing vessels, and promote sufficient cooperation and information-sharing between the agencies responsible for those functions (Article 40).

1.2 National System and Measures

In Korea, vessel registration is managed and controlled by the Fishing Vessels Law

<Fishing Vessels Law>

- Vessel owners should register their vessels with the metropolitan mayor or province governor who manages the ports and harbors where the vessels mainly call and leave (Article 13)
 - Unregistered vessels are not allowed to operate as fishing vessels
 - When vessel owners use vessels with canceled registrations, or when the vessels are imported, they should register them
- Cancellation of fishing vessel registration by virtue of proper authority (Article 19 ②)
 - When registered by fraudulent methods, including deception, etc.
 - When vessels are not available due to loss of Korean nationality, damage, sinkings or dismantling/breakage, but owners have not applied to cancel the registration within 14 days of the incident

Korea allows chartering fishing vessels only if the appropriate regional fisheries management organization permits such arrangements and the chartering agreements conform to the regulations of the RFMO.

Authorities in charge of fishing vessel registration and authorization to fish are as follows:

Fishing Registration	Vessel Registration and Management	Entity Granting Authorization to Fish
Distant water fisheries	Mayor, county governor, head of district office	Minister of Maritime Affairs and Fisheries
Offshore fisheries	"	Metropolitan mayor, provincial governor
Coastal fisheries	"	Mayor, county governor, head of district office

A person who wants to construct or renovate a fishing vessel or place an order for one should first obtain approval from the Minister of Maritime Affairs and Fisheries or the relevant metropolitan mayor or provincial governor, consistent with related ministry regulations, except in cases when the ordinance allows the work without such approval (Article 8, Fishing Vessels Law).

1.3 Further Measures

When Korean fishermen buy foreign-flagged vessels and intend to make them Korean-flagged, Korea will seek ways for its authorities to look into whether the vessel has a history of IUU fishing. If it does, the authorities should devise precautionary inspection measures to prevent the vessel from returning to IUU fishing.

Korea will consider developing measures to prevent cases in which a Korean vessel that has engaged in IUU fishing has tried to hide the fact by repeatedly changing the name of the vessel without any change of the owner.

When a cancellation of registration is applied for the sale-out to a foreign country, the possibility of flag of convenience needs to be scrutinized.

2. Record of Fishing Vessels

2.1 IPOA-IUU Provisions

- Flag States should maintain records of fishing vessels allowed to operate, and include the following items:
 - Former names of vessels, if any
 - Name, address, nationality of owners
 - Name, address, nationality of the person in charge of operation and management of vessels
 - Materials related to vessel, photograph of vessels

2.2 National System and Measures

Applicants for fishing should submit a certificate of vessel nationality, certificate of vessel or its registration (Article 6, Rule for authorization to fish and report) with application including the following information:

- Official number, IMO number, letter/call sign number, kind of ship, name of ship, port of registry, material of ship (hull), riggings of sailing vessel, length of vessel, breadth of vessel, depth of vessel, gross tonnage, total volume of enclosed spaces, total volume of excluded places, type and number of engines, kind and number of propellers, where built, name of builder, date of launching, name and resident registration number and address of shipowner (in case of corporation, its name and name and resident registration of president), and share ratio of each joint owner in case of jointly owned ships

2.3 Further Measures

Korea will consider adding photographs of vessels to mandatory items to be submitted to authorities when applying for fishing.

3. Authorization to Fish

3.1 IPOA-IUU Provisions

- Adopt measures to ensure that no vessels be allowed to fish unless so authorized in a manner consistent with international law of the sea or national law (Article 44)
- Measures to ensure that each of the vessels holds an authorization to fish issued by a flag State (Article 45)
- Authorization to fish should include the following entries (but need not be limited to) (Article 46)
 - Name of the vessel, and the natural or legal person authorized to fish
 - the areas and duration of the authorization to fish; and
 - the species authorized and fishing gear
- Conditions under which an authorization is issued (Article 47)
 - VMS(Vessel Monitoring System), fishing reporting conditions, reporting for transshipment where it is permitted (Article 47.1-3)
 - Observer coverage (Article 47.4)
 - Maintenance of fishing and related log books (47.5)
 - Navigational equipment to ensure compliance with boundaries in relation to restricted areas (Article 47.6)
 - Compliance with international conventions and national laws and regulations in relation to conservation and management measures (Article 47.7)
 - Marking of fishing vessels in accordance with internationally recognized standards (Article 47.8)
 - Compliance with applicable fisheries arrangements (Article 47.9)
 - The vessels should have a unique internationally recognized identification number (Article 47.10)
- Flag States should ensure that their fishing, transport and support vessels do not engage in IUU fishing and none of their vessels re-supply fishing vessels engaged in such activities or transship caught fish to or from these vessels (Article 48).
- Flag States should ensure that all of their fishing vessels have prior authorization to transship and report to the national fisheries administration when their vessels try to transship (Article 49)
 - The date and location of their transshipments of fish/catch

- The species and catch area of the fish/catch transshipped at sea
 - The port of landing of the fish/catch transshipped at sea
- The Flag State should make information from fishing/catch and transshipment reports available to the international organizations including regional fisheries management organizations and the FAO, in a timely and regular manner (Article 50).

3.2 National System and Measures

In Korea, authorization to fish is regulated by the Fisheries Law, its enforcement ordinances and related rules.

Persons engaged in distant water fisheries should get permission from the Minister of Maritime Affairs and Fisheries; those engaged in offshore fishing need permission from the applicable metropolitan mayor or provincial governor. If such people fail to get the appropriate permission, they will face legal penalties or punishments.

The regulations which fishermen need to comply with after they get authorization to fish are incorporated in various laws and ordinances such as the Fisheries Act, the Fishing Vessel Act and Fisheries Resources Protection Decree. Also, the regulations for distant water fishing vessels to be observed are included in the “Notification on the Implementation of Fishing Regulations of International Fisheries Organizations.”

According to the Fisheries Law, it is illegal to own, carry or transship illegal fish or fisheries products, and violators will face punishment.

Korea forces its fishing vessels to follow any at-sea transshipment regulations that the appropriate regional fisheries management organization has, and make information from fishing/catch and transshipment reports available to international organizations including regional fisheries management organizations.

Fisheries resources conservation ordinances (presidential decree) comprehensively regulate all restrictions that a person engaging in fisheries should observe, including restricted areas for certain fishing, prohibitions of certain fishing gear and standard requirements of fishing gear.

Persons engaged in coastal-offshore fisheries or distant water fisheries should submit reports concerning fishing status and results according to reporting rules on operation status for coastal-offshore fisheries and distant water fisheries (Ministry of Maritime Affairs and Fisheries Decree).

"Notification on the Implementation of Fishing Regulations of International Fisheries Organizations"(Notification by the Ministry of Maritime Affairs and Fisheries) calls for persons engaged in distant water fisheries to carry VMS, so that

they can report their fishing location. The requirements related to fish species and fishing gears managed by different regional fisheries organizations are also provided.

The notification also calls for persons conducting at-sea transshipment of tooth fish in the CCAMLR convention area to report the matter to the Minister of Maritime Affairs and Fisheries and obtain the distinctive number to enter on the catch certificate (Article 7 of above Notification).

3.3 Further Measures

Relevant provisions for requirements to carry certificates of authorization to fish were deleted in 1998 by the amendment of the Fisheries Act. However, in the case of distant water fisheries, rules are needed to ensure that vessels carry the certification so that they are not mistakenly thought to be fishing illegally when the vessel is found not to carry the certificate through the boarding inspection in the high sea.

Korea will periodically incorporate conservation measures of international bodies including RFMOs by adopting national regulations such as the “Notification on the Implementation of Fishing Regulations of International Fisheries Organizations” which was enacted in 2002.

V. Coastal State’s Responsibility

1.1 IPOA-IUU Provisions

- Coastal states should implement measures to prevent, deter and eliminate IUU fishing in their jurisdiction (Article 51)
 - Effective MCS of fishing activities in the EEZ
 - Cooperation and exchanges of information with other countries including neighboring countries, coastal states and regional fisheries management organizations
 - Implement measures ensuring that no vessel undertakes fishing activities within its waters without valid (certificate of) authorization to fish
 - (To ensure that authorization to fish is issued) Issue fishing license/permission to fisheries only if the vessel concerned is registered in fishing vessel's register
 - Maintain related logbooks that contain fishing activities
 - Implement measures ensuring that at-sea transshipment and processing of fish

and fish products in the area of competence are authorized by the coastal State, or conducted in conformity with appropriate regulations

- Regulate fishing access to domestic waters in a manner which will help to prevent and eliminate IUU fishing
- Avoid licensing a vessel to fish if it has a history of IUU fishing (taking into account the provisions of Paragraph 36)

1.2 National System and Measures

IUU fishing in the Exclusive Economic Zone of Korea is regulated by the Fisheries law, Fisheries resources conservation ordinances, Fishing permission and registration rules, etc.

As an exception, the fishing activities of Japan and China in the jurisdiction of the Korean EEZ or vice versa are allowed upon mutual agreements: the Agreement on Fisheries between Korea and Japan, and the Agreement on Fisheries between Korea and China.

MCS in the jurisdiction of Korea is undertaken by fishing guidance ships from the Ministry of Maritime Affairs and Fisheries, municipal / provincial governments and Korea Coast Guard; joint inspections are carried out when necessary.

Logbooks must be maintained so that fishing results can be submitted in accordance with rules for the fishing status report of coastal-offshore fisheries and distant water fisheries.

Only legally authorized vessels are allowed to fish in compliance with the agreements on fisheries between Korea and Japan and Korea and China, such as when vessels use the proper notification protocols for fishing vessels prior to engaging in fishing operations in waters of the countries in the agreement.

The “Special Act for Reducing Small-sized Bottom Trawlers” was established in 2004 to eliminate IUU fishing by the bottom trawlers in national waters.

1.3 Further Measures

Illegal small-sized bottom trawlers will be bought back and refitted for other purposes through the newly introduced special act by the government.

VI. Port State Measures

1.1 IPOA-IUU Provisions

- States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing.

Such measures should be implemented in a fair, transparent and non-discriminatory manner (Article 52).

- A vessel should be provided port access, in accordance with international law, when needed for reasons of force majeure or distress or for rendering assistance to persons, ships or aircraft in danger or distress (Article 54).
- Prior to granting a vessel port access, States should require that fishing vessels and vessels involved in fishing-related activities seeking permission to enter their ports provide reasonable advance notice of their entry into port, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing (Article 55).
- When a port State has clear evidence that a vessel granted access to its ports has engaged in IUU fishing activities, 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 (Article 56).
- States should inform ports on which foreign-flagged vessels may be permitted entry and should ensure that these ports have the capacity to conduct inspections (Article 57).
- When exercising their right to inspect fishing vessels, port States should collect the following information and remit it to the relevant regional fisheries management organization (Article 58):
 - the flag State of the vessel and identification details;
 - name, nationality, and qualifications of the master and the fishing master;
 - fishing gear;
 - catch on board, including origin, species, form, and quantity;
 - where appropriate, other information required by relevant regional fisheries management organizations or other international agreements; and
 - total landed and transshipped catch
- If, in the course of an inspection, it is found that there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel (Article 59).
- In applying paragraphs 58 and 59, States should safeguard the confidentiality of information collected (Article 60).
- States should establish and publicize a national strategy and procedures for port State control of vessels involved in fishing and related activities (Article 61).
- States should cooperate to develop compatible measures for port State control of

fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by relevant vessels (Article 62).

- States should consider developing within relevant regional fisheries management organizations port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a regional fisheries management organization and which have not agreed to cooperate with that regional fisheries management organization, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those conservation and management measures (Article 63).
- States should enhance cooperation among and between relevant regional fisheries management organizations and States on port State controls (Article 64).

1.2 National System and Measures

The control of port states for general vessels except fishing vessels is specified in individual laws, like the Vessel safety law, Marine pollution protection law, Marine traffic safety law, and Seafarers' law aiming at safety of crew and protection against marine pollution. However, port state measures for fishing vessels relating to IUU fishing have not been enacted yet.

- Vessels seeking to enter Korea's ports should report their arrival and departure information to relevant regional maritime affairs and fisheries offices under Korea's Ministry of Maritime Affairs and Fisheries 24 hours prior to their arrival.
 - Advance notice: nationality, name, arrival date, initial port, purpose of arrival, and next port

The Korean government has been implementing relevant measures in accordance with the provisions of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, to which Korea became a signatory in April 2003.

In accordance with the Agreement, Korea cooperates, based on regulations related to international cooperation and information exchanges, to deal with breaches of conservation and management measures on the high seas.

When a fishing vessel is voluntarily at anchor in a Korean port, and the Korean government has clear and sound evidence that the vessel is involved in activities harming the effectiveness of international conservation and management measures, Korea shall immediately report such information to the vessel's flag state.

According to paragraphs 46 and 47 of Korea's Fisheries Act, transshipments at sea are allowed after the vessels are registered as fish transshippers with the applicable municipal / provincial governments. In addition, the Minister of Maritime Affairs and Fisheries is authorized to intervene in an offending vessel's management and make its registration invalid for the following activities:

- When transporting fishery products caught in breach of fishery-related laws, agreements made with foreign countries, and ordinances
- When the Administrator of Korea Customs requests that the vessel stop fishing operations or have its registration canceled.

1.3 Further Measures

A legal basis and further details need to be set up for the implementation of port State measures including major report items and internationalization of report forms, all of which are core requirements in order to prevent illegal fishing.

Accordingly, it should be reviewed to incorporate relevant provisions in such related acts and regulations as the Fisheries Act, Open Port Act and Act on the Exercise of Sovereign Rights on Foreigners' Fishing within the Exclusive Economic Zone.

Port State measures will be reinforced over vessels identified as being engaged in IUU fishing or flying non-cooperating countries' flags.

VII. Internationally Agreed Market-related Measures

1.1 IPOA-IUU Provisions

- The following measures are to be implemented in a manner which recognizes the right of States to trade in fish and fishery products harvested in a sustainable manner and should be interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organization, and implemented in a fair, transparent and non-discriminatory manner (Article 65).
- States should take all steps necessary, consistent with international law, to prevent fishing by vessels identified by the relevant regional fisheries management organization to have been engaged in fisheries products caught via IUU fishing being traded or imported into their territories (Article 66).
- States should ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence, where applicable, and are in accordance with internationally agreed rules (Article 67).

- States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multilaterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing for specific fish stocks or species (Article 68).
- Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements, as well as other appropriate multilaterally-agreed measures such as import and export controls or prohibitions. Such measures should be adopted in a fair, transparent and non-discriminatory manner. When such measures are adopted, States should support their consistent and effective implementation (Article 69).
- Stocks or species-specific trade-related measures may be necessary to reduce or eliminate the economic incentive for vessels to engage in IUU fishing (Article 70).
- States should take steps to improve the transparency of their markets to allow the traceability of fish or fish products (Article 71).
- States, when requested by an interested State, should assist any State in deterring trade in fish and fish products illegally harvested in its jurisdiction (Article 72).
- States should take measures to ensure that their 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 identified as engaged in IUU fishing (Article 73 and 74).
- States should work towards using the Harmonized Commodity Description and Coding System for fish and fisheries products (Article 75).
- Certification and documentation requirements should be standardized (Article 76).

1.2 National System and Measures

Those seeking to import tooth fish should submit catch documents or statistical data in accordance with the rules of relevant regional fisheries management organizations such as ICCAT, CCSBT, and CCAMLR. If a vessel is in breach, the Korean government may stop import of the fish caught and take any necessary measures to resolve the matter.

CCAMLR's Catch Documentation Scheme and the CCSBT's Trade Information System are domestically formulated by being incorporated in the Notification on the Implementation of Fishing Regulations of International Fisheries Organizations.

Regarding the trade-related measures on fishery products, Korea's National Fisheries Research and Development Institute and National Fisheries Products Quality Inspection Service have been collecting, researching, and studying

scientific evidence on the hygiene safety of fishery products.

In addition, an origin-marking system for imported and exported fishery products was introduced in 2001, in consideration of the restraints on the circulation of illegal fishery products as well as the hygiene safety of fishery products.

The National Fisheries Products Quality Inspection Service under the Ministry of Maritime Affairs and Fisheries watches for the circulation of fish caught illegally and false origin markings.

The fishery traceability system was introduced at the beginning of 2005 on a trial basis for 3 fish stocks.

1.3 Further Measures

Market-related measures stipulated by relevant regional fisheries management organizations and related arrangements will be legally formulated, while the implementation of related measures is overseen by the National Fisheries Products Quality Inspection Service and the National Fisheries Research and Development Institute.

When concluding bilateral fisheries arrangements and multilateral agreements, relevant clauses need to be included calling for ways to minimize IUU fishing and trade of fish and fish products caught via IUU fishing.

The fishery traceability system needs to be further expanded gradually in an effort to bar the circulation of fish caught by IUU fishing and secure food safety.

VIII. Regional Fisheries Management Organizations

1. IPOA-IUU Provisions

- States should ensure enforcement of measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound (Article 78).
- States which are not members of a relevant regional fisheries management organization are not discharged from their obligation to cooperate, in accordance with their international obligations, and should adopt measures consistent with those conservation and management measures (Article 79).
- States, acting through relevant regional fisheries management organizations, should take action to prevent, deter, and eliminate IUU fishing, by taking the following measures into full account (Article 80).
 - Institutional strengthening of relevant regional fisheries management

organizations / development of compliance measures in conformity with international law / development of comprehensive arrangements for mandatory reporting / establishment of the exchange of information on vessels engaged in IUU fishing / development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization / development of methods of compiling and using trade information to monitor IUU fishing / development of MSC, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment / development of observer programmes / market-related measures / definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing / development of public awareness programmes / development of action plans / examination of chartering arrangements, if there is concern that these may result in IUU fishing.

- States, acting through relevant regional fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries management organizations and to the FAO, information relevant to the prevention, deterrence and elimination of IUU fishing (Article 81).
- Estimates of the extent, magnitude and character of IUU activities in the area of competence of the regional fisheries management organization; details of measures taken to deter, prevent, and eliminate IUU fishing; records of vessels authorized to fish; and records of vessels engaged in IUU fishing.
- Objectives of institutional and policy strengthening in relevant regional fisheries management organizations in relation to IUU fishing should include enabling regional fisheries management organizations to (Article 82).
- Determine policy objectives regarding IUU fishing, both for internal purposes and co-ordination with other regional fisheries management organizations;
- Strengthen institutional mechanisms including mandate, functions, finance, decision making, reporting or information requirements and enforcement schemes, for the optimum implementation of policies in relation to IUU fishing;
- Normalize coordination with institutional mechanisms of other regional fisheries management organizations, as far as possible in relation to IUU fishing, in particular information, enforcement and trade aspects.
- States should encourage non-contracting parties to join relevant regional fisheries management organizations and to participate fully in their work. Where this is not possible, the regional fisheries management organizations should encourage and facilitate the participation and cooperation of non-contracting parties in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations (Article 83).

- When a State fails to ensure that its fishing vessels and nationals do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law (Article 84).

2. National System and Measures

Korea has become a member of the following regional fisheries management organizations and agreements for the conservation and management of fishery resources on the high seas: CCAMLR, CBSPC, NAFO, CECAF, WECAFC, ICCAT, IOTC, CCSBT, NPAFC, and WCPFC.

As a non-contracting party of relevant regional fisheries management organizations, Korea has been implementing conservation and management measures provided by those organizations.

As a cooperating non-member of the IATTC, Korea reflected the convention's provisions in its Notifications in January 2004, following the adoption of the resolution on the implementation of import and export statistical documents.

MCS measures by Korea are:

- Implementation of Catch Document Scheme and Trade Information Scheme adopted by relevant regional fisheries management organizations and the provision of information to the Secretariat for the specific fish species: tooth fish (CCAMLR), southern bluefin tuna (CCSBT), Atlantic bluefin tuna · yellow fin (ICCAT), big eye (ICCAT, IOTC, IATTC).
- Making a list of longline vessels and reporting it to the concerned Secretariat: IATTC, ICCAT, IOTC, and CCSBT
- Legalization of the regulations regarding restraints on fish caught, adopted by relevant regional fisheries management organizations: Notification on the Implementation of Fishery Regulations by International Fisheries Organizations (ICCAT, CCAMLR).
- Legislating regulations for import and export restraints on necessary items for the implementation of recommendations and resolutions adopted by regional fisheries management organizations: A Comprehensive Notification in accordance with overseas trade act (ICCAT, IOTC, CCAMLR, IATTC).
- Confirmation on all transshipments of tuna at sea including on the high seas, and when landing (ICCAT)
- Overseas training for international observers, in preparation for the request of regional fisheries management organizations on observer boarding, and the

promotion of domestic observers (CCAMLR, CCSBT, ICCAT).

3. Further Measures

Domestic legalization of relevant regulations of RFMOs needs to be sought in a timely manner.

Korea will actively join the international efforts to eradicate IUU fishing and consider joining the IATTC in the near future, reflecting various circumstances.

IX. Special Requirements of Developing Countries

1. IPOA-IUU Provisions

- States should support training and capacity building to fully meet their commitments under the IPOA and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing states (Article 85).
- States, with the support of the FAO and relevant international financial institutions and mechanisms, should cooperate to enable:
 - review and revision of national legislation and regional regulatory frameworks; the improvement and harmonization of fisheries and related data collection; the strengthening of regional institutions; and the strengthening and enhancement of integrated MSC systems, including satellite monitoring systems.

2. National System and Measures

Korea continues to conduct various training programs and expert-dispatching projects for trainees from developing states, in order to promote the transfers of advanced fishery technologies. These programs and projects are expected to help facilitate the development of fishery technologies and fisheries-related frameworks in developing states, and eventually help the states build the technological and administrative capacities for the implementation of the IPOA.

The Korea International Cooperation Agency (KOICA) is in the center of the activities by providing training programs designed to develop fishery- and aquaculture-related technologies for developing states. It also drives forward with expert-dispatching projects in the fields of fishery and aquaculture to states in need.

3. Further Measures

Korea will consider expanding the existing support programs and projects for

developing states and diversify the means of the support through bilateral cooperation and RFMO activities.