

# The Pew Charitable Trusts

Statement to the First Session of the Sub-Committee on Fisheries Management of the United Nations Food and Agriculture Organization Committee on Fisheries

15-18 January 2024

## **Agenda Item 3: Illegal, unreported, and unregulated fishing in the context of effective fisheries management**

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IUU fishing is a persistent problem that disproportionately impacts developing States, costs the global economy billions of dollars annually, and undermines the health and resilience of fish populations. Pew welcomes the discussion of IUU fishing issues at an operational level, with the understanding that effective MCS and enforcement mechanisms are required to ensure compliance with agreed rules, laws, regulations, and standards, and therefore form part of the critical chain of implementation for sustainable, science-based, long-term fisheries management.

### **Revisiting the terms illegal, unreported and unregulated fishing**

Pew welcomes the exploration of the definition of the three components of IUU fishing, and the clarification of the multitude of situations that this term encompasses. Keeping a broad focus and ensuring that due attention is given to unreported and unregulated fishing, as well as illegal fishing, will help ascertain the relevance of the actions currently taken to tackle those components.

### **Assessing the magnitude and impact of IUU fishing**

Pew is interested in the insights arising the development of methods for the estimation of IUU fishing, and notes that the shift from quantitative estimates to use of indicators is fully aligned with the recommendations for Pew-commissioned studies and our ongoing work to improve regional coordination to combat IUU fishing. Pew looks forward to the FAO publishing the technical guidelines on developing and using indicators of performance in fighting IUU fishing, and related tools and educational material. **We encourage Members to come forward as early adopters to test the indicators approach.**

### **Monitoring, control, surveillance, and enforcement**

Pew echoes the critical role of MCS and enforcement in achieving effective fisheries management. MCS conversations are frequently devoid of considerations of enforcement – the act of compelling or ensuring compliance with a rule, law, regulation, or standard. The lack of enforcement mechanisms greatly limits the efficacy of various tools and frameworks meant to enable compliance.

Pew also supports the consideration of small-scale fisheries in the design and implementation of MCS and enforcement mechanisms, noting the need for increased oversight of domestic fisheries. These are often deprioritised in the implementation of MCS-related frameworks such as the PSMA, despite a clear requirement in Article 20 to ensure that States equitably and effectively implement measures on domestic as well as foreign vessels. [Recent research](#) confirms that less than 3% of vessel visits into port, in terms of number though not volume or value, are made by foreign vessels.

### **Capacity development needs to combat IUU fishing**

Pew commends the FAO on the capacity development support delivered to Members in combatting IUU fishing, which is wide-ranging in its geographic as well as its technical reach. **We encourage Members to share the results of their capacity needs assessments with NGOs and other entities that are well placed to provide additional assistance where the FAO's resource restrictions might be an obstacle.** Recognizing that regional cooperation can create a whole that is greater than the sum of its parts, Pew itself plans to work with groups of countries facing similar risks to execute

international instruments and commitments in a synergic manner, leverage resources, and extend their impact in stopping IUU fishing and supporting effective management, for mutual benefit.

### Other issues

Pew expresses disappointment the following two sections were not included in the Working Documents, despite being included in the agenda. These are critical elements to assess whether, and ensure that, fishing activities are in line with the principles of sustainable fisheries management:

1. *Improving compliance with international conservation and management measures by fishing vessels on the high seas:*

Fishing activities on the high seas are regulated through the framework provided by the UN Fish Stocks Agreement under the UN Convention for the Law of the Sea. The role of the flag State in ensuring compliance with measures on the high seas is at the heart of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement). This also comes with the right and responsibility to translate international obligations and commitments, including its requirements as enshrined in Article 20 of the FAO Port State Measures Agreement (PSMA), into a framework of rules and processes that will govern the vessels entitled to fly their flag, everywhere they go.

**Pew urges revitalisation of the Compliance Agreement, through broader adoption by Members, with key flag States as the priority, and reiterates the call made by COFI, at its thirty-fifth session, for the FAO and its Members to consider options to strengthen effective implementation and enforcement of the FAO Compliance Agreement.** Pew has created a [performance assessment tool to assist flag States](#) to better understand the strengths and weaknesses of relevant rules and processes in combatting IUU fishing in waters beyond national jurisdiction, including the high seas, **and encourages flag State authorities and other independent users to apply the questionnaire to evaluate a country's existing regulatory frameworks and to use the results to develop an improvement plan, as necessary.**

Lastly, while ensuring adherence with international conservation and management measures remains the exclusive right and responsibility of flag states, regional fisheries management organizations (RFMOs) have created frameworks to monitor compliance with their rules and regulations. These compliance review processes, often carried out by a compliance committee, are tasked with monitoring members' adherence to the rules, identifying problems with implementation of required management measures, and recommending solutions, including through the adoption of new RFMO measures. A [recently released toolkit](#) identifies key principles of an effective compliance review process, including transparency, impartiality, efficiency, and effectiveness, and includes recommendations on how to assess and strengthen these RFMO review procedures. **Pew urges Members to work within RFMOs to assess and strengthen their Compliance Review Processes to help more effectively identify and address non-compliance with international conservation and management measures.**

2. *Global information exchange to monitor compliance and support enforcement:*

Information exchange underpins effective MCS and lies at the heart of the risk assessment which enables States to make the most effective use of inspection and enforcement staff. Addressing the complex challenges of IUU fishing requires understanding fishing activity on the water. This knowledge stems from a steady flow of reliable information from the flag State of the fishing vessel to the coastal State in whose waters it fished, the RFMO governing

those waters, the port State where the fish is landed, and the market States where the products enter the market.

Flag State responsibilities, in this regard, include due diligence processes to avoid authorization of fishing vessels with a history of non-compliance. Authorities require accurate and up-to-date information to make assessments and take decisions, including the vessel's identity ownership and its history. The FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels (Global Record) is the natural repository for such information but, despite the launch of the upgraded tool, the data remains inconsistent and sometimes out of date which limits its use. **Pew encourages Members to upload information to as many data fields within the Global Record as possible in a regular manner.**

The timely and transparent exchange of information between authorities is also integral to PSMA implementation, and still largely pending. As a first step, **Pew urges Parties to submit national contact points and designate ports, as these are critical to the effective implementation of the other provisions of the PSMA. Pew welcomes the launch of the fully operational Global Information Exchange System (GIES) by the FAO and strongly encourages all Parties to use it to facilitate real time data exchange, as soon as possible.** Pew hopes that the value of its use will soon become apparent, and that Parties can agree to making it mandatory, and supports its linkage with other electronic PSM systems, especially those of RFMOs, to further improve data exchange and minimize duplication of effort.

Lastly, beneficial ownership information for fishing vessels is a key piece of information that allows enforcement officials to know who controls and profits from the fishing operations. Further, vessels known to belong to beneficial owners that are also profiting from other vessels found to be operating IUU should be afforded greater scrutiny and be given priority for investigation or inspection. **Pew encourages Members to identify a forum for in-depth discussion about beneficial ownership information in relation to fishing vessels and the risks that may imply, and identify relevant information can be shared with the authorities who need it.**