

A scenic view of a lake with two wooden canoes in the foreground and trees on the right. The canoes are light brown and have oars inside. The water is calm and blue. The sky is light blue with some clouds. The trees on the right are green and leafy.

# **FAO and RFB approaches to Combating IUU Fishing**

*Dr. Gail Lugten  
Tunis, October 2013.*

# Illegal, Unreported and Unregulated Fishing (IUU fishing)



- **Illegal fishing is in contravention of a legal regime;**
- **Unreported fishing is not reported or mis-reported;**
- **Unregulated fishing is by vessels without nationality or vessels flying a flag of convenience.**

**Full definitions are in Article 3 of the IPOA-IUU.**

# IUU Fishing

**“The single major obstacle to achieving global sustainable fisheries in both areas under national jurisdiction and on the high seas.”**

**Estimated Value of approximately US\$23 Billion**

**Economic and Environmental crime**

**Numerous UN agencies, IGOs and NGOs are already involved in the fight against IUU fishing: FAO, UNEP, UNODC, Interpol, the EU, Pew, Traffic ... Plus, the RFBs**



**For an economic crime, trade related measures have been a popular tool**



# ***European Union Regulation 1005/2008***



The only marine fishery products to be imported into, or exported from, the EU must be validated by the flag State of the fishing vessel or the export State.

**There are also legal tools: FAO AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING.**



# The primary provisions for the port State to note are:



- that the port State requires prior notice of a foreign fishing vessel's arrival in their port,
- that the port State has the ability to prohibit the vessel's entry to port;
- that the port State has the right to inspect vessels; and
- that the port State has the ability to deny a vessel the *use* of its port to unload fish and access services.



# Flag States are to:

- encourage their vessels to only use ports in States that apply the Agreement's measures.
- require their vessels to cooperate with the port State's inspections and,
- if necessary, request that port States take measures against their flagged vessels.



# 23 Signatories to the Port State Agreement

- Angola
- Australia
- Benin
- Brazil
- Canada
- Chile
- European Union
- France
- Gabon
- Ghana
- Iceland
- Indonesia
- Kenya
- Mozambique
- New Zealand
- Norway
- Peru
- Russian Federation
- Samoa
- Sierra Leone
- Turkey
- United States
- Uruguay

**Completions have been made by eight states / entities:**

- **Accession by Myanmar, Sri Lanka and Seychelles,**
- **Approval by the European Union,**
- **Ratification by Norway, Chile and Uruguay,**
- **Acceptance by Oman.**



# 1982 Law of the Sea Convention

**The principle of flag state jurisdiction was codified into Article 91 of the United Nations Convention on the Law of the Sea.**

**However, many flag States do not effectively discharge their legal duties as listed under Article 94 of the Convention.**



# **2013 ITLOS Request for an Advisory Opinion from the Sub-Regional Fisheries Commission**



**The SRFC ( Senegal, Cape Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania and Sierra Leone) seeks an advisory opinion on the obligations of a flag state, and the extent that a flag state can be held liable for IUU fishing by its vessels.**

Apart from trade and legal measures, there are also technical initiatives to address IUU fishing:

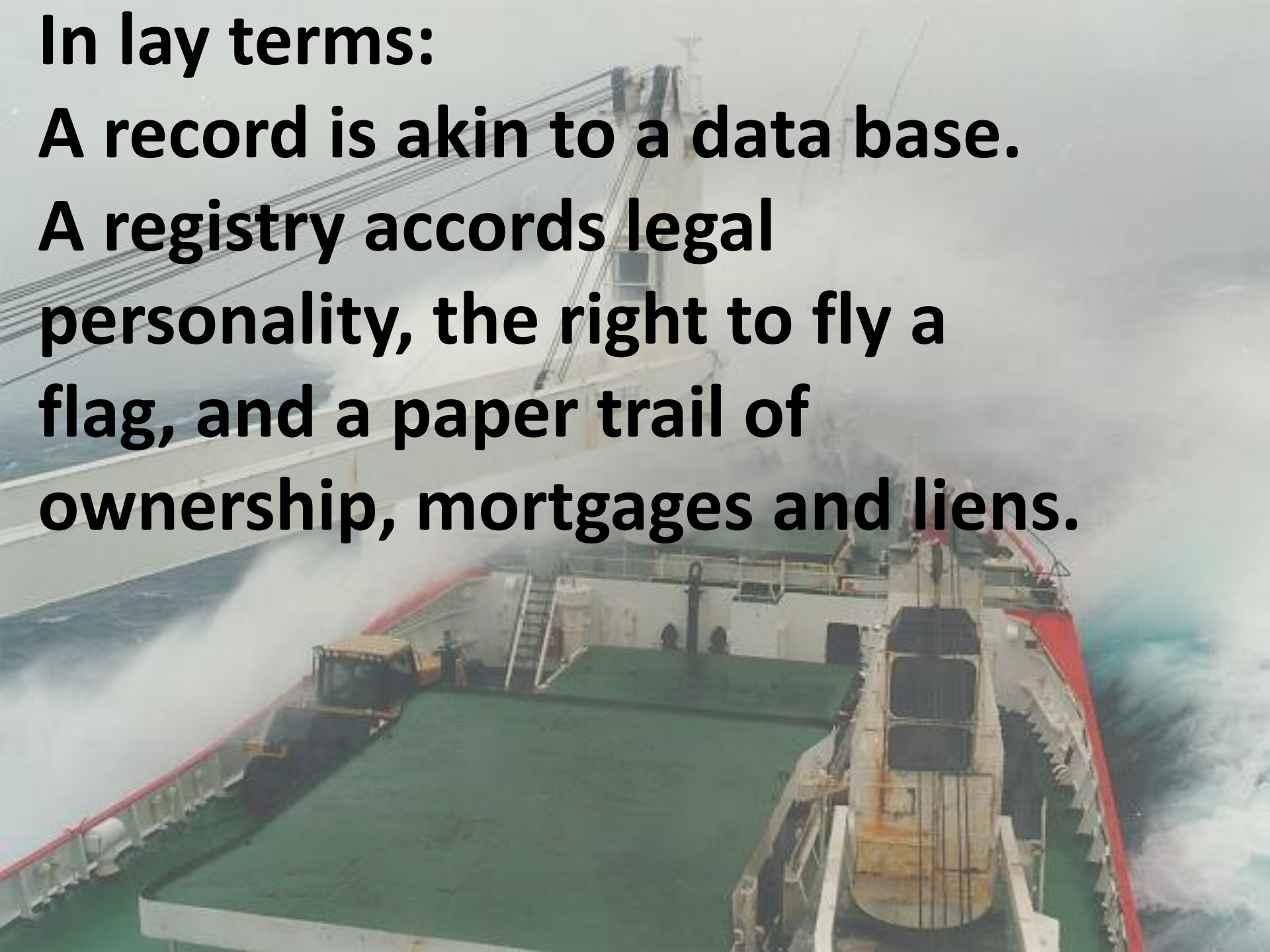


**The development of a Comprehensive Global Record of Fishing Vessels, Refrigerated Vessels and Fishing Support Vessels.**

**In lay terms:**

**A record is akin to a data base.**

**A registry accords legal personality, the right to fly a flag, and a paper trail of ownership, mortgages and liens.**



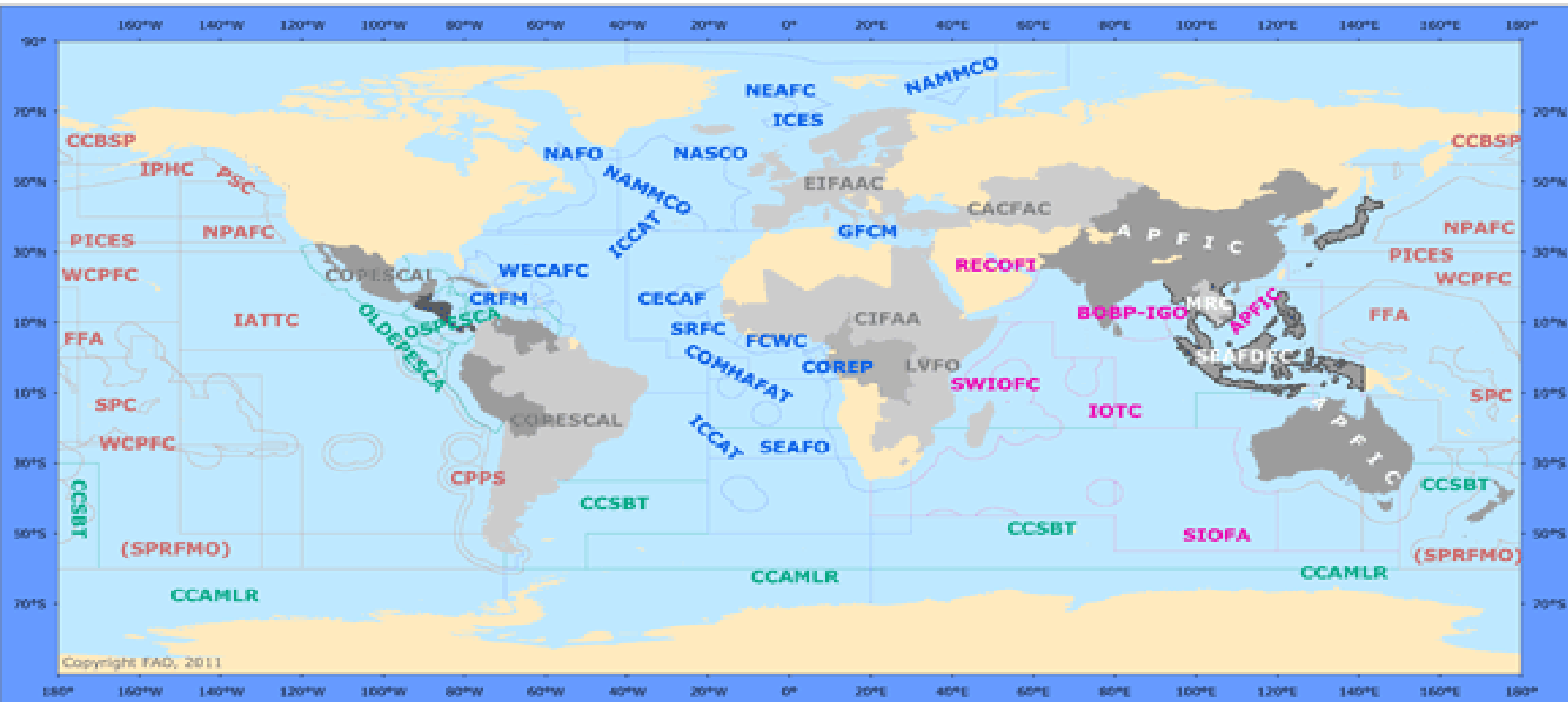
# Phase One of the Global Record:



Vessels over 100 gross tonnes or 24 metres in length are required to obtain a unique vessel identification number (UVI). The UVI will remain with the vessel permanently – regardless of its flag, or ownership.



**Types of Regional Fishery Bodies:** [I currently work with 50 RFBs] They are **FAO bodies** such as **GFCM / Non FAO bodies**; **Advisory / Regulatory**; **Marine Capture / Inland Capture**; **Species based or region based.**



# Current Issues of Importance to RFBs

**In 2012 and 2013 I have conducted surveys with all these RFBs to monitor current issues of importance to RFBs.**

**The most common factor across all bodies is the ongoing problem of IUU fishing.**



# Monitoring, Control and Surveillance (MCS) is the generic term for measures to address IUU fishing.

Some more specific IUU measures used by RFBs include:





- **NEAFC** – All contracting parties share MCS responsibilities and the Commission boasts it has eradicated IUU fishing (but remember that NEAFC is comprised of wealthy states) ;
- **BOBP-IGO** – Promoting a larger MCS role amongst fishing communities (a neighbourhood watch or community approach;
- **CECAF and CRFM** – Promoting collaboration amongst neighbouring RFBs;

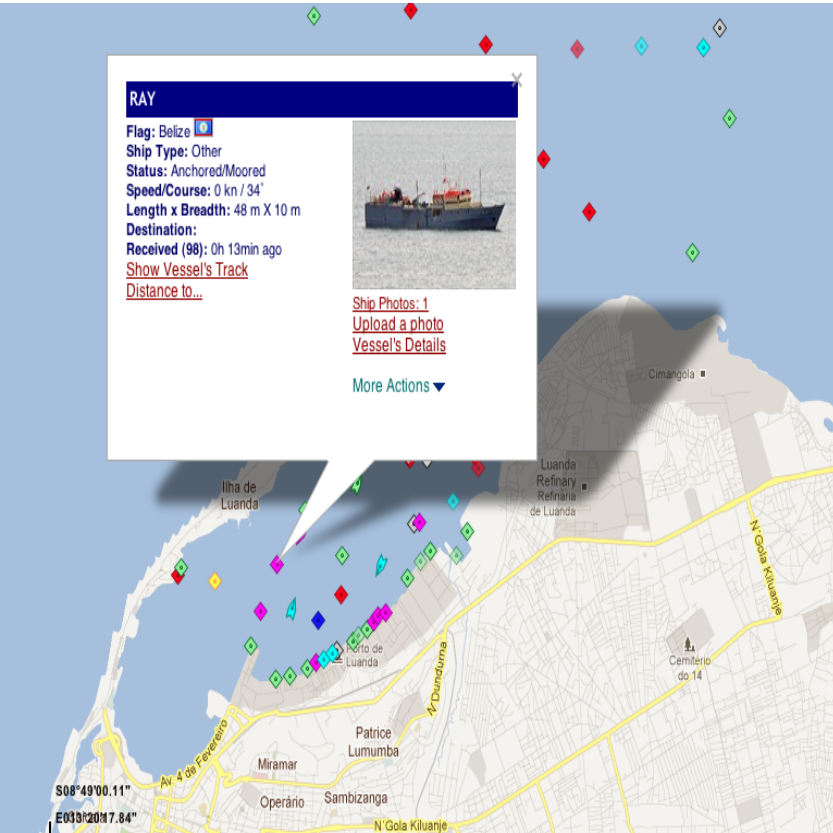
# Capacity Building

Several RFBs noted a need to develop particular parts of the fisheries management process and were seeking capacity building aid in order to better address IUU. GFCM are negotiating this Road Map to Combating IUU; APFIC and FFA have conducted PSM workshops; SPC train fishing inspectors or observers to work on vessels all over the Pacific.



# IUU Vessel Lists

- Many RFBs including GFCM are compiling lists of the vessels proven to be or allegedly IUU fishing in their convention areas.
- CCAMLR, NEAFC, NAFO and the five TRFMOs attribute their IUU lists to be significant in their reduction of IUU fishing.
- SEAFDEC are assisting their member countries to compile vessel lists.



# Port State Measures



**Most RFBs are encouraging member countries to either implement the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing or to implement a variation of the FAO Agreement. NAFO and neighbouring NEAFC have harmonised their measures.**

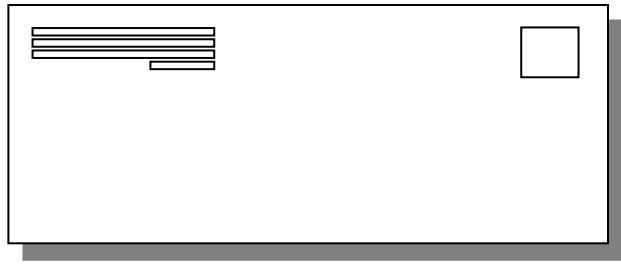
# Catch Documentation Schemes and Catch Carcass Tagging Schemes



- CDS – (eg. CCAMLR) A web based system to track fish from the point of landing throughout the trade cycle and
- Carcass Tagging Programs (eg. NASCO) applying a tag after harvest. Tags are issued with licenses.



# RFB Review of Infractions



- **A number of bodies are focusing on the compliance of their member countries. Examples include the TRFMOs, GFCM, CRFM, SEAFO.**
- **The technique of sending a letter of identification (name and shame) is proving to be an effective tool.**

# Observers



**Many RFBs still have a preference for MCS by fishing vessel observers, but this can be costly. SPC notes that it is active in training observers for the Pacific, and FFA are aiming for 100% observer coverage on their purse-seiner fleet.**

# CONCLUSIONS

- 1. Much is still uncertain about the extent, location, and organisation behind IUU fishing;**
- 2. Poverty severely restricts a people's ability to deal with IUU fishing;**
- 3. Regional management measures to address IUU fishing are particularly effective;**



4. **There is no single fix-it technique. A raft of measures is needed, and these include cooperation and collaboration.**
5. **A roadmap to address IUU fishing at the regional level is an important and valuable initiative.**



An underwater scene featuring a large, textured coral reef on the right side. The coral is primarily green and brown, with some yellow and orange patches. The water is a deep, clear blue. In the background, several small, dark fish are swimming. The overall lighting is bright, suggesting a shallow depth.

THE END