

STOPPING ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Fisheries provide an important source of food, employment, income and recreation for people throughout the world. Millions of people depend upon fish for their livelihoods. If there is to be enough fish for current and future generations, everyone involved in fishing must help conserve and manage the world's fisheries.

With this situation in mind, more than 170 Members of the Food and Agriculture Organization of the United Nations (FAO) adopted the Code of Conduct for Responsible Fisheries in 1995. The Code is voluntary rather than mandatory, and aimed at everyone working in, and involved with, fisheries.

Despite the adoption of the Code and the progress it has brought about, not all fishing activity is being conducted in a responsible manner. Some fishers do not respect fishing rules, including the rules that are found in the Code and in other international instruments. For example, some fishers do not respect rules concerning fishing gear and fishing areas. Others fail to report (or misreport) their catches. Some vessel owners "reflag" their vessels (that is, change the flag of their vessels) in countries that are unable or unwilling to control fishing activity adequately. Irresponsible fishing activities such as these directly undermine efforts to manage fisheries properly.

The term "illegal, unreported and unregulated" fishing – or IUU fishing – has emerged to describe a wide range of such irresponsible activity. In 2001, after more than two years of great effort, the Members of FAO developed an International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU) to address this problem.

Like the Code of Conduct, the IPOA-IUU is voluntary. It is conceived of as a “toolbox” – that is, a set of tools for use in dealing with IUU fishing in its many forms. Not all tools in the toolbox are appropriate for use in all situations. The choice of tools will depend on the particular circumstances in a fishery.

This booklet is intended to:

- ◆ help familiarize FAO Members and others with the tools;
- ◆ suggest which tools to use in particular circumstances; and
- ◆ provide guidance on how to use the tools effectively.

For those people who would like to know more about the IPOA-IUU and to obtain a copy of the text, visit the FAO Fisheries Department Website on the Internet. The FAO Fisheries Department has also produced detailed Technical Guidelines to help governments and others implement the IPOA-IUU.

The address of the Website relating to the IPOA-IUU is as follows:

<http://www.fao.org/DOCREP/003/X6729e/X6729e00.HTM>

If you do not have access to the Internet, please contact: The Service Chief, FIPL/Fisheries Department, Food and Agriculture Organization, Viale delle Terme di Caracalla, 00100 Rome, Italy, for a copy. Please be sure to specify whether you want the IPOA-IUU in Arabic, Chinese, English, French or Spanish.

Background

IUU fishing occurs in virtually all fisheries, causing problems for people who are trying to manage fisheries properly and for people who depend on fisheries for food and jobs. IUU fishing can cause an entire fishery to collapse.

Those who conduct IUU fishing do not behave responsibly. By ignoring fishing rules, they gain an unfair advantage over responsible fishers – that is, those fishers who fish in accordance with the rules.

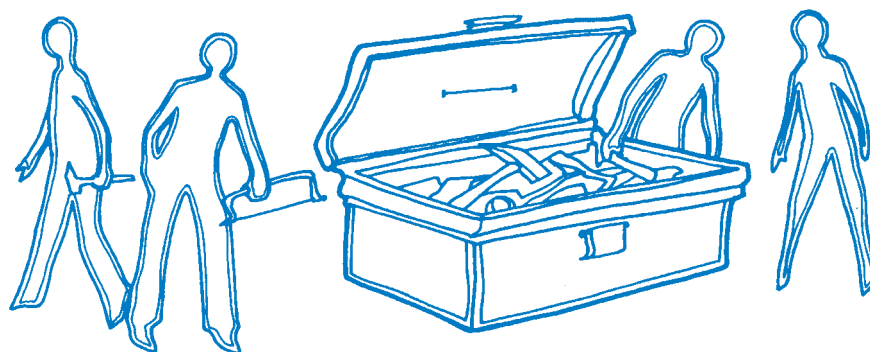
Nobody knows exactly how much IUU fishing is taking place. We do know that, for some important fisheries, IUU fishing accounts for a large percentage of total catches. Even more troubling is that the amount of IUU fishing worldwide appears to be increasing, as IUU fishers try to avoid stricter fishing rules that are being created to deal with downturns (that is, declining catches) in a growing number of fish stocks.

The IPOA-IUU offers many tools for countries to use to combat IUU fishing, individually and in collaboration with other countries. Some of these tools are designed for use by all countries. Others tools are tailored for use by:

- ◆ flag countries (countries that register fishing vessels and authorize vessels to fly their flags);
- ◆ coastal countries (countries that border ocean areas); and
- ◆ port countries (countries to whose ports fishing vessels come).

The IPOA-IUU also calls for the use of “internationally agreed market-related measures.” These are tools designed to keep fish that have been harvested by IUU fishers from being sold or traded.

The following sections of this booklet describe these different tools.



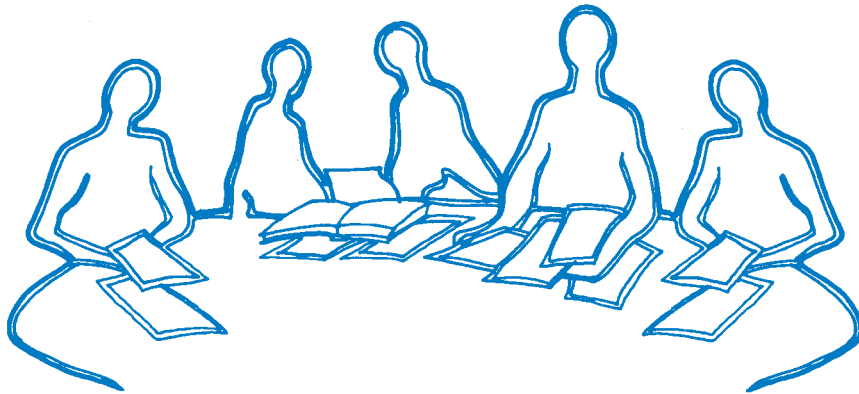
Responsibilities of all Countries

The first responsibility of all countries is to follow the rules for regulating fishing that are found in recent international documents. Many of those rules are in the Code of Conduct. Others appear in other voluntary instruments and in a number of treaties (agreements between countries that have the force of law). Countries that have not yet agreed to be bound to the treaties should do so as soon as possible. The acceptance of these agreements will improve the conservation and management of fisheries around the world.

Many ocean fisheries are regulated by regional fishery organizations. Countries whose vessels take part in such fisheries should become members of those organizations, or, at least make their vessels fish in such a way that they do not undermine the rules created by those organizations.

As a matter of priority, each country should review its own fishing laws and practices to see if they enable the use of all relevant tools in the IPOA-IUU. The review should consider such questions as:

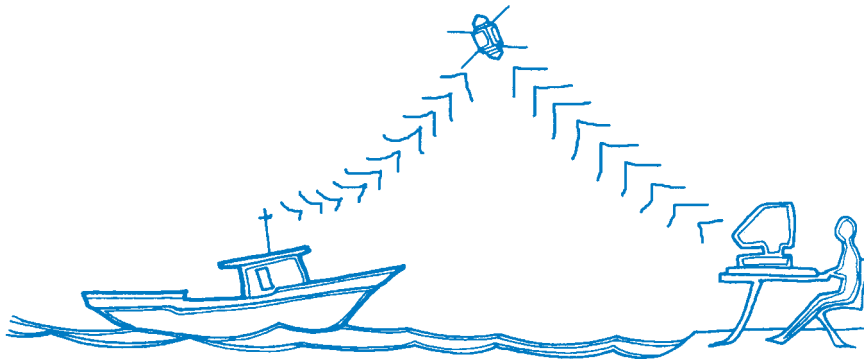
- ◆ is any additional legal authority needed to do what the IPOA-IUU recommends?
- ◆ are existing penalties for IUU fishing strong enough?
- ◆ do your laws and practices make it possible to control the fishing activities of your vessels?
- ◆ if your nationals (citizens and companies) own fishing vessels that are registered in other countries, or serve as captains on foreign fishing vessels, do your laws and practices allow you to take action against them for IUU fishing?
- ◆ if you allow foreign vessels to fish in your waters, do the agreements allowing such fishing need to be strengthened to deal with IUU fishing problems?
- ◆ if you allow foreign vessels to land or transship fish in your ports, do your laws and practices allow you to control such activities, for example through inspections?



IUU fishers try to avoid detection. They often operate in areas where monitoring, control and surveillance (MCS) of fisheries is poor. The IPOA-IUU describes a wide range of MCS tools for use against IUU fishing, including:

- ◆ vessel monitoring systems (VMS);
- ◆ observer programmes;
- ◆ catch documentation schemes;
- ◆ inspections of vessels in port and at sea;
- ◆ denial of port access or privileges to suspected IUU vessels;
- ◆ etc.

VMS is a tool that can greatly improve MCS. Countries can easily track the location of vessels that are using VMS. Vessels can also use VMS to send basic fishing information to fisheries administrations quickly and inexpensively, and to ask for help if a vessel is in danger at sea. A growing number of countries have started to make their vessels – and foreign vessels fishing in their waters – use VMS. The costs of VMS have gone down a lot in recent years. All countries should strongly consider introducing or expanding their use of VMS. To help, FAO has published technical guidelines on VMS, which are available on the FAO website or from FAO offices.



Governments can encourage fishers to comply with fishing rules through positive actions, including:

- ◆ community education and other outreach to fishers;
- ◆ ensuring that stakeholders participate in the development of fishery rules;
- ◆ fostering peer pressure in favour of compliance, and
- ◆ creating systems for collecting information that are easy for fishers to use.

Those fishers who break the rules should face tough penalties. Governments should improve their ability to inspect fishing vessels, investigate when they believe that IUU fishing is taking place and prosecute violators successfully.

Countries should also consider participating in the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control and Surveillance Activities. This network is coordinating international MCS activities so that countries can have quick access to certain types of information. To learn more about this Network, go to its website:

<http://swr.ucsd.edu/enf/mcs/mcs.htm>

User name: mcs

Password: mcsnet

Responsibilities of Flag Countries

Flag countries have the primary responsibility to control the fishing activities of their vessels, both fishing vessels and fishing support vessels (such as transport vessels that receive the catch of fishing vessels and supply vessels that bring fuel and provisions to fishing vessels). To help flag countries strengthen control over their vessels, the IPOA-IUU offers an extensive assortment of tools.

For these tools to work, the governments of the flag countries must have the *political will* to make them work. Unfortunately, a number of countries continue to register fishing vessels without taking any of the basic steps to control their fishing activities. The situation must change if problems of IUU fishing are to be addressed successfully and if fisheries conservation and management is to be improved.

Fishing Vessel Registration. Before a country allows a fishing vessel to be registered and before it allows a vessel to fly the country's flag, the country should make sure that it has the ability to control the fishing activities of the vessel.

Many countries do not require registration of small fishing vessels at all. However, in light of the growth of IUU fishing, including such fishing by small vessels, governments are encouraged to require registration of as many fishing vessels as possible, preferably all of them, and to enter all of them on its record of fishing vessels, which is discussed below.

Although it is difficult to predict that a vessel will engage in IUU fishing, the chance that it might do so is greater if the vessel has done so before. Countries should thus avoid registering vessels with a history of IUU fishing. Experience has shown that the same vessels are often involved in IUU fishing, despite changes in name and registration. A government should make a vessel owner seeking to register a fishing vessel specify all previous countries in which the vessel has been registered, including registration under any other names. Should a pattern of possible *flag hopping* (that is, frequent changes of flag) emerge, it is possible that the vessel has been used for IUU fishing. The government should, at a minimum, require the vessel owner to explain any frequent changes in registration.

Record of Fishing Vessels. Each country should maintain a record of its fishing vessels. The information in the record should relate to the physical characteristics of vessels and their past fishing history, and should include:

- ◆ name of fishing vessel, registration number, previous names (if known), and port of registry;
- ◆ previous flag (if any);
- ◆ International Radio Call Sign (if any);
- ◆ where and when built;
- ◆ type of vessel;
- ◆ type of fishing method or methods;
- ◆ gross register tonnage;
- ◆ power of main engine or engines;
- ◆ length;
- ◆ moulded depth;
- ◆ beam;
- ◆ where appropriate, a photograph showing a side profile view of the vessel taken at the time of registration or after any more recent structural changes;
- ◆ name, address and nationality of the person(s) or company in whose name the vessel is registered;
- ◆ name, address and nationality of the person(s) or company responsible for managing the operations of the vessel;
- ◆ name, address and nationality of the person(s) or company with beneficial ownership of the vessel, and
- ◆ ownership history of the vessel, and, where known, history of any IUU fishing by the vessel.

Where possible, the record should indicate whether each vessel listed is actively fishing.

Authorization to Fish. Flag countries should prohibit their vessels from fishing in any ocean area unless the vessels receive express authorization from the government to engage in fishing. A flag country should issue such authorizations only to vessels properly registered in its territory and entered in its record of fishing vessels.

Vessels should receive authorizations to fish only if the owners or operators agree to fish in accordance with conditions written into the authorization that allow the flag country to maintain control over the fishing activities. These conditions should set forth, for example:

- ◆ what species can be caught;
- ◆ what gear can be used, and
- ◆ where and when the vessels may operate.

Paragraph 47 of the IPOA-IUU suggests a broad range of such conditions, not all of which will be applicable in all situations.

Before a coastal country permits a foreign vessel to fish in its waters, it should verify that the vessel has received from its flag country a specific authorization to fish in waters beyond the jurisdiction of that country.

Other Control Measures. The registration of fishing vessels, the creation of a record of fishing vessels and the proper use of fishing authorizations give a flag country the formal (or legal) basis to control the fishing activities of its vessels. To achieve *actual* control over its vessels, a flag country should choose from a variety of practical tools described in the IPOA-IUU.

For example, a flag country should know where its vessels are located, if not at each moment, then at least at regular and frequent intervals, for example, every week. Typical tools for tracking vessels include mandatory position

reporting by radio and mandatory maintenance of logbooks with frequent recording of vessel position. Acceptance of these requirements by vessel operators should be necessary before issuing an authorization to fish.

Unfortunately, while responsible vessel operators may comply with these requirements, IUU fishers often do not. A flag country should therefore have some other way to verify the location of its vessels at sea. As discussed above, VMS is one option. Another way is to place independent observers on board vessels, who can monitor vessel positions and observe fishing operations. Flag countries should also increase their ability to patrol at sea in areas where their vessels are known to fish.

To receive an authorization to fish, each vessel should be properly marked in accordance with internationally recognized standards, such as the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels. Fishing gear should also be marked in ways that permit easy identification and tracing.

A flag country must have some way to know what each of its fishing vessels is catching. Accordingly, flag countries should require their vessels to report on their fishing activities at regular intervals. VMS, radio and fax methods all provide convenient and time-sensitive means for such reporting. Mandatory reporting of catch data through logbooks is also common. Other methods are also available.

Although the data to be reported will vary from fishery to fishery, flag countries should require their fishing vessels at a minimum to report timely, complete and accurate information concerning fisheries activities at the time of harvest including:

- ◆ vessel identification (radio call sign, port and number of registry);
- ◆ vessel position;
- ◆ vessel course;
- ◆ fishing effort (fishing location, date and time of place fished);
- ◆ catch composition (target and non target species by nominal weight (live weight equivalent of landings);
- ◆ zone entry/exit (including closed areas entry/exit) notifications, and
- ◆ port entry notifications

Flag countries should be able to verify the accuracy of reported data and should penalize the failure to report and the misreporting of data. Approaches include routine inspections in port and the use of independent observers on-board vessels.

As discussed above, flag countries should make sure that penalties imposed for IUU fishing are of sufficiently tough. For serious offences, such sanctions should include withdrawal or suspension of the vessel's authorization to fish. Sanctions applicable in respect of masters and other officers of fishing vessels should include withdrawal or suspension of their authorizations to serve in those capacities. Tough penalties are required to discourage fishers from engaging in IUU fishing.

Responsibilities of Coastal Countries

More than 90 percent of the world-wide fish catch is taken in waters under the control of coastal countries. A good deal of IUU fishing also occurs in those waters as well. Much of that IUU fishing is conducted by vessels registered in the coastal countries themselves, particularly in the form of underreporting or misreporting

of catch. In other cases, foreign vessels fish without permission of the coastal country (that is, poaching or stealing) or fish in violation of the terms of access granted to them by the coastal country.

IUU fishing in these waters primarily harms the coastal countries in question and the responsible fishers who operate there. Coastal countries should therefore do all they can to stop IUU fishing in their waters, as they will reap the benefits most directly, now and in the future.

If the vessels conducting IUU fishing are registered in the *coastal country*, that country is also the *flag country* and should use the tools described in the preceding section to deal with those vessels.

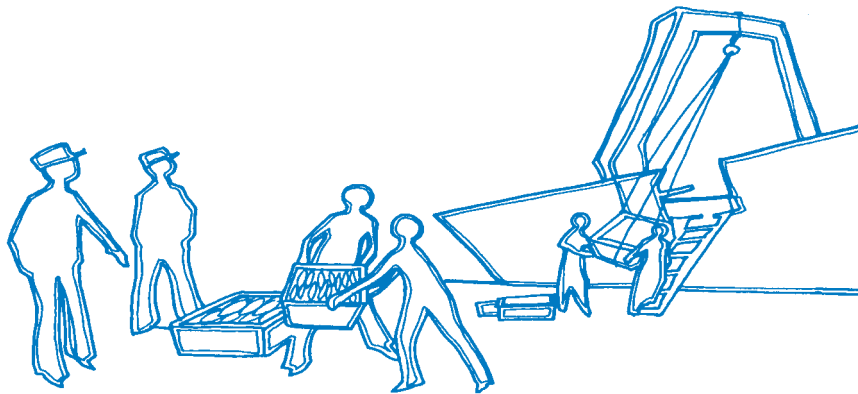
If the vessels conducting IUU fishing are registered in a foreign country, the coastal country has a number of additional tools at its disposal. Those tools include:

- ◆ keeping a record of foreign vessels authorized to fish in its waters;
- ◆ requiring foreign vessels to use VMS, such that the coastal country has real-time or near real-time access to vessel positions and receives regular data reports by VMS, and
- ◆ requiring foreign vessels, or a certain percentage of them, to carry independent observers.

Just as flag countries should avoid registering vessels with a history of IUU fishing, coastal countries should avoid granting access to those vessels as well. In practical terms, the coastal State should request the flag State to guarantee that its vessels being licensed do not have a history of IUU fishing before licenses are issued by the coastal State.

A coastal country should seek a formal agreement with any flag country whose vessels wish to fish in its waters. The agreement can make clear the continuing responsibilities of the flag country with respect to the fishing activities conducted by its vessels that are granted access. At a minimum, the agreement should commit the flag country to penalize its vessels that have violated the terms and conditions of access. The agreement might also commit the flag country to assist in MCS efforts undertaken by the coastal country.

Because it is difficult to monitor transshipments at sea, IUU fishers usually prefer to transship their catch at sea rather than in port. Coastal countries should consider requiring that all transshipments take place in port or, at a minimum, require that transshipment at sea is done in accordance with proper controls and at locations where inspectors can be present to check the details of the fish being transhipped.



Responsibilities of Port Countries

IUU fishers must eventually get their catch to port for landing or transshipment. Some countries, knowingly or not, allow their ports to be used for this purpose. Other countries, on their own and in co-operation with others, have begun to limit and regulate access to their ports to control IUU fishing.

A country has full sovereignty over its ports. Generally speaking, a country may:

- ◆ deny foreign vessels access to its ports (except in cases of emergency or distress);
- ◆ prohibit foreign vessels from landing or transshipping fish in its ports;
- ◆ require vessels seeking port access to provide information on their identity and fishing activities, and
- ◆ inspect vessels that are voluntarily in its ports.

Countries should require foreign fishing vessels seeking permission to come into their ports to provide:

- ◆ reasonable advance notice of their entry into port;
- ◆ a copy of their authorization to fish;
- ◆ details of the fishing trip, and
- ◆ quantities of fish on board.

A port country should also require other foreign vessels involved in fishing-related activities, such as transport vessels, to provide similar information before entering a port.

A country should only grant foreign fishing vessels access to its ports where it can conduct inspections to verify the nature of the vessel's fishing activities. During such inspections, a port country should collect at least the

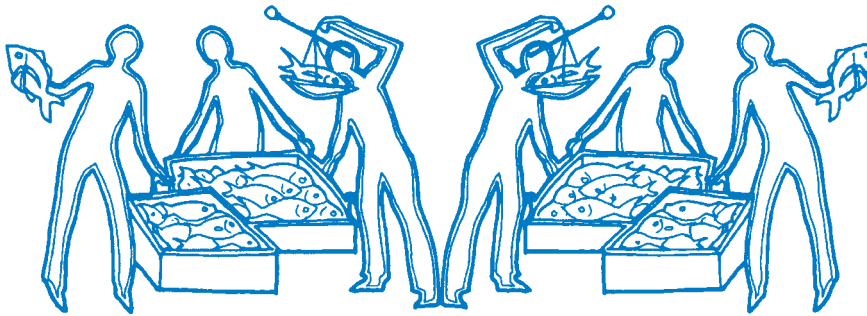
following information, which it should provide to the flag country and to any appropriate regional fishery organization:

- ◆ the flag country 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 a regional fishery organization or international agreement, and
- ◆ total landed and transshipped catch.

If a port country has reasonable grounds for suspecting that a vessel in its port has engaged in IUU fishing, the port country should:

- ◆ not to allow the vessel to land or transship fish in its port;
- ◆ immediately report the matter to the flag country, and
- ◆ if the suspected IUU fishing may have taken place in another country's waters or in waters regulated by a regional fishery organization, immediately report the matter to that country or organization.

A port country may also take additional action against the vessel and its operators with the consent of, or at the request of, the flag country.



“Market” Measures

International trade in fish has increased dramatically in recent decades. Nobody know precisely how much of the fish traded internationally are the result of IUU fishing. However, a number of valuable fish species that are traded most often, including tunas and swordfish, are also species known to be targeted by IUU fishers.

Some co-operative efforts are already underway to restrict international trade in fish harvested through IUU fishing. The IPOA-IUU calls upon countries to develop additional agreed market-related measures to stop IUU fishing that are consistent with rules governing international trade. The goal is to prevent international trade in fish harvested through IUU fishing while not creating unnecessary barriers to trade in other fish.

Market-related measures cover several types of controls on the importation and exportation of goods, including:

- ◆ catch certification and trade documentation requirements, and
- ◆ import and export restrictions and prohibitions.

Regional fishery organizations will have a primary role to play in co-ordinating the creation and use of market-related measures.



Using Regional Fishery Organizations

Regional fishery organizations have a central role to play in stopping IUU fishing. Many of the world's most valuable stocks of fish, and a large number of those stocks most subject to IUU fishing, are regulated by regional fishery organizations. Regional fishery organizations are therefore uniquely positioned to promote and coordinate efforts to implement the IPOA-IUU.

Among things that regional fishery organizations can do are to:

- ◆ collect and disseminate information relating to IUU fishing;
- ◆ identify vessels that are engaging in IUU fishing and coordinate measures against them;
- ◆ identify countries whose vessels are engaging in IUU fishing and can urge identified countries to correct such behaviour;

- ◆ call on their members to take action against vessels without nationality that are fishing in the relevant region;
- ◆ adopt rules to ensure that vessel chartering arrangements do not lead to IUU fishing;
- ◆ adopt port inspection schemes, restrictions on transshipment at sea and schemes creating a presumption that fish harvested by non-member vessels in the relevant region should not be permitted to be landed in ports of members;
- ◆ adopt catch certification and/or trade documentation schemes, and
- ◆ adopt other market-related measures to combat IUU fishing.

Special Needs of Developing Countries

Developing countries, particularly small island developing countries and other developing coastal countries, are among those that suffer the most from IUU fishing. Many developing countries lack the resources and infrastructure to monitor and enforce fishery rules effectively.

As a result, IUU fishers often conduct their operations in waters of developing countries, using vessels registered in the developing countries themselves (fishing without licenses or in violation of license restrictions) and vessels registered in other countries (poaching or fishing in violation of access restrictions).

The IPOA-IUU calls upon countries, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to support training and capacity building and to consider providing financial, technical and other assistance to developing countries so that they can more fully meet their commitments under the

IPOA-IUU. Such assistance should be directed in particular to help developing countries in the development and implementation of national plans of action, discussed below.

National Plans of Action

The IPOA-IUU calls upon all countries to develop and adopt, as soon as possible but not later than March 2004, national plans of action to further achieve the objectives of the IPOA-IUU. As noted above, the IPOA-IUU is a “toolbox” – a set of tools that are available for use in many different situations to combat IUU fishing. Not all tools in the toolbox will be appropriate for use by each country. Nevertheless, to the extent possible, each country’s national plan of action should at least consider how each of the basic tools could be put to use in the fisheries in which it is involved.

The IPOA-IUU also requires countries to review their national plans of action at least every four years and to report to FAO on steps they have taken to implement their plans and the IPOA-IUU.

What will FAO do?

FAO will provide technical support for implementation of the IPOA-IUU and will keep the issue of IUU fishing under review. FAO will report to its members every two years on progress being made with the implementation of the IPOA-IUU. These reports will be based on information provided to FAO by its members.