



# Key international approaches to combatting illegal, unreported and unregulated fishing

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# ***THE DEFINITION OF IUU FISHING***

The international community drew up broad definitions for the three components of IUU fishing in 2001, within the context of the IPOA-IUU.

*In summary:*

## **Illegal Fishing**

Fishing activities conducted without permission or in contravention of:

- national laws and regulations
- conservation and management measures of an RFMO
- international law and obligations

## **Unreported Fishing**

Fishing activities which have not been reported or misreported (in contravention of laws / regulations / procedures) to:

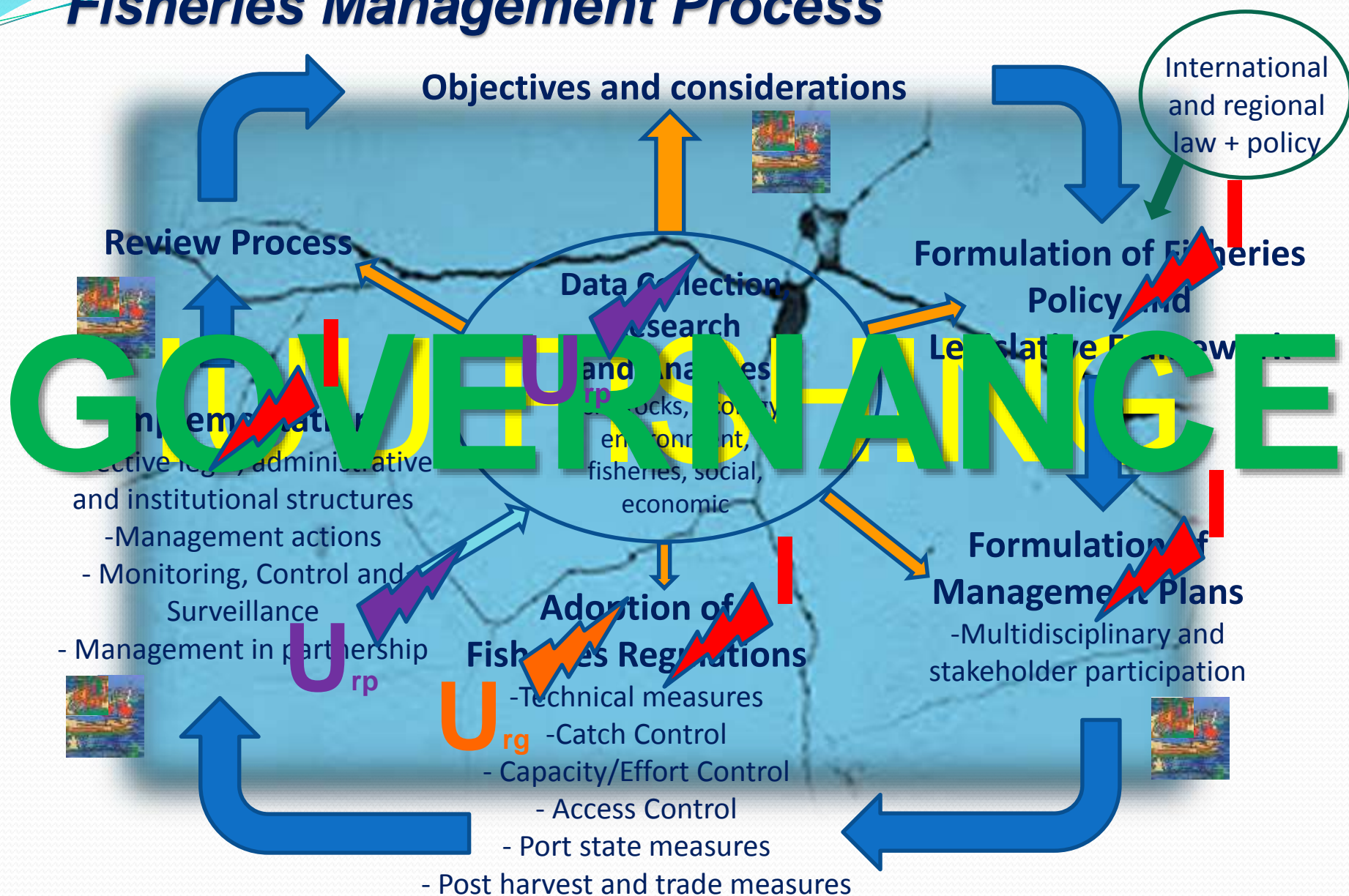
- the relevant national authority
- the relevant RFMOs

## **Unregulated Fishing**

Fishing activities undertaken:

- by non State Party vessels in a manner not consistent with or in contravention of measures adopted by the relevant RFMO
- in areas or for fish stocks for which there are no conservation or management measures and inconsistent with relevant provisions of international law

# The impact of IUU fishing on the Fisheries Management Process



# ***Addressing IUU Fishing***

The I, U and U components are interrelated and frequently a fishing operation may be associated with more than one of them.

Thus, the issues associated with the three components should be addressed through the same policy, legal and governance frameworks (at national, regional and international level) and combatted through the implementation of common operational and enforcement mechanisms, and measures.

# ***Quantification of IUU Fishing***

- IUU fishing has become more visible and pronounced in the past 20 years, especially in high seas fisheries.
- IUU fishing activities are dynamic, adaptable and highly mobile, and their clandestine nature does not allow for straightforward estimation.
- The most widely quoted estimates (Agnew et al 2009) indicate that annual IUU fishing was in the range of 11-26 million tonnes with an estimated value of USD 10-23 billion.
- FAO is in the process of developing an initiative, in cooperation with other international entities and experts, to review methods for the quantification of IUU fishing and to re-estimate IUU fishing at regional and global levels.



# ***International Instruments Concerning Fisheries***

## **BINDING INSTRUMENTS**

1. UN Convention on the Law of the Sea, 1982 (UNCLOS)



2. UN Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995 (UN Fish Stocks Agreement)



**3. FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 (Compliance Agreement)**



**4. FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, 2009 (Port State Measures Agreement)**



5. Convention on Biological Diversity, 1992 (CBD)



6. Convention on International Trade in Endangered Species, 1973 (CITES)



# NON- BINDING INSTRUMENTS



## 1. FAO Code of Conduct for Responsible Fisheries (Code of Conduct, 1995)

Technical guidelines in support of the implementation of the Code (28 publications)

### 1.1 FAO International Plans of Action (IPOAs)

IPOA for reducing the Incidental catch of seabirds in longline fisheries (1999)

IPOA on the management of fishing capacity (1999)

IPOA for the conservation and management of sharks (1999)

**IPOA to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (2001)**

### 1.2 FAO Strategies on Information

The Strategy for Improving Information on Status and Trends of Capture Fisheries (STF, 2003)

The Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture (2008)

### 1.3 FAO International Guidelines

International Guidelines on Bycatch Management and Reduction of Discards (2011)

International Guidelines for the Management of Deep-Sea Fisheries on the High Seas (2009)

**Voluntary Guidelines for Flag State Performance (2014)**

Voluntary Guidelines Small Scale Fisheries (2014)

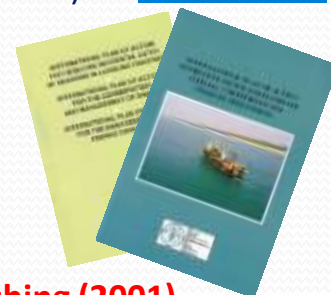
### 1.4 Other FAO Guidelines

Guidelines for the ecolabelling of fish and fishery products from marine capture fisheries (rev 1, 2009)

Guidelines for the ecolabelling of fish and fishery products from inland capture fisheries (2011)

Technical Guidelines on Aquaculture Certification (2011)

Guidelines to reduce sea turtle mortality in fishing operations (2009)





## NON- BINDING INSTRUMENTS (2)

2. UN General Assembly resolutions on sustainable fisheries, including deep sea fisheries and impacts of climate change



3. Johannesburg Plan of Implementation (adopted at the World Summit on Sustainable Development, 2002) – recommendations to achieve sustainable fisheries, including the implementation of the Code of Conduct.



4. Declarations (not actual instruments but adopted by governments during assembly in International fora). Some examples include:

Declaration adopted by the UN Conference on Environment and Development – Rio Declaration (1992)

The Cancun Declaration adopted by the International Conference on Responsible Fishing (1992)

The Rome Declaration on the implementation of the Code of Conduct adopted by the FAO Ministerial Meeting on Fisheries (1999)

The Reykjavik Declaration adopted by the International Conference on Responsible Fisheries in the Marine Ecosystem (2001)

The Rome Declaration on IUU Fishing adopted by the FAO Ministerial Meeting on Fisheries (2005)

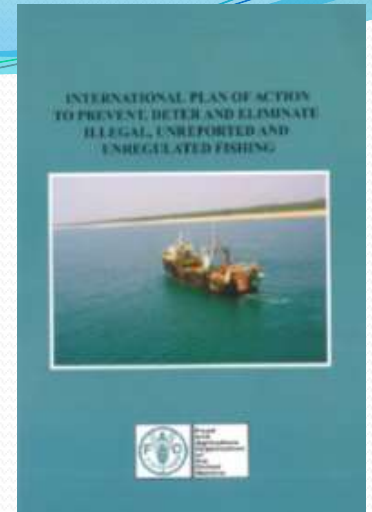
Declaration adopted by the UN Conference on Sustainable Development – Rio+20 Declaration (2012)

## ***Examples of other international initiatives to combat IUU fishing***

- The High-Level Panel Report on the post-2015 development goals (to ensure food security and nutrition).
- The new global public goods and challenges instrument of the European Union.
- The joint statement on IUU fishing signed by the European Union and the United States of America.
- The IUU regulation of the European Union, including on the development of a catch certification scheme.
- The development of a Global Record of Fishing Vessels by FAO.

# ***The IPOA-IUU***

- The IPOA-IUU is a purposely designed toolbox, concluded within the framework of the FAO Code of Conduct for Responsible Fisheries, to combat IUU fishing.
- Port State measures are a central feature of the IPOA-IUU and should be applied by States, singly and in collaboration with other States and RFMOs.
- The tools offered in the IPOA-IUU are designed for use by all States, in general, flag States, coastal States and port States.
- The IPOA-IUU also calls for internationally agreed market-related measures.



# ***THE 2009 FAO AGREEMENT ON PORT STATE MEASURES***



- 2009 FAO Conference approved the Agreement as an Article XIV instrument under the FAO Constitution.
- The purpose of the Agreement is to prevent IUU-caught products from entering international markets, thus removing incentive to engage in IUU fishing.
- The Agreement is based on 2 voluntary international instruments:
  - 2001 IPOA-IUU
  - 2005 Model Scheme on Port State Measures to Combat IUU Fishing: an intermediate step towards the conclusion of the binding Port State Measures Agreement

## ***Status of the PSMA***

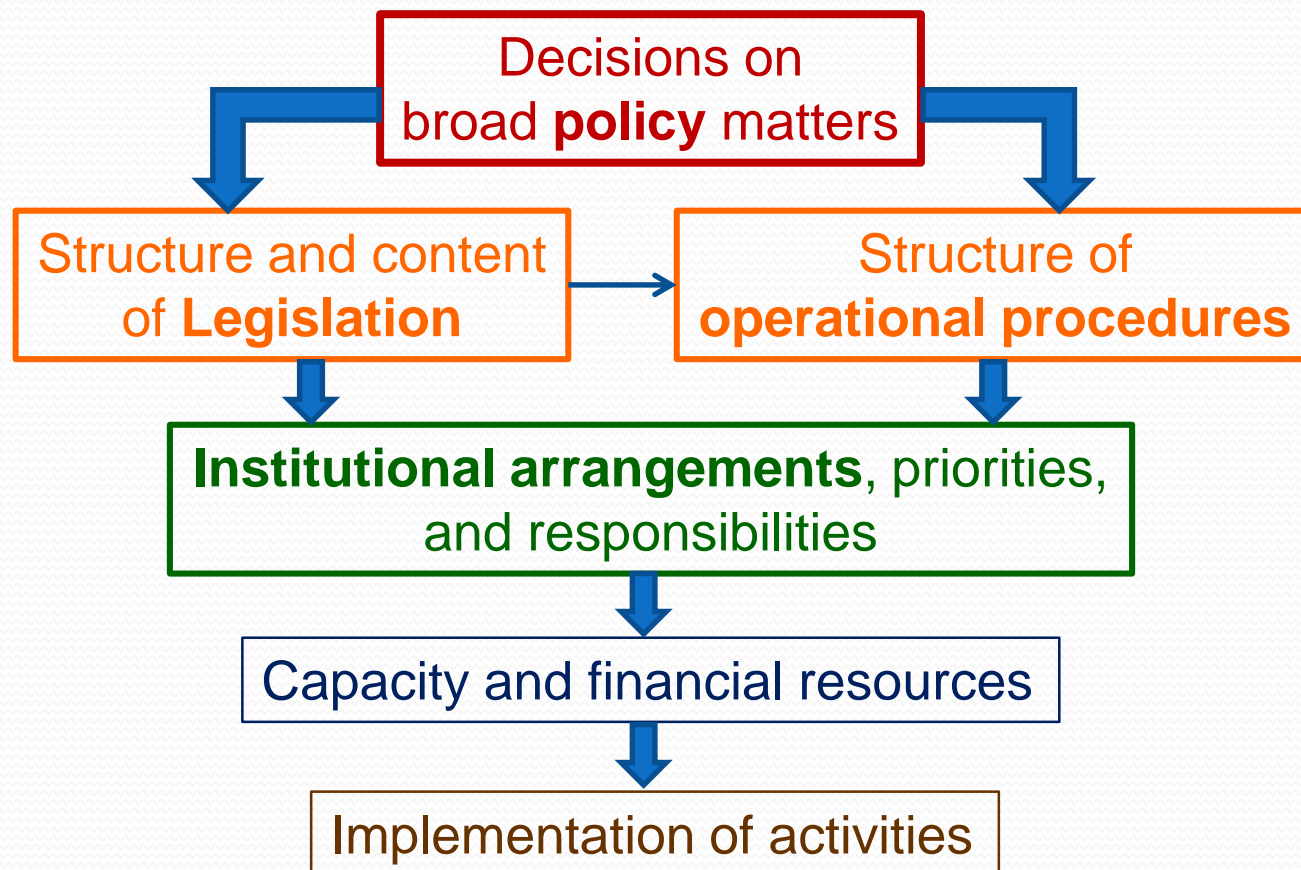
- The Agreement opened for signature in November 2009 and remained opened for one year (until November 2010).
- 23 FAO Members signed in that period:  
Angola, Australia, Benin, Brazil, Canada, Chile, EU, France, Gabon, Ghana, Iceland, Indonesia, Kenya, Mozambique, New Zealand, Norway, Peru, Russian Federation, Samoa, Sierra Leone, Turkey, USA, Uruguay.
- 13 FAO Members have ratified, accepted, approved or acceded to the Agreement (Australia, Chile, EU, Gabon, Iceland, Mozambique, Myanmar, New Zealand, Norway, Oman, Seychelles, Sri Lanka and Uruguay)
- The Agreement will enter into force 30 days after deposit with FAO DG of the 25<sup>th</sup> instrument of ratification, acceptance, approval or accession.

# ***Entry into force and implementation of the PSMA***

- The entry into force of the PSMA would not only **strengthen international efforts** to curb IUU fishing but will, as a result, also contribute to **strengthened fisheries management and governance** at all levels.
- Through the implementation of defined procedures to verify that foreign vessels have not engaged in IUU fishing, and other provisions relating to the denial of access to ports, port inspections, prohibition of landing, detention and sanction, fish caught from IUU fishing activities can be **blocked from reaching national and international markets**.
- Used in conjunction with other tools such as the Global Record of Fishing Vessels, catch documentation schemes and other MCS tools, port State measures have the potential to be **the most cost-effective and efficient means of combating IUU fishing**.



Implementation of the PSMA requires an approach that includes policy decisions, legal revision, strengthened institutional arrangements, new operational procedures, and adequate capacity and financial resources.



# The role of RFMOs

- RFMOs play a key role in the implementation of the FAO port State measures Agreement; RFMO measures against IUU fishing are effective in stemming the flow of IUU-caught product into international markets: these initiatives must be supported, strengthened and implemented.
- Achieving full implementation (policy, legal, institutional and operational aspects) of RFMO measures by Contracting Parties is challenging and developing countries need to be supported by international assistance.
- RFMOs provide readily available information needed by managers in port control procedures (eg. IUU vessel lists, authorized vessel lists, conservation and management measures); the development of a one-stop-shop RFMO information system in the future would be highly beneficial.
- In regions where RFMOs are absent, common objectives for the region are usually lacking and cooperation and communication between countries is weak; in such cases the development of regional MCS networks and/or regional plans of action to combat IUU fishing would help alleviate the constraint.



# ***FAO VOLUNTARY GUIDELINES FOR FLAG STATE PERFORMANCE***

- The fulfilment of responsibilities by flag States, as set out in international law and various international instruments related to fisheries, complements the implementation of effective port State measures.
- The objective of the FAO Voluntary Guidelines for Flag State Performance (negotiated 2011-2013) is to prevent, deter and eliminate IUU fishing through the effective implementation of flag State responsibilities.
- The Guidelines are a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.

- The Guidelines are wide-ranging and address:

- their purpose and principles
- the scope of application (geographical, vessels)
- performance assessment criteria (measures, actions)
- cooperation between flag States and coastal States
- a procedure for carrying out an assessment (self assessment, external assessment)
- encouraging compliance and deterring non-compliance by flag States (corrective, cooperative, measures)
- cooperation with and assistance to developing States with a view to capacity development
- the role of FAO (receive reports, monitoring, assistance)

- It is hoped that through these Guidelines, fisheries and maritime administrations will be encouraged to work more closely together, that national regimes and capacities will be strengthened, and that RFMOs will play a meaningful role in using the Guidelines to strengthen flag State performance and ultimately to combat IUU fishing.

# MONITORING, CONTROL AND SURVEILLANCE



## Extracts from IPOA-IUU:

*“States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination[...].”*

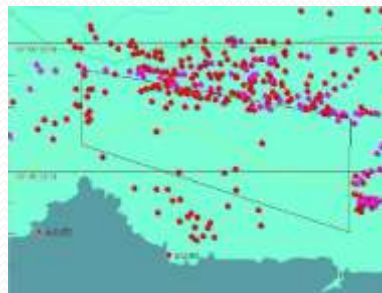
*“States should coordinate their activities and cooperate directly, and as appropriate through relevant regional fisheries management organizations. In particular, States should:*

*[.....] cooperate in monitoring, control and surveillance, including through international agreements.”*



# National MCS

- Fleet register
- Licensing system
- VMS, AIS
- VDS (Satellite imagery)
- Radar
- Aerial surveillance
- Observer Programmes
- EMS (video monitoring)
- Inspection schemes (at-sea, at-port)
- ERS (e-logbook, e-landing declaration, e-sales notes)
- Intelligence sharing (networks, information systems, etc.)
- Smart phone apps (community reporting – SSF)
- Drones (?)
- CDS
- ...



# Regional / Global MCS

- Regional / Global Vessel Record
- Regional VMS
- Regional / Int. satellite centre/network
- Joint inspection schemes/procedures
- Harmonized sampling/inspection templates and manuals
- Port State Control Regime (e-PSC)
- Regional / Int. MCS network
- Capacity building





# **PERSISTENT CHALLENGES**

***There are several political, legal, institutional, educational and operational challenges to be addressed in the fight against IUU fishing, including:***

- Strengthening of legal and governance frameworks at national, regional and global levels*
- Enhancing the capacity of developing States to manage, monitor and control fishing activities*
- Developing globally accepted standards for market access, trade and traceability mechanisms*



# Thank you for your attention



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