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COMMITTEE ON FISHERIES

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COMBATTING ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Executive Summary

This document reports on FAO's contributions towards achieving Targets 14.4 and 14.6 of Sustainable Development Goal (SDG) 14 of the 2030 Agenda for Sustainable Development, which aim to end illegal, unreported and unregulated (IUU) fishing and eliminate subsidies that contribute to IUU fishing by 2020, respectively. The document gives an overview of progress on: (i) adherence to, and implementation of, the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA); (ii) the outcomes of the second meeting of the Parties to the PSMA; (iii) activities related to *FAO's Global Programme to support the implementation of the PSMA and complementary international instruments*; (iv) the development and implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record); (v) the development of technical guidelines on methodologies and indicators for the estimation of the magnitude and impact of IUU fishing; and (vi) negotiations regarding the prohibition of subsidies that contribute to IUU fishing. Results of the in-depth, global study on transshipment, and the outcomes and recommendations of the fourth FAO/IMO/ILO Working Group, are reported, and actions by Regional Fisheries Management Organizations (RFMOs) and Regional Fisheries Advisory Bodies (RFABs) in combatting IUU fishing are also presented. Finally, the status of implementation of the Voluntary Guidelines for Catch Documentation Schemes (VGCDs) and the related outcomes of the Seventeenth Session of the Sub-Committee on Fish Trade are discussed.

Suggested action by the Committee

The Committee is invited to:

- welcome the growing global commitment towards the implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), and urge all FAO Members to become a Party to the Agreement;
- note the conclusions of the Second Meeting of the Parties to the PSMA, including that the Parties to the PSMA have tasked FAO with discharging the responsibilities of the Secretariat and the development of the PSMA global information exchange system;

Documents can be consulted at www.fao.org

- welcome FAO's ongoing capacity development initiatives to strengthen developing States' capacity to fulfil their port, flag, coastal and market State responsibilities and encourage Members to contribute to FAO's Global Programme to support the implementation of the PSMA and complementary international instruments to combat IUU fishing;
- welcome the increased submission of information by FAO Members to the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), and call for broader participation and submission of a wider range of information and more frequent updates;
- note the recommendations of the Fourth Session of the FAO/IMO/ILO Joint Working Group and, in particular, provide guidance on the recommendation for the development of new terms of reference and rules of procedure for the working group;
- note the progress on the development of technical guidelines on methodologies and indicators for the estimation of the magnitude and impact of IUU fishing and consider recommending the use of these guidelines;
- note the outcomes of the 2019-2020 FAO in-depth study on transshipment, and consider the need for the development of guidelines on the regulation, monitoring and control of transshipment operations and to promote best practices;
- considering the SDG target 14.6 deadline to prohibit fisheries subsidies, including those contributing to IUU fishing, by 2020, note the status of the international negotiations on subsidies and IUU fishing;
- take note of the outcomes of the Seventeenth Session of the Sub-Committee on Fish Trade in relation to the Voluntary Guidelines for Catch Documentation Schemes (CDS);and
- recall the important role that RFMOs and RFBAs continue to play in combatting IUU fishing and encourage the adoption of relevant conservation and management measures (CMMs) to combat IUU fishing.

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I. INTRODUCTION

1. The year 2020 marks an important milestone in the global fight against illegal, unreported and unregulated (IUU) fishing. For the last five years, Sustainable Development Goal (SDG) targets 14.4 and 14.6 – which aim to end IUU fishing and eliminate subsidies that contribute to IUU fishing, respectively – have been the drivers for action against IUU fishing by governments, Regional Fisheries Management Organizations (RFMOs), intergovernmental and non-governmental organizations worldwide, leading up to the target year of 2020.

2. A framework of binding¹ and voluntary² international instruments has been developed over the last decades, elaborating States' flag, port, coastal and market State responsibilities, which if fulfilled lead to preventing, deterring and eliminating IUU fishing. FAO is the custodian for SDG indicator 14.6.1 which measures the progress of States in their implementation of international instruments to combat IUU fishing. FAO has collected SDG indicator 14.6.1 scores in 2018 and 2020, with 70 and 75 percent of States reporting to have a high level of implementation of relevant instruments, respectively. The indicator scores reflect that advancements have been made overall in combatting IUU fishing through the implementation of relevant international instruments, however despite the 2020 deadline for SDG target 14.4 to end IUU fishing further efforts are needed.

3. This document reports on FAO's contributions towards achieving SDG Targets 14.4 and 14.6, through: (i) the promotion of, and provision of capacity development support to States to effectively implement international instruments such as the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and complementary international instruments (see Sections II and III), and the Voluntary Guidelines on Catch Documentation Schemes (see Section IX); (ii) the development and promotion of tools that facilitate information exchange, such as the PSMA Global Information Exchange System (see Section II) and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (see Section IV); (iii) advancing work on the methodology for estimating the magnitude of IUU fishing (see Section V) and global practices on transshipment (see Section VI); and (iv) collaborating with, and supporting the initiatives of, other UN agencies, such as the FAO/IMO/ILO Joint Working Group on IUU Fishing and Related Matters (see Section VII) and the discussions led by the World Trade Organization on fisheries subsidies and IUU fishing (see Section VIII). The document also reports on actions taken by Regional Fisheries Management Organizations in adopting and implementing conservation and management measures that contribute to combatting IUU fishing, as well as relevant actions undertaken by Regional Fisheries Advisory Bodies (RFABs) (see Section X).

II. IMPLEMENTATION OF THE 2009 FAO AGREEMENT ON PORT STATE MEASURES AND NEXT STEPS

4. The 2009 FAO Agreement on Port State Measures to Deter, Prevent and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) entered into force on 5 June 2016. As at September 2020, there were 66 Parties to the Agreement, including the European Union as one Party representing its Member States.

5. Following the guidance of COFI at its Thirty-second Session, the first meeting of the Parties to the PSMA was convened in Oslo, Norway, from 29 to 31 May 2017. There, the Parties established the Part 6 Working Group to address the requirements of developing States, and the open-ended Technical Working Group on Information Exchange (TWG-IE) to provide guidance on elaborating an information exchange mechanism supporting the implementation of the PSMA. The Part 6 Working

¹ United Nations Convention on the Law of the Sea, United Nations Fish Stocks Agreement, FAO Compliance Agreement and FAO Agreement on Port State Measures.

² Code of Conduct for Responsible Fisheries, International Plan of Action to Combat IUU Fishing, Voluntary Guidelines on Flag State Performance, Voluntary Guidelines on Catch Documentation Schemes and the Voluntary Guidelines on the Marking of Fishing Gear.

Group and the TWG-IE held their first meetings in June 2017 and April 2018 respectively, and the outcomes of these meetings were reported to the Thirty-third Session of COFI.

6. The second meeting of the Parties to the PSMA was held in Santiago, Chile from 3 to 6 June 2019 (COFI/2020/SBD.5). The meeting was attended by 43 Parties to the Agreement and by observers from 14 States, 7 inter-governmental and 3 international non-governmental organizations. In preparation for this meeting, the Part 6 Working Group met in Rome, Italy, from 5 to 6 July 2018 (COFI/2020/SBD.11), and the TWG-IE met in Seoul, Korea, from 15 to 17 May 2019 (COFI/2020/SBD.10). The second meeting of the Parties adopted the Rules of Procedure for meetings of the Parties and made recommendations on the PSMA Global Information Exchange System (GIES), the funding mechanisms under Part 6 of the PSMA, and on the monitoring, review and assessment of the implementation of the Agreement, as detailed below. The Parties also discharged the responsibilities of the Secretariat to FAO, as defined in the Rules of Procedure.

7. The Parties adopted the PSMA online applications, developed by FAO, for States to register their designated ports and national contact points. As at September 2020, 49 States had uploaded their national contact points, and 39 States had uploaded information on their designated ports. Regarding the development of the GIES, the Parties agreed that: (i) the GIES should have the ability to connect to and complement existing relevant national and regional information systems already in place, whilst also providing the option for Parties that do not have such a system to access the GIES directly; (ii) active participation by States in the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record, see Section IV) is important to maximize the potential of the Global Record to support the functioning of the GIES; and (iii) the GIES should be operational as soon as possible. The Parties tasked FAO with the development of the GIES.

8. The Parties established an assistance fund for developing States Parties to receive capacity development support for the implementation of the PSMA (See Section III below). In addition, the Parties tasked FAO with developing a global portal for capacity development to combat IUU fishing, which will aim to consolidate information on capacity development initiatives worldwide to allow for better coordination among donors, entities providing technical assistance, national authorities and other stakeholders.

9. The Parties adopted a questionnaire to review and assess the effectiveness of the Agreement and agreed that it should be launched during the first week of June 2020, for the analysis of the resulting information to be completed by the next meeting of the Parties, hosted by the European Union, from 30 November to 4 December 2020. The meeting of the Parties was postponed to 31 May – 4 June 2021, due to the COVID-19 pandemic, in consultation and agreement with the Chairperson and Vice-Chairpersons.

III. FAO'S GLOBAL PROGRAMME TO SUPPORT THE IMPLEMENTATION OF THE PSMA AND COMPLEMENTARY INTERNATIONAL INSTRUMENTS

10. In 2017, FAO launched its *Global Programme to Support the Implementation of the PSMA and Complementary International Instruments* (the Programme). The Programme aims to contribute to national, regional and global efforts to prevent, deter and eliminate IUU fishing and thus, achieve Target 14.4 of SDG 14, by promoting the uptake and implementation of relevant international instruments and tools, and providing capacity development support to developing States in this regard to ensure compliance with their port, flag, coastal and market State responsibilities. As at September 2020, the Programme comprises of 11 projects with funding in excess of USD 19 million from the European Union, Iceland, Norway, the Republic of Korea, Spain, Sweden and the United States of America.

11. As at September 2020, the Programme has supported: (i) 33 developing States in the formulation of national strategies and action plans for the implementation of the PSMA and complementary international instruments to combat IUU fishing; (ii) 18 developing States to reformulate their national policies and legislation; (iii) 13 developing States in updating their monitoring, control and surveillance (MCS) systems and procedures; (iv) 54 officials from

16 developing States to receive legal training in international fisheries law; (v) 24 officials from seven countries to receive MCS and port inspection training; and (vi) four States to receive national-level seminars on the PSMA (see Annex 1).

12. The Programme additionally supports: (i) the development of global information systems in support of the implementation of the PSMA, including the Global Information Exchange System (GIES) (see Section II), the Global Record (see Section IV), and FAO's database on port State measures (Port-Lex); (ii) the undertaking of studies and the development of practical field guides and tools (see Section V and VI); and (iii) assists concerned States with travel costs to participate in the meetings of the Parties and technical working groups.

IV. THE GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS (GLOBAL RECORD)

13. Since the release of the first working version in 2017 and the first public version in 2018, an increasing number of FAO Members have contributed to the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. This cooperative effort has become progressively more important as, apart from promoting transparency, the Global Record is expected, in particular, to: i) serve as the backbone for the PSMA Global Information Exchange System (GIES) currently under development (see Section II); ii) support information exchange under the UN Fish Stocks Agreement³ as per article 7⁴ on Information Exchange of Annex I – standard requirements of the collection and sharing of data; iii) provide information useful for monitoring and regulating transshipment operations; and iv) support the implementation of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement).

14. The Unique Vessel Identifier (UVI) for vessels engaged in fishing and fishing-related activities, agreed by COFI to be the International Maritime Organization (IMO) number, provides a certified identity for a vessel, indispensable for control, enforcement and information exchange under the three instruments mentioned above. The UVI is a prerequisite for vessels to be included in the Global Record and several RFMOs have adopted binding measures for the requirement of an IMO number for various segments of vessels, thus driving States to request IMO numbers for an increasing number of vessels. Together with the identity of the vessel, it is becoming more apparent that information on the owner, beneficial owner, and operator/manager⁵ is crucial in addressing IUU fishing. With due regard to confidentiality matters, FAO Members are encouraged to provide such information in the Global Record, particularly when it concerns companies, as it would facilitate taking effective action, as required.

15. Up to September 2020, 64 States have provided fleet information⁶ to the Global Record totaling over 11 000 vessels representing a 40 percent of the current global eligible⁷ fleet and covering all length segments, from 11 m Length Overall (LOA) to 177 m LOA and all types of vessels. Flag States with important fleets of vessels conducting fishing-related activities, such as reefers and those engaged in other transport operations, have also submitted information on these vessels including on licences and other information that could prove to be useful in supporting the application of port State

³ The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA).

⁴ UNFSA Annex I, article 7:

“At the global level, collection and dissemination of data should be effected through the Food and Agriculture Organization of the United Nations. Where a subregional or regional fisheries management organization or arrangement does not exist, that organization may also do the same at the subregional or regional level by arrangement with the States concerned.”

⁵ Consideration should be given to reporting this information to the extent possible, with due regard to confidentiality matters.

⁶ As of 13 October 2020.

⁷ Vessels engaged in fishing and fishing-related activities eligible to have IMO numbers.

measures, especially concerning operations involving transshipment. Europe, North America and Latin America continue leading as the regions with fleets best represented (in terms of number of countries and eligible fleet coverage) whilst some countries in Asia have recently increased their efforts to upload information on their eligible vessels. Africa and Near East are the least represented in the system, which may indicate a need for further capacity building and advocacy, although it should be noted that a smaller percentage of vessels in global eligible fleet are flagged by countries within that region.

16. While recognizing that information on vessel characteristics is not usually very dynamic, ancillary information may change frequently or become available, and thus more frequent updates are required in the latter case. Twenty-two countries have not updated information on their fleet since 2018, despite the recommendation by the Global Record Informal Open-Ended Technical and Advisory Working Group (GRWG) of updating information at least every quarter. During 2020, the rate of updates remained low and around an average of 10% of the fleet updated per trimester except for a peak in the third trimester when the European Union updated information on 17 fleets. In an effort to facilitate data submission and updates, the second version of the Global Record information system, scheduled to be released in late 2020, will incorporate a variety of manual and automatic mechanisms for information exchange. New functionalities, following recommendations of the GRWG, will be included in this new version which will also be compatible with the GIES, allowing for data exchange between the two systems, as appropriate.

17. The fifth meeting of the GRWG reviewed, among other issues, the International Standard Statistical Classification of Fishing Vessels (ISSCFV) proposed by the Coordinating Working Party on Fishery Statistics (CWPPFS). The GRWG suggested amendments to the latest version with a particular focus on vessels supporting fishing-related activities (transport vessels and supply vessels) to align it with current developments, particularly in relation to transshipment operations that are relevant to the fight against IUU fishing.

18. The Joint FAO/ILO/IMO *Ad Hoc* Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters recognized the potential of the Global Record in support of the International Labour Organization (ILO) Work in Fishing Convention No. 188 (see also Section VII).

V. MAGNITUDE OF IUU FISHING

19. At its Thirty-third Session, the Committee on Fisheries expressed support for the work of FAO in continuing to develop technical guidelines for the estimation of the magnitude and impact of IUU fishing, noting the value of these guidelines for the production of consistent and reliable estimates, and measuring the impacts of IUU fishing.

20. FAO foresees the publication of a series of volumes to cover this complex matter. The first two volumes, comprising of a review of past estimation studies and a reference guide on principles and approaches for IUU fishing estimation, have been published. A third volume containing practical guidance for practitioners to undertake an estimation in different scenarios and data availability situations is under preparation.

VI. GLOBAL STUDY ON TRANSSHIPMENT

21. Ongoing concerns have been expressed by the international community regarding the risks that transshipment operations present in that they could facilitate the introduction of products derived from IUU fishing into the value chain. Owing to such concerns, the Committee of Fisheries (COFI) at its Thirty-third Session welcomed FAO's initial study on transshipment and requested that the subject be studied further to support the potential development of guidelines to regulate, monitor and control transshipment operations.

22. In line with this request, FAO undertook an in-depth global study on transshipment (COFI/2020/SBD.9). The methodology was designed around five core elements:

- field visits with locations identified to provide both a broad geographical balance and an opportunity to study a variety of types of transshipment operations;

- a global survey involving FAO Members, RFMOs, international non-governmental organizations (NGOs) and industry stakeholders;
- specific case studies focussing on tuna and squid fisheries;
- discussions with various RFMOs; and
- review of published literature on the subject of transshipment and associated activities.

23. The study revealed that transshipment practices are widespread and diverse in nature, occurring in all kinds of fisheries, ranging from very small-scale artisanal activities in coastal areas to large-scale industrial activities on the high seas. Most operators would argue that transshipment is essential to their operations, in most cases being driven by economic factors. The study naturally gravitated towards a focus on the risk of transshipment facilitating the introduction of fish sourced from operators conducting IUU fishing into the value chain. The main investigation was to determine to what extent the identified risks are being mitigated by existing management measures and arrangements, and what levels of residual risk remain when these are in place. The limited implementation of existing measures was found to be an issue of concern. On the basis of all the findings, the study identifies key elements which could form the framework for a discussion on the development of international guidelines on the regulation, monitoring and control of transshipment operations and to promote best practices. A summary of these findings can be found in document COFI/2020/Inf.13.

VII. JOINT FAO/IMO/ILO WORKING GROUP ON IUU FISHING AND RELATED MATTERS

24. The fourth Session of the Joint FAO/ILO/IMO *Ad Hoc* Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG) was held in Torremolinos, Spain, from 23 to 25 October 2019. The Session was held back-to-back with the Torremolinos Ministerial Conference on Fishing Vessel Safety and IUU Fishing, at which forty-eight States signed the Torremolinos Declaration⁸ to express their commitment in bringing the 2012 Cape Town Agreement on safety of fishing vessels into force, and adopted two recommendations⁹. The 2019 session of the JWG was the first session where the International Labour Organisation (ILO) participated as a Partner Organization. The discussions of the JWG mainly revolved around areas of the organizations' mutual concern in the fisheries sector, including IUU fishing, safety-at-sea, and labour and working conditions, as well as matters concerning pollution of the marine environment.

25. The JWG adopted a list of recommendations (COFI/2020/SBD.21) to be followed up by FAO, ILO, IMO and States. In response to one of JWG's recommendations, the Committee is invited to review the terms of reference of the JWG (see Annex 4) with a view to providing guidance to the FAO/ILO/IMO Secretariats for the development of draft rules of procedure and revised terms of reference to be considered at, and adopted, as appropriate, by the fifth session of the JWG.

26. Considering that the first session of JWG was held twenty years ago, the need for a review of the Terms of Reference is timely. This is especially important to reflect the inclusion of ILO as a Partner Organization of the Working Group, as well as to ensure that discussions are focused on current issues of mutual concern which have evolved since the Terms of Reference were first drafted. Guidance in this regard is also sought in the context of whether the focus of the JWG should be limited to IUU fishing and related matters or be open to other areas of common interest. Furthermore, with the organization and running of the meeting being undertaken jointly by the FAO/ILO/IMO Secretariats and attended by Members of the three organizations, each with different procedures for running statutory and technical meetings, it has become evident that Rules of Procedure or other formal guidelines are required to guarantee the appropriate organization and running of the JWG meetings.

⁸ <https://wwwcdn.imo.org/localresources/en/About/Events/Documents/Torremolinos%20fishing%20conf/TORREMOLINOS%20DECLARATION.pdf>

⁹ <https://wwwcdn.imo.org/localresources/en/About/Events/Documents/Torremolinos%20fishing%20conf/Torremolinos%20Conference%20Resolutions.pdf>

VIII. FISHERIES SUBSIDIES AND IUU FISHING

27. In 2001, countries at Doha Round of the World Trade Organization (WTO) established a mandate to negotiate fisheries subsidies as the existing agreements, in particular the WTO Agreement on Subsidies and Countervailing Measures (ASCM) designed to regulate subsidies, are inadequate to fully discipline fisheries subsidies.

28. The negotiations have taken place since then, and the deadline to have an agreement in 2020 on disciplines eliminating subsidies in support of IUU fishing and prohibiting certain forms of fisheries subsidies that contribute to overcapacity and overfishing were reinforced by the Ministerial Decision of the WTO's 11th Ministerial Conference, and UN Sustainable Development Goal Target 14.6, observing the special needs of developing and least-developed countries (called in WTO jargon "special and differential treatment").

29. At FAO, the issue of fisheries subsidies and IUU fishing was first discussed at the Sixteenth Session of the Sub-Committee on Fish Trade of the Committee on Fisheries, held in Busan, the Republic of Korea, 4-8 September 2017. The Sub-Committee underlined FAO's important role in providing specialized technical expertise to the World Trade Organization (WTO) and its Members on the ongoing negotiations on fisheries subsidies and supported the active participation in the eleventh Ministerial Conference (MC11) of the WTO (10-13 December 2017, Buenos Aires, Argentina). The Sub-Committee supported the collaboration of FAO with WTO, particularly in connection with the current negotiations on fisheries subsidies and stressed the importance of capacity building and technical assistance on fisheries subsidies for developing countries.

30. At its Thirty-third Session, COFI called upon FAO to continue providing technical advice to the ongoing negotiations on fisheries subsidies at the WTO. In this regard, FAO continued to support WTO Members during and between negotiation meetings, including the WTO Secretariat, whenever requested. In particular, FAO experts have provided information, shared experiences and explanations on how FAO works with its Members to implement international instruments designed to combat IUU fishing, including the International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) and the PSMA, as well as approaches towards stock assessment and issues related to overcapacity. For example, in the workshop organized by the WTO Secretariat in January 2020 for WTO Members, FAO provided information on the meaning of IUU fishing as described in the IPOA-IUU and explained where and how States, on the basis of practice and in the context of the PSMA obligations, determined that IUU fishing has occurred. It is expected that this independent neutral technical advice provided by FAO experts can help inform the negotiations on subsidies towards the adoption of a relevant instrument in achieving SDG 14.6 and the WTO's Doha mandate.

IX. VOLUNTARY GUIDELINES FOR CATCH DOCUMENTATION SCHEMES

31. The Voluntary Guidelines for Catch Documentation Schemes (VGCDS) are the direct output of a series of meetings and consultations from 2015 to 2017, and were officially adopted by the FAO Conference in July 2017. The Thirty-third Session of the Committee recognized the value of the VGCDS as part of a comprehensive suite of measures necessary to combat IUU fishing, particularly with respect to improving traceability of fisheries products. The Committee encouraged the implementation of the VGCDS in order to harmonize CDS and prevent trade in products derived from IUU fishing, while minimizing technical barriers to trade.

32. Since their adoption, FAO has promoted the VGCDS in two international workshops, held in China, as well as three regional workshops for Small Island Developing States (SIDS), held in the Seychelles, New Zealand and Barbados for the African, Pacific and Caribbean SIDS respectively. In addition, the promotion of the VGCDS has been fully integrated into FAO's Global Programme to support the implementation of the PSMA and complementary international instruments (see Section III), whereby technical support is provided to implement applicable CDS, as required.

33. With respect to the above, and with the financial support from the European Union, FAO is in the process of developing a practical guidance document to assist States in establishing national catch documentation and seafood traceability systems, processes and procedures to combat IUU fishing, in line with the requirements of binding and voluntary international instruments, including most notably the PSMA and the VGCDS. The guidance document will aim to provide additional detailed technical and practical support to States when establishing traceability systems and trade measures to combat IUU fishing in conformity with the VGCDS.

X. ROLE OF REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS (RFMOs) AND REGIONAL FISHERIES ADVISORY BODIES (RFABs)

34. RFMOs have continued to have a crucial role in combatting IUU fishing worldwide, both in terms of implementing their roles as explicitly defined in international instruments, as well as through their participation in international meetings and regional and global initiatives related to the subject. Furthermore, RFMOs have increasingly adopted and enforced the implementation of conservation and management measures that directly or indirectly contribute to combatting IUU fishing, such as those related to port State measures, CDS, IUU vessel lists, compliance monitoring and flag State performance.

35. In April 2020, FAO conducted a survey with the collaboration of the Regional Fishery Body Secretariats' Network, to quantify the level of uptake by RFMOs of 15 pre-selected measures related to combatting IUU fishing. Fourteen RFMO Secretariats responded to the survey and a compilation of their responses can be found in Annex 2¹⁰. For eleven out of the 15 measures listed in the survey, a very high proportion (86-100 percent) of the responding RFMOs reported to have comparable¹¹ measures in place. These include: maintenance of a record of authorized vessels (active, flagged to non-members and charters); IMO number requirements; measures against vessels and nationals engaging in IUU fishing or related activities in RFMOs' Convention Areas; maintenance of IUU vessels list (including cross-listing of other RFMOs' IUU fishing vessels list); cooperation with other RFMOs and international organizations; implementation of standardized vessel tracking technologies; the effective exercise of jurisdiction and control in administrative, technical and social matters over vessels by Member flag States; regulation of transshipment; inspection scheme requirements (including Joint Inspections at sea); measures against vessels without nationality; and implementation of port State measures and port inspection information exchange. For two pre-selected measures, a slightly lower proportion (58-71 percent) of the responding RFMOs reported to have comparable measures in place. These include: implementation of regional observer schemes for compliance; and special requirements of developing States/capacity development. Finally, the least adopted by the responding RFMOs were the following measures: the adoption and implementation of trade related measures; and adoption of catch documentation schemes (including statistical documentation programmes) (50 percent).

36. The survey was also extended to RFABs. Recalling that these organizations do not have a management mandate, or the authority to adopt legally binding measures, they can nevertheless advise, suggest actions and provide support to their members, including through the organization of projects and capacity building activities to contribute to the implementation of measures targeting IUU fishing. Some of the measures considered for the survey are therefore not directly applicable to the RFABs and the responses given by the participating organizations reflect the activities, actions and advising role within their remit.

37. Eight RFAB Secretariats responded to the survey and a compilation of their responses can be found in Annex 3¹². For four out of the 15 measures listed in the survey, a very high proportion (88-100 percent) of the responding RFABs reported to have comparable activities, actions or advice in

¹⁰ Importantly, no qualitative assessments were conducted of the measures reported to have been adopted by the responding RFMOs, or the level of implementation of the measures by relevant contracting parties.

¹¹ Recognizing that in some instances, the reported CMMs may only partially reflect the pre-selected measure.

¹² Importantly, no qualitative assessments were conducted of the measures reported by the responding RFABs.

place. These include: implementation of port State measures and port inspection information exchange; cooperation with other RFABs/RFMOs and other international organizations; maintenance of a record of authorized vessels (active, flagged to non-members and charters); and implementation of standardized vessel tracking technologies. For five pre-selected measures, a slightly lower proportion (63-75 percent) of the responding RFABs reported to have comparable activities, actions or advice in place. These include: implementation of regional observer schemes for compliance; inspection scheme requirements (including Joint Inspections at sea); special requirements of developing States/capacity development; IMO number requirements; and adoption of catch documentation schemes (including statistical documentation programmes). Finally, six measures were reported as the least adopted. These include: measures against vessels and nationals engaging in IUU fishing or related activities in the Convention Area; maintenance of IUU vessels list (including cross-listing of other RFMOs IUU vessels list); regulation of transshipment; adoption and implementation of trade related measures; the effective exercise of jurisdiction and control in administrative, technical and social matters over vessels by Member flag States; and measures against vessels without nationality (25-50 percent).

ANNEX 1

Table 1. Capacity development support at national level for the implementation of the PSMA and complementary instruments (2016-2020)

Country	PSMA Party	National Strategy and Roadmap	In-country Assistance		International Training	
			Policy/ Legislation	MCS/ Enforcement	Legal	Port Inspection
Bahamas	✓	✓	✓	✓		
Cambodia	✓		✓			
Colombia		✓	✓			
Costa Rica	✓	✓	✓		✓	✓
Cuba	✓	✓			✓	
Dominica	✓	✓				
Dominican Republic		✓	✓	✓		
Ecuador	✓	✓	✓		✓	✓
Equatorial Guinea		✓				
Federal States of Micronesia					✓	
Gabon	✓	✓				
Ghana	✓	✓	✓		✓	
Guinea	✓	✓	✓	✓		✓
Guyana	✓	✓	✓	✓		
Indonesia	✓	✓	✓	✓	✓	
Jamaica		✓	✓	✓		
Liberia	✓	✓	✓	✓		
Madagascar	✓	✓				✓
Malaysia			✓			
Maldives	✓		✓			
Marshall Islands					✓	
Mauritania	✓					✓
Mozambique	✓	✓				
Myanmar	✓	✓				
Namibia	✓	✓			✓	
Palau	✓	✓				
Panama	✓	✓	✓		✓	✓
Papua New Guinea				✓	✓	
Peru	✓	✓	✓	✓	✓	✓

Country	PSMA Party	National Strategy and Roadmap	In-country Assistance		International Training	
			Policy/ Legislation	MCS/ Enforcement	Legal	Port Inspection
Philippines	✓	✓				
Saint Vincent and the Grenadines	✓	✓	✓	✓	✓	
São Tome and Principe	✓	✓				
Sierra Leone	✓	✓	✓	✓		
Solomon Islands					✓	
Somalia	✓	✓				
South Africa	✓	✓				
Sri Lanka	✓			✓	✓	
Sudan	✓	✓			✓	
Thailand	✓	✓				
Tonga	✓	✓				
Trinidad and Tobago	✓	✓	✓	✓		
Vanuatu	✓	✓			✓	
Total Parties	33	29	14	10	12	7
Total non-Parties	9	4	4	3	4	0
TOTAL	42	33	18	13	16	7

Table 1. National-level seminars on the Agreement

Country	National seminar on PSMA
Republic of Korea	<input type="checkbox"/>
Russian Federation	<input type="checkbox"/>
Singapore	<input type="checkbox"/>
Ukraine	<input type="checkbox"/>
Total	4

Responses provided by 13 regional fisheries management organizations (RFMOs) regarding conservation and management measures (CMMs) adopted by their contracting parties, with respect to their respective convention areas, to combat IUU fishing.

Shaded boxes represent measures adopted in the intersessional period, since July 2018.

	List of measures to combat IUU fishing	CCAMLR	CCSBT	GFCM	IATTC	ICCAT	IOTC	NAFO	NEAFC	NPAFC	NPFC	SEAFO	SIOFA	SPRFMO	WCPFC	%
1	Maintenance of a record of authorised vessels (active, flagged to non-members and charters)	✓	✓	✓	✓	✓	✓	✓	✓	*	✓	✓	✓	✓	✓	100
2	IMO number requirements	✓	✓	✓	✓	✓	✓	✓	✓	*	✓	✓	✓	✓	✓	100
3	Measures against vessels and nationals engaging in IUU fishing or related activities in RFMOs' Convention Area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
4	Maintenance of the IUU fishing vessels list (including cross-listing of other RFMOs IUU fishing vessels list)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	100
5	Cooperation with other RFMOs and other international organizations	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	93
6	Implementation of standardized vessel tracking technologies	✓	✓	✓	✓	✓	✓	✓	✓	*		✓	✓	✓	✓	92
7	The effective exercise of jurisdiction and control in administrative, technical and social matters over vessels by member flag States	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	86
8	Regulations of transshipment	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	86
9	Inspections scheme requirements (including Joint Inspections at sea)	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	86
10	Measures against vessels without nationality			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	86
11	Implementation of port State measures and port inspections information exchange	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	86
12	Implementation of regional observer schemes for compliance	✓	✓	✓	✓	✓	✓	✓				✓		✓	✓	71
13	Special requirements of developing States/capacity development			✓	✓	✓	✓	*	*			✓		✓	✓	58
14	Adoption and implementation of trade related measures		✓		✓	✓	✓	✓	✓						✓	50
15	Adoption of catch documentation schemes, including statistical documentation programme	✓	✓	✓	✓	✓	✓							✓		50
	%	80	73	87	87	93	100	86	86	58	60	87	73	93	93	

Boxes marked with an asterisk identify measures that are not applicable or not relevant to the RFMO. These measures haven't been considered in the calculation of the percentages.

Responses provided by 8 regional fisheries advisory bodies (RFABs) regarding activities, actions or advice related to combatting IUU fishing applicable to their respective agreement areas

Shaded boxes represent activities and actions undertaken or any advice given in the intersessional period, since July 2018.

	List of measures to combat IUU fishing	ATLAFCO	BCC	COPPESAALC	CSRP	FCWC	OSPESCA	SEAFDEC	WECAFC	%
1	Implementation of port State measures and port inspections information exchange	✓	✓	✓	✓	✓	✓	✓	✓	100
2	Cooperation with other RFABs/RFMOs and other international organizations	✓	✓	✓	✓	✓	✓	✓	✓	100
3	Maintenance of a record of authorised vessels (active, flagged to non-members and charters)	✓	✓		✓	✓	✓	✓	✓	88
4	Implementation of standardized vessel tracking technologies	✓	✓	✓	✓	✓	✓		✓	88
5	Implementation of regional observer schemes for compliance	✓	✓		✓	✓	✓	✓		75
6	Inspections scheme requirements (including Joint Inspections at sea)	✓	✓		✓		✓	✓	✓	75
7	Special requirements of developing States/capacity development	✓	✓	✓	✓			✓	✓	75
8	IMO number requirements	✓	✓			✓		✓	✓	63
9	Adoption of catch documentation schemes, including statistical documentation programme		✓	✓	✓		✓	✓		63
10	Measures against vessels and nationals engaging in IUU fishing or related activities in RFMOs' Convention Area	✓	✓					✓	✓	50
11	Maintenance of the IUU fishing vessels list (including cross-listing of other RFMOs IUU fishing vessels list)	✓	✓		✓				✓	50
12	Regulations of transshipment		✓		✓	✓				38
13	Adoption and implementation of trade related measures		✓				✓		✓	38
14	The effective exercise of jurisdiction and control in administrative, technical and social matters over vessels by member flag States	✓	✓		✓					38
15	Measures against vessels without nationality		✓						✓	25
	%	73	100	33	73	47	53	60	73	

ANNEX 4

TERMS OF REFERENCE FOR THE FAO/IMO JOINT WORKING GROUP ON IUU FISHING AND RELATED MATTERS

Following discussion, the IMO Maritime Safety Committee (MSC) at its 72nd session agreed to the establishment of the Joint FAO/IMO *Ad Hoc* Working Group on IUU Fishing and Related Matters, with the following terms of reference:

Taking into account the documentation prepared for, and the results of, Expert Consultation meeting on IUU fishing organized by FAO and the Government of Australia in Sydney from 15 to 19 May 2000, and further taking into account the respective competence, mandate and experience of FAO and IMO, the *Ad Hoc* joint working group should:

1. Prepare a checklist of the necessary elements for effective flag State control over fishing vessels. This checklist should provide further guidance on how the issues involved in IUU fishing could be incorporated into the FSI Sub-Committee's work programme as well as the work programme of FAO. The checklist should relate to:
 - 1.1. maritime safety;
 - 1.2. prevention of marine pollution;
 - 1.3. minimum agreed standards in relation to the safety of the crew, health and work on board fishing vessels, as addressed by ILO; and
 - 1.4. determining the position of fishing vessels at sea and for the reporting of catch data and how these may be incorporated in mechanisms for flag State control.
2. Drawing on the relevant experience of IMO and FAO, review measures that may be taken by a port State in relation to the technical and administrative procedures for the inspection of foreign flag fishing vessels, including their fishing gear and catch and:
 - 2.1. establish a list of criteria for such inspections and make proposals on how the inspections may be carried out in relation to the respective competence of fisheries and maritime Administrations;
 - 2.2. provide a draft of the qualifications and experience required of inspectors/surveyors for the various inspections envisaged; and
 - 2.3. make recommendations on how best a harmonized system for the inspection of foreign flag fishing vessels might be applied on a regional and/or subregional basis by port States.
3. Pay particular attention to the requirements for vessels entitled to fly the flag of a State operating in waters under the jurisdiction of that State, on the high seas and in waters of a State other than those of the flag State and the need to combat IUU fishing. Reference should be made to the provisions of the FAO Compliance Agreement, the UN Fish Stocks Agreement and measures taken by regional fishery management organizations and arrangements that addressed port State and flag State control.
4. In relation to conditions of work and service in the fishing industry, call, if necessary, upon the advice of ILO. The cooperation of other relevant agencies may also be sought on particular aspects, within their competence, which might affect efforts to combat IUU fishing.