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CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume II: a **legal checklist** of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing



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Preparation of this document

VOLUME II

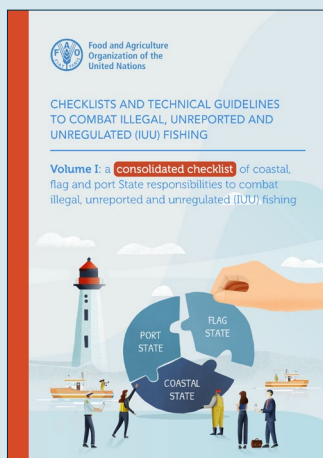
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CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume II: a **legal checklist** of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing

Also in this series:



Volume I:
a **consolidated checklist**
of coastal, flag and port
State responsibilities to
combat illegal, unreported
and unregulated
(IUU) fishing

Contents

Preparation of this document	III
Acknowledgements	VI
Abbreviations and acronyms	VII
Executive summary	IX
1. Background	1
2. Duties and responsibilities of all States	7
3. Duties and responsibilities of coastal States	27
4. Duties and responsibilities of flag States	37
5. Duties and responsibilities of port States	65
6. Internationally agreed market-related measures	73
References	75

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Abbreviations and acronyms

CA	Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas
CCRF	Code of Conduct for Responsible Fisheries
CDS	catch documentation scheme
CITES	Convention on International Trade of Endangered Species of Wild Fauna and Flora
CMMs	conservation and management measures adopted by RFMOs
COFI	Committee on Fisheries of the Food and Agriculture Organization of the United Nations
FAO	Food and Agriculture Organization of the United Nations
Deep-sea Fisheries Guidelines	International Guidelines for the Management of Deep-sea Fisheries in the High Seas
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IUU	illegal, unreported and unregulated fishing
LOSC	United Nations Convention on the Law of the Sea
MCS	monitoring, control, and surveillance
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFMO/As	regional fisheries management organization/arrangements
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication

UNFSA	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
VGCDS	Voluntary Guidelines for Catch Documentation Schemes
VGFSF	Voluntary Guidelines for Flag State Performance
VGMFG	Voluntary Guidelines on the Marking of Fishing Gear

Executive Summary

This document is the second volume of a series of publications entitled “*Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing*”. The present checklist is intended to be used in the review of national legal frameworks, including primary and secondary fisheries legislation. Ideally it should be used after an assessment of the legal, policy, and institutional frameworks has been undertaken at the national level, together with operational systems and procedures. Gaps should previously be identified using the first volume of the series, “*A consolidated checklist of coastal, flag and port State responsibilities to combat illegal, unreported and unregulated (IUU) fishing*”, as a reference. Other detailed checklists and guidance on policy, institutional, operational and technical components to combat IUU fishing can be found in subsequent volumes of this series.

This checklist aims to provide users who are the primary actors in implementing the obligations of States under international law, including officials of States and particularly developing States, with a comprehensive checklist in order to assess the level of conformity of the national legal framework with the relevant international legally binding and non-binding instruments relevant to prevent, deter and eliminate IUU fishing. Based on this checklist, the user should be able to assess whether each duty and responsibility is fully / partially / not found in the national legal framework, and to address any identified gaps. This checklist covers the following:

1. Duties and responsibilities of all States;
2. Duties and responsibilities of coastal States;
3. Duties and responsibilities of flag States;
4. Duties and responsibilities of port States; and
5. Internationally agreed market-related measures.

This checklist does not make direct reference to conservation and management measures (CMMs) adopted by regional fisheries management organizations (RFMOs), which should be assessed on a case-by-case basis by the State concerned. In each section of the checklist, the main rule of international law, alongside the corresponding provisions of non-binding instruments that complement or elaborate on the binding requirement, is provided. When the non-binding provision only reiterates the rule of international law, a reference to the specific non-binding provision is made without the provision being cited in full.

The rights, duties and responsibilities of States under international law are to be exercised or implemented in good faith. This principle is one of the oldest in international law and is captured in Article 26 of the Vienna Convention on the Law of Treaties of 1969: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith” (UN, 1969). States are therefore obligated to implement international legally binding instruments which they are party to, including through national legal and policy frameworks and practice. States are also obligated to implement provisions of international non-binding instruments which reflect the principles of international law.

This checklist covers the following:

1. Duties and responsibilities of all States;
2. Duties and responsibilities of coastal States;
3. Duties and responsibilities of flag States;
4. Duties and responsibilities of port States; and
5. Internationally agreed market-related measures.

This checklist has been compiled by taking into account the following international legally binding and non-binding instruments:

- The 1973 Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES; CITES, 1973);¹
- The 1982 United Nations Convention on the Law of the Sea (LOSC; UN, 1982);²
- The 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (CA; FAO, 1993);³

¹ Adopted on 3 March 1973. Entered into force on 1 July 1975.

² Adopted on 10 December 1982. Entered into force on 16 November 1994.

³ Adopted on 24 November 1993. Entered into force on 24 April 2003. Pursuant to Art. 4(4) of the PSMA “the Agreement shall be interpreted and applied in conformity with international law taking into account applicable international rules and standards (...) as well as other international instruments” (FAO, 2010) which is considered to include voluntary international instruments such as the IPOA-IUU.

- The 1995 Agreement for the Implementation of the Provisions of 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; UN, 1995);⁴
- The 1995 Code of Conduct for Responsible Fisheries (CCRF; FAO, 1995);⁵
- The 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU; FAO, 2001);⁶
- The 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas (Deep-sea Fisheries Guidelines; FAO, 2009);⁷
- The 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA; FAO, 2010);⁸
- The 2014 Voluntary Guidelines for Flag State Performance (VGFSP; FAO, 2015a);⁹
- The 2014 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines; FAO, 2015b);¹⁰
- The 2017 Voluntary Guidelines for Catch Documentation Schemes (VGCDs; FAO, 2017);¹¹
- The 2019 Voluntary Guidelines on the Marking of Fishing Gear (VGMFG; FAO, 2019).¹²

Generally, States should embrace measures which build on the primary responsibility of the flag State and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals and vessels under their jurisdiction do not support or engage in IUU fishing, or fishing related activities in support of such fishing. Where appropriate, States should cooperate in order to ensure that the measures are applied in an integrated manner.

⁴ Adopted on 4 August 1995. Entered into force on 11 November 2001.

⁵ Adopted at the Twenty-eight Session of the FAO Conference on 31 October 1995 under Resolution 4/95.

⁶ Adopted under the CCRF at the Twenty-fourth Session of the FAO Committee on Fisheries (COFI) on 2 March 2001.

⁷ Adopted at a Technical Consultation by representatives of FAO Members in August 2008.

⁸ Adopted on 22 November 2009. Entered into force on 5 June 2016.

⁹ Adopted at the Thirty-first Session of the FAO Committee on Fisheries (COFI) in 2014.

¹⁰ Endorsed by the Thirty-first Session of the FAO Committee on Fisheries (COFI) in 2014.

¹¹ Adopted at the Fortieth Session of the FAO Conference in July 2017.

¹² Endorsed at the Thirty-third Session of the FAO Committee on Fisheries (COFI) in July 2018.

In addition, States, acting through the relevant regional fisheries management organizations and arrangements (RFMO/As), should take action to strengthen and develop innovative ways to prevent, deter, and eliminate IUU fishing in accordance with international law.

All Members and non-Members of FAO, fishing entities and relevant subregional, regional and global organizations, whether governmental or non-governmental, and all persons concerned with the conservation, management and utilization of fisheries resources, as well as trade in fish and fishery products, should collaborate in the fulfilment and implementation of the objectives and principles contained in the CCRF (art. 4.1; FAO, 1995). States are also required to adopt and implement national legislation and measures aimed at preventing, deterring and eliminating IUU fishing in deep-sea fisheries (DSFs). In doing so, they should cooperate among themselves and with RFMOs, notably through the use of the IPOA-IUU and other relevant instruments (para. 58; FAO, 2009) to take action against vessels which engage in IUU fishing – including listing such vessels on their respective lists of IUU fishing vessels (para. 59; FAO, 2009). The guidelines in the VGMFG call on States to require the marking of fishing gear in accordance with minimum standards and undertake related actions which reduce the hazard to navigation caused by abandoned, lost or otherwise discarded fishing gear (ALDFG). These measures contribute to improved safety at sea and help to identify IUU fishing and fishing related activities in support of such fishing (para. 1; FAO, 2019).

Another relevant principle is the duty to provide assistance to developing States; this duty is found throughout legally binding and non-binding international instruments. According to the LOSC, all States have a duty to promote programmes of scientific, educational, technical and other assistance to developing States, whether for the protection and preservation of the marine environment or the prevention, reduction and control of marine pollution. This assistance includes: the training of personnel by facilitating their participation in relevant international programmes; supplying necessary equipment and facilities; enhancing their manufacturing capacity; advising on or developing facilities for research, monitoring, educational and other programmes. Furthermore, all States are required to provide assistance to developing States to minimize the effects of the serious pollution of the marine environment and for the preparation of environmental assessments (art. 202; UN, 1982).

The need to take into account the requirements of developing States in the exercise of their rights and responsibilities is highlighted in the LOSC, and subsequent international legal fisheries instruments including the UNFSA (art. 24(1); UN, 1995). The CA includes provisions mandating Parties to cooperate by providing assistance to developing States in order to meet their obligations under the Agreement (art. VII; FAO, 1993). The PSMA has a similar provision, but also requires the establishment of appropriate funding mechanisms to assist developing States in implementing the Agreement.

The obligation to provide assistance to developing States is also reflected in many of the non-binding fisheries international instruments. The CCRF mandates States, international organizations and financial institutions to support the adoption of measures to assist developing States to implement its provisions effectively (art. 5.2, art. 12.18; FAO, 1995).

Similarly, the IPOA-IUU instructs States to support capacity building and provide financial and technical assistance for developing States to comply fully with their commitments under the IPOA-IUU, and their obligations under international law (para. 85; FAO, 2001). The SSF Guidelines, which are global in scope and apply to small-scale fisheries in all contexts, also have a specific focus on developing States (para. 2.1; FAO, 2015b).

The obligation to provide assistance to developing States in the aforementioned instruments forms the foundation of the work conducted by many international organizations and financial institutions. Additionally, the CCRF encourages States and relevant international organizations to support the capacities of developing States, particularly in the areas of research, including data collection and analysis, information, science and technology, human resource development and the provision of research facilities (art. 12.18; FAO, 1995). The VGCDs also encourage States – whether directly or through international organizations such as RFMO/As – to provide assistance to developing States in order for the latter to enhance their ability to, *inter alia*: implement and improve practical and effective catch documentation schemes (CDS); develop an adequate legal and regulatory framework for CDS; and build institutional and human resource capacity, including for monitoring and control purposes and training, at both a national and regional level.

The IPOA-IUU highlights the importance for States to develop and adopt internationally agreed market-related measures, notably trade documentation and certification schemes, through the assistance of RFMO/As (paras. 65–76; FAO, 2001). Such measures will facilitate the identification of vessels operating in contravention of applicable conservation and management measures (CMMs) (para. 60(i); FAO, 2009). The objective of implementing market-related measures is ultimately to prevent illegal fish and fishery products – including protected and endangered species – from entering the supply chain and ending up on the market. To this end, under the PSMA, Parties are required to ensure that port State inspectors carry out certain specified functions as a minimum standard. These involve reviewing all relevant documentation and records held on board including, in particular, “documents required pursuant to [CITES]” (art. 13, Annex B(d); FAO, 2010).

The aim of this checklist is to provide users who are the primary actors in implementing the obligations of States under international law, including officials of States and particularly developing States, with a comprehensive checklist for the review of its respective primary and secondary fisheries legislation in order to assess the level of conformity of the national legal framework with the relevant international legally binding and non-binding instruments. Based on this checklist, the user should be able to assess whether each duty and responsibility is fully / partially / not found in the national legal framework and to address any identified gaps.

In each section of this checklist, the user will find the main rule of international law alongside the corresponding provisions of a non-binding instrument which complement or elaborate on the binding requirement. When the non-binding provision only reiterates the rule of international law, a reference to the specific non-binding provision is made without the provision being cited in full. The columns entitled ‘Reference’ refer to the provision/s of international legally binding and non-binding instruments, respectively.

This document is Volume II of the series entitled "*Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing*". It is intended to be used in conjunction with Volume I, "*A consolidated checklist of coastal, flag and port State responsibilities to combat illegal, unreported and unregulated (IUU) fishing*".

The next volume to be published is:

VOLUME III: "*A checklist of monitoring, control and surveillance (MCS) systems, operations, procedures and tools to combat IUU fishing*", **which is intended to be used for a national MCS review.**

2 Duties and responsibilities of all States

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	Duty to protect and preserve the marine environment and to protect biodiversity in the marine environment.	LOS: Art. 192 UNFSA: Art. 5 (g)	States and users of living aquatic resources should conserve aquatic ecosystems. The right to fish carries with it the obligation to do so in a responsible manner so as to ensure the effective conservation and management of living aquatic resources.	CCRF: 6.1
			Fisheries management should promote the maintenance of the quality, diversity and availability of fishery resources in sufficient quantities for present and future generations in the context of food security, poverty alleviation and sustainable development. Management measures should not only ensure the conservation of target species, but also of species belonging to the same ecosystem or associated with or dependent upon the target species.	CCRF: 6.2
2	Duty to prevent, reduce and control pollution of the marine environment; this includes: necessary measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life; to minimize waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species; and impacts on associated or dependent species, particularly endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.	LOS: Art. 194 (1), (5) UNFSA: Art. 5 (f) CITES: Art. II	States should take appropriate measures to minimize waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and negative impacts on associated or dependent species, in particular endangered species.	CCRF: 7.6.9
			States should be able to monitor and assess the state of the stocks under their jurisdiction, including the impacts of ecosystem changes resulting from fishing pressure, pollution or habitat alteration.	CCRF: 12.5

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	Duty of States to adopt with respect to their nationals measures for the conservation of the living resources of the high seas.	LOSC: Art. 117	States authorizing fishing and fishing support vessels to fly their flags should exercise effective control over those vessels. They should ensure that the activities of such vessels do not undermine the effectiveness of CMMs taken in accordance with international law and adopted at the national, subregional, regional or global levels. States should also ensure that vessels flying their flags fulfil their obligations concerning the collection and provision of data relating to their fishing activities.	CCRF: 6.11
			States should adopt measures to ensure that no vessel be allowed to fish unless authorized to do so, in a manner consistent with international law for the high seas or in conformity with national legislation within areas of national jurisdiction.	CCRF: 7.6.2
			States whose nationals fish on the high seas in fisheries not regulated by a relevant RFMO should fully implement their obligations under Part VII of the LOSC to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.	IPOA-IUU: 15
			In light of the relevant provisions of the LOSC, and without prejudice to the primary responsibility of the flag State on the high seas, each State should, to the greatest extent possible, take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.	IPOA-IUU: 18

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	(Continuing) Duty of States to adopt with respect to their nationals...	LOSC: Art. 117	States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.	IPOA-IUU: 19
			States should adopt measures to ensure that no vessel be allowed to fish unless authorized to do so, in a manner consistent with international law for the high seas, notably the rights and duties set out in Article 116 and Article 117 of the LOSC, or in conformity with national legislation within areas of national jurisdiction.	IPOA-IUU: 44
			States and RFMO/As should, based on the results of assessments carried out pursuant to paragraphs 42 to 53 [identifying vulnerable marine ecosystems and assessing significant adverse impacts], adopt CMMs to achieve long-term conservation and sustainable use of deep-sea fish stocks, ensure adequate protection and prevent significant adverse impacts on vulnerable marine ecosystems (VMEs). These measures should be developed on a case-by-case basis and take into account the distribution ranges of the ecosystems concerned.	Deep-sea Fisheries Guidelines: 70
			CMMs pursuant to paragraph 70 [adopt CMMs pursuant to paragraphs 42 to 53] may include: I. effort controls and/or catch controls; II. temporal and spatial restrictions or closures; III. changes in gear design and/ or deployment or operational measures (...), including:	Deep-sea Fisheries Guidelines: 71

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	(Continuing) Duty of States to adopt with respect to their nationals...	LOSC: Art. 117	(Continuing) – reduction of contact between the fishing gear and the seabed, – use of effective bycatch reduction devices, and IV. use of technical measures to eliminate or minimize ghost fishing; or other relevant measures necessary to achieve the objective of paragraph 70.	Deep-sea Fisheries Guidelines: 71
4	Duty to cooperate in the conservation and management of living resources in the high seas and in the conservation and management of straddling and highly migratory stocks in the adjacent area.	LOSC: Art. 63(2), Art.64(1) and Art. 118 UNFSA: Art. 8	States should, within their respective competences and in accordance with international law, cooperate at subregional, regional and global levels through fisheries management organizations, as well as through other international agreements or other arrangements to promote conservation and management. They should ensure responsible fishing, as well as the effective conservation and protection of living aquatic resources throughout their range of distribution, taking into account the need for compatible measures in areas within and beyond national jurisdiction. For transboundary fish stocks, straddling stocks, highly migratory fish stocks and high seas fish stocks, where these are exploited by two or more States, the States concerned – including the relevant coastal States in the case of straddling and highly migratory stocks – should cooperate to ensure the effective conservation and management of these resources. This should be achieved, where appropriate, through the establishment of a bilateral, subregional or regional fisheries organization or arrangement.	CCRF: 6.12 CCRF: 7.1.3

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to cooperate in the conservation and management of living resources...	LOS: Art. 63(2), Art.64(1) and Art. 118 UNFSA: Art. 8	In order to be effective, fisheries management should be concerned with the whole stock unit over its entire area of distribution; it should take into account previously agreed management measures established and applied in the same region, together with removals and the stock's biological unity and other biological characteristics. The best scientific evidence available should be used to determine, <i>inter alia</i> , the area of distribution of the resource and the area through which it migrates during its life cycle.	CCRF: 7.3.1
			In order to conserve and manage transboundary fish stocks, straddling fish stocks, highly migratory fish stocks and high seas fish stocks throughout their range, the CMMs established for such stocks in accordance with the respective competences of relevant States or, where appropriate, through subregional and RFMO/As, should be compatible. Compatibility should be achieved in a manner consistent with the rights, competences and interests of the States concerned.	CCRF: 7.3.2
			States should coordinate their activities and, as appropriate, cooperate either directly or through the relevant RFMOs, to prevent, deter and eliminate IUU fishing. In particular, States should: 28.2 cooperate in the effective acquisition, management and verification of all relevant data and information from fishing;	IPOA-IUU: 28.2-28.7

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to cooperate in the conservation and management of living resources...	LOS: Art. 63(2), Art.64(1) and Art. 118 UNFSA: Art. 8	(Continuing) 28.3 allow and enable their respective MCS practitioners or enforcement personnel to cooperate in the investigation of IUU fishing, and States should collect and maintain data and information relating to such fishing to this end; 28.4 cooperate in the transfer of expertise and technology; 28.5 cooperate to make policies and measures compatible; 28.6 develop cooperative mechanisms that allow, <i>inter alia</i> , rapid responses to IUU fishing; and, 28.7 cooperate in MCS, including through international agreements.	IPOA-IUU: 28.2-28.7
			States should ensure the compliance with, and enforcement of, policies and measures bearing on IUU fishing which are adopted by any relevant RFMOs and by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exist.	IPOA-IUU: 78
			As the cooperation of all relevant States is important for the success of measures taken by relevant RFMO to prevent, deter and eliminate IUU fishing, States which are not members of a relevant fisheries management organization are not discharged from their obligations to cooperate, in accordance with their international obligations, with that RFMO. To that end, States should give effect to their duty to cooperate by agreeing to apply the CMMs established by that RFMO, or by adopting measures consistent with those CMMs, and should ensure that vessels entitled to fly their flag do not undermine such measures.	IPOA-IUU: 79

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
5	Duty to assess the impacts of fishing, other human activities and environmental factors on target stocks, as well as to species belonging to the same ecosystem, or associated with or dependent upon the target stocks, and to publish reports of the results of such assessments or provide them to competent international organizations.	LOS: Art. 206 and Art.205 UNFSA: Art. 5 d)	Conservation and management decisions for fisheries should be based on the best scientific evidence available; they should also take into account traditional knowledge of the resources and their habitat, as well as relevant environmental, economic and social factors. States should prioritize the undertaking of research and data collection in order to improve the scientific and technical knowledge of fisheries, including their interaction with the ecosystem. In recognizing the transboundary nature of many aquatic ecosystems, States should encourage bilateral and multilateral cooperation in research, as appropriate.	CCRF: 6.4
			States should assess the impact of environmental factors on target stocks and species belonging to the same ecosystem, as well as those associated with or dependent upon the target stocks and assess the relationship between populations in the ecosystem.	CCRF: 7.2.3
			Research on the environmental and social impacts of fishing gear and, in particular, on the impact of such gear on biodiversity and coastal fishing communities should be promoted.	CCRF: 8.4.8
			<i>See duty 2 above for the requirement.</i>	CCRF: 12.5
			States should carry out studies on the selectivity of fishing gear, the environmental impact of fishing gear on target species, and on the behaviour of target and non-target species in relation to such fishing gear. These studies should act both as an aid to management decisions and with a view to minimizing non-utilized catches, as well as safeguarding the biodiversity of ecosystems and the aquatic habitat.	CCRF: 12.10

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
6	Duty to adopt measures to ensure the long-term sustainability of straddling and highly migratory fish stocks and promote the objective of their optimum utilization; they should cooperate in the conservation and management of such stocks by applying measures established by RFMOs or acting in accordance with such measures.	LOS: Art. 64 (1) UNFSA: Art. 5 a), Art.8 (3) (4) and Art.17 (1)	<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.1.3
			<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.3.3
7	Duty to take measures to prevent or eliminate overfishing and excess fishing capacity, as well as to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources, and to take into account the interests of artisanal and subsistence fishers.	UNFSA: Art. 5 h), i)	<i>Reiteration of the legally binding obligation.</i>	CCRF: 6.3
			Within their respective competences and in accordance with international law, including within the framework of subregional or regional fisheries conservation and management organizations or arrangements, States should ensure the compliance with and enforcement of CMMs and establish effective mechanisms, as appropriate, to monitor and control the activities of fishing vessels and fishing support vessels.	CCRF: 6.10
			<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.1.8
			Where excess fishing capacity exists, mechanisms should be established to reduce capacity to levels commensurate with the sustainable use of fisheries resources so as to ensure that fishers operate under economic conditions that promote responsible fisheries. Such mechanisms should include monitoring the capacity of fishing fleets.	CCRF: 7.6.3
			When deciding on the use, conservation and management of fisheries resources, due recognition should be given, as appropriate, and in accordance with national laws and regulations, to the traditional practices, needs and interests of indigenous people and	CCRF: 7.6.6

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
7	(Continuing) Duty to take measures to prevent or eliminate overfishing...	UNFSA: Art. 5 h), i)	<p>(Continuing) local fishing communities which are highly dependent on fishery resources for their livelihood.</p> <p>The efficacy of CMMs and their possible interactions should be kept under continuous review. Such measures should, as appropriate, be revised or abolished in the light of new information.</p> <p>Rule of law: States should adopt a rules-based approach for small-scale fisheries through laws that are widely publicized in the relevant languages, applicable to all, equally enforced and independently adjudicated; rules should also be consistent with existing obligations under national and international law, and show due regard to voluntary commitments under applicable regional and international instruments.</p> <p><i>Reiteration of the legally binding obligation.</i></p> <p><i>Reiteration of the legally binding obligation.</i></p>	<p>CCRF: 7.6.8</p> <p>SSF Guidelines</p> <p>CCRF: 6.5</p> <p>CCRF: 7.5.1</p>
8	Duty to apply a precautionary approach widely to the conservation, management and exploitation of living marine resources.	UNFSA: Art. 5 c) and Art. 6 Annex II	In implementing the precautionary approach, States should take into account, <i>inter alia</i> : uncertainties relating to the size and productivity of the stocks, reference points and stock condition in relation to such reference points, the levels and distribution of fishing mortality and the impact of fishing activities, including discards, on non-target and associated or dependent species, as well as environmental and socio-economic conditions.	CCRF: 7.5.2

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
8	(Continuing) Duty to apply a precautionary approach...	UNFSA: Art. 5 c) and Art. 6 Annex II	<p>States and subregional or regional RFMO/As should, on the basis of the best scientific evidence available, determine, <i>inter alia</i>:</p> <p>a) stock-specific target reference points and, at the same time, the action to be taken if they are exceeded; and</p> <p>b) stock-specific limit reference points and, at the same time, the action to be taken if they are exceeded. When approaching a limit reference point, measures should be taken to ensure that it will not be exceeded.</p> <p>In addition to the considerations in paragraph 12 [scope and principles], States and RFMO/As should also recognize the need, in managing DSFs, to do so in a manner consistent with the CCRF and the general principles set forth in the UNFSA and to, <i>inter alia</i>:</p> <p>I. adopt measures necessary to ensure the conservation of target and non-target species, including relevant reference points as referred to in the CCRF under Article 7.5.3, as well as measures for the prevention of significant adverse impacts on VMEs and the protection of the marine biodiversity that these ecosystems contain; (...)</p> <p>III. develop data collection and research programmes to assess the impact of fishing on target and non-target species and their environment.</p>	<p>CCRF: 7.5.3</p> <p>Deep-sea Fisheries Guidelines: 2.1.1, III</p>

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
8	(Continuing) Duty to apply a precautionary approach...	UNFSA: Art. 5 c) and Art. 6 Annex II	<p>Precautionary CMMs, including catch and effort controls, are essential during the exploratory phase of a DSF, and should be a major component of the management of an established DSF. They should include measures to manage the impact of the fishery on low-productivity species, non-target species and sensitive habitat features. Implementation of a precautionary approach to sustainable exploitation of DSFs should include the following measures:</p> <ol style="list-style-type: none"> I. precautionary effort limits, particularly where reliable assessments of sustainable exploitation rates of target and main bycatch species are not available; II. precautionary measures, including precautionary spatial catch limits where appropriate, to prevent serial depletion of low-productivity stocks; III. regular review of the appropriate indices of stock status, as well as a downwards revision of the limits listed above when significant declines are detected; IV. measures to prevent significant adverse impacts on vulnerable marine ecosystems; and V. the comprehensive monitoring of all fishing effort, capture of all species and interactions with VMEs. 	Deep-sea Fisheries Guidelines: 65

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
9	Duty to adopt cautious CMMs ¹³ with respect to new or exploratory stocks, including catch limits and effort limits; where necessary, CMMs for species belonging to the same ecosystem or associated with or dependent upon the target stocks, should also be adopted, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened.	UNFSA: Art. 5 e) and Art. 6 (6)	<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.5.4
10	Duty to ensure that conservation and management decisions for fisheries are based on the best scientific evidence available and are designed to maintain or restore stocks to levels capable of producing maximum sustainable yield (MSY). This is without prejudice to the application of the precautionary principle mentioned above.	LOSC: Art. 119(1) a) UNFSA: Art. 5 b)	<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.2.1
			<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.2.2
11	Duty to collect and share complete and accurate data concerning fishing activities in a timely manner. Such data should include, <i>inter alia</i> , vessel position, the catch of target and non-target species and fishing effort, as well as information from national and international research programmes.	UNFSA: Art. 5 j), Annex I	States should also ensure that vessels flying their flags fulfil their obligations concerning the collection and provision of data relating to their fishing activities.	CCRF: 6.11

¹³ “Conservation and management measures” means legally binding measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law, including those reflected in the LOSC (art. 1 (a), PSMA; FAO, 2010).

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
11	(Continuing) Duty to collect and share complete and accurate data...	UNFSA: Art. 5 j), Annex I	<p>States should ensure that timely, complete and reliable statistics on catch and fishing effort are collected and maintained, in accordance with applicable international standards and practices and in sufficient detail to allow sound statistical analysis. Such data should be updated regularly and verified through an appropriate system. States should compile and disseminate such data in a manner consistent with any applicable confidentiality requirements.</p>	CCRF: 7.4.4
			<p>States should make every effort to ensure that documentation with regard to fishing operations, retained catch of fish and non-fish species is collected and forwarded systematically to the relevant management bodies; this also applies to discards and the information required for stock assessment, as decided by those bodies. As far as possible, States should also establish programmes, such as observer and inspection schemes, to promote compliance with applicable measures.</p>	CCRF: 8.4.3
			<p>States should collect the reliable and accurate data required to assess the status of fisheries and ecosystems, including data on bycatch, discards and waste. Where appropriate, this data should be provided, at an appropriate time and level of aggregation, to relevant States and subregional, regional and global fisheries organizations.</p>	CCRF: 12.4

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
11	(Continuing) Duty to collect and share complete and accurate data...	UNFSA: Art. 5 j), Annex I	States should ensure that timely, complete and reliable statistics on catch and fishing effort are collected and maintained, in accordance with applicable international standards and practices, and in sufficient detail to allow sound statistical analysis. Such data should be updated regularly and verified through an appropriate system. States should compile and disseminate such data in a manner consistent with any applicable confidentiality requirements.	CCRF: 7.4.4
			States should maintain, in accordance with recognized international standards and practices, statistical data on all fishing operations allowed by them, updated at regular intervals.	CCRF: 8.1.3
12	Duty to cooperate through the exchange of information, including evidentiary material, on a regular basis (with directly interested States and RFMOs).	LOSC: Art. 61 (5) and Art.119 (2) PSMA: Art. 6 (3)	<i>Reiteration of the legally binding obligation.</i>	CCRF: 8.1.3
			<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.3.4
			States, acting through the relevant RFMO, should compile information relevant to the prevention, deterrence and elimination of IUU fishing and make it available to other RFMOs and to FAO on a timely basis, and at least annually.	CCRF: 7.4.6
			States and RFMOs should report to FAO on their progress with regards to the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing as part of their biennial reporting to FAO on the CCRF.	IPOA-IUU: 81

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
12	(Continuing) Duty to cooperate through the exchange of information...	LOSC: Art. 61 (5) and Art.119 (2) PSMA: Art. 6 (3)	States and, where appropriate, subregional or RFMO/As should foster and promote international cooperation and coordination in all matters related to fisheries, including the gathering and exchange of information, fisheries research, management and development. The relevant policymaking authorities, with the participation of all parties concerned, should: c) define procedures for reporting, data storage, retrieval and information exchange.	IPOA-IUU: 87 VGMFG: 18
13	Duty to ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any State.	LOSC: Art. 119 (3)		
14	Duty to promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management, and collect and exchange scientific data (with directly interested States or through competent international organizations).	UNFSA: Art. 5 k) and Art. 14	<i>Reiteration of the legally binding obligation.</i> Research in support of fishery conservation and management should be promoted, including research on resources and the effects of climatic, environmental and socio-economic factors. The results of such research should be disseminated to interested parties. In order to ensure the sustainable management of fisheries and to enable social and economic objectives to be achieved, sufficient knowledge of social, economic and institutional factors should be developed through data-gathering, analysis and research. States and relevant institutions should collaborate in developing standard methodologies for research into fishing gear selectivity, fishing methods and strategies.	CCRF: 7.3.4 CCRF: 7.4.2 CCRF: 7.4.5 CCRF: 8.5.3

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
14	(Continuing) Duty to promote and conduct scientific research and...	UNFSA: Art. 5 k) and Art. 14	International cooperation should be encouraged with respect to research programmes for fishing gear selectivity, as well as fishing methods and strategies; similarly, the results of such research programmes should be disseminated and technology transferred.	CCRF: 8.5.4
			States, where appropriate, should develop policies for increasing stock populations and enhancing fishing opportunities through the use of artificial structures placed on or above the seabed, or at the surface, and with due regard to the safety of navigation. Research into the use of such structures, including the impacts on living marine resources and the environment, should be promoted.	CCRF: 8.11.1
			States should, where appropriate, promote the research and, where feasible, the development of culture techniques for endangered species, in order to protect, rehabilitate and enhance their stocks, while taking into account the critical need to conserve genetic diversity among endangered species.	CCRF: 9.3.5
			States should promote multidisciplinary research in support of coastal area management, particularly on its environmental, biological, economic, social, legal and institutional aspects.	CCRF: 10.2.5
			States and relevant organizations should sponsor research in fish technology and quality assurance, and support projects to improve the post-harvest handling of fish, while taking into account the economic, social, environmental and nutritional impact of such projects.	CCRF: 11.1.6

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
14	(Continuing) Duty to promote and conduct scientific research and...	UNFSA: Art. 5 k) and Art. 14	States should ensure that appropriate research is conducted into all aspects of fisheries including: biology, ecology, technology, environmental science, economics, social science, aquaculture and nutritional science.	CCRF: 12.1
			States should establish an appropriate institutional framework to determine the applied research which is required and its proper use.	CCRF: 12.2
			States should ensure that data generated by research are analysed, that the results of such analyses are published, respecting confidentiality where appropriate, and distributed in a timely and readily understood fashion, so that the best scientific evidence is made available as a contribution to fisheries conservation, management and development. In the absence of adequate scientific information, appropriate research should be initiated as soon as possible.	CCRF: 12.3
			States should promote the use of research results as a basis for the setting of management objectives, reference points and performance criteria, as well as to ensure adequate linkage between applied research and fisheries management.	CCRF: 12.13
			States, whether directly or with the support of relevant international organizations, should develop collaborative technical and research programmes to improve understanding of the biology, environment and status of transboundary aquatic stocks.	CCRF: 12.17
15	Duty to assist other States in identifying vessels reported to have engaged in activities undermining the effectiveness of subregional, regional or global CMMs.	UNFSA: Art. 20 (4)	All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.	IPOA-IUU: 18

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
16	Duty to implement and enforce CMMs through effective monitoring, control and surveillance (MCS).	UNFSA: Art. 5 (l)	States should establish, within their respective competences and capacities, effective mechanisms for fisheries MCS and enforcement to ensure compliance with their CMMs, as well as those adopted by subregional or regional organizations or arrangements.	CCRF: 7.1.7
			<i>See duty 7 above for the requirement.</i>	CCRF: 7.6.3
			<i>Reiteration of the legally binding obligation.</i>	CCRF: 7.7.3
			States should, in accordance with international law and within the framework of subregional or RFMO/As, cooperate to establish systems for MCS and the enforcement of applicable measures with respect to fishing operations and related activities in waters outside their national jurisdiction.	CCRF: 8.1.4
			States should undertake comprehensive and effective MCS from the commencement of fishing, through the point of landing, up to its final destination, including: 24.2 maintaining records of all vessels and their current owners and operators authorized to undertake fishing subject to their jurisdiction; 24.3 implementing, where appropriate, a vessel monitoring system (VMS), in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry VMS on board;	IPOA-IUU: 24.2- 24.4 ¹⁴

¹⁴ States should also plan, fund and undertake MCS operations in a manner that will maximize their ability to prevent, deter and eliminate IUU fishing (para. 24.6, IPOA-IUU; FAO, 2001).

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
16	(Continuing) Duty to implement and enforce CMMs through...	UNFSA: Art. 5 (l)	(Continuing) 24.4 implementing, where appropriate, observer programmes in accordance with the relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board.	IPOA-IUU: 24.2- 24.4
			States, acting through relevant RFMOs, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing. Consideration should be given, as appropriate, to the following measures: development of MCS (including promoting its implementation by members in their respective jurisdictions, unless otherwise provided for in an international agreement), real-time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment.	IPOA-IUU: 80.7
			MCS frameworks should be developed and implemented as vital components for regional and national conservation, as well as management measures for DSFs. States, both individually and cooperatively through RFMO/As, should work to implement effective MCS frameworks. Both States and RFMO/As should ensure compliance with CMMs for DSFs through effective MCS programmes, which may include, <i>inter alia</i> : onboard observers, electronic monitoring and satellite-based VMS (to provide information on the location of fishing vessels engaged in DSFs), effective assessments of fishing effort by gear,	Deep-sea Fisheries Guidelines: 54

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
16	(Continuing) Duty to implement and enforce CMMs through...	UNFSA: Art. 5 (l)	(Continuing) the verification of catch data, improved compliance with temporal and spatial management measures, and the provision of sufficient evidence to document infractions. Such frameworks should ensure that all DSFs fishing operations are effectively monitored. States are encouraged to participate in the voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities.	Deep-sea Fisheries Guidelines: 54
17	Duty to encourage non-parties to the UNFSA to become parties thereto and to deter the activities of vessels flying the flag of non-parties; which undermines the effective implementation of the UNFSA.	UNFSA: Art. 33	<i>Reiteration of the legally binding obligation.</i>	IPOA-IUU: 11

3

Duties and responsibilities of coastal States

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	Duty to not impose requirements on foreign vessels in its territorial sea, where such requirements have the practical effect of denying or impairing the right of innocent passage, or discriminate in form or in fact against the vessels of any State, or against vessels carrying cargoes to, from or on behalf of any State.	LOSC: Art. 24 (1) a), b)	Non-discrimination: The IPOA should be developed and applied without discrimination in form or in fact against any State or its fishing vessels.	IPOA-IUU: 9.6
			All identifications of vessels engaged in IUU fishing should be made in a fair, transparent and non-discriminatory manner.	IPOA-IUU: 73 and 74
			Non-discrimination: promoting the elimination of all kinds of discrimination in policies and in practice in small-scale fisheries.	SSF Guidelines: 3.1(3)
2	Duty to determine the total allowable catch (TAC) of the living resources in its exclusive economic zone (EEZ), to ensure that the maintenance of the living resources in its EEZ is not endangered by over-exploitation, and to maintain or restore populations of harvested species at levels which can produce the MSY.	LOSC: Art. 61 (1), (2), (3)	States should prevent overfishing and excess fishing capacity and should implement management measures to ensure that fishing effort is commensurate with the productive capacity of the fishery resources and their sustainable utilization. States should take measures to rehabilitate populations as far as possible and when appropriate.	CCRF: 6.3
			States, as well as subregional and RFMOs, should apply a precautionary approach widely to the conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment, taking account the best scientific evidence available. The absence of adequate scientific information should not be used as a reason for postponing or failing to take measures to conserve target, associated or dependent species, as well as non-target species, and their environment.	CCRF: 7.2.1

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
2	(Continuing) Duty to determine the total allowable catch (TAC)...	LOSC: Art. 61 (1), (2), (3)	Such measures should ensure, <i>inter alia</i> , that: a) excess fishing capacity is avoided and stock exploitation remains economically viable; b) the economic conditions under which fishing industries operate promote responsible fisheries; c) the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries, are taken into account; d) biodiversity of aquatic habitats and ecosystems is conserved, and endangered species are protected; e) depleted stocks are allowed to recover or, where appropriate, are actively restored; f) adverse environmental impacts on the resources from human activities are assessed and, where appropriate, corrected; and g) pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species are minimized, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.	CCRF: 7.2.2 b)-g)
3	Duty to promote the objective of optimum utilization of living resources in its EEZ and to determine its own capacity to harvest the living resources of its EEZ.	LOSC: Art. 62 (1), (2)	States and all those engaged in fisheries management should, through an appropriate policy, legal and institutional framework, adopt measures for the long-term conservation and sustainable use of fisheries resources. CMMs, whether at local, national, subregional or regional levels, should be based on the best scientific evidence available.	CCRF: 7.1.1

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	(Continuing) Duty to promote the objective of optimum utilization...	LOSC: Art. 62 (1), (2)	(Continuing) They should be designed to ensure the long-term sustainability of fishery resources at levels which promote their optimum utilization and maintain their availability for present and future generations; short-term considerations should not compromise these objectives.	CCRF: 7.1.1
			Recognizing the important contributions of artisanal and small-scale fisheries to employment, income and food security, States should protect the rights of fishers and fishworkers to a secure and just livelihood, particularly those engaged in subsistence, small-scale and artisanal fisheries. States should also ensure, where appropriate, preferential access to traditional fishing grounds and resources in the waters under their national jurisdiction.	CCRF: 6.18
4	Duty to grant surplus of the TAC that cannot be taken by its domestic fleet to other States, subject to conditions for access, and taking into account all relevant factors including: the significance of the living resources of the area to its economy and its other national interests; the rights of land-locked States (Article 69, LOSC) and geographically disadvantaged States (Article 70, LOSC); the requirements of developing States in the subregion or region in harvesting part of the surplus; and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in the research and identification of stocks.	LOSC: Art. 62 (2), (3)	<i>See duty 2 above for the requirement.</i>	CCRF: 6.3
			Within areas under national jurisdiction, States should seek to identify relevant domestic parties having a legitimate interest in the use and management of fisheries resources and establish arrangements to consult them in order to collaborate with them to achieve responsible fisheries.	CCRF: 7.1.2
			States with neighbouring coastal areas should cooperate with one another to facilitate the sustainable use of coastal resources and the conservation of the environment.	10.3.1

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to grant surplus of the TAC...	LOSC: Art. 62 (2), (3)	States should give due regard to the special requirements of developing States, in particular the least developed among them and small island developing States, to ensure that they have the ability to implement these Guidelines.	VGFSF: 50
			States and RFMO/As should enhance the ability of developing States to participate in high seas fisheries, including access to such fisheries.	VGFSF: 51
			In the implementation of these Guidelines, States and RFMO/As should fully recognize the special requirements of developing countries, in relation to the management of DSFs and the protection of VMEs. To this end States, RFMO/As, the United Nations system, including FAO, the United Nations Development Programme, as well as other relevant intergovernmental and non-governmental organizations, and financial institutions, should assist developing countries in implementing these Guidelines. This includes the actions called for in paragraphs 83–91 of UNGA Resolution 61/105, taking into account the forms of cooperation as set out in Article 5 of the CCRF XI of UNGA Resolution 62/177 concerning capacity building.	Deep-sea Fisheries Guidelines: 84
			In implementing these Guidelines, consideration should be given to address the needs of developing countries, including in the specific areas of financial and technical assistance, the transfer of technology, training and scientific cooperation (particularly in the early stages of the fishery).	Deep-sea Fisheries Guidelines: 85

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to grant surplus of the TAC...	LOS: Art. 62 (2), (3)	(Continuing) The Guidelines should enhance the ability of developing countries to develop and manage their own DSFs, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law and Article 5 of the CCRF.	Deep-sea Fisheries Guidelines: 85
5	<p>Duty to establish clear obligations to ensure that other States fishing in its EEZ comply with the conservation measures and with the other terms and conditions established in its laws and regulations, <i>inter alia</i>:</p> <p>a) licensing of fishermen, fishing vessels and equipment – this includes the payment of fees and other forms of remuneration which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;</p> <p>b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks, or catch per vessel over a period of time, or to the catch by nationals of any State during a specified period;</p> <p>c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;</p> <p>d) fixing the age and size of fish and other species that may be caught;</p>	LOS: Art. 62 (4)	<p>Each coastal State should implement measures to prevent, deter and eliminate IUU fishing in the EEZ. To the extent practicable and appropriate, and consistent with national legislation and international law, the coastal State should consider the following measures:</p> <p>51.1 effective MCS of fishing activities in the EEZ;</p> <p>51.2 cooperation and exchange of information with other States, including neighbouring coastal States where appropriate, and with RFMOs;</p> <p>51.3 ensuring that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State;</p> <p>51.4 ensuring that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;</p> <p>51.5 ensuring that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate;</p> <p>51.6 ensuring that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;</p>	IPOA-IUU: 51

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
5	(Continuing) e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports; f) requiring, under the authorization and control of the coastal State, the carrying out of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data; g) the placing of observers or trainees on board such vessels by the coastal State; h) the landing of all or any part of the catch by such vessels in the ports of the coastal State; i) terms and conditions relating to joint ventures or other cooperative arrangements; j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability to undertake fisheries research; k) enforcement procedures.	LOSC: Art. 62 (4)	(Continuing) 51.7 regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and 51.8 avoiding licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36.	IPOA-IUU: 51
			States should undertake comprehensive and effective MCS of fishing from its commencement, through the point of landing, to its final destination, including by: 24.1 developing and implementing schemes for access to waters and resources, including authorization schemes for vessels; 24.4 implementing, where appropriate, observer programmes in accordance with relevant national, regional or international standards, including the requirement for vessels under their jurisdiction to carry observers on board.	IPOA-IUU: 24.1, 24.4
			Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.	IPOA-IUU: 45
			States, in conformity with their national laws, should implement effective fisheries MCS and law enforcement measures including, where appropriate, observer programmes, inspection schemes and VMS. Such measures should be promoted and, where appropriate, implemented by subregional or RFMO/As in accordance with procedures agreed by such organizations or arrangements.	IPOA-IUU: 51

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
6	Duty to give due notice of conservation and management laws and regulations.	LOSC: Art. 62 (5)	States and subregional or RFMO/As should give publicize CMMs and ensure that laws, regulations and other legal rules governing their implementation are disseminated effectively. The bases and purposes of such measures should be explained to users of the resource in order to facilitate their application and thus gain increased support in the implementation of such measures.	CCRF: 7.1.10
7	Duty to cooperate directly, or through appropriate international organizations, with a view to ensuring conservation and promoting the objective of optimum utilization of highly migratory species throughout the region, both within its EEZ and in Areas Beyond National Jurisdiction (ABNJ).	LOSC: Art. 64 (1)	In the exercise of the sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, in conformity with the LOSC and international law, each coastal State should implement measures to prevent, deter and eliminate IUU fishing in the EEZ. To the extent practicable and appropriate, and consistent with national legislation and international law, the coastal State should consider the following measures: 51.2 cooperation and exchange of information with other States, where appropriate, including neighbouring coastal States and with RFMOs.	IPOA-IUU: 51.2
			States should prevent overfishing and excess fishing capacity and should implement management measures to ensure that fishing effort is commensurate with the productive capacity of the fishery resources and their sustainable utilization. States should take measures to rehabilitate populations as far as possible and when appropriate.	CCRF: 6.3
			As appropriate, and in cooperation with relevant international organizations, States should encourage research to ensure optimum utilization of fishery resources and stimulate the research required to support national policies related to fish as food.	CCRF: 12.7

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
8	Duty to cooperate with other States, through the establishment of equitable arrangements on a bilateral, subregional or regional basis, when its harvesting capacity approaches a point which would enable it to harvest the entire allowable catch of the living resources in its EEZ. In doing so, the State has a duty to allow the participation of developing "geographically disadvantaged States" ¹⁵ of the same subregion or region in the exploitation of the living resources of its EEZ, of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties – <i>this duty does not apply to a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its EEZ.</i>	LOS: Art. 70 (4), and Art. 71	States with neighbouring coastal areas should cooperate with one another to facilitate the sustainable use of coastal resources and the conservation of the environment.	CCRF: 10.3.1
			States should cooperate at the subregional and regional level in order to improve coastal area management.	CCRF: 10.3.3
			RFMOs should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law. States, acting through relevant RFMOs, should also assist non-contracting parties as necessary in the implementation of paragraphs 78 and 79 of the IPOA.	IPOA: 83
9	Duty to not include, in its sanctions for violation of fisheries laws and regulations in its EEZ, and in the absence of an agreement to the contrary by the States concerned, imprisonment or any form of corporal punishment, to persons on a foreign fishing vessel.	LOS: Art. 73 (3)		
10	Duty to promptly notify the flag State, through appropriate channels, in case of arrest or detention of foreign vessels.	LOS: Art. 73 (4)		

¹⁵ "Geographically disadvantaged States" means coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the EEZ of other States in the subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no EEZ of their own (art. 70 (2), LOSC; UN, 1982).

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
11	Duty to ensure that its rights over the continental shelf do not affect the legal status of the superjacent waters, or of the air space above those waters, and that the exercise of its rights must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States.	LOSC: Art. 78	Nothing in these Guidelines pertaining to the management of DSFs in the high seas above the continental shelf by States and RFMO/As should prejudice the sovereign rights of the coastal State over that shelf and the exercise of the coastal State jurisdiction with regard to that shelf, under international law as reflected in the LOSC.	Deep-sea Fisheries Guidelines: 25
12	Exercise sovereign rights over the continental shelf for the purpose of exploiting its natural resources.	LOSC: Art. 77(1)		
13	Enforce its legislation for violations of its fisheries laws in its EEZ, including boarding, inspecting, arresting and judicial proceedings, ¹⁶ and to promptly release arrested vessels and their crews upon the posting of reasonable bond or other security.	LOSC: Art. 73 (1), (2)	States should undertake comprehensive and effective MCS of fishing from its commencement, through the point of landing, to final destination, including by: 24.10 ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the UNFSA, and only apply to the parties to those agreements.	IPOA: 24.10

¹⁶ Note that non-binding international legal instruments such as the International Plan of Action to Prevent, Deter and Eliminate IUU fishing create an evolution of the sanction regime towards the introduction of an administrative penalty scheme (para. 21; FAO, 2001) to be applied together or to replace the criminal proceedings.

4

Duties and responsibilities of flag States¹⁷

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	Duty to fix the conditions for granting nationality to vessels, for the registration of vessels in its territory, and for their right to fly its flag, as well as the duty to issue documents certifying that the vessel has been granted the right to fly its flag.	LOSC: Art. 91 (1), (2)	Flag States should ensure that no fishing vessels entitled to fly their flag fish on the high seas or in waters under the jurisdiction of other States unless such vessels have been issued with a Certificate of Registry and have been authorized to fish by the competent authorities. Such vessels should carry the Certificate of Registry and their authorization to fish on board.	CCRF: 8.2.2
			A flag State should ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing.	IPOA-IUU: 35
			The flag State follows registration procedures, which include: a) verification of vessel history; b) grounds for refusing to register the vessel including, to the extent possible, that it is on an IUU fishing vessel list or record, or is registered in two or more States; c) deregistration requirements; d) notification of changes and regular update requirements; and e) coordination of registration among relevant agencies (e.g. fisheries, merchant marine) and with prior flag States to determine whether there are pending investigations or sanctions that may provide a motive for flag hopping: that is to say, the practice of repeated and rapid changes of a vessel's flag for the purposes	VGFS: 16

¹⁷ When conducting a gap assessment of the main rights and responsibilities of a flag State, the FAO Voluntary Guidelines for Flag State Performance (FAO, 2015a) should also be considered. These Guidelines are voluntary, however certain elements are based on relevant rules of international law, including those reflected in the LOSC.

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	(Continuing) Duty to fix the conditions for granting nationality to vessels...	LOSC: Art. 91 (1), (2)	(Continuing) of circumventing the CMMs or provisions which have been adopted at a national, regional or global level, or of facilitating non-compliance with such measures or provisions.	
			The flag State's registration procedures are accessible and transparent.	VGFSP: 17
			The flag State avoids registration of vessels with a history of non-compliance, as appropriate, except where: a) the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or b) having taken into account all relevant facts, it determines that flagging the vessel would not result in IUU fishing or fishing related activities in support of such fishing.	VGFSP: 18
			The flag State conducts the registration of a vessel and issues an authorization to engage in fishing and fishing related activities in a coordinated manner, which ensures each gives appropriate consideration to the other, and appropriate links exist between the operation of the vessel registers and the records of vessels referred to in paragraph 4. Where such functions are not undertaken by one agency, the flag State ensures that sufficient cooperation and information-sharing exists between the agencies responsible for those functions.	VGFSP: 19

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	(Continuing) Duty to fix the conditions for granting nationality to vessels...	LOSC: Art. 91 (1), (2)	The flag State refuses registration of vessels that already hold a registration from another State, except in the case of a temporary parallel registration.	VGFS: 20
			The flag State makes registry data available to relevant internal government users.	VGFS: 21
			The flag State makes registry data publicly available and easily accessible, subject to any applicable confidentiality requirements.	VGFS: 22
2	Duty to effectively exercise its jurisdiction and control in administrative, technical and social matters over vessels flying its flag and to assume jurisdiction under its internal law over each vessel flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the vessel.	LOSC: Art. 94 (1) (2) b)	States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing.	IPOA-IUU: 34
			States authorizing fishing and fishing support vessels to fly their flags should exercise effective control over those vessels so as to ensure the proper application of the CCRF. They should ensure that the activities of such vessels do not undermine the effectiveness of CMMs taken in accordance with international law and adopted at the national, subregional, regional or global levels. States should also ensure that vessels flying their flags fulfil their obligations concerning the collection and provision of data relating to their fishing activities.	CCRF: 6.11
			The flag State has incorporated into its domestic laws, regulations, policies and practices the principles and rules to which it is bound in accordance with international law.	VGFS: 6
			The flag State follows minimum requirements, such as: b) information on vessel owners and operators which identifies effective beneficial owners and operators; c) information on the history of the vessel identifies prior flag and name changes; and d) characteristics of the vessel.	VGFS: 14 (b),(c) and (d)

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
2	(Continuing) Duty to effectively exercise its jurisdiction and control...	LOSC: Art. 94 (1) (2) b)	Measures taken in light of the results of an assessment may include: a) corrective actions, as appropriate, taken by the flag State; b) cooperative actions by the flag State and other interested States, including through RFMO/As, as appropriate. These may include: i. engaging in consultations; ii. offering assistance and capacity development; iii. sharing information on the conclusions of the assessment and follow-up actions with other interested States and, if applicable, RFMO/As; and iv. engaging in available dispute resolution mechanisms, as applicable; c) measures as set out in the IPOA-IUU and the CCRF as well as other relevant international instruments, as applicable.	VGFSP: 47
3	Duty to take all necessary measures to ensure that a fishing vessel entitled to fly its flag does not engage in any activity that undermines the effectiveness of international conservation and management measures (ICMMs). ¹⁸	LOSC: Art. 94 UNFSA: Art. 18 (1) CA: Art. III.1	States authorizing fishing and fishing support vessels to fly their flags should exercise effective control over those vessels so as to ensure the proper application of the CCRF. They should ensure that the activities of such vessels do not undermine the effectiveness of CMMs taken in accordance with international law and adopted at the national, subregional, regional or global levels. States should also ensure that vessels flying their flags fulfil their obligations concerning the collection and provision of data relating to their fishing activities.	CCRF:6.11

¹⁸ "International conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law, as reflected in the 1982 United Nations Convention on the Law of the Sea. Such measures may be adopted either by global, regional or subregional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements (art. I (b) of the CA; FAO, 1993).

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	(Continuing) Duty to take all necessary measures to ensure that a fishing vessel...	LOSC: Art. 94 UNFSA: Art. 18 (1) CA: Art. III.1	States which are members of or participants in subregional or RFMO/A should implement internationally agreed measures adopted in the framework of such organizations or arrangements, consistent with international law, to deter the activities of vessels flying the flag of non-members or non-participants, which engage in activities which undermine the effectiveness of CMMs established by such organizations or arrangements.	CCRF: 7.7.5
			Flag States should enforce measures in respect of fishing vessels entitled to fly their flag which have been found by them to have contravened applicable CMMs, including, where appropriate, making the contravention of such measures an offence under national legislation.	CCRF: 8.2.7
			Flag States should consider entering into agreements or arrangements with other States and otherwise cooperate for the enforcement of applicable laws and CMMS or provisions adopted at a national, regional or global level.	IPOA-IUU: 31
			States should give effect to their duty to cooperate by agreeing to apply the CMMs established by that RFMO, or by adopting measures consistent with those CMMs, and should ensure that vessels entitled to fly their flag do not undermine such measures.	IPOA-IUU: 79
			The flag State has taken such measures as may be necessary to ensure that vessels flying its flag do not engage in any activity that undermines the effectiveness of ICMMs, or the flag State accepts and implements the CMMs adopted by a RFMO/A.	VGFSP: 7

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	(Continuing) Duty to take all necessary measures to ensure that a fishing vessel...	LOSC: Art. 94 UNFSA: Art. 18 (1) CA: Art. III.1	<p>The flag State has established an institutional, legal, technical foundation or framework for fisheries management, such as that referred to in Article 7 of the CCRF, which should include, as a minimum:</p> <ul style="list-style-type: none"> a) a government agency or statutory authority, or the statutory oversight of an agency or body with a clear mandate and accountability for the results of fisheries management policy; b) an agency or authority to issue regulations and ensure control and enforcement; c) internal organization for interdepartmental coordination, in particular coordination between fisheries authorities and vessel registry authorities; and d) infrastructure for scientific advice. 	VGFP: 11
			<p>The flag State has adopted laws, regulations or other arrangements implementing CMMs, which should include, as a minimum:</p> <ul style="list-style-type: none"> a) principles, rules and standards contained in relevant international instruments, as applicable, and the provisions of paragraph 2 of these Guidelines, as well as any applicable RFMO/A CMMs; b) a national framework, such as national plans or programmes, to manage capacity and fishing effort, catch limits and output control and to combat IUU fishing or fishing related activities in support of such fishing; and c) regulation of transshipment. 	VGFP: 12

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
3	(Continuing) Duty to take all necessary measures to ensure that a fishing vessel...	LOSC: Art. 94 UNFSA: Art. 18 (1) CA: Art. III.1	The flag State effectively implements CMMs, including the following: a) the flag State ensures that the obligations incumbent upon the vessel owners, operators and crews are clearly accessible and communicated to them; b) the flag State provides guidance to the fishing sector to meet these obligations; and c) the flag State effectively manages the fishing and fishing related activities of the vessels flying its flag in a manner that ensures the conservation and sustainable use of living marine resources.	VGFSF: 13
4	Duty to prohibit fishing on the high seas (or in waters under the jurisdiction of another State) by its vessels without authorization and deny the granting of such authorization if it is unable to exercise effective control over such vessels.	UNFSA: Art. 18 (2) CA: Art. III.2 and III.3	States should undertake comprehensive and effective MCS of fishing from its commencement, through the point of landing, to final destination, including by: 24.1 developing and implementing schemes for access to waters and resources, including authorization schemes for vessels. A flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide an authorization to fish in waters under its jurisdiction, or on the high seas, to the vessel, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish, issued by that flag State.	IPOA-IUU: 24.1 IPOA-IUU: 41 IPOA-IUU: 45

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to prohibit fishing on the high seas...	UNFSA: Art. 18 (2) CA: Art. III.2 and III.3	<p>Vessels should have an authorization to fish and where required carry it on board. Each State's authorization should include, but need not be limited to:</p> <p>46.1 the name of the vessel, and, where appropriate, the natural or legal person authorized to fish;</p> <p>46.2 the areas, scope and duration of the authorization to fish; and</p> <p>46.3 the species, fishing gear authorized, and where appropriate, other applicable management measures.</p>	IPOA-IUU: 46
			<p>Flag States should maintain records of fishing vessels entitled to fly their flag and authorized to be used for fishing, and should indicate in such records details of the vessels, their ownership and authorization to fish.</p>	CCRF: 8.2.1
			<p>Flag States should ensure that no fishing vessels entitled to fly their flag fish on the high seas or in waters under the jurisdiction of other States unless such vessels have been issued with a Certificate of Registry and have been authorized to fish by the competent authorities. Such vessels should carry the Certificate of Registry and their authorization to fish on board.</p>	CCRF: 8.2.2
			<p>The flag State has in place a regime for authorizing fishing and fishing related activities (e.g. licensing), which ensures that no vessel is allowed to operate unless so authorized in a manner consistent with international law and with the sustainability of the relevant stocks, including:</p> <p>a) appropriate scope for the authorization of fishing and fishing related activities, including conditions for the protection of marine ecosystems;</p>	<p>VGFSF: 29</p> <p><i>See also the conditions of authorizations under Annex 1 of the VGFSF</i></p>

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to prohibit fishing on the high seas...	UNFSA: Art. 18 (2) CA: Art. III.2 and III.3	(Continuing) b) prior assessment of a vessel's history of compliance and ability to comply with applicable measures; and c) minimum information requirements in the authorization that allow identification of accountable persons, areas and species, including: i. the name of the vessel, and, where appropriate, the natural or legal person authorized to engage in fishing and fishing related activities; ii. the areas, scope and duration of the authorization to engage in fishing and fishing related activities; iii. the species, fishing gear authorized, and where appropriate, other applicable management measures; and iv. relevant conditions under which an authorization is issued that may, where required, include those in paragraph 47 of the IPOA-IUU, as shown in Annex 1.	VGFS: 29 <i>See also the conditions of authorizations under Annex 1 of the VGFS</i>
			The flag State effectively implements a regime for authorizing fishing and fishing related activities (e.g. licensing), including issuing an authorization only where it is satisfied that: a) the vessel has the ability to comply with the terms and conditions of the authorization; b) it can effectively exercise its jurisdiction and control over the vessel to ensure compliance with applicable CMMs; and c) it can effectively exercise its enforcement jurisdiction and authority over the holder of the authorization.	VGFS: 30

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	(Continuing) Duty to prohibit fishing on the high seas...	UNFSA: Art. 18 (2) CA: Art. III.2 and III.3	<p>The flag State should only allow vessels flying its flag to acquire or utilize authorizations outside of agreements referred to in paragraph 40 [fisheries access agreements between flag and coastal States] for activities in the maritime areas under the jurisdiction of a coastal State when both States are satisfied that such activities will not undermine the sustainability of the living marine resources of that coastal State, taking into account the best scientific evidence available and the precautionary approach.</p> <p>States individually, or collaboratively through RFMO/As where they exist, should monitor and report the location and activities of vessels flying their flag in as close to real time as possible. It is highly desirable that electronic data collection and reporting systems be used.</p> <p>Comprehensive maps showing the spatial extent of existing fisheries should be compiled by RFMO/As. For areas not covered by RFMO/As, each flag State should develop such maps and cooperate with other States concerned and FAO in developing joint maps for relevant areas.</p>	<p>VGFSF: 41</p> <p>Deep-sea Fisheries Guidelines: 35</p> <p>Deep-sea Fisheries Guidelines:64</p>
5	Duty to refuse to reflag a vessel that has had an authorization cancelled or suspended for undermining effectiveness of ICMMs.	CA: Art. III.5	<p>Flag States should avoid flagging vessels with history of non-compliance except where:</p> <p>36.1 the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or</p> <p>36.2 having taken into account all relevant facts, the flag State determines that flagging the vessel would not result in IUU fishing.</p>	IPOA-IUU: 36

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
5	(Continuing) Duty to refuse to reflag...	CA: Art. III.5	Flag States should deter vessels from reflagging for the purposes of non-compliance with CMMs or provisions adopted at a national, regional or global level. To the extent practicable, the actions and standards flag States adopt should be uniform, in order to avoid creating incentives for vessel owners to reflag their vessels to other States.	IPOA-IUU: 38
			States should take all practicable steps, including denying a vessel an authorization to fish and the entitlement to fly that State's flag, to prevent "flag hopping": in other words, the practice of repeated and rapid changes of a vessel's flag for the purposes of circumventing CMMs or provisions adopted at a national, regional or global level, or of facilitating non-compliance with such measures or provisions.	IPOA-IUU: 39
			Conditions under which an authorization is issued may also include, where required: compliance with applicable international conventions and national laws and regulations in relation to maritime safety, protection of the marine environment, and CMMs or provisions adopted at a national, regional or global level.	IPOA-IUU: 47
			The flag State avoids registration of vessels with a history of non-compliance, as appropriate, except where: a) the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or	VGFS: 18

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
5	(Continuing) Duty to refuse to reflag...	CA: Art. III.5	(Continuing) b) having taken into account all relevant facts, it determines that flagging the vessel would not result in IUU fishing or fishing related activities in support of such fishing.	
			The flag State takes all practicable steps, including the denial to a vessel of the entitlement to fly that State's flag, to prevent flag hopping.	VGFSP: 23
			<i>See duty 4 above for the requirement.</i>	VGFSP: 29
6	Duty to maintain a register of vessels flying its flag containing their names and particulars.	LOSC: Art. 94(2) a)	Although the functions of registering a vessel and issuing of authorization to fish are separate, flag States should consider conducting these functions in a manner which ensures each gives appropriate consideration to the other. Flag States should ensure appropriate links between the operation of their vessel registers and the record those States keep of their fishing vessels. Where such functions are not undertaken by one agency, States should ensure sufficient cooperation and information-sharing between the agencies responsible for those functions.	IPOA-IUU: 40
			Each flag State should maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorized to fish on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the CA, and may also include, <i>inter alia</i> : 42.1 the previous names, if any and if known; 42.2 name, address and nationality of the natural or legal person in whose name the vessel is registered; 42.3 name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel;	IPOA-IUU: 42

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
6	(Continuing) Duty to maintain a register of vessels flying its flag...	LOSC: Art. 94(2) a)	(Continuing) 42.4 name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel; 42.5 name and ownership history of the vessel, and, where this is known, the history of non-compliance by that vessel, in accordance with national laws, with CMMs or provisions adopted at a national, regional or global level; and 42.6 vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel.	IPOA-IUU: 42
			Conditions under which an authorization is issued may also include, where required: 47.10 the vessel having a unique, internationally recognized identification number, wherever possible, that enables it to be identified regardless of changes in registration or name over time.	IPOA-IUU: 47.10
			Flag States should maintain records of fishing vessels entitled to fly their flag and authorized to be used for fishing and should indicate in such records details of the vessels, their ownership and authorization to fish.	CCRF: 8.2.1
			The flag State maintains a record of vessels referred to in paragraph 4 [vessels to which the guidelines apply] and flying its flag; this includes, for vessels authorized to engage in fishing and fishing related activities on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the CA.	VGFSP: 25

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
6	(Continuing) Duty to maintain a register of vessels flying its flag...	LOSC: Art. 94(2) a)	The flag State requires records of vessels to be kept in accordance with relevant subregional, regional and international standards and requirements.	VGFSP: 26
			The flag State regularly updates national vessel registries and records.	VGFSP: 27
			The flag State implements a control regime over vessels flying its flag that includes, as a minimum: b) establishment and maintenance of an up-to-date record of vessels.	VGFSP: 31 (b)
			States should maintain and periodically update vessel registers or records to document changes in fleet characteristics. Registers or records of vessels authorized to fish should contain detailed information on each vessel including, as a minimum: length, tonnage, types of gear, and the areas, fisheries and species for which the vessels are authorized to fish, and whether the vessels are authorized for DSFs. Flag States should ensure that all vessels conducting DSFs have a permanent identification (such as an International Maritime Organization number).	Deep-sea Fisheries Guidelines: 56
7	Duty to keep a record of fishing vessels entitled to fly its flag and a record of its fishing vessels authorized to fish on the high seas, making that information readily available to directly interested States and FAO, and promptly notify them of any changes.	UNFSA: Art. 18(3) c) CA: Art. IV and Art.VI. 1, 2	States should coordinate their activities and cooperate directly, and as appropriate through relevant RFMOs, in preventing, deterring and eliminating IUU fishing. In particular, States should: 28.1 exchange data or information, preferably in a standardized format, from records of vessels authorized by them to fish, in a manner consistent with any applicable confidentiality requirements.	IPOA-IUU: 28.1

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
7	(Continuing) Duty to keep a record of fishing vessels entitled to fly its flag...	UNFSA: Art. 18(3) c) CA: Art. IV and Art.VI. 1, 2	<p>The flag State maintains a record of vessels referred to in paragraph 4 [vessels to which the guidelines apply] and flying its flag, and includes, for vessels authorized to engage in fishing and fishing related activities on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the CA.</p> <p>It may also include, <i>inter alia</i>:</p> <ul style="list-style-type: none"> a) the previous names, if any and if known; b) name, address and nationality of the natural or legal person in whose name the vessel is registered; c) name, street address, mailing address and nationality of the natural or legal persons responsible for managing the operations of the vessel; d) name, street address, mailing address and nationality of natural or legal persons with beneficial ownership of the vessel; e) name and ownership history of the vessel, and, where this is known, the history of noncompliance by that vessel, in accordance with national laws, with CMMs or provisions adopted at a national, regional or global level; and f) vessel dimensions, and where appropriate, a photograph, taken at the time of registration or at the conclusion of any more recent structural alterations, showing a side profile view of the vessel. 	VGFS: 25
			The flag State requires records of vessels to be kept in accordance with relevant subregional, regional and international standards and requirements.	VGFS: 26

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
7	(Continuing) Duty to keep a record of fishing vessels entitled to fly its flag...	UNFSA: Art. 18(3) c) CA: Art. IV and Art.VI. 1, 2	The flag State regularly updates national vessel registries and records.	VGFSF: 27
			The flag State effectively carries out, prior to registration, verification of vessel records and, where applicable, its history.	VGFSF: 28
8	Duty to ensure that vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of other States.	UNFSA: Art. 18 (3) a) iv)	A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State.	IPOA-IUU: 45
			The flag State ensures that vessels flying its flag do not conduct unauthorized fishing and fishing related activities within areas under the national jurisdiction of other States.	VGFSF: 9
9	Duty to ensure that vessels flying its flag cooperate with the port State in port inspections.	PSMA: Art. 20 (1)	In the exercise of their right to inspect fishing vessels, port States should collect the following information and remit it to the flag State and, where appropriate, the relevant RFMO: 58.1 the flag State of the vessel and identification details; 58.2 name, nationality, and qualifications of the master and the fishing master; 58.3 fishing gear; 58.4 catch on board, including origin, species, form, and quantity; 58.5 where appropriate, other information required by relevant RFMOs or other international agreements; and 58.6 total landed and transhipped catch.	IPOA-IUU: 58
			The port State may take other action with the consent of, or upon the request of, the flag State.	IPOA-IUU: 59

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
10	Duty to request the port State to inspect a vessel flying its flag when it has clear grounds to suspect that the vessel has engaged in IUU fishing or fishing related activities ¹⁹ in support of such fishing.	PSMA: Art. 20 (2)	<p>Ensuring effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and of inspection officers, and noting that such regimes are provided for in certain international agreements, such as the UNFSA, and only apply to the parties to those agreements.</p> <p>(...) the flag State of the vessel (may) request the port State for assistance in respect of non-compliance with subregional, regional or global CMMs or with internationally agreed minimum standards for the prevention of pollution and for the safety, health and conditions of work on board fishing vessels.</p>	IPOA-IUU: 24.10 CCRF: 8.3.2
11	Duty to encourage vessels flying its flag to land, transship, package and process fish at ports of States that are acting in accordance with the PSMA.	PSMA: Art. 20 (3)	States should consider developing port State measures within relevant RFMOs, building on the presumption that fishing vessels entitled to fly the flag of States not parties to a RFMO, and which have not agreed to cooperate with that RFMO, and which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such port State measures may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those CMMs. The identification of the vessels by the RFMO should be made through agreed procedures in a fair, transparent and non-discriminatory manner.	IPOA-IUU: 63

¹⁹ "Fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipment or transportation of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea (art. 1 (d), PSMA; FAO, 2010).

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
11	(Continuing) Duty to encourage vessels flying its flag to land, transship...	PSMA: Art. 20 (3)	States should adopt and implement national legislation and measures aimed at preventing, deterring and eliminating IUU fishing in DSFs, including using the IPOA-IUU, the 2005 FAO Model Scheme on Port State Measures to Combat IUU fishing, and other relevant instruments.	
12	Duty to immediately and fully investigate vessels flying its flag after receiving an inspection report with clear grounds to suspect that the vessel has engaged in IUU fishing, or fishing related activities in support of such fishing.	PSMA: Art. 20 (4)		
13	Duty to report to other parties, relevant port States, other relevant States, RFMOs and FAO on the actions taken in respect of the vessels flying its flag as a result of Port State Measures.	PSMA: Art. 20 (5)		
14	Duty to cooperate through the exchange of information on a regular basis (with directly interested States or through FAO), including evidentiary material relating to the activities of the fishing vessels flying its flag.	CA: Art. V.1 and Art. VI	<p>In the light of Article VI of the CA, flag States should make available to FAO and, as appropriate, to other States and relevant regional or international organizations, information about vessels deleted from their records or whose authorization to fish has been cancelled; this information should include, to the extent possible, the reasons for such a cancellation.</p> <p>Flag States should make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner; as appropriate, such information should be provided to relevant national, regional and international organizations, including FAO, taking into account applicable confidentiality requirements.</p>	<p>IPOA-IUU: 29</p> <p>IPOA-IUU: 50</p>

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
14	(Continuing) Duty to cooperate through the exchange of information...	CA: Art. V.1 and Art. VI	In its exercise of effective flag State responsibility, the flag State should: j) exchange information with other States and give mutual legal assistance in investigation and judicial proceedings, as required by their respective international obligations.	VGFS: 2 (j)
			Where the flag State implements an enforcement regime, the evidence regarding violations is diligently gathered and treated; this should include making evidence relating to alleged violations available to the enforcement authorities of other States and, if applicable, to RFMO/As, to the extent permitted by domestic law. Violations are investigated and procedures for sanctions initiated in accordance with domestic laws, regulations, policies and practices in a timely manner.	VGFS: 36
			The flag State cooperates with other States by exchanging information on registration, deregistration and the suspension of registration of vessels, all as part of the procedure to verify a vessel's record and, where applicable, its history, for the purposes of registration, deregistration and suspension of registration.	VGFS: 15
15	Duty to mark the fishing vessels flying its flag and fishing gear for identification, in accordance with uniform and internationally recognizable vessel and gear-marking systems.	UNFSA: Art. 18 (3) d) CA: Art. III.6	Fishing vessels authorized to fish on the high seas or in waters under the jurisdiction of a State other than the flag State, should be marked in accordance with uniform and internationally recognizable vessel-marking systems such as the FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels (FAO, 1989).	CCRF: 8.2.3

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
15	(Continuing) Duty to mark the fishing vessels flying its flag and fishing gear...	UNFSA: Art. 18 (3) d) CA: Art. III.6	Fishing gear should be marked in accordance with national legislation in order that the owner of the gear can be identified. Gear-marking requirements should take into account uniform and internationally recognizable gear-marking systems.	CCRF: 8.2.4
			Marking of (its) fishing vessels in accordance with internationally recognized standards, such as the FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels. Vessels' fishing gear should similarly be marked in accordance with internationally recognized standards.	IPOA-IUU: 47.8
			The flag State follows minimum requirements, such as: a) the FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels and relevant requirements of the International Maritime Organization.	VGFSP: 14
			<i>For detailed technical specifications please consult the 2019 Voluntary Guidelines on the Marking of Fishing Gear.</i>	Voluntary Guidelines on the Marking of Fishing Gear
16	Duty to record and report timely the position, catch of target and non-target species, fishing effort and other relevant fisheries data of the vessel flying its flag in accordance with subregional, regional and global standards for the collection of such data.	UNFSA: Art. 18 (3) e)	Conditions under which an authorization is issued may also include, where required: 47.2 catch reporting conditions, such as: 47.2.1 time series of catch and effort statistics by vessel; 47.2.2 total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery period (nominal weight is defined as the live weight equivalent of the catch); 47.2.3 discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;	IPOA-IUU: 47.2

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
16	(Continuing) Duty to record and report timely the position...	UNFSA: Art. 18 (3) e)	(Continuing) 47.2.4 effort statistics appropriate to each fishing method; and 47.2.5 fishing location, date and time fished and other statistics on fishing operations.	IPOA-IUU: 47.2
			The flag State supports cooperation among flag States on managing capacity and fishing effort, catch limits and output controls.	VGFSP: 10
			The flag State implements a control regime over vessels flying its flag that includes, as a minimum: d) mandatory requirements regarding fisheries-related data that must be recorded and reported in a timely manner by the vessels (e.g. catches, effort, bycatches and discards, landings and transshipments).	VGFSP: 31(d)
17	Duty to ensure compliance by vessels flying its flag or of their registry with applicable international rules and standards and that they provide information on their operations, in particular information pertaining to the area of their fishing operations, catches and landings, for the prevention, reduction and control of pollution of the marine environment from vessels.	LOSC: Art. 217 (1) CA: Art. III.7	Vessels should have an authorization to fish and where required carry it on board. Each State's authorization should include, but need not be limited to: 46.2 the areas, scope and duration of the authorization to fish.	IPOA-IUU: 46.2
			<i>See duty 16 above for the requirement.</i>	IPOA-IUU: 47.2
			Flag States should make information from catch and transshipment reports available, aggregated according to areas and species, in a full, timely and regular manner and, as appropriate, to relevant national, regional and international organizations, including FAO, taking into account applicable confidentiality requirements.	IPOA-IUU: 50

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
18	Duty to establish a catch verification regime of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transshipment and monitoring of landed catches and market statistics.	UNFSA: Art. 18 (3) f)		
19	Duty to regulate transshipment on the high seas to ensure that the effectiveness of CMMs is not undermined.	UNFSA: Art.18.3 (h)	<p>Flag States should ensure that their fishing, transport and support vessels do not support or engage in IUU fishing. To this end, flag States should ensure that none of their vessels re-supply fishing vessels engaged in such activities or transship fish to or from these vessels. This paragraph is without prejudice to the taking of appropriate action, as necessary, for humanitarian purposes, including the safety of crew members.</p> <p>Flag States should ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State, and report to the national fisheries administration or other designated institution:</p> <p>49.1 the date and location of all of their transshipments of fish at sea;</p> <p>49.2 the weight by species and catch area of the catch transhipped;</p> <p>49.3 the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and</p> <p>49.4 the port of landing of the transhipped catch.</p>	<p>IPOA-IUU: 48</p> <p>IPOA-IUU: 49</p>

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
20	Duty to establish a MCS system over vessels flying its flag, their fishing operations and related activities through the implementation of, <i>inter alia</i> : national inspection schemes based on risk assessment, a national observer programme, and a VMS.	UNFSA: Art. 18 (3) g)	Inspections should be carried out by the relevant authority to verify that owners and operators mark their fishing gear as required. Unmarked or insufficiently marked fishing gear that cannot be linked to its ownership or permission to fish in a specific area, may indicate IUU fishing operations and should be referred to the relevant authorities for appropriate action. Gear-marking should be considered an important mechanism for assisting in the prevention of IUU fishing.	VGMFG:30
			The flag State implements a control regime over vessels flying its flag that includes, as a minimum: a) legal authority to take control of the vessels (e.g. denial of sailing, recall to port); b) establishment and maintenance of an up-to-date record of vessels; c) monitoring tools, such as vessel monitoring systems, logbooks/ documentation, and observers; d) mandatory requirements regarding fisheries-related data that must be recorded and reported in a timely manner by the vessels (e.g. catches, effort, bycatches and discards, landings and transshipments); and e) an inspection regime, including at sea and at port.	VGFSP: 31
			The flag State undertakes comprehensive and effective MCS of fishing and fishing related activities, including, to the extent possible, measures and actions described in paragraph 24 of the IPOA-IUU, as shown in Annex 2.	VGFSP: 33

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
20	(Continuing) Duty to establish a MCS system...	UNFSA: Art. 18 (3) g)	The flag State contributes to joint MCS and enforcement efforts, where applicable.	
			Flag States and RFMO/As should conduct assessments to establish if deep-sea fishing activities are likely to produce significant adverse impacts in a given area. Such an impact assessment should address, <i>inter alia</i> : [...] vi. risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts, particularly impacts on VMEs and low productivity fishery resources; [...].	IPOA-IUU: 47.7
			Risk assessments referred to in paragraph 47 (vi) above should take into account, as appropriate, differing conditions prevailing in areas where DSFs are well established, and in areas where DSFs have not taken place or only occur occasionally.	Deep-sea Fisheries Guidelines:48
			<i>See duty 6 above for the requirement.</i>	IPOA-IUU: 42.5
			Conditions under which an authorization is issued may also include, where required: 47.7 compliance with applicable international conventions and national laws and regulations in relation to maritime safety, protection of the marine environment, and CMMs or provisions adopted at a national, regional or global level.	IPOA-IUU: 47.7
			<i>See duty 11 above for the requirement.</i>	IPOA-IUU: 63
			The flag State implements effective and timely sanctions that include the following:	VGFSP: 38

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
20	(Continuing) Duty to establish a MCS system...	UNFSA: Art. 18 (3) g)	(Continuing) a) sanctions are applied in proportion to the seriousness of the violation, and are adequate in severity to be effective in securing compliance and to discourage violations wherever they occur, and deprive offenders of benefits accruing from their illegal activities; b) the flag State promotes knowledge and understanding of MCS issues within national judicial and administrative systems; c) the flag State has in place judicial and/or administrative processes capable of meeting these Guidelines, to the extent possible, in a timely and effective manner; d) the flag State is capable of ensuring that sanctions are complied with including, where appropriate, preventing the vessel from engaging in IUU fishing or fishing related activities in support of such fishing until sanctions are complied with; and e) the flag State responds in a timely manner to requests from other States or, if applicable, RFMO/As, to take measures in respect of vessels flying its flag.	VGFSP: 38
21	Duty to identify basic procedures for boarding and inspection on the high seas.	UNFSA: Art. 21 and Art. 22	States, acting through relevant RFMOs, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter, and eliminate IUU fishing. Consideration should be given to the following measures: 80.8 development within a RFMO, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers.	IPOA-IUU: 80.8

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
22	Duty to establish sanctions which are adequate in severity to be effective in securing compliance and to discourage violations, and to deprive offenders of the benefits accruing from their illegal activities.	UNFSA: Art. 19 (e) and (2) CA: Art. III (8) PSMA: Art. 20 (6)	States should ensure that laws and regulations provide for sanctions applicable in respect of violations which are adequate in severity to be effective, including sanctions which allow for the refusal, withdrawal or suspension of authorizations to fish in the event of non-compliance with CMMs in force.	CCRF:7.7.2
			States should ensure that measures applicable in respect of masters and other officers charged with an offence relating to the operation of fishing vessels should include provisions which may permit, <i>inter alia</i> , the refusal, withdrawal or suspension of authorizations to serve as masters or officers of a fishing vessel.	CCRF: 8.1.9
			<i>Reiteration of the legally binding obligation.</i>	CCRF: 8.2.7
			Sanctions for IUU fishing may include the adoption of a civil sanction regime based on an administrative penalty scheme. States should ensure the consistent and transparent application of sanctions.	IPOA-IUU: 21
			Flag States should consider entering into agreements or arrangements with other States and otherwise cooperate for the enforcement of applicable laws and CMMs or provisions adopted at a national, regional or global level.	IPOA-IUU: 31
			Flag States should deter vessels from reflagging for the purposes of non-compliance with CMMs or provisions adopted at a national, regional or global level. To the extent practicable, the actions and standards flag States adopt should be uniform to avoid creating incentives for vessel owners to reflag their vessels to other States.	IPOA-IUU: 38

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
22	(Continuing) Duty to establish sanctions which are adequate in severity...	UNFSA: Art. 19 (e) and (2) CA: Art. III (8) PSMA: Art. 20 (6)	<p>The flag State has in place an enforcement regime, which includes, as a minimum:</p> <ul style="list-style-type: none"> a) capacity to detect and take enforcement action with respect to violations; b) authority and capacity to conduct timely investigations of violations, including the establishment of the identity of the violators and the nature of the violations; c) an appropriate system for the acquisition, collection, preservation and maintenance of the integrity of evidence; d) a system of sanctions that is proportionate to the seriousness of the violation and adequate in severity to be effective in securing compliance and to discourage violations, and deprive offenders of benefits accruing from their illegal activities; e) cooperation and mutual legal assistance, including, as appropriate, information sharing and reporting arrangements with other States, international organizations including RFMO/As relating to enforcement, as well as the timeliness of action following requests for assistance; and f) prohibition of high seas fishing and fishing related activities by a vessel flying its flag, where such a vessel has been involved in the commission of a serious violation of relevant subregional or regional CMMs applicable to the high seas, until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with, in accordance with its laws. 	VGFSP: 32

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
22	(Continuing) Duty to establish sanctions which are adequate in severity...	UNFSA: Art. 19 (e) and (2) CA: Art. III (8) PSMA: Art. 20 (6)	Where the flag State implements an enforcement regime and where enforcement actions by flag States are adopted by a RFMO/A, such States ensure that adequate and timely mechanisms to resolve disputes in respect of those actions exist within relevant RFMO/As.	VGFSP: 37

5

Duties and responsibilities of port States

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	Take the necessary steps to prevent any breach of the conditions to which the admission of vessels to internal waters, or a call at a port facility outside internal waters, is subject.	LOSC: Art. 25 (2)	States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing [...].	IPOA-IUU: 52
			Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.	IPOA-IUU: 55
			Port States should take, through procedures established in their national legislation, in accordance with international law, and including applicable international agreements or arrangements, such measures as are necessary to achieve and to assist other States in achieving the objectives of the CCRF, and should make known to other States details of regulations and measures they have established for this purpose.	CCRF: 8
2	Duty to not discriminate, in form or in fact, against the vessels of any State when taking port State measures (PSMs).	UNFSA: Art. 23 (1)	(...) Such [port control] measures should be implemented in a fair, transparent and non-discriminatory manner.	IPOA-IUU: 52
			The identification of the vessels by the RFMO should be made through agreed procedures in a fair, transparent and non-discriminatory manner.	IPOA-IUU: 63

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
2	(Continuing) Duty to not discriminate...	UNFSA: Art. 23 (1)	When taking such measures, a port State should not discriminate in form or in fact against the vessels of any other State.	CCRF: 8.3.1
3	Duty to integrate or coordinate fisheries related PSMs with the broader system of port State control, to integrate PSMs with other measures to combat IUU fishing and to ensure coordination of activities and exchange of information among the relevant national agencies.	PSMA: Art. 5	States should establish and publicize a national strategy and procedures for port State control of vessels involved in fishing and related activities, including training, technical support, qualification requirements and general operating guidelines for port State control officers. States should also consider capacity-building needs in the development and implementation of this strategy.	IPOA-IUU: 61
			States should cooperate, as appropriate, bilaterally, multilaterally and within relevant RFMOs, to develop compatible measures for port State control of fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by the vessel of measures adopted under these national, regional or international systems.	IPOA-IUU: 62
			States should consider developing PSMs within the relevant RFMOs, building on the presumption that fishing vessels entitled to fly the flag of States not parties to a RFMO and which have not agreed to cooperate with that RFMO, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing. Such PSMs may prohibit landings and transshipment of catch unless the identified vessel can establish that the catch was taken in a manner consistent with those CMMs. The identification of the vessels by the RFMO should be made through agreed procedures in a fair, transparent and non-discriminatory manner.	IPOA-IUU: 63

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
4	Duty to cooperate and exchange information with relevant States, FAO, other international organizations and RFMOs, and take measures in support of CMMs adopted by other States and international organizations, and to cooperate at sub-regional, regional and global levels.	PSMA: Art. 6	Port States should provide such assistance to flag States as appropriate, in accordance with the national laws of the port State and international law, when a fishing vessel is voluntarily in a port or at an offshore terminal of the port State and the flag State of the vessel requests the port State for assistance in respect of non-compliance with subregional, regional or global CMMs, or with internationally agreed minimum standards, for the prevention of pollution and for the safety, health and conditions of work on board fishing vessels.	CCRF: 8.3.2
			States, acting through the relevant RFMOs, should compile and make available on a timely basis, and at least on an annual basis, to other RFMOs and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing, including: 81.1 estimates of the extent, magnitude and character of IUU activities in the area of competence of the RFMO; 81.2 details of measures taken to deter, prevent and eliminate IUU fishing; 81.3 records of vessels authorized to fish, as appropriate; and 81.4 records of vessels engaged in IUU fishing.	IPOA-IUU: 81
			States should enhance cooperation, including by the flow of relevant information, among and between relevant RFMOs and States on port State controls.	IPOA-IUU: 64
5	Duty to designate and publicize ports that may be used by foreign fishing vessels.	PSMA: Art. 7	States should publicize ports to which foreign flagged vessels may be permitted admission and should ensure that these ports have the capacity to conduct inspections.	IPOA-IUU: 57

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
6	Duty to require an Advance Request for Port Entry (ARPE).	PSMA: Art. 8 and Annex A ²⁰	Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.	IPOA-IUU: 55
7	Duty to authorize or deny port entry and to communicate such decision to the vessel or its representative.	PSMA: Art. 9 (1)		
8	Duty to require the master of the vessel or the vessel's representative to present the authorization to port authority.	PSMA: Art. 9 (2)		
9	Duty to communicate its decision to deny port entry to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, RFMOs and other international organizations.	PSMA: Art. 9 (3) CA: Art. V (2)	Where a port State has clear evidence that a vessel, having been granted access to its ports, has engaged in IUU fishing activity, the port State [...] should report the matter to the flag State of the vessel.	IPOA-IUU: 56
10	Duty to deny port entry when there is sufficient proof that the vessel seeking entry has engaged in IUU fishing or fishing related activities in support of such fishing, in particular if the vessel is an IUU-listed vessel ²¹ – except for the purpose of inspecting the vessel or to undertake other appropriate actions in conformity with international law.	PSMA: Art. 9 (4), (5)		

²⁰ Information to be provided in advance by vessels requesting port entry.

²¹ Definition of "IUU-listed vessel" should be included in the national legislation as follows: "IUU-listed vessel" means a vessel that is included in a list of vessels, adopted by a RFMO, that has engaged in IUU fishing or fishing-related activities in support of such fishing.

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
11	Duty to authorize port entry in case of <i>force majeure</i> or distress.	PSMA: Art. 10	Notwithstanding paragraphs 52, 53 and 55; a vessel should be provided port access, in accordance with international law, for reasons of <i>force majeure</i> or distress or for rendering assistance to persons, ships or aircraft in danger or distress.	IPOA-IUU: 54
12	Duty to deny the use of ports ²² by a vessel that has entered its ports, if the vessel is found to be in any of the circumstances specified in the PSMA and UNFSA.	PSMA: Art. 11 (1), (2) UNFSA: Art. 23(3)	Where a port State has clear evidence that a vessel, having been granted access to its ports, has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports [...].	IPOA-IUU: 56
13	Duty to withdraw the decision to deny the use of port if the grounds on which it was based were inadequate or erroneous, or when such grounds are no longer applicable.	PSMA: Art. 11 (4)		
14	Duty to promptly notify its decision of the denial of the use of port or the withdrawal of such a decision to the flag State and, as appropriate, relevant coastal States, RFMOs and other international organizations.	PSMA: Art. 11 (3), (5)	Where a port State has clear evidence that a vessel, having been granted access to its ports has engaged in IUU fishing activity, the port State [...] should report the matter to the flag State of the vessel.	IPOA-IUU: 56
15	Duty to set up an annual level of inspections and to give priority to: vessels that have been denied entry or use of a port in accordance with the PSMA; requests from other relevant Parties, States, or RFMOs that particular vessels be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing by the vessel in question; and other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing.	PSMA: Art. 12		

²² For landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including refuelling and resupplying, maintenance and drydocking.

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
16	Duty to conduct port inspections taking into account all the international requirements.	UNFSA: Art. 23 (2)	Port State inspection of fishing gear should be conducted in accordance with the procedures set out in Annex B, Paragraph e) of the PSMA.	VGMFG: 31
		PSMA: Art. 13 and Annex B ²³		
17	Duty to ensure that inspectors carry out certain specified functions as a minimum standard. Inspectors shall review all other relevant documentation and record held on board, including [...] data from flag State or relevant RFMOs. Relevant documentation may include logbooks, catch, transshipment and trade documents, [...] and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.	PSMA: Art.13, Annex B (d) CITES: Appendix I Art.III(2), (3) and (5); Appendix II Art. IV(2), (3), (4), (6) and (7) CA: Art. III(7); UNFSA: Art. 18(f)		
18	Duty to report the results of each inspection and to transmit the inspection results to the flag State of the inspected vessel and, as appropriate, to: the coastal States in whose jurisdictional waters, according to the evidence, the vessel engaged in IUU fishing or fishing related activities in support of such fishing; the State of which the vessel's master is a national; the relevant RFMOs; FAO and other international organizations.	PSMA: Art. 14, Art. 15, and Annex C ²⁴	In the exercise of their right to inspect fishing vessels, port States should collect the following information and remit it to the flag State and, where appropriate, the relevant RFMO: 58.1 the flag State of the vessel and identification details; 58.2 name, nationality, and qualifications of the master and the fishing master; 58.3 fishing gear; 58.4 catch on board, including origin, species, form, and quantity; 58.5 where appropriate, other information required by relevant RFMOs or other international agreements; and 58.6 total landed and transhipped catch.	IPOA-IUU: 58

²³ Port State Inspection Procedures.

²⁴ Report of the results of the inspection.

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
18	(Continuing) Duty to report the results of each inspection and to transmit...	PSMA: Art. 14, Art. 15, and Annex C	If, in the course of an inspection, it is found that there are reasonable grounds to suspect that the vessel has engaged in or supported IUU fishing in areas beyond the jurisdiction of the port State, the port State should, in addition to any other actions it may take consistent with international law, immediately report the matter to the flag State of the vessel and, where appropriate, the relevant coastal States and RFMO. The port State may take other action with the consent of, or upon the request of, the flag State.	IPOA-IUU: 59
19	Duty to establish communication mechanisms that allow for direct electronic exchange of information.	PSMA: Art. 16 and Annex D ²⁵	National legislation should address, <i>inter alia</i> , evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies. States should cooperate, as appropriate, bilaterally, multilaterally and within relevant RFMOs, to develop compatible measures for port State control of fishing vessels. Such measures should deal with the information to be collected by port States, procedures for information collection, and measures for dealing with suspected infringements by the vessel of measures adopted under these national, regional or international systems.	IPOA-IUU: 17 IPOA-IUU: 62
20	Duty to undertake follow-up actions after inspection, when there is grounds to suspect that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing. This includes promptly notifying the flag State, relevant coastal State, RFMO and other international organizations, denying the use of the port by the vessel, except for essential port services for the health or safety of the crew, or the safety of the vessel.	PSMA: Art. 18		

²⁵ Information system on PSM.

6

Internationally agreed market-related measures

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	Duty to prohibit, control and certify the trade (the import/export) of protected and threatened species.	CITES: Art. III (2), (3), (4) and (5) Appendix I; Art. IV (2), (4), (5) and (6) Appendix II; Art. V (2), (3) and (4) Appendix III; ²⁶ PSMA: Art. 13 Annex B (d);	States should take all steps necessary to prevent fish caught by vessels identified by the relevant RFMO to have been engaged in IUU fishing being traded or imported into its territories.	IPOA-IUU: 52
			States should cooperate, including through relevant global and RFMOs, to adopt appropriate multilaterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing for specific stocks or species. Multilateral trade-related measures envisaged in RFMOs may be used to support cooperative efforts to ensure that trade in specific fish and fish products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of CMMs consistent with the LOSC.	IPOA-IUU: 55
			Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements, as well as other appropriate multilaterally agreed measures such as import and export controls or prohibitions.	CCRF: 8
			<i>For detailed specifications please consult the 2017 Voluntary Guidelines for Catch Documentation Schemes.</i>	VGCDs
			States should adopt and implement, consistent with international law [...], trade-related measures, such as catch and trade documentation schemes, in order to:	Deep-sea Fisheries Guidelines: 60(i)

²⁶ "Introduction from the sea" is defined as "transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State" (see Article I(e); CITES, 1973; CITES, 2007).

No.	Duties and responsibilities	Reference	Additional international non-legally binding requirements	Reference
1	(Continuing) Duty to prohibit, control and certify the trade...	CITES: Art. III (2), (3), (4) and (5) Appendix I; Art. IV (2), (4), (5) and (6) Appendix II; Art. V (2), (3) and (4) Appendix III; PSMA: Art. 13 Annex B (d);	(Continuing) I. enhance their ability to identify vessels and their DSF catch harvested outside or in contravention of applicable CMMs; and II. adopt measures in respect of IUU vessels and catches from DSFs including, as appropriate, measures to prevent products from IUU DSFs from entering international trade.	Deep-sea Fisheries Guidelines: 60(i)
2	Requirements for verifying the catch of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transshipment and monitoring of landed catches and market statistics.	UNFSA 18. 3(f)	In the CDS validation process, the different roles of relevant States to authorize, monitor and control fishing operations and verify catch, landing and trade should be fully recognized, consistent with relevant national and international law, multilateral measures, instruments and obligations. Validation of the catch documentation information should be done by a competent authority [...]. Importing States may request verification by the competent authorities validating the catch documentation. <i>For detailed specifications, please consult the 2017 Voluntary Guidelines for Catch Documentation Schemes.</i>	VGCDs: 6.3 VGCDs

Additionally, non-legally binding requirements can also be found in the CCRF (11.1.11) and in the IPOA-IUU (para. 67, 71 and 76).

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CHECKLISTS AND TECHNICAL GUIDELINES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Volume II: a legal checklist of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing

This document is the second volume of a series of publications entitled *Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing*. This checklist aims to provide a summary of the main duties and responsibilities of States to prevent, deter and eliminate IUU fishing, as these duties and responsibilities are reflected in legally binding and non-binding international instruments.

The present checklist is intended to be used in the review of national legal frameworks, including primary and secondary fisheries legislation.

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