

Report of the

**FAO REGIONAL WORKSHOP ON THE ELABORATION OF NATIONAL
PLANS OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL,
UNREPORTED AND UNREGULATED FISHING – SOUTH ASIAN
SUBREGION**

Bangkok, Thailand, 19–23 June 2006



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PREPARATION OF THIS DOCUMENT

This is the final report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – South Asian Subregion, held at the Royal Princess Hotel, Bangkok, Thailand, from 19 to 23 June 2006.

FAO.

Report of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – South Asian Subregion. Bangkok, Thailand, 19–23 June 2006.

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ABSTRACT

This document contains the report of, and the papers presented at, the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – South Asian Subregion, which was held in Bangkok, Thailand, from 19 to 23 June 2006. The purpose of the Workshop was to assist countries in the subregion to develop capacity to elaborate national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOAs–IUU). The Workshop addressed issues relating to the 1995 FAO Code of Conduct for Responsible Fisheries, the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) and the FAO Fisheries Technical Guidelines for Responsible Fisheries No. 9 that have been developed to support the implementation of the IPOA–IUU; decision-making about IUU fishing and skills enhancement through the identification of key issues relating to the elaboration of NPOAs–IUU, the primary vehicle by which the IPOA–IUU will be implemented by countries. Working groups were formed to encourage maximum participation in the Workshop. A review of the major IUU fishing problems in the region and their possible solutions were discussed. Funding for the Workshop was provided by the Government of Japan through project GCP/INT/942/JPN entitled “Promotion of Sustainable Fisheries: Support for the Plan of Implementation of the World Summit on Sustainable Development: Phase II”.

Distribution:

Participants

FAO Fisheries Officers, Regional and Subregional Offices

CONTENTS

	Page
OPENING OF THE WORKSHOP	1
ADMINISTRATIVE ARRANGEMENTS AND TECHNICAL ISSUES FOR THE WORKSHOP	1
1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES: DEVELOPMENT CONSIDERATIONS AND IMPLEMENTATION CHALLENGES	1
2001 FAO INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE IUU FISHING: BACKGROUND AND PROGRESS TOWARDS IMPLEMENTATION.....	3
PRESENTATION AND DISCUSSION OF THE IPOA-IUU	4
CONSIDERATION OF THE TECHNICAL GUIDELINES ON IUU FISHING IN THE CONTEXT OF REGIONAL IUU ISSUES	6
REVIEW OF NATIONAL AND REGIONAL PLANS OF ACTION ALREADY PUBLISHED	7
MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING: THE CASE OF THE “GALAPAGOS BEAUTY”	8
IDENTIFICATION OF ISSUES AND ACTIONS TO DEVELOP A NPOA-IUU	11
IDENTIFICATION OF MAJOR IUU FISHING PROBLEMS IN THE SUBREGION AND SOLUTIONS TO OVERCOME THESE PROBLEMS.....	13
PROPOSED NATIONAL, REGIONAL AND INTERNATIONAL FOLLOW-UP ACTIONS TO THE WORKSHOP	13
REPORT OF THE WORKSHOP FACILITATOR	14
CLOSURE OF THE WORKSHOP	15
APPENDIXES	
A Agenda	17
B List of participants.....	18
C Documentation presented	21
D Opening statement by Mr He Changchui, Assistant Director-General and Regional Representative for Asia and the Pacific.	22
E 1995 FAO Code of Conduct for Responsible Fisheries: development considerations and implementation challenges.....	24
F 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: background and progress towards implementation	34
G Role playing/problem solving: making responsible decisions about IUU fishing	53
H Composition of the Working Groups	54
I Identification of issues for the elaboration of a national plan of action to combat IUU fishing.....	55
J Priority listing of problems by country for the subregion and proposed actions to combat these problems.....	65

OPENING OF THE WORKSHOP

1. The FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – South Asian Subregion was held at the Royal Princess Hotel, Bangkok, Thailand, from 19 to 23 June 2006.
2. The Workshop was attended by 17 participants, principally from the South Asian Subregion, and one observer. A list of participants is attached in Appendix B.
3. The Workshop was called to order by Mr Derek Staples, Workshop Coordinator and Senior Fishery Officer, FAO, Regional Office for Asia and the Pacific, Bangkok. He introduced Mr He Changchui, Assistant Director-General and Regional Representative for Asia and the Pacific, Regional Office for Asia and the Pacific, Bangkok. He reminded the Workshop of the serious impacts of illegal, unreported and unregulated (IUU) fishing on resource management and food security. He encouraged all countries to take action to implement the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU), as a means of combating IUU fishing in the subregion. His statement is in Appendix D.

ADMINISTRATIVE ARRANGEMENTS AND TECHNICAL ISSUES FOR THE WORKSHOP

4. The Workshop Coordinator introduced Mr David Doulman, Technical Secretary of the Workshop and Senior Liaison Fishery Officer, FAO. He provided an overview of its timetable and the technical issues to be addressed. He stated that the objective of the Workshop was to develop and strengthen national capacity so that countries would be better placed to elaborate their national plans of action to prevent and eliminate illegal, unreported and unregulated fishing (NPOAs–IUU), in accordance with the provision of the IPOA–IUU. Mr Doulman underscored the importance of the NPOAs–IUU as the primary means for countries to take steps to implement the IPOA–IUU. He pointed out that countries should have elaborated their NPOAs–IUU by June 2004. However, based on information available to FAO, fewer than 20 countries had elaborated their national plans by that date.
5. With respect to the outcome of the Workshop, Mr Doulman stated that it should lead to an increased awareness about the causes of IUU fishing and its impact on the sustainable management of resources. He added that the Workshop should also facilitate a greater sharing of experiences about IUU fishing and create a greater appreciation of the need for enhanced regional cooperation and harmonization of measures to combat IUU fishing in the region.
6. The Agenda for the Workshop is attached in Appendix A and the list of documents distributed at the Workshop is attached in Appendix C.
7. Mr Staples explained the administrative arrangements for the Workshop. He also introduced the Workshop Facilitator, Mr Suriyan Vichitlekarn, Policy and Programme Coordinator at the Southeast Asian Fisheries Development Center (SEAFDEC), Bangkok, Thailand. Mr Staples expressed FAO's pleasure at the opportunity of having Mr Vichitlekarn act as the Workshop Facilitator.

1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES: DEVELOPMENT CONSIDERATIONS AND IMPLEMENTATION CHALLENGES

8. Mr Doulman introduced the presentation indicating that the IPOA–IUU had been concluded within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries. He provided information relating to the Code of Conduct in terms of its:

- background;
- the process of elaboration;
- the purpose and objectives;
- structure; and
- implementation including, as reported to the Twenty-Sixth Session of the Committee on Fisheries (COFI), the constraints being encountered by countries and the solutions proposed to overcome these constraints.

9. Mr Doulman pointed out that the effective implementation of the Code of Conduct provided a challenge for countries in their efforts to devise appropriate fisheries policies and measures that would promote responsible behaviour and long-term sustainability. The presentation traced the origins of the Code of Conduct and the development of the concept of “responsible fisheries”. As a soft law instrument it was noted that the Code of Conduct had six substantive articles dealing with general principles, fisheries management, fishing operations, aquaculture development, the integration of fisheries into coastal area management, post-harvest practices and trade and fishery research. Mr Doulman stated that the Code of Conduct was closely related to a number of other international fisheries instruments which all sought to promote long-term sustainability in fisheries. The presentation reviewed measures by FAO to support implementation of the Code of Conduct as well as those initiatives at the regional and national levels. The paper on which the presentation was based is attached in Appendix E.

10. In discussion following the presentation, the work undertaken by SEAFDEC to adapt regionally the Code of Conduct was explained. It was noted that the effective implementation of the Code presented significant challenges for countries and regional fishery bodies (RFBs) following its translation into local languages. The importance of harmonizing measures and activities to promote the Code’s implementation was underscored.

11. The Workshop considered ways and means of facilitating the Code’s broader and deeper implementation, noting that the constraints to implementation and their possible solutions were similar throughout the region. Importantly, the Workshop agreed that implementation required attitudinal change to involve stakeholders to the extent envisaged in the Code.

12. Participants outlined different policies and approaches adopted in their countries to promote the implementation of the Code. In some instances, fishers had been encouraged to join cooperatives or other groups. It was pointed out that the preparation and dissemination of simple documents about the Code, including posters and comics, had proven to be a most effective means of reaching small-scale fishers. Some participants advised the Workshop that national workshops had been mounted for small-scale fishers to provide and reinforce information about the Code. Implementation had also been encouraged by shaming fishers who failed to act responsibly (e.g. using prohibited gear).

13. The issue of political will to support the implementation of the Code prompted considerable discussions. The Workshop noted that politicians had considerable will and that it should be harnessed in a positive manner to support the Code’s objectives and principles. In this regard, it was agreed that political will should be seen in a positive rather than a negative light.

14. The Workshop recognized that the issue of securing alternative and supplementary livelihoods in small-scale fisheries was an extremely challenging issue in view of poverty in many fishing communities and the lack of alternative livelihood. Participants explained that a range of initiatives had been pursued, including the cage culture of fish, the distribution of food in return for not taking designated immature fish and the promotion of ecotourism. Supplementary livelihood initiatives (e.g. when seasonal measures were enforced and fishing was not permitted) were important to maintain livelihoods in small-scale fishing communities. However, the arrival of new entrance from the agriculture sector in some countries exacerbated the overcapacity and overfishing problems in most small-scale fisheries.

15. Much interest focused on an income compensation/support scheme for small-scale fishers in India. Under this scheme fishers were encouraged to save part of their income during the fishing season and in the period when fishing was not permitted (for up to four months each year) income support was paid through the State governments. The Workshop was informed that the implementation of the scheme presented certain challenges but that results appeared to be worthwhile.

16. The Workshop noted that a lack of capacity in many countries constrained the implementation of the Code, a consideration explicitly recognized in its Article 5. Some participants indicated that there were different levels of government and different agencies involved in the implementation process. Consequently, the Workshop agreed that it was critical to ensure that there was sound coordination among levels of government and national agencies if the Code was to be implemented in an effective manner. Moreover, the involvement of fishing communities in implementation, an essential pre-requisite in small-scale fisheries, required community empowerment.

2001 FAO INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE IUU FISHING: BACKGROUND AND PROGRESS TOWARDS IMPLEMENTATION

17. Mr Doulman made a presentation concerning the IPOA–IUU. It focused principally on:

- international action to combat IUU fishing;
- implementation of the IPOA–IUU; and
- capacity building and institutional strengthening to combat IUU fishing.

The paper also included, as attachments, the FAO Conference resolution 6/2003 relating to IUU fishing, the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing and the major recommendations of the 2004 FAO Technical Consultation Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity. The paper upon which the presentation was based is in Appendix F.

18. The presentation noted that IUU fishing had been identified by the international community to be a major impediment to the achievement of long-term sustainable fisheries. It was further noted that IUU fishing occurred in all capture fisheries, irrespective of their locations, and that such fishing undermined national and regional efforts to promote responsible fisheries. Mr Doulman pointed out that FAO had played a pivotal role in galvanizing efforts to combat IUU fishing in accordance with a large number of international calls for such fishing to be eliminated. He added that FAO was aware that many developing countries, principally for capacity reasons, were particularly hard pressed to implement measures to effectively address IUU fishing.

19. Following the presentation, the Workshop noted that although the criteria for IUU fishing might be defined clearly in national law, that implementation of the NPOA–IUU was weak in many cases. This situation posed particular problems for many countries, given that IUU fishers, in pursuit of their illegal gain, were highly innovative in circumventing national and regionally-agreed rules and procedures.

20. The Workshop stressed the importance of countries to exchange information about IUU fishing vessels and activities. Such regional exchanges would contribute towards the fuller implementation of the NPOA–IUU. Participants suggested that information exchange be enhanced between FAO and countries as well as among RFBs. These exchanges could limit opportunities for IUU fishers to benefit from their illicit activities.

21. Participants underlined the importance of strengthening MCS and introducing mandatory VMS for industrial fishing vessels. Some countries already had mandatory VMS while others were moving in that direction. One participant informed the Workshop that as MCS strengthened in his

country's EEZ IUU fishing vessels had migrated to the EEZs of neighbouring countries where MCS measures were less stringent. Participants agreed that this type of behaviour by IUU fishers reinforced the need for regional cooperation among countries if IUU fishing was to be blocked.

22. The Workshop recognized the role played by port States in preventing the transshipment, movement and sale of IUU caught fish. Port State measures assumed an indispensable role in combating IUU fishing when flag States failed to meet their obligations under international laws.

23. Participants addressed the development of IUU fishing vessel lists that were being developed increasingly by RFBs. The Workshop noted that the Members of these bodies approved criteria for listing offending vessels, and that in some instances provisional listing of vessels was undertaken as a first step. One participant informed the Workshop that his country had developed a national list for IUU fishing vessels. Participants suggested that a global vessel list should be developed and distributed as a means of preventing IUU fishing.

PRESENTATION AND DISCUSSION OF THE IPOA-IUU

24. Ms Judith Swan, Senior Programme and Policy Officer, FAO, presented the IPOA-IUU, with reference to elaborations in the FAO Technical Guidelines for Responsible Fisheries No. 9 concerning its implementation. She commenced the presentation by focusing on the definitions of illegal, unreported and unregulated fishing noting that these types of fishing could occur at both the national and regional levels in any capture fishery. The objectives and principles of the IPOA-IUU were then addressed. Ms Swan added that the principles and strategies in the IPOA-IUU were common to some of the other IPOAs that had been elaborated within the framework of the Code of Conduct.

25. With respect to the implementation of the IPOA-IUU, Ms Swan pointed out that responsibilities fell upon all States, flag States, coastal States and port States. The IPOA encouraged all States to accept international instruments, review and revise national legislation, develop NPOAs-IUU, promote cooperation between States, publicize IUU fishing and actions taken to eliminate it and make available adequate technical capacity and resources to implement the IPOA-IUU. Flag States, on the other hand, should ensure that they had a system of fishing vessel registration, maintain a record of fishing vessels and grant authorizations to fish. Coastal States should adopt measures, consistent with international law, to combat IUU fishing within the EEZ. Some of the measures that they should adopt included effective MCS systems and the regulation of access to their EEZs. Port State measures, partly designed to assist flag States meet their obligations under international law, were intended in a somewhat novel way to prevent IUU fishing. Ms Swan noted the deepening international focus on port State measures, as indicated by the recent adoption of the FAO model scheme on port State measures to combat IUU fishing, and calls for a binding instrument by the UN General Assembly and the recent Review Conference of the 1995 UN Fish Stocks Agreement. She further noted that, as a follow-up to the FAO workshops on the IPOA-IUU, a series of workshops on implementation of port State measures is being planned.

26. The section of the IPOA-IUU relating to internationally agreed market-related measures sought to prevent fish harvested by IUU fishers entering world fish trade. Ms Swan pointed out that IUU fishers would be deprived of the benefits of their illegal activities and hopefully this would lead to a reduction in IUU fishing. However, she stressed that this section of the IPOA-IUU should be interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organization (WTO) and implemented in a fair, transparent and non discriminatory manner.

27. Research was the subject of the next section of the IPOA-IUU followed by the role of regional fisheries management organizations (RFMOs) in combating IUU fishing. Ms Swan explained that these organizations had a fundamental and critical role to play in combating IUU fishing, often as the first line of defence. The IPOA-IUU provided guidance to RFMOs on the types of measures that might be adopted to prevent, deter and eliminate IUU fishing.

28. The special requirements of developing countries were considered in Part V of the IPOA–IUU. It highlighted a number of ways in which developing countries might be assisted to enhance their capacities to deal more effectively with IUU fishing and to meet their obligations under international law. Reporting on progress with the elaboration and implementation of NPOAs–IUU was the subject of the next section of the IPOA–IUU and the role of FAO was highlighted in Part VIII. Importantly, this section noted that the FAO Committee on Fisheries (COFI) should evaluate, on a biennial basis, progress achieved with the implementation of the IPOA–IUU. Ms Swan explained that this information would be provided within the broader reporting on the implementation of the Code of Conduct.

29. Following the presentation of the IPOA–IUU, the sovereign right of coastal States over fisheries-related activities in their EEZs was addressed. Discussion then turned to the issue of combating IUU fishing on the high seas. It was noted that the flag State, which had primary responsibility for controlling its vessels, was responsible for authorizing its vessels to fish on high seas. The duty of the flag State to ensure that its vessels did not undermine the conservation and management measures in the high seas of a RFMO was considered.

30. Some problems of developing countries in combating IUU fishing were identified, including controlling transshipment on operations far out to sea and the practicalities involved in implementing some measures of the IPOA–IUU.

31. A range of mechanisms or processes available to developing countries to assist in combating IUU fishing was then discussed. Precedent in bilateral or multilateral cooperation in MCS operations was considered, and the benefits of harmonized measures were raised. However, the role of RFMOs, and differences among them, would have to be assessed by each country according to its priorities. It was noted that although some RFMOs might not currently accord benefits to new members, including developing countries, based on past “interest” in the relevant fisheries, this situation appeared to be changing rapidly on a global basis. It was linked to the attention currently given to the “resource adjacency” issue, which suggested that countries adjacent to the resources might have some rights to RFMO allocations. It was concluded that cooperation in some form would be needed to combat IUU fishing.

32. The implications of the broad and voluntary nature of the IPOA–IUU were addressed. These included the fact that it provided a “toolbox” of measures and responsibilities that States would need to implement, as appropriate, through national legislation or bilateral regional or international agreement. Such legislation and agreements would be binding and therefore could exceed standards recommended in the IPOA–IUU.

33. Internationally agreed market-related measures were addressed, noting that they should be taken in exceptional circumstances. Although such circumstances were not defined, this provision should be taken as a safeguard against abuse. It was also noted that the FAO Sub-Committee on Fish Trade is increasingly viewing trade measures as a complimentary to fisheries management. The role of a “Lacey Act” type of provision in national law was explored, and its effect in using trade to combat IUU fishing explained.

34. In recognition of the limited capacity of some port States to enforce against IUU fishing, the value of collaboration and agreement with other countries, and of national legislation creating a presumption of IUU fishing were acknowledged. It was emphasized that a port State had sovereignty over vessels voluntarily in its port. The success of one RFMO in closing a “port of convenience” to IUU fishing vessels was described.

35. The all-encompassing nature of the IPOA–IUU was considered, noting that its development took into account the diversities in developing/developed States, regions, fisheries, species and gear. As a result, it was broadly applicable.

CONSIDERATION OF THE TECHNICAL GUIDELINES ON IUU FISHING IN THE CONTEXT OF REGIONAL IUU ISSUES

36. Mr Staples made a presentation on FAO Technical Guidelines No. 9 concerning the implementation of the IPOA–IUU and also provided an assessment of the status of fisheries in South Asia, the IUU issues in the subregion and the status of actions taken to address these issues. He referred to the purpose and scope of the Guidelines, noting that they had been produced to support the implementation of the IPOA–IUU by national governments and by international organizations, especially at regional and subregional levels. The Guidelines might also be of use to non-government organizations (NGOs) and other stakeholders including industry, and academic and scientific institutions. In general, the Guidelines:

- review the measures in the IPOA–IUU;
- advise how best to put them into effect;
- advise on the content of an NPOA–IUU; and
- contain suggestions for reporting to FAO on the implementation of the IPOA–IUU.

37. The framework of the Guidelines, consistent with that of the IPOA–IUU, provided the basis for Mr Staples’ presentation. Emphasis was given to what was happening in the subregion, practical challenges and the importance of selecting the appropriate tools from the IPOA–IUU “toolbox”, particularly where harmonization of actions and measures in the subregion would contribute to effective implementation of the IPOA–IUU.

38. Mr Staples emphasized that much of the fish production in the subregion came from small-scale fisheries, often scattered along long coastlines. Coastal resources were classified as severely depleted with increasing competition for declining stocks. Offshore pelagic tuna stocks, except for skipjack tuna had also been declared as fully exploited and excess fishing capacity was a major problem.

39. The characteristics of the subregion that made effective MCS difficult were noted. All fisheries, with the exception of the Indian Ocean tuna are open access fisheries. Other difficulties included the fact that landings from coastal inshore fisheries were often made in multiple landing sites (e.g. on beaches) and were often destined for local markets and local consumption. Registration of vessels and authorization to fish were often very incomplete, especially for the small-scale sub-sector. In general, the workshop noted that flag State control over vessels, especially in areas under national jurisdiction were relatively weak.

40. Mr Staples also observed that despite the very high production of fish from the South Asian Subregion, only one RFMO existed – the Indian Ocean Tuna Commission (IOTC) that has competence over tuna in the Indian Ocean. He pointed out, however, that a number of advisory RFBs existed that had a coordinating role and that several States in the subregion were members.

41. Mr Staples noted that vessels from different countries often fished in EEZs of other countries. Some of these vessels operated under access agreements but illegal encroachment of foreign vessels both from neighbouring countries and from the high seas was a major issue. The need for increased regional cooperation was noted by the Workshop.

42. Several important IUU fishing issues were raised in discussion. These issues included the different but uncoordinated mandates and responsibility of the existing RFBs and the lack of RFMOs in the subregion. Many States requested increased technical assistance and support to combat IUU from FAO (including through FishCode) and RFBs, especially in MCS and vessel registration schemes. Participants concluded that both States and FAO should be more active in raising the need for assistance and in helping lever the necessary resources to meet these needs.

43. The special needs of developing countries were raised, especially in terms of accessing the necessary technology to help combat IUU fishing. The role of trade-related measures and their linkages to labelling and traceability schemes were discussed as a means of combating IUU fishing. It was noted that the risk that trade measures could be used as a barrier to trade. Some participants offered to assist FAO update its information on IUU fishing issues in the subregion, including information relating to the current status of access agreements and joint ventures.

REVIEW OF NATIONAL AND REGIONAL PLANS OF ACTION ALREADY PUBLISHED

44. Mr Doulman reviewed briefly several NPOAs–IUU that had been developed in different parts of the world. He noted that although the FAO Technical Guidelines to support the implementation of the IPOA–IUU proposed a format for the elaboration of NPOAs–IUU, there were no strict rules for the development of these national plans. Depending on national circumstances and in particular, the nature and extent of the IUU fishing problems being encountered, countries had a wide degree of flexibility in structuring their NPOAs–IUU. The most important consideration was that countries took steps to develop these plans to ensure that they had a comprehensive and coordinated approach to address IUU fishing in all its forms and in all capture fisheries.

45. It was explained that according to information available to FAO (June 2006), not more than 25 NPOAs–IUU had been elaborated and disseminated worldwide. No NPOAs–IUU had been developed in the South Asian Subregion.

46. In developing a NPOA–IUU, Mr Doulman stated that the experience of other countries could be instructive for those countries that had yet to embark on the elaboration process. He pointed out that broad consultation among government agencies and stakeholders was an essential first step to ensure that there would be broad support for the national plan when it was being implemented. In addition, he noted that all participants in the elaboration process should be fully aware of the extent and impact of IUU fishing and that briefings might be required for some agencies that were not directly involved in the fisheries sector (e.g. port authorities). A review of all relevant documentation was also required, including all relevant national legislation and international instruments. Mr Doulman concluded that countries would encounter challenges in elaborating their NPOAs–IUU especially with respect to the inclusion of new concepts and ideas. Regional consultation and cooperation were necessary to underpin the elaboration and subsequent implementation of NPOAs–IUU: in short, neighbouring countries should seek to promote similar policies and practices with respect to IUU fishing and to harmonize them if possible.

47. Mr Doulman reminded the Workshop that many of the measures foreseen in the IPOA–IUU were already being implemented by countries. In particular, he noted that countries already prohibited in their legislations activities such as fishing without an authorization, fishing with banned gears and fishing in closed areas and seasons. Moreover, most countries were attempting to strengthen their MCS capacities and some were moving to introduce mandatory vessel monitoring system (VMS). Countries should therefore realize that they were not starting from a zero position when they commenced the elaboration of their NPOAs–IUU.

48. Discussion focused on the possibility of FAO providing technical assistance to countries to elaborate their NPOAs–IUU. Mr Doulman explained that this type of technical assistance was possible, depending on the availability of resources and on official request being received from the country concerned.

49. The Workshop agreed that the domestic process for the development of an NPOA–IUU was important to ensure broad participation and to foster a sense of “ownership”. The need to ensure that there was a link between the bureaucrats and politicians (i.e. to ensure that the Minister was aware and supported the development of the NPOA–IUU) was underscored.

50. Participants were reminded that NPOAs–IUU should be revised from time to time because IUU fishing was dynamic in character and conditions in fisheries could change significantly in a relatively short period of time. It was pointed out that the need for periodic revision was foreseen in the IPOA–IUU as a means of ensuring that the NPOAs–IUU remained relevant.

MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING: THE CASE OF THE “GALAPAGOS BEAUTY”

51. To reinforce the concepts and information presented in the Workshop concerning the range of measures to prevent, deter and eliminate IUU fishing and to encourage participants to interpret and apply them, a problem-solving exercise relating to the “Galapagos Beauty” was undertaken. The exercise is attached in Appendix G.

52. Participants were requested to work in three groups and to decide what initial steps should be taken to address the rather complex IUU fishing problem presented in the scenario. The compositions of the working groups are attached in Appendix H. The findings of the working groups are summarized below.

53. **Group 1:** The following assumptions were made:

- The vessel involved in IUU fishing left Zoro’s EEZ while the Minister was meeting with officials;
- Zoro’s MCS capacity was limited and it could not pursue and apprehend the vessel while exiting Zoro’s EEZ; and
- The vessel was considered to be without nationality because it had more than one flag and was not registered in Camilla.

54. The following strategy was adopted to address the problem:

- The minister should immediately take up the matter at a diplomatic level with Villaroba to arrest the vessel, confiscate the catch and initiate other legal action deemed appropriate by Villaroba; instruct the Chief Fisheries Officer (CFO) to collect evidence and other information to establish a case of IUU fishing in Zoro’s EEZ; instruct the government solicitor to prepare a case against the vessel and its owner for the recovery and compensation of the catch; raise the issue in the Oceanic Fisheries Commission (OFC) encouraging members to enact legislation that would bind them to prosecute the owners of IUU fishing vessels and seek to impose bans on the sale/purchase of fish taken by IUU fishers; and take immediate action to obtain funding to strengthen MCS
- The CFO should comply with the minister’s directions to collect evidence to establish a case against the vessel and report information to the CFO of Camilla concerning the illegal use of the Camilla flag by the vessel.
- The government solicitor should comply with the minister’s directions to take legal action against the owner of the vessel if this was considered appropriate and to recover the value of the fish.
- The senior MCS officer should attempt to keep the movements of the vessel under surveillance including the offloading and sale of fish and maintain close liaison with the coordinator of International MCS Network.
- The President of the Fisher’s Association should attempt to persuade the government to take appropriate measures to strengthen MCS.

55. In addition, Working Group 1 proposed that countries in the subregion play a supportive role to countries experiencing IUU fishing because of inadequate MCS and encourage countries through binding measures to close their ports to vessels that have engaged in IUU fishing.

56. **Group 2:** The following assumptions were made:

- The vessel was fishing illegally in Zoro's EEZ;
- The CFO in Angona was aware of such fishing for four days and had estimated that the IUU catches were 200 tonnes;
- Zoro's MCS aircraft had spotted the vessel flying Camilla's flag;
- The registry in Camilla had no record of the vessel;
- The CFO in Zoro believed the vessel was flying more than one flag;
- Zoro had limited MCS capacity but had communication interception facilities;
- Zoro was a member of the OFC and the International MCS Network;
- The vessel owner lived in Senta; and
- The vessel was scheduled to offload its catch in Hella in two days time and the catch was sold in advance in Hella.

57. The following immediate measures were proposed:

- Zoro's Minister should provide full details about the IUU fishing incident to his/her counterpart in Camilla requesting clarification about the vessel's flag. Assuming that the vessel was flagged in Camilla, Zoro's Minister and CFO should notify the OFC and the International MCS Network about the vessel and request it to initiate action against the vessel.
- The government solicitor should gather evidence on IUU fishing against the vessel in Zoro's waters and should request Villaroba as a port State to detain the vessel if it entered the port of Hella. In the event that the Government of Villaroba refused to take action against the vessel on the pretext that the incident did not occur in Villaroba's EEZ, then the Government of Zoro should urge that sanctions be taken against Villaroba. The government solicitor should also approach Villaroba through diplomatic channels to inquire whether the vessel owner was a citizen and if so to initiate legal action, as appropriate. If the owner was not a citizen of Villaroba then a recommendation should be made to OFC to blacklist the vessel.
- Notwithstanding the intercepted messages, Zoro's MCS officer should continue to track the vessel to determine if it is in fact heading for Hella or going elsewhere.

58. The following medium term measures were proposed:

- Zoro should attempt to expand national fleet capacity. This would enable the country to check immediately on any future IUU fishing incidents.
- Zoro should seek to establish bilateral relations with neighbouring countries as a means of combating IUU fishing.
- Zoro should strengthen its MCS capacity and improve its human resources so that the country's EEZ can be patrolled effectively.

59. The following long-term measures were proposed:

- Zoro should revise its legislation to ensure that it contained sufficient measures to combat IUU fishing if and when it occurred.
- Zoro should take step to formulate a NPOA-IUU.

60. **Group 3:** The following actions were proposed:

- The Minister should brief parliament about the action being taken against the IUU fishing vessel and its owner/operator and future action to strengthen the MCS system.
- The CFO should continue to observe the activities of the vessel; collect additional information on the vessel's operations; request the Government of Zetland to instruct its supermarket chain not to trade on IUU caught fish; ensure that all possible obstacles

were in place to block the trade of IUU caught product; promptly notify the flag State about the IUU fishing incident; request the flag State to take measures under its national legislation; take note of action by the flag State and respond if necessary; if possible under international or bilateral legislation, take action against the vessel in the port of Hella and seek fines and confiscation of the vessel and its gear; request the Government of Villaroba not to permit the vessel to leave its port pending consultation with the flag State; notify the OFC about the IUU fishing incident and action being taken and take steps to develop a NPOA-IUU with emphasis on improving MCS.

- The MCS officer should immediately contact the International MCS Network, preferably by email; provide the International MCS Network with all the information collected about the operations of the vessel; request the International MCS Network to identify, if it can, the flag State and the name and nationality of the owner and request the International MCS Network to report back to Zoro MCS officer, as early as possible
- In addition, the MCS officer should promptly notify the OFC, preferably by email; advise the OFC that the vessel is operating with a fake flag; provide the OFC with supporting evidence including photographs of the vessel and other characteristics (tonnage, position, quantity of IUU catch, species, intended port of landing and further marketing places as well as apparent nationality of the owner); request the OFC to confirm whether the vessel was included on the black list; request the OFC to identify the flag State and the name and nationality of the owner and/or operator and remain in contact with the OFC.
- The MCS officer should notify promptly the coastal States in the region about the vessel and its IUU fishing and request that they not permit the vessel to land, tranship, refuel or be supplied at their ports.
- The government solicitor should explore the possibility, under international law, to request the Government of Villaroba to detain the vessel if it sought access to the port of Hella; explore the possibility, under international law, to dispatch teams of law enforcement officers to confiscate the vessel and to detain its crew and collect all evidence and documents to pursue a case against the vessel in court.
- The International MCS Network should report back to Zoro's MCS office about the identification of the vessel's flag State and the name and nationality of its owner and disseminate information about the vessel and its operation to all members to the International MCS Network
- The OFC should seek to identify the flag State and its owner and/or operator and their nationalities; respond to queries raised by the Government of Zoro; take steps to update its black list by incorporating the name and details of the vessel and owner on the list, if this information was not already included; place the updated list on the website; transmit the black list to other RFMOs; take necessary measures to identify channels for the sale of the vessel's IUU caught fish and request the Government of Zetland and Villaroba to prevent the import and export of the fish on the grounds that it is IUU caught fish.
- The president of the fishers association should continue to pressure the Government of Zoro for the immediate arrest of the vessel and to ensure that such incidents do not occur in future.
- The flag State should be requested to notify the vessel owner of the incident; to take measures against the vessel including the withdrawal of its registration and fishing license and inform the OFC about the measures taken and to impose sanctions including against its nationals involved in IUU fishing.

61. Ms Swan provided a commentary on the presentations as a whole. Noting that there was no "right" answer, she commended the working Groups on their coverage of the issues and on their approaches involving the making of assumptions of fact and agreeing on strategies. She observed, however, that there were some gaps in the presentations that should be addressed.

62. Ms Swan referred to the fundamental role of legal measures at national level and agreement at bilateral or multilateral level and through the OFC. In this regard, she noted that some Groups had

concluded that Zoro should request other countries to take certain legal measures, such as prosecution and confiscation of catch, but it would first be necessary to ensure there was a firm basis in law and that the appropriate cooperative mechanisms existed.

63. All Groups endorsed contacting the OFC and the International MCS Network to ascertain whether the “Galapagos Beauty” was on a blacklist. However, this should be accompanied by an effort to disseminate information to prevent further IUU activities, and to request the initiation of blacklisting procedures. In general, if a regional plan of action to combat IUU fishing had not yet been adopted, this should be proposed.

64. The use of port State measures were encouraged by the working Groups to prevent the landing and trade in IUU caught fish. Ms Swan emphasized the central role that should be played by the OFC in this regard, including the development of sanctions for countries that had accepted landings of IUU caught fish.

65. Although the working groups concluded that the “Galapagos Beauty” had no nationality because of the dual registration suggested by the facts, the option of seeking assistance from a country with appropriate laws and capacity to arrest the vessel on the high seas had not been pursued. However, notification to the flag State of the vessel’s activities was a measure that had been properly raised.

66. At the national level, the working groups had presented a diverse range of measures and activities to deal with the situation. Longer-range planning should be integrated into the response and in this regard, Ms Swan drew attention to the strategies of developing NPOAs–IUU, capacity and future preparedness, as suggested by some groups.

67. The role of fishers’ organizations should not be underestimated. Cooperative mechanism to combat IUU fishing could be enhanced, including securing their assistance in reporting IUU fishing and in liaising with fishers’ associations in other countries in the subregion.

68. The Workshop noted that the role of supermarkets could be very important in combating IUU fishing and referred to an example where traceability was required and no trade in IUU caught fish was permitted.

69. The Workshop Facilitator led extensive discussion of the problem-solving exercise focusing on the lessons learned. These included the following:

- IUU fishing was a national concern, involving many agencies that must work together.
- The increasing roles of the flag State and port State have emphasized the need for coastal States to establish cooperation with them, noting that it would strengthen capacity to combat IUU fishing.
- Information was power: the value of collecting and exchanging information was highly appreciated and should be promoted.
- The role of consumers and supermarkets was becoming more important, especially as ecolabelling initiatives were developed.
- The role and importance of a NPOA–IUU was fundamental. It met the need for every country to adopt established procedures for IUU fishing, including the role of fisheries organizations, institutional arrangements and international linkages.

IDENTIFICATION OF ISSUES AND ACTIONS TO DEVELOP A NPOA–IUU

70. Participants were presented with the task of outlining the steps to be taken in developing a NPOA–IUU. They were requested to identify:

- the Ministries/Departments involved in the elaboration of a NPOA–IUU;
- what constraints were likely to be faced in the development of a NPOA–IUU;
- how these constraints might be overcome;
- how national resources could be mobilized for the elaboration of a NPOA–IUU;
- what considerations affected the ability of countries to deliver a NPOA–IUU, and
- steps to be undertaken in elaborating a NPOA–IUU, including major activities, approvals required and starting and completion dates.

71. The reports of the participants, by country, are in Appendix I.

72. After participants from each country made their presentations, Ms Swan commented on the key overall concerns referenced in responses to all of the above categories, which were:

- General awareness and understanding;
- Cooperation at all levels (stakeholders, government agencies, subregional and regional);
- Legislation;
- MCS;
- Data and Information;
- Technology; and
- Technical and financial assistance.

73. Ms Swan noted that each country had different demographics, priorities and administrations, so the Ministries/Department involved in the elaboration of a NPOA–IUU would vary. However, there were commonalities in several presentations, which referred to agencies responsible for fisheries, transport/shipping/harbours, foreign affairs, enforcement (defense/coast guard/police) and law/justice. Ms Swan underscored the importance of an inclusive process and referred to other offices or agencies that had been mentioned by some or no participants such as the Prime Minister’s Office, and agencies for communications, environment, trade/corporate and consumer affairs, finance, labour, revenue, State/local government and internal/home affairs.

74. The major constraints likely to be faced in the elaboration of a NPOA–IUU identified by participants included inadequate:

- Coordination among government agencies;
- Information on IUU fishing activities;
- Capacity/training;
- Awareness among stakeholders and decision-makers;
- Cooperation and coordination at interagency, subregional and regional levels; and
- Registration procedures for fishing vessels.

Reference was also made to different needs at federal and state or local levels and to the absence of a NPOA–IUU.

75. Participants suggested that the following measures and activities could be used to overcome the constraints:

- Awareness raising among stakeholders and decision-makers, including community participation in designated processes;
- Review and revise laws, regulations and practices relating to IUU fishing with a view to implementing the IPOA–IUU in the most appropriate manner;
- Technical and financial assistance, including for legislation, development of NPOAs–IUU and improved MCS technology;
- Internal and stakeholder consultations;
- Formalization of interagency cooperation, including through a high level policy forum;

- Improve collaboration in subregion and region; and
- Issue licences to vessels with clean records.

76. Participants identified a range of measures or activities that could be taken into account to mobilize national resources for the elaboration of a NPOA–IUU. The major among these were:

- Broad-based publicity and awareness programmes, including media;
- Involving fishers' associations;
- Improved MCS;
- Adopting comprehensive policy for fisheries management, implementation of IPOA–IUU;
- Allocation of financial resources;
- Establishment of working Groups; and
- Designation of persons for capacity development, including training and working with experts.

77. Participants identified some considerations that could affect the ability of countries to identify a NPOA–IUU. The foremost identified in almost all presentations was inadequate cooperation at subregional and regional levels. Inadequate cooperation by stakeholders was also a major issue. Other considerations reinforced concerns previously raised and also referred to lack of political will, the capacity of national administrations to address IUU fishing and the low priority of developing a NPOA–IUU in some administrations.

78. Ms Swan drew attention to the range of response that identified the steps to be undertaken in elaborating a NPOA–IUU, noting that they needed to be tailored to the processes and requirements in each country. However, in planning the duration of each step, it would be vital to ensure that the process was inclusive and adequate time was allowed for thorough review and consultations. For example, policy and legislation reviews would need to cover activities/policies/laws in related areas, such as trade, enforcement and environment. Time should be allowed for interagency meetings and stakeholder meetings. The implementation of the NPOA–IUU should be ongoing, and although the IPOA-IUU calls for a review every four years, this could be done on a more frequent or ongoing basis.

IDENTIFICATION OF MAJOR IUU FISHING PROBLEMS IN THE SUBREGION AND SOLUTIONS TO OVERCOME THESE PROBLEMS

79. The Workshop considered a range of IUU fishing problems prevalent in offshore industrial fisheries in the subregion. As a Workshop exercise, participants were requested to develop priority listings by country. However, it was stressed that the priority ranking of issues as reflected in the Workshop report for each country and the subregion as a whole did not reflect national or regional priorities. Participants were also requested to propose a list of actions to be undertaken to address the IUU fishing problems. The priority listing of issues by country and for the subregion and the proposed actions to combat these problems are attached in Appendix J.

PROPOSED NATIONAL, REGIONAL AND INTERNATIONAL FOLLOW-UP ACTIONS TO THE WORKSHOP

80. The Workshop agreed that the following broad steps were required to develop and implement effectively NPOAs–IUU in the South Asian Subregion. These follow-up actions were identified at the national, regional and international levels.

Actions to be undertaken by States

81. The Workshop agreed that States should take the following action:

- Identify the stakeholders and organize consultation among them to formulate NPOA–IUU:
 - Involve politicians particularly at the ministerial level.
 - Review and identify existing IUU fishing activities.
 - Conduct capacity building through workshops, seminars and training.
 - Build cooperation among stakeholders particularly fisher groups.
 - Empower and organize stakeholders particularly fisher groups in order to participate in the development of NPOA–IUU.
 - Monitor and evaluate the above activities and report progress to FAO.
- Review and strengthen national legislation.
- Improve MCS system both inshore and offshore areas through the introduction of tools such as VMS, self regulation.
 - Join and participate the international MCS network.
 - Inspection of fisheries at port in terms of where capture is made and their legality and markets.
- Update statistical information related to state of fishery resources and promote the exchange of the information among the countries.
- Improve conservation and management of fisheries resources.

Action to be undertaken in the subregion

82. The Workshop agreed that the following action should be taken in the subregion:

- Initiate bilateral dialogues and further understanding and cooperation
- Ensure compliance of cooperative arrangements.
- Build/strengthen subregional fishery bodies.
- Build national capacity through regional cooperation and sharing of experience.
- Establish a subregional MCS network.
- Work through existing subregional cooperative arrangements such as those addressing trade and economic cooperation.
- Establish an information sharing mechanism by developing a subregional hub of information.
 - Raise awareness among countries through electronic communication and media campaigns.
 - Sharing of information about violation of rules and regulations among countries and subregional bodies on IUU fishing activities, particularly among the enforcement agencies.
 - Develop a “blacklist” of IUU vessels by countries to be put on the website.

Action at the international level

83. The Workshop agreed that the following action should be taken at the international level:

- Continue to build capacity and facilitate the implementation of IPOA–IUU.
- Provide technical assistance and guidance for the formulation of NPOA–IUU.
- Strengthen cooperation of the international MCS network.
- Raise awareness among consumers and buyers on actions against IUU fish products in international markets.
- Build up and share a knowledge base on IUU fishing and disseminate it through public campaigns.

REPORT OF THE WORKSHOP FACILITATOR

84. Mr Vichitlekarn, the Workshop Facilitator, made the following observations about the Workshop. He pointed out that it was interesting to note that an “I” and two “Us” have brought all of us here to the Workshop. He added that it would be “We” who would take steps from “commitment” to “actions” in addressing IUU fishing in the future.

85. Mr Vichitlekarn pointed out that it was not a coincidence that the Workshop had participants from countries who had experience and were active in participation. They brought with them good inputs, critical views and thinking and a forward looking perspectives, which made the Workshop an interactive, productive and enjoyable one. While noting that the issue of IUU fishing was a complex and difficult one, he appreciated the good workshop design, efforts exerted by people involved and the combination of resource persons, documentation and exercises.

86. Besides the resource presentations, which gave the Workshop a quick review and better insights of the Code of Conduct and the IPOA–IUU, Mr Vichitlekarn noted that the naughty “Galapagos Beauty” provided a hard but interesting experience. The exercise helped deepen the participant understanding about the IPOA–IUU particularly inter-relationship among measures and actions, even for the Workshop Facilitator who went through it for the second time. He was certain that the lessons learned from the exercises provided stepping stones for participants to proceed in addressing the issue back at home.

87. After having gone through the Workshop, Mr Vichitlekarn pointed out that participants were convinced of the role and importance of the NPOA–IUU and the process that elaborated it. A thousand mile journey must start with the first step. And for IUU fishing in this subregion, he stated that participants had already gone afar. With the guidance and directions given as well as the “tool box” developed over the past 5 days, it was important that all participants continued to take steps towards the goal even though the road was long and winding and all participants knew that among difficulties and constraints, there were always opportunities.

CLOSURE OF THE WORKSHOP

88. On behalf of the Assistant Director-General and Regional Representative for Asia and the Pacific, Mr He Changchui, Mr Staples, the Workshop Coordinator, thanked all participants, the Workshop Facilitator and FAO colleagues for their cooperation and active participation in the Workshop. He expressed FAO’s continued commitment to assist countries in the subregion in the further implementation of the Code of Conduct for Responsible Fisheries at national and regional levels, and in the development of their NPOAs–IUU. He also thanked FAO Headquarters’ Fisheries Department for initiating the Workshop, for securing funding and for its continued support to the South Asian region.

89. Mr Doulman expressed his thanks to the participants, FAO colleagues for their support and hard work before and during the Workshop. He also thanked Mr Vichitlekarn, Workshop Facilitator, for his hard work and outstanding skills in guiding and promoting the excellent discussions in the Workshop. Mr Doulman stressed the importance of combating IUU fishing and encouraged participants to focus attention on the implementation of IPOA–IUU after their return to their countries. He underscored the importance of elaborating NPOAs–IUU and then taking the necessary action to ensure that they were implemented effectively. Mr Doulman said that it was very encouraging to learn in the Workshop that two countries in the subregion were in the final stage of elaborating their NPOAs–IUU. He reminded participants that efforts to manage fisheries in a sound and responsible manner would be undermined if IUU fishing was not eliminated. Mr Doulman also thanked the Government of Japan for its generous funding of the Workshop under Project GCP/INT/942/JPN

entitled “Promotion of Sustainable Fisheries: Support for the Plan of Implementation of the World Summit on Sustainable Development: Phase II”.

90. On behalf of the participants, Mr Ghulam Mustafa Kazi, Joint Secretary, Ministry of Food, Agriculture, Livestock and Fisheries (MINFAL), Pakistan, made a statement noting that it was a pleasure for him to offer his views on behalf of the Workshop participants. He noted that participants had deliberated on IUU fishing to find out the ways and means of combating it, particularly in the South Asian Subregion. After lengthy discussions, it transpired that one of the basic issues promoting IUU fishing was the lack of communication, coordination and cooperation among coastal and neighbouring countries.

91. Mr Kazi emphasized that the establishment of bilateral and regional relationship among the countries to combat collectively IUU fishing was essential. It was therefore the need of the hour to fight IUU fishing taking into account all stakeholders including NGOs and local fishers’ associations. He added that the general awareness about IUU fishing among stakeholders could be increased through seminars, workshops, other training exercises and media campaigns. In addition, it was pointed out that MCS should be strengthened.

92. Mr Kazi stated that the presentations made in the Workshop were innovative and informative. He added that they would prove helpful for the participants after they returned home and started developing their NPOAs–IUU. He thanked FAO for organizing the Workshop as well as FAO staff and the Workshop Facilitator, Mr Vichitlekarn. Finally, Mr Kazi also extended thanks to the Government of Japan for its funding to support the Workshop.

93. The Workshop closed at 12.00 hours on 23 June 2006.

Agenda

OPENING OF THE WORKSHOP

ADMINISTRATIVE ARRANGEMENTS AND TECHNICAL ISSUES FOR THE WORKSHOP

1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES: DEVELOPMENT CONSIDERATIONS AND IMPLEMENTATION CHALLENGES

2001 FAO INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE IUU FISHING: BACKGROUND AND PROGRESS TOWARDS IMPLEMENTATION

PRESENTATION AND DISCUSSION OF THE IPOA-IUU

CONSIDERATION OF THE TECHNICAL GUIDELINES ON IUU FISHING IN THE CONTEXT OF REGIONAL ISSUES

REVIEW OF NATIONAL AND REGIONAL PLANS OF ACTION ALREADY PUBLISHED

MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING: THE CASE OF THE "GALAPAGOS BEAUTY"

IDENTIFICATION OF ISSUES AND ACTIONS TO DEVELOP A NPOA-IUU

IDENTIFICATION OF MAJOR IUU FISHING PROBLEMS IN THE SUBREGION AND SOLUTIONS TO OVERCOME THESE PROBLEMS

PROPOSED NATIONAL, REGIONAL AND INTERNATIONAL FOLLOW-UP ACTIONS TO THE WORKSHOP

REPORT OF THE WORKSHOP FACILITATOR

CLOSURE OF THE WORKSHOP

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Documentation presented

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Opening statement

by

Mr He

Assistant Director-General and Regional Representative for Asia and the Pacific
FAO, Bangkok, Thailand

Distinguished delegates
FAO colleagues
Ladies and gentlemen,

I am very pleased to welcome you all to Thailand and to this workshop that addresses a very important and critical fisheries issue: illegal, unreported and unregulated (IUU) fishing. All fisheries managers and policy-makers are aware of the global and deleterious impacts of IUU fishing and the urgent need for countries and regional fisheries management organizations or arrangements (RFMOs) to develop plans of action to combat IUU fishing.

The convening of this seventh workshop in a series around the world has involved a considerable team effort on the part of staff from the Fisheries Department in Rome and counterparts from the Regional Office for Asia and the Pacific. To all those people who have worked to facilitate this event, and especially those from Bangkok, please accept my special thanks.

IUU fishing occurs in all capture fisheries: in inland fisheries and in marine fisheries both within exclusive economic zones (EEZs) and on the high seas. It has been a focus of attention in FAO for many years.

However, over the past five years, the issue of IUU fishing has become more prominent and taken on a sharper and more elevated international focus. It has been addressed in many FAO fora including the Committee on Fisheries, the FAO Council, the FAO Conference and by meetings of Ministers. Furthermore, different aspects of IUU fishing have been the subject of intensive debate and analysis at FAO expert and technical consultations.

IUU fishing has also been discussed at length within the United Nations General Assembly and elsewhere. From these deliberations one thing is very clear: IUU fishing and its impact on the long-term sustainable use of fisheries are of great concern and the issue is well entrenched on the international fisheries agenda.

Most of you know that IUU fishing runs counter to sound fisheries management because it undermines the basis for sustainable resource utilization. Principally for this reason in 2001 FAO Members, after a short period of negotiation, adopted within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries, a voluntary instrument known as the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU).

The IPOA–IUU is broad in scope. It seeks to combat IUU fishing in a holistic, comprehensive and structured manner. The IPOA–IUU proposes the use of a range of different measures that can be applied flexibly at the national and regional levels against IUU fishing.

The IPOA–IUU contains a range of different types of measures, or “tools”, that can be applied by countries, individually or in combination, against IUU fishing. The standards and practices contained in the IPOA–IUU are geared to surveilling and monitoring fishing vessels so that fisheries will be utilized in a sustainable manner and that IUU fishing will be curbed. At the heart of the IPOA–IUU is the implementation of more effective Monitoring Control and Surveillance (MCS) including the mandatory use of Vessel Monitoring Systems.

These measures are intended to be implemented by governments and other stakeholders, particularly industry, fishing communities and, as appropriate, non-governmental organizations (NGOs). FAO's role in this process is to promote and galvanize action against IUU fishing and the activities of IUU fishers rather than intervening directly in the implementation process.

Significantly, paragraphs 25 to 27 of the IPOA–IUU call on States to elaborate national plans of action to combat IUU fishing (NPOAs–IUU), as soon as possible, but not later than June 2004. The NPOAs–IUU are vital instruments in the struggle against IUU fishing because they are the vehicles by which the IPOA–IUU is implemented or given “life”.

Unfortunately, less than 15 NPOAs–IUU had been developed and disseminated prior to June 2004 and as at June 2006 only about 25 countries have developed NPOAs–IUU. As far as FAO is aware, no country at this workshop has developed NPOAs–IUU.

According to information available to FAO, the incidence of IUU fishing is increasing rather than stabilizing or abating. In 2003 the FAO Conference adopted Resolution 6/2003 concerning progress with the implementation of the IPOA–IUU. The Resolution noted, *inter alia*, the continuing high and growing incidence of IUU fishing and related activities and a lack of political will and capacity by some governments to deal effectively with such fishing. The Resolution also noted a lack of commitment by some States with respect to IUU fishing to meet their obligations under international law. For these and other reasons, the FAO Conference urged States and RFMOs to take direct and indirect action against IUU fishing on all fronts.

Subsequently, in March 2005, the Rome Declaration on Illegal, Unreported and Unregulated Fishing was adopted by the FAO Ministerial Meeting on Fisheries. It noted, *inter alia*, the harmful and worldwide consequences of IUU fishing on the sustainability of fisheries, on the conservation of marine living resources and marine biodiversity as a whole and on the economies of developing countries and their efforts to develop sustainable fisheries management. Among other matters, the Ministers called on countries to adopt NPOAs–IUU and for RFMOs to institute regional plans and initiatives to combat IUU fishing. Through workshops such as this one, FAO is attempting to fill a capacity gap by working with countries to enhance skills so that they will be better placed to prepare, disseminate and implement their NPOAs–IUU.

Finally, we should recognize that IUU fishing is large in size, destructive in practice, global in character, extremely dynamic and multifaceted. For these reasons, there is no room for complacency. We need to widen and deepen our efforts to ensure that IUU fishing is not permitted to continue or to spread further and that the IPOA–IUU is implemented fully, expeditiously and effectively. The preparation and implementation of NPOAs–IUU is a first and critical step in the process.

In an informal and stimulating environment here in Bangkok, I am confident that you will have a productive and successful workshop. I urge you to participate actively and when you return home, I encourage you to do all within your capabilities to develop and put in place a NPOA–IUU. Remember, this is important not only for fish stocks today but also in the longer-term for food security and the protection of livelihoods.

Finally, I would like to acknowledge the funding support for this workshop. It is being funded by the Government of Japan's trust fund project (GCP/INT/942/JPN) entitled “Promotion of sustainable fisheries: Support for the Plan of Implementation of the World Summit on Sustainable Development: Phase II”. Without this generous support from the Government of Japan it would have been very difficult to hold this workshop.

Thank you very much, ladies and gentlemen, for your attention.

I hereby declare the Workshop open.

**1995 FAO Code of Conduct for Responsible Fisheries:
development considerations and implementation challenges**

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BACKGROUND

The concept of a code of conduct for responsible fisheries and the possibility of elaborating guidelines or a code of practice was first mooted at the Nineteenth Session of the Committee on Fisheries (COFI) in 1991 within the context of its deliberations concerning large-scale pelagic driftnet fishing.¹ In this connection, COFI recognized that FAO “... had an important role to play in promoting international understanding about the responsible conduct of fishing operations and recommended that FAO should strengthen its work on gear selectivity and behaviour of marine animals in relation to fishing gear particularly but not exclusively those types of fishing gear which are employed in high seas fisheries. Such technical work could result in the elaboration of guidelines or a code of practice for responsible fishing which would take into account all the technical, socio-economic and environmental factors involved.” It was in this manner that the concept of, and the need for, a Code of Conduct for Responsible Fisheries was conceived.

Responding to the call from COFI, the Government of Mexico in consultation with FAO organized the International Conference on Responsible Fishing in Cancun in May 1992.² The objectives of this Conference were threefold to:³

- attain consensus on the need to establish a fishing activities code of conduct which would lead towards responsible fishing principles and which would be observed by producer and consumer countries;
- analyse the research and technological development needs for the best use of resources and their preservation, without damaging the environment, and to explore ways to attain technology transfer and technological and scientific cooperation; and
- propose criteria to be used in defining the adequate approaches for responsible fishing and the commercial practices that could offer the consumer access to quality fish at a fair price.

The Conference was well attended with representatives from more than 60 countries and the European Community. In addition, representatives from key intergovernmental organizations, non-governmental organizations (NGOs) and regional fishery management organizations (RFMOs), participated. The Conference considered background papers focusing on the world’s fisheries situation; fishery resources and their environment, management and development; fish capture activities, and fish trade.

The Conference adopted the Declaration of Cancun. It noted, *inter alia*, the vital need for fishing to continue and to develop within a comprehensive and balanced system under the concept of “responsible fishing”. The Declaration further noted that this concept encompassed the:

¹ FAO. 1991. FAO Fisheries Report No. 459. Report of the Nineteenth Session of the Committee on Fisheries. Rome, FAO. 59p.

² Preamble by the Mexican Secretary of Fisheries to the report of the International Conference on Responsible Fishing (mimeo).

³ The objectives of the Conference and the scope of the papers prepared for it embraced broader fisheries issues than fishing in isolation.

- sustainable utilization of fisheries resources in harmony with the environment;
- use of capture and aquaculture practices that are not harmful to ecosystems, resources or their quality;
- incorporation of added value to such products through transformation processes meeting the required sanitary standards; and
- conduct of commercial practices so as to provide consumers access to good quality products.

The Declaration urged States to implement a wide range of measures as a means of achieving sustainable fisheries. Finally, the Declaration, *inter alia*, called upon FAO, in consultation with relevant international organizations, to draft an International Code of Conduct for Responsible Fishing.

Significantly, the Cancun Conference provided input to the 1992 United Nations Conference on Environment and Development (UNCED), or Earth Summit, that was held shortly after the Cancun Conference. UNCED hastened the process within FAO to address issues relating to responsible fisheries as a result of the adoption of Agenda 21: The United Nations Programme of Action from Rio.

In 1993 the Twentieth Session of COFI noted that the FAO Council in November 1991 had already endorsed the request made in the Declaration of Cancun for FAO to elaborate, in consultation with relevant international organizations, a Code of Conduct for Responsible Fisheries.⁴ COFI agreed that such a Code would be important for achieving sustainable fisheries development. At the same time COFI expressed satisfaction that FAO would contribute in a technical and scientific capacity to the UN Fish Stocks Conference. The Committee also agreed that the negotiation of the Compliance Agreement should be kept on a “fast track”, while reiterating that flagging issues would be among the issues to be covered by the Code.⁵

The scope and the process of elaboration of the Code were major items for discussion at the 1995 Twenty-first Session of COFI. The Committee stressed the importance of the Code as an instrument to support the implementation of the 1982 Convention on the Law of the Sea (1982 Convention) as well as the fisheries outcomes of UNCED. COFI also noted that technical guidelines would be developed by FAO to support and facilitate the Code’s implementation.⁶

The Code’s elaboration was largely achieved through open-ended technical working groups. All of these working groups met at FAO Headquarters in Rome.⁷ Open-ended groups were convened so as to encourage as wider participation as possible in the negotiation process. Recognising the financial difficulty that many developing countries had in participating in the work of these groups, FAO supported the participation of some countries at meetings with a view to maintaining regional representation and balance. Moreover, in the elaboration process close relations between FAO and international NGOs were encouraged. Many of these NGOs made sustained and important technical contributions to the elaboration process. This participation and transparency was highly appreciated both by FAO Members and the international NGO community.

At the 1997 Twenty-second Session of COFI, the Code of Conduct was addressed as a substantive item. In considering this item the Committee focused, to a significant extent, on securing funding to support the implementation of the Code in developing countries and on monitoring and

⁴ The title of the Code was changed from “fishing” to “fisheries” following the conclusion of the Cancun Conference so as to reflect the real purpose and intent of the proposed Code.

⁵ FAO. 1993. FAO Fisheries Report No. 488. Report of the Twentieth Session of the Committee on Fisheries. Rome, FAO. 77p. The Compliance Agreement is not discussed in detail in this paper because it being addressed extensively in other sessions of this Conference.

⁶ FAO. 1995. FAO Fisheries Report No. 524. Report of the Twenty-first Session of the Committee on Fisheries. Rome, FAO 61p.

⁷ While all the working groups were held at FAO headquarters in Rome, FAO did avail itself of the opportunity to convene briefing sessions for countries and non-governmental organizations in New York at the UN headquarters when Session of the Fish Stocks Conference were in progress.

reporting on its implementation. COFI agreed that progress reports should be presented to the Committee at each session. These reports would address achievements and progress with implementation. Governments and civil society would be requested to provide information to FAO on progress achieved with national implementation through the use of a questionnaire. This information would then be incorporated into a consolidated report for COFI.⁸

SCOPE AND OBJECTIVES

The Code's scope is broad and comprehensive. It prescribes principles and standards for the conservation and management of all fisheries, and to this end, the Code addresses the capture, processing and trade in fish and fishery products, fishing operations, aquaculture, fisheries research and the integration of fisheries into coastal area management. Moreover, the Code takes cognisance of the state of world fisheries and aquaculture, and proposes actions towards implementing fundamental changes within the fisheries sector to encourage sustainable utilization of fisheries and aquaculture, as envisaged by COFI when the Code was proposed and Agenda 21.

The rationale underpinning the Code is the notion that structural adjustment within the fisheries sector is required if long-term sustainability goals are to be realized. Moreover, the Code recognizes that while policy decisions concerning the changes aimed at achieving sustainability rest firmly with governments, the effective implementation of the Code requires wide stakeholder participation and cooperation (i.e. from fishermen, processors, NGOs to consumers).

The Code's objectives are in Article 2. The objectives are to:

- establish principles, in accordance with the relevant rules of international law, for responsible fishing and fisheries activities, taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects;
- establish principles and criteria for the elaboration and implementation of national policies for responsible conservation of fisheries resources and fisheries management and development;
- serve as an instrument of reference to help States to establish or to improve the legal and institutional framework required for the exercise of responsible fisheries and in the formulation and implementation of appropriate measures;
- provide guidance which may be used where appropriate in the formulation and implementation of international agreements and other legal instruments, both binding and voluntary;
- facilitate and promote technical, financial and other cooperation in conservation of fisheries resources and fisheries management and development;
- promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities;
- promote protection of living aquatic resources and their environments and coastal areas;
- promote the trade of fish and fishery products in conformity with relevant international rules and avoid the use of measures that constitute hidden barriers to such trade;
- promote research on fisheries as well as on associated ecosystems and relevant environmental factors; and
- provide standards of conduct for all persons involved in the fisheries sector.

⁸ The monitoring function of the Code is an on-going FAO activity. It is achieved both through both informal and formal mechanisms, though the most important means for monitoring is the information provided to FAO by its Members and civil society.

STRUCTURE

The Code is a voluntary instrument. In total, the Code has 12 articles and two annexes. Articles 1 to 5 cover, respectively, the nature and scope of the Code, objectives, the relationship with other international instruments, implementation, monitoring and updating, and the special requirements of developing countries.

The substantive articles of the Code are found Articles 6 to 12. These articles are:

- Article 6 General Principles;
- Article 7 Fisheries Management;
- Article 8 Fishing Operations;
- Article 9 Aquaculture Development;
- Article 10 Integration of Fisheries into Coastal Area Management;
- Article 11 Post-harvest Practices and Trade; and
- Article 12 Fisheries Research.

The Code's two annexes provide respectively, background information on the elaboration of the Code and the text of FAO Conference Resolution 4/95 concerning the adoption of the Code.

Resolution 4/95, recalling Article 5 of the Code, urged that the special requirements of developing countries be taken into account in implementing its provisions. The resolution also requested FAO to elaborate an interregional programme for external assistance for these countries.⁹ The purpose of this programme is to target the upgrading of developing countries' capabilities so that they would be better placed to meet their obligations under the Code. Unfortunately, FAO has not met with great success in securing trust funds to support the inter-regional programme.

RELATIONSHIP WITH OTHER RECENT FISHERY INSTRUMENTS

The Code is closely related to several other fishery instruments and it serves, in different ways, to re-enforce and support their goals and purpose.¹⁰ To this extent the Code and these other instruments, which have similar overall goals but more limited foci, can be viewed as a package designed to confront fisheries and aquaculture problems at different levels and on different fronts. These instruments include the Compliance Agreement, the UN Fish Stocks Agreement and the international plans of action (IPOAs) dealing with the:

- incidental catch of seabirds in longline fisheries;
- conservation and management of sharks;
- management of fishing capacity; and
- prevention, deterrence and elimination of illegal unreported and unregulated (IUU) fishing.

1993 FAO Compliance Agreement

The 1993 FAO Compliance Agreement is an integral component of the Code, even though it has a different legal status to the Code. The purpose of the Agreement is to permit countries to take effective action, consistent with international law, to deter the reflagging of vessels by their nationals as a means of avoiding compliance with high seas conservation and management measures. This means that countries that have accepted the Agreement are obligated to ensure that their flag vessels operating on the high seas are duly authorized to fish there. Such authorization should, as a result,

⁹ This request was met through FAO elaborating the Interregional Programme of Assistance to Developing Countries for the Implementation of the Code of Conduct for Responsible Fisheries.

¹⁰ Article 3 of the Code requires that it be interpreted in conformity with the 1982 Convention, and in a manner consistent with the UN Fish Stocks Agreement and in the light of the 1992 Declaration of Cancun, the 1992 Rio Declaration on Environment and Development, Chapter 17 of Agenda 21 and other relevant declarations and international instruments.

enhance flag State control in high-seas fisheries and enable these fisheries to be more effectively managed.

1995 UN Fish Stocks Agreement

The Code, because of its application to all fisheries, reinforces the principles and provisions of the 1995 UN Fish Stocks Agreement with respect to the conservation and management of straddling fish stocks and highly migratory fish stocks. If effectively implemented in tandem, the Code of Conduct and the 1995 UN Fish Stocks Agreement should enhance the long-term status of these two types of stocks.

International plans of action and strategies

To date four IPOAs and one strategy have been concluded within the framework of the Code. These IPOAs and strategy support the Code's fundamental trusts and intent while focusing on specific fisheries management issues.

The IPOAs target specific fishery conservation and management issues that have been identified by the international community as requiring urgent attention. The IPOAs for the management of fishing capacity and IUU fishing, in particular, address directly and indirectly, issues of fundamental concern such as overfishing and the need to rebuild fish stocks. The IPOAs on the conservation and management of sharks and incidental catches of seabirds in longline fisheries focus on rebuilding depleted stocks and the minimization of waste in fisheries. These issues, among others, and the need to address them in a timely and coherent manner were identified in the 1995 Rome Consensus as being critical to improving sustainability.

The Strategy for Improving Information on Status and Trends of Capture Fisheries (Strategy-STF), endorsed by the FAO Council in 2003, is a voluntary instrument that applies to all States and entities. Its overall objective is to provide a framework, strategy and plan for the improvement of knowledge and understanding of fishery status and trends as a basis for fisheries policy-making and management for the conservation and sustainable use of fishery resources within ecosystems.

IMPLEMENTATION

In adopting the Code of Conduct in 1995 the FAO Conference made a call to all those involved in the fisheries sector, including both FAO and non-FAO Members, intergovernmental organizations and NGOs, industry and fishers to collaborate in the fulfilment and implementation of the Code's objectives and principles.

This call by the Conference has been heeded and is gaining strength. FAO, countries, regional fishery organizations, industry, NGOs and academia have, individually and jointly, initiated activities in line with the Code's principles to facilitate sustainable fisheries. The results of these activities are already apparent in some cases with notable improvements in the way in which some fish stocks are utilized. However, rapid adjustment and change in the fisheries sector, as a consequence of steps taken to implement the Code, are unlikely to result, nor indeed should they be expected. Rather, progress towards implementation of the Code, and the benefits generated from policies and measures adopted by governments to facilitate sustainability, are more likely to yield phased and incremental results.

Food and Agriculture Organization of the United Nations

FAO has a responsibility to globally facilitate the implementation of the Code and to technically support national and regional initiatives towards this end. In this respect, FAO has a critical catalytic role to play in the implementation process but the Organization does not implement the Code *per se*. This point is sometimes not clearly understood, and there is a perception that FAO is *responsible* for the implementation of the Code.

FAO's promotional role focuses on a number of different, but related, activities. These initiatives accord with instructions from FAO's Governing Bodies in relation to supporting the wide dissemination and implementation of the Code. The initiatives include, not in priority order:

- dissemination of text of the Code through FAO's work with governments and civil society. The Code and its guidelines have been distributed in FAO's five official languages. Furthermore, FAO cooperated with other partners to facilitate dissemination of the Code in non-official languages. The Code is available in more than 50 languages making it the most translated FAO document ever;
- FAO worked with the UN Division of Ocean Affairs and Law of the Sea to produce a consolidated document including the Code, 1993 FAO Compliance Agreement, and 1995 UN Fish Stocks Agreement. This document also has a cross-referenced index for the three instruments;
- FAO staff, while undertaking routine duty travel, serve to promote awareness of the Code and its implementation at every opportunity;
- the dissemination of a CD-ROM containing all documents relating to the Code of Conduct;
- FAO Members have been encouraged to accept the 1993 FAO Compliance Agreement. Circular State letters to this effect have been despatched on several occasions. FAO's efforts to urge acceptance of the Agreement continues;
- at all meetings of FAO regional fishery bodies the Code has been addressed. The meetings are utilized as a vehicle for promoting the Code and for obtaining feedback on national initiatives already underway towards implementation, and difficulties being encountered. FAO is also actively promoting the implementation of the Code through non-FAO fishery bodies;
- establishment of an Internet Website on the Fisheries Department Home Page to facilitate public access to the Code of Conduct and the 1993 FAO Compliance Agreement. Some FAO Members have also established sites for their national programmes. The FAO Page has links to these national sites;
- elaboration of FAO technical guidelines to support the Code's implementation. These guidelines are intended to provide practical guidance and advice for policy makers and fisheries managers on how to implement the Code;
- an interregional programme of assistance, known as FishCode, to support the Code's implementation in developing countries;
- FAO is working with the UK Government on a major project in 24 West African countries. The project is designed to promote the sustainable livelihoods of poor coastal and riparian countries in Sub-Saharan Africa through the implementation of the Code;
- FAO facilitates regional workshops to disseminate and support the implementation of the Code. These workshops depend on extra-budgetary funding. The Organization also technically supports national Code workshops when this is possible;
- on an ongoing basis FAO assists Members to develop fishery management plans, to improve regulatory frameworks, etc., with a view to securing sustainable fisheries. The incorporation of critical elements of the Code into national plans greatly serves to facilitate national implementation; and
- FAO is focusing on a range of other activities that indirectly foster the Code's implementation, and in turn the monitoring of its implementation. These activities include the elaboration of indicators of sustainability for aquaculture and capture fisheries; the strengthening of national regional and global information systems on fishery and aquaculture production systems and resources. FAO also provides assistance to Members in their effort to implement the Code and through its field programme.

An important feature of FAO's work in implementing the Code of Conduct is that it provides a clear, but dynamic framework, in which to focus the Fisheries Department's programme of work and budget. Although FAO has worked for decades on projects and programmes to facilitate better

fisheries management, the adoption of the Code provided an umbrella under which all the Department's activities could be pulled together. This situation has encouraged, and indeed led to, enhanced coordination of activities in the Department.

FAO faces a number of constraints with respect to its efforts to promote the implementation of the Code. The constraints affect the pace and extent to which implementation might be facilitated. Two of the more important constraints include the rate of dissemination of the Code and a lack of awareness of it in fishing communities and FAO's inability to secure trust funds to support the interregional programme.

Regional initiatives

The Code of Conduct is a global document and as such does not take account of all regional and fishery specificities. Indeed, when the Code was being negotiated FAO and its Members recognized this point. Consequently, it was acknowledged that to meet the particular fishery needs of different regions and fishery sub-sectors (e.g. inland fisheries), regional and sectoral implementation would be desirable. However, such regional and sectoral implementation should not violate the spirit and intent of the Code but rather serve to enhance and strengthen it.

FAO views regional and sectoral implementation in a positive light because it will yield benefits that will, in turn, positively impact implementation. Some of these benefits that are anticipated include:

- a sense of direct participation in the implementation process by stakeholders;
- Identification of specific regional and sectoral problems and priorities, including those relating to different fisheries, gear, management practice, fishery enhancement techniques and aquaculture development;
- identification of additional areas that are not specifically or sufficiently addressed by the Code, when these areas are regionally or sectorally important;
- identification of major "local" constraints to the Code's implementation together with approaches to address these constraints; and
- elaboration of regional and sectoral regional strategies (including the possibility of preparing technical guidelines) to assist with the implementation of the Code in local languages. This is likely to be very important among fishery communities in developing countries.

At the regional and sectoral levels, both FAO and non-FAO regional fishery bodies have important roles to play in promoting the Code's implementation. The mounting of regional workshops to disseminate information about the Code and launching activities designed to facilitate implementation are considered by FAO and its Members to be key initiatives. It is highly encouraging that non-FAO regional fishery bodies, of their own volition, are taking steps to implement parts of the Code.

Regional and sectoral implementation of the Code is hampered, in some instances, by a reluctance of regional fishery bodies to embrace the Code and by a failure of countries to implement measures that have been agreed regionally. Moreover, enhanced collaboration among FAO and non-FAO regional fishery bodies is being encouraged. In view of the benefits stemming from this collaboration, FAO will continue to facilitate both formal and informal contacts among these bodies.

National activities

A fundamental concept underlying the implementation of the Code is the assumption that governments want better and responsibly managed fisheries, and that they are prepared to take difficult decisions, in the short-term, as a means of attaining longer-term sustainability gains. However, this assumption may be somewhat naive, since governments may have short planning and

policy horizons. Under these circumstances, governments may seek to minimize social and economic disruption through their fishery policy interventions, even when it is recognized that such intervention is required to improve conditions in the sector. It is for this reason that technical advice concerning fisheries management and the policy decisions taken by governments concerning management often fail to intermesh.

In implementing the Code of Conduct, FAO encourages national fishery administrations to work with all stakeholders in the sector to promote the changes required towards long-term sustainability.

In large-scale fisheries, industry has a prominent role in implementing the Code. This role focuses on trying to ensure that industry complies with measures adopted. Such compliance will reduce significantly MCS costs, irrespective of whether they are paid for by government or industry itself.

In contrast, in artisanal and small-scale capture fisheries, fishing communities themselves (through community-based approaches to management) and NGOs are encouraged to promote and support the Code's implementation.

In response to COFI directives in 1997 concerning the need for FAO to monitor the implementation of the Code, FAO reported to the Committee in a substantive manner at the 1999, 2001, 2003 AND 2005 Sessions of COFI. These reports consolidated and analysed the self-assessment information provided to FAO by its Members.

In the 2005 report it was noted that trends in constraints and solutions to the implementation of the Code of Conduct remained generally unaltered from 2003. It was further noted that even though more advanced forms of fisheries management practices, such as the use of stock specific target reference points, were being applied, many stocks under such regimes continue to be either fully or over exploited. The same was true for fisheries where VMS was now deployed as a standard MCS tool. In addition, both the ecosystem approach to fisheries and the implementation of the precautionary approach in fisheries management remained weak. This matter was compounded by important data gaps. Moreover, product traceability and trade instruments continued to be largely underexploited as control mechanisms. However, illegal harvesting of resources was a ubiquitous problem reported by a majority of Members (86 percent requiring control mechanisms at all levels to block avenues for offenders to market illegal harvests).

In the COFI report in 2003 FAO Members identified the following constraints in implementing the Code of Conduct. These constraints included:

- a lack of political will to support implementation;
- fisheries not being assigned high priority nationally because of their small economic contribution and the fisheries sector being poorly organized;
- open-access fisheries that are not subject to management leading to high levels of overfishing;
- insufficient attention to the development of management plans and the application of the precautionary approach;
- strong social and economic pressures on fisheries including vulnerability to poverty and a lack of alternative employment opportunities for fishing communities;
- inadequate resources (funds, trained personnel, equipment, research capabilities and facilities);
- poor levels of scientific research;
- weak institutional capacity (including poor national inter-agency coordination);
- conflicts between artisanal and industrial fishers;
- poor and inappropriate policy and legal frameworks;
- poorly developed MCS;

- lack of fishers participation in decision making concerning management;
- lack of awareness by stakeholders (including officials) about the Code and what it means for fishing communities leading to a lack of cooperation and irresponsible behaviour;
- persistent IUU fishing;
- a lack of adaptation of the Code to meet local needs;
- insufficient copies of the Code and related instruments for distribution; and
- a lack of availability of documents in local languages.

Solutions suggested by Members to address these constraints involved:

- additional technical support from FAO and the international donor community to strengthen capacity and institutions (including training and the mounting of meetings to disseminate information about the Code to officials and other stakeholders);
- improved national inter-agency cooperation concerning the implementation of the Code;
- expansion of vessel buy-back programmes and industry restructuring arrangements to reduce fishing capacity;
- enhanced research capacity with the possibility of emphasis on twinning arrangements;
- implement plans for the recovery of overexploited stocks;
- placement of observers on vessels the implementation of better fisheries management that control fishing effort;
- greater emphasis on social and economic aspects of fisheries management;
- initiate policy and legislation reviews to incorporate elements of the Code;
- improve MCS systems;
- promote alternative employment opportunities for fishers;
- translation of the Code and related instruments into local languages so as to deepen dissemination and awareness building;
- ensure that adequate copies of the Code are available in country;
- campaigns to create greater awareness about the Code to improve education and outreach including stakeholders to better organize themselves;
- develop technical guidelines for small-scale fisheries management;
- support for stronger NGOs involvement in the implementation of the Code; and
- facilitation of cooperation among fishers and national and regional organizations concerned with fisheries management.

Importantly all the reports tabled at COFI have noted that training and capacity building remain major preoccupations and priorities in most developing countries with respect to the implementation of the Code. Countries have also indicated that the lack of financial resources constrain implementation.

In considering national efforts to implement the Code, COFI has emphasized that the Code is an important basic instrument to facilitate sustainable utilization of fishery resources and hence to contribute to food security and wellbeing of people. Among other proposals, COFI requested FAO to assist further with the implementation of the Code through the provision of Code-related materials and through organizing workshops. Attention has been drawn to the large number of illiterate fishers in many countries and it has been suggested that suitable vehicles should be developed, such as audio-visual material, for informing such people of the Code and its objectives. FAO has attempted to address this issue through the preparation of a video and documents in non-technical language.

CONCLUSION

The 1995 FAO Code of Conduct for Responsible Fisheries seeks to facilitate change and adjustment in the fisheries sector as a means of ensuring that resources are utilized in a long-term sustainable manner. Comprehensive and integrated in nature, and intended to be implemented in a holistic manner, the Code addresses all aspects of fishery practice. While not only recognizing that the implementation of the Code must take account of the inter-relatedness of the various sub-sectors of the fisheries sector, the Code underscores the critical nutritional, economic, social, environmental and culturally important role fisheries play in artisanal and industrial fishing communities.

The effective implementation of the Code is a major challenge for all stakeholders in the sector. Implementation requires that problems are realistically assessed and national policies put in place to deal with them. In many cases these tasks involve difficult policy decisions for governments, especially where it is necessary to limit or reduce levels of fishing effort. In developing countries a lack of technical capacity hinders efforts to address issues of sustainability, and bilateral and multilateral technical assistance will need to be continued, and boosted, in order to strengthen capacity.

The implementation of the Code should not be viewed in isolation. Indeed, as noted above, it serves to complement other recently concluded international instruments – notably the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement and the IPOAs. Indeed, from a fisheries conservation and management perspective these instruments might be best seen as a package. The successful implementation of these instruments should go a long way to addressing, if not resolving, most of the major problems that lead to unsustainable practices in the fisheries sector.

The implementation of the Code will be improved if:

- additional technical guidelines to support the implementation of the Code are prepared and translated into the official FAO and other languages. Translation of guidelines into local languages by NGOs and other stakeholders is encouraged as a means of transmitting this information to fishing communities. The type of information contained in the guidelines may need to be reviewed so that they contain more action-orientated activities in order to achieve the Code's objectives;
- additional extra-budgetary funding is available to support implementation of the Code;
- the Code's principles and articles are incorporated into national fisheries policy, and, as appropriate, legislation; and
- more effective monitoring indicators for the Code at the national, regional and global levels are elaborated by FAO in consultation with its partners. This will permit better assessments to be made as to the extent of the Code's implementation and its impact on sustainability.

FAO is in a position to focus on, and influence, some of these issues but efforts by governments and stakeholders are also required.

2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing: background and progress towards implementation

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INTRODUCTION

The international community has identified illegal, unreported and unregulated (IUU) fishing to be a major impediment to the achievement of long-term sustainable fisheries as called for, *inter alia*, in Chapter 17 of Agenda 21,¹¹ the 1995 FAO Code of Conduct for Responsible Fisheries,¹² the UN Millennium Development Goals¹³ and the Johannesburg Plan of Implementation.¹⁴ This is because the activities of IUU fishers undermine national and regional efforts to implement management measures that are designed to promote responsible fisheries. This is an especially grave situation since FAO in 2003 (and over the previous decade) has estimated that some 75 percent of world fisheries are already being fully exploited, overexploited or depleted.¹⁵

IUU fishing is virtually a universal fishing problem that occurs in marine and inland capture fisheries. Despite common misunderstandings about IUU fishing, it is not confined to any particular group of fishers, though experience shows that IUU fishing is widely practiced in those fisheries – both within exclusive economic zones (EEZs) and on the high seas – where the prospects for apprehension are lowest and by fishers that operate vessels that are not subject to effective flag State control. This means that many countries, because of their limited means to implement effective measures in their EEZs to regulate legitimate and illegitimate fishing activities, are subject to re-occurring IUU fishing by both national and foreign fleets.

The work of some regional fishery management organizations or arrangements (RFMOs), which are the cornerstones for the promotion of international cooperation in fisheries management, report that IUU fishing in their convention areas by both member and non-member flag vessels is widespread and handicaps their efforts to rationally manage fisheries. This is critical because if RFMOs are not in a position to fulfil their mandates with respect to management, the outlook for the sustainable utilization of many of the world's commercially important fish stocks is bleak.

The international community further recognizes that IUU fishing is symptomatic of other problems facing the fisheries sector. These problems need to be resolved in a timely manner if IUU fishing is to be prevented, deterred and eliminated. These problems include, *inter alia*:

- ineffective fisheries management that fails to regulate fishery inputs and outputs;
- excess fleet capacity in some fisheries and the “pushing out” and re-flagging of vessels from managed fisheries as regulations tighten in these fisheries to other fisheries that are unmanaged or poorly managed. Often this process involves a migration of displaced fleet capacity;¹⁶
- masking of the real economic costs of vessel construction and fishing operations through the payment of fisheries-related subsidies; and

¹¹ Adopted in 1992 by the United Nations Conference on Environment and Development (UNCED).

¹² Adopted in 1995 by the Twenty-eighth Session of the FAO Conference.

¹³ Adopted in 2000 by the United Nations General Assembly at its Fifty-fifth Session.

¹⁴ Adopted in 2002 by the World Summit on Sustainable Development (WSSD).

¹⁵ FAO. 2004. The State of World Fisheries and Aquaculture. Rome, FAO. p.32.

¹⁶ This point was highlighted at the Twenty-fifth Session of the Committee on Fisheries and again reiterated at the Twenty-sixth Session of the Committee. Many countries pointed out that IUU fishing, often by displaced vessels, undermines efforts to sustainably manage fisheries at both national and regional levels.

- consistent failure by many countries, and in particular some countries that operate open registries for fishing vessels, to meet their international obligations with respect to the control of fishing vessels flying their flags.

There are no global data on the full extent and cost of IUU fishing. The nature of this type of fishing does not readily permit global estimation with any significant degree of confidence. However, some RFMOs are working to assess the regional extent and impacts of IUU fishing. In one case, for example, it is estimated by an RFMO that catches of one commercially-valuable species could be exceeding permitted catch levels by nearly 300 percent.

As a consequence of RFMO assessments of the scope and effects of IUU fishing, it should be possible to:

- consolidate a broader, though incomplete, perspective on IUU fishing across regions; and
- determine more accurately how such fishing is hindering RFMOs from fulfilling their mandates and achieving more responsible fisheries.

It is acknowledged that the implementation of RFMO measures to combat IUU fishing are only as effective as their members permit them to be because these organizations are not supra-national entities. A failure by RFMOs to effectively address IUU fishing reflects, to some degree, a lack of political will¹⁷ by their members to take concerted and calculated steps to control fishing vessels that engage in activities that undermine the work of RFMOs and thereby render their fisheries management efforts sub-optimal.¹⁸

A further serious and moral consideration relating to IUU fishing is that such fishing is contributing to food insecurity in some coastal and inland fishing communities that are heavily dependent on fish for food and revenue derived from the sale of fishing licences and from fish exports. While this is not a recent phenomenon in some regions, information available to FAO from country reports and discussions in fora such as the FAO Committee on Fisheries (COFI) indicates that the incidence and depth of IUU fishing is increasing, sometimes at the expense of impoverished small-scale fishers.

It has also been noted by some countries that IUU fishing seriously prejudices the interests of commercial fishers who abide by their national and regional authorizations to fish.¹⁹ This occurs because IUU fishers do not face the same constraints in terms of operating costs, catch limits, etc, nor do IUU fishers implement the same safety standards for fishing and support vessels and crews as is required by their counterparts who do not engage in IUU fishing.

INTERNATIONAL ACTION TO COMBAT IUU FISHING

FAO has been at the forefront of international efforts and action to address IUU fishing. The 1999 Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries²⁰ states, *inter alia*, that countries would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying “flags of convenience”. This seminal Declaration set the international stage for efforts to prevent, deter and eliminate IUU fishing and provided the impetus and framework for FAO to pursue a structured suite of activities relating to the elaboration of an IPOA-IUU.

¹⁷ A lack of political will to take action to curb IUU fishing is a major constraint to dealing effectively with this type of fishing. Moreover, there is a tendency for some States to take refuge behind national policies and legislation as a means of avoiding or deferring commitments that are necessary to combat IUU fishing.

¹⁸ There is a growing impatience with diplomatic approaches to IUU fishing and the members of some RFMOs are contemplating the adoption of “name and shame” policies for vessels and flags that are perpetual IUU fishing offenders.

¹⁹ Some governments are inclining to the view that IUU fishing is no longer a “soft or administrative offence” and that such fishing should be regarded as a more serious offence. This notion is being promulgated with the view that those fishers who engage in illegal and unreported fishing should be subject to more severe sanctions than at the present time.

²⁰ Adopted in 1999 by the FAO Ministerial Meeting on Fisheries, FAO, Rome.

From 1999 onwards, all Sessions of the FAO Committee on Fisheries (COFI) have addressed the effects and impacts of IUU fishing on world fish stocks. In March 2001, following its adoption by the Twenty-fourth Session of COFI, the IPOA–IUU was endorsed by the Hundred and Twentieth Session of the FAO Council in June 2001. Subsequently, in November 2003 the FAO Conference considered a report on IUU fishing.²¹ The extract from the Conference Report on IUU fishing and Resolution 6/2003 are in Annex 1. In March 2005 the Ministerial Meeting on Fisheries adopted the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing. Ministers and Ministers’ representatives attending the meeting made a wide range of commitments, some of which were time bound, to combat IUU fishing. The 2005 Declaration is in Annex 2.

Following the adoption of the 1999 Rome Declaration on Responsible Fisheries and the IPOA–IUU, growing international concern about IUU fishing led the issue to be addressed by United Nations General Assembly (UNGA). Indeed, IUU fishing has been considered each year since 2000 in UNGA resolutions.²² These resolutions have, *inter alia*:

- condemned IUU fishing in all its forms;
- called on States to implement full and effective flag State control over vessels flying their flags;
- encouraged bilateral and regional cooperation to combat IUU fishing;
- urged States to address IUU fishing and to implement the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) through the elaboration of national plans of action (NPOAs) by 2004, as called for in the IPOA–IUU; and
- encouraged the implementation of effective monitoring, control and surveillance (MCS) and vessel monitoring systems (VMS) as a means of combating IUU fishing.

Within the ambit of the United Nations, IUU fishing has also been reviewed by all sessions of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS) since its inception in 2000. The reports of these meetings, which are forwarded annually to the UNGA for consideration, have noted, *inter alia*:

- IUU fishing presents an urgent and serious challenge to the international community if sustainable fisheries are to be achieved;
- the necessity to secure a global consensus on reversing declines in fish stocks and taking coordinated steps to address overfishing and the continuing problem of IUU fishing;
- the significance of FAO’s work in elaborating and promoting the implementation of the IPOA–IUU;
- the requirement for all States and RFMOs to take action to implement the IPOA–IUU;
- the need for effective flag State control if IUU fishing is to be combated;
- the importance of further examining and clarifying the role of the “genuine link” in relation to the duty of flag States to exercise control over vessels flying their flags; and
- the role of port States in preventing, deterring and eliminating IUU fishing and encouraged FAO to continue its work in promoting port State measures to combat IUU fishing.

With a sharp focus on fisheries issues and the need to secure sustainable outcomes in the fisheries sector as promulgated at the United Nations Conference on Environment and Development (UNCED),²³ the World Summit on Sustainable Development (WSSD) addressed, *inter alia*, the scope and effects of IUU fishing. The Johannesburg Plan of Implementation, which also reflects certain decisions adopted by COFI, called for States to implement the 1995 FAO Code of Conduct for

²¹ FAO. November 2003. Progress Report on the Implementation of the International Plan of Action to Prevent, deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. FAO Conference paper C 2003/21. The Conference was “... invited to recognize the severe and adverse impacts of IUU fishing on efforts to achieve long-term sustainability in fisheries, to reaffirm its commitment to prevent, deter and eliminate IUU fishing in all its forms, and to give full effect to the implementation of the IPOA–IUU.”

²² See UNGA resolutions A/RES/55/7 (2000); A/RES/55/8 (2000); A/RES/56/12 (2001); A/RES/57/141 (2002), A/RES/57/142 (2002), A/RES/58/14 (2003) and A/RES/59/25 (2004).

²³ Agenda 21 provides the principles and a programme of action for achieving sustainable development.

Responsible Fisheries and its related IPOAs and guidelines. Significantly, the Johannesburg Plan of Implementation²⁴ urges that States implement by 2004 national and, where appropriate, regional plans of action to give effect to the IPOA–IUU.

Furthermore, to enhance the implementation of the IPOA–IUU and to reduce the incidence of IUU fishing and fishing fleet overcapacity, the Johannesburg Plan of Action urged States to establish effective MCS systems for fishing vessels, including by flag States and to eliminate subsidies paid to the fishing industry that contribute to IUU fishing.

At the regional level, as noted above, many RFMOs and other organizations that do not have specific fisheries management functions, are directing attention to IUU fishing. In addition to keeping IUU fishing under review and heightening their Members' awareness about the problem, some RFMOs and international organizations have discussed, made recommendations and passed resolutions on IUU fishing as a means of condemning and combating it. Some RFMOs, in their efforts to combat IUU fishing, have taken measures, *inter alia*, to:

- encourage non-Members to become parties to their organizations;
- implement new, and strengthen existing, policies, procedures and mandates;²⁵
- develop black or white lists of vessels with a view to gaining the greater cooperation of flag States;
- implement catch certification and traceability controls on catch so that the marketing of fish taken by fishers who are known to have engaged in IUU fishing will be made more difficult, if not blocked completely;
- RFMOs that have addressed IUU fishing, made recommendations or passed resolutions directed at preventing, deterring and eliminating IUU fishing include, *inter-alia*, the Commission for the Conservation of Antarctic Marine Living Resources, the Indian Ocean Tuna Commission, the International Convention for the Conservation of Atlantic Tunas, the North-East Atlantic Fisheries Commission, the Northwest Atlantic Fisheries Organization, and the Preparatory Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.²⁶

The need to address IUU fishing on all fronts and in all its forms continues to be a major focus of attention. The international fisheries community acknowledges the gravity of such fishing and its environmental, economic and social consequences.

IMPLEMENTATION OF THE IPOA–IUU

IUU fishing flourishes primarily because many States fail to meet their obligations under international law with respect to flag State control. In a world where States exercised effective control over fishing vessels flying their flags the incidence of IUU fishing would be greatly reduced. However, States are not meeting their flag State obligations either because they are unable or unwilling to do so. This situation has necessitated that the international community look beyond conventional solutions to combat IUU fishing and adopt and implement a wider and more innovative suite of measures that are important secondary defences when flag States do not meet their

²⁴ The Plan also specifies deadlines for five fisheries issues including the development and implementation of national and regional plans of action to put into effect the IPOA for the management of fishing capacity by 2005; the establishment of representative networks of marine protected areas by 2012; and the application of the ecosystem approach to fisheries by 2010; the restoration of depleted stocks not later than 2015.

²⁵ In paragraph 80 of the IPOA–IUU, measures that States might adopt through RFMOs to take action to strengthen and develop innovative ways to combat IUU fishing are proposed. These measures include institutional strengthening, development of compliance measures, mandatory reporting, cooperation in the exchange of information, development and maintenance of records of fishing vessels, using trade information to monitor IUU fishing, MCS, boarding and inspection schemes, observer programmes, market-related measures, definition of circumstances in which vessels are deemed to have engaged in IUU fishing, education and public awareness programmes, development of action plans, examination of chartering arrangements, exchange of information on an annual basis among RFMOs, estimation of the extent, magnitude and character of IUU fishing in the convention area, records of vessels authorized to fish and records of vessels engaged in IUU fishing.

²⁶ Some RFMOs have also adopted resolutions relating to fishing by non-parties on stocks subject to management with a view to seeking their cooperation to halt their IUU fishing activities.

international obligations. Indeed, this was one of the fundamental reasons why FAO Members opted to elaborate the IPOA–IUU.

The IPOA–IUU is a voluntary instrument concluded within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries. The IPOA–IUU is a comprehensive instrument that may be viewed as a “toolbox” whereby a State can “mix and match” or “tailor” measures contained in the IPOA to meet its particular IUU fishing needs and challenges. In a flexible way, and as appropriate, the IPOA–IUU urges that measures be taken by:

- all States (international instruments, national legislation, NPOAs, cooperation between States, publicity and technical capacity and resources);
- flag States (fishing vessel registration, records of fishing vessels and authorizations to fish), coastal States; and
- port States.

In addition, the IPOA–IUU addresses: internationally agreed market-related measures; research; the role of RFMOs in combating IUU fishing; the special requirements of developing countries; reporting on progress with the implementation of the IPOA–IUU; and the role of FAO.

In late 2002, many countries reported to FAO that IUU fishing impacts their efforts to achieve sustainable fisheries.²⁷ Moreover, about one third of the FAO Membership stated that such fishing is problematic and is hampering their efforts to implement the 1995 FAO Code of Conduct for Responsible Fisheries.

In their reporting, Members advised FAO that IUU fishing occurs in both marine and freshwater capture fisheries, but that the extent and full impact of IUU fishing is not well known in all cases. In addition, Members reported on the types of IUU fishing being encountered in their fisheries. Such types of fishing include:

- unauthorized incursions into EEZs and inshore areas especially by foreign fishing vessels. Some Members noted that such incursions are adversely impacting production by small-scale fishers;
- unauthorized fishing in closed and restricted areas;
- incomplete catch and effort reporting by industrial fleets. The under-reporting of catches was identified as a significant problem;
- lack of compliance by fishers with the terms of their fishing authorization;
- use of banned fishing gears;
- fishing with explosives and poisons; and
- use of dams for the illegal netting of fish in inland fisheries.

In their efforts to curb IUU fishing, Members have taken measures to:²⁸

- strengthen the functions of RFMOs;
- accept and ratify international instruments such as the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement;
- strength policy and legislation to conform with the IPOA–IUU including provisions for tougher vessel licensing and the deregistration, decommissioning and scrapping of vessels that have engaged in IUU fishing;
- improve mechanisms to more effectively address flag State and port State responsibilities;

²⁷ See FAO Committee on Fisheries document COFI/2003/3 Rev.1 Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action. Rome, FAO. 28p. In view of the seriousness of the IUU fishing, COFI recommended that IUU fishing be included on the Agenda of the Thirty-second Session of the FAO Conference with a view to calling attention of Members to this issue. As noted above, this recommendadtion was accepted, culminating in the adoption of FAO Conference Resoulution 6/2003.

²⁸ This information is taken from written information provided to FAO in 2002 and from discussions at the Twenty-fifth Session of the Committee on Fisheries. It should be noted that this long list of measures is largely confined to a limited number of countries.

- implement measures to give greater control over nationals working on fishing vessels of any flag State;
- implement measures to against “flag of convenience vessels”;
- impose higher penalties and imprisonment terms for IUU fishers;
- enhance MCS and the mandatory implementation of VMS;
- improve vessel observers’ programmes;
- seize and destroy catches resulting from IUU fishing so that fishers will not benefit from their illicit activities;
- seize and destroy fishing gear belonging to fishers when it is known that their vessels have engaged in IUU fishing;
- implement more comprehensive catch reporting;
- strengthen regional cooperation, through RFMOs, to reduce avenues for IUU fishing;
- introduce catch certification schemes to trace the origin of fish and prohibition of certain landings if there are reasonable grounds to believe that the fish has been taken by IUU fishers; and
- build awareness among stakeholders, including fishers’ associations, concerning the extent and detrimental effects of IUU fishing.

Forty-seven Members indicated to FAO that they had taken steps towards developing and implementing their NPOAs.²⁹ Twenty-three Members indicated that they would finalize their NPOAs in the near future while a further 18 Members reported that their NPOAs would be completed before the 2004 deadline.³⁰

For monitoring and reporting on progress with the implementation of the IPOA–IUU, Members, RFMOs and non-governmental organizations (NGOs) are invited to report to FAO every two years in the context of their reporting relating to the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries. An analysis of the information provided by respondents is important in that it:

- enables FAO to assess and highlight difficulties being encountered by countries in their implementation efforts; and
- indicates priorities and development assistance needs so that donors might more effectively channel and target assistance to priority areas identified by countries.

In 2004 FAO Members, RFMOs and international NGOs were again requested to report on their activities for the implementation of the Code and its related instruments.³¹ Importantly, there were not major differences in the scope and nature of the IUU fishing problems being encountered between the two reporting periods. However, at the 2005 Session of COFI, in contrast to the previous Session, a significant number of recommendations were made by the Committee.³² In doing COFI:

- Repeated its request that flag States in fulfilling their responsibilities notify coastal States, as appropriate, and effectively control their vessels to ensure that they did not engage in IUU fishing or related activities. (para. 18)
- Recognized the importance of initiating work on the “genuine link” and requested FAO to participate in interagency activities towards this end. (para. 18)
- Endorsed the report of the 2003 FAO Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing. (para. 20)
- Urged that Members operating open registries implement the Consultation’s recommendations as a matter of priority. (para. 20)

²⁹ As provided for in paragraphs 25 to 27 of the IPOA–IUU.

³⁰ This deadline was June 2004, three years after the adoption of the IPOA-IUU by the FAO Council. According to information available to FAO, less than 20 countries met the deadline for the elaboration of their NPOAs–IUU.

³¹ See FAO Committee on Fisheries document COFI/2005/2. Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related International Plans of Action. Rome, FAO. 15p.

³² See FAO. 2005. Report of the Twenty-sixth of the Committee on Fisheries. FAO Fisheries Report No. 789. Rome, FAO. 88p.

- Urged interested Members to consider participating in the work of the International MCS Network in galvanizing action against IUU fishing. (para. 22)
- Expressed satisfaction with the outcome of the 2004 FAO Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity. (para. 23)
- Endorsed the report of the 2004 FAO Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity as well as its main recommendations and suggestions. (para. 23)
- Agreed that subsidies that supported the expansion of fleets which, when conducted in an unsustainable manner, contributed to stock degradation, fleet overcapacity and IUU fishing, should be phased out. (para. 24)
- Acknowledged that there was a need to strengthen port State measures as a means of combating IUU fishing in a more substantive manner given that the lack of agreed, binding measures provided a loophole. (para. 25)
- Agreed that follow-up work on the 2004 FAO Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing should be undertaken, especially with respect to operationalizing the model scheme agreed at the Consultation. (para. 25).

A further report to COFI by FAO as part of its monitoring responsibilities for the Code of Conduct and its related instruments will be made at its 2007 Session.

CAPACITY BUILDING AND INSTITUTIONAL STRENGTHENING TO COMBAT IUU FISHING

The serious effects of IUU fishing on responsible fisheries prompted countries, in adopting the 1999 Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries, to take action to elaborate an IPOA–IUU to deal effectively with such fishing. The elaboration and implementation of NPOAs–IUU, which give effect at the national and regional levels to the IPOA–IUU, presupposes that countries have the technical and financial means to do so. The IPOA–IUU recognizes³³ the special requirements of developing countries, in particular the least development among them and small-island developing States, in terms of the financial, technical and other assistance needed to meet their commitments under the IPOA–IUU and other obligations under international law.

The challenges presented by IUU fishing have generated bilateral and multilateral responses to assist developing countries enhance their capacities to address these challenges. Bilateral assistance, very often of a practical and "hands on" nature, has been provided to countries in a number of key areas including, *inter alia*, monitoring, control and surveillance (MCS) and vessel monitoring systems (VMS) training, improving vessel boarding and inspection procedures, enhancing observer programmes, implementing catch documentation schemes and strengthening port inspection procedures. Multilateral cooperation is also growing, especially in MCS-related areas concerning the real-time sharing of information, through such initiatives as the International MCS Network. These bilateral or multilateral strategic initiatives are likely to be maintained, expanded and deepened through time as a means of enhancing national capacities in developing countries. It is anticipated that through time these initiatives will assist in closing weaker "links" in the IUU fishing chain that IUU fishers seek to exploit.

FAO targets activities in developing countries so as to build capacity and strengthen institutions in promoting long-term sustainable fisheries. Information available to FAO concerning the implementation of the IPOA–IUU indicates that many developing Members are in need of technical assistance to enhance their capacities to elaborate and implement their NPOAs–IUU.

³³ Part V of the IPOA–IUU.

The IPOA–IUU proposes that FAO, in cooperation with relevant international financial institutions and mechanisms (IFIs), should assist developing countries implement the IPOA–IUU. The proposed FAO activities include the:

- review and revision of national legislation;
- improvement and harmonization of fisheries and related data collection;
- strengthening of regional institutions; and
- strengthening and enhancing of integrated MCS systems, including VMS.

FAO has been providing assistance to developing countries in these four areas as part of its Regular Programme and trust-fund activities. FAO has:

- implemented a programme of assistance for developing countries to review and revise national fisheries and related legislation. Since 1995 this programme has also focussed on incorporating, as appropriate, the principles and requirements of post-UNCED fishery instruments into relevant fisheries laws.
- assisted developing countries upgrade their data collection, processing, reporting and harmonization capabilities.³⁴ Technical assistance at national and regional levels is a significant component of FAO's Programme of Work and Budget involving both normative and field programme activities. Outputs of normative activities include technical documents on statistical methodology and guidelines for data collection. Field programme activities involve project formulation and implementation, technical backstopping and organization of training courses and workshops. FAO is also involved in the promotion of cost-effective and sustainable approaches and techniques for the collection of fishery statistical data.
- encouraged RFMOs to enhance their capacities to better fulfil their mandates and to this end has taken steps to encourage dialogue and collaboration between them. Where fisheries organizations do not have mandates to manage fish stocks, FAO fosters cooperation among their members with a view to stimulating and strengthening bilateral and regional fisheries activities; and
- promoted the implementation of MCS and VMS systems in countries through policy and practical training. Capacity building in this area stresses the central role of MCS in fisheries management and the different VMS systems that might be deployed. In some subregions agreement has been reached on the compatibility of national MCS and VMS systems. Such compatibility also requires that there be harmonized fisheries legislation and strengthened international cooperation through the exchange of real-time and other information.

The IPOA–IUU further calls on FAO to:

- collect information and data for further analysis aimed at identifying factors and causes contributing to IUU fishing;
- support the development of national and regional plans to combat IUU fishing;
- collaborate with international agencies and, in particular, the International Maritime Organization (IMO), to further investigate the issue of IUU fishing, in particular, by strengthening measures by port States;
- convene a consultation on the implementation of catch certification and documentation requirements; and
- investigate the benefits of establishing and maintaining global databases, including but not limited to, information provided for in Article VI (Exchange of Information) in the 1993 FAO Compliance Agreement.

Since the FAO Council endorsement of the IPOA–IUU, FAO has undertaken, and is undertaking, activities designed to heighten international awareness about the scope and impact of

³⁴ Collection of basic data on catches, fishing effort and prices provide important indicators for a wide variety of fisheries applications. In addition, more detailed data (fishing vessels, gear and operations; socio-economic data; etc.) from regularly conducted fishery surveys are an important source of fishery information of wide utility and scope.

IUU fishing, its adverse impacts on sustainable fisheries and the management efforts of RFMOs and as a means of supporting initiatives to combat such fishing. These activities include the:

- translation and wide dissemination of the IPOA–IUU;
- preparation, translation and wide distribution of comprehensive technical guidelines to support the implementation of the IPOA–IUU;
- preparation, translation and distribution of a simple language publication entitled “Stopping IUU Fishing”,³⁵
- cooperation with RFMOs in convening an Expert Consultation of Regional Fishery Bodies on Harmonization Certification;³⁶
- convening an Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.³⁷ The documents from this Consultation will form the basis for follow-up in 2004 when an FAO Technical Consultation on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing will be convened. It will address substantive issues relating to the role of the port State and, as appropriate, principles and guidelines for the establishment of regional memoranda of understanding on port State measures to prevent, deter and eliminate IUU fishing;
- convening an Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing, in cooperation with the Government of the United States of America;³⁸
- mounting regional workshops to assist developing countries elaborate NPOAs; and
- assisting developing countries, on a request basis, to assess national situations with respect to IUU fishing and the development of proposed courses of action to address it.

Recognizing the linkage between IUU fishing and fishing fleet overcapacity, FAO convened a Technical Consultation in June 2004 to review progress with, and promote the full implementation of, the IPOA–IUU and the International Plan of Action for the Management of Fishing Capacity.³⁹ The major recommendations adopted by the Technical Consultation are in Appendix 3.

A further and fertile area for work that might be initiated in countries as a means of combating IUU fishing is the development of dialogue and partnerships between governments and industry as a means of combating such fishing. Some countries are already focussing on such partnerships to encourage industry to assist in solving IUU fishing problems. This development is highly positive and should be encouraged.

As opportunities present themselves FAO also participates in international and national meetings to disseminate information about the implementation of the IPOA–IUU and the steps that countries should take to develop NPOAs and to combat IUU fishing. This is an important means of sensitizing stakeholders about their respective roles in the implementation process, forging and bolstering partnerships and promoting transparency.

CONCLUSION

IUU fishing occurs in all marine and inland capture fisheries. It is a severe problem in many fisheries because it undermines the capacity of national administrations and RFMOs to sustainably

³⁵ This document is designed to sensitize fishers and fishing communities to the effects of IUU fishing. FAO, on a request basis, also prepares papers for a general readership together with and inputs for FAO and non-FAO training courses concerning IUU fishing and how problems flowing from such fishing might be addressed through the implementation of the IPOA–IUU.

³⁶ This meeting was held in La Jolla, USA in January 2002.

³⁷ Held at FAO Headquarters, Rome, Italy from 4 to 6 November 2002. The IMO participated in this Consultation. FAO also maintains a dialogue with IMO on a broad range of fisheries-related matters.

³⁸ The objectives of the Consultation, convened in Miami, USA, in September 2003 were (i) to raise awareness among flag States of IUU fishing problems associated with the operation of open registries for fishing vessels and (ii) identify modalities through which flag States can give effect to measures to prevent, deter and eliminate IUU fishing.

³⁹ See FAO. Report of the Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the International Plan of Action for the Management of Fishing Capacity. FAO Fisheries Report No. 753. Rome, FAO. 43p.

manage fisheries. It is for this reason that the international community has given high priority to combating IUU fishing wherever it occurs and in all of its forms.

FAO has taken a leading role in the international action to prevent, deter and eliminate IUU fishing. At the request of its Members FAO in 2001 concluded an IPOA–IUU to address such fishing. Since then IUU fishing and the need to effectively implement the IPOA-IUU has been underscored by all major fishery meetings, RFMOs, the UNGA and WSSD.

The implementation of the IPOA–IUU requires that NPOAs–IUU be elaborated and put in place. This places an additional burden on fishery administrations and RFMOs, many of which are already suffering from “implementation fatigue”. Significantly, the IPOA-IUU recognizes the need to assist developing countries meet the requirements of the international plan through its provisions relating to the special requirements of developing States.

IUU fishing is not a new phenomenon. It has plagued fisheries management and deprived resources owners of revenue for decades. However, the incidence of IUU fishing is increasing as more fish stocks decline and tighter fisheries management arrangements are introduced. These trends are unlikely to change in the near future. This means that IUU fishing will continue at levels that undermine efforts to implement responsible and sustainable fisheries practices. Vigilance and closer international cooperation is needed at all levels if IUU fishing is to be prevented, deterred and eliminated as foreseen in the IPOA–IUU.

PROGRESS REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

“71. It was recalled that the Council at its Hundred and Twenty-fourth Session agreed that illegal, unreported and unregulated (IUU) fishing be included in the Agenda of the Conference in order to underscore the importance of this issue for decision-makers both within and outside the fisheries sector.

72. Members reiterated that the continuing high and growing incidence of IUU fishing and the lack of effective implementation of the International Plan of Action (IPOA) on Illegal, Unreported and Unregulated Fishing (IPOA–IUU) had far-reaching adverse consequences for the sustainable management of fishery resources and the livelihoods of small-scale fishers. This situation was aggravated by, *inter alia*, the use of vessels flying “flags of convenience”, fishing overcapacity, and lack of political will and/or resources for addressing IUU fishing problems effectively. In some instances, States had shown a lack of commitment to meet their obligations under international law.

73. Many Members reported on measures being taken to combat IUU fishing, including better port State and flag State control, recognition of the principle of “genuine link” in relation to the duty of States to exercise effective control over ships flying their flags, enhanced monitoring, control and surveillance and vessel monitoring systems, strengthening of regional fisheries management organizations, and improved legal frameworks and institutional arrangements.

74. The Conference acknowledged that responsibility for combating IUU fishing rested primarily with States but that this would be greatly facilitated by strengthening regional fisheries management organizations and collaboration among States, as well as by the acceptance of the 1993 FAO Compliance Agreement by States. In this regard, Members highlighted the need for capacity- and institution-building in developing countries for the elaboration and implementation of National Plans of Action on IUU Fishing. FAO was commended for its work in combating IUU fishing and was urged to continue to assist in promoting the implementation of the IPOA–IUU, particularly in developing countries. Some Members welcomed the designation of FAO as the implementing office for the Assistance Fund under Part VII of the 1995 UN Fish Stocks Agreement established within the UN System to support Developing States Parties in their efforts to implement the Agreement.

75. Members expressed their interest to participate in the June 2004 Technical Consultations to review progress and promote full implementation of the IPOA–IUU and the IPOA–Capacity. Members also stressed the importance of examining issues related to subsidies in the fisheries sector. Noting the adverse trends in world fisheries and their multiple negative impacts on livelihoods and food security, the Conference agreed that there was urgent need to stimulate further action towards full implementation of the Code of Conduct for Responsible Fisheries and other relevant international instruments. Members requested the Director-General to convene a high-level meeting, preferably at the Ministerial level, to address these concerns.

76. The Conference adopted the following Resolution:

RESOLUTION 6/2003

Progress Report on Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing

THE CONFERENCE,

Noting the continuing high and growing incidence of illegal, unreported and unregulated (IUU) fishing and related activities and the lack of political will and capacity by some Governments to deal effectively with such fishing;

Noting the lack of commitment by some States to meet their obligations under international law;

Noting further that IUU fishing seriously undermined national, regional and international efforts to achieve long-term sustainability in fisheries;

Recalling the adoption on 11 March 1999 of the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries at the FAO Ministerial Meeting on Fisheries wherein it was agreed, *inter alia*, that States would develop a global plan of action to deal effectively with all forms of IUU fishing including fishing vessels flying "flags of convenience";

Noting further the increasing incidence of vessels flying "flags of convenience" and the inability or lack of will on the part of some countries to apply any controls over the vessels they flag;

Recalling the endorsement of the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) by the Hundred and Twentieth Session of the FAO Council on 23 June 2001 wherein States were encouraged to develop and implement, as soon as possible but not later than three years after the adoption of the International Plan of Action, national plans of action to further achieve its objectives and to give full effect to its provisions as an integral part of their fisheries management programmes and budgets;

Recalling the Johannesburg Plan of Implementation adopted on 4 September 2002 by the World Summit on Sustainable Development wherein States were urged to implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing through national and, where appropriate, regional plans of action by 2004;

Recalling the relevant provisions of Resolutions (A/58/L.18 and A/58/L.19) on Oceans and the Law of the Sea adopted by the United Nations General Assembly on 24 November 2003:

1. **Urges**, as a matter of priority and urgency, States that have not done so to accept, accede to, or ratify, as appropriate, the 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement and to implement and give full effect to the 1995 FAO Code of Conduct for Responsible Fisheries and the international plans of action and fisheries management guidelines developed in the framework of the Code of Conduct for Responsible Fisheries;
2. **Calls upon** States to ensure that they exercise full and effective control over fishing vessels flying their flags, in accordance with international law, to combat IUU fishing and to implement the IPOA–IUU;
3. **Encourages** States, and as appropriate, Regional Fisheries Management Organizations (RFMOs), to develop and implement National, and as appropriate, Regional Plans of Action to combat IUU fishing as soon as possible, but no later than 2004;
4. **Urges** States, to the greatest extent possible, to take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing;

5. **Requests** port States to take measures, in accordance with international law, to combat IUU fishing and as a means of implementing the IPOA–IUU;
6. **Urges** that States take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by relevant RFMOs to have been engaged in IUU fishing being traded or imported into their territories;
7. **Calls upon** States to ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant RFMOs;
8. **Encourages** States to participate actively in the inter-governmental Technical Consultations to review progress towards full implementation of the IPOA–IUU and the IPOA-Capacity to be organized by the FAO in June 2004;
9. **Encourages** the full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations;
10. **Invites** relevant competent international organizations to study, examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;
11. **Encourages** States, the FAO, the International Maritime Organization (IMO), RFMOs and other relevant competent international organizations dealing with maritime issues to cooperate in the development of measures to combat IUU fishing, including through the sharing of information, and
12. **Encourages** States, on their own initiative, or with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, to cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA–IUU and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action in accordance with paragraph 25 of the IPOA–IUU.”

**THE 2005 ROME DECLARATION ON
ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

**Adopted by the
FAO Ministerial Meeting on Fisheries
Rome, 12 March 2005**

We, the Ministers and Ministers' representatives, meeting in Rome at the FAO Ministerial Meeting on Fisheries on 12 March 2005,

Bearing in mind the principles and rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea,

Noting with satisfaction the entry into force on 11 December 2001 of the United Nations Fish Stocks Agreement and the entry into force on 24 April 2003 of the FAO Compliance Agreement,

Recalling the relevant provisions of other international instruments, such as the 1992 Rio Declaration on Environment and Development and Chapter 17 of Agenda 21; the 2000 United Nations Millennium Declaration and Millennium Development Goals; and the 2002 Johannesburg Declaration on Sustainable Development and the Johannesburg Plan of Implementation,

Reaffirming our commitment to the principles and standards contained in the FAO Code of Conduct for Responsible Fisheries,

Recalling the adoption on 11 March 1999 of the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries at the FAO Ministerial Meeting on Fisheries, as well as the endorsement of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU),

Recalling as well the resolution on IUU fishing adopted by the FAO Conference in 2003,

Desiring to move from words to action through full implementation of various international instruments for sustainable fisheries adopted or enacted in the past decades,

Noting the harmful and worldwide consequences of IUU fishing on the sustainability of fisheries (ranging from large-scale high seas fisheries to small-scale artisanal fisheries), on the conservation of marine living resources and marine biodiversity as a whole and on the economies of developing countries and their efforts to develop sustainable fisheries management,

Recognizing that there is often a relationship between fleet overcapacity and IUU fishing and acknowledging the economic incentives that drive these phenomena,

Acknowledging the genuine development aspirations and legitimate efforts of developing countries, in particular small island developing States, toward the sustainable management and development of their fisheries sectors,

Emphasizing the responsibility of flag States under international law to effectively control and manage vessels flying their flags, as well as the responsibilities of port and coastal States in controlling IUU fishing,

Aware that effective fisheries monitoring, control and surveillance (MCS) is essential to combat IUU fishing and that integrated MCS, including satellite monitoring systems (VMS), as well as a comprehensive global record of fishing vessels within FAO, are key tools in this endeavour,

Recognizing the need to strengthen international cooperation for the development of VMS so as to implement the Code of Conduct for Responsible Fisheries, prevent, deter and eliminate IUU fishing and protect and assist fishermen in danger and the assistance that FAO may provide in harmonizing VMS to members who request it,

Recognizing the special requirements of developing countries in combating IUU fishing and, in particular, the need to strengthen their capacity for fisheries management, and

Reaffirming the commitment to enhance responsible and effective fisheries management, to prevent, deter and eliminate IUU fishing and to strengthen, improve, and where appropriate establish, MCS programmes including VMS,

We declare that:

1. We are committed to concentrating and intensifying our efforts to implement fully all the international instruments for the sustainable use of marine living resources.
2. We reaffirm the need for FAO to play a leading role in supporting the efforts of States to implement these instruments, with particular emphasis placed on assisting developing countries.
3. We will renew our efforts:
 - to develop and implement national and regional plans of action to combat IUU fishing,
 - to adopt, review and revise, as appropriate, relevant national legislation and regulations, in particular to ensure compliance with fisheries management measures and to provide sanctions of sufficient gravity as to deprive offenders of the benefits accruing from their illegal activities and to deter further IUU fishing,
 - to ensure effective implementation of catch certification schemes through their harmonization and improvement as necessary,
 - to adopt internationally agreed market-related measures in accordance with international law, including principles, rights, and obligations established in WTO agreements, as called for in the IPOA-IUU,
 - to ensure that all fisheries policy-makers and managers consider the full range of available MCS options, strategies and tools; take necessary actions to fully implement the IPOAs and any applicable MCS measures adopted by relevant regional fisheries management organizations (RFMOs); and that fishers have an understanding of their role in MCS,
 - to ensure that States, 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, and
 - to ensure that all large-scale fishing vessels operating on the high seas be required by their flag State to be fitted with VMS no later than December 2008, or earlier if so decided by their flag State or any relevant RFMO.
4. We call for the following new actions:
 - to identify, reduce and ultimately eliminate the economic incentives that lead to IUU fishing and the economic drivers that lead to fleet overcapacity, at the national, regional and global levels,

- to ensure that measures to address IUU fishing or fleet overcapacity in one fishery or area do not result in the creation of fleet overcapacity in another fishery or area or otherwise undermine the sustainability of fish stocks in another fishery or area, and that such measures do not prejudice the legitimate expansion of fleets in developing countries in a sustainable manner,
- to develop a comprehensive global record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law,
- to work within RFMOs to facilitate, where appropriate, the exchange of VMS and observer data, subject to confidentiality requirements in accordance with national law, and
- to supplement existing MCS schemes through measures such as encouraging the fishing fleet to report any suspected IUU fishing activities they observe.

5. We agree upon the need:

- for flag States, port States, coastal States and, where appropriate, RFMOs to effectively regulate transshipment in order to combat IUU fishing activities and to prevent laundering of illegal catches,
- for States, as well as NGOs and members of the fishing industry, to exchange information on suspected IUU fishing, if possible on a real-time basis, in collaboration with FAO, RFMOs and other relevant arrangements, and by actively participating in the International MCS Network,
- to develop and ensure effective implementation of national and, where appropriate, internationally agreed boarding and inspection regimes consistent with international law,
- to strengthen coastal and port State measures for fishing vessels, consistent with international law, in order to prevent, deter, and eliminate IUU fishing,
- for further international action to eliminate IUU fishing by vessels flying “flags of convenience” as well as to require that a “genuine link” be established between States and fishing vessels flying their flags,
- to strengthen RFMOs to ensure that they are more effective in preventing, deterring and eliminating IUU fishing, and
- to fully implement vessel marking requirements in accordance with the FAO Standard Specification and Guidelines for the Marking and Identification of Fishing Vessels and any applicable RFMO requirements.

6. We urge all States:

- that have not yet done so to become parties to the 1982 United Nations Convention on the Law of the Sea, the 1993 FAO Compliance Agreement and the 1995 United Nations Fish Stocks Agreement, and abide by their provisions,
- to ensure that they exercise full and effective control over fishing vessels flying their flag, in accordance with international law, to combat IUU fishing,
- that are parties to the FAO Compliance Agreement to fulfil their obligations to submit to FAO, for inclusion in the High Seas Vessel Authorization Record, data on vessels entitled to

fly their flags that are authorized to be used for fishing on the high seas, and those that are not yet parties to the FAO Compliance Agreement to submit such data on a voluntary basis, and

- to supply detailed information on fishing vessels flying their flag to relevant RFMOs, in accordance with the requirements adopted by those RFMOs, and to establish such requirements within RFMOs where they do not yet exist.
7. We further urge additional research, as well as enhanced international cooperation including appropriate transfer of technology, in remote sensing and satellite surveillance of fishing vessels to prevent, deter and eliminate IUU fishing, particularly in remote areas with lack of deployment of MCS facilities.
8. We also urge:
- the provision of additional assistance to developing countries to help them implement their commitments in preventing, deterring and eliminating IUU fishing, as well as to participate effectively in the development and implementation of fishery conservation and management measures by RFMOs, and
 - the provision of advice and training to promote the development of fisheries management regimes, at the national and local levels, to prevent, deter and eliminate IUU fishing, including community-based fisheries management in countries where such fisheries management is practiced, recognizing, where appropriate, the role of local coastal communities in the management of near-shore resources, particularly in developing countries.
9. We resolve to provide financial and technical assistance to developing countries in the implementation of MCS capabilities, including VMS, with the support of FAO and relevant international financial institutions and mechanisms, and to consider the establishment of a special voluntary fund for this purpose.

WE REQUEST that the Director-General of the Food and Agriculture Organization of the United Nations convey this Declaration to the Secretary-General of the United Nations for consideration by that organization.

MAJOR RECOMMENDATIONS OF THE TECHNICAL CONSULTATION

The Consultation reaffirmed the importance of the Resolution “Progress Report on Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing” adopted last year at the FAO Conference (6/2003) and identified the following recommendations for consideration by the twenty-sixth session of the Committee on Fisheries (COFI) 2005 and the following FAO Ministerial Meeting on Fisheries to ensure effective and full implementation of the resolution as well as IPOA–IUU and IPOA-capacity;

1. To reaffirm the importance of the paragraph 12 of the resolution and to apply this paragraph also to implementation of IPOA-capacity, in particular taking account of the needs.
 - To ensure full utilization of possible financial and technical sources including relevant FAO programmes, bilateral fishery assistance and the Fund established pursuant to Part VII of the 1995 UN Fish Stocks Agreement for the enhancement of necessary capacities of evaluation of stocks, their sustainable management and their control.
 - To invite FAO to reinforce its assistance to developing countries for formulation and implementation of their fisheries management and development policies and definition of their specific needs.
 - To invite States whose nationals have fishing activities in developing countries’ waters to assure the cooperation in partnership with those countries.
2. To promote cooperation and harmonization of minimum standards among coastal States at a regional level where appropriate for sustainable management of shared fish stocks and invite FAO to explore a possible use of regional coordinators in FAO programmes for such promotion.
3. To invite States, either directly, through RFMOs, through other regional or subregional arrangements, to develop measures to control flagging and re-flagging of fishing vessels to flag States not duly fulfilling their obligations in accordance with the relevant provisions of the 1995 UN Fish Stocks Agreement, the 1993 FAO Compliance Agreement or additional requirements of such RFMOs or regional arrangements or duties deriving from relevant IPOAs.
4. To request States either directly, through RFMOs, through other regional or subregional arrangements, to develop measures to control and monitor transshipment of catches at sea.
5. To urge FAO and all Parties of the 1993 FAO Compliance Agreement to implement promptly the Article VI of the Agreement and all non-Parties to take actions consistent with the Article immediately.
6. To request RFMOs that have not already done so to consider, as a matter of priority, the assessment of capacity and the development and implementation of capacity management schemes in conjunction with other appropriate management measures for fisheries under their purview, taking into account all relevant factors and in a manner consistent with the rights and obligations of all states under international law.
7. In parallel to implementation of paragraph 10 of the resolution, to request FAO to study and assess fishery management aspect of the “genuine link” issue as invited by UNGA Resolution 58-240 as a matter of priority, in particular to determine beneficial ownership of fishing vessels used in IUU fishing operations.

8. In recognition of the range of work being undertaken by various RFMOs on the IUU fishing and overcapacity issues, call on the FAO to promote coordination on such work, to establish a database of the available information including any available list of IUU vessels identified and publicized by RFMOs and to make information on IUU fishing available through the FAO Fisheries internet site.
9. To invite the FAO to integrate and analyze information and data regarding IUU fishing and fishing capacity from multiple sources, and to identify information and data gaps, in order to develop a global picture of IUU fishing and overcapacity.
10. To recommend that RFMOs consider invitation of third party expert auditors to review and provide recommendations and expert advice with respect both to the range of conservation and management measures adopted by the RFMO and to the effective implementation of these measures.
11. To encourage States to take all necessary steps to ensure that state agencies involved in the registration of fishing vessels and the authorisation of the importation and exportation of fish and fish products coordinate their activities with a view to identifying and closing gaps which may aid IUU fishing and the trade in fish harvested and fish products produced as a result of IUU fishing.
12. To invite COFI to make sure that the obligations in Article 48 of the IPOA-capacity and in Article 93 in the IPOA-IUU are fully complied with. To that end, it is necessary to assess the value of the national plans of action in relation to their effects on fisheries, to promote better fisheries practices and to ensure that the required reduction of fishing mortality on targeted fish stocks will be achieved in due time.
13. Request States to review the sanctions against IUU fishing available under their national laws in order to ensure that such sanctions function as a sufficient deterrent to IUU fishing wherever it occurs, taking account of all relevant information including available guidance for such review.
14. To recommend that RFMOs adopt effective measures to enhance compliance by contracting parties to RFMOs, pursuant to paragraph 84 of the IPOA-IUU.
15. In conformity with paragraph 25 of the IPOA-IUU, encourage all States and all interested stakeholders including industry, fishing communities and non-governmental organizations to implement the national plans of action as soon as possible, and to actively participate, with the full support of FAO, in the international network of cooperation and coordination of the monitoring, control and surveillance of fishing activities, in accordance with resolutions 28, 28.1 and 28.2 of the IPOA-IUU.
16. Invite State to collect, exchange and disclose to the extent possible under domestic law, information on the activities of international business entities such as trading companies undermining effectiveness of the IPOAs so that the concerned States and fishing entities can take appropriate cooperative actions to prevent such activities.
17. To encourage all States either directly through RFMOs through other regional and subregional organizations and in conformity with Section II of the IPOA-capacity, to implement the national plans of action as soon as possible taking due account of the special requirements of developing countries including those for small-scale fisheries.

**Role playing/problem solving:
making responsible decisions about IUU fishing**

PROBLEM: The foreign flagged vessel, “Galapagos Beauty”, a 550 GRT stern trawler has been fishing for the last four days in the EEZ of the Republic of Zoro. The vessel is not authorized to fish in the EEZ. The vessel has been making good catches of pomp, cot and rouly, all of which are high valued species and have strong international market demand.

The Chief Fisheries Officer (CFO) in Angona, the capital of Zoro, estimates that the vessel has taken 200 tonnes of these species in the four day period while operating in the country’s EEZ. His estimates are based on records of past catches, industry intelligence and photographs taken from the air while the vessel was hauling its net.

The vessel, according to its markings and flag which are clearly visible from the air, is registered in Camilla, a small island State in the Indian Ocean. Zoro’s CFO has contacted the Vessel Registry Manager in the Ministry of Fish and Transport in Camilla. He has advised that there is no record of this vessel on the Registry.

Zoro’s medium-scale fishers who operate vessels of upto 200 GRT have protested to the Minister for Fisheries in Angona claiming that this larger foreign vessel is taking fish that they are legitimately authorized to catch. These fishers claim that the “Galapagos Beauty” is in fact flying more than one flag. Questions have been asked in parliament about what action the Government is taking to deal with this incursion. The Minister is under pressure to respond with a strong reply.

Zoro has a limited MCS capacity. It has only one small multipurpose vessel that is used for MCS and search and rescue, when and if required. However, the Government does have a light aircraft that it uses regularly to surveille the EEZ. It is used for fisheries, customs and search and rescue purposes. Zoro is a new member of the International MCS Network.

Intercepted radio conversations between the captain of the “Galapagos Beauty” and the vessel owner, who lives in Falu (the capital of Senta, a State about 850 kms from Zoro), have revealed that the fish will be offloaded in a neighbouring country in the port of Hella (in the State of Villaroba), some 350 kms from Angona, in two days time. Apparently, the catch has been sold on a forward contract and is destined for transport to a national supermarket chain in Zetland.

Zoro is a member of the Oceanic Fisheries Commission, a regional fisheries management organization, which maintains information on IUU fishing activities submitted by its members. The Commission also keeps a current “blacklist” of IUU fishing vessels.

MEASURES TO ADDRESS THE PROBLEM: The Minister has called a meeting of officials and a representative from the fishing industry in his office. Those involved in the meeting are:

1. Minister
2. CFO
3. Representative from the Government Solicitor
4. Senior MCS Officer
5. President of the Fishers Association

Steps should also be made to liaise with the:

6. Coordinator of the International MCS Network
7. Director of the Oceanic Fisheries Commission

ACTION: To develop a strategy to deal with the problem. In summary, dot point form, what should each of the players listed above be expected to do?

Composition of the Working Groups**WORKING GROUP 1**

Leader: CHACHAR Muhammad Munir (Pakistan)
Members: AHAMED Kamal Uddin (Bangladesh)
GONDANE Rakesh Ulhas (India)
KHIN MAUNG WIN (Myanmar)
MANDAL Jay Kishore (Nepal)
SINAN Hussain (Maldives)

WORKING GROUP 2

Leader: CHATURVEDI Shailendra (India)
Members: AHMAD Shubbir (Bangladesh)
HAMEED Faathin (Mrs) (Maldives)
KAZI Ghulam Mustafa (Pakistan)
RANEPURA HEWAGE Piyasena (Sri Lanka)
THI HA (Myanmar)

WORKING GROUP 3

Leader: HUSSAIN Shaukat (Pakistan)
Members: AMARASIRI Champa (Ms) (Sri Lanka)
DHITAL Resham Raj (Nepal)
MAHAT Gopal (Bhutan)
RAMACHANDRAN Nair Neelakanta Pillai (India)

**Identification of issues for the elaboration
of a national plan of action to combat IUU fishing**

BANGLADESH:

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry of Fisheries and Livestock
- Ministry of Forest and Environment
- Ministry of Shipping
- Ministry of Local Government
- Ministry of Finance
- Ministry of Defence

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Unreliable catch data for coastal/artisanal fisheries that are about 92-95% marine catch
- Sector poorly coordinated. Need for high level policy coordination
- International linkages for the management of Bay of Bengal resources

3) How can these constraints be overcome?

- Develop community participation for the management of fisheries resources and monitoring industrial, mechanized artisanal catches
- Formation of a national resource coordination committee and fisheries management executive committee to support national planning
- Improve collaboration with neighbouring coastal countries

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Develop formal monitoring systems to work with community based monitoring

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Coordination and cooperation with neighbouring coastal States and RFMOs

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	Cabinet	01.01.07	01.06.07
2. Legislation review	Parliament	01.06.07	07.09.07
3. Develop the NPOA–IUU	-	01.12.07	01.01.08
4. Legislation development	-	01.02.08	01.03.08
5. Implementation of NPOA–IUU	-	01.03.08	ongoing
6. Review of implementation	-	annually	

BHUTAN:**1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?**

- Department of Forests
- Department of Livestock
- Ministry of Agriculture

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Fishing Act and fishing rules in place
- Lack of coordination with different agencies and individuals
- Require NPOA–IUU expert legal advice for further elaboration of plan of action

3) How can these constraints be overcome?

- Formalize coordination with different agencies and individuals in implementation of the NPOA–IUU
- Utilize expert legal advice in planning for the NPOA–IUU
- Awareness programme

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Involvement of the relevant Ministry/Department
- Legal advisor services should be requisitioned
- Involve stakeholders, local government machinery and local resources

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Non-implementation of NPOA–IUU
- Non-cooperation from stakeholders
- Regional cooperation lacking

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	YES	01.01.2007	31.03.2007
2. Legislation review	YES	01.01.2007	31.03.2007
3. Develop the NPOA–IUU	YES	01.04.2007	30.09.2007
4. Legislation development	YES	01.10.2007	30.09.2008
5. Implementation of NPOA–IUU	YES	01.10.2008	ongoing
6. Review of implementation	YES	-	-

INDIA:**1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?**

- Ministry of Agriculture, Department of Animal Husbandry
- Indian Coast Guard (Ministry of Defence)
- DG, Shipping (Ministry of Shipping)
- Ministry of External Affairs
- Ministry of Home Affairs
- Federal coastal States Governments
- Ministry of Law and Justice

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Different needs of federal coastal States and Union government
- MCS capabilities
- Vessel registration regime
- Amendment/review of existing legislation for foreign vessels
- Formulation of a new legislation for Indian vessels in EEZ
- Requirement of technical guidance for drafting NPOA–IUU

3) How can these constraints be overcome?

- Consultations with federal coastal States and other agencies
- Improvement in MCS capabilities-introduction of VMS
- Vessel registration regime to be compatible with FAO
- Technical guidance of FAO to finalize NPOA guidelines
- Review of existing and finalization of proposed legislation

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Government agencies to coordinate authorization and registration
- Tasking maritime law enforcement agencies for MCS and VMS
- Associations of all fishers operating in coastal waters and EEZ to be associated in the task
- Wide publicity of the task by means of media, workshops and seminars

5) What considerations could affect the ability of countries to deliver a NPOA-IUU?

- Political will
- Optimum capacity building of deep sea fishing vessel
- Speedy implementation of MCS/VMS network
- Bilateral Agreements/MOU with neighbouring coastal States

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	Cabinet	01.01.07	30.06.07
2. Legislation review	Cabinet	01.07.07	31.10.07
3. Develop the NPOA–IUU	Ministry of Agriculture	01.11.07	30.04.08
4. Legislation development	Cabinet	01.05.08	31.09.08
5. Implementation of NPOA-IUU	Ministry of Agriculture	01.10.08	31.12.08
6. Review of implementation	Ministry of Agriculture	01.01.09	31.12.09

MALDIVES:**1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?**

- Ministries of Fisheries (Lead Agency), Economic Development and Trade, Transport and Communications, Foreign Affairs, Atolls Development, Defense and National Security (Coast Guard), Environment
- Attorney General’s Office
- Departments of Maldives Customs Service, Maldives Police Service, Maldives Ports Authority, Inland Revenue
- Industry Organizations like the Chamber of Commerce, the Fisherman’s Association and the Fisher Co-operatives

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Limited understanding of IUU issues and IPOA–IUU among the decision makers and technical staff
- Lack of established forum of relevant agencies for technical cooperation to develop multi-agency action plans such as NPOA–IUU
- Gaps in National Legislation to give legal basis for measures required as flag state, coastal state and port state
- Gaps in information on IUU fishing in National EEZ and adjacent waters due to unreporting and misreporting of catches and lack of programs such as observer programs to support MCS
- Gaps in requirements for authorization to fish and authorization to tranship at sea

3) How can these constraints be overcome?

- Program for information dissemination and understanding of IUU issues and IPOA–IUU to build ownership of NPOA–IUU and mobilize resources
- Establish *ad hoc* technical working group on NPOA–IUU and MCS to formulate and implement NPOA–IUU. This would provide input to existing Fisheries Advisory Board for decision making. Working group would be supported by existing Fisheries Technical Committee
- Review and revision of national legislation to address the gaps
- Review of MCS arrangements and capabilities, and development of National MCS strategy (draft MCS strategy already developed in May 2006, under approval process)
- Make it mandatory in national legislation (included in Draft Fisheries Bill now in parliament)

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Policy approval to implement IPOA–IUU at national level. Submit the issue of IPOA–IUU and need to participate in IPOA–IUU to policy making body (Fisheries Advisory Board). Obtain policy approval and commitment to develop NPOA–IUU from Fisheries Advisory Board members (line agencies involved in fisheries management) and to allocate the necessary resources
- Allocate and mobilize required financial and technical resources by line agencies
- Build awareness and ownership among stakeholders. Programme for information dissemination and understanding of IUU issues and IPOA–IUU to build ownership of NPOA–IUU to mobilize resources. Provide support to national and local fisheries organizations to mobilize industry and fisher folk ownership and participation in NPOA–IUU formulation process

- Establish Ad Hoc technical working group on NPOA–IUU and MCS to formulate and implement NPOA–IUU. This would provide input to existing Fisheries Advisory Board for decision making. Working group would be supported by existing Fisheries Technical Committee

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Strength and comprehensiveness of national legislation to give legal authority to measures under NPOA–IUU
- Capacity of national administrations to address the IUU issues
- Gaps in co-ordination /communication between agencies in national administration that deal with different aspects of IUU
- Low priority of NPOA–IUU in national policy due to limitations in information and understanding of the impacts of IUU on national resources and revenues
- Competing demands on national resources and national administration
- Low level of fishing industry organization and limited capacity of existing organizations to represent stakeholder interests and to participate in NPOA–IUU formulation

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	Fisheries Advisory Board	01 Jan 07	14 Jan 07
2. Legislation review	Law Commission	01 Jan 07	01 Feb 07
3. Develop the NPOA–IUU	Fisheries Technical Committee Ad Hoc Working group Fisheries Advisory Board	07 Feb 07	01 July 07
4. Legislation development	Law Commission Cabinet Parliament (third session)	01 Sep 07	30 Nov 07
5. Implementation of NPOA–IUU	Fisheries Technical Committee Ad Hoc Working group Fisheries Advisory Board	01 Aug 07 One month from approval	Ongoing
6. Review of implementation	Fisheries Technical Committee Ad Hoc Working group Fisheries Advisory Board	01 Aug 07 One month from approval	Ongoing

MYANMAR:

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry of Livestock and Fisheries
- Ministry of Transport (registration of vessels, maintenance of registry)

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Insufficient legal basis existing at national level, regulation and practices to comply with some of the State responsibility under the IPOA–IUU
- Incomplete assessment and evaluation of the extent and nature of IUU fishing activities
- Coordination mechanism among the ministry, department and agency
- Inadequate HRD

- Inadequate MCS system.

3) How can these constraints be overcome?

- Review of fisheries laws regulation and practices relating to IUU fishing, with a view to implement the IPOA–IUU in the most expedient manner possible
- The principal goal of the review is to rationalize and strengthen the local regime and to make possible the use of all relevant tools in the IPOA–IUU “toolbox”

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Financial assistance from existing development project related to fisheries and harmonization to the plan of NPOA–IUU

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Stakeholder consultation may prolong the process (for the national legislation)
- Insufficient funding
- Further research on the fisheries situation might be needed

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	Ministry of Livestock and Fisheries	01.07.06	31.12.06
2. Legislation review	Cabinet	01.01.07	28.02.07
3. Develop the NPOA–IUU	Ministry of Livestock and Fisheries	As soon as NPOA–IUU is adopted by the Cabinet	-
4. Legislation development	Minister and Cabinet	As soon as NPOA–IUU is adopted by the Cabinet	-
5. Implementation of NPOA–IUU	Minister and DOF	As soon as NPOA–IUU is adopted by the Cabinet	-
6. Review of implementation	Ministry of Livestock and Fisheries and DOF	After two years from implementation	-

NEPAL:

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry of Agriculture
- Ministry of Agriculture and Cooperatives
- Ministry of Water Resources
- Ministry of Home Affairs

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Lack of aquatic animals conservation rules and regulations
- Lack of implementation of the Aquatic Animal Conservation Act
- Lack of coordination between ministries
- Problem of fishers group livelihood
- Lack of awareness to fisher group (stakeholders)
- Trained personnel/equipment/finance

3) How can these constraints be overcome?

- Rules and regulations should be made and implemented
- Coordination between ministries should be done
- Involvement of fishers group in cage culture and rice-fish culture
- Awareness programmes (training, pamphlets, posters)
- Training and higher education abroad for staff

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- MOU between beneficiaries, communities, private fish farmers, Village Development Committee (VDC), municipality
- District Development Committee (DDC) and MOA should be made
- Implementation of MOU would be done by MOA
- Consideration of management of fish stocks
- Regular monitoring

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Non-effective implementation of NPOA–IUU
- Non-cooperation of stakeholders
- Regional cooperation lacking

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	Cabinet	01.01.07	31.03.07
2. Legislation review	Cabinet	01.01.07	31.03.07
3. Develop the NPOA–IUU	Cabinet	01.04.07	31.10.07
4. Legislation development	Cabinet	01.10.07	30.09.08
5. Implementation of NPOA-IUU	Parliament	01.10.08	ongoing
6. Review of implementation	-	Six months following implementation	-

PAKISTAN:

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry of Food, Agriculture and Livestock
- Marine Fisheries Department (MFD)
- Maritime Security Agency (MSA)
- Korangi Fisheries Harbour Authority (KoFHA)

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Lack of monitoring, control and surveillance system
- Lack of modern technology and equipment to combat IUU fishing
- Lack of cooperation between neighbouring, coastal and international organizations regarding dissemination of information
- Lack of information on under-reported fishing
- Destruction of foreign vessels in the fishing operations of local fishing boats

3) How can these constraints be overcome?

- Establishment of well-equipped maritime security agency
- Installation of VHS communication system at ports for proper communication between port authority and vessels
- Establishment of satellite based vessel monitoring system to exercise effective control over fishing by foreign vessels in EEZs
- Promulgation of regulations of fishing act
- To adhere the guidelines and Code of Conduct for Responsible Fisheries
- Create awareness among all stakeholders through workshops, seminars, and electronic media campaign
- Implementation of penalty on vessels for their contravention/violation in EEZs
- Issuance of licenses to deep sea/foreign vessels in EEZs to only those having good reputation and pass track record

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Effective conservation and management of fish stocks for this a comprehensive management policy for optimal exploitation of resource need to be developed
- All the components as mentioned on item 3 above should work in close cooperation with each other
- Imposition of ban and its implementation on fishing during breeding seasons
- Imposition of ban and its implementation on destructive fishing gears and methods
- Effective control of EEZ fishing through strict surveillance
- Active participation in bilateral, regional management activities, and exchange of information

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Non-cooperation by the regional countries in abiding international laws on illegal fishing
- Absence of bilateral agreement between coastal countries and international organizations on fisheries and fishery products to prohibit IUU fishing
- Need for technical assistance and stakeholders cooperation for improving resource-used efficiency and management

6) Steps to be undertaken in elaborating a NPOA–IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review/development	Cabinet	1-1-2007	1-3-2007
2. Legislation review/ development	Parliament	1-3-2007	1-4-2007
3. Develop the NPOA–IUU	Cabinet	1-5-2007	1-6-2007
4 Legislation development	Parliament	2-7-2007	1-8-2007
5. Implementation of NPOA–IUU	-	1-8-2007	-
6. Review of implementation	-	30-7-2008	-

SRI LANKA:

1) Which Ministries/Departments are involved in the elaboration of an NPOA–IUU?

- Ministry of Fishery and Agriculture, Ministry of Defence; Extension Resources Department
- Department of Fishery and Agriculture
- Ceylon Fishery Harbours Cooperation (CFHA)
- National Aquatic Resources Development Authority (NAQDA)
- Ceylon Fisheries Corporation (CFC)
- Ministry of Foreign Affairs, Department of Police
- Attorney General Department, Legal Draftsmen Department

2) What constraints are likely to be faced in the elaboration of an NPOA–IUU?

- Lack of technical person
- Difficulties in prioritizing this work amid the current situation in the country (i.e. tsunami rehabilitation, peace)
- Difficulties in initiating action as this has to be supported by many organizations

3) How can these constraints be overcome?

- Seeking and obtaining technical and financial assistance
- Clarifying the benefits and immediacy of this work considering the value of resource conservation and sustainability
- Stakeholder meetings and workshops to be held (necessity to have laid down procedure to deal with IUU fishing)

4) How national resources could be mobilized for the elaboration of a NPOA–IUU?

- Identify person to work with the external technical expert
- Stakeholder meeting for clarification and awareness
- Available/existing information and documentation

5) What considerations could affect the ability of countries to deliver a NPOA–IUU?

- Lack of information and incomplete and inadequate data
- Lack of assurance about the benefits due to implementation difficulties

6) Steps to be undertaken in elaborating a NPOA-IUU

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review	Minister	1.01.07	-
2. Legislation review	Minister	One-two months	-
3. Develop the NPOA-IUU	Minister	Three months	-
4. Legislation development	Minister/Cabinet/ Parliament	One year	-
5. Implementation of NPOA-IUU	-	2008	-
6. Review of implementation	-	-	-

Priority listing of problems by country for the subregion and proposed actions to combat these problems

Issue	Bangladesh	Bhutan	India	Maldives	Myanmar	Nepal	Pakistan	Sri Lanka	Average	Rank
Unreporting/misreporting of catches	1	4	2	3	11	-	-	4	5	1
Encroachment by foreign fishing vessels	16	-	6	1	1	-	-	2	5.2	2
Inadequate MCS	3	-	9	4	8	7	-	1	5.33	3
Lack of coordination/communications between agencies in national administrations	7	5	1	9	13	3	3	9	6.25	4
Lack of subregional cooperation on IUU fishing issues	5	8	4	13	10	8	4	3	6.875	5
Use of prohibited gears and fishing methods	10	6	18	6	2	6	2	6	7	6
Fishing unauthorized species/undersized species	4	6	3	14	6	5	5	15	7.25	7
Fishing by unauthorization	9	-	16	2	4	-	-	8	7.8	8
Inadequate legislation for IUU fishing/ MCS	12	1	11	5	12	1	-	14	8	9
Lack of resource assessment information	2	12	10	10	15	14	1	10	9.25	10
Unauthorized fishing in closed areas/seasons	18	5	12	7	7	2	-	16	9.57143	11
Use of unauthorized gears	6	12	17	-	3	11	7	12	9.71429	12
Fishing by unregistered vessels	11	12	7	15	5	12	-	7	9.85714	13
Lack of catch documentation/certification schemes	13	4	5	8	14	13	-	13	10	14
Fishing overcapacity	8	-	13	-	17	-	8	5	10.2	15
Unauthorized fishing in management zones	14	9	8	12	9	9	-	17	11.1429	16
Fishing endangered species	17	3	15	11	16	4	6	18	11.25	17
Use of unseaworthy vessels	15	-	14	16	18	-	-	11	14.8	18

Note: For Pakistan, ranking No.5 applies only to undersized fish species. Ranking No.6 deals only with shrimps.

ISSUE	ACTION
Unreporting/misreporting of catches	At sea inspection Scientific observer programs Port inspection Associate port reporting with authorization/agreement Improve catch reporting and verification system More trained manpower Improve licensing system Strengthen patrolling system Regional catch documentation Use of trade and other data for cross-checking Provide knowledge to fishers for catch identification and benefits of catch reporting Exchange of data and information among countries in subregion Harmonize data and information on catches Provide incentives to share data and information
Encroachment by foreign fishing vessels into the EEZ or territorial seas	More at sea surveillance Improve diplomatic relation Sharing of MCS capability among countries in subregion Bilateral agreement Regional mandatory VMS and GPS arrangement Strengthening national laws including the provision of strong sanctions/penalties Expedient decision by the court in cases of captured vessels and the crew Strengthening of international arrangements for flag states to meet their obligations
Inadequate MCS	Invest realistically in MCS facilities and modern technology, e.g. radio communication, patrol boats, Assessment of national and regional MCS requirements and develop MCS strategy Stronger inspection both at port and at sea Closer coordination among concerned agencies Capacity building for MCS personnel Move toward “user pay” system Regional cooperation and networking Co and participatory management including self regulatory system
Lack of coordination/communications between agencies in national administrations (vertical and horizontal)	Conduct seminars/workshops for the awareness among the different national organizations Raise awareness on benefits of coordination Capacity building via training among the different national organizations Comprehensive and standardized information and statistics system Define clear roles and responsibilities among agencies as part of a team Set up an overarching coordination mechanism e.g. ministerial council Set-up interagency taskforce with common objectives and linkage with the overarching coordination mechanism

ISSUE	ACTION
Lack of subregional cooperation on IUU fishing issues	Conduct seminars/workshops for the awareness among the different countries Establishment of bilateral arrangement among the subregional, coastal and neighbouring countries Regional cooperation on scientific knowledge Formation of subregional high-level committee Strengthen collaboration and exchange of information through conferences and regular meetings Make more use of existing subregional collaborative arrangements i.e. SAARC, BIMSTEC
Use of prohibited gears and fishing methods	(Improve MCS as mentioned above) Strict enforcement of the laws Prohibit import and bans the sale of prohibited gear In closed seasons, prohibit gears being near waterways Define permitted gear rather than prohibited gear Education and awareness for fishers Include improvement of livelihoods and standard of living as part of addressing the fishing issues Better inspection of landing Better monitoring and assessment of resources Provide alternative environmentally-friendly gears Public awareness and media campaign Promote self-help approach
Fishing unauthorized species/undersized species	(Improve MCS and enforcement as above) Provide fattening facilities Change market demand e.g. fish meals Mesh-size and landing size regulations Ban on the net and mesh size for catching undersized fishing Re-stocking of depleted stocks Monitoring and management of these stocks, e.g. moratorium Use of excluder devices e.g. TEDs Harmonization of rules and regulations
Fishing by unauthorized vessels and fishers	Improve licensing system Replace “open-access” by introducing a rights-based fisheries system appropriate to the locality Encourage participation of NGOs and stakeholders Close cooperation among coastal and neighbouring countries in prohibiting unauthorized fishing
Unauthorized fishing in closed areas/seasons	(Same as item 8)
Lack of catch documentation/certification schemes	Establishment of a regional catch documentation
Fishing overcapacity	Diversification of fishing methods towards under-exploited resources Move fishing offshore where there are potential resources Alternative and supplementary livelihoods including diversifying sources of income Ensure adequate legislation and implementation Assess the national fishing capacity and rationalize fleets

ISSUE	ACTION
	Take measures to prevent transfer of fishing capacity from other regions
Fishing endangered species	(Refer to other IPOAs and international instruments in meeting obligations)

This document contains the report of, and the papers presented at, the **FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – South Asian Subregion**, which was held in Bangkok, Thailand, from 19 to 23 June 2006. The purpose of the Workshop was to assist countries in the subregion to develop capacity to elaborate national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOAs–IUU). The Workshop addressed issues relating to the 1995 FAO Code of Conduct for Responsible Fisheries, the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) and the FAO Fisheries Technical Guidelines for Responsible Fisheries No. 9 that have been developed to support the implementation of the IPOA–IUU; decision-making about IUU fishing and skills enhancement through the identification of key issues relating to the elaboration of NPOAs–IUU, the primary vehicle by which the IPOA–IUU will be implemented by countries. Working groups were formed to encourage maximum participation in the Workshop. A review of the major IUU fishing problems in the region and their possible solutions were discussed. Funding for the Workshop was provided by the Government of Japan through project GCP/INT/942/JPN entitled “Promotion of Sustainable Fisheries: Support for the Plan of Implementation of the World Summit on Sustainable Development: Phase II”.

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