

**Report of the**

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

**CARIBBEAN SUBREGION**

**Port of Spain, Trinidad and Tobago, 22–26 November 2004**



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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 – Caribbean Subregion, held at the Ambassador Hotel, Port of Spain, Trinidad and Tobago, from 22 to 26 November 2004.

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 – Caribbean Subregion. Port of Spain, Trinidad and Tobago, 22–26 November 2004.

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### ABSTRACT

This document contains the report of, and some of 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 – Caribbean Subregion which was held at Port of Spain, Trinidad and Tobago, from 22 to 26 November 2004. The purpose of the Workshop was to assist countries in the Caribbean 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 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and Technical Guidelines No. 9 that have been developed to support the implementation of the IPOA-IUU; concepts of planning and the elaboration of action plans; a case study for the development of a NPOA-IUU in a small island developing State; 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.

### Distribution:

Participants

FAO Fisheries Officers, Regional and Subregional Offices



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## **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 was held at the Ambassador Hotel, Port of Spain, Trinidad and Tobago, from 22 to 26 November 2004.

2. The Workshop was attended by 28 participants from FAO Members countries and two observers. A list of participants and observer is attached as Appendix B.

3. Ms Ann Marie Jobity, Director, Fisheries Division, Ministry of Agriculture, Land and Marine Resources, Port of Spain, Trinidad and Tobago, called the meeting to order. In her opening remarks, she noted that illegal, unreported and unregulated (IUU) fishing was a major problem confronting world fisheries. She further noted that IUU fishing occurred in waters under national jurisdiction and in international waters and that it undermined efforts to sustainably manage fish stocks. Ms Jobity welcomed the Workshop as a capacity-building exercise. Her statement is attached as Appendix D.

4. Mr Bisessar Chakalall, Senior Fishery Officer, FAO Subregional Office for Latin America and the Caribbean (FAO/SLAC), Barbados, and Workshop Coordinator, welcomed participants to the Workshop. He also extended greetings from the Director-General of FAO, Dr Jacques Diouf and Mr Ichiro Nomura, Assistant Director-General for Fisheries, FAO Fisheries Department, Rome, Italy. Mr Chakalall noted that this was the third Workshop of this type to be held. He reiterated that IUU fishing occurred in all capture fisheries and that it was a major focus of international attention. He added that the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) was intended to be implemented by all countries with wide stakeholder participation. He added that the national plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOAs-IUU) were key elements in implementing the IPOA-IUU. Mr Chakalall thanked the Government of Trinidad for its support and assistance in organizing the Workshop, noting that the Government had always collaborated with FAO in the implementation of regional activities and projects. His statement is attached as Appendix E.

5. Mr Trevor Murray, Permanent Secretary, Ministry of Agriculture, Land and Marine Resources, Port of Spain, Trinidad and Tobago addressed the Workshop on behalf of the Honourable Jarrette Narine, Minister for Agriculture, Land and Marine Resources, who was unable to participate in the opening ceremony because of unforeseen and pressing commitments. In his statement, the Minister extended a warm welcome to participants noting the importance of the Workshop. He thanked FAO for once again choosing Trinidad and Tobago as the venue for this regional Workshop. The Minister underscored FAO's role in the promotion of sustainable fisheries and highlighted the problems associated with IUU fishing. The Minister urged participants to implement measures to combat IUU fishing, pointing out that this type of fishing was of particular significance in the Caribbean subregion. The Honourable Minister's statement is attached as Appendix F.

## **ADMINISTRATIVE ARRANGEMENTS AND TECHNICAL ISSUES FOR THE WORKSHOP**

6. The Agenda for the Workshop is attached as Appendix A and the list of documents is attached as Appendix C.

7. Mr Vaughn A. Charles, Chief Fisheries Officer, Department of Fisheries, Ministry of Agriculture, Forestry and Fisheries, Saint Lucia and Mr Terrence Phillips, Programme Manager, Fisheries Management and Development, CRFM – CARICOM Regional Fisheries Mechanisms, Saint Vincent and the Grenadines, were appointed as the Workshop Representatives.

8. Mr David Doulman, Senior Fishery Liaison Officer, FAO Fisheries Department, Rome, Italy, provided an overview of the technical issues to be addressed in the Workshop. He stated that the objective of the Workshop was to enhance national capacity so that countries would be better placed to elaborate their NPOAs-IUU. He outlined the contents of the Workshop in terms of the 1995 FAO Code of Conduct for Responsible Fisheries and the development of the IPOA-IUU, national action towards implementation and related matters; basic planning concepts, presentation of the IPOA-IUU; consideration of the technical guideline on IUU fishing; national plans of action case study; review of national and regional plans of action already developed, the formation of Working Groups to address making responsible decisions about IUU fishing, and skills development through the preparation of an outline for a NPOA-IUU.

9. With respect to the outcome of the Workshop, Mr Doulman indicated that it should lead to an increased awareness about the problems and effects of IUU fishing and the need for countries to take concerted action to combat it and a clearer definition of the steps that countries should take to develop their NPOAs-IUU. He noted that the Workshop should facilitate a greater sharing of experiences about IUU fishing by participants and a greater appreciation of the need for enhanced regional harmonization of measures to combat IUU fishing in the Caribbean subregion.

### **1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND THE DEVELOPMENT OF THE IPOA-IUU, NATIONAL ACTION TOWARDS IMPLEMENTATION AND RELATED MATTERS**

10. Mr Doulman introduced the presentation noting 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;
- process of elaboration;
- purpose and objectives;
- structure; and
- implementation.

He 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 adjustment in fisheries so that responsible and long-term sustainability outcomes would be achieved. The paper relating to the 1995 FAO Code of Conduct for Responsible Fisheries is attached as Appendix G.

11. All participants in the Workshop indicated that they were aware of the Code of Conduct and of its role in promoting long-term sustainable fisheries. Many participants noted that steps had already been taken in the Caribbean subregion to implement the Code. Some discussion focused on ways and means that might be employed to gauge the extent to which the Code was being implemented. In this respect, reference was made to the periodic reporting by countries to FAO on progress with the implementation of the Code. It was noted that an attempt had been made to develop indicators that might be used as quantifiable benchmarks to assess implementation.

12. With respect to the scope and focus of the Code of Conduct, it was pointed out that the Code had been developed primarily with industrial fisheries in mind. This meant that there was limited emphasis on small-scale and inland fisheries, although most of the Code's objectives and principles can be applied to all fisheries, irrespective of their size or location.

13. The presentation relating to the IPOA-IUU provided information about the extent, scope and impact of IUU fishing, the international responses to IUU fishing at the global, regional and national levels, the elaboration process within FAO for the IPOA-IUU, the structure and contents of the IPOA-IUU, including the challenges to be met by regional fisheries management organizations or arrangements (RFMOs) if their conservation and management effort were to be successful. Mr Doulman noted that IUU fishing flourished principally because countries failed to meet their obligations under international law with respect to flag State control. For this reason, countries and RFMOs were required to look beyond conventional solutions to combat IUU fishing and adopt and implement a wider and more innovative suite of measures. This was one of the fundamental reasons why FAO had elaborated the IPOA-IUU. He indicated that the IPOA-IUU had the potential to facilitate long-term sustainable fisheries. When reinforced and supported by other national and international fisheries instruments, the IPOA-IUU had the capacity to marshal and facilitate cooperative and targeted action against the root cause of IUU fishing. The paper upon which the presentation was based is attached as Appendix H.

14. The Workshop noted the voluntary nature of the Code of Conduct and the IPOA-IUU. However, it was pointed out that countries could, if they so desired, draw on the voluntary instruments as a basis for drafting binding national legislation. Indeed, it was noted that the Code of Conduct had been drafted with this possibility in mind.

15. The need for regional cooperation in implementing the IPOA-IUU in the Caribbean subregion was underscored by the Workshop. This was because of the adjacency of areas of national jurisdiction and resources, some of which were shared (e.g. lobsters). The Workshop agreed that it could be relatively futile for one country in the subregion to adopt certain measures and for its neighbours not to implement similar types of measures. It was further agreed that regional cooperation in the implementation of measures to combat IUU fishing was required if loopholes were to be closed and weak points eliminated. Such cooperation was also important for the harmonization of fishery management measures for countries and territories of the subregion.

16. Some participants referred to the need to ensure that there was effective internal coordination at national level if IUU fishing was to be addressed in an effective manner. It was pointed out that a lack of coordination among national agencies was a global problem and an issue that was often raised as a contributing factor to IUU fishing.

17. Mr Doulman pointed out that three countries in the Caribbean subregion (Barbados, Saint Kitts and Nevis and Saint Lucia) had accepted the 1993 FAO Compliance Agreement. As part of their efforts to address IUU fishing, countries were encouraged to promote the acceptance of these Agreement and other international instruments when elaborating their respective NPOAs-IUU.

18. The issue of “flags of convenience” or open registries was raised in the Workshop. It was pointed out that some countries in the Caribbean subregion operated such registries. However, it was noted that not all countries that had such registries failed to meet their obligations under international law. The Workshop agreed that countries operating open registries should have the capacity to monitor the vessels on their registries. Some participants observed that the existence of open registries in the Caribbean subregion created a bad image for the subregion. It was noted that some countries had taken steps, with considerable success, to exercise greater control over vessels listed on their registries. This was viewed as a most encouraging development in combating IUU fishing. The Workshop was advised that FAO in 2002 had consulted with some countries operating open registries and that the report of this Expert Consultation and the papers prepared for it were available from FAO. The report could be downloaded electronically from the following address: [http://www.fao.org/fi/NEMS/events/detail\\_event.asp?event\\_id=14250](http://www.fao.org/fi/NEMS/events/detail_event.asp?event_id=14250).

#### **PLANNING FOR SUCCESS: WHAT IS AN ACTION PLAN?**

19. In introducing his presentation on planning, Mr Doulman noted that there were many different types of plans and that they were developed for different reasons and with different levels of complexity. He added that planning was undertaken to:

- assemble ideas in a coherent manner;
- attempt to take account of future uncertainties when operating in a dynamic environment;
- ensure proper budgetary control and scheduling of funds;
- avoid haphazard implementation of activities;
- ensure that activities had a greater chance of success;
- provide clarity and transparency;
- provide continuity in the event of personnel changes; and
- improve management.

20. Mr Doulman further noted that a good plan should provide:

- an assessment of the situation “on the ground”;
- goals/objectives;
- a set of actions to be undertaken;
- clear statement of priorities;
- an indication of the human and financial resources required and how they would be sourced;
- assignment of roles and responsibilities for key persons and/or institutions;
- responsibility for coordination, communication and decision-making;
- establishment of timelines for major activities;
- specification of expected outcomes including “indicators” for each outcome;
- monitoring of implementation; and
- provision for review and revision.

21. Mr Doulman expressed the view that an action plan could be considered a method or approach for implementing a suite of activities to address a certain situation or a particular problem such as IUU fishing, reducing fleet sizes, management of shark populations and reducing the incidental catches of seabirds in certain longline fisheries either individually or as a combined plan. In developing an action plan, he added that it would be important to:

- specify clearly the nature and extent of the problem to be addressed and its environment;
- what actions should be taken to prevent or avert the problem;
- what resources would be needed;
- responsibility for initiating and undertaking actions;
- where and when the actions would be undertaken;
- the need to ensure that actions were consistent with prevailing policy and legislation;
- international cooperation when addressing extraterritorial issues; and
- periodic review to assess progress to determine whether the action plan had achieved its goals.

22. In the discussions following the presentation, the Workshop noted that there was a need for plans to be flexible if they were to be implemented successfully. It was also pointed out that fishery administrations were often significantly disadvantaged in the planning/budgetary process. The Workshop agreed that efforts should be made to increase the profile of the fisheries sector, emphasizing the importance of its social and economic dimensions. Some participants stated that despite the important contribution made by fisheries to food security, there remained a lack of understanding about the role and importance of the fisheries sector. The Workshop noted that fisheries and related issues generally became more visible when fisheries were affected adversely by particular circumstances and complaints were made to politicians.

23. Some participants expressed the view that a more proactive stance in promoting the interest of the fisheries sector could lead to the allocation of additional national resources. Creative ways to securing additional resources should be considered and the development of partnerships for funding and technical expertise was proposed as a possibility.

## **PRESENTATION AND DISCUSSION OF THE IPOA-IUU**

24. FAO Consultant, Ms Judith Swan, presented the IPOA-IUU, explaining in detail the:

- basic terminology;
- objectives and principles;
- implementation of measures;
- special requirements of developing countries;
- reporting; and
- role of FAO.

25. In introducing the presentation, Ms Swan summarized relevant international law and practice. The role of RFMOs, as outlined in the IPOA-IUU, was also explained and the status and responsibilities of members, cooperating and non-cooperating States was discussed. She emphasized the range of measures that States need to take to combat IUU fishing individually

and through RFMOs. In doing so, she pointed out that States should select those measures that are most appropriate for their purposes, in keeping with the “toolbox” approach adopted by the IPOA-IUU.

26. Discussion was wide-ranging, and included reference to international instruments, RFMOs, national legislation, enforcement of laws beyond the national jurisdiction and other measures that can be taken, consistent with international law, to combat IUU fishing. It was emphasized that although the IPOA-IUU was voluntary, many of the actions and measures it encouraged were based on international law.

27. The Workshop also focused on implementing the IPOA-IUU in national legislation, and, in particular, through State control over nationals, MCS and penalties and sanctions at appropriate levels, including deterrent penalties for serious offences. It was noted that the fisheries legislation of several countries in the Caribbean subregion was developed prior to the adoption of the post-1992 United Nations Conference on Environment and Development (UNCED) fisheries instruments, and that, in some cases, there had been substantial delays in the revision process. The Workshop acknowledged that the IPOA-IUU would serve as a useful guide in furthering the process of revision.

### **CONSIDERATION OF THE TECHNICAL GUIDELINES ON IUU FISHING**

28. Mr Chakalall provided an overview of FAO Technical Guideline No. 9. In his presentation, he highlighted aspects of the Technical Guideline that in his opinion were relevant to the subregion and should be considered in elaborating NPOAs-IUU. As an introduction to the topic, Mr Chakalall pointed out that the Caribbean subregion, where all countries are small island developing States (SIDS), had juxtaposed exclusive economic zones (EEZs) with only two small areas of high seas in the Gulf of Mexico. Most fish stocks in the subregion were open-access and straddling in nature and the subregion was characterized by considerable diversity in terms of history, culture, economics and resource wealth. He added that there was a large number of fisheries organizations in the subregion and that their overlapping and competing interests did not provide for a coherent fisheries governance framework. Mr Chakalall stressed the need for dialogue between countries and territories of the subregion with respect to the harmonization of fisheries measures and regulations. He noted that the Technical Guideline was an elaboration of the IPOA-IUU and provided useful examples of actions that would assist countries in understanding the IPOA-IUU and the range of actions that were available as part of the “toolbox”.

29. The Workshop cited a number of species in the subregion that had collapsed (e.g. Nassau grouper and sea urchin) and considered overexploited (e.g. queen conch and spiny lobster) as a result of poor management and/or IUU fishing. However, there had also been some successes with the rebuilding of stocks following moratoria (e.g. sea urchin) that had been imposed by administrations in consultation with fishers under co-management arrangements.

30. The Workshop noted that there was only a limited number of fisheries access agreements in the Caribbean subregion and that many countries already had monitoring, control and surveillance (MCS) arrangements in place and some countries were progressively working towards the implementation of vessel monitoring systems (VMS). The Workshop further noted the importance of MCS/VMS for safety at sea in the subregion.

31. With respect to compliance, the Workshop discussed in detail the role of peer pressure in eliciting voluntary compliance by fishers with management measures and regulations. It was noted that to be successful, self-regulation required that fishers be organized in groups and that they have an affinity with the management plan being implemented. It was further noted that self compliance and enforcement was important in some SIDS where there were small populations because of the reluctance and inability of enforcement officers to take action against relatives and close friends. The Workshop was advised that the promotion of voluntary compliance among fishers had been successful in Trinidad and Tobago and it was proposed that the experience and lessons learned in Trinidad and Tobago could provide the basis for a case study, the results of which could be transmitted to other countries in the subregion.

32. The Workshop discussed the merits of vessel registration noting that in order to encourage fishers to register their vessels, fishers needed to see benefits from such registration. Based on experience in the Caribbean subregion, participants pointed out that registration was important because:

- owners received documents and legal entitlement to transfer the ownership of vessels, either through inheritance or the sale of vessels;
- subsidies (e.g. fuel) were payable;
- vessel insurance was possible;
- safety standards could be upgraded and enforced; and
- loans (e.g. loans with reduced interest rates from development banks) were possible.

33. In discussing issues related to the port State, the Workshop recognized that although there was limited foreign fishing in the Caribbean subregion, the transshipment of fish at ports was increasing in importance. In order to assist in combating IUU fishing, the Workshop agreed that countries that permitted transshipment of fish in their ports should ensure that they exercised port State measures in accordance with the IPOA-IUU and NPOAs-IUU.

34. The Workshop noted that most countries in the Caribbean subregion maintained a record of fishing vessels and fishers. Through licensing system, both fishers and vessels require authorizations to fish in national waters. It was further noted that most countries in the subregion had fishery management plans.

#### **NATIONAL PLAN OF ACTION CASE STUDY: A SMALL ISLAND DEVELOPING STATE**

35. Ms Swan presented a model case study of a SIDS showing how such countries could develop and implement NPOAs-IUU. A fisheries profile of a fictitious State was described, which drew on typical existing circumstances. Elements of a possible NPOA-IUU that could be elaborated for that State were reviewed, taking into account the framework suggested in the FAO Technical Guideline No. 9. The model case study is attached as Appendix I.

36. Ms Swan emphasized that the NPOA-IUU should incorporate a phased approach to implementation. This would cater to the needs and limited resources of SIDS where priorities could be set and financial and technical resources secured on an ongoing basis.

37. The Workshop recognized the importance of ensuring that States maintained a proper balance between sustainability of fisheries resources and maximization of social and economic benefits. Ms Swan noted that conservation and management approaches, such as the precautionary approach, were available to underpin the elaboration of sustainability.

38. The Workshop acknowledged the importance of the deterrent effect of fines and penalties, and considered that the maximum level should, where appropriate, be revisited in this context.

39. In relation to evidentiary provisions, Ms Swan emphasized the need to ensure that countries had updated legal provisions to cater for new technologies such as digital photographs and VMS. In addition, she further noted the successful implementation by some countries of legislation that allows certificates to be introduced as evidence in specific situations, thereby facilitating the legal process. The Workshop considered requirements for obtaining evidence and then the procedure for introducing it into legal proceedings.

#### **REVIEW OF NATIONAL AND REGIONAL PLANS OF ACTION ALREADY PREPARED AND DISSEMINATED**

40. The Workshop was advised that only 12 countries had prepared and disseminated NPOAs-IUU even though FAO was aware that many other countries and some RFMOs were addressing different aspects of IUU fishing (e.g. through activities such as vessel listing, strengthened international cooperation to fight IUU fishing and enhanced MCS/VMS programmes).

41. The attention of the Workshop was drawn to the NPOAs-IUU, some of which were still draft documents, prepared by Republic of The Gambia, Mexico, Republic of Namibia, New Zealand, Republic of Seychelles, Spain, Kingdom of Tonga, Tuvalu and United States of America. It was noted that the European Commission had also prepared a similar document for its Members while the Lake Victoria Fisheries Organization (LVFO) in East Africa and the Commission for the Conservation of Antarctic Marine Living Resources had prepared regional plans of action to combat IUU fishing. Importantly, the regional plan elaborated by LVFO was the first of its type for inland fisheries. Noting differences among the approaches adopted in the preparation of these national and regional documents, Mr Doullman pointed out that they were all, nonetheless, tied closely to the IPOA-IUU.

42. Mr Doullman encouraged participants to review and study the NPOAs-IUU already developed as a means of facilitating the elaboration of their NPOAs-IUU following the Workshop. He noted that no NPOAs-IUU had yet been prepared for the Caribbean subregion. Mr Doullman pointed out that in addition to addressing the technical issues contained in the IPOA-IUU, the NPOAs-IUU should seek to achieve a balance between the current fisheries situation in a country and the extent to which IUU fishing is occurring or has the potential to occur and forward-looking measures that might be adopted to combat IUU fishing at all levels and in all of its forms.

43. In discussing the timing for the preparation of the NPOAs-IUU, participants were urged to initiate their plans as a matter of priority. Mr Doullman noted that even if fisheries legislation needed revision, countries should not await for this process to be completed prior to elaborating and implementing their NPOAs-IUU; indeed, the revision of legislation could be included in the NPOA-IUU as a future action to combat IUU fishing. In this regard,



participants were urged to consider their NPOAs-IUU as “living” documents that should be periodically reviewed to take account of the dynamic nature of the fisheries sector and changing conditions that facilitated IUU fishing. Mr Doulman stressed that the NPOAs-IUU, along with other initiatives, should be seen as an integral part of an ongoing process towards improved fisheries management and long-term sustainability.

44. In elaborating their NPOAs-IUU, Mr Doulman expressed the view that countries could, as part of the process, develop check lists that would indicate existing and potential gaps and shortcomings in management and other areas. These check lists would assist countries take corrective action to close these gaps and to minimize the effects of other shortcoming.

45. In relation to the elaboration of NPOAs-IUU, the Workshop recognized the importance of promoting an inclusive approach in drafting the instrument. However, it was pointed out that broad consultation with stakeholders, although beneficial, was often a lengthy and difficult process.

46. The Workshop took note of a suggestion that in addition to a NPOA-IUU, an administration could also prepare a supporting implementation plan and budget. The implementation plan could specify actions to be taken over a specific period to address IUU fishing (e.g. five years) and corresponding outputs. Such a package could be attractive to the international donor community and assist in securing financial support for the implementation of the NPOA-IUU.

#### **PROBLEM-SOLVING: MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING**

47. A problem-solving exercise was undertaken in the Workshop to reinforce the concepts and information presented in the Workshop concerning measures to prevent, deter and eliminate IUU fishing and to encourage participants to interpret and apply them. The scenario for the exercise is attached as Appendix J.

48. Participants were requested to work in four groups and to decide what initial steps should be taken to address the IUU fishing problem presented in the scenario. The composition of the working groups are attached as Appendix K. The solutions to the problem presented in the Workshop by the leaders of each of the working groups are attached as Appendix L.

49. Following the group presentations in the Workshop, Ms Judith Swan commented generally on the proposed solutions. She noted that a range of creative and different approaches had been suggested indicating that there were a range of options that could be considered. Some groups took an approach based on responsibilities and activities and others referred to strategies and issues. Participants were aware of the need to move quickly and to seek effective internal and external coordination when confronted with an IUU fishing problem of the type described in the scenario. All groups presented immediate responses and some also considered a more long-term forward-looking approach, including the development of institutional capacity.

50. Ms Swan indicated that it was apparent that all groups had recognized the need to cooperate with other countries and organizations in order to solve the problems relating to IUU fishing. All groups addressed the need for a cooperative approach to MCS through

RFMOs and the International MCS Network as well as with other concerned States. In this context, suggested cooperation included information exchange, inspection, enforcement, legal proceedings and trade sanctions.

51. Ms Swan indicated that it was apparent from the presentations that the working groups had a good knowledge of the respective roles of officers in government including the need to cooperate to collect information, gather evidence and analyse results. The importance of an attempted interdiction of the IUU vessel was emphasized as the confirmation of the coastal State's intention to enforce against IUU fishing and as the basis for future legal or regional action. Ms Swan noted the importance of information management and observed that approaches ranged from involving fishers, parliaments and the press to a more incremental approach that depended first on confirmation of evidence and development of a strategy before releasing all relevant information.

52. Ms Swan noted that an issue that had not been addressed so well by the groups was that of vessel registration and the possibility of taking action against a vessel that was stateless. Overall, she concluded that the solutions suggested by the working groups should enable countries to be better placed to address particular instances of unauthorized fishing in zones of national jurisdiction and IUU fishing practises generally.

#### **IDENTIFICATION OF ISSUES AND ACTIONS TO DEVELOP A NPOA-IUU**

53. The four working groups were presented with the task of outlining the steps to be taken in developing a NPOA-IUU. The groups 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
- identification of major activities, approvals required and starting and completion dates.

54. The reports of each of the working groups are attached as Appendix M.

55. In commenting on the presentations, Ms Swan commended the groups for their hard work and pointed out that the reports of the groups could be very useful at a later stage in developing NPOAs-IUU. She added that although groups had in some cases adopted different approaches, there was a high degree of commonality among the issues and solutions proposed.

56. Ms Swan noted that the working groups had identified a broad range of agencies that would need to be consulted in the elaboration of NPOAs-IUU. However, she noted that groups had not generally referred to a need to involve or inform the Office of the Prime Minister, Cabinet or Parliament of progress. She indicated that it was highly valuable to engage these offices at an early stage. Ms Swan noted that one group had suggested the creation of a Fisheries Advisory Council in an effort to involve NGOs and other stakeholder in the process and observed the potential benefit of such an approach.

57. Commenting on the constraints to developing and delivering a NPOA-IUU identified by the working groups, Ms Swan noted that many of the groups had identified similar issues.

However, she added that policy development in initial stages could serve as a valuable tool upon which other mechanisms can be built, such as interagency MOUs, securing financial resources, legislative review and communication strategies. She emphasized the importance of the suggestion made by some groups that the comprehensive financial benefit of the fisheries sector should be made available in order to foster an appreciation of the value of the sector and attract further budgetary support to overcome constraints in developing a NPOA-IUU. It was noted that private sector donations and legal provisions for cost recovery and environmental damage, as suggested by one group are being used in some countries to overcome budgetary constraints. It was also observed that one group had identified boundary delimitation as a constraint in the subregion, and that dialogue could assist in overcoming this constraint.

58. Most working groups referred to similar issues with respect to ways and means of addressing IUU fishing and in mobilizing resources. Ms Swan underscored the importance of awareness building and stakeholder consultation if IUU fishing was to be combated in an effective manner. Importantly, Ms Swan stated that it was not necessary to have laws in force before a NPOA-IUU could be elaborated and implemented. Rather, a country could proceed with the development of its NPOA-IUU and specify in the plan what legislative measures should be taken in order to have its provisions enforceable at law.

#### **REGIONAL IUU FISHING PROBLEMS AND ACTIONS TO ADDRESS THESE PROBLEMS**

59. The Workshop considered the range of IUU fishing problems prevalent in the Caribbean subregion and developed a priority ranking by country. In turn, the issues for the subregion as a whole were ranked from 1 to 14. Participants also proposed a list of actions to be taken to address the IUU fishing problems identified. The priority listing of problems by country and for the region and the proposed actions to combat these problems are attached as Appendix N. It can be observed that there are no significant difference between rank 1, 2 and 3, as indicated by the averages. A similar pattern of clusters can be identified from the priority listing in Appendix N.

60. Discussion of the main IUU fishing issues reflected a good understanding of the problems that countries are encountering. It was evident that many of the problems were similar across the Caribbean subregion although the severity of the problems varied among countries. It can be observed that the geography of the region also influenced the severity of the problems.

61. The importance of bilateral and regional cooperation in addressing a number of the IUU fishing problems apparent in the subregion was underscored in discussions in the Workshop. In particular, it was noted that collaborative programmes needed to be implemented in the areas of MCS and the marketing of some species of fish. The implementation of bilateral and multilateral fishing agreements was also considered to be of importance in reducing the incidence of IUU fishing in the subregion.

62. The Workshop agreed that the information contained in Appendix N provided an excellent overview of the nature of IUU fishing in the Caribbean subregion and measures that might be implemented nationally, subregionally and regionally to combat these fishing problems.

## **PROPOSED FOLLOW-UP ACTIONS TO THE WORKSHOP**

63. The Workshop agreed that the following actions, not prioritized, would be required by States, regional fishery bodies (RFBs) and FAO to facilitate the elaboration and implementation of NPOAs-IUU in the Caribbean subregion.

64. Actions to be undertaken by States:

- To update fisheries laws and regulations and where possible to harmonize them across the subregion
- To consult with stakeholders
- To review and strengthen data collection and licensing systems
- To reinforce MCS and enforcement
- To promote public awareness on IUU fishing issues
- To initiate or continue dialogue with neighbouring countries on matters concerning IUU fishing
- To strengthen national registration systems for vessels
- To prepare a NPOA-IUU
- To increase capacity within fisheries administration to undertake IUU fishing related tasks
- To form and support a RFMO
- To strengthen the capacity of existing RFBs

65. Action by RFBs:

- To lead coordinated subregional/regional activities and actions against IUU fishing
- To assist in MCS
- To develop a common harmonized registration system for fishing vessels
- To establish link with other RFBs and other international organization in efforts to combat IUU fishing
- To provide a forum for a dialogue among members

66. Action by FAO:

- To inform Governments in the Caribbean subregion about the results of this Workshop
- To assist countries review and update fisheries legislation
- To assist countries with the preparation, implementation and evaluation of their IPOAs-IUU
- To provide technical assistance to establish a RFMO

## **REPORT OF THE WORKSHOP REPRESENTATIVES**

67. The Workshop Representatives thanked FAO for arranging and convening the Workshop and also thanked the Government of Trinidad and Tobago for hosting it. They noted that the Workshop was timely coming shortly after the FAO VMS/MCS Workshop in July 2004. The Representatives stated that it was good to see most of the participants from that Workshop in attendance at this Workshop as this participation gave a sense of continuity.

68. With respect to the pre-Workshop arrangements, the Representatives stated that they had been very good in relation to the provision of the Agenda and the resource materials relevant to the IPOA-IUU and NPOA-IUU.

69. The Workshop Representatives noted that the informal approach adopted in the Workshop was positive as it encouraged participants to provide information based on their knowledge and experience during Plenary and Working Group Sessions as well as to interact more readily with fellow participants. In addition, the Representatives noted that the provision of background information that brought out the links between the 1982 Convention on the Law of the Sea, the Code of Conduct for Responsible Fisheries, the IPOAs (management of sharks, fishing capacity, IUU fishing and seabirds), especially the IPOA-IUU, enabled participants to better appreciate the concepts and issues related to IUU fishing.

70. Concerning the working groups, the Workshop Representatives expressed the view that the “Galapagos Beauty” exercise was effective in getting over the concepts as they related to stateless vessels; coastal and port states roles and responsibilities; role of a RFMO; market-related measures, and the need for interagency coordination and international collaboration in curbing IUU fishing. The Representatives further noted that the NPOA-IUU exercise created an appreciation for the development of the NPOA-IUU with regards to the identification of the agencies involved, likely constraints and solutions, resource requirements and the likely sourcing, and the need to develop and implement the NPOA-IUU.

71. The Workshop Representatives added that the prioritization of IUU fishing issues and the required actions at the national and regional levels should further assist participants in developing their NPOAs-IUU as it provided some insights into the IUU fishing issues facing their respective countries; enabled the identification of priority issues common to countries and provided likely solutions to the issues at the national and regional levels.

72. With respect to the field trip, the Workshop Representatives stated that the visit to the transshipment facility was very relevant to the matters being addressed at the Workshop. The Directors of the facility were fairly open and frank in their responses to questions from participants. The Representatives thanked the Director of Fisheries for arranging this visit.

73. The Workshop Representatives concluded that perhaps too much time had been allocated to the working group sessions. They expressed appreciation for the contributions made by the FAO resource persons.

74. Concerning follow-up actions, the Representatives indicated that:

- a cost/benefit analysis study of the operation of open registries might be valuable to the subregion;
- assistance in the review and revision of legislation should be provided, and
- continued technical assistance for the preparation of NPOAs-IUU through regional and/or national workshops should be encouraged.

## **CLOSURE OF THE WORKSHOP**

75. The Senior Fishery Officer from the Subregional Office of FAO in Barbados, Mr Chakalall, thanked the participants for their active participation which contributed to the success of the Workshop. He stated that he was both impressed and encouraged by their knowledge and understanding of the issues related to IUU fishing in the subregion. Thus, he

was sure that the countries of the subregion, most of which are SIDS, would now elaborate and submit to FAO their NPOAs-IUU. Mr Chakalall added that FAO, within the constraints of its resources, remain committed to assisting the countries of the subregion in the development and implementation of NPOAs-IUU. Mr Chakalall also thanked the Government of Trinidad and Tobago for their kind assistance in organizing the Workshop, the arrangements for which were excellent. In concluding, Mr Chakalall requested the participants to keep in touch with FAO especially the Subregional Office in Barbados, in order to collectively address the issue of IUU fishing in the subregion.

76. Mr Doulman expressed his thanks to the participants and observers, staff of the Trinidad and Tobago Division of Fisheries and FAO colleagues from the offices in Barbados, Trinidad and Tobago and headquarters in Rome for their support and hard work before and during the Workshop. He also thanked the Government of Trinidad and Tobago for hosting the Workshop. The Technical Secretary urged participants to proactively encourage the implementation of the IPOA-IUU when they return to their national administrations. Mr Doulman stressed that FAO assigned high priority to the implementation of the IPOA-IUU as a means of achieving long-term sustainable outcomes in fisheries. He added that the elaboration of NPOAs-IUU was the first step in the process for the implementation of the IPOA-IUU.

77. On behalf of the participants, Mr Michael Braynen expressed his sincere thanks for the convening of this important Workshop. He noted that all the participants arrived with an appreciation for the problems of IUU fishing from their own individual States and that, at the end of the Workshop, they all had a better appreciation of the wide range of activities and practices that constitute IUU fishing in their States and in the region that they all shared. Mr Braynen further noted that participants had been provided with valuable information to be used as tools to assist in the effort to develop their own national plans that would contribute to a global effort to combat IUU fishing. Thanks were extended to the Government of Trinidad and Tobago which, through the Fisheries Division of the Ministry of Agriculture, Land and Marine Affairs, has served as excellent hosts. He extended thanks and appreciation for the ongoing work of FAO in this region and particularly to Mr David Doulman, Ms Judith Swan, Ms Marianne Guyonnet, Mr Bisessar Chakalall and their staffs. Participants and observers were also thanked for their active participation and contributions in making the Workshop a great success.

78. The Workshop closed at 12.00hrs on 26 November 2004.

**Agenda**

OPENING OF THE WORKSHOP

ADMINISTRATIVE ARRANGEMENTS AND TECHNICAL ISSUES FOR THE WORKSHOP

1995 FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND THE DEVELOPMENT OF THE IPOA-IUU, NATIONAL ACTION TOWARDS IMPLEMENTATION AND RELATED MATTERS

PLANNING FOR SUCCESS: WHAT IS AN ACTION PLAN?

PRESENTATION AND DISCUSSION OF THE IPOA-IUU

CONSIDERATION OF THE TECHNICAL GUIDELINES ON IUU FISHING

NATIONAL PLAN OF ACTION CASE STUDY: A SMALL ISLAND DEVELOPING STATE

REVIEW OF NATIONAL AND REGIONAL PLANS OF ACTION ALREADY PREPARED AND DISSEMINATED

PROBLEM-SOLVING: MAKING RESPONSIBLE DECISIONS ABOUT IUU FISHING

IDENTIFICATION OF ISSUES AND ACTIONS TO DEVELOP A NPOA-IUU

REGIONAL IUU FISHING PROBLEMS AND ACTIONS TO ADDRESS THESE PROBLEMS

PROPOSED FOLLOW-UP ACTIONS TO THE WORKSHOP

REPORT OF THE WORKSHOP REPRESENTATIVES

CLOSURE OF THE WORKSHOP

## List of participants

ANSLYN, Arthur  
 Director of Fisheries  
 Department of Fisheries  
 Prospect Estate  
 Nevis  
 Saint Kitts and Nevis  
 Tel: (869) 469-5521  
 Fax: (869) 469-1698  
 Email: [psalhc@hotmail.com](mailto:psalhc@hotmail.com)

ARCHIBALD, Mark  
 Fisheries Assistant  
 Fisheries Division  
 Ministry of Agriculture, Lands, Environment,  
 Marine Resources, Agro-Industry and  
 National Parks  
 Perry Bay, St John's  
 Antigua and Barbuda  
 Tel/Fax: (268) 462-1372  
 Email: [fisheries@antigua.gov.ag](mailto:fisheries@antigua.gov.ag)

BADIO, Jean Robert  
 Chief, Fisheries and Aquaculture  
 Division of Fisheries and Aquaculture  
 Ministère de l'Agriculture, des Ressources  
 Naturelles et du Développement rural  
 Route Nationale #1 - Port-au-Prince  
 Haiti  
 Tel: (509) 558-0560  
 Fax: (509) 249-4005  
 Email: [robertbadio@yahoo.com](mailto:robertbadio@yahoo.com)

BAISRE ALVAREZ, Julio  
 Director de Regulaciones Pesqueras  
 Ministerio de la Industria Pesquera  
 5ta Avenida Esquina 246  
 Santa Fé Playa  
 Ciudad de la Habana  
 Cuba  
 Tel: (53-7) 209-7253  
 Fax: (53-7) 209-8064  
 Email: [baisre@telemar.cu](mailto:baisre@telemar.cu)

BALDEO, Roland  
 Fisheries Officer (Technology)  
 Fisheries Division  
 c/o Ministry of Agriculture, Forestry,  
 Lands and Fisheries  
 Ministerial Complex, Botanical Gardens  
 St George's  
 Grenada  
 Tel: (473) 440-3814/3831  
 Fax: (473) 440-6613  
 Email: [rolandbaldeo@hotmail.com](mailto:rolandbaldeo@hotmail.com)

BANSIE, Rigillio  
 Fisheries Officer  
 c/o Fisheries Department  
 Ministry of Agriculture, Animal  
 Husbandry and Fisheries  
 Cornelis, Jongbawstraat 50  
 P.O. Box 438 - Paramaribo  
 Suriname  
 Tel: (597) 472-233/476-741  
 Fax: (597) 424-441  
 Email: [visserijdienst@sr.net](mailto:visserijdienst@sr.net)

BARTLEY, Errol  
 Chief Fisheries Instructor  
 Fisheries Division  
 Ministry of Agriculture  
 P.O. Box 470  
 Marcus Garvey Drive, Kingston 13  
 Jamaica  
 Tel: (876) 923-8811-3  
 Fax: (876) 937-6726  
 Email: [fisheries@cwjamaica.com](mailto:fisheries@cwjamaica.com)

BRAYNEN, Michael T.  
 Director of Fisheries  
 Department of Fisheries  
 PO Box N-3028 - Nassau  
 Bahamas  
 Tel: (242) 393-1014  
 Fax: (242) 393-0238  
 Email: [michaelbraynen@bahamas.gov.bs](mailto:michaelbraynen@bahamas.gov.bs)



CHARLES, A. Vaughn  
 Chief Fisheries Officer  
 Department of Fisheries  
 Ministry of Agriculture, Forestry and Fisheries  
 Sir Stanislaus James Building  
 Waterfront Buildings - Castries  
 Saint Lucia  
 Tel: (758) 468 4135  
 Fax: (758) 452-3853  
 Email: [chieffish@slumaffe.org](mailto:chieffish@slumaffe.org)

DRAPER, Kieron  
 Transshipment Monitoring Supervisor  
 Marine Fishery Analysis Unit  
 c/o Caribbean Fisheries Training and  
 Development Institute (CFTDI)  
 Chaguaramas  
 Trinidad and Tobago  
 Tel: (868) 634 4504  
 Fax: (868) 634 4488  
 Email: [mfau@tstt.net.tt](mailto:mfau@tstt.net.tt)

FARRELL, Frank  
 Law Enforcement Officer  
 Fisheries Department  
 Ministry of Agriculture, Fisheries,  
 Cooperatives, Lands and Housing  
 P.O. Box 39 - Basseterre  
 Saint Kitts and Nevis  
 Tel: (869) 465-8045; Fax: (869) 466-7254  
 Email: [fmusk@caribsurf.com](mailto:fmusk@caribsurf.com)

GEORGE, Rufus  
 Fisheries Officer  
 Department of Fisheries  
 Ministry of Agriculture, Forestry and Fisheries  
 Sir Stanislaus James Building  
 Waterfront Buildings - Castries  
 Saint Lucia  
 Tel: (758) 468-4135  
 Fax: (758) 452-3853  
 Email: [deptfish@slumaffe.org](mailto:deptfish@slumaffe.org)

HORSFORD, Ian  
 Fisheries Officer  
 Fisheries Division  
 Ministry of Agriculture, Lands, Environment,  
 Marine Resources, Agro-Industry and  
 National Parks  
 Perry Bay, St John's  
 Antigua and Barbuda  
 Tel/Fax: (268) 462-1372  
 Email: [fisheries@antigua.gov.ag](mailto:fisheries@antigua.gov.ag)

INFANTE, José  
 Dirección de Pesca de la  
 Subsecretaría de Estado de  
 Recursos Costeros y Marinos  
 Carr. Duarte Km 6½  
 Santo Domingo, D.N.  
 Dominican Republic  
 Tel: (809) 7324988/4126611/5356898  
 Email: [infante33a@yahoo.com](mailto:infante33a@yahoo.com)

JOBITY, Ann Marie  
 Director  
 Fisheries Division  
 Ministry of Agriculture, Land and  
 Marine Resources  
 #35 Cipriani Boulevard  
 Port of Spain  
 Trinidad and Tobago  
 Tel: (868) 623-5989  
 Fax: (868) 634-8542  
 Email: [fishdiv@tstt.net.tt](mailto:fishdiv@tstt.net.tt)

JONES, Ian  
 Senior Fisheries Officer  
 Fisheries Division  
 Ministry of Agriculture  
 P.O. Box 470, Marcus Garvey Drive,  
 Kingston 13  
 Jamaica  
 Tel: (876) 923-8811-3  
 Fax: (876) 937-6726  
 Email: [fisheries@cwjamaica.com](mailto:fisheries@cwjamaica.com)

LLOYD, Gilford  
 Senior Fisheries Officer  
 Department of Fisheries  
 PO Box N-3028  
 Nassau  
 Bahamas  
 Tel: (242) 393-1014  
 Fax: (242) 393-0238  
 Email: [gilfordlloyd@bahamas.gov.bs](mailto:gilfordlloyd@bahamas.gov.bs)

MAAZ, Julio  
 High Seas Fisheries Officer  
 Fisheries Department  
 Ministry of Fisheries, Cooperative, Commerce  
 and Industry  
 Belmopan  
 Belize  
 Tel: (501) 223 2623/224 4552  
 Fax: (501) 223 2983  
 Email: [species@btl.net](mailto:species@btl.net)

POLANCO, Kennida  
 Dirección de Pesca de la  
 Subsecretaría de Estado de  
 Recursos Costeros y Marinos  
 Carr. Duarte Km 6½  
 Santo Domingo, D.N.  
 Dominican Republic  
 Tel: (809) 7324988 (Ext.28)  
 (809) 682 7331  
 Email: [kargiope@hotmail.com](mailto:kargiope@hotmail.com)

POON, Hady  
 Operations Officer  
 Trinidad and Tobago Coast Guard  
 Staubles Bay  
 Chaguaramas  
 Trinidad and Tobago  
 Tel: (868) 634 4440  
 Fax: (868) 634-4944  
 Email: [harpoon@opus.co.tt](mailto:harpoon@opus.co.tt)

RAMRARATH-PARASRAM, Vivian  
 Institute of Marine Affairs  
 Hilltop Lane  
 Chaguaramas  
 Trinidad and Tobago  
 Tel: (868) 634 4291-4  
 Fax: (868) 634 4433  
 Email: [vrambarath@ima.gov.tt](mailto:vrambarath@ima.gov.tt)

RENNIE, Justin  
 Chief Fisheries Officer  
 Fisheries Division  
 c/o Ministry of Agriculture, Forestry,  
 Lands and Fisheries  
 Ministerial Complex, Botanical Gardens  
 St George's  
 Grenada  
 Tel: (473) 440-3814/3831  
 Fax: (473) 440-6613  
 Email: [jarennie@hotmail.com](mailto:jarennie@hotmail.com)  
[fisheries@gov.gd](mailto:fisheries@gov.gd) (official)

RIVERÓN, Juan Fung  
 Director of Oficina Nacional de  
 Inspección Pesquera  
 Ministerio de la Industria Pesquera  
 5ta Avenida Esquina 246  
 Santa Fé Playa  
 Ciudad de la Habana  
 Cuba  
 Tel: (53-7) 209-7118  
 Fax: (53-7) 209-7118  
 Email: [fung@onip.telemar.cu](mailto:fung@onip.telemar.cu)

SAVERY LANZA, Valerie  
 Fishing Vessels Manager  
 International Merchant marine Registry  
 of Belize "IMMARBE"  
 Marina Towers - Suite 204  
 Newtown Barracks  
 Belize City, Belize  
 Tel: (501) 22 35026  
 Fax: (501) 22 35070  
 Email: [valerie@immarbe.com](mailto:valerie@immarbe.com)

SEWKARANSINGH, Vinodsingh  
 Head, Financial Affairs  
 c/o Fisheries Department  
 Ministry of Agriculture, Animal  
 Husbandry and Fisheries  
 Cornelis, Jongbawstraat 50  
 P.O. Box 438 - Paramaribo  
 Suriname  
 Tel: (597) 472-233/476-741  
 Fax: (597) 424 441  
 Email: [visserijdienst@sr.net](mailto:visserijdienst@sr.net)

SOBERS, Rolerick  
 Acting Senior Fisheries Assistant (Ag)  
 Fisheries Division  
 Ministry of Agriculture and Rural  
 Development  
 Princess Alice Highway, Bridgetown  
 Barbados  
 Tel: (246) 426-3745/427 8480  
 Fax: (246) 436-9068  
 Email: [fishbarbados@caribsurf.com](mailto:fishbarbados@caribsurf.com)

STRAKER, Leslie  
 Fisheries Officer  
 Fisheries Division  
 Ministry of Agriculture and Fisheries  
 Kingstown  
 Saint Vincent and the Grenadines  
 Tel: (784) 456-2738  
 Fax: (784) 457-2112  
 Email: [fishdiv@caribsurf.com](mailto:fishdiv@caribsurf.com)

WILLOUGHBY, Stephen  
 Chief Fisheries Officer (Ag)  
 Fisheries Division  
 Ministry of Agriculture and Rural  
 Development  
 Princess Alice Highway  
 Bridgetown, Barbados  
 Tel: (246) 426-3745/427 8480  
 Fax: (246) 436-9068  
 Email: [fishbarbados@caribsurf.com](mailto:fishbarbados@caribsurf.com)

**OBSERVERS**

GOMES, Selwyn  
 Council of President of the Environment  
 (COPE)  
 P.O. Box 642  
 Port-of-Spain  
 Tel: (868) 624-8017  
 Email [ttnc@202.net](mailto:ttnc@202.net)

PHILLIPS, Terrence  
 Programme Manager  
 Fisheries Management and Development  
 CARICOM Regional Fisheries Mechanism  
 (CRFM)  
 3<sup>rd</sup> Floor, Corea's Building  
 Halifax and Hillsboro Streets  
 Kingstown  
 Saint Vincent and the Grenadines  
 Tel: (784) 457-3474  
 Fax: (784) 457-3475  
 Email: [terrencephillips@vincysurf.com](mailto:terrencephillips@vincysurf.com)

**FAO**

DOULMAN, David J.  
 Senior Fishery Liaison Officer  
 Fishery Policy and Planning Division  
 Fisheries Department  
 Viale delle Terme di Caracalla  
 00100 Rome, Italy  
 Tel: +39 0657056752  
 Fax: +39 0657056500  
 Email: [david.doulman@fao.org](mailto:david.doulman@fao.org)

CHAKALALL, Bisessar  
 Senior Fishery Officer/Secretary of WECAFC  
 Subregional Office for the Caribbean  
 2<sup>nd</sup> Floor, United Nations House  
 Marine Gardens, Hastings  
 Christ Church  
 P.O. Box 631-C, Bridgetown, Barbados  
 Tel: (246) 426-7110/11  
 Fax: (246) 427-6075  
 Email: [bisessar.chakalall@fao.org](mailto:bisessar.chakalall@fao.org)

SWAN Judith  
 Consultant  
 Fishery Policy and Planning Division  
 Fisheries Department  
 Viale delle Terme di Caracalla  
 00100 Rome, Italy  
 Tel: +39 0657055123  
 Email: [judith.swan@fao.org](mailto:judith.swan@fao.org)

GUYONNET Marianne  
 Secretary  
 Fishery Policy and Planning Division  
 Fisheries Department  
 Viale delle Terme di Caracalla  
 00100 Rome, Italy  
 Tel: +39 0657053951  
 Fax: +39 0657056500  
 Email: [marianne.guyonnet@fao.org](mailto:marianne.guyonnet@fao.org)

JOSEPH Roanne  
 FAO Representation in Trinidad and Tobago  
 134-138 Frederick St  
 Port of Spain  
 Trinidad and Tobago  
 Tel: (868) 625 0467  
 Fax: (868) 623 0995  
 Email: [fao-tt@fao.org](mailto:fao-tt@fao.org)

**TRINIDAD AND TOBAGO**

LOGIE-DUFF, Theresa  
 Secretary  
 Fisheries Division  
 Ministry of Agriculture, Land and  
 Marine Resources  
 #35 Cipriani Boulevard  
 Port of Spain  
 Trinidad and Tobago  
 Tel: (868) 623-5989  
 Fax: (868) 634-8542  
 Email: [fishdiv@tsst.net.tt](mailto:fishdiv@tsst.net.tt)

DAVIS, Amber  
 Clerk Typist I  
 Fisheries Division  
 Ministry of Agriculture, Land and  
 Marine Resources  
 St Clair Circle  
 Port of Spain  
 Tel: (868) 622-1221  
 Fax: (868) 622-4246

JOSEPH, Jemma  
 Messenger  
 Fisheries Division  
 Ministry of Agriculture, Land and  
 Marine Resources  
 St Clair Circle  
 Port of Spain  
 Tel: (868) 622-1221  
 Fax: (868) 622-4246

**Documentation presented**

Doulman, David J. 2003. 1995 FAO Code of Conduct for Responsible Fisheries: Development Considerations and Implementation Challenges. FAO, Rome.

Doulman, David J. 2003. 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing. FAO, Rome.

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FAO. 2003. Alpha Island Fisheries Profile. FAO, Rome.

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**APPENDIX D****Opening remarks**

by

Ms Ann Marie Jobity

Director of Fisheries

Port of Spain, Trinidad and Tobago

Mr Trevor Murray, Permanent Secretary, Ministry of Agriculture, Land and Marine Resources; Mr Bissessar Chakalall, Senior Fishery Officer, FAO Subregional Office in Barbados; Dr David Doullman, Senior Fishery Liaison Officer, Fishery Policy and Planning Division, FAO headquarters, Rome; Members of the Diplomatic Corps; Specially Invited Guests, Distinguished Ladies and Gentlemen.

As Chairperson of the opening ceremony, I wish, to personally welcome you this morning, to the opening of this very timely and opportune five day Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated or (IUU) Fishing in the Caribbean. I especially wish to welcome those of you from overseas who are visiting us for the first time and hope that you had an uneventful and pleasant journey to this meeting in Port of Spain.

Ladies and Gentlemen: IUU fishing is a major problem confronting world fisheries today. It is committed by the unscrupulous among us who would flagrantly violate the international rules prescribed for responsible fishing in an attempt to gain an unfair advantage over legitimate fishers. IUU fishing, whether conducted in waters under national jurisdiction or in international waters poses a serious threat to fisheries in that it undermines all efforts at sustainable management of fish stocks. This type of fishing can assume many forms such as fishing without authorization from the flag State, fishing without maintaining proper records or mis-reporting catches, using inappropriate gear or infringements of fisheries management plans such as fishing in prohibited seasons and areas. The problem of IUU fishing is a very important item on most, if not all, national, regional and international fisheries agendas. IUU fishing is not of recent date and the problem first came into prominence in the early nineties followed by calls on a global scale later in that decade, to combat this predicament that had befallen fisheries.

The Workshops thus far, convened this year in Port of Spain by the Food and Agriculture Organization of the United Nations affirm the thematic links in the work of FAO; I refer to the Joint FAO/MALMR workshop held last June on Vessel Monitoring Systems (VMS). The VMS Workshop presented the cutting edge in communication technology to address among other things, IUU fishing. This IPOA-IUU fishing workshop signifies FAO's continuing role and proficiency as the standard bearer in bringing to the forefront, fisheries issues of regional and international importance. Regional fisheries scientists may at this workshop access FAO's expertise and technical assistance to fully appreciate the IPOA-IUU and to build national capacity in the formulation of such relevant national action plans to address with this problem.

At this time, Ladies and Gentlemen and without further ado, please join with me in inviting Mr Bissessar Chakalall of the FAO to the podium, to deliver his address.

**Opening statement**

by

Bisessar Chakalall

Senior Fishery Officer

FAO Regional Office for Latin America and the Caribbean (FAO/SLAC)

Bridgetown, Barbados

Madam Chairperson, Ladies and Gentlemen,

It is my pleasure to welcome you to the opening ceremony of the FAO Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in the Caribbean subregion and to bring you the greetings of the Director-General of FAO, Dr Jacques Diouf. I also extend this welcome to you on behalf of Mr Ichiro Nomura, Assistant Director-General of the FAO Fisheries Department, FAO headquarters, Rome, Italy.

The convening of this third Workshop in a series to be held in different subregions has involved a real team effort on the part of the staff from the FAO Fisheries Department in Rome, their counterparts from the Subregional Office for the Caribbean in Barbados and the FAO Office in Trinidad and Tobago. Indeed, our colleagues from Barbados, working closely with staff from the fishery administrations in the region, have been responsible for the logistical aspects of the Workshop. To all those persons who have worked so diligently and hard to facilitate this event please, accept my heartfelt thanks.

We are all aware that IUU fishing occurs in all capture fisheries, in both small-scale and large-scale fisheries. It has been a focus of attention in FAO for many years but over the past 5 years the focus has become clearer and more defined. IUU fishing has already been addressed in a number of fora within FAO including the Committee on Fisheries, the FAO Council and the FAO Conference.

Many of you are aware that the international community has identified IUU fishing to be a major impediment to achieving sustainable fisheries and, as a result, an issue that should be combated with priority. For this reason, FAO Members decided in 2001 to adopt, within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries, a voluntary instrument to deal with IUU fishing: the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

The IPOA-IUU has a broad scope. It seeks to deal with IUU fishing in a holistic and structured manner. The IPOA-IUU contains a number of measures that can be applied flexibly at the national and regional levels to address IUU fishing because it is recognized that not all of its measures are applicable in all countries and in all capture fisheries.

The IPOA-IUU contains seven different types of measures that might be applied individually or in combination against IUU fishing. These measures should be implemented by governments and interested stakeholders, particularly industry, fishing communities and non-governmental organizations (NGOs). FAO's role is to promote and galvanize action against IUU fishing and IUU fishers rather than intervening directly in the implementation process. Direct intervention is the responsibility of all countries.

Paragraphs 25 to 27 of the IPOA-IUU call on States to elaborate NPOAs-IUU, as soon as possible, but not later than June 2004. These national plans are the vehicles to implement the IPOA-IUU. However, to date, only about 12 countries have prepared and disseminated NPOAs-IUU even though FAO is aware that many other countries and some regional fishery bodies are addressing different aspects of IUU fishing. Unfortunately, no country in the Caribbean subregion has yet developed its NPOA-IUU and forwarded a copy to FAO. Hopefully, this situation will change after the workshop when participants return to their respective fishery administrations.

According to recent information available to FAO, the incidence of IUU fishing is increasing. In 2003, the FAO Conference adopted a Resolution 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.

Some Members have advised FAO that their efforts to implement the IPOA-IUU are being constrained by a lack of financial and human capacity. These constraints, in turn, inhibit the development of NPOAs-IUU, the national cornerstones in the implementation process. Through workshops such as this one, FAO is attempting to fill a capacity gap in a practical manner by working with countries to improve the skills needed to prepare their NPOAs-IUU.

The IUU fishing problem is large, has many dimensions and is extremely dynamic. For this reason, there is no room for complacency and concerted efforts are required to ensure that the IPOA-IUU is implemented fully and effectively. I stress that the preparation and implementation of NPOAs-IUU is a key and pivotal element in this process.

This regional Workshop was also organized with the assistance of the Government of Trinidad and Tobago to support the member countries of the Western Central Atlantic Fishery Commission (WECAFC) in the implementation of the FAO Code of Conduct for Responsible Fisheries and the associated Plan of Action on Illegal, Unreported and Unregulated (IUU).

Madam Chairperson, I would like to take this opportunity to sincerely thank the Government of Trinidad and Tobago for their assistance and support in organizing this Workshop. The Government of Trinidad and Tobago has always collaborated with FAO in the implementation of regional activities and projects and we in FAO are sure that such close collaboration and excellent relationship will continue. An example of one current regional project that is not related to fisheries is the FAO/CARICOM/Government of Italy-funded project on Promoting Food Security and Food Safety in the CARIFORUM countries. The basic goal of this project is to promote food security at the national and community levels through the establishment of sustainable food security policies, programmes and food production and consumption strategies.

Madam Chairperson, in closing, I wish the Workshop success in their deliberations over the next five days. I urge the participants do all within their capabilities to put in place NPOAs on IUU fishing, after they return to their respective administrations. Remember that the implementation of the Code of Conduct for Responsible Fisheries and its related International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing is very important for food security and for livelihoods for both current and future generations.

Madam Chairperson, Ladies and Gentlemen, I also wish to thank you for your attention.

**APPENDIX F****Address**

by

Mr Jarrette Narine

The Honourable Minister of Agriculture, Land and Marine Resources  
Port of Spain, Trinidad and Tobago

Good Morning, Ladies and Gentlemen; Madam Chairperson, Ms Ann Marie Jobity, Director of Fisheries; Mr Bissessar Chakalall, FAO Subregional Office in Barbados; Dr David Doullman, Fishery Policy and Planning Division, FAO headquarters, Rome; Members of the Diplomatic Corps; Specially Invited Guests, Members of the Media; Distinguished Ladies and Gentlemen.

It gives me great pleasure to extend a warm welcome to you this morning, on the occasion of the opening of this very important three day Regional Workshop on the Elaboration of National Plans of Actions to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated or (IUU) Fishing in the Caribbean. I especially wish to welcome our overseas visitors and sincerely hope that while you here in Port of Spain, you will find the time to enjoy some of our local culture and delectable cuisine in our beautiful twin-island State of Trinidad and Tobago.

Ladies and Gentlemen, this regional Workshop represents the third of its kind this year, organized by FAO and held in Trinidad and Tobago. I wish to offer my gratitude and that of the Government of the Republic of Trinidad and Tobago to FAO for once again choosing Trinidad and Tobago as the venue for this regional Workshop. You may recall that in June earlier this year, my Ministry together with the FAO jointly hosted a Regional Workshop on Vessel Monitoring Systems (VMS) and information was disseminated to participants pertaining to modern cutting-edge technologies for VMS. My Ministry is currently exploring proposals from VMS providers with a view to testing VMS equipment on some of our offshore fishing vessels. We recognize that an appropriate VMS is pivotal and essential to any national or regional effort at Monitoring, Surveillance and Control (MCS).

Ladies and Gentlemen, in September this year, my Ministry again in collaboration with FAO hosted yet another regional workshop for countries of the CARICOM and Latin America. This Workshop targeted those countries, which are participating in the global project aimed at the introduction of technologies to reduce the level of by-catch and discards in tropical shrimp trawl fisheries. The issue of by-catch and discards in the shrimp trawl fishery is a major challenge to the sustainability of fisheries and the knowledge and information gleaned through this Workshop was intended to encourage the industry to use these conservation-oriented technologies.

This sequel of workshops demonstrates unequivocally FAO's continuing commitment to information sharing and technology transfer and its facilitation of the active engagement of regional fisheries scientists and policy-makers on current technical issues now being promoted in the international fisheries arena. FAO's critical role in the provision of technical assistance to regional fisheries authorities to develop the intellectual capacity to effectively conserve and sustainably manage their fisheries resources is further proof of this commitment. Through these regional efforts, countries are brought to the forefront on critical fisheries issues. Therefore, I wish to add, that these very critical fisheries management issues are accorded the priority they deserve on our countries' national fisheries agenda.

Ladies and Gentlemen, Illegal, Unreported and Unregulated or IUU Fishing presents major problems to fisheries worldwide, whether this type of irresponsible fishing is conducted in areas under national jurisdiction or on the high seas. It is an activity that poses a direct threat to the sustainability of fisheries resources in the present and future. Here in the Caribbean, such activity is no less severe, and is further exacerbated by our incapacity for effective monitoring, surveillance and control (MCS). For



instance, we have only recently been introduced to the VMS technologies and these have yet to be effectively instituted in this region. IUU fishing is disastrous to fisheries in that it undermines all efforts at sustainable conservation and management of fish stocks. I wish to reiterate at this juncture the fishing activities deemed to constitute IUU fishing activities. These include *inter alia*:

- Fishing without a valid licence or authorization from the flag State;
- Lack of accurate records of catch and/or misreporting of catches;
- Fishing in a restricted area, out of season and time;
- Fishing stocks for which a moratorium has been imposed;
- Using prohibited or destructive gear;
- Lack of proper registration, including re-flagging of vessels to evade controls;
- Conducting fishing activities that may undermine conservation and management measures.

Ladies and Gentlemen, the onus is on all of us who are entrusted with the responsibility to monitor the above activities to do our utmost to combat this serious affliction in fisheries. The challenge is for all flag States, coastal or port States and regional fisheries management organizations which all have a part to play in eliminating IUU fishing from our waters to take concerted and decisive action against those who choose to flout the rules. Countries too must therefore work assiduously to ensure that the supporting national legislation and monitoring systems are in place to deal with this problem.

IUU fishing is of particular significance to us here in the Caribbean. It is especially important at this juncture in our development, as we fast-forward plans to establish a Common Fisheries Policy and Regime. Such a Regime is fraught with difficulties if a mechanism cannot be asserted to eliminate IUU fishing not only in the Exclusive Economic Zones of countries but even more significantly from the territorial seas under national sovereignty.

IUU fishing has been the subject of international discussions since the late 1990's. It is an activity that is in breach of the FAO Code of Conduct for Responsible Fisheries. IUU fishing activity does not respect the applicable rules of international instruments governing fishing activity. It is an irresponsible fishing practice; it is a problem that has assumed global dimensions. The negative consequences of IUU fishing must be underscored in respect of diminishing all efforts to sustainably manage and conserve fish stocks worldwide.

Over the next five days participants, would be introduced to the International Plan of Action to Prevent, Deter and Eliminate IUU fishing or the IPOA-IUU. This IPOA has been developed within the framework of the Code of Conduct. As stated in the IPOA-IUU, its interpretation and application must be in a manner consistent with the 1982 UN Convention on the Law of the Sea, the 1993 Compliance Agreement, the 1995 UN Fish Stock Agreement and where applicable the rules of WTO.

Ladies and Gentlemen, the prospectus distributed to all participants here today, indicates the major objective of this Workshop as being to develop national capacity to render countries capable of elaborating their National Plans of Actions to satisfy requisite means to implement the IPOA-IUU. This is a very laudable target you have set yourselves and all participating countries would benefit in terms of being directed and guided in implementing the IPOA-IUU to promote sustainable fisheries conservation and management. I wish to take this opportunity to wish you a fruitful and productive five day workshop and a successful endeavour. I am sure that on your return to your respective countries, the knowledge and experience acquired over the next five days would be translated into positive actions to eliminate IUU fishing.

Ladies and Gentlemen, in conclusion, I wish to give the assurance that my Ministry would be much obliged over the next week to facilitate the smooth operations of this workshop in any way possible.

I thank you!

## APPENDIX G

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

David J. Doulman  
Fisheries Department  
FAO, Rome, Italy

**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.<sup>1</sup> 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 Cancún in May 1992.<sup>2</sup> The objectives of this Conference were threefold to.<sup>3</sup>

- 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;
- analyze 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.

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<sup>1</sup> FAO. 1991. FAO Fisheries Report No. 459. ‘Report of the Nineteenth Session of the Committee on Fisheries’. FAO. Rome. 59p.

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

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

The Conference adopted the Declaration of Cancún. 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:

- 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 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 Cancún Conference provided input to the 1992 United Nations Conference on Environment and Development (UNCED), or Earth Summit, that was held shortly after the Cancún 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 Cancún for FAO to elaborate, in consultation with relevant international organizations, a Code of Conduct for Responsible Fisheries.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

The Code’s elaboration was largely achieved through open-ended technical working groups. All of these working groups met at FAO Headquarters in Rome.<sup>7</sup> Open-ended groups were convened so as to encourage as wider participation as possible in the negotiation process. Recognizing 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.

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

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

<sup>6</sup> FAO. 1995. *FAO Fisheries Report No. 524*. “Report of the Twenty-first Session of the Committee on Fisheries”. FAO. Rome. 61p.

<sup>7</sup> 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.

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 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.<sup>8</sup>

## 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.

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<sup>8</sup> 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 in 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.<sup>9</sup> 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.<sup>10</sup> 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 1993 FAO Compliance Agreement, the 1995 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,
- prevention, deterrence and elimination of illegal, unreported and unregulated fishing; and
- improving information on the status and trends in capture fisheries.

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<sup>9</sup> This request was met through FAO elaborating the Interregional Programme of Assistance to Developing Concerns for the Implementation of the Code of Conduct for Responsible Fisheries.

<sup>10</sup> 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 Cancún, the 1992 Rio Declaration on Environment and Development, Chapter 17 of Agenda 21 and other relevant declarations and international instruments.

### **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.<sup>11</sup> Currently, 28 States and the European Community have accepted the Compliance Agreement<sup>12</sup>. The Agreement will enter into force on the date of receipt by the Director-General of FAO of the twenty-fifth instrument of acceptance.

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, 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 strategy**

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.

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<sup>11</sup> See Preamble to the Agreement.

<sup>12</sup> As at 1 November 2004. The countries that have accepted the Agreement are: Argentina, Australia, Barbados, Benin, Canada, Chile, Cyprus, Egypt, Georgia, Ghana, Japan, Madagascar, Mauritius, Mexico, Morocco, Myanmar, Norway, Peru, Republic of Korea, St Kitts and Nevis, St Lucia, Seychelles, Sweden, Syrian Arab Republic, Tanzania, United States of America, Uruguay and the European Community.

This call by the Conference has been heeded and is gaining strength. FAO, countries, RFMOs, 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**

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 co-operated 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.
- 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 inter-regional 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 (RFBs) 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 RFBs, 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 RFBs to embrace the Code and by a failure of countries to implement measures that have been agreed regionally. Moreover, enhanced collaboration among RFBs 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 and 2003 Sessions of COFI. These reports consolidated and analyzed the self-assessment information provided to FAO by its Members.

In the most recent report to COFI in 2003, 105 FAO Members (57 percent of the FAO Membership) responded to the questionnaire. For this report there was a marked increase in reporting by Members that had not responded previously. In their responses Members identified constraints in implementing the Code. 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 in their responses to the questionnaire included:**

- 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 over-exploited 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, the IPOAs and the Strategy. 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 articulated in national fisheries policy, and, as appropriate, legislation;
- 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**

David J. Doulman  
Fisheries Department  
FAO, Rome, Italy

## 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,<sup>1</sup> the 1995 FAO Code of Conduct for Responsible Fisheries,<sup>2</sup> the UN Millennium Development Goals<sup>3</sup> and the Johannesburg Plan of Implementation.<sup>4</sup> 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 given that FAO in 2002 estimated that some 75 percent of world fisheries are already being fully exploited, overexploited or depleted.<sup>5</sup>

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<sup>6</sup>;

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<sup>1</sup> Adopted in 1992 by the United Nations Conference on Environment and Development (UNCED).

<sup>2</sup> Adopted in 1995 by the Twenty-eighth Session of the FAO Conference.

<sup>3</sup> Adopted in 2000 by the United Nations General Assembly at its Fifty-fifth Session.

<sup>4</sup> Adopted in 2002 by the World Summit on Sustainable Development (WSSD).

<sup>5</sup> FAO. 2002. The State of World Fisheries and Aquaculture.

<sup>6</sup> This point was highlighted at the Twenty-fifth Session of the Committee on Fisheries. Many countries pointed out that IUU fishing, often by displaced vessels, undermines efforts to sustainably manage fisheries at both national and regional levels.

- masking of the real economic costs of vessel construction and fishing operations through the payment of fisheries-related subsidies; and
- 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 measures by RFMOs to combat IUU fishing are only as effective as their members permit them to be because RFMOs are not supra-national entities. A failure by RFMOs to effectively address IUU fishing reflects, to some degree, a lack of political will<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> 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 Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries<sup>10</sup> 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

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> Adopted in 1999 by the FAO Ministerial Meeting on Fisheries.

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. From 1999 onwards, Sessions of the FAO Committee on Fisheries (COFI) and the FAO Council have discussed and reviewed developments concerning IUU fishing, culminating in the endorsement of the IPOA-IUU by the Hundred and Twentieth Session of the FAO Council in June 2001.

Following the adoption of the 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.<sup>11</sup> 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 UNGA, 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),<sup>12</sup> 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 Responsible Fisheries and its related IPOAs and guidelines. Significantly, the Johannesburg Plan of Implementation<sup>13</sup> urges that States implement by 2004 national and, where appropriate, regional plans of action to give effect to the IPOA-IUU.

<sup>11</sup> UNGA resolutions A/RES/55/7 (2000); A/RES/55/8 (2000); A/RES/56/12 (2001); A/RES/57/141 (2002), and A/RES/57/142 (2002).

<sup>12</sup> Agenda 21 provides the principles and a programme of action for achieving sustainable development.

<sup>13</sup> 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

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;<sup>14</sup>
- 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.<sup>15</sup>

The need to address IUU fishing on all fronts and in all its forms continues to be a major focus of international attention. The international 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 international obligations. Indeed, this was one of the fundamental reasons why FAO Members opted to elaborate the IPOA-IUU.

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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.

<sup>14</sup> 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.

<sup>15</sup> 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.

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. 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:<sup>16</sup>

- 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;
- implement measures to give greater control over nationals working on fishing vessels of any flag State;
- implement measures to against “flag of convenience vessels”;

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<sup>16</sup> 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.



- 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.<sup>17</sup> 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.<sup>18</sup>

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.

Based on information available to FAO it is concluded that the rate at which IUU fishing NPOAs are being developed and implemented falls short of the desired pace necessary to effectively combat such fishing. Developing countries, in particular, are experiencing difficulties in complying with the implementation deadline because of a limited technical capacity and, in some cases, financial means.

In assessing progress towards the development and implementation of NPOAs to combat IUU fishing it should be noted that a period of three years, as specified in the IPOA-IUU, is a relatively limited timeframe within which to undertake the required background work, elaborate a draft NPOA, have it cleared through domestic processes and then commence implementation. It should also be recognized that since UNCED there have been a number of important international fishery instruments (including several that have been adopted in regions) that require considerable national assessment and in turn, implementation. This situation has led to "implementation overload", for both developing and developed countries. Taking a broader perspective on the implementation of all post-UNCED fishery instruments and the national burden associated with it, delays in implementation should be anticipated. Nonetheless, given the importance of IUU fishing and its effects on sustainability, every effort should be to combat such fishing as a matter of urgency.

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<sup>17</sup> As provided for in paragraphs 25 to 27 of the IPOA-IUU.

<sup>18</sup> This deadline is June 2004, three years after the adoption of the IPOA-IUU by the FAO Council.

## CAPACITY BUILDING AND INSTITUTIONAL STRENGTHENING TO COMBAT IUU FISHING

The serious effects of IUU fishing on responsible fisheries prompted countries, in adopting the 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, which give effect to the IPOA-IUU, presupposes that countries have the technical and financial means to do so. The IPOA-IUU recognizes<sup>19</sup> 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*, MCS and 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.

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 satellite vessels monitoring systems (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.

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<sup>19</sup> Part V of the IPOA-IUU.

- Assisted developing countries upgrade their data collection, processing, reporting and harmonization capabilities.<sup>20</sup> 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.
- 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 sub-regions 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 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";<sup>21</sup>

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<sup>20</sup> 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.

<sup>21</sup> 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.

- cooperation with RFMOs in convening an Expert Consultation of Regional Fishery Bodies on Harmonization Certification;<sup>22</sup>
- convening an Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing.<sup>23</sup> (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;<sup>24</sup>
- 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 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.<sup>25</sup> The major recommendations adopted by the Technical Consultation are in Annex 1.

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. 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 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 international plan of action to address such fishing. Since then IUU fishing and the need to effectively implement the IPOA-IUU has been considered by all major fishery meetings, RFMOs, the UNGA and WSSD.

<sup>22</sup> This meeting was held in La Jolla, USA in January 2002.

<sup>23</sup> 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.

<sup>24</sup> The objectives of the Conference, convened in Miami, USA, from 23 to 25 September 2003, are (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.

<sup>25</sup> The Consultation was held at FAO headquarters, Rome, Italy in June 2004.

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;
- tighter fisheries management arrangements are introduced;
- MCS and VMS are strengthened;
- more stringent port State control measures are introduced;
- countries move to enact measures relating to the control over nationals working on fishing vessels, irrespective of where the vessels are fishing or the flags they fly;
- RFMOs review their mandates pertaining to IUU fishing and its associated problems;
- countries and RFMOs start to develop listings of IUU fishing vessels and exchange more real time information (e.g. through the MCS International Net work) on fishing infringements and the operation of rogue IUU fishing vessels; and
- prices for scarcer fish rise (e.g. cod, halibut etc).

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.

### Major recommendations of the Technical Consultation

1. 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 26th 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.

- 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 sub-regional 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 over-capacity 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 over-capacity.
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 co-ordinate 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.

## National Plan of Action case study: a small island developing State

### ALPHA ISLANDS FISHING INDUSTRY

Alpha Islands, a small island developing State, is an archipelagic nation comprising about 302 islands with a total land area of 18,272 sq. km. and a surrounding EEZ of about 1.3 million sq. km. The group includes two large high islands, several medium-sized high islands, and numerous small islands and atolls. Most of the islands are surrounded by fringing and barrier coral reefs. Much of the Alpha Islands' coastal waters surround the main islands of Beta Lambda and Banua Lambda and the islands of the Tau and Rau groups.

There are three substantial rivers, a few lakes and some man-made impoundments where fishing and aquaculture take place, but marine fisheries are predominant. They consist of the subsistence fishery, the coastal commercial fishery and the industrial fishery, described below.

#### Marine fisheries

The Alpha Islands marine fisheries are estimated to generate annual landings of about 36,400 tonnes. Fishing is divided into three sub-sectors: subsistence, coastal commercial, and offshore/industrial. The distinction between subsistence and the coastal commercial fishing in the larger, less isolated islands is often blurred as small-scale fishing activity is becoming increasingly monetised in these areas.

#### *The subsistence fishery*

The subsistence fishery targets mainly finfish, beche de mer, octopus, seaweed, lobster, mud crab, and various bivalve molluscs. These resources make a large contribution to domestic food supplies. It has recently been estimated that 50 percent of all rural households are involved in some form of subsistence fishing and that about 21,600 tonnes of fish are landed each year, or slightly more than half of all domestic production.

#### *The coastal commercial fishery*

The coastal commercial fishery exploits resources which fall into two main categories:

- **resources that provide food for Alpha Islanders:** mainly finfish, beche de mer, octopus, seaweed, lobster, mud crab, seaweeds, and various bivalve molluscs. These are similar to the subsistence resources, but the commercial fisheries take a higher percentage of finfish (about 52 per cent of the landings by weight).
- **resources which are exported:** mainly beche de mer, trochus, coral, and aquarium fish.

According to the Alpha Islands Fisheries Division data, 1,012 vessels and 2,304 fishers participated in the coastal commercial fishery in 2002. It is estimated that 9,320 tonnes of finfish and non-fish (i.e. invertebrates and plants) were harvested by this component of the fishery in 2002. The annual production of beche de mer in the late 1990s was about 250 tonnes. The 2002 production of trochus was estimated to be 92 t.

Coral extraction is one of the most contentious issues in the coastal commercial fishery. Another problem is indicated by a mid-1990's survey on Beta Lambda, which reported that fishing driven by market demand resulted in the over-exploitation of commercially important species in the inshore areas. Area closures and bans on gill netting for reef fish, particularly in the north and west of the country, seem to have been effective in restoring stocks of some species. However, market demand for other species continues, as does over-exploitation.



### *The industrial fishery*

The industrial fishery is entirely tuna-oriented and has the following components:

- A pole-and-line fishery, mainly targeting skipjack and small yellowfin tuna. This fishery has declined in recent years. Seven vessels were active in the mid-1990s, but during the 2002/03 season only two vessels participated. Problems related to access to bait fishing areas and the economics of pole-and-line fishing are the major factors for the decline.
- A longline fishery targeting large bigeye and yellowfin tuna, taking most of its catch within the Alpha Islands fisheries waters, and landing the chilled catch in Beta Lambda for export by air to fresh fish markets overseas. The fleet of domestic longliners has increased substantially. In recent years there have been between 40 and 50 vessels and landings are now about 5,500 tonnes per year.
- A freezer longline fishery involving mainly Asian vessels fishing under charter to the Beta Fishing Company (BAFCO). These vessels, which target mainly albacore tuna, fish within the Alpha Islands' EEZ as well as the EEZs of neighbouring countries, and international waters in the area. These vessels have landed between 2,000 and 3,000 tonnes of tuna in recent years, primarily at the BAFCO tuna cannery in the port of Kappa, but with some transshipment to other destinations.
- An occasional tuna purse seine fishery in the northern portion of the EEZ under the terms of an international multilateral treaty. Foreign purse seine vessels sometimes visit the Alpha Islands but this is usually only to obtain duty-free fuel. Actual fishing by these vessels normally only occurs in El Niño years, at which times it takes place in the extreme north of the country's waters.

Apart from the multilateral tuna treaty, under which only sporadic fishing occurs, Alpha Islands has one bilateral access agreement in place. Only a small amount of fishing has been done under this latter agreement in recent years. However, it is anticipated that this could change because of the increasing number of longliners based in the nearby Sigma Islands that fish on the adjacent high seas and regularly visit Alpha Islands ports for supplies and fuel.

### **Fish processing and exports**

Most of the fish from inshore waters is consumed fresh locally. About 70 percent is for home consumption by the harvesters and the remainder is sold through municipal markets and other outlets.

The beche de mer is dried and processed locally and exported by 13 licensed companies. Exports peaked in 1988 with 700 tonnes. The trochus is made into button blanks which are then exported to button factories in Asia and Europe. Aquarium fish are air freighted overseas. In 2002 about 80 tonnes of snapper was caught, of which 29 tonnes was exported. About 8.4 tonnes of live food fish was exported the same year.

There are two major fish canneries in the country:

- the BAFCO cannery at the port of Kappa, which cans domestically caught and imported tuna, principally for export and produces tuna loins for overseas canneries;
- the Vega cannery also at Kappa, which cans imported mackerel, mainly for the domestic market.

In 2001 BAFCO exported about US\$8 million of canned tuna and tuna loins. In 2002 the value was about US\$7.1 million. During the same year about 5 000 tonnes of fresh chilled fish (mostly tuna) were exported overseas by air freight.

In 2002, the four aquarium fish businesses in Alpha Islands exported about US\$762 000 worth of aquarium fish and about twice that value in various forms of coral.

## **Economic considerations**

### ***Economic role of the fishing industry***

It has been recently estimated by the Regional Development Bank that the value of catches are:

- by subsistence fishing, US\$24 675 061;
- by coastal commercial fishing US\$15 231 519;
- by locally-based offshore fishing US\$25 639 724.

The same study also calculated that the above values constitute about 2.4 percent of the Alpha Islands' GDP. However, fish processing and other post-harvest activities are considered in other sectors of the Alpha Islands economy for GDP calculation purposes, so the contribution of fisheries to the economy of the Alpha Islands is substantially larger than the 2.4 percent from fishing alone. For example, data from the Alpha Islands Revenue and Customs Authority shows that the fishery products represent 6percent of the value of all commodity exports from the country.

The 1996 census shows that fishing provides jobs to 2.22 percent of the 280,505 people formally and informally employed in Alpha Islands.

The Alpha Islands receives about US\$212 000 annually in fees for access by foreign fishing vessels to the Alpha Islands waters.

### ***Economic policy objectives of the Government of Alpha Islands for the fisheries sector***

The Alpha Islands economy has been hampered by persistent trade and budget deficits, making the country one of the world's largest per capita recipients of aid. In this context, the Alpha Islands Government Fisheries Sector Policy and Strategy 2002–2004 includes the following economic-related objectives:

- to promote and expand sustainable competitive exports of living marine products by providing suitable, technologically appropriate, safe and cost effective fishing vessels, particularly for the industrial fisheries segment;
- to provide assurance of adequate air freight for export production; and
- to encourage local value-adding and down-stream processing with the aim of maximizing the value of marine products.

## **Development prospects**

Much of the potential for increasing fisheries production is from the offshore areas, especially the tuna resource. Promotion of the semi-industrial sashimi longline fishery has been quite successful in recent years and efforts to further develop the fishery will continue. Expansion of this fishery is highly dependent on regular airfreight service at viable rates. Through the use of fish aggregation devices (FADs), artisanal fishers will be encouraged to utilise the large offshore tuna resources, thereby diverting effort away from the heavily-exploited inshore and coastal areas.

The scope for increasing production from inshore and coastal areas is generally considered to be limited, and the government is focusing an increasing amount of attention on the management of over-exploited inshore fisheries. A central feature of the new management initiatives is the devolution of management authority to local government units and, beyond this, to coastal communities having traditional rights of marine tenure.

## **FISHERIES MANAGEMENT**

Fisheries management focuses on the coastal commercial fishery and the industrial fishery, described below. The objectives for which the subsistence fisheries are managed are generally the protection of village food supplies.<sup>1</sup>

The management of living marine resources in the Alpha Islands is the responsibility of the Fisheries Division of the Ministry of Fisheries and Forests. The Fisheries Division has divisional offices in each of the nine Alpha Islands National Administrative Divisions.

### **Coastal commercial fishery**

#### *Management objectives and measures*

The management objectives are sustainability of resources, maximization of economic returns, and assuring that these commercial fisheries do not negatively interact with subsistence fisheries. The main strategy used to achieve the objectives is the use of centrally-administered regulations promulgated under the 1972 Fisheries Act. Examples of measures are:

- requirement for commercial fishers to be licensed (956 licences were issued in 2002);
- size limits (e.g. regulations specify minimum sizes for 19 species of fish);
- gear specification (e.g. mesh sizes for nets);
- banned fishing methods (e.g. use of explosives);
- requirement for an export permit for marine products: The Customs Department, acting as agents for the Fisheries Division, will not authorize the release of an export shipment of fishery products without an export permit from the Fisheries Division;
- bans on the export of certain species: regulations ban the export of *Tridacna derasa*, *T. squamosa*, *T. maxima*, *Holothuria scabra*.

There are no bilateral or regional management arrangements in force with respect to the species covered by this fisheries management system.

#### *Information for management decisions*

Information for management decisions comes from various sources, including: periodic resource assessments (often with overseas technical/financial assistance); the compilation of information in the “Alpha Islands Fisheries Resource Profiles”, which contains descriptions of the resource, fishery, stock status, and management for the 45 most important fishery resources; the Fisheries Division’s fisheries statistical system; the Fisheries Division’s export database; Customs export database; records of processors; and anecdotal information from fishers. Regional fishery organizations, the Secretariat of the Oceanic Community and the Pesca Fisheries Organization, described below, have provided substantial information for management purposes.

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<sup>1</sup> To protect food supplies, the management system permits outside commercial fishing activities to be excluded by the communities, or alternatively payments can be made for the privilege of fishing.

### ***Monitoring, control and surveillance***

The most effective enforcement is that which can be done through the buyers and exporters. For example, it is relatively easy to enforce trochus minimum size restrictions, as all the harvested trochus are brought together at the small number of processing factories which are all located near Kappa. Fishers are not enthusiastic about harvesting a non-food resource that buyers will not purchase. Gear specifications are the most difficult to enforce and could easily be the least effective of the various measures used.

Prevention of overfishing and interaction with the subsistence fishery is inherently difficult. Equally challenging is safeguarding the sustainability of high value, easy to capture benthic organisms, in the face of an expanding population in an environment of reduced economic opportunities. In general, the management system for the commercial coastal fisheries is least effective at achieving management objectives in locations close to urban areas.

The Fisheries Act empowers any fisheries licensing officer, police officer, customs officer or honorary fish warden to enforce the Act and subsidiary legislation. Although there has been some confusion in the past, there is now a regular dialogue between the Fisheries Division, Police, and Navy. Each year there are several exercises carried out jointly with the Alpha Islands Navy. In practice, most of the enforcement activity for coastal commercial fisheries is focused on apprehending individuals involved in fishing with explosives. Another common enforcement activity is surveillance of roadside sales for undersize fish.

### **The industrial fishery**

#### ***Management objectives and measures***

The objective of tuna management in the Government of Alpha Islands policy is “to increase the benefits to Alpha Islands from the fishing and associated processing activities. This is to include expanding local ownership of the industry, generating greater local employment, and increasing the value of exports”. A stated guiding policy principle is preservation of the gains that have been made; any management action should not jeopardize the continuing success and opportunities for growth of the tuna industry.

The strategy used to achieve the objective is limited entry in conjunction with conditions on vessel licensing. For the limited number of licences, certain categories of applicants receive priority. A key licence condition is that the geographic area where a licensed vessel is allowed to fish depends on the degree of localization of the vessel (ownership, nationality of crew, associated local infrastructure). The measures applied are:

- all vessels are required to have a licence;
- a limit is placed on the number of licences: 60 sashimi longline vessels and 120 cannery longline vessels;
- criteria for priority in the allocation of licences, which include: Alpha Islands-owned vessels, Alpha Islands registered fishing vessels, degree of local ownership, degree of employment opportunities that a vessel provides, degree of investment in onshore infrastructure, ability to meet quality and export standards, vessels built locally/local content.

The licence allocation criteria attempt to encourage a greater involvement in Alpha Islands and give vessels making this commitment a competitive advantage. Alpha Islands-registered-and-owned fishing vessels have access to all maritime zones (internal waters, archipelagic waters, territorial sea, EEZ) while at the other extreme foreign fishing vessels are restricted to the EEZ. However the criteria are economically-based only, and do not include compliance with national laws or international conservation and management measures.

A tuna management plan is being developed for Cabinet approval. Its authority will be enhanced when the draft Fisheries Management Act is enacted.

### *Information for management decisions*

Information is acquired for management decisions in a number of ways. Licensed operators are required to record and submit daily records of fishing activity, including the catch of all species and fishing effort. From time to time licensed operators are required to carry an observer who collects information on fishing activities for stock assessment, research and monitoring purposes. The Fisheries Division works in cooperation with the SOC to collect length-frequency, catch composition and species composition data, for the purposes of logbook data validation, stock assessment and research. These data are analyzed at the Fisheries Division and also forwarded to the Oceanic Fisheries Programme of the SOC, where they are combined with similar information from neighbouring countries to provide a regional perspective to Alpha Islands on tuna resources.

### *Monitoring, control and surveillance*

The Fisheries Division is responsible for the enforcement of the measures while the vessels are in port. The Alpha Islands Navy enforces the measures while the vessels are at sea. Although there has been some confusion in the past, there is now a regular dialogue between these two agencies. The Navy has two 31.5 metre Pacific Patrol Boats. The Patrol boats have exceptional endurance with a range of 2 500 nautical miles at 12 knots, and the ability to perform at high speeds while retaining good seakeeping ability. The Navy also has four 15 meter craft for coastal enforcement.

Fisheries and Naval enforcement officers recently undertook dockside training that should directly benefit the files of the Director of Public Prosecutions. Participants were taught improved evidence collection skills in a process that involved the inspection of a docked vessel during the training session where inspectors leaf through catch records and logbooks on the vessel, and conduct a count of the crew and various modes of measurement. A regional VMS has been developed, and Alpha Islands intends to require the installation and maintenance of ALCs on its trawlers and tuna fleet.

## **THE FISHERIES ACT**

The laws governing the use of marine resources in the Alpha Islands are set out in Chapters 158 of the Laws of the Alpha Islands. Chapter 158 is also known as the Fisheries Act. It was first drafted in 1972, and since then there have been many amendments, but very few since 1992. It does not implement any of the international fisheries instruments agreed after the 1992 United Nations Conference on Environment and Development.

The main features of the Fisheries Act are that it:

- defines the Alpha Islands fisheries waters as all internal waters, archipelagic waters, territorial seas and all waters within the exclusive economic zone;
- prohibits taking of fish in the Alpha Islands fisheries waters by way of trade or business without a licence but does not provide for licences beyond areas of national jurisdiction;
- states that every licence granted under the Act terminates on the 31st December next after the day of issue, that licences are personal to the holder, and that licences are not transferable;
- empowers any licensing officer, police officer, customs officer, honorary fish warden and any other officer empowered by the Minister to enforce the Act;
- empowers the Minister to appoint honorary fish wardens whose duties shall be the prevention and detection of offences;
- empowers the Minister to make regulations.

Several fisheries regulations have been made under the Fisheries Act. These have been consolidated into the Fisheries Regulations 1992. The regulations cover licences/registration, prohibited fishing methods, mesh limitations, size limits, and exemptions.

The maximum fines for the Act and regulations are at relatively low levels, and range up to \$5 000. One offence – unlicensed fishing by foreign fishing vessels – attracts a much higher fine: \$100 000. However, this is only 10 percent of the standard fine for similar offences in the region.

A new Fisheries Management Act was drafted three years ago. To some extent, it implements Alpha Islands international obligations, but because of other political priorities it has not yet been passed. This affords an opportunity for a priority review of the draft prior to its consideration by Parliament to ensure that it addresses, to the greatest extent possible, the issues raised in international instruments and the IPOA-IUU. It is expected that the Bill will be introduced in Parliament after the next elections in six months time.

There are minimal MCS provisions in the current legislation, and none that extend beyond areas of national jurisdiction. The draft Fisheries Management Act contains more thorough provisions, referring to the appointment and powers of authorized officers, observers, port samplers and fish quality control auditors.

However, their authority only relates to areas within national jurisdiction apart from a provision allowing hot pursuit beyond areas of national jurisdiction, done in accordance with international law. Similarly, the draft provisions on requirements for ALCs and VMS do not extend to areas beyond national jurisdiction.

## **RESEARCH AND TRAINING**

The Fisheries Division plays an active role in research in support of resource assessment, development, management, and aquaculture promotion. The Division has a research section within its headquarters, which carries out a range of research and monitoring projects. Past research activities carried out by the Fisheries Division include:

- monitoring of sales of fish, invertebrates and aquatic plants through the Alpha Islands' main markets;
- assessment of baitfish stocks and of the impacts of baitfish harvesting on juveniles of other commercially important species

The University of Oceania in Alpha Islands also regularly undertakes marine research activities in the Alpha Islands waters, often focusing on commercially important species. The University has undertaken biological studies on sea cucumbers, deep-water shrimps and marine algae, and has also carried out social, economic and post-harvest research relevant to fisheries.

## **DEVELOPMENT ASSISTANCE**

The Alpha Islands receives technical assistance in the fisheries sector from a number of bilateral donors. Assistance is also obtained from the international organizations of which the Alpha Islands is a member, including FAO and other United Nation agencies.

The regional organizations, including the PFO, the SOC and the Regional Environment Programme (REP), as well as several UN agencies have also been active in supporting the Alpha Islands fisheries sector.

## INTERNATIONAL AND REGIONAL LAW AND RELATIONS

### Treaties and agreements

Alpha Islands has ratified and is party to the following international treaties and agreements:

- **1973 Convention on International Trade in Endangered Species (CITES)** - Alpha Islands supports closer cooperation between CITES and FAO to improve the applicability of CITES provisions to commercial fisheries. In particular, listing some commercially harvested species on Appendix II (this requires trade in the species to be regulated) would complement RFMO efforts through addressing issues such as non-member fishing and through the potential for multilateral trade sanctions against States that do not comply with CITES requirements.
- 1982 United Nations Convention on the Law of the Sea
- 1995 UN Fish Stocks Agreement

Alpha Islands has ratified and is party to the following regional treaties:

- **1987 Treaty on Fisheries**, permitting access to the waters of the regional parties by foreign vessels;
- 1989 Convention for the Prohibition of Fishing with Long Driftnets; and,
- the 1991 Regional Treaty on Cooperation in Fisheries Surveillance and Law Enforcement.

### Membership in regional fishery bodies

Alpha Islands is a member of the following regional fishery bodies:

- **The Secretariat of the Oceanic Community (SOC)** – The main objective of the SOC is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the peoples of the region.

The Divisional goal for fisheries is to provide a regional service which provides information, advice and direct assistance to the Oceanic Community through SOC member governments, either individually or collectively, in using living marine resources in the most productive and responsible manner possible. Activities include fisheries stock assessment (for both reef fisheries and highly migratory fish stocks), marine ecosystem research for reef and pelagic fisheries, small scale tuna fisheries development support, coastal fisheries management support and fisheries information and databases within the area of competence.

Two fisheries programmes form the framework for SOC's fisheries activities. These are the Coastal Fisheries Programme and the Oceanic Fisheries Programme.

- **The Pesca Fisheries Organization (PFO)** – The objectives of the PFO include: (i) conservation and optimum utilization of the species covered by the Convention; (ii) promotion of regional cooperation and coordination in respect of fisheries policies; (iii) securing of maximum benefits from the living resources of the region for their peoples and for the region as a whole and in particular the developing countries; and (iv) facilitating the collection, analysis, evaluation and dissemination of relevant statistical scientific and economic information about the resources covered by the Convention.

The functions of the Organization include, *inter alia*: (i) harmonization of policies with respect to fisheries management; (ii) cooperation in respect of relations with distant water fishing countries; (iii) cooperation in surveillance and enforcement; (iv) cooperation in

respect of onshore fish processing; (v) cooperation in marketing; (vi) cooperation in respect of access to the 200 mile zones of other Parties.

PFO provides some services to its members allowing them to assess the extent, impact and effects of IUU fishing, such as operation of a regional VMS. However, because PFO does not have a management mandate, as noted above, it is not in a position to indicate activities, priorities or plans in relation to specific issues. It does, however, have important roles such as: the provision of information among member countries and between the countries and the Organization; and assisting members in improving their capacity to manage and develop the oceanic fisheries resources for their benefits.

- **The Tuna Fisheries Commission (TFC)** - The TFC is a regional fisheries management organisation with regulatory powers and includes members from the region and distant water fishing nations. The TFC's mandate allows broad scope for it to implement the 1995 UN Fish Stocks Agreement in the region, including through data collection, MCS and trade sanctions. The Commission agrees on management measures to be implemented by its members and is actively taking measures to prevent, deter and eliminate IUU fishing. These actions reinforce the need for the laws and practices of Alpha Islands concerned with implementing the international fisheries instruments, including the IPOA-IUU, to be in place to discharge its responsibilities under the Commission.
- **The Regional Environmental Programme (REP)** - REP is a regional organization established by the governments and administrations of the region to look after its environment. It has grown from a small programme attached to the SOC in the 1980s into the region's major intergovernmental organisation charged with protecting and managing the environment and natural resources. Its mandate is to promote cooperation in the region and provide assistance to protect and improve the environment, including the marine environment, and ensure sustainable development for present and future generations.

The island governments and administrations saw the need for REP to serve as the conduit for concerted environmental action at the regional level. The establishment of REP also sends a clear signal to the global community of the deep commitment of the island governments and administrations towards sustainable development, especially in light of the outcomes of the WSSD.



## ALPHA ISLANDS NPOA-IUU

### 1. ALL STATE RESPONSIBILITIES

#### 1.1 Review of national laws, regulations and practices relating to IUU fishing<sup>1</sup>

Alpha Islands will undertake a review of its national laws, regulations and practices relating to IUU fishing, with a view to implementing the IPOA-IUU in the most expedient manner possible. Where appropriate, the review will be done in connection with the implementation of the tuna management plan. Because a comprehensive new Fisheries Management Act is under preparation, the review will be focused on the current draft on a priority basis in order that it can be considered by Parliament at an early time. The principal goal of the review is to rationalize and strengthen the legal regime and to make possible the use of all relevant tools in the IPOA “toolbox”.

##### 1.1.1 Additional legislative or regulatory authority necessary or desirable to implement the IPOA

The draft Fisheries Management Act will be reviewed to establish the extent to which it contains the following provisions to implement the IPOA-IUU. If it is deficient, consideration will be given to the following areas with a view to giving them legal status through laws, regulations or other instruments, or taking other measures.

###### *1.1.1.1 State control over nationals<sup>2</sup>*

Alpha Islands does not currently prohibit nationals or vessels from supporting or engaging in IUU fishing beyond areas of national jurisdiction, as required by the IPOA-IUU. It is recognized that the term “national” is ambiguous, and could apply to persons and fishing vessels, so Alpha Islands will take measures in respect of both.

For Alpha Islands fishing vessels, and non-national vessels fishing under charter to BAFCO,<sup>3</sup> a review will be undertaken with the aim of adopting legal requirements (by appropriate instrument – law, regulation or other) to require licences for vessels that fish on the high seas, to make reports consistent with requirements of the 1995 UN Fish Stocks Agreement and requirements of the TFC, complying with boarding, inspection and observer requirements on the high seas, and prohibiting the vessels that fish on the high seas from engaging in IUU fishing or undermining conservation and management measures of designated<sup>4</sup> regional fisheries management organizations or arrangements (RFMOs). The Fisheries Division will be required to keep certain information relevant to high seas fishing vessels on a register, consistent with standards of RFMOs of which Alpha Islands is a member. The register will, at a minimum, contain the data in section 2.2.1 of this NPOA.

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<sup>1</sup> For examples of legislation adopted by some countries relating to IUU fishing, see Edeson, W., Freestone, D., and Gudmundsdottir, E., “Legislating for Sustainable Fisheries”, The World Bank, 2001.

<sup>2</sup> IPOA-IUU Paragraphs 18 and 19.

<sup>3</sup> To enable Alpha Islands to enforce requirements for fishing on the high seas with respect to the Asian vessels fishing under charter to BAFCO, measures described in section 2.1.4 of this NPOA will be considered: (a) requiring that the chartered vessels take on the nationality of Alpha Islands – that is, be registered in Alpha Islands and fly its flag - for the duration of the charter arrangement or (b) requiring the charter arrangement to make both Alpha Islands and the other country involved in the arrangement responsible for controlling the high seas fishing conducted pursuant to a charter arrangement. The charter arrangement could, for example, provide express authority for both States to board and inspect the vessel on the high seas and require reporting of catch data to both States.

<sup>4</sup> Note the official designation of RFMOs, for example by Notice in the *Gazette*, would provide the necessary certainty as to the high seas conservation and management measures that will be applicable to Alpha Island nationals. Such certainty in law is an essential component of criminal offences.

In relation to vessels without nationality fishing on the high seas<sup>5</sup>, Alpha Islands is concerned that this may pose a threat to the stocks subject to the TFC. A legal provision will be considered for inclusion in the draft Fisheries Management Act defining vessels subject to the jurisdiction of Alpha Islands as including stateless vessels, and allowing the prosecution of stateless vessels that are in contravention of or undermining international conservation and management measures on the high seas.

In areas beyond national jurisdiction, the draft Fisheries Management Act prohibits Alpha Islanders from using a non-Alpha Islands fishing vessel or a vessel registered under the Alpha Islands Shipping Act for fishing in an area of the high seas subject to international conservation and management measures of a designated RFMO, if they have knowledge that the vessel has not complied with the measures and has avoided judicial or administrative process, or reasonably suspect that there will be non-compliance. This will be reviewed because of its focus on the vessel alone and not the operator; a possible amendment would be “that the vessel or its operator has not complied...” The provision could also extend to IUU fishing by Alpha Islands nationals in areas under national jurisdiction of other States.

It is recognized that enforcement of such a legal prohibition could be difficult, especially if a foreign boat with no connection to Alpha Islands is involved. Concerns include limited enforcement capacity and potential problems with double jeopardy, where action may be taken against the same person for the same offence by Alpha Islands and the State where the fisheries laws were violated.

#### ***1.1.1.2 Sanctions<sup>6</sup>***

Sanctions under current legislation are inadequate, including exceptionally low levels of fines, brief terms of imprisonment, weak forfeiture provisions, no mandatory licence revocation or banning orders. Sanctions reviewed will include provisions in the draft Fisheries Management Act, other legislation and policy and economic-oriented measures. The objective is to assess whether the sanctions are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and deprive the offenders of the benefits accruing from such fishing.

The review of the draft Fisheries Management Act will ensure that the level of fine is appropriate, and consistent with the level of fines elsewhere in the region. The level of fine for non-reporting or misreporting will be reviewed (including by reference to similar fines in the region) in order to better enforce against IUU fishing, including by use of catch certification schemes, and landing and transshipment documentation requirements. A schedule of penalties for compounding offences will be drawn up, and detailed provisions prepared regarding the seizure, sale and forfeiture of items used in the offence. Special attention will be paid to the list of serious violations in Article 21(11) of the 1995 UN Fish Stocks Agreement, in order to ensure that Alpha Islands penalties for such offences are at the appropriate level. Fines and penalties for Alpha Islands nationals and vessels engaging in IUU fishing beyond areas of national jurisdiction will be introduced.

The best legal mechanism for implementing trade sanctions, prohibition of port calls or landings or other relevant sanctions against IUU fishers and fishing vessels will be reviewed, and this would accommodate the need for fast and effective action, especially on the recommendation of the TFC.

#### ***1.1.1.3 Eliminating subsidies or other economic support to IUU fishers<sup>7</sup>***

Economic policies, laws and practices, including those relating to the expansion of the industrial fisheries, will be reviewed to ensure that economic benefit or support is not provided to Alpha Islands companies, vessels or persons involved in IUU fishing.

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<sup>5</sup> IPOA-IUU Paragraph 20.

<sup>6</sup> IPOA-IUU Paragraph 21.

<sup>7</sup> IPOA-IUU Paragraph 23.

#### ***1.1.1.4 Evidentiary standards and admissibility<sup>8</sup>***

The evidentiary provisions of the draft legislation will be reviewed with a view to ensuring that they include reference to evidence from new technologies such as ALCs, vessel monitoring systems VMS and digital photography with time/date stamps. Provisions should also allow the admission of evidence taken in areas beyond national jurisdiction, including high seas boarding and inspection by a non-national inspecting officer. To facilitate the introduction of evidence, a system of certificate evidence will be considered, in accordance with regional standards.

#### ***1.1.1.5 Monitoring, control and surveillance<sup>9</sup>***

The draft Fisheries Management Act will be reviewed, in light of Alpha Islands current and future international obligations, with the aim of introducing requirements including:

- installation and maintenance of ALCs and compliance with any requirements of a VMS system consistent with international standards;
- boarding and inspection on the high seas consistent with international law, recognizing the rights and obligations of masters and of inspection officers;
- observer programmes with relevant national, regional or international standards, including for Alpha Islands vessels on the high seas; and
- reporting requirements consistent with requirements in the international instruments for areas within and beyond national jurisdiction.

#### ***1.1.1.6 Strengthening control over foreign fishing***

It is current practice in Alpha Islands to enter into access agreements or joint venture arrangements in respect of foreign fishing vessels. Alpha Islands will take measures to ascertain whether a foreign fishing vessel under either arrangement has been involved in IUU fishing, and if so will disqualify that vessel or joint venture partner from any further role in the fisheries sector. The access agreements will be reviewed with special attention to the terms and conditions that prevent, deter and eliminate IUU fishing by vessels fishing under its terms, and ensure that there are rigorous provisions relating to flag State responsibility. A policy is being developed that will give priority for fisheries access to those flag States that consistently exercise their responsibilities in accordance with the IPOA-IUU and support the work of RFMOs in the region.

In addition, the minimum terms and conditions of fisheries access in the draft Fisheries Management Act will be reviewed to ensure effective action against IUU fishing. They will include requirements to install and maintain ALCs, reporting requirements, and observer coverage, port calls and inspection at the direction of the Fisheries Division.

#### ***1.1.1.7 Strengthening control over landings and transshipments***

Notification requirements for landings and transshipments will be reviewed to ensure adequate opportunity for inspection. The legal authority to prohibit landings and transshipments in a timely and effective manner will be reviewed.

#### ***1.1.1.8 Strengthening control over exports***

Alpha Islands has no legal provision authorizing or requiring the denial of an export permit in the event the fish were caught in an IUU fishery, nor any offence for an exporter to trade in such fish. A provision to that effect will be prepared for the draft Fisheries Management Act.

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<sup>8</sup> IPOA-IUU Paragraph 17.

<sup>9</sup> IPOA-IUU Paragraph 24.

### ***1.1.1.9 Implementation of obligations under RFMOs***

Legislative authority to deter IUU fishing that undermines conservation and management measures adopted or recommended by any RFMO to which Alpha Islands is party will be reviewed and appropriate provisions proposed for the draft Fisheries Management Act. One such provision could be to prohibit any person from landing, importing, exporting, selling, buying etc. any fish taken contrary to the international conservation and management measures adopted by a RFMO to which Alpha Islands is party<sup>10</sup>. Sanctions would be severe, including high fines, and forfeiture as applicable.

In addition, cooperation within the TFC, when it enters into force, to develop catch certification schemes will be undertaken to facilitate detection. The draft Fisheries Management Act will be reviewed to ensure the appropriate inspection and reporting requirements are sufficient, and the sanctions are deterrent.

A possible constraint in adopting and implementing the above amendments is the economic focus on government policy, and desire to attract investment. However, the current government also supports the goal of sustainable fisheries coupled with a punitive fine.

### ***1.1.1.10 Implementation of International Law<sup>11</sup>***

Alpha Islands has not extensively implemented the international or regional instruments to which it is party in current legislation. The draft Fisheries Management Act will be reviewed methodically to ensure maximum effectiveness in implementation. Further action regarding implementation of the post-UNCED instruments is described under section 1.3.

## **1.1.2 Review of Practices relating to IUU fishing**

### ***1.1.2.1 State control over nationals<sup>12</sup>***

Alpha Islands will maintain a register of the operators or beneficial owners of vessels flying its flag, including their nationality. In this way Alpha Islands can identify its nationals should a vessel be involved in IUU fishing. Alpha Islands will encourage other island States in the region and RFMOs to maintain the same information base, and encourage cooperation and information exchanges for purposes of controlling nationals who may be involved in IUU fishing.

Alpha Islands nationals generally do not flag vessels under the jurisdiction of a State that does not meet its flag State responsibilities. However, some countries in the region operate open registers that include several fishing vessels, and those countries do not meet their flag State responsibilities. Alpha Islands will raise this issue at the annual regional forum of heads of government, in an effort to encourage those countries to meet their flag State responsibilities.

### ***1.1.2.2 Vessels without nationality<sup>13</sup>***

Alpha Islands is not a member of the International Maritime Organisation but will support any effort of that body to prevent vessels from becoming stateless during their transfer to a new flag.

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<sup>10</sup> This is similar to the US "Lacey Act" provision, which has the objective of enforcing the laws of other States through such measures. Many countries in the region have enacted this provision, and bilateral agreements concluded regarding reciprocity of action.

<sup>11</sup> IPOA-IUU Paragraph 11.

<sup>12</sup> Paragraphs 18 and 19.

<sup>13</sup> Paragraph 20.

### ***1.1.2.3 Non-cooperating States<sup>14</sup>***

Alpha Islands will cooperate with all RFMOs to which it belongs to prevent, deter and eliminating the activities of non-cooperating States which engage in IUU fishing. This will include implementing trade and other sanctions recommended by the TFC.

### ***1.1.2.4 Economic incentives<sup>15</sup>***

Economic support will be withheld from companies, vessels and persons that are involved in IUU fishing. In particular, duty-free fuel will be denied to any fishing vessel involved in IUU fishing.

### ***1.1.2.5 Monitoring, control and surveillance<sup>16</sup>***

The increasing cooperation between the Alpha Islands Fisheries Division and Navy will continue, and sub-regional programmes to train observers, port samplers and fish quality control auditors will be attended by an increasing number of Alpha Islanders. Training of naval personnel in boarding and evidence-gathering will continue, and Alpha Islands Navy, Fisheries Division, Attorney General's Office and judiciary will participate in in-country fisheries prosecutions workshops conducted with regional assistance. Reporting requirements will be reviewed and strengthened. Reporting requirements for the high seas, and the information database of licences and registers will be upgraded. Cooperation through regional agencies on information collection and sharing and cooperative enforcement (including VMS) will be strengthened. Cooperation with international organizations and networks, such as FAO and the MCS networks, will be strengthened.

The Tuna Management Plan currently being developed includes a substantial section on MCS, which details the strategies and plans for both coastal commercial fisheries and industrial fisheries. For the first time, one of the criteria in licence allocation will be compliance with the law and international conservation and management measures.

Under the new legislation, regulations will be developed designating rules, procedures and standards for confidentiality and ownership of information.

A working group comprising officials from the Fisheries Division, Navy, Attorney General's Office and Foreign Affairs will be established to review a draft regional plan for boarding and inspection on the high seas, to be presented at the next session of the TFC. It is anticipated that training and additional capacity will be required for the high seas activities.

## **1.2 General measures needed to conform national laws, regulations and practices to international standards**

General measures needed to conform national laws and regulations to international standards consist of the reviews and amendments described in paragraph 1.1 of this section.

### **1.3 Plans to become party to and/or implement relevant international instruments**

Alpha Islands plans to adhere to the 1993 FAO Compliance Agreement.

### **1.4 Measures to improve State control over nationals**

Measures will be taken to improve State control over nationals, based on the review described in paragraph 1.1.1.1 of this section, above.

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<sup>14</sup> Paragraph 22.

<sup>15</sup> Paragraph 23.

<sup>16</sup> Paragraph 24.

## **1.5 Measures to deal with vessels without nationality that conduct IUU fishing**

Alpha Islands will approach this mainly in the context of regional or international cooperation, as noted in paragraph 1.1.2.1 above.

## **1.6 Elimination of subsidies and other economic support relating to IUU fishing**

The measures taken to eliminate subsidies and other economic support relating to IUU fishing are described in paragraphs 1.1.1.3 and 1.1.2.4 above.

## **1.7 Measures to improve monitoring, control and surveillance**

Measures to improve monitoring, control and surveillance are described in paragraphs 1.1.1.5 and 1.1.2.5 above.

## **2. FLAG STATE RESPONSIBILITIES**

### **2.1 Measures to improve registration system for fishing vessels**

#### **2.1.1 Keeping register current**

Alpha Islands currently has regulations that require registration of coastal commercial and industrial fishing vessels. The draft Fisheries Management Act will require registration of all fishing vessels, as well as ALCs. The database will be expanded, with the technical assistance of the PFO, and institutional responsibilities will be structured to allow timely updating of the register.

#### **2.1.2 Control of registered vessels**

Alpha Islands will take measures to ensure its ability to control vessels before granting registration. This will include the following.

##### ***2.1.2.1 Sufficient registration information***

Alpha Islands will continue to implement regional and international standards in requiring information for vessel registration, including information for national registers and relevant regional registers, such as the regional VMS register and the regional register of foreign fishing vessels.

##### ***2.1.2.2 Measures to deny registration***

Measures will be adopted that allow registration to be denied to a fishing vessel that has been convicted of IUU fishing, or, if registered, that will allow the vessel to be deregistered upon conviction or require deregistration if a vessel carries more than one registration.

##### ***2.1.2.3 Further control measures***

As the law is reformed, further measures will include requirements for fishing beyond areas of national jurisdiction such as licensing, reporting, observers and the installation of ALCs for all vessels.

### **2.1.3 Coordination of government activities**

Regularized communication will be established between the Fisheries Division and the Shipping Office, responsible for vessel registration. Where information on the past activity of a fishing vessel seeking registration indicates it was involved in IUU fishing activities, appropriate steps can be taken.

### **2.1.4 Review of chartering arrangements**

Although all vessels currently fishing fly the Alpha Islands flag, measures will be taken to ensure Alpha Islands can maintain control, in areas beyond national jurisdiction, of vessels fishing under joint ventures or chartering arrangements. Such measures will require transparent chartering arrangements to ensure clear, current and accurate information is provided, and the following legal provisions will be considered:

- requiring that the chartered vessels take on the nationality of Alpha Islands – that is, be registered in Alpha Islands and fly its flag - for the duration of the charter arrangement; or
- requiring the charter arrangement to make both Alpha Islands and the flag State responsible for controlling the high seas fishing conducted pursuant to a charter arrangement.

The charter arrangement could, for example, provide express authority for both States to board and inspect the vessel on the high seas and require reporting of catch data to both States. The draft Fisheries Management Act, in which the “operator” of a vessel is liable for most offences, defines operator as the owner, charterer and master. This means that the charterer may be prosecuted if IUU fishing takes place.

## **2.2 Creation of a comprehensive record of fishing vessels**

### **2.2.1 Data for registration of high seas fishing vessels**

The following data will be included in the registration of fishing vessels authorised to fish on the high seas:

- name of fishing vessel, registration number, previous names (if known) and port of registry;
- previous flag (if any);
- International Radio Call Sign (if any);
- name and address of owner or owners;
- where and when built;
- type of vessel;
- length;
- name and address of operator (manager) or operators (managers) (if any);
- type of fishing method or methods;
- moulded depth;
- beam;
- gross registered tonnage;
- power of main engine or engines.

### **2.2.2 Submission of data to FAO**

Submission of the above data to FAO will be arranged on a regular basis, noting that information on the last six points (from name and address of operator) will be submitted to the extent practicable.

## **2.3 Measures requiring authorization to fish**

The subsistence fisheries do not require licences to fish, but all others do. Because of the importance of subsistence fisheries and traditional management to Alpha Islands, this policy will not change. However, authorizations to fish for all other fisheries will continue to be required, and the draft Fisheries Management Act will require licences for fishing in areas beyond national jurisdiction.

## **2.4 Measures to control transport and support vessels**

The law will be amended so that Alpha Islands transport and support vessels that have been involved in IUU fishing in Alpha Islands waters or an area of the high seas subject to international conservation and management measures will be subject to prosecution and mandatory licence revocation. For such vessels not registered in Alpha Islands, but carrying out related activities in Alpha Islands waters, the law will be amended to require licence revocation. At-sea transshipment of fish by purse seiners is not allowed in the region.

## **2.5 Other control measures**

Vessel and gear marking requirements will be reviewed and, as appropriate, strengthened. International and regional standards will be applied.

## **3. COASTAL STATE MEASURES**

### **3.1 Measures to combat IUU fishing in Alpha Islands waters by foreign vessels**

Alpha Islands is taking measures to combat IUU fishing by foreign vessels primarily through strengthened regional cooperation. This is being achieved primarily through regional databases and information, enforcement cooperation and establishment of a VMS system. The establishment of the TFC will enhance this cooperation. As a priority, the draft Fisheries Management Act will be reviewed and prepared as a Bill for introduction into Parliament.

### **3.2 Cooperation with other States in the region**

Regional cooperation described above will be enhanced by sub-regional and bilateral cooperation in reciprocal and joint surveillance and enforcement measures. An agreement with one of Alpha Islands' neighbours is planned with the aim of using Alpha Islands patrol boats to undertake joint enforcement activities in the waters of both Island countries.

## **4. PORT STATE MEASURES**

### **4.1 Improvement of port State measures to combat IUU fishing**

#### **4.1.1 Advance notification for port access**

Alpha Islands will, by regulation, require foreign fishing vessels to provide advance notification in seeking port access.

#### **4.1.2 Inspection of foreign vessels in port**

Inspection of foreign vessels in port (including those that are not licensed to fish but come for duty free fuel) will be intensified, following recent training on boarding and inspection by the regional organizations. As the TFC expands its work and possibly adopts catch certification schemes, a future priority will be to develop inspection capacity and train inspectors about the relevant documentation.

#### **4.1.3 Evidence indicating IUU fishing**

Where evidence is found indicating that a foreign vessel in port has encouraged or supported IUU fishing, a procedure will be developed to enable effective measures to be taken, including prohibition on landing or transshipment.



#### **4.1.4 Denial of port access**

Procedures will be developed to allow the denial of port access to foreign vessels suspected of engaging in or supporting IUU fishing.

#### **4.2 Cooperation with port States to combat IUU fishing**

Alpha Islands will continue to cooperate mainly through regional organizations with other island port States to agree on mechanisms and information exchange to combat IUU fishing.

#### **4.3 Implementation of port State measures adopted by RFMOs**

Alpha Islands will implement port State measures that may be adopted by the TFC and any other relevant RFMOs.

### **5. INTERNATIONALLY AGREED MARKET-RELATED MEASURES**

#### **5.1 Implementation of market-related measures adopted by RFMOs**

##### **5.1.1 Provision of information to RFMOs**

Alpha Islands will provide information to the CCT and other relevant RFMOs as appropriate on vessels suspected of IUU fishing in their respective Areas of Competence.

##### **5.1.2 Import restrictions**

Measures will be taken to restrict imports of fish and fish products from vessels and/or States identified by RFMOs, especially CCT, as engaging in or supporting IUU fishing.

##### **5.1.3 Catch documentation schemes**

Measures will be taken to implement the catch documentation and certification schemes for Alpha Islands vessels that are adopted by CCT and any other relevant RFMO to which Alpha Islands may become a member.

#### **5.2 Implementation of other market-related measures**

##### **5.2.1 Transparency measures**

Technical assistance will be requested to develop measures to improve the transparency of markets to allow the traceability of fish and fish products.

##### **5.2.2 Information dissemination**

As part of the capacity building project, Alpha Islands will mount an information programme to disseminate information on IUU fishing to individuals and companies whose activities are related to fishing.

##### **5.2.3 Prohibition in law**

An amendment to the draft Fisheries Management Act will be drafted as described in section 1.1.1.9, above, that makes in a violation to conduct business or trade in fish or fish products derived from IUU fishing.

## **6. IMPLEMENTATION OF IPOA-IUU THROUGH RFMOS**

Alpha Islands will continue to work through RFMOs to implement the IPOA-IUU. It will support proposals made for activities such as the following, and implement any decisions taken to the extent possible. As appropriate, further technical assistance may be sought to further these endeavours.

Alpha Islands considers existing RFMOs to be in the forefront of taking measures to implement the IPOA-IUU, with the exception of the nascent TFC. It is expected that the TFC will be well positioned to implement the IPOA-IUU through, *inter alia*, information mechanisms, MCS, and dealing with non-member fishing, develop documentation and certification schemes. Alpha Islands will be an active participant and will strive to implement the decisions of the Commission effectively and expediently.

## **7. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

This Part of the IPOA, which relates to participation in efforts to assist developing States, and give bilateral assistance to developing States, is not relevant for the NPOA of Alpha Islands because it calls upon donors. However, Alpha Islands supports the establishment of a voluntary trust fund, and acknowledges and values the assistance given to date including by FAO programmes such as FishCODE, which has a component to support the implementation of the IPOA-IUU fishing.

**WORKSHEET: ALPHA ISLANDS NPOA-IUU**

<b>WORKSHEET ALPHA ISLANDS NPOA-IUU</b>			
	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
<b>1. ALL STATE RESPONSIBILITIES</b>			
1.1 Review of national laws, regulations and practices relating to IUU fishing			
1.1.1 Additional legislative or regulatory authority necessary or desirable to implement the IPOA			
1.1.1.1 State control over nationals			
1.1.1.2 Sanctions			
1.1.1.3 Eliminating subsidies or other economic support to IUU fishers			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
1.1.1.4 Evidentiary standards and admissibility			
1.1.1.5 Monitoring, control and surveillance (MCS)			
1.1.1.6 Strengthening control over foreign fishing			
1.1.1.7 Strengthening control over landings, transshipments			
1.1.1.8 Strengthening control over exports			
1.1.1.9 Implementation of obligations under RFMOs			
1.1.1.10 Implementation of International Law			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
1.1.2 Review of Practices relating to IUU fishing			
1.1.2.1 State control over nationals			
1.1.2.2 Vessels without nationality			
1.1.2.3 Non-cooperating States			
1.1.2.4 Economic Incentives			
1.1.2.5 Monitoring, Control and surveillance			
1.2 General measures needed to conform national laws, regulations and practices to international standards			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

<b>WORKSHEET ALPHA ISLANDS NPOA-IUU</b>				
		<b>2004</b>		<b>2005</b>
		<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
1.3	Plans to become party to and/or implement relevant international instruments			
1.4	Measures to improve State control over nationals			
1.5	Measures to deal with vessels without nationality that conduct IUU fishing			
1.6	Elimination of subsidies and other economic support relating to IUU fishing			
1.7	Measures to improve monitoring, control and surveillance			
<b>2.</b>	<b>FLAG STATE RESPONSIBILITIES</b>			
2.1	Measures to improve registration system for fishing vessels			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
2.1.1 Keeping register current			
2.1.2 Control of registered vessels			
2.1.2.1 Sufficient registration information			
2.1.2.2 Measures to deny registration			
2.1.2.3 Further control measures			
2.1.3 Coordination of government activities			
2.1.4 Review of chartering arrangements			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
2.2 Creation of a comprehensive record of fishing vessels			
2.2.1 Data for registration of high seas fishing vessels			
2.2.2 Submission of data to FAO			
2.3 Measures requiring authorization to fish			
2.4 Measures to control transport and support vessels			
2.5 Other control measures			



**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
<b>3. COASTAL STATE MEASURES</b>			
3.1 Measures to combat IUU fishing in Alpha Islands waters by foreign vessels			
3.2 Cooperation with other States in the region			
<b>4. PORT STATE MEASURES</b>			
4.1 Improvement of port State measures to combat IUU fishing			
4.1.1 Advance notification for port access			
4.1.2 Inspection of foreign vessels in port			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
4.1.4 Evidence indicating IUU fishing			
4.1.5 Denial of port access			
4.2 Cooperation with port States to combat IUU fishing			
4.3 Implementation of port State measures adopted by RFMOs			
<b>5. INTERNATIONALLY AGREED MARKET-RELATED MEASURES</b>			
5.1 Implementation of RFMOs market-related measures			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
5.1.1 Provision of information to RFMOs			
5.1.2 Import restrictions			
5.1.3 Catch documentation schemes			
5.2 Implementation of other market-related measures			
5.2.1 Transparency measures			
5.2.2 Information dissemination			
5.2.3 Prohibition in law			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
<b>6. IMPLEMENTATION OF IPOA-IUU THROUGH RFMOs</b>			
6.1 Actions taken to implement RFMOs measures			
6.2 Proposals for institutional strengthening of RFMOs			
6.3 Proposals for additional compliance mechanisms to be adopted by RFMOs			
6.4 Proposals for better collection and exchange of information through RFMOs			
6.5 Proposals to strengthen MCS through RFMOs			
6.6 Proposals to develop comprehensive port State systems through RFMOs			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

<b>WORKSHEET ALPHA ISLANDS NPOA-IUU</b>				
		<b>2004</b>		<b>2005</b>
		<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
6.7	Proposals to improve documentation and certification schemes of RFMOs			
6.8	Proposals to regulate chartering arrangements through RFMOs			
6.9	Proposals to address non-member fishing through RFMOs			
6.10	Proposals to formalize cooperation among RFMOs, and between RFMOs and other international organizations			

**APPENDIX J****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 pomf, cot and rouly, all of which are high valued species and have strong market demand in Europe and North America.

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 Southern Ocean. Zoro’s CFO has contacted the Registry Manager 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 up to 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 multi-purpose 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, have revealed that the fish will be offloaded in a neighbouring country in the port of Hella, 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 which maintains information on IUU fishing activities submitted by members. The Commission also has a “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
6. Coordinator of the International MCS Network
7. Director of the Oceanic Fisheries Commission

**ACTION:** To develop a strategy to deal with the problem.

**TIME ALLOCATION:** 1.0 hour.

### Composition of the Working Groups

#### WORKING GROUP 1

Leader: RENNIE, Justin  
 Rapporteur: SAVERY LANZA, Valerie  
 Members: ARCHIBALD, Mark  
 BARTLEY, Errol  
 CHARLES, A. Vaughn  
 RAMRARATH-PARASRAM, Vivian  
 PHILLIPS, Terrence

#### WORKING GROUP 2

Leader: JONES, Ian  
 Rapporteur: HORSFORD, Ian  
 Members: BADIO, Jean Robert  
 BAISRE ALVAREZ, Julio  
 FARRELL, Frank  
 INFANTE, José  
 JOBITY, Ann Mary  
 SOBERS, Rolerick

#### WORKING GROUP 3

Leader: BRAYNEN, Michael T.  
 Rapporteur: POON, Hadyn  
 Members: ANSLYN, Arthur  
 BANSIE, Rigillio  
 MAAZ, Julio  
 POLANCO, Kennida  
 SEWKARANSINGH, Vinodsingh

#### WORKING GROUP 4

Leader: STRAKER, Leslie  
 Rapporteur: LLOYD, Gilford  
 Members: BALDEO, Roland  
 DRAPER, Kieron  
 GEORGE, Rufus  
 RIVERÓN, Juan Fung  
 WILLOUGHBY, Stephen

**Problem-solving: making responsible decisions  
about IUU fishing**

**REPORT OF WORKING GROUP 1**

**Scenario:**

- The “Galapagos Beauty” has no nationality (the vessel has been spotted flying two flags and the Camilla Registry has no record of the vessel)
- The vessel is fishing illegally in Zorro’s EEZs
- The vessel intends to offload its catch in the port of Hella
- The vessel’s catch has already been sold and destined for markets in Zetland

**Strategy:**

- To apprehend and prosecute the vessel by the coastal State of Zorro
- To inform and provide information about the violation by the vessel to the port State of Hella requesting that the vessel be detained and prosecuted on Zorro’s behalf
- To request assistance from Zetland in deterring the trade of the catches onboard the vessel

**Minister**

- To make a final decision based on the advice provided by the meeting

**Chief Fisheries Officer**

- To report on the violation

**Representative from Government Solicitor**

- To provide legal advice

**Senior MCS Officer**

- To report on the information obtained from the International MCS Network and the Oceanic Fisheries Commission

**President of the Fisher Association**

- To provide feedback on the outcome of the meeting to members of the Fishers Association

**Coordinator of the International MCS Network**

- To request information from the Network

**Director of the Oceanic Fisheries Commission (OFC)**

- To request information from the Commission



## **REPORT OF WORKING GROUP 2**

The following actions should be undertaken:

### Minister

- To instruct the Chief Fisheries Officer to take action with respect to boarding/detention of the vessel and request the Coast Guards to take the vessel to port
- To organize a follow-up press meeting
- To communicate with the port State informing it to institute port State measures in Zetland

### Chief Fisheries Officer

- To collect evidence and present it to the Minister
- To confirm that the vessel is not authorized to fish in Zoro's waters
- To inform the Minister and the meeting that the "Galapagos Beauty" is "stateless"
- To advise that the vessel has an estimated catch of 200 tonnes onboard

### Representative from the Government Solicitor

- To examine quality of evidence (photos, etc)
- To make expedient checks
- To request evidence from the Fishers Association about multiple flagging
- To act as Rapporteur of the meeting
- To check for bilateral arrangements
- To advise on legal action to be taken against the vessel

### Senior MCS Officer

- To provide and confirm evidence (photos, flag, location of the vessel, etc.)

### President of Fishers Association

- To provide evidence on multiple flags
- To request that action be taken with respect to IUU fishing by the "Galapagos Beauty"

### Coordinator of the International MCS Network

- To contact Network members
- To query the Network database regarding the status of the "Galapagos Beauty"
- To request Network members if they have information relating to IUU fishing by the "Galapagos Beauty"

### Director of the Oceanic Fisheries Commission

- To provide information on IUU fishing and the Commission's "black list"
- To advise members about the suspected IUU fishing by the "Galapagos Beauty"

## **REPORT OF WORKING GROUP 3**

### Minister

- To listen to information and advice provide to him
- To communicate to Cabinet the problems and actions to be taken
- To liaise with intended market and port States on measure to deter IUU fishing
- To establish a regional institutional mechanism on monitoring fishing capacity

### Chief Fisheries Officer

- To coordinate interdiction/deter effort
- To quantify damage (economic and environmental) to Zorro from the IUU fishing

- To seek information on the “Galapagos Beauty” from the International MCS Network and other sources

Representative of the Government Solicitor

- To identify the laws that have been breached by the “Galapagos Beauty” and to provide options available for prosecution locally and abroad
- To revise and develop legislation to deal with future incursions if there are deficiencies in the current legislation

Senior MCS Officer

- To attempt, within available means, apprehension of the “Galapagos Beauty”
- To continue surveillance activities and to collect further photographic evidence

President of the Fishers Association

- To continue to supply information from members about the activities of the “Galapagos Beauty”
- To assure the fishing community that action is being taken against the “Galapagos Beauty” and that measures to deter such fishing will be instituted

Coordinator of the International MCS Network

- To provide further information on the “Galapagos Beauty”
- To advise if other countries involved with the vessels are part of the International MCS Network
- To seek information on the owner and information about his other interests

Director of Oceanic Fisheries Commission

- To receive information about the “Galapagos Beauty”
- To include the vessel on a “black list”
- To seek information about the owner of the vessel and information about his other interests

## **REPORT OF WORKING GROUP 4**

### **Background considerations**

- All State issues (legislation, vessel without nationality, sanctions, MCS and cooperation among States)
- Flag State issues (fishing vessel registry, record of fishing vessels, authorization to fish)
- Coastal State issues (cooperation and exchange of information, combat IUU fishing)
- Port State issues (permitting a vessel port access, relevant documentation, flow of relevant information, action by the flag State)
- Internationally agreed market-related issues (prevent IUU-caught fish from being traded, cooperate on multilateral measures through RFMOs, catch documentation schemes, avoid business contact with IUU fishers)
- RFMOs issues (non members are not discharged from their duties to cooperate with a RFMOs, enforcement of RFMOs policies and measures)

### **Short-term decisions**

Port State (RFMOs, Minister, CFO)

- To advise Hella of the evidence concerning illegal fishing activities by the “Galapagos Beauty”
- To request Hella to obtain relevant documents from the vessel

- To relay relevant information to the RFMO and flag State
- To seize catch if possible

#### International MCS Network

- To check records concerning the fishing history and activities of the “Galapagos Beauty”

#### Flag State (RFMOs, CFO, Minister)

- To encourage the flag State to carry out its own surveillance and arrest the “Galapagos Beauty”
- To provide available information on the activities of the vessel

#### Coastal State

- To exchange/provide relevant information concerning the vessel owner

#### Oceanic Fisheries Commission

- To proceed toward the immediate “black listing” of the “Galapagos Beauty” based on the information available
- To circulate information about the vessel to all members

### **Long-term measures**

#### Minister

- To ensure that there is appropriate legislation to combat IUU fishing
- To make technical and financial resources available
- To develop links and cooperation with other countries
- To support actions by the RFMOs

#### Chief Fisheries Officer

- To develop a NPOA-IUU
- To identify present and future resources
- To educate fishers on the detrimental effects of doing business with IUU fishing vessels

#### Representative from Government Solicitor

- To advise on the international instruments and national legislation as they pertain to IUU fishing

#### Senior MCS Officer

- To identify the resources required for MCS
- To develop and advise on MCS policies and procedures

#### President of the Fishers Association

- To provide feedback to members on decisions taken
- To convince members to participate in the development of the NPOA-IUU

#### Director of the Oceanic Fisheries Commission (OFC)

- To coordinate regional activities
- To promote compatibility of port State control measures among members

## Steps to be taken in developing a NPOA-IUU

### REPORT OF WORKING GROUP 1

- 1) **Which Ministries/Departments are involved in the elaboration of an NPOA-IUU?**
  - Ministries of Fisheries, Legal Affairs, Foreign Affairs, National Security, Agriculture, Trade and Finance, Environment, Health, Science and Technology and Public Information
  - Departments of Fisheries, Solicitor General (Legal drafting and review), Marine Resources, International Relation, Defence Force/Coast Guards, Police, Customs and Immigration
  - Authorities concerning Environmental Protection, Environmental Management, Maritime and Marine/Fisheries Research
  
- 2) **What constraints are likely to be faced in the elaboration of an NPOA-IUU?**
  - Lack of coordination and cooperation among agencies
  - Different priorities
  - Opposition by fisheries organizations
  - Lack of resources (skills, finance, equipment, etc.)
  - Inadequate/inappropriate legislation
  - Lack of political will
  - Inadequate planning
  - Lack of recognition of fisheries
  - Cultural/traditional constraints
  - Lack of MCS capacity
  - Record keeping, reporting and documentation
  - Lack of good governance
  
- 3) **How can these constraints be overcome?**
  - Government/stakeholder consultation (operationalizing with MOUs)
  - MOUs assist with different priorities in terms of profile raising and awareness building
  - Government consultation and public awareness
  - Institution development/strengthening
  - Clearly define policies, lobbying and advocacy
  - Review and harmonization of laws
  - Effective planning
  - More studies (socio-economic) and research, public and political awareness, information dissemination
  - Accommodation and compromise, awareness, appreciation
  - Institutional strengthening/co-management, capacity-building, regularize MCS reporting
  - Effective record keeping, security procedures and confidentiality
  - Institute mechanisms for good governance (accountability, transparency and consultation)
  
- 4) **How national resources could be mobilized for the elaboration of an NPOA-IUU?**
  - Effective use of available resources
  - Careful identification of critical skills (looking out where they exist)
  - Identify additional skills and how to acquire them

- Improvement of resources at the Government level (increased allocation)
- Private sector donations (put mechanism in place for accountability and transparency)
- Review of the licensing regime in terms of species value (in terms of increased licence fee and cost recovery)

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

- Political stability (economic situation)
- Natural disasters
- Time constraints (different priorities)
- Allocation of resources

**6) Steps to be undertaken in elaborating an NPOA-IUU**

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review/development	Minister/Cabinet	1/1/2005	10/2005
2. Legislation review/development	Minister/Cabinet	2/2005	10/2005
3. Develop the NPOA	Minister/Cabinet	1/2005	12/2005
4. Implementation of NPOA	Fisheries Department/ MCS Agencies and Minister	1/2006	ongoing

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**REPORT OF WORKING GROUP 2**

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

- Fisheries
- Foreign Affairs
- Coast Guard
- Maritime Authority
- Trade (local CITES representative)
- Customs and Immigration
- Legal Affairs
- Environment
- Plus NGOs, fisheries organizations and fishery advisory council

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

- Legislation
- Enforcement (including MCS)
- Lack of qualified personnel
- Financial
- Delimitation agreements
- Fisheries policy
- Education (stakeholders and government officials)

**3) How can these constraints be overcome?**

- Revise and/or prepare legislation
- Create a budget (training/human resources/financial and MCS issues)
- Promote dialogue (delimitation)
- Develop a fisheries policy (regional considerations)

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

- Joint planning (different bodies and stakeholders) and preparation of proposal for funding
- Sensitize government bodies and stakeholders about IUU fishing

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

- Political will
- Legislative support
- Enforcement capabilities (national and regional)
- Boundaries to be delimited
- Budgetary support/human and other resources
- Regional cooperation
- Cooperation and collaboration among stakeholders

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

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Consultation with stakeholders		1/1/2005*	
2. Policy review/development	Cabinet/National consultation/Minister		
3. Legislation review/development	Parliament or equivalent/Chief Parliamentary Council		
4. Develop NPOA	Ministry of Fisheries or equivalent		
5. Implement NPOA	Relevant Government bodies		

\*Only date that can be confirmed.

\*\*\*

**REPORT OF WORKING GROUP 3****1) Which Ministries/Departments are involved in the elaboration of an NPOA-IUU?**

- Fisheries
- Finance
- Legal Affairs
- Defence/National Security
- Environment
- Maritime Affairs
- Foreign Affairs

- Information Service
- Fishers groups
- NGOs

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

- Lack of funds, human resources and technical capacity
- Heavy workload of legal office
- Political pressure from special interest groups
- Lack of communication between parties
- Obtaining budget approvals
- Political will

**3) How can these constraints be overcome?**

- Demonstrate the financial benefit
- Consider financing by user fees
- Contract legal work or delegate to a dedicated officer
- Share information through databases and direct contact with key persons
- Recruit, train or contract staff for fisheries, legal affairs and defence
- Ensure continuity through comprehensive documentation

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

- Hold national consultations
- Identify key players in the agencies and designate interested and committed person to coordinate
- Promote sound inter-agency cooperation

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

- International relation and interest
- Natural disasters

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

ACTIVITY	APPROVALS REQUIRED	STARTING DATE	FINISHING DATE
1. Policy review/development	Fisheries Minister	1/1/2005	31/3/2005
2. Legislation review/development	Assembly	1/4/2005	31/3/2006
3. Develop the NPOA	Cabinet	1/4/2006	30/9/2006
4. Implementation of NPOA	Chief Fisheries Officer	1/10/2006	1/10/2007 1st review

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## **REPORT OF WORKING GROUP 4**

- 1) **Which Ministries/Departments are involved in the elaboration of an NPOA-IUU?**
  - Fisheries
  - Legal Affairs
  - Coast Guard/Marine Police
  - Foreign Affairs
  - Finance and Planning
  - Registrar of ships
  - Marine Authority
  - Port Authority
  - Trade
  - Communications
  - Government Information Agency
  
- 2) **What constraints are likely to be faced in the elaboration of an NPOA-IUU?**
  - Convincing the Government of the need to prepare a plan
  - Limited finance
  - Inadequate legislation
  - Limited public awareness
  - Inadequate capacity and resources to elaborate plans
  - Inadequate institutional arrangements
  - Absence of appropriate policy
  - Absence of relevant data and appropriate measure for collection
  - Time factor/preparation of legal review, etc.
  - Absence of a RFMO in the region
  - Lack of political will
  
- 3) **How can these constraints be overcome ?**
  - Building awareness by educating politicians/stakeholders and the general public
  - Source local and foreign resources
  - Review and update legislation where appropriate
  - Capacity and resource building
  - Using NPOAs-IUU developed by other countries as guidelines for the development of NPOAs-IUU
  - Improve communication among stakeholders
  - Initiate regional collaboration
  
- 4) **How national resources could be mobilized for the elaboration of a NPOA-IUU?**
  - People (training, education and consultation)
  - Finance (make annual budgetary allocation to accommodate the NPOA-IUU)
  - Institutions (provide information to relevant institutions so that they can become part of the process and strengthen institutions for the future review of the NPOA-IUU)
  
- 5) **What considerations could affect the ability of countries to deliver a NPOA-IUU**
  - Convincing the Government of the need to prepare a plan
  - Limited finance
  - Inadequate legislation



- Limited public awareness
- Inadequate capacity and resources to elaborate plans
- Inadequate institutional arrangements
- Absence of appropriate policy
- Absence of relevant data and appropriate measure for collection
- Time factor/preparation of legal review, etc.
- Absence of a RFMO in the region
- Lack of political will

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

<b>ACTIVITY</b>	<b>APPROVALS REQUIRED</b>	<b>STARTING DATE</b>	<b>FINISHING DATE</b>
1. Policy review/development	Yes	1/2005	7/2005
2. Legislation review/development	Yes	7/2005	12/2005
3. Develop the NPOA	Yes	1/2006	12/2006
4. Legislation development	Yes	8/2006	8/2007
5. Implementation of NPOA		8/2007	8/2009

APPENDIX N

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

Issue	Antigua and Barbuda	Bahamas	Barbados	Belize	Cuba	Dominican Republic	Grenada	Haiti	Jamaica	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Suriname	Trinidad and Tobago	Average	Rank
Fishing unauthorized species/undersized species	10	2	11	1	3	3	5	1	8	2	2	3	2	10	4.5	1
Inadequate MCS	2	3	3	2	12	1	1	10	10	5	3	2	7	3	4.6	2
Encroachment by foreign fishing vessels	1	1	5	3	14	9	2	9	1	8	1	1	12	2	4.9	3
Unauthorized fishing in closed areas/seasons	11	8	2	4	5	2	3	5	5	9	5	5	9	9	5.9	4
Use of prohibited gears and fishing methods	13	7	9	7	1	6	11	6	6	1	8	4	10	6	6.8	5
Inadequate legislation for IUU fishing/MCS	3	6	8	13	11	5	6	11	3	6	13	8	11	1	7.5	6
Unreporting/misreporting of catches	6	12	1	11	13	4	12	4	7	3	7	11	4	12	7.6	7
Lack of coordination/communications between agencies in national administrations	5	4	4	12	10	8	7	14	9	4	10	10	8	4	7.8	8
Use of unauthorized gears	8	11	10	8	4	7	10	7	12	10	4	7	5	7	7.9	9
Fishing by unregistered/unlicensed vessels	4	10	14	9	2	12	4	3	4	7	12	14	3	14	8.0	10
Lack of subregional cooperation on IUU fishing issues	7	5	6	6	8	11	9	13	11	12	6	9	6	5	8.1	11
Unauthorized fishing in management zones	12	9	12	5	7	10	13	8	13	n/a	9	6	1	8	8.7	12
Fishing endangered species	14	14	7	10	6	13	8	2	2	n/a	11	12	14	11	9.5	13
Use of unseaworthy vessels	9	13	13	14	9	14	14	12	14	11	14	13	13	13	12.6	14

ISSUE	ACTION
Fishing unauthorized species/undersized species	<ul style="list-style-type: none"> <li>• To review fishing gear used and facilitate the availability of alternative gear for fishers</li> <li>• To strengthen enforcement</li> <li>• To harmonize regulations among countries for common species</li> <li>• To harmonize legislation in countries for gear</li> <li>• To harmonize MCS among countries as appropriate</li> <li>• To promote public awareness about the effects of harvesting unauthorized/undersized species</li> </ul>
Inadequate MCS	<ul style="list-style-type: none"> <li>• To lobby for more resources for MCS</li> <li>• To promote greater planning and cooperation among national agencies involved with MCS</li> <li>• To involve fishers in enforcement activities</li> <li>• To review and update legislation as appropriate</li> <li>• To promote MCS training</li> <li>• To encourage co-management of fisheries</li> </ul>
Encroachment by foreign fishing vessels	<ul style="list-style-type: none"> <li>• To increase MCS</li> <li>• To increase fines and penalties</li> <li>• To encourage delimitation</li> <li>• To promote cooperation with neighbouring States including bilateral or multilateral fishing agreements</li> <li>• To prepare NPOAs-IUU</li> <li>• To enhance the availability of equipment and training for MCS</li> </ul>
Unauthorized fishing in closed areas/seasons	<ul style="list-style-type: none"> <li>• To increase fines/penalties for unauthorized fishing</li> <li>• To encourage public education and awareness about the impacts of unauthorized fishing</li> <li>• To increase random patrols and surveillance</li> <li>• To promote fisheries co-management</li> <li>• To institute market controls and checks on fish being offered for sale</li> </ul>
Use of prohibited gears and fishing methods	<ul style="list-style-type: none"> <li>• To engage in consultations with fishers</li> <li>• To initiate awareness raising campaigns</li> <li>• To increase MCS</li> <li>• To encourage collaboration with customs concerning the import of prohibited fishing gear</li> <li>• To enforce the use of selective gear</li> <li>• To promote training for fishers concerning gears and fishing methods</li> <li>• To encourage the availability of alternative legal fishing gear</li> <li>• To initiate port inspection</li> <li>• To ban the importation of illegal fishing gear</li> <li>• To declare protected areas</li> <li>• To provide compensation/replacement of prohibited gear</li> </ul>

ISSUE	ACTION
Inadequate legislation for IUU fishing/MCS	<ul style="list-style-type: none"> <li>• To review policy on IUU fishing/MCS as required</li> <li>• To review fisheries legislation and draft new legislation if necessary</li> </ul>
Unreporting/misreporting of catches	<ul style="list-style-type: none"> <li>• To implement reporting guidelines for catches</li> <li>• To improve data collection systems</li> <li>• To educate fishers about the importance of accurate data and reporting</li> <li>• To tighten conditions of licensing</li> <li>• To issue record keeping books/log books to fishers</li> </ul>
Lack of coordination/communications between agencies in national administrations	<ul style="list-style-type: none"> <li>• To establish a mechanism for periodic consultation and coordination between agencies</li> <li>• To develop and implement MOUs/agreements among and/or between agencies</li> <li>• To share resources among agencies/administrations</li> </ul>
Use of unauthorized gears	<ul style="list-style-type: none"> <li>• To improve enforcement</li> <li>• To strengthen legislation</li> <li>• To initiate education programmes for fishers about the use of unauthorized gear</li> <li>• To increase fines and penalties</li> <li>• To destroy prohibited/unauthorized gears when seized</li> <li>• To implement restrictions on the importation of unauthorized gear</li> <li>• To initiate incentives programmes to encourage the use of authorized gear</li> </ul>
Fishing by unregistered/unlicensed vessels	<ul style="list-style-type: none"> <li>• To increase enforcement</li> <li>• To institutionalise procedures to promote compliance by fishers</li> <li>• To provide education for fishers</li> <li>• To establish registration systems for vessels where such systems do not exist</li> <li>• To improve enforcement and coordination by all relevant national agencies</li> <li>• To improve data systems for vessels registration and licensing procedures</li> </ul>
Lack of subregional cooperation on IUU fishing issues	<ul style="list-style-type: none"> <li>• To use existing subregional, regional and international organizations to promote cooperation</li> <li>• To encourage marine boundary delimitation</li> <li>• To facilitate networking among MCS agencies</li> </ul>
Unauthorized fishing in management zones	<ul style="list-style-type: none"> <li>• To promote public education and awareness about the detrimental effects of unauthorized fishing</li> <li>• To promote MCS including VMS</li> <li>• To encourage fisheries co-management</li> </ul>

ISSUE	ACTION
Fishing endangered species	<ul style="list-style-type: none"> <li>• To increase penalties for harvesting such species</li> <li>• To create public awareness about endangered species</li> <li>• To strengthen MCS</li> <li>• To encourage the implementation, regionally and internationally, market controls and documentation schemes for such species</li> </ul>
Use of unseaworthy vessels	<ul style="list-style-type: none"> <li>• To establish standards for construction of vessels and their maintenance</li> <li>• To improve licensing and registration systems</li> <li>• To initiate mandatory vessel inspections schemes</li> <li>• To educate fishers about the importance of seaworthy craft</li> </ul>

This document contains the report of, and some of 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 – Caribbean Subregion which was held at Port of Spain, Trinidad and Tobago, from 22 to 26 November 2004. The purpose of the Workshop was to assist countries in the Caribbean subregion to develop capacity so that they would be better placed 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 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and Technical Guidelines No. 9 that have been developed to support the implementation of the IPOA-IUU; concepts of planning and the elaboration of action plans; a case study for the development of a NPOA-IUU in a small island developing State; 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.

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