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ASIA-PACIFIC FISHERY COMMISSION						
Thirty-fifth Session						
Cebu, the Philippines, 11–13 May 2018						
Support to the implementation of the IPOA-IUU in the member countries						

Background

1. Illegal, unreported and unregulated (IUU) fishing is one of the major problems in the fisheries sector, undermining efforts towards the sustainable utilization and management of fishery resources and posing a threat to the livelihoods and food security of legitimate fishers. IUU fishing has been associated with poor working conditions, illegal migration, and forced labour.
2. IUU fishing in the Asia-Pacific region is significant and APFIC recently identified over 33 hotspots with five accounting for 82-85 percent. APFIC estimated that the illegal fish catch by foreign vessels in Asia at USD 3.7–5.2 billion per year and to be in the region of 3.4–8.1 million tonnes (or around 8–16 percent of the total reported catch).
3. In 2001, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)¹ was adopted by consensus at the Twenty-fourth Session of the Committee on Fisheries (COFI) and subsequently endorsed by the Hundred and Twentieth Session of the FAO Council.
4. The IPOA-IUU was developed as a voluntary instrument within the framework of the Code of Conduct for Responsible Fisheries and “conceived of as a ‘toolbox’ – a set of tools for use in dealing with IUU fishing in its various manifestations”.² The IPOA-IUU focuses on all State responsibilities, flag State responsibilities, coastal State measures, port State measures, internationally agreed market-related measures, research and regional fisheries management organizations.
5. Paragraph 11 of the IPOA-IUU says: States are encouraged, as a matter of priority, to ratify, accept or accede to, as appropriate, the 1982 UN Convention³, the 1995 UN Fish Stocks

¹ FAO. 2001. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Available at <http://www.fao.org/3/a-y1224e.pdf>

² FAO. 2002. Implementation of the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing. Available at <http://www.fao.org/3/a-y3536e.pdf>

³ United Nations Convention on the Law of the Sea of 10 December 1982

Agreement⁴ and the 1993 FAO Compliance Agreement⁵. Those States that have not ratified, accepted or acceded to these relevant international instruments should not act in a manner inconsistent with these instruments.

6. Paragraph 25 of IPOA-IUU further says: States should develop and implement, as soon as possible but not later than three years after the adoption of the IPOA, national plans of action to further achieve the objectives of the IPOA and give full effect to its provision as an integral part of their fisheries management programmes and budgets. These plans should also include, as appropriate, actions to implement initiatives adopted by relevant regional fisheries management organizations to prevent, deter and eliminate IUU fishing. In doing so, States should encourage the full participation and engagement of all interested stakeholders, including industry, fishing communities and non-governmental organizations.

7. The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement; henceforth PSMA) was approved by the FAO Conference in November 2009. The PSMA applies to fishing vessels seeking entry into a port other than those of their own State. The PSMA, coupled with the effective implementation of complementary international instruments and regional mechanisms, provides for a potent and affordable regional and national governance framework to combat IUU fishing. The PSMA entered into force on 5 June 2016. As of April 2018, instruments to adhere to the Agreement had been deposited by 53 States and one Member Organization (EU).

8. Annex 1 shows the status of ratification, acceptance, and accession to international instruments as stated in paragraph 11 of IPOA-IUU, and the Port State Measures Agreement, as well as the development of a national plan of action to prevent, deter, and eliminate IUU fishing (NPOA-IUU) as stated in paragraph 25 of IPOA-IUU.

9. The transboundary nature of IUU fishing means that regional coordination and governance are essential to underpin national efforts, and regional fishery bodies have an important role to play. In the Asia-Pacific region, FAO has supported efforts for many years to combat IUU fishing, including through the work of the Asia-Pacific Fishery Commission (APFIC) and in collaboration with regional fishery bodies and regional projects.

10. In 2016, FAO Member Countries requested FAO to prioritize work on combatting IUU fishing and implementing PSMA in the region. The actions that APFIC is undertaking include: (1) Supporting the FAO Global Umbrella Programme (in which several countries such as Singapore, Thailand, Myanmar and Indonesia have received technical support) and FAO inter-regional technical cooperation project; (2) Technical cooperation project facility, in which the following countries have ongoing support: Cambodia, Maldives, and Malaysia.

Report of the Seventy-sixth Session of the Executive Committee of APFIC, Manila, Philippines, 21–23 February 2017: APFIC inter-sessional activities – FAO actions supporting member countries to combat IUU fishing and implement the FAO PSMA

11. The Executive Committee agreed that IUU fishing was a significant problem in the APFIC region and for APFIC member countries, and that support from APFIC FAO was appropriate. They noted that there were many other partners engaged in this work and coordination would be essential.

⁴ Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

⁵ Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas

12. The Executive Committee supported the proposed FAO regional project as an important part of the efforts to combat IUU. The proposed project outputs included enhanced regional cooperation in support of addressing IUU and PSMA implementation and strengthened national capacity for the implementation of the International Plan of Action (IPOA)-IUU and PSMA.

13. The Executive Committee noted that work to combat IUU and implement the PSMA would require multidisciplinary and cross-cutting approaches including sectors outside of fisheries. The importance of political leadership and ownership was stressed.

14. The Executive Committee noted the importance of sharing experiences among countries in the region that are at different levels of planning and implementation.

15. The importance of, and difficulties in, ensuring the engagement of the small-scale fisheries sector was stressed. It was also noted that in many countries, the terms “small-scale” and “large-scale” are defined differently.

16. The Executive Committee noted that national legal frameworks and strong governance were also required for the implementation of the IPOA-IUU and the PSMA. The Executive Committee suggested that wherever possible, domestic IUU and inland IUU fishing issues should be considered during discussions on IUU.

Regional Technical Cooperation Project: Support to countries to address illegal, unreported and unregulated fishing (IUU)

17. This is the regional project mentioned in paragraph 12, which, was approved by RAP management in late December 2017. The full project document is available at APFIC/18/INF 10. The project participating countries are Bangladesh, Cambodia, Myanmar, Thailand and Viet Nam. As of this writing, Cambodia and Myanmar have signed the Project Agreement and the project is not yet operational. The expected duration of the project implementation is 18 months. As envisioned in the project document, the inception and terminal workshops may include non-project participating countries, regional fishery bodies, and partners in order to strengthen coordination, build synergies and to identify good practice for scaling up.

18. The expected outcome of the project is improved management of fisheries and marine resources and reduced IUU fishing in the RAP region. The project will support countries through the following three interlinked outputs designed to address key priorities and gaps identified in relation to strengthening regional coordination, regional governance, strengthened national capacity and the mobilization of resources through a partnership.

19. **Output 1:** Regional capacity coordination and governance mechanisms to support countries in addressing IUU strengthened. Activities for achieving this output include:

Activity 1.1: Regional strategy and action plan to address IUU

The project will strengthen countries' capacity to identify key issues and to develop and implement plans to address IUU fishing at regional and subregional level. Countries and regional partners will be supported to review existing regional mechanisms and identify gaps and priorities for regional actions.

The following steps will be undertaken:

- The project will undertake a systematic analysis and mapping of ongoing and planned activities of partners, consult with stakeholders, coordinate gap analysis and prepare a draft regional strategy with priority recommendations.

- The project inception and planning meeting will be the key event to undertake a stocktaking analysis of current status. Countries and partners will prepare and present updates to the meeting. The meeting will allow regional partners and ongoing projects to outline their plans and priorities to combat IUU.
- The meeting will be the first opportunity for countries in the APFIC region to build on the FAO regional consultation of 2009 and 2004.
- The project will prepare reports from the inception meeting consultation, which will outline a roadmap and timetable to undertake the development of the draft regional strategy. Further consultation with stakeholders and the development of a final strategy for presentation to APFIC will be undertaken.
- Fisheries policy and law technical advice will be provided to countries during these meetings.
- Partner Consultations: The project will consult more broadly with regional partners and countries in the drafting and finalization of the regional strategy. It will also coordinate with existing or planned regional and national-level consultations to produce the draft regional strategy. The Project will take advantage of existing project and partner meetings and specifically work with experts from the Southeast Asian Fisheries Development Center (SEAFDEC) and Bay of Bengal Programme-Inter-Governmental Organisation (BOBPIGO) and other partners.
- Bay of Bengal subregional consultation to develop a regional plan of action (RPOA)-IUU: As part of this process, the project will also carry out through an LOA, a regional consultation to develop a draft regional strategy for the subregion (RPOA-IUU). The project will work with existing regional bodies and countries to review the current status of existing regional plans, identify gaps and priority actions.

The project will further support countries through strengthening partnerships and coordination between existing regional bodies and develop an APFIC regional strategy, integrating and building on existing arrangements.

Priority actions identified through mapping and gap analysis of global, regional and sub-regional strategies, institutions and governance for combatting IUU and implementing the PSMA will be prepared.

Activity 1.2: Guidelines and good practice developed including a technical review of appropriate methodologies to better understand and monitor impact of IUU in the APFIC region.

Countries have requested support in developing good practice for the region to help them address IUU fishing. In particular, they have requested guidance in monitoring and reporting IUU fishing. Improved monitoring and reporting of IUU fishing will greatly strengthen the ability of countries to address the issue.

The project will synthesize international, regional and country level good practice and methodologies on monitoring and reporting IUU fishing.

- The project will conduct a desk review, carry out expert interviews, and coordinate with existing or planned regional and national-level consultants to produce regional technical guideline for consultation.
- The guideline will highlight lessons and good practice in the region and more broadly.

- The project will take advantage of existing project and partners meetings and specifically work with experts from SEAFDEC and BOBPIGO and other partners.
- The draft technical guidelines will be presented to the APFIC RCFM and shared with policy makers throughout the region and beyond.

During regional and national consultations, countries and partners will be consulted to agree on the topic for a possible second priority area for a technical guideline to be developed and presented in a similar manner, depending on funds available.

The technical guidelines will provide an important contribution to countries' ability to address IUU fishing in the region and will be shared with stakeholders across the region through a variety of channels.

20. **Output 2:** National plans of action to address IUU developed in two countries and strengthened in three. Activities for achieving this output include:

Activity 2.1: Baseline report from participating countries

The project will collate and prepare baseline information with respect to the participating countries including policies, laws, and strategies relevant to addressing IUU fishing.

Activity 2.2: Consultations in at least five member countries in developing NPOA-IUU and preparing accession documents to the PSMA and other international fisheries agreements as required

Support will be provided to the 5 participating countries to undertake consultations with respect to the development of National Plans of Action (NPOA-IUU) or to address priorities identified.

Viet Nam and Bangladesh will be supported to undertake national consultations and gap analysis to develop draft NPOA-IUU and identify priority areas of support.

Cambodia, Thailand and Myanmar, where gap analysis has been undertaken, will be supported in implementation of key priorities already identified. In these countries, priority areas of support will be identified through to build on existing areas of work.

The project will advise the governments with the preparation of accession agreements to FAO PSMA if required (should countries not yet be parties to the agreement).

Capacity development needs will be identified during the gap analysis and subsequent meetings. Potential support to implementation of the findings will be identified in coordination with the FAO Umbrella programme, FAO inter-regional programme and other national or regional programmes and partners to ensure full synergy and avoid possible duplication.

Countries will be further supported through participation in regional training, meetings and the development of a regional partnership programme, which will mobilize resources at regional and country level to address the priority issues identified during consultations and meetings.

This partnership developed in Output 3 will identify new resources and coordination mechanisms and will also integrate into, and build on, existing and pipeline programmes. Through the regional partnership, priority areas for action with respect to technical advice will be identified, including regional guidelines to identify and share good practice to support countries in monitoring and reporting IUU.

Activity 2.3: Support to the development of national strategies for combatting IUU and implementing the PSMA (through mapping and gap analysis)

Based on country-level prioritization, the project will support Ministries of Fisheries to develop a draft NPOA –IUU in the Bangladesh and Viet Nam.

This work will be carried out in close coordination with the FAO Umbrella Programme and inter-regional programme to ensure synergy.

The project will take advantage of existing project and partners' meetings and specifically work with experts from SEAFDEC and BOBPIGO and other partners.

21. **Output 3:** Capacity support to develop a regional program and partnership to address IUU. Activities to achieve this output include:

Activity 3.1: Stakeholder consultations to identify national and regional priorities for partnership strengthening and identification of program elements

Countries will be supported in the development of a regional program and partnership to combat IUU fishing, which will be fully integrated with project activities and with RAP's ongoing efforts to develop regional partnerships with resource partners such as the GEF and other bilateral donors.

The development of the regional program and partnership will be undertaken in close coordination with the ongoing FAO Umbrella Programme and other ongoing partner projects and programme.

The project will:

- Review ongoing and planned initiatives by partners and countries in the region.
- Identify key issues through problem and Theory of Change analysis in consultation with stakeholders.
- Conduct gender (and vulnerable group) analysis to ensure full integration to the programme.
- Identify priority actions and results.
- Undertake scoping and stakeholder consultation for the development of a long-term regional partnership.
- Prepare and present programme to partners and resource partners.
- Carry out partners' and resource partners' dialogue and follow up (and preparation of project/programme documents as appropriate).
- Conduct validation workshop (APFIC RCFM meeting 2019).
- Communicate findings.

22. The project will be implemented in countries through the organization of national consultation processes, depending on the individual country needs. Countries face different challenges and constraints with respect to development of NPOA-IUU and implementation of the provisions of the PSMA. These range from the absence of adequate policies and laws, to poor communication and coordination among national entities as well as with other countries and regional fishery bodies, weak systems, institutional and operational competences for monitoring, control and surveillance, and inadequate enforcement capacities. Some States are more advanced than others and already have strategies/action plans against IUU fishing and require only limited assistance to align their governance frameworks to the PSMA and complementary international instruments and mechanisms. The project will therefore adopt a flexible approach, focusing on the most pressing issues each country faces with respect to: (i) national policies, laws and by-laws; (ii) institutional and operational capacities; and, (iii) national cooperation and coordination. This approach will allow building on, and adding value to, the work already done by governments, regional partners and other FAO and non-FAO projects and initiatives.

Other forthcoming initiatives in support of combatting IUU fishing

23. Participating countries of the FAO-led Bay of Bengal Large Marine Ecosystem project (BOBLME), namely, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, Sri Lanka and Thailand, have endorsed the Strategic Action Programme (SAP), which includes actions to address IUU fishing. The second phase of this project is expected to start in 2019. In addition, the FAO-led Indonesian Seas Large Marine Ecosystem project (ISLME) will work with Timor Leste and Indonesia in developing and implementing a Strategic Action Programme, which will include addressing IUU fishing.

SUGGESTED ACTION BY THE COMMISSION

24. The Commission is invited to consider the information presented in this working paper and provide recommendations on improving regional cooperation for combatting IUU fishing and sharing of information, experiences, and lessons learned.

25. The Commission may further consider recommendations on how the APFIC Secretariat might support partners in addressing the issue of combatting IUU fishing and implementing PSMA.

Annex 1. Status of ratification, acceptance, and accession to international instruments as stated in paragraph 11 of IPOA-IUU, and the Port State Measures Agreement, as well as the development of a national plan of action to prevent, deter, and eliminate IUU fishing (NPOA-IUU) as stated in paragraph 25 of IPOA-IU.

Country	1982 UN Convention (entered into force on 16 Nov 1994)	1995 UN Fish Stocks Agreement (entered into force on 11 Dec 2001)	1993 FAO Compliance Agreement (entered into force on 24 April 2003)	2009 Port State Measures Agreement (entered into force on 5 June 2016)	National Plan of Action to Prevent, Deter, and Eliminate IUU Fishing (NPOA-IUU)
	Formal confirmation (c), Accession (a), Succession (d), Ratification ⁶	Ratification/accession ⁷	Acceptance ⁸	Ratification (r), Acceptance (c), Approval (p), Accession ⁹	
APFIC Members					
Australia	5 Oct 1994	23 Dec 1999	19 Aug 2004	20 Jul 2015 (r)	✓
Bangladesh	27 Jul 2001	5 Nov 2012			
Cambodia	1 July 1983 (signature)				
China	7 Jun 1996				
France	11 Apr 1996	19 Dec 2003		11 Jul 2016 (p)	✓
India	29 Jun 1995	19 Aug 2003 (a)			
Indonesia	3 Feb 1986	28 Sep 2009		23 Jun 2016 (r)	✓
Japan	20 Jun 1996	7 Aug 2006	20 Jun 2000	19 May 2017	✓
Malaysia	14 Oct 1996				✓
Myanmar	21 May 1996		8 Sep 1994	22 Nov 2010	✓
Nepal	2 Nov 1998				
New Zealand	19 Jul 1996	18 April 2001	14 Jul 2005		✓
Pakistan	26 Feb 1997				
Philippines	8 May 1984	24 Sep 2014			✓
Republic of Korea	29 Jan 1996	1 Feb 2008	24 Apr 2003	14 Jan 2016	✓
Sri Lanka	19 Jul 1994	24 Oct 1996	29 Aug 2014	20 Jan 2011	✓
Thailand	15 May 2011	28 April 2017 (a)		6 May 2016	✓

⁶ Available at https://treaties.un.org/pages/ViewDetailsIII.aspx?src=treaty&mtmsg_no=xxi-6&chapter=21&Temp=mtmsg3&clang=en#EndDec (accessed on 28 Feb 2018)

⁷ Available at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XXI-7&chapter=21&clang=en (accessed on 18 April 2018)

⁸ Available at <https://treaties.un.org/pages/showDetails.aspx?objid=080000028007be1a> (accessed on 18 April 2018)

⁹ Available at http://www.fao.org/fileadmin/user_upload/legal/docs/037s-e.pdf (accessed on 18 April 2018)

Timor Leste	8 Jan 2013a				✓
United Kingdom of Great Britain and Northern Ireland	25 Jul 1997a	10 Dec 2001			✓
United States of America		21 Aug 2008	19 Dec 1995	26 Feb 2016 (r)	✓
Viet Nam	25 Jul 1994				✓
Non-APFIC Members					
Bhutan	10 Dec 1982 (signature)				
Brunei Darussalam	5 Nov 1996				✓
Lao PDR	10 Dec 1982 (signature)				
Maldives	7 Sep 2000	30 Dec 1998		16 Mar 2017	
Singapore	17 Nov 1994				

IPOA-IUU: International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. <http://www.fao.org/3/a-y1224e.pdf>

1982 UN Convention: United Nations Convention on the Law of the Sea of 10 December 1982.

http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

1995 UN Fish Stocks Agreement: Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N95/274/67/PDF/N9527467.pdf?OpenElement>

1993 FAO Compliance Agreement: Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. <http://www.fao.org/docrep/MEETING/003/X3130m/X3130E00.HTM>

2009 Port State Measures Agreement: Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. <http://www.fao.org/3/a-i1644t.pdf>