

Establish a baseline for IUU fishing activities based on International recommendations

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PURPOSE

To assist participants at the Working Party on the Implementation of Conservation and Management Measures (WPICMM) to establish a baseline for IUU fishing activities based on International recommendations.

BACKGROUND

Component 8 of the Work Plan of the WPICMM comprise of the following activities:

8	Develop a harmonized assessment criteria to identify vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities
8.1.1	Establish a baseline for IUU fishing activities based on International recommendations
8.1.2	Gather information from CPCs on their National legislation on how IUU fishing vessels determined against the Resolution 17/03
8.1.3	Review the assessment criteria for identifying vessel presumed to have engaged in IUU fishing activities
8.1.4	Request clarification to the Compliance on the Development a harmonized assessment criteria for identifying vessel presumed to have engaged in IUU fishing activities

DISCUSSION

A consultant was recruited to conduct the following activities:

- Compare and contrast the definitions of illegal, unreported and unregulated fishing activities in International instruments & IPOA IUU definitions with the definitions provided in IOTC Resolution 18/03.

The main outcomes and results related to the above activities can be found from pages 34 to 39 of the consultant's report. The conclusions and recommendations are reproduced below. The report of the consultant is presented in full in IOTC-2019-WPICMM02-Compliance review.

Conclusions and recommendations:

(1) Reference to IPOA-IUU: In the chapeau of Resolution 18/03 Art. 3, the following language could be added to make more clear reference to the IPOA-IUU: "For the purposes of this Resolution a vessel is presumed to have engaged in IUU fishing activities [as described in the IPOA on IUU fishing] when a CPC has provided information that such a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC CMMs;" Alternatively, following the example of the FAO PSMA, a provision could be added in Art. 1 (Use of Terms): [g] illegal, unreported and unregulated fishing" refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, hereinafter referred to as 'IUU fishing';]

(2) Provisions that could be added to the IOTC Resolution:

- A vessel is presumed to have engaged in IUU fishing activities when a CPC has provided information that such a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC CMMs:

- "has transhipped with, participated in joint fishing operations with, supported, or resupplied vessels included in the IUU Vessel List" (see IATTC for separate formulation). Generally, this

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should be included in 18/03 Art. 3 g) as an IUU-listed vessel should not be on the list of authorized vessels either. However, it would make the application clearer.

- “is under the control of the owner of any vessel on the IOTC IUU Vessel List.” (see WCPFC and IATTC) Procedures for applying this paragraph can be annexed.

(3) If considered useful, the different fishing and fishing related activities can be brought into an order following the categorization of (1) illegal, (2) unreported, and (3) unregulated. This would not change the existing baseline but bring it in line with the structure provided in the definition of IUU fishing in the IPOA-IUU.

A comparison of the definitions of IUU fishing activities in IOTC Resolution 18/03 with the description in 2001 FAO International Plan of Action on Preventing, Deterring and Eliminating IUU Fishing as well as corresponding resolutions of the tuna RFMOs CCSBT, IATTC, ICCAT and WCPFC is presented in the table 4 of the consultant’s report and reproduced below for ease of reference.

RECOMMENDATIONS

That the WPICMM02:

- 1) **NOTE** paper IOTC–2019–WPICMM02–09 and the consultant’s report, reference IOTC-2019-WPICMM02-Compliance review,
- 2) **REVIEW AND DISCUSS** the report IOTC-2019-WPICMM02-Compliance review to provide recommendations to the Compliance Committee.

IOTC Resolution 18/03	2001 FAO IPOA-IUU	CCSBT IUU Vessel List Res.	IATTC C-15-01	ICCAT 11-18	WCPFC 10-06
Art. 4	Art. 3	Art. 3	Art. 3	Art. 1	Art. 3
<p>For the purposes of this Resolution a vessel is presumed to have engaged in IUU fishing activities when a CPC has provided information that such a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC CMMs</p>		<p>For the purposes of this Resolution, the (fishing) vessels are presumed to have carried out SBT IUU fishing activities, <i>inter alia</i>, when a Member or CNM presents suitably documented evidence that such vessels:</p>	<p>For the purposes of this resolution, vessels fishing for species covered by the IATTC Convention within the IATTC Convention Area are presumed to have carried out IUU fishing activities when an IATTC CPCs presents suitably document information that such vessels:</p>	<p>For the purposes of this recommendation, the fishing vessels flying the flag of a non-Contracting Party, or a Cooperating non-Contracting Party, Entity or Fishing Entity, or a Contracting Party are presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT Convention area, <i>inter alia</i>, when a CPC presents evidence that such vessels:</p>	<p>For the purposes of this conservation measure, vessels fishing for species covered by the WCPFC Convention are presumed to have carried out IUU fishing activities, as described in the IPOA on IUU fishing, in the Convention Area when a CCM presents suitably documented information that such vessels, <i>inter alia</i>:</p>
<p>a) engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or</p>	<p>(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or</p>	<p>a) Harvested SBT and were not authorised by a Member or CNM to fish for SBT, or;</p>	<p>a) Harvest species covered by the Convention and are not on the IATTC Regional Vessel Register, or</p>	<p>a) Harvest tunas and tuna-like species in the Convention area and are not registered on the ICCAT list of vessels authorized to fish for tuna and tuna-like species in the ICCAT Convention area;</p>	<p>a) Harvest species covered by the WCPFC Convention in the Convention Area and are neither on the WCPFC record of authorized vessels nor a fishing vessel fishing exclusively in waters under the jurisdiction of its flag State, or</p>

IOTC Resolution 18/03	2001 FAO IPOA-IUU	CCSBT IUU Vessel List Res.	IATTC C-15-01	ICCAT 11-18	WCPFC 10-06
b) engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC CMMs where applicable unless that vessel is flagged to a CPC; or	<p>(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or</p> <p>(Illegal) 3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.</p>			b) Harvest tuna and tuna-like species in the Convention area, whose flag State is without quotas, catch limit or effort allocation under relevant ICCAT conservation and management measures;	
c) Failed to record or report if catches in accordance with IOTC CMMs or has made false reports; or	<p>(Unreported) 3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or</p> <p>(Unreported) 3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.</p>	b) Did not record and/or report their SBT catches or catch-related data in accordance with CCSBT reporting requirements, or made false reports, or;	c) Make false reports or fail to record or report their catches made in the Convention Area, or	c) Do not record or report their catches made in the ICCAT Convention area, or make false reports;	c) Do not record or report their catches made in the Convention Area consistent with WCPFC measures, or make false reports, or
d) Taken or landed undersized fish in contravention of IOTC CMMs; or	<p>(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or</p>			d) Take or land undersized fish in contravention of ICCAT conservation measures;	d) Take and land undersized fish in a way that undermines WCPFC conservation measures, or
e) Engaged in fishing and fishing related activities during closed fishing periods or in closed areas in contravention of IOTC CMMs; or	<p>(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or</p>		d) Engage in fishing activities in a closed area or during a closure period, or	e) Fish during closed fishing periods or in closed areas in contravention of ICCAT conservation measures;	e) Fish in a closed area or during a closed season in a way that undermines WCPFC conservation measures, or

IOTC Resolution 18/03	2001 FAO IPOA-IUU	CCSBT IUU Vessel List Res.	IATTC C-15-01	ICCAT 11-18	WCPFC 10-06
f) Use prohibited fishing gear in a way in contravention of IOTC CMMs;	(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or	c) Used prohibited or non-compliant fishing gear in a way that undermines CCSBT conservation and management measures, or;	e) Use prohibited fishing gear or fishing methods, or	f) Use prohibited fishing gear in contravention of ICCAT conservation measures;	f) Use prohibited fishing gear in a way that undermines WCPFC conservation measures, or
g) transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to Receive Transhipments At-Sea in the IOTC Area; or	(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or	d) Transhipped with, or participated in joint operations such as re-supplying or re-fuelling vessels included in the CCSBT IUU Vessel List, or;	f) Tranship with, participate in joint fishing operations with, support, or resupply vessels included in the IUU Vessel List, or g) Conduct transhipment operations at sea with vessels not included on the IATTC Record of Carrier Vessels, or	g) Tranship with, or participate in joint operations such as re-supply or re-fuelling vessels included in the IUU vessels list;	g) Tranship with, participate in joint fishing operations with, support or re-supply vessels included in the IUU Vessel List, or
h) engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	(Illegal) 3.1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;	e) Harvested SBT in the waters under the national jurisdiction of the coastal State or entity without authorisation and/or committed a serious infringement of its laws and regulations directly related to the SBT fishery, without prejudice to the sovereign rights of the coastal State or entity to take measures against such vessels, or;	b) Harvest species covered by the Convention in waters under the national jurisdiction of the coastal State in the Convention Area without authorization and/or in contravention of its laws and regulation, without prejudice to the sovereign rights of coastal States to take measures against such vessels;	h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the Convention area without authorization and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels,	b) Conduct fishing activities in waters under the jurisdiction of a coastal State, without permission of that State, or in contravention of its law and regulations, or
i) engaged in fishing or fishing related activities whilst being without nationality; or	Unregulated) 3.3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a		h) Are without nationality, or	i) Are without nationality and harvest tunas or tuna-like species in the ICCAT Convention area, and/or	h) Are without nationality and harvest species covered by the WCPFC

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	fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or				Convention in the Convention Area, or
j) engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or				
k) engaged in fishing or fishing related activities in contravention of any other binding IOTC CMMs	(Illegal) 3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or	f) Engaged in fishing activities for SBT, including transshipping, re-supplying or re-fuelling, contrary to any other CCSBT conservation and management measures.	i) Engage in fishing activities contrary to the provisions of the Convention or any other IATTC conservation and management measures, or	j) Engage in fishing activities contrary to any other ICCAT conservation and management measures.	i) Engage in any other fishing activities that undermine the provisions of the WCPF Convention or any other WCPFC conservation measures, or
	(Unregulated) 3.3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.				
			j) Are under the control of the owner or operator of any vessel on the IATTC IUU Vessel List. (Procedures for applying this paragraph are attached as Annex B.)		j) Are under the control of the owner of any vessel on the WCPFC IUU Vessel List. (Procedures for applying this paragraph are attached as Annex A)

RECOMMENDATIONS

That the WPICMM02:

- 3) **NOTE** paper IOTC–2019–WPICMM02–09 and the consultant’s report, reference IOTC-2019-WPICMM02-Compliance review,
- 4) **REVIEW AND CONSIDER** the recommendations of the consultant’s report to establish a baseline for IUU fishing activities based on International recommendations, and **RECOMMEND** a way forward to the Compliance Committee that the IOTC IUU definitions be brought in line with those of international instruments,
- 5) **REQUEST** clarification to the Compliance Committee on the Development a harmonized assessment criteria for identifying vessel presumed to have engaged in IUU fishing activities (Activities 8.1.4).