

Tracing the Fight against IUU Fishing from Sea to Table

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May 25, 2018

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IUU Fishing: An Overview

- Stands for Illegal, Unreported, and Unregulated Fishing.
- Fisheries and aquaculture generate hundreds of billions of dollars of revenue, support the livelihoods of about 12% of the world's population, and are essential to global food security.
- Losses from IUU fishing are difficult to quantify, but are estimated to be in the billions of dollars.

Illegal, Unreported, and Unregulated Fishing

- Illegal fishing “refers to fishing activities conducted in contravention of applicable laws and regulations, including those laws and rules adopted at the regional and international level.”
- Can be conducted in waters under the jurisdiction of a State without the permission of that State or in violation of its laws.
- Can be conducted in contravention of international obligations, including the conservation and management measures of relevant RFMOs.

Illegal, Unreported, and Unregulated Fishing

- Unreported fishing “refers to fishing activities that are not reported or are misreported to relevant authorities in contravention of national laws and regulations or reporting procedures of a relevant regional fisheries management organization”(RFMO).

Illegal, Unreported, and Unregulated Fishing

- Unregulated fishing occurs:
 - A) in areas or for fish stocks for 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;”
 - B) in an area managed by an RFMO, “by vessels without nationality, or by those flying a flag of a State or fishing entity that is not party to the RFMO in a manner that is inconsistent with the conservation measures of that RFMO.”

Deterrence at Sea: Cooperation on the High Seas

- States come together to conserve and manage fisheries resources, including highly migratory and straddling stocks, through Regional Fisheries Management Organizations (RFMOs).
- In addition to managing these stocks, many RFMOs have a number of tools that can be used to combat IUU fishing, including high seas boarding and inspection regimes.

High Seas Boarding and Inspection

- RFMOs that have high seas boarding and inspection (HSBI) regimes include NAFO, WCPFC, CCAMLR, and NPFC. ICCAT also has a limited HSBI regime in the eastern Bluefin tuna fishery.
- Under these measures, parties may carry out boarding and inspection on the high seas of fishing vessels engaged in, or reported to have engaged in, a fishery regulated pursuant to the relevant Convention, to ensure that fishing is being conducted in accordance with relevant conservation and management measures.

IUU Vessel Lists

- Almost all RFMOs have also adopted conservation and management measures specifically addressing IUU fishing in the areas they manage.
- Under one such measure at the WCPFC, vessels who have carried out certain listed activities, such as fishing without nationality in the area covered by the WCPFC, are presumed to have carried out IUU fishing activities. These vessels may then be listed on a provisional IUU vessel list and the incidents considered by the Compliance Committee.

Deterrence at Sea: Exclusive Economic Zones

- Coastal States have the right to exploit, conserve, and manage natural resources in their EEZs.
- Coastal States are the first line of defense against IUU fishing in their EEZs.
- We can focus on strengthening the capacity of coastal States to enforce against IUU fishing through cooperative mechanisms such as shiprider agreements and information-sharing regimes.

Maritime Law Enforcement Agreements

- Bilateral maritime law enforcement agreements—also called shiprider agreements—between the U.S. and partner countries provide U.S. vessel and aircraft platforms and expertise for joint patrol, boarding, and inspection operations and other cooperative activities.
- Shiprider agreements can be used to target drug smuggling, migrant smuggling, and illicit transport of weapons, as well as IUU fishing.

Maritime Law Enforcement Agreements

- Under these agreements, law enforcement officials (called shipriders) from each party may embark on vessels of the other party to authorize and assist that party's vessels to take action:
 - A) against suspect vessels of the shiprider's nationality, including on the high seas; and
 - B) within waters under the jurisdiction of the shiprider's country.

Safe Ocean Network

- The U.S. plays a lead role in the Safe Ocean Network, where governments, industry, and civil society work together to share information about IUU fishing operations, and take action through strengthening detection and enforcement.
- The Safe Ocean Network encourages sharing of information about counter-IUU fishing projects, and does work to match donors and organizations with countries seeking assistance.

Deterrence in Port: Port State Measures

- Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) entered into force in June 2016.
- As of April 2018, there are 53 States and one regional economic integration organization (EU) that are parties to the PSMA.
- Includes many parties from the Asia Pacific region, including major seafood producers.

PSMA

- The focus of the PSMA is on preventing fishing vessels from landing IUU-caught fish in ports, which works to keep those products out of commerce.
- This diminishes the economic incentives for engaging in fishing that undermines agreed rules for the sustainable management of fisheries resources.

PSMA

- Parties to the PSMA:
 - Designate ports to which foreign vessels request entry, and which have capacity to carry out inspections;
 - Require specific information from foreign vessels seeking entry to their ports;
 - Deny entry to foreign vessels, where Parties have sufficient proof that IUU fishing has occurred.
 - Cooperate and exchange information and inspection results.

PSMA

- Parties provide assistance, either directly or through appropriate international bodies, to enhance the ability of developing States to develop and implement port State measures.
- Parties are cooperating to establish appropriate funding mechanisms to assist with implementation of the PSMA.

Port State Measures: RFMOs

- Many RFMOs either have, or are moving toward, adopting port State measures that track the PSMA.
- Sometimes port State measures are used in conjunction with IUU vessel lists.
- Some examples include IOTC, NAFO, and SEAFO.
- CCAMLR, WCPFC, and others have partial measures where listed vessels are denied entry into ports.
- ICCAT has a measure that tracks many PSMA provisions, but some members are pursuing expansion to fully mirror the PSMA.

Deterrence at Table: Seafood Traceability Programs

- States can also combat IUU fishing through ensuring the seafood they import is lawfully caught.
- The U.S. employs risk-based traceability programs, such as the Seafood Import Monitoring Program (SIMP), to track seafood from harvest to entry into commerce.
- SIMP established reporting and recordkeeping requirements for certain types of fish and fish products.