

FAO ACTION TO COMBAT IUU FISHING: the scope of initiatives and constraints on implementation

**David J Doulman
FAO, Rome, Italy
22 August 2008**

PURPOSE

- To **review** events in FAO, particularly since 1999, concerning the development of measures to combat IUU fishing
- Presentation focus is narrow: it does not address events in non-FAO regional and international fora (outside the scope of the paper)

STRUCTURE OF THE PRESENTATION

- Background
- FAO initiatives to combat IUU fishing
- Constraints on implementation
- Capacity building to combat IUU fishing
- Conclusions

FAO TERMINOLOGY

- **Expert Consultation (EC):** a meeting convened by FAO's DG to provide advice on a particular topic: 12-20 experts participate in their own right (not as government representatives)
- **ECs** are usually held to prepare the ground for **Technical Consultations (TC)**
- **TCs** are intergovernmental meetings, often negotiations, where all FAO Members are invited to participate

ROLE OF COFI

- *Inter alia*, receives and considers reports from ECs and TCs and recommends further action
- COFI recommendations are reviewed by FAO Governing Bodies: usually the recommendations are accepted without amendment

FAO IUU FISHING MILESTONES

- **1999 Rome Declaration on Responsible Fisheries** (addressed IUU fishing and provided the impetus to develop the IPOA-IUU): adopted by Ministerial Meeting
- **FAO Conference resolution 6/2003** (forward looking in character, reinforcing FAO's activities against IUU fishing)
- **2005 Rome Declaration on IUU Fishing** (provided sustained and additional action to combat IUU fishing): adopted by Ministerial Meeting

BACKGROUND

- FAO has been addressing IUU fishing for more than three decades (e.g. 1984 World Fisheries Conference)
- FAO's intention: to promote rational, responsible and sustainable fisheries management
- Initial focus on EEZ fisheries management but in post-UNCED period attention broadened to include all fisheries, including increased support for RFMOs
- FAO assistance and advice since 1970s has been mainly on policy, legislation, MCS (including VMS) and regional cooperation and harmonization
- 1981 EC on MCS invented the term, provided an international assessment of MCS needs and laid foundation for FAO's future technical work

FAO INITIATIVES

- 2001 IPOA-IUU
- 2005 Model Scheme
- TC on legally-binding instrument on port State measures (under negotiation)
- EC on vessels monitoring systems
- TC to review of interface between IUU fishing and fleet capacity
- EC on global record of fishing vessels
- Planned work: flag State performance

FAO INITIATIVES: IPOA-IUU

- Development process from 1999 to 2001 (EC and two TCs)
- Voluntary instrument consisting of “tools”
- Action principally by different categories of States, States acting through RFMOs and market measures
- NPOAs-IUU and RPOAs-IUU key IPOA-IUU vehicles to marshal and coordinate national and regional efforts against IUU fishing
- Monitoring and reporting on implementation by FAO to COFI: biennial Code of Conduct reporting

FAO INITIATIVES: 2005 MODEL SCHEME

- Port State measures (PSM) cost effective and safe means of blocking the movement and sale of IUU-caught product
- 2002 EC and 2004 TC convened to develop Model Scheme: endorsed by 2005 COFI
- Non-binding instrument, regional implementation, provides procedures for port inspections etc for fishing vessels (including associated supply and transport vessels)

FAO INITIATIVES: LEGALLY-BINDING INSTRUMENT ON PSM

- 2007 COFI revisited PSM and recommended the development of a legally-binding instrument drawing on the IPOA-IUU and Model Scheme
- EC in 2007 and TC in 2008 - to be resumed in 2009: (i.e. text under negotiation)
- Requirement for flag State certification of catches should assist port States implement measures more effectively

FAO INITIATIVES: VMS

- VMS is an important MCS tool, especially when used in conjunction with other measures
- 2006 EC: purpose to review and assess legal and technical aspects of VMS and satellites in MCS and to promote wider use and cooperation
- Three main recommendations being implemented in FAO: EC did not propose an international legally-binding instrument on VMS
- Note: 2005 Rome Declaration called for VMS on all large-scale vessels on high seas by December 2008

FAO INITIATIVES: IUU FISHING AND OVER CAPACITY

- 2004 TC considered the interface between IUU fishing and overcapacity
- TC noted that there is a clear link between IUU fishing and capacity, especially if capacity reduction programmes are not well managed
- TC developed a list of proposals to intensify the implementation of the IPOA-IUU and IPOA-capacity
- A degree of disappointment with TC outcome: failed to come to grips with important issues such as impact of subsidies on IUU fishing and the effect of exported vessels from the “north” on IUU fishing in the “south”

FAO INITIATIVES: GLOBAL RECORD OF VESSELS

- Concept originated in the 2005 Rome Declaration: a comprehensive record of fishing (including transport and supply vessels): similar definition as Model Scheme
- Global record seems feasible: a “one stop shop” for information on all fishing vessels
- EC in 2008 made recommendations (some went beyond IUU fishing) for COFI in 2009: TC is likely before 2011
- If work proceeds the record will be developed in phases
- The record will have utility for enforcement agencies, traceability, information on vessels, safety at sea, etc

FAO INITIATIVES: FLAG STATE PERFORMANCE

- Growing international impatience with “irresponsible flag States”
- 2007 COFI agreed to consider the possibility of developing criteria for assessing performance of flag States and what action to take when flag States failed to meet the criteria
- FAO’s work should begin in 2009 with an EC
- Outcome of 2008 Canadian workshop (in cooperation with FAO, EC and Iceland) is expected to provide input to the FAO process

IMPLEMENTATION CONSTRAINTS

- Human and resource constraints in FAO hinder work for existing and new initiatives (heavy reliance on XB funding especially for fast-tracked activities)
- Developing countries face political, human and institutional, technical and financial constraints in implementing measures against IUU fishing: these constraints are interconnected
- Focus on constraints faced by countries

IMPLEMENTATION CONSTRAINTS

- **Political:** must be political will to address IUU fishing (often cited as a reason for poor national performance)
- **Human and institutional:** trained personnel and resilient institutions critical
- **Technical:** technology transfer (e.g. VMS, electronics logs etc) to enable countries to engage in activities at similar levels
- **Financial:** funding essential to implement measures and activities

CAPACITY BUILDING: GENERAL

- FAO has strong commitment to capacity building
- Implementation of measures and instruments depends on capacity: a robust cadre of officials and technicians
- Capacity building: regional delivery for cost and impact reasons
- Promotes information sharing, cooperation and harmonization for regional implementation
- Creates a regional pool of experts or “critical mass”: can be a basis for “south-south” exchanges

CAPACITY BUILDING: IPOA-IUU

- Regional workshops to sensitize participants about the scope and dynamics of IUU fishing and to develop NPOAs-IUU
- Striking similarities in IUU fishing problems among regions
- Nine workshops (2003 to 2006) covering all regions, nearly 200 participants from 101 countries (53% of FAO Members)
- NPOAs-IUU statistics: Africa (11), Asia (2), Europe (3 including EC), Latin America/Caribbean (3), Near East (1), North America (2), South Pacific (10)
- Two RPOAs-IUU (LVFO and SE Asia)

CAPACITY BUILDING: PSM

- Workshops promote understanding about PSM and encourage their implementation through the Model Scheme
- Encourage participation in the negotiation of the binding instrument on PSM
- Workshops started in 2007 – intention to be global in coverage: 6 workshops so far, 59 countries, 147 participants
- Conducted in cooperation with RFMOs and fisheries bodies to ensure follow-up and accommodation of regional interests and priorities

CAPACITY BUILDING: VMS IMPLEMENTATION

- Workshops to promote understanding and implementation of VMS/MCS to combat IUU fishing
- Delivery focused heavily on technical issues with strong regional orientation
- Four workshops (2003 and 2004) in four regions covering 41 countries and territories and 95 participants
- Important outcome: developing countries are better placed to participate more fully in regional MCS/VMS discussions and developments: not only “spectators” on the sideline of events

CONCLUSION

- IUU fishing continues to be a serious threat to fisheries management and governance: it is becoming more covert and sophisticated - often targeting high-valued but overfished or recovering stocks
- Flags of non compliance and port of convenience facilitate IUU fishing as do corrupt regimes and countries where there is a low level of political support for action against IUU fishing
- IUU fishing is being addressed at all levels (civil society, industry, government, RFMOs, fisheries bodies and international organizations): probably the first fisheries issues where all stakeholders have resolved unanimously to take common action to eradicate it

CONCLUSION

- Capacity building in support of the implementation of measures and instruments to combat IUU fishing is at the heart of FAO's work: an ongoing need for it
- A weak link in the chain at the regional level can undermine efforts to block IUU fishing: a degree of "capacity equivalence" among countries is needed – they confront the same problems, have to implement the same measures **but** without the same resources
- **Is progress being made to eradicate IUU fishing?**
FAO is cautiously optimistic that measures are starting to bite, that countries are sensitized increasingly about the negative impacts of IUU fishing and that PSM and flag State certification of catches are important tools that must be developed fully and implemented effectively

THANK YOU VERY MUCH
FOR YOUR ATTENTION