

EXECUTIVE SUMMARY

Port State Performance: Putting Illegal, Unreported and Unregulated Fishing on the Radar

Illegal, unreported and unregulated (IUU) fishing is notorious for undermining efforts to manage fisheries sustainably and has detrimental environmental, social and economic consequences. The Pew Environment Group's Port State Performance research focuses on the role that port States play in abating IUU fishing by assessing how effectively they are implementing port State measures. As the situation stands, the current system of port State measures lacks transparency, accountability and global reach, and is thus failing to both close loopholes exploited by IUU operators and keep IUU fish out of ports.

Without effective management of fish stocks, the outlook for global fisheries is bleak. Unscrupulous owners and operators of fishing vessels around the world continue to undermine fisheries management by disregarding regulations designed to conserve the marine environment. Just the unlawful aspects, namely illegal and unreported fishing, account for catches equivalent to approximately one-fifth of the global reported fish catch. In response to the consistent failure of many flag States to control IUU vessels on the high seas, the international community initiated an additional approach to tackling IUU fishing: port State measures. By adopting restrictive measures in ports where IUU catch is landed, port States can prevent IUU fish from entering international trade and finding their way into key markets. Accordingly, national, regional and global initiatives have been focusing over the past decade on the adoption and implementation of increasingly stringent port State measures to combat IUU fishing. This has culminated in

the negotiation of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), which was approved by the United Nations Food and Agriculture Organization (FAO) in November 2009. Once the PSMA enters into force, it will be the first legally binding international treaty designed solely to combat IUU fishing.



The Pew Environment Group has undertaken the first comprehensive evaluation of the effectiveness of current port State measures and the implementation challenges that port States face. The study also assesses the central role that regional fisheries management organizations (RFMOs) play in the process. The research focuses on port State measures directed specifically at vessels on the IUU vessel lists adopted by RFMOs - vessels that have been found to engage in or support IUU fishing. Imposing sanctions on these vessels at port aims at rendering their operations less profitable and lucrative.

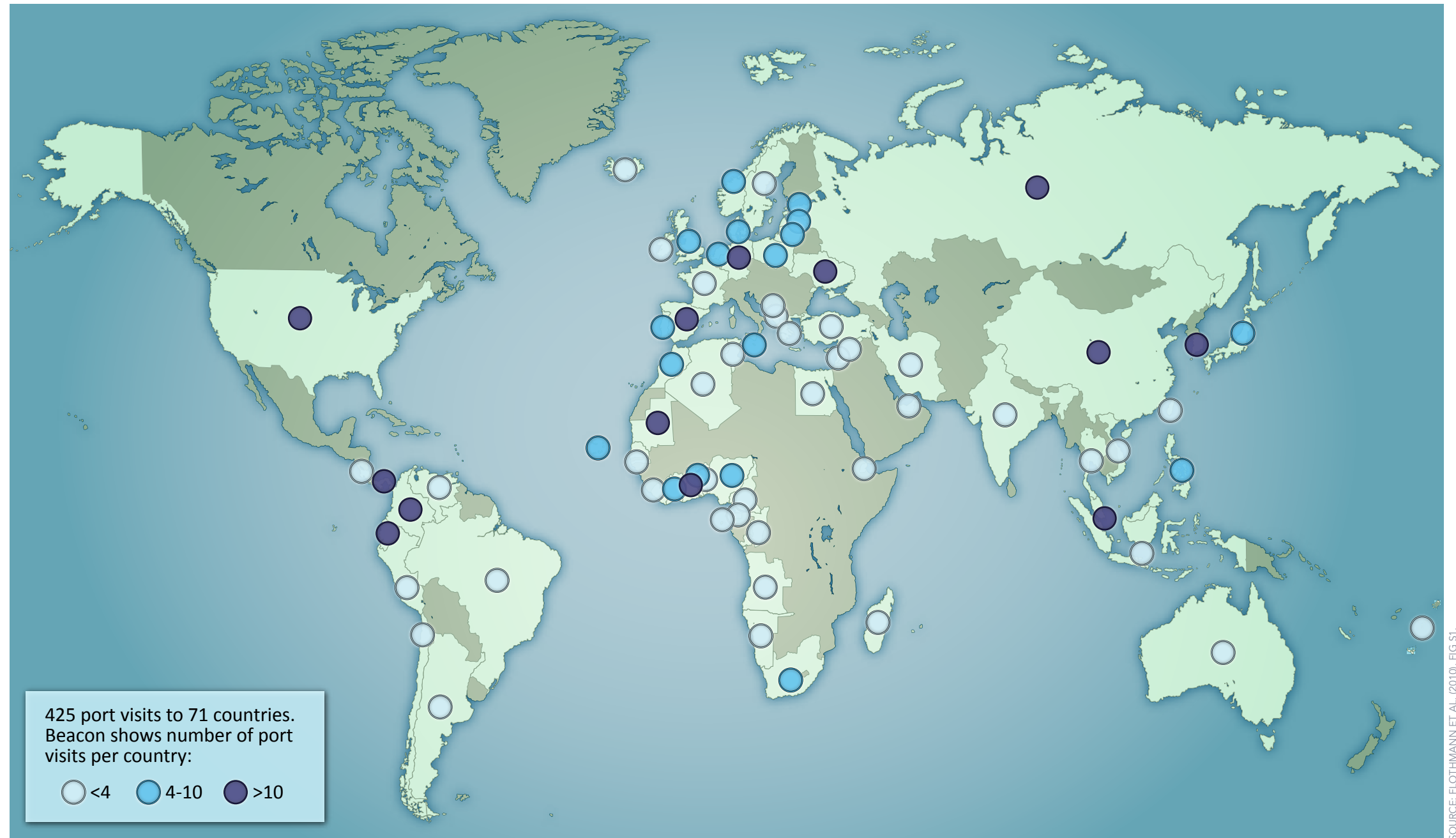
Current international initiatives designed to combat IUU fishing are insufficient and clearly no match for highly adaptable IUU operators.

This study reviews the IUU vessel lists of the following eight RFMOs: (1) Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), (2) Inter-American Tropical Tuna Commission (IATTC), (3) International Commission for the Conservation of Atlantic Tunas (ICCAT), (4) Indian Ocean Tuna Commission (IOTC), (5) Northwest Atlantic Fisheries Organization (NAFO), (6) North East Atlantic Fisheries Commission (NEAFC), (7) South East Atlantic Fisheries Organization (SEAFO), and (8) Western and Central Pacific Fisheries Commission (WCPFC). The research consolidates six years of data on the movement of 178 IUU-listed vessels, tracking their port visits globally from January 2004 to December 2009. A single list of IUU vessels was compiled by combining the eight RFMOs' IUU vessel lists and supplemented with additional vessel identification information. Movement data on these IUU-listed vessels was obtained from commercial databases maintained by Lloyd's Register—Fairplay (Sea-web), Lloyd's Marine Intelligence Unit (MIU) and www.shipspotting.com. This data set was supplemented with information from port logs, national fisheries authorities and RFMO secretariats.

Key findings and recommendations

1. Port States and RFMOs have insufficient information to identify and track IUU-listed vessels.

Port States were often unable to identify and take measures against IUU-listed vessels because vessel data in the RFMO IUU vessel lists were incomplete or out of date. Our research also revealed that the quality of information on the IUU vessel lists varied considerably among the eight RFMOs; 60 percent of IUU-listed vessels were not recorded with an International Maritime Organization (IMO) number by RFMOs, but rather with data that can be changed over time such as vessel name, international radio call sign (IRCS) or flag. Port States did not consistently record IMO numbers when granting permission for port entry. Fishing vessels without an IMO number were impossible to track.



SOURCE: FLOTHMANN ET AL. (2010), FIG 51.

To improve vessel identification and tracking procedures:

- RFMOs need to improve the quality of information on IUU vessel lists to make these vessels identifiable and traceable, and domestic authorities must build their vessel identification on IMO numbers and agree on a range of additional standardized information requirements in the absence of an IMO number (Annex A of the PSMA offers a useful basis for such standardization).
- RFMOs should mutually recognize each other's lists. A combined IUU vessel list (from all RFMOs) should be established and a routine for maintaining and updating the list be put in place. Such a system could be supplemented by RSS feeds (automatic Web updates) from online databases.
- Mandatory unique vessel identification for fishing vessels and fishery support vessels is urgently needed.
- A publicly available information-sharing system, as

envisaged in Articles 6 and 16 of the PSMA, should be established to host information on vessels and their requests for port entry (Annex A) and reports of inspection (Annex C).

2. Port States across the globe do not adequately comply with their port State obligations.

Even when IUU vessels requesting port entry could have been identified, only in one out of four cases did port States fulfill their obligations as RFMO Contracting Parties (CPs). On some occasions, ambiguous wording of RFMO port State measures and their subsequent misinterpretation by domestic authorities when incorporating them into national law led to problems with compliance. Information-sharing between the relevant authorities at ports and fisheries authorities was lacking. Moreover, RFMOs failed to assess compliance of their CPs with port State measures;



GAVIN NEWMAN/GREENPEACE

To effectively combat IUU fishing, transparency, accountability and global scope are needed – including unique vessel identifiers.



research indicates that poor compliance occurs in the framework of nearly all RFMOs and in all regions of the world.

For effective and timely implementation of port State measures by port States:

- RFMOs should review the effectiveness of their port State measures by asking their CPs to report on visits to their ports by IUU-listed vessels and on any measures taken by the port State (including the results of any inspections).
- RFMOs should eliminate any ambiguity in the wording of port State measures to prevent their misinterpretation by CPs.
- All port States should intensify inspection and enforcement measures as a matter of priority.

3. The regional focus of port State measures allows IUU-listed vessels to move to other regions to avoid sanctions.

Several RFMOs are taking steps to improve their port State measures schemes to meet the minimum standards of the PSMA, while others lag behind. Unless stringent port State measures are enforced globally and effectively, IUU operators can move out of the area where their vessels are listed and where they face port State control.

To abate regional shifts in IUU fishing activities:

- All RFMOs should mutually accept a combined IUU vessel list, which would limit opportunities for IUU-listed vessels to enter unnoticed into ports away from the listing area.
- All port States must make use of a global information-sharing system.

- All port States should sign and ratify the PSMA and take measures to provisionally implement the PSMA before it enters into force.
- All RFMOs should actively cooperate to ensure the effective implementation of port State measures in line with the PSMA.

IUU fishing continues to be a major obstacle to the achievement of sustainable global fisheries. Current international initiatives designed to combat IUU fishing are insufficient, failing and are clearly no match for highly adaptable IUU operators. Only the swift adoption of new measures by RFMO CPs and Non-Contracting Parties (NCPs), effective global cooperation and a vast improvement in information-sharing will empower authorities around the world to meet this challenge.

About the Pew Environment Group

The Pew Environment Group is the conservation arm of The Pew Charitable Trusts, a non-governmental, non-profit organisation. Pew applies an analytical approach to improving public policy and its implementation. The objective of Pew's International Ocean Governance programme is to support the development and implementation of international policies to protect the world's oceans from harmful human activities.

If you would like further information on the Port State Performance research, please contact Kristin von Kistowski: KKistowski-Consultant@pewtrusts.org

Reference: Flothmann, S., Kistowski K.v., Dolan, E., Lee, E., Meere, F. and Album, G. (2010) "Closing Loopholes: Getting Illegal Fishing under Control." *Science* 328: 1235-1236.