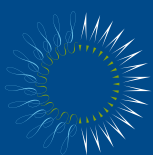


PORT STATE PERFORMANCE: Putting Illegal, Unreported and Unregulated Fishing on the Radar



THE
PEW
ENVIRONMENT GROUP

1	Executive Summary	2
2	Introduction	4
2.1	Port State Control: A Tool to Combat IUU Fishing	4
2.2	Port State Performance: Do Port State Measures Effectively Curb IUU Fishing?	6
3	Methodology	7
3.1	Creation of the Combined IUU Vessel List	7
3.2	Compiling Data on the Movements of IUU-Listed Vessels	7
3.3	Verification of Data Quality	8
	Table 1. Number of Movements and Vessels Confirmed by Different Data Sources	8
3.4	Information-Gathering From Port States and RFMOs	8
3.5	Website With Preliminary Results for Public Review	8
3.6	Analysis of Movement Data and Assessment of Compliance	9
4	Results	10
4.1	The Combined IUU Vessel List: A Case of Incomplete Identities	10
4.2	Movement Data of IUU-Listed Vessels: Low or No Visibility	10
4.3	Global Reach of IUU-Listed Vessels	11
	Figure 1. Port Visits by IUU-Listed Vessels	11
	Figure 2. Composition and Visibility of IUU-Listed Vessels	12
4.4	Port State Performance: Poor Compliance With Port State Measures	12
4.5	Regional Focus of Port State Measures: Shifting the Problem	13
	Table 2. Port Visits of NEAFC IUU-listed vessels to NEAFC CPs and NCPs Before and After Strengthened Measures Entered Into Force in May 2007	14
5	RFMOs	15
5.1	Nature of RFMOs	15
5.2	IUU Vessel Lists and Listing Procedures	15
5.3	Obligations (Port State Measures Against IUU-Listed Vessels)	15
5.4	Port State Performance Project Research Results	15
	RFMO Profiles	16
	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	16
	Inter-American Tropical Tuna Commission (IATTC)	18
	International Commission for the Conservation of Atlantic Tunas (ICCAT)	20
	Indian Ocean Tuna Commission (IOTC)	22
	Northwest Atlantic Fisheries Organisation (NAFO)	24
	North East Atlantic Fisheries Commission (NEAFC)	26
	South East Atlantic Fisheries Organisation (SEAFO)	28
	Western and Central Pacific Fisheries Commission (WCPFC)	30
6	Conclusions	32
6.1	Poor Vessel Identification, Data Recording and Information Sharing	32
6.2	Inadequate Implementation of CMMs by Port States	32
6.3	Regional Focus of Port State Measures Leads to Implementation Gaps	33
7	Recommendations	34
7.1	Improvement of Vessel Identification and Tracking Procedures	34
7.2	Effective and Timely Implementation of Port State Control Measures by Contracting Parties	34
7.3	Expanding Port State Control: From a Regional to a Global Approach	35
8	References	36
9	Acronyms	37
10	Glossary	38



RICHARD CAREY/FOTOLIA

Copyright

2010 The Pew Charitable Trusts. All Rights Reserved.

Cover Image

Coast Guards and Official Control Inspectors in IJmuiden, set out to inspect fishing vessels in the North Sea. © Jan Van de Vel / European Union, 2010.

Authors

Kristín von Kistowski, Stefan Flothmann, Gunnar Album, Emily Dolan, Adriana Fabra, Elsa Lee, Marta Marrero, Frank Meere, Karen Sack.

Disclaimer

Any use of geographical names in this report does not imply the expression of any opinion whatsoever on the part of The Pew Charitable Trusts concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Acknowledgements

We thank Kymberly Escobar, Jo Frost, Matthew Gianni, Martina Heeb, Sophie Hulme, Susan Lieberman, Barbara McIntosh, Estelle van der Merwe, Ayako Sekine and Charlotte Smith for their valuable contributions.

1. Executive Summary

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 system of port State measures lacks transparency, accountability and global reach, and is thus failing to close loopholes exploited by IUU operators and to keep IUU fish out of ports (Flothmann *et al.* 2010).

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 Organisations (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.

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 Organisation (NAFO), (6) North East Atlantic Fisheries Commission (NEAFC), (7) South East Atlantic Fisheries Organisation (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 shipspotting.com. This data set was supplemented with information from port logs, national fisheries authorities and RFMO secretariats.



MAREVISION/PHOTOLIBRARY.COM

The key findings and recommendations of the Pew Environment Group's Port State Performance research are, in summary, as follows.

I. 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 Organisation (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.

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 standardised information requirements in the absence of an IMO number (Annex A of the PSMA offers a useful basis for such standardisation);
- RFMOs should mutually recognise 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; and
- 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).

II. 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 in four cases did port States fulfil 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; 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; and
- all port States should intensify inspection and enforcement measures as a matter of priority.

III. 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; and
- 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 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.

2. Introduction

Illegal, Unreported and Unregulated (IUU) Fishing: A Threat to Sustainable Fisheries and the Marine Environment

The issue of IUU fishing has been of increasing concern to the international community, particularly over the past decade. By disregarding laws and regulations, IUU fishing (Box 1) undermines sustainable fisheries management (Watson and Pauly 2001; Pauly *et al.* 2003; Agnew *et al.* 2009; Worm *et al.* 2009) and threatens both targeted and non-targeted fish species, and their associated and dependent ecosystems across the world's oceans (Pauly *et al.* 2003; Pauly *et al.* 2005; Worm *et al.* 2006). Just the unlawful aspects, namely illegal and unreported fishing, account for catches with an annual value of as much as US\$23.5 billion worldwide, which represents an estimated 11 to 26 million tonnes of fish, equivalent to approximately one-fifth of the global reported fish catch (Agnew *et al.* 2009). However, as global fisheries catch decreases (Watson and Pauly 2001; Hilborn *et al.* 2003; Pauly *et al.* 2003; Zeller and Pauly 2005) and the demand for fish rises (Delgado *et al.* 2003), IUU fishing becomes increasingly profitable for those directly involved (High Seas Task Force 2006; Sumaila *et al.* 2006). The practice is further driven by overcapacity in the fishing industry (Hilborn *et al.* 2003; Zeller and Pauly 2005; Worm *et al.* 2009), which reduces opportunities for legitimate fishing. Poor management, together with ineffective enforcement measures and sanctions, has enabled

IUU fishing to continue virtually unabated in all regions of the world (Agnew *et al.* 2009).

2.1 Port State Control: A Tool to Combat IUU Fishing

Under the U.N. Convention on the Law of the Sea (UNCLOS), the activities of a vessel are the responsibility of the State to which that vessel is registered, commonly referred to as the flag State (UNCLOS 1982). When flag States are unable or unwilling to exert such control, their flags are sought out by those whose intention is to evade fisheries law, thus facilitating IUU fishing (Gianni and Simpson 2005). Although the main responsibility for enforcement is still with the flag State, international governance bodies are turning increasingly to States where IUU catch is landed to help prevent IUU-caught fish from entering international trade and key markets. These States, referred to as 'port States', are increasingly controlling fish landed in their ports by vessels under foreign flag, making landing of IUU fish difficult. By enforcing measures against vessels that have been found to engage in or support IUU fishing, port States have the opportunity to significantly reduce the profitability of IUU fishing operations by denying IUU-listed vessels landing of fish, access to services and even port entry.

BOX 1 | Definition of IUU Fishing

- I. ILLEGAL FISHING REFERS TO ACTIVITIES:
 - i. 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;
 - ii. conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or relevant provisions of the applicable international law; or
 - iii. in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organisation.
- II. UNREPORTED FISHING REFERS TO FISHING ACTIVITIES:
 - i. which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
 - ii. undertaken in the area of competence of a relevant regional fisheries management organisation which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.
- III. UNREGULATED FISHING REFERS TO FISHING ACTIVITIES:
 - i. in the area of application of a relevant regional fisheries management organisation that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
 - ii. 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.

According to the U.N. Food and Agriculture Organization's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

BOX 2 | Port State Measures Agreement

There is a range of port State measures, including the designation of ports for landing; prohibition of entry into port; prohibition of landing, transshipping or accessing services in port; the carrying out of inspections in port; and the adopting of enforcement measures, such as vessel detention or seizure of catch and gear.

Given the current challenges posed by IUU fishing, the worldwide expansion and harmonisation of port State measures is considered a necessary step. Acknowledging this, the FAO Committee on Fisheries (COFI) asked members in 2007 to develop a new legally binding instrument on port State measures, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). This agreement, which was adopted in November 2009, will enter into force once ratified by at least 25 States. The PSMA will not only provide binding rules, but will also help improve coordination among domestic and regional authorities, simplify enforcement and facilitate a legal framework for those States that are not CPs to certain RFMOs but do not want to allow IUU fish into their ports.

Port State measures (Box 2) are increasingly recognised as an efficient and cost-effective instrument, along with a range of other instruments, in the fight against IUU fishing. They can enhance the effectiveness of other useful monitoring, control and surveillance (MCS) tools, such as vessel-monitoring systems (VMS) and regional licensing, and can provide an effective deterrent to the transshipment of IUU-caught fish on the high

seas (international waters beyond the jurisdiction of coastal states). In recent years, regional, national and international initiatives have focused on increasingly stringent port State measures to curb IUU fishing. After agreeing to a voluntary Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing in 2004 (FAO 2007), the FAO adopted the legally binding Port State Measures Agreement in November 2009 (FAO 2009). Once this agreement is ratified by 25 signatories and enters into force, these States will be required to close their ports, prohibit the landing of IUU fish and deny port services to illegally operated or unregulated fishing and fishing-support vessels (Box 3).

On the high seas, RFMOs provide frameworks for managing fish stocks and, accordingly, play a central role in combating IUU fishing. Made up of coastal States and fishing nations, RFMOs obtain regulatory power through the conclusion of international agreements to manage specific high seas fisheries or fisheries within a specific area of the high seas. In an effort to ensure sustainable management of fish stocks, RFMOs have developed conservation and management measures (CMMs) such as total allowable catch (TAC) and the allocation of fishing rights to CPs or individual vessels. Other measures to curb IUU fishing include certification schemes, international observer requirements and strengthened monitoring and surveillance. In general, however, these initiatives alone have not been successful in preventing IUU fishing (Erceg 2006).

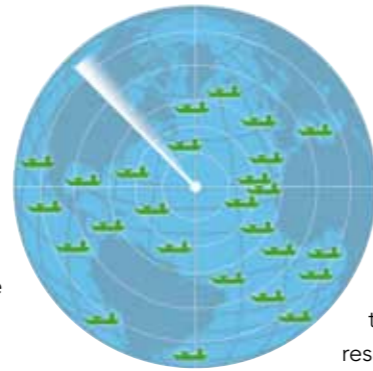
Prior to the adoption of the PSMA, a number of RFMOs have already adopted port State measures for the fisheries under their jurisdiction. These were foreshadowed in a number of international instruments, such as the 1993 FAO Compliance



GAVIN NEWMAN/GREENPEACE

An assessment of the eight RFMOs aims to evaluate the role each plays in combating IUU fishing.

Agreement (FAO 1993), the 1995 U.N. Fish Stocks Agreement (U.N. General Assembly 1995) and the International Plan of Action on IUU Fishing (FAO 2001), and they were recommended as an effective tool by the General Assembly's Resolutions on Sustainable Fisheries. Eight RFMOs established lists of vessels that have been found to carry out or support IUU fishing within the RFMO convention area, with the aim of exposing offenders and applying restrictions. The CMMs related to port State control established the duties that RFMO CPs have as port States, regarding, *inter alia*, the denial of port entry, denial of landing of fish products, denial of access to port services, and port inspections of IUU fishing and support vessels.



Although IUU-listed vessels represent only a small fraction of those operating illegally, they are the only officially recognised IUU vessels and therefore provide a basis for evaluating the willingness or capacity of States to implement port State measures and the effectiveness of the current regulations. The research aims to identify the reasons for failures of compliance or lack of cooperation by port States and to evaluate the current implementation challenges they face. This is necessary in order to gauge whether the PSMA can be expected, once in force, to lead to a substantial reduction in IUU fishing.

An assessment of the eight RFMOs aims to evaluate the role each plays in combating IUU fishing. Examination of the duties and the various port State measures adopted by these RFMOs allows for identification of their strengths, as well as any weaknesses that need to be addressed. Accordingly, clear and specific recommendations are provided to address the issues identified by our research and to encourage RFMO CPs to comply with port State measures.

2.2 Port State Performance: Do Port State Measures Effectively Curb IUU Fishing?

Pew's Port State Performance research focused on the implementation and effectiveness of port State measures adopted by RFMOs. To achieve this, data were collected on the port visits of vessels on the IUU vessel lists of eight RFMOs covering six years (2004–09).

BOX 3 | Key Elements of the PSMA

SCOPE

The Port States Measures Agreement applies to any foreign vessel that can be used for fishing or fishing-related activities; this includes reefers and cargo and container vessels carrying fish that have not been previously landed. The agreement also covers supply vessels that support vessels engaged in IUU fishing.

OBLIGATIONS

Prior to entry of a foreign-flagged vessel into port, each party shall:

- designate ports to which vessels may be permitted access; and
- require advance notification and a minimum of information if a vessel wishes to enter its ports.

When a State that is party to the agreement has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing-related activities (including vessels listed on IUU vessel lists), it shall deny entry into its ports unless it is taking enforcement actions as effective as port entry denial.

Parties shall deny use of ports for landing, transshipping, processing of fish or for other port services when the Party:

- has reasonable grounds to believe that the vessel was engaged in IUU fishing; or

- finds that the vessel is not duly authorised by the flag State or by the coastal State, or is not in compliance with the requirements of the relevant RFMO.

Each Party shall inspect a number of vessels in its ports necessary to achieve the objective of the PSMA. They shall do so in accordance with inspection guidelines provided in the PSMA.

Parties are to transmit the results of inspection to the flag State and, as appropriate, to other States and organisations, and are to cooperate in establishing an information-sharing mechanism and in facilitating the exchange of information with existing databases relevant to the PSMA.

Assistance needs to be provided to developing States with regard to the implementation of port State measures. An *ad hoc* working group shall be established to report on and make recommendations to the Parties on such financial matters.

The burden of proof rests with the owners or operators of the vessel. It is for them to establish that the catch was taken in a manner consistent with relevant conservation and management measures.

3. Methodology

3.1 Creation of the Combined IUU Vessel List

To date, eight RFMOs maintain or share lists of vessels that have been found to carry out or support IUU fishing within or adjacent to their own convention areas. The RFMOs are the:

- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
- Inter-American Tropical Tuna Commission (IATTC)
- International Commission for the Conservation of Atlantic Tunas (ICCAT)
- Indian Ocean Tuna Commission (IOTC)
- Northwest Atlantic Fisheries Organisation (NAFO)
- North East Atlantic Fisheries Commission (NEAFC)
- South East Atlantic Fisheries Organisation (SEAFO)
- Western and Central Pacific Fisheries Commission (WCPFC).

The IUU vessel lists of these eight RFMOs from January 2004 to December 2009 were merged into a single list and supplemented with information from the major commercial maritime online databases: Lloyd's Marine Intelligence Unit (MIU) and Lloyd's Register – Fairplay through Sea-web. In one case, additional information was gathered from an industry source (gatuna.com) and from the Maltese Parliament. Information recorded on the combined IUU vessel list included a vessel's name and name history, flag and flag history, International Maritime Organisation (IMO) number (if one existed and could be assigned), international radio call sign (IRCS) and call sign history, owner(s) and operator(s) information (where available), technical details (e.g., vessel type and tonnage), the RFMO listing the vessel as IUU, and dates and reasons for IUU vessel listing and delisting.



JANI KRANENDONK/FOTOLIA

RFMO IUU vessel lists are based on decisions made by each RFMO's CPs against established criteria. Vessels are generally added to the IUU list by a consensus decision of all the Parties but, subject to sufficient proof of compliance or change of operation/ownership, they can also be delisted. An accurate listing date and delisting date of an IUU vessel was crucial to determining its relevant movements globally. To obtain the best information available, all RFMOs were contacted to verify information available on their websites, reports or meeting minutes.

3.2 Compiling Data on the Movements of IUU-Listed Vessels

Worldwide movement information for all vessels on the combined IUU vessel list was searched and compiled from the publicly available databases mentioned above, as well as additional databases, and from information provided by countries and RFMOs for the period they were on IUU vessel lists within the study period.

We used the only globally recognised and currently available unique vessel identifier –IMO number –as a first parameter for searching the databases¹. For IUU vessels listed without an IMO number, only movements with two or more matched criteria (e.g. name, flag, call sign, etc.) were taken as valid movements of that vessel. Movement data recorded for each IUU vessel included reported flag, reported IRCS, country and location of visit, type of movement, date of arrival and departure and, when available, details of the visit (purpose, information on landings, etc.).

The majority of vessel movements, from which we identified the port visits, were found in the first source of information, the Lloyd's MIU database. The other sources (which we used primarily to cross-check the MIU movement records) were Sea-web, shipspotting.com and two online port logs, as well as our communication with port States and RFMOs. These in turn revealed additional movements, which were again verified with other sources, among them logs of the relevant ports (Section 3.3).

The heavy dependence on the Lloyd's MIU database as our main source of movements of IUU-listed vessels may have led to biases in our data for certain regions due to the limitations of commercial databases. Lloyd's MIU was considered most efficient in detecting vessel movements because it uses

¹ Although all merchant marine vessels are required to have an International Maritime Organisation unique vessel identifier (IMO number), fishing vessels are exempt from this requirement. As a result not all fishing vessels have IMO numbers.

The movement data on IUU-listed vessels gathered in this research from across a range of publicly available sources is the most comprehensive compilation of its kind.

TABLE 1 | Number of Movements and Vessels Confirmed by Different Data Sources

	Movements	Vessels
Port log hits for IUU-listed vessels	25	14
Confirmed by Lloyd's MIU	10	8
Confirmed by Sea-web	3	2
Confirmed by Sea-web and Lloyd's MIU	2	2

informers in ports in addition to the electronic Automatic Identification Systems (AIS), whereas Sea-web uses only AIS. Information from other sources (Sea-web, shipspotting.com, port logs and country communications), although by no means complete, enabled us to cross-check and compare the data.

3.3 Verification of Data Quality

The movement data on IUU-listed vessels gathered in this research from across a range of publicly available sources is the most comprehensive compilation of its kind. To assess the effectiveness of port State measures, we needed reliable information on port visits. To further test the reliability of different sources of movements to ports, we compared port visits registered in 12 port logs to which we could get access against our first sources of publicly available information from the commercial databases Lloyd's MIU and Sea-web (Table 1). The port logs should cover all port visits to the respective ports but are generally not publicly available. Therefore the data have not been fed into the final results but were used as a means of assessing our main sources of publicly available information on movement data from Lloyd's MIU and Sea-web. In these 12 port logs, we found 25 port visits by 14 IUU-listed vessels.

The quality test showed that the databases provided reliable information but did not cover the full number of port visits; however, more than one-half of the port visits and vessels were shown by the online databases. In this subsample, fishing vessels were more likely than reefers to enter ports unnoticed by the online commercial databases, even when the fishing vessels were identifiable through IMO numbers. We could confirm Lloyd's MIU as the best source for tracking vessel movements and Sea-web as a reliable tool for verifying these.

Accordingly, we considered the identification and tracking of IUU-listed vessels recorded by commercial databases representative of IUU vessel movements for the purpose of our research. On this basis, we analysed movement patterns of IUU-listed vessels and investigated the performance of port States in implementing RFMO CMMs targeted at IUU fishing activities.

3.4 Information-Gathering From Port States and RFMOs

From April to December 2009, letters were sent to relevant authorities of port States where four or more movements of IUU-listed vessels were recorded. The letters requested additional information on the nature of the port visits and measures taken by the port States to restrict port access or services to IUU-listed vessels. We also asked these authorities – ministries and agencies that we understand to have the responsibility for implementing the CMMs of the RFMO(s) in their respective countries, hereafter collectively referred to as 'fisheries authorities' – to clarify any possible situation of non-compliance with RFMOs' CMMs. In total, three rounds of letters were sent to each of the 32 port States that showed more than four IUU-listed vessel movements. In addition, one letter was sent to Latvia, where all port visits were followed by the scrapping of IUU-listed vessels, and one further letter to the European Commission (as a CP to a number of RFMOs), which summarised all port visits to 14 European Union Member States.

Letters were also sent to the eight relevant RFMOs, which requested information on port visits of vessels on their IUU vessel lists, informed them about the preliminary findings and, in some cases, sought clarification of the conditions set by CMMs that determine situations of non-compliance (see definition of violations below).

3.5 Website With Preliminary Results for Public Review

In August 2009, during the final round of FAO Technical Consultation to negotiate a legally binding instrument on port State measures to prevent, deter and eliminate IUU fishing (PSMA), the preliminary results of the research were presented via a website (www.portstateperformance.org) and opened for public review.



The website served as a base on which to display the information we gathered on the port visits of IUU-listed vessels and acted as a tool to engage fisheries officials in discussing and improving the quality of the data in this research. The website was regularly updated with the most current information. A final version of the website was updated in May 2010 and was launched in the Resumed Reviewed Conference of the U.N. Fish Stocks Agreement. In addition to the information contained in this report, the website includes profiles of port States that were recorded with more than four movements by IUU-listed vessels after the first compilation of the data.

3.6 Analysis of Movement Data and Assessment of Compliance

For the purpose of the research, only port visits during the research period were analysed; movements through canals and straits were excluded, given that it was unclear whether port States have any obligations under RFMOs' CMMs in relation to canal and strait passages.

For each port visit made by an IUU-listed vessel, we assessed how far the port State complied with the applicable CMMs of the RFMO(s) to which it was a CP at the time of the visit. One of the following CMM violation categories was then assigned to the port State where the port visit occurred.

1. **Violation:** This is when the port entry and/or provision of port services to the IUU-listed vessel in the port is a clear violation of the CMMs of the RFMO to which the port State was a CP at the time of the port visit.
 - a. For countries that are CPs of **CCAMLR**, port entry of IUU-listed vessels after 1 July 2007² is considered a violation (CM10-06 [2006], CM10-07 [2006]) unless the vessel is allowed in for the purpose of enforcement action; for port entry before 1 July 2007, the landing or transshipment of fish products is considered a violation (CM10-06 [2002], CM10-07 [2002]).
 - b. For countries that are CPs of **IATTC**, the landing or transshipment of fish products is considered a violation after 18 June 2004 for NCP vessels (Res. C-04-04) and after 24 June 2005 for vessels of CPs (Res. C-05-07).
 - c. For countries that are CPs of **ICCAT**, port entry of IUU-listed vessels after 13 June 2007 is considered a violation (Rec. 06-12); for port entry between 4 June 2003 and 13 June 2007, the landing and transshipment of fish products is considered a violation for NCP vessels (Rec. 02-23).
 - d. For countries that are CPs of **IOTC**, the landing or transshipment of fish products is considered a violation after 6 April 2003 for NCP vessels (Res. 02/04) and the provision of port services is considered a violation after 28 November 2006 for NCP vessels (Res. 06/01).

- e. For countries that are CPs of **NAFO**, port entry of IUU-listed vessels after 4 December 2006 is considered a violation (Conservation and Enforcement Measure [CEM] 2007 Art. 50); for port visits after 12 December 2005, the landing or transshipment of fish products and/or provision of port services is considered a violation (CEM 2006 Art. 48).
- f. For countries that are CPs of **NEAFC**, port entry of IUU-listed vessels after 1 May 2007 is considered a violation (Scheme Art. 45); for port visits between 8 January 2004 and 1 May 2007, landing and transshipment of fish products and/or provision of port services is considered a violation.
- g. For countries that are CPs of **SEAFO**, the landing or transshipment of fish products and/or provision of port services is considered to be a violation after December 2007 (CM08/06).
- h. For countries that are CPs of **WCPFC**, the landing or transshipment of fish products and/or provision of port services is considered to be a violation after February 2007 for NCP vessels (Res. 06/09).

2. Potential violation: This applies when no further information is available and the port entry is not sufficient to determine whether it constitutes a violation (as defined above); the decision then depends on services that the vessel received in the port.

3. Non-violation: This applies when the port visits are confirmed not to violate the CMMs of the relevant RFMO to which the port State is a CP or when the port visit was to a NCP of the RFMO.

4. Port State action: In the context of this study, this refers to actions such as detention or sanctions that are taken by the port State against the vessel on the basis of the IUU listing.

Considering that a country can be a CP of more than one RFMO, a particular port visit by an IUU-listed vessel can be in violation of the port State measures of more than one RFMO. We have assigned one of the above-mentioned violation criteria to each port State's obligation related to a port visit. The average compliance rate for each RFMO was therefore calculated by looking at the port visits by a vessel that it had IUU listed, to port(s) in its CPs. The number of violations and potential violations were then divided by the total number of port visits.

² The formal date of entry into force of a conservation measure is 180 days after its notification to CPs (CCAMLR Convention, Art. IX.6). The conservation measures were adopted at the annual meeting in November 2006. Taking into account the time required for notification, the date of entry into force was determined as 1 July 2007 at the latest.

4. Results

To evaluate the effectiveness of port State measures in combating IUU fishing, this research relied on gaining accurate data on the identity and movements of IUU-listed vessels. The process of gathering this preliminary information in itself revealed significant limitations in the quality and quantity of records provided by the shipping databases, actual port records and fisheries authorities.

The first major finding of our study was the low visibility of the IUU-listed vessels: Their identification and tracking was hindered by insufficient or inaccurate vessel information. The first two sections present the findings for the first stages of the research – creation of the combined IUU vessel list and the compilation of movement data.

The third section details the analysis of listed vessels' port State movements around the globe to identify patterns and motives. The last sections present our findings on compliance by port States with existing measures on IUU fishing and analyse the impact on vessel movements when control measures are enforced only regionally.

4.1 The Combined IUU Vessel List: A Case of Incomplete Identities

- The first significant finding was that vessel information is insufficient and inconsistent for identification purposes.
- Sixty percent of vessels on the combined IUU vessel list did not possess an IMO number.

IUU operators tend to disguise their vessels by renaming them and changing their flags and IRCS. The only globally available unique vessel identifier presently available is a vessel's IMO number. Because fishing vessels, unlike merchant vessels, are not obliged to have an IMO number, vessels on IUU lists do not always have IMO numbers.

Between January 2004 and December 2009, this research identified 178 vessels that appeared on at least one of the IUU vessel lists of the eight RFMOs included in this study. Of these 178 vessels, only 71 (40 percent) were listed with an IMO number. Two of those IMO numbers belonged to other vessels. RFMOs, national fisheries authorities and enforcement authorities³ on the ground had no IMO numbers for the remaining 107 vessels.

However, our research enabled us to track down and assign an IMO number to 32 of the vessels that did not have an IMO

³ A general term we gave to various domestic authorities with the responsibility to enforce port State measures and/or other shipping, customs and labour regulations, such as the Coast Guard in the United States or the Maritime Captaincy (Capitanía Marítima) in Spain.

number recorded on RFMO IUU vessel lists. All except one of these 32 vessels were on the ICCAT or IATTC IUU vessel lists.

Of the 178 vessels on the combined IUU list, 151 were fishing vessels, 10 were refrigerated transport vessels ('reefers') and 17 were 'other vessels', i.e. either unknown or originally fishing vessels, IUU-listed but then rebuilt to other functions (e.g. military, tugboats, and petroleum supply vessels).

4.2 Movement Data of IUU-Listed Vessels: Low or No Visibility

- More than two-thirds of all IUU-listed vessels showed no movement.
- More than half of port visits by IUU-listed vessels were made by reefers.

Recordings of port visits by IUU-listed vessels in publicly available databases were limited. In the period covered by this research, we documented 509 separate vessel movements. Of these, 425 were port visits. Only movements made while the vessels were on the IUU vessel lists were included. Most of the movements (340) were documented by the Lloyd's MIU database, followed by Sea-web (99), our communications with countries (66), shipspotting.com (20) and in two online port logs (4). 92 movements were documented by more than one source.

The 509 movements were made by just 58 of the 178 vessels on the combined IUU vessel list. Thus, 120 vessels (67 percent) show no publicly available movement record. We consider it unlikely that all 120 vessels ceased operations while they were IUU-listed; it is more likely that most of them have continued to operate without being noticed, not only by the commercial

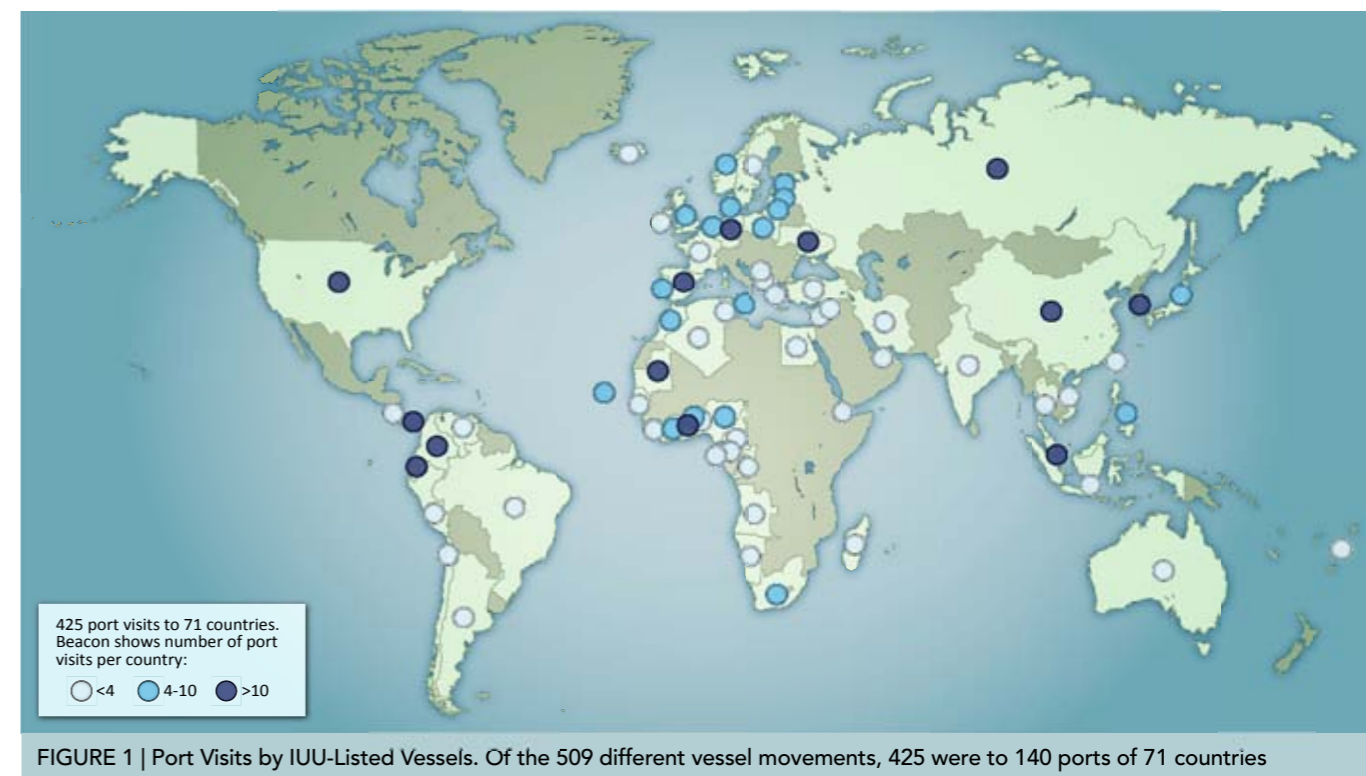


FIGURE 1 | Port Visits by IUU-Listed Vessels. Of the 509 different vessel movements, 425 were to 140 ports of 71 countries

databases used in this study but also by most fisheries and enforcement authorities at port.

Of the 58 vessels that showed movement during their IUU-listing period, 48 (83 percent) were fishing vessels, eight (14 percent) were reefers and two (3 percent) were other types of vessels. However, reefers made 241 of the 425 total recorded port visits (57 percent).

The higher proportion of port visits by reefers compared with fishing vessels can be explained at least partially by two causes.

- Transport vessels move among ports to load and unload goods, whereas fishing vessels can stay at sea, unloading their fish onto reefers and receiving supplies, such as fuel and crew at sea.
- In contrast to cargo vessels including reefers, fishing vessels are not required to have an IMO number. IMO numbers are linked to records in ship registers (Lloyd's MIU and Sea-web), where additional vessel information is recorded. Thus, enforcement authorities have better access to information on reefers than on fishing vessels. This explains the higher likelihood that port visits of reefers will be recorded both by enforcement authorities and the commercial databases.

4.3 Global Reach of IUU-Listed Vessels

- Port visits of IUU-listed vessels were recorded in all regions of the world.
- More than half of port visits by IUU-listed vessels were to countries under no obligation to enforce port State measures.

IUU fishing is a worldwide phenomenon, and port visits by IUU-listed vessels by the eight RFMOs were recorded in every region of the world. The 425 port visits were to 140 ports in 71 countries across the five major continents (Figure 1). The remaining 84 movements (of a total of 509) were passages through the Suez Canal (4) and Panama Canal (45); the straits of Bosphorus (8), Malacca (2) and Dardanelles (1); Mexico's Yucatan



JAN VAN DE VEL/EUROPEAN UNION, 2010

RFMOs have not been active enough in supporting their Contracting Parties in effectively implementing port State measures.

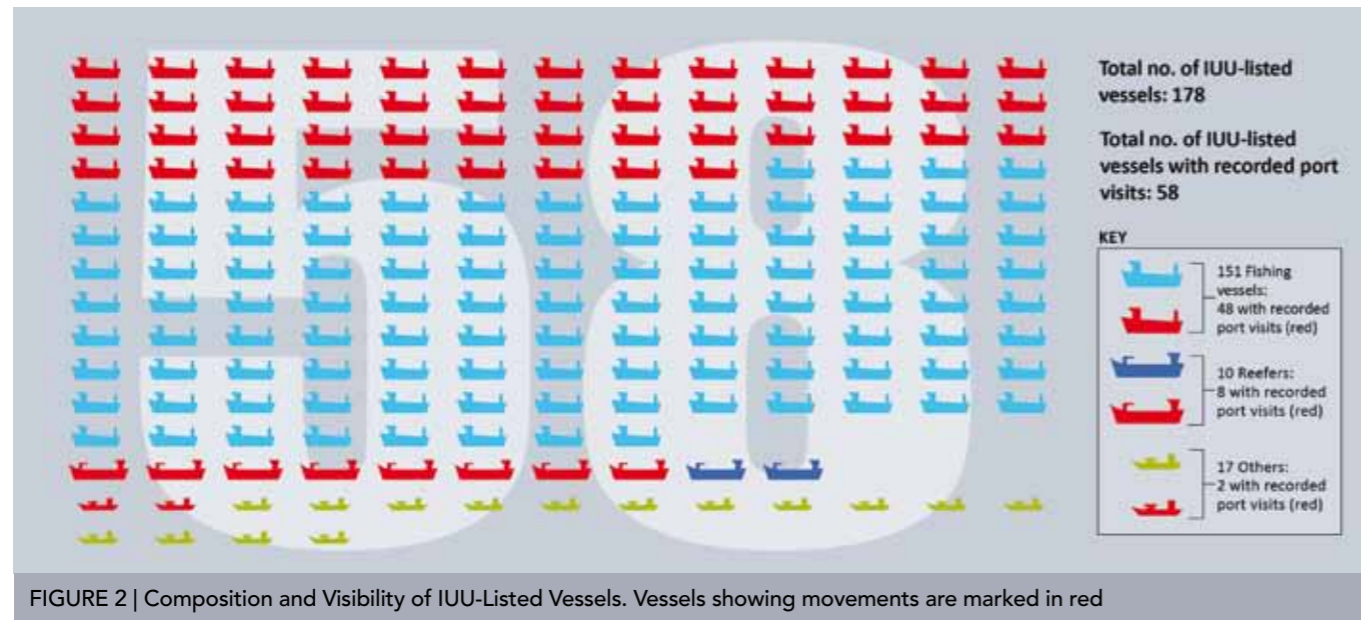


FIGURE 2 | Composition and Visibility of IUU-Listed Vessels. Vessels showing movements are marked in red

Channel (1); and vessels passing surveillance points at Cape Finisterre (10) and Tarifa (5) in Spain; at Port Said (3) in Egypt; and Torbay (1) in the United Kingdom.

The research results show that 55 percent of the documented port visits were to countries that were not Party to any of the RFMOs that had put these vessels on their IUU lists. This demonstrates the mobility of IUU-listed vessels and underlines the limited effect of port State measures if implemented only regionally. The inclination to stay within or leave the convention area varies for vessels listed on different IUU vessel lists.

While the distribution of port visits shows the global reach of IUU activities, information from commercial databases alone is not enough to draw firm conclusions on the effectiveness of port State measures. First, if a country has no recorded port visits, it does not mean that there were none. Figure 2 shows that many port visits are not detected by the commercial databases. Second, not every port visit recorded in this research is in violation of port State measures. Countries have varying obligations depending on the RFMO to which they are a Party. Some prohibit port visits altogether, while others prohibit the landing of fish or other commercial transactions. Such information is not typically provided by commercial databases, so information from RFMOs and port States on the purpose and details of the visit has been included in order to determine port State compliance with port State measures. Finally, port visits can trigger port State actions against the vessels and their operators.

Therefore, we integrated information gathered directly from port States and RFMOs, especially on the purposes and details of these visits. We based our assessment of port State

compliance on (a) this information and (b) the prevailing obligations of the port State at the time of the visit.

4.4 Port State Performance: Poor Compliance With Port State Measures Against IUU-Listed Vessels

- Nearly three-quarters of the port visits by IUU-listed vessels to RFMO CPs were in violation or potential violation of the port States' obligations to one or more RFMOs.
- Identification problems, lack of communication among domestic authorities and misinterpretations of port State measures are among the reasons for non-compliance.

The majority of RFMOs does not share their IUU vessel lists. As a result, port States are generally obliged to take enforcement action only against vessels listed by their own RFMOs (see Section 3.6). Countries have different levels of obligations depending on the RFMO(s) to which they are a Party. RFMOs differ in the strength of their port State measures: some require denial of port entry, while others only deny port services and/or landing of fish. Therefore, even if a port entry is not prohibited as such, the port State can still fail to fulfil its obligations. If a port State has failed to declare explicitly in communications with us that it has denied landing of fish products, or whatever the relevant obligations require, for the purposes of this research we have categorised this as a potential violation.

During the research period, 219 of the total port visits by IUU-listed vessels were to States that were CPs of the RFMO that listed the visiting vessel. These visits were made by vessels that carried IMO numbers and could have been identified as IUU-listed by enforcement authorities. Nevertheless, 74 percent of these port visits constituted violations or potential violations of

the port States' obligations under the relevant RFMOs' CMMs. For the assessment of port State compliance, the obligations as stipulated by different RFMOs have to be taken into account.

Of the remaining visits to ports in States that were CPs of RFMOs, 10 percent were subject to confirmed port State actions: some were inspected and fined; others were detained for IUU fishing or sent away from the port or, where appropriate, were refused port services. Another 16 percent of these port visits can be regarded as non-violations for a variety of reasons (e.g., the RFMO CMM does not require that a CP refuse port entry, just the landing or transshipment of fish or provision of other port services; the vessel is in trouble [*force majeure*]; or the visit was related to a port State action taken somewhere else to break or scrap the vessel). Other examples are that the visit occurred before the port State became a CP of the listing RFMO or the port visit was made to a port where the port State measures do not apply, as is the case for Chinese Hong Kong.

From the 22 country responses received, we identified five major reasons for non-compliance.

1. Enforcement authorities were not aware of the port visits of the IUU-listed vessel or wrongly identified it. IUU operators can benefit from the neglectful practices of some RFMOs if their vessels' IMO numbers are not recorded on the RFMO's IUU vessel list. Japan offers one example of how gaps in documentation and communication were a major reason for the low visibility of IUU-listed vessels, making it difficult for the port State to identify them and take action. The ICCAT IUU-listed fishing vessel *Melilla No. 101* was listed without an IMO number. The vessel has an IMO number (added to the combined IUU vessel list) but later changed its name to *Dong Won No. 630*. When the vessel visited Shimizu, Japan in 2006, Japanese authorities had no way of knowing that the vessel was IUU-listed, which was also confirmed by our correspondence with Japan.
2. Our correspondence with 22 countries revealed a lack of cooperation between national fisheries authorities and enforcement authorities. These domestic authorities do not consistently share the responsibility and a common understanding of the importance of port State measures against IUU fishing activities to achieve their effective implementation. Only on a few occasions could the fisheries authorities provide all requested information on national policies and on visits made by IUU-listed vessels to their ports. In nearly all cases, regular information exchange processes between relevant bodies were not demonstrated and our requests prompted fisheries authorities to seek information from enforcement authorities. In one case, it was explicitly stated that no notice was received from any national body with

regard to IUU-listed vessels or vessels believed to be engaged in IUU activities. This implied that the fisheries authority did not consider itself responsible for failing to have such knowledge and ensuring enforcement of port measures. Yet, their correspondence provided no information on notification procedures from enforcement authorities.

3. In a number of examples, the measures adopted by RFMOs have not been fully translated into national law. In some cases, this transitional situation took a long time to resolve, even through the end of the research period, leaving the port State unable to take action against IUU-listed vessels.

4. The denial of port access and port services to vessels on an IUU vessel list is subject to broad interpretation by port States. Some countries feel obliged to deny access to any vessel on an IUU vessel list, while others indicate such denial is only required if the vessel, when requesting port access, is carrying fish or fisheries products that have been caught in contravention of CMMs. Japan offers an example of the latter: the NEAFC IUU-listed reefer *Polestar* was permitted to enter the port of Kobe and landed pumpkins imported from Tonga.

5. RFMOs have not been active enough in supporting their CPs in effectively implementing port State measures. They did not generally request information on visits by IUU-listed vessels to the ports of their CPs, nor did they consistently assess the compliance of their Parties with port State measures. Non-compliance was not generally followed by sanctions. In some cases, there were ambiguities over the date that relevant CMMs entered into force, so port States were unclear about their obligations. As it stands, not all RFMOs played an active role in ensuring that port States were held accountable for the effective implementation of port State measures (see RFMO profiles, Section 5).

On the other hand, there are examples of the effectiveness of port State measures in combating IUU fishing when correctly implemented. Disguising vessels by changing names or hiding IMO numbers does not always dupe authorities. In a case where an IUU operator gave the wrong IMO number to conceal the identity of a vessel, the country (Norway) uncovered the vessel's true identity and took action: the vessel was made to leave the port.

4.5 Regional Focus of Port State Measures: Shifting the Problem

- The regional application of port State measures allows IUU-listed vessels to move to other regions when measures are enforced.
- Percentage of visits to NCPs by NEAFC IUU-listed vessels doubled after stronger enforcement was introduced.

TABLE 2 Port Visits of NEAFC IUU-Listed Vessels to NEAFC CPs and NCPs Before and After Strengthened Measures Entered Into Force in May 2007	
BEFORE the strengthened measure (denial of port access) entered into force	
Number of port visits to CPs	99
Number of port visits to NCPs	72
Total number of port visits	171
Percent of port visits to NCPs	42
AFTER the strengthened measure (denial of port access) entered into force	
Number of port visits to CPs	18
Number of port visits to NCPs	82
Total number of port visits	102
Percent of port visits to NCPs	80

Ambiguities and misinterpretations of port State measures can be eliminated by denying port access instead of merely denying the landing of fish and port services. Further, denying IUU-listed vessels entry to port targets the economic basis of the illegal operations by rendering IUU activities more costly and thus less attractive.

To assess what effect denial of port entry to IUU listed vessels may have on the movements of these vessels, the port visits of IUU vessels listed by NEAFC to CPs and NCPs were further analysed (Table 2). This RFMO had already established IUU vessel lists at the beginning of the research period (2004-2009), and introduced CMMs requiring the denial of port access in 2007.

NEAFC places great emphasis on reducing IUU fishing: it maintains a comprehensive IUU vessel list (including good record keeping of IMO numbers); has strengthened port State measures that extend to transport vessels in addition to fishing vessels; and has actively assisted port State actions against IUU-listed vessels. In May 2007, NEAFC adopted a new port State control system, which included a provision that denied NEAFC IUU-listed vessels entry to the ports of its CPs. After its adoption, the proportion of NEAFC IUU-listed vessels visiting

ports of States that were not Parties to NEAFC nearly doubled going from 42 to 80 percent.

The significant increase in visits by NEAFC IUU-listed vessels to port States that were not bound by the RFMO's strict port State measures indicated the desired impact of the strengthened port State measures. However, it also illustrated that as long as port State measures remain regional, the problem will simply be shifted elsewhere.

The stories of two prolifically active refrigerated transport vessels, *Polestar* and *Sunny Jane*, offer prime examples of this problem. After their inclusion on NEAFC's IUU vessel list and subsequently two other RFMO lists, each vessel was subject to a series of port State actions by a number of States, including refusal of entry to several ports, prohibition of landings and detention. Morocco, which was not a NEAFC CP but recognised NEAFC's IUU vessel list, was among those States that took action against *Polestar*. In many instances, however, *Polestar* and *Sunny Jane* were able to operate with impunity in regions outside, but also inside, the convention areas where they were IUU-listed.

5.1 Nature of RFMOs

RFMOs are the mainstays of international fisheries governance and responsible for the conservation, management and sustainable use of the living marine resources falling within their convention areas. They are intergovernmental organisations established to facilitate cooperation among countries, with the common aim of managing high seas fish stocks. RFMOs are focused either on fish stocks in a particular region on the high seas or covering highly migratory species, predominantly tuna and tuna-like species.

5.2 IUU Vessel Lists and Listing Procedures

Eight RFMOs have adopted procedures for listing vessels that have engaged in IUU fishing activities, with the aim of exposing offenders and applying restrictions. Some of these IUU vessel lists include only fishing vessels; others also list fishery support vessels. The IUU vessel lists vary in quality, particularly with respect to information required for the identification of vessels. Generally, information on potential IUU vessels is gathered throughout the year by CPs and then compiled by the RFMO secretariats. This leads to a draft IUU vessel list on which comments are sought. Usually flag States are informed of the potential inclusion of one of their flagged vessels on the IUU vessel list. After confirming that the vessels have engaged in IUU fishing and are to be listed, a provisional list is created. This provisional list is, in most cases, endorsed by the compliance committee of the RFMO and provided to the commission of the RFMO for adoption at the annual meeting, generally by consensus.

5.3 Obligations (Port State Measures Against IUU-Listed Vessels)

A number of RFMOs have adopted port State measures to close ports or restrict port services available to IUU-listed vessels so as to make IUU fishing less attractive within their convention area and ultimately protect fish stocks under their jurisdiction. RFMOs establish various obligations for their CPs, but port State measures may include denial of port entry, denial of landing and transshipment of fish products, denial of port services and port inspections of suspected IUU fishing and support vessels.

5.4 Port State Performance Project Research Results

As part of the Port State Performance project conducted by the Pew Environment Group, IUU vessels listed by eight RFMOs were tracked globally. For those that could be identified and traced, visits to ports of both CPs and NCPs of the listing RFMO were recorded. Port State performance was then evaluated by investigating the implementation of port State measures in force at the time of each tracked port visit.

5.5 RFMO Assessments

Port State measures can provide a powerful and cost-effective means of reducing IUU fishing. Although some RFMOs have established robust port State measures to combat such activities, there is room for improvement in other RFMOs. Based on our research, in the following pages we highlight good practices and identify areas for improvement for each of the eight RFMOs that we examined.

RFMO Profiles

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)	p.16
Inter-American Tropical Tuna Commission (IATTC)	p.18
International Commission for the Conservation of Atlantic Tunas (ICCAT)	p.20
Indian Ocean Tuna Commission (IOTC)	p.22
Northwest Atlantic Fisheries Organisation (NAFO)	p.24
North East Atlantic Fisheries Commission (NEAFC)	p.26
South East Atlantic Fisheries Organisation (SEAFO)	p.28
Western and Central Pacific Fisheries Commission (WCPFC)	p.30

As long as port State measures remain regional, the problem will simply be shifted elsewhere.

Commission for the Conservation of Antarctic Marine Living Resources

CCAMLR

25

Contracting Parties (CPs):

Argentina; Australia; Belgium; Brazil; Chile; China; European Union; France; Germany; India; Italy; Japan; Namibia; New Zealand; Norway; Poland; Republic of Korea; Russia; South Africa; Spain; Sweden; Ukraine; United Kingdom; United States; Uruguay.

9

States party to the Convention but not CPs of CCAMLR:

Bulgaria; Canada; Cook Islands; Finland; Greece; Mauritius; Netherlands; Peru; Vanuatu.

29

IUU-listed vessels during research period

31

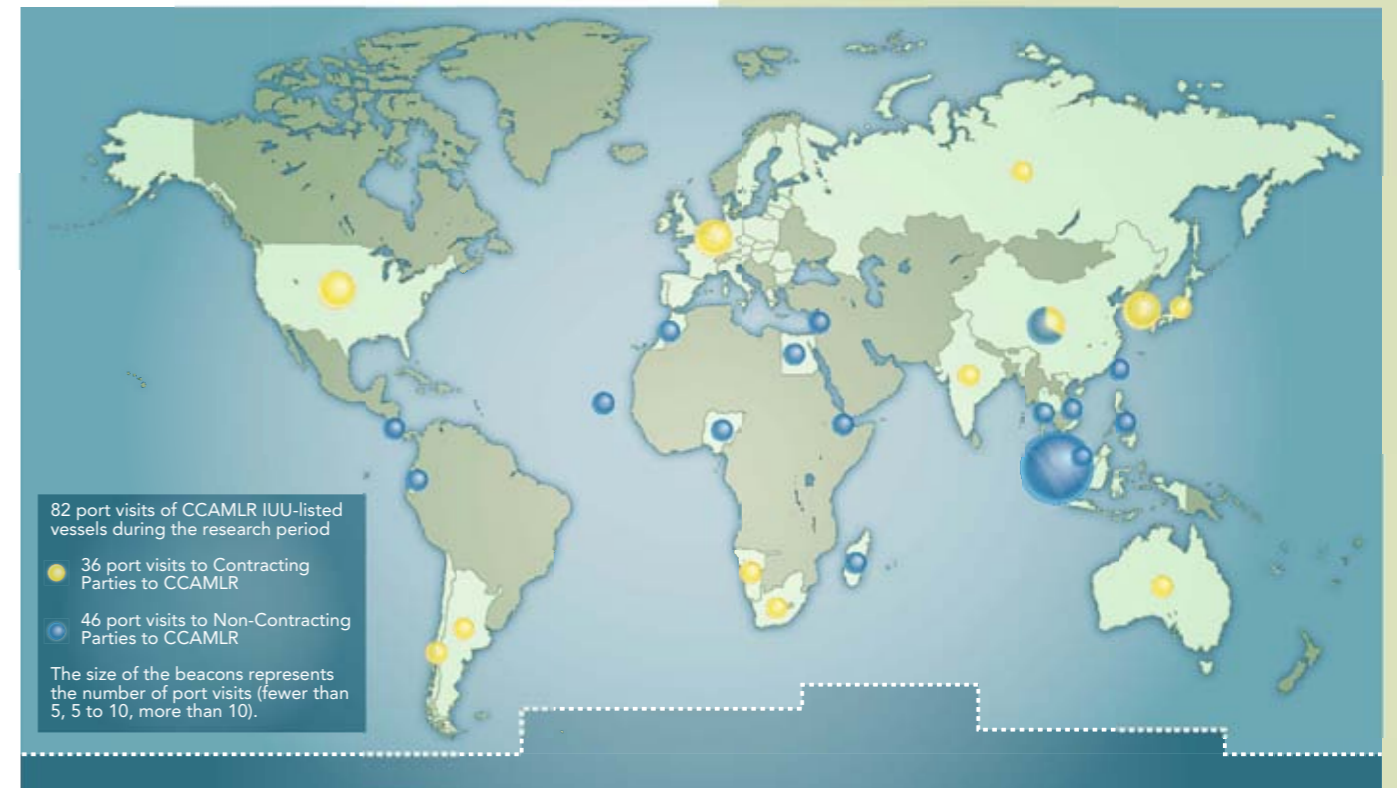
Authorised vessels: for intersessional period 2009/10 (half the number authorised for the previous period).

BACKGROUND

The Convention on the Conservation of Antarctic Marine Living Resources came into force in 1982 and established a Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to manage the marine living resources of the area for which it is responsible. The aim of the Convention is to conserve marine life of the Southern Ocean, within the convention area and where the term "conserve" includes rational use.

IUU LISTINGS

CCAMLR began listing IUU vessels in July 2006 and recorded 29 such vessels during the research period January 2004 to December 2009. CCAMLR has two lists: one for CP IUU-listed vessels, the other for NCP IUU-listed vessels. In addition to what might generally be thought of as IUU activity, CCAMLR considers failure to provide a valid catch document for toothfish (*Dissostichus* spp.) to be IUU fishing.



PORT STATE MEASURES

Since July 2007, CCAMLR has prohibited, through the adoption of CM10-06 (2005) and CM10-07 (2006), the entry of IUU-listed vessels into its CPs' ports, except in cases of *force majeure* or for enforcement activity. Before July 2007, landing or transshipment of fish products of IUU-listed vessels was not allowed (CM10-06 [2002] and CM10-07 [2002]) in CP ports.

RESULTS OF THE RESEARCH

Despite the high number of documented IMO numbers of vessels recorded on CCAMLR's IUU vessel list (27 out of 29 were listed with an IMO number), the visibility of CCAMLR IUU-listed vessels remained limited. Vessel movements could be documented for only 18 of the 29 vessels due to, among other reasons, inadequate coverage by online vessel movement services in ports.

A total of 36 port visits by CCAMLR IUU-listed vessels were recorded in 12 CCAMLR CPs. Of these 36 port visits, 27 were considered violations or potential violations of CCAMLR's CMMs, and seven were considered non-violations. Two port visits were followed by port State actions. Another 46 port visits were to 17 NCPs of CCAMLR, including four port visits to China before it became a Party to CCAMLR.

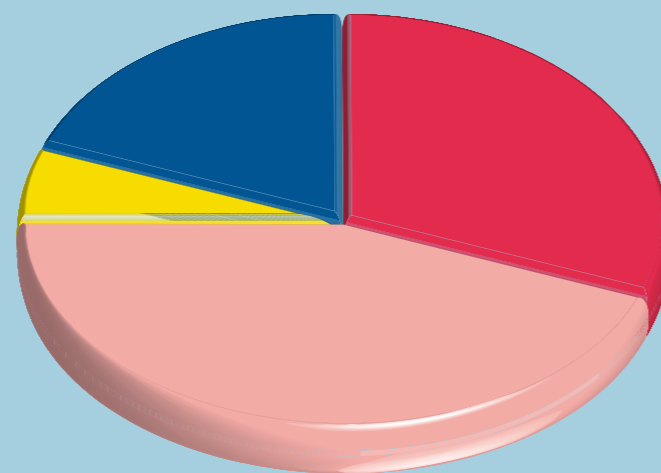
Consequently, 56 percent of the port visits by CCAMLR IUU-listed vessels from 2004 to 2009 were to ports of NCPs, which were therefore not obliged to implement CCAMLR's CMs.

ASSESSMENT

- CCAMLR has clear Conservation Measures (CM) in place that require CPs to deny entry to their ports of vessels on the CCAMLR IUU vessel lists.
- However, we found confusion among its CPs regarding the date of entry into force of the CM requiring the denial of port access to CCAMLR IUU-listed vessels.
- IMO numbers, which are crucial in identifying vessels and tracking their movements, are listed for most vessels on CCAMLR's online IUU vessel lists. The lists are regularly updated. They are presented in a format that is easy to print, but the information is difficult to sort and difficult to search.
- CCAMLR should require vessels authorised to fish in its convention area to have an IMO number.
- CCAMLR should set up transparent annual review processes to assess its CPs' compliance with port State measures, thereby increasing the accountability of CPs toward their port State obligations.
- In the immediate future, CCAMLR should recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted IUU vessel list.
- CCAMLR should move to improve port State measures in line with the PSMA. The PSMA should be regarded as the international minimum standard, which would permit the adoption of more stringent measures.
- CCAMLR should urge all its CPs to expeditiously sign and ratify the PSMA.

Total number of port visits to Contracting Parties: 36

PERCENTAGE OF PORT VISITS



31% Violation 44% Potential violation 6% Port State action 19% Non-violation

16

Contracting Parties (CPs):

Colombia; Costa Rica; Ecuador; El Salvador; France; Guatemala; Japan; Mexico; Nicaragua; Panama; Peru; Republic of Korea; Spain; United States; Vanuatu; Venezuela

6

Cooperating NCPs:

Belize; Canada; China; Cook Islands; European Union; Kiribati.

1

Cooperating Fishing Entity:

Chinese Taipei.

78

IUU-listed vessels during research period

4,513

Authorised vessels

BACKGROUND

The Inter-American Tropical Tuna Commission (IATTC), established by the IATTC Convention in 1950, is responsible for maintaining populations of yellowfin and skipjack tuna as well as other species taken by tuna vessels in the eastern Pacific Ocean. Its role is also to cooperate in gathering and interpreting data to facilitate management of stocks at levels permitting maximum sustainable yields year after year.

IUU LISTINGS

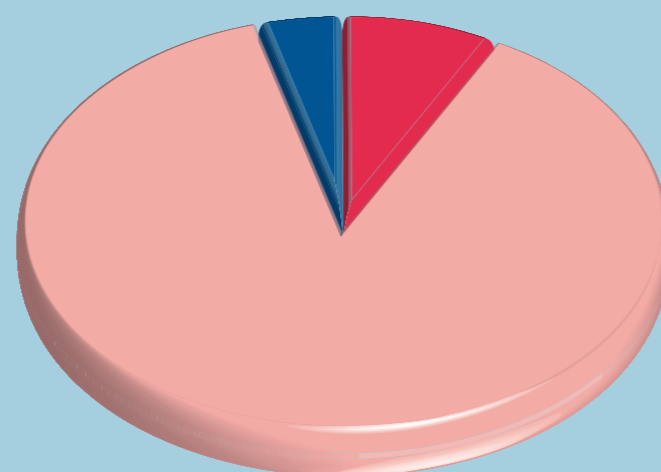
IATTC implemented the IUU-vessel listing procedure in June 2005 and listed 78 such vessels during the research period.

PORT STATE MEASURES

Since 18 June 2004, the landing and transshipment of fish products from NCP IUU-listed vessels has been prohibited (*Resolution C-04-04*). The landing and transshipment of fish products from CP IUU-listed vessels was prohibited from 24 June 2005 (*Resolution C-05-07*). IATTC does not require the denial of port entry to IUU-listed vessels.

Total number of port visits to Contracting Parties: **26**

PERCENTAGE OF PORT VISITS



8% Violation
88% Potential violation
0% Port State action
4% Non-violation



RESULTS OF THE RESEARCH

Of the 78 vessels on the IATTC's IUU vessel lists, only five were recorded with their IMO numbers. However, although fishing vessels dominate the IATTC IUU vessel list, through our research we were able to assign IMO numbers to 18 IATTC IUU-listed vessels that did not have IMO numbers recorded on the IUU vessel list. The lack of IMO numbers significantly reduced the effectiveness of the list for identification purposes. Accordingly, the visibility of IATTC IUU-listed vessels was low. Vessel movements could be documented for only five of the 78 IATTC IUU-listed vessels – although not the same five that had an IMO number recorded (see above).

A total of 26 port visits from these five IATTC IUU-listed vessels were recorded in four CPs. Of those, 25 visits were considered violations or potential violations of IATTC's CMMs, and one was considered a non-violation. Another seven port visits were to Colombia before Colombia became a Party to IATTC in October 2007. The low visibility of IATTC IUU-listed vessels does not allow us to calculate the percentage of port visits to NCPs.

ASSESSMENT

- The IATTC does not require CPs to refuse IUU-listed vessels entry to ports, making port State measures significantly less effective. The measure in place requires that CPs observe IUU-listed vessels closely while in their ports so that landing of product and transshipment can be denied. This requires effective fisheries enforcement action and close coordination with enforcement authorities at port.
- Information crucial for identification purposes is lacking on IATTC's IUU vessel list, most notably IMO numbers. Without an IMO number it is impossible to track vessels after they change their names, flags and IRCS.
- IATTC expands the definition of an IUU-listed vessel of a NCP by stating that it is regarded as an IUU-listed vessel if it is "under the control of the owner of any vessel on the IATTC IUU vessel list" (*C-04-04*), therefore broadening the scope of IUU-vessel listings, which we consider to be a positive development.
- IATTC should require vessels authorised to fish in its convention area to have an IMO number.
- There is a lack of accountability of its CPs' implementation of port State measures due to the lack of performance review or evaluation of these measures. As a result, all port visits by IATTC's IUU-listed vessels were to CPs. Since we did not receive requested information on whether landing or transshipment was performed during those visits, we cannot assess the effective implementation of these CMMs. It is necessary for IATTC to set up transparent annual review processes to assess its CPs' compliance with port State measures, thereby increasing the accountability of CPs toward their port State obligations.
- In the immediate future, IATTC should recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one that is global and mutually accepted.
- IATTC should move to improve its port State measures in line with the PSMA. The PSMA should be regarded as the international minimum standard, which would permit the adoption of more stringent measures.
- IATTC should urge all its CPs to expeditiously sign and ratify the PSMA.

48

Contracting Parties (CPs):

Albania; Algeria; Angola; Barbados; Belize; Brazil; Canada; Cape Verde; China; Côte d'Ivoire; Croatia; Egypt; Equatorial Guinea; European Union; France (Saint Pierre and Miquelon); Gabon; Ghana; Guatemala; Guinea; Honduras; Iceland; Japan; Libya; Mauritania; Mexico; Morocco; Namibia; Nicaragua; Nigeria; Norway; Panama; Philippines; Republic of Korea; Russia; Saint Vincent and the Grenadines; São Tomé and Príncipe; Senegal; Sierra Leone; South Africa; Syria; Trinidad and Tobago; Tunisia; Turkey; United Kingdom (overseas territories); United States; Uruguay; Vanuatu; Venezuela.

3

Cooperating NCP, Entity or Fishing Entity to ICCAT:

Chinese Taipei; Guyana; Netherlands Antilles.

27

IUU-listed vessels during research period

4,652

Authorised vessels

BACKGROUND

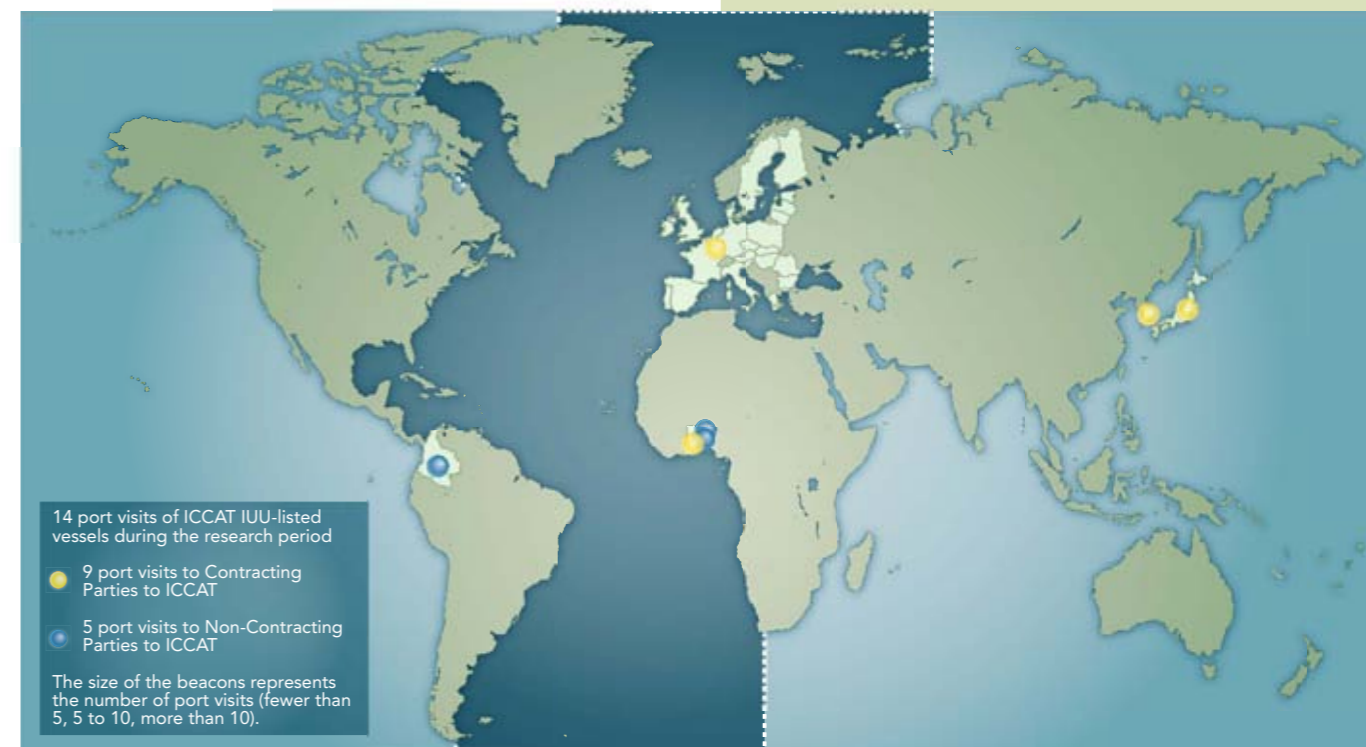
The International Convention for the Conservation of Atlantic Tunas was signed in 1966 and entered into force in 1969. The International Commission for the Conservation of Atlantic Tunas (ICCAT) was created at the same time, with responsibility for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas, including the Mediterranean.

IUU LISTINGS

From June 2004 until the end of the research period, ICCAT listed a total of 27 IUU vessels.

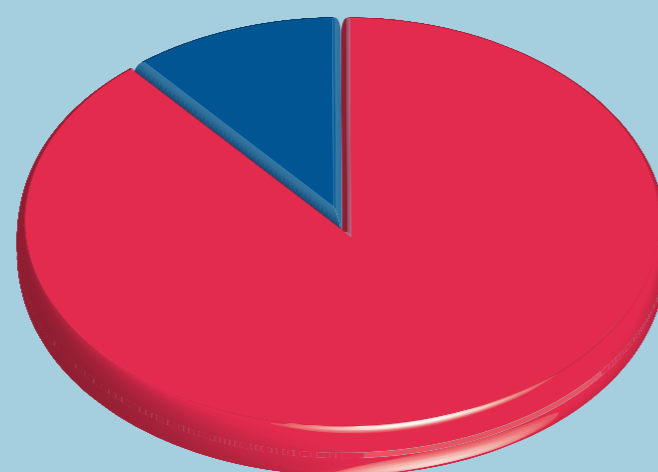
PORT STATE MEASURES

Landing and transshipment of fish products by NCP IUU-listed vessels was not allowed after 4 June 2003 (*Resolution 02-23*) and by CP IUU-listed vessels after June 2007. Access of NCP, Cooperating NCP and CP IUU-listed vessels to its CPs' ports was prohibited after 13 June 2007 (*Resolution 06-12*).



Total number of port visits to Contracting Parties: 9

PERCENTAGE OF PORT VISITS



89%	0%	0%	11%
Violation	Potential violation	Port State action	Non-violation

RESULTS OF THE RESEARCH

Only one of the 27 vessels on ICCAT's IUU vessel list was recorded with an IMO number. This makes the list far less effective for ports wishing to positively identify IUU-listed vessels. However, our research was able to find a further 13 IMO numbers for ICCAT IUU-listed vessels that had not been documented with IMO numbers on the IUU vessel list. The overall result is that the visibility of ICCAT IUU-listed vessels was low. Vessel movements could be documented for only five of the 27 vessels.

Nine port visits of the five ICCAT-listed vessels showing vessel movements were recorded in four CPs (including the EU, with two Member States). Of these nine port visits, eight were considered violations of ICCAT's CMMs, and one was considered a non-violation for the reason of *force majeure*. Another five port visits were to three NCPs of ICCAT. The low visibility of ICCAT IUU-listed vessels did not allow us to calculate the percentage of port visits to NCPs.

4 See Report of the 6th Meeting of the Working Group on Integrated Monitoring Measures, Madrid, Spain – February 22-23, 2010, section 5, and Annex 3, available at www.iccat.int/en/meetingscurrent.htm

ASSESSMENT

- ICCAT has a clear CMM in place requiring its CPs to refuse entry into port to IUU-listed vessels.
- ICCAT has a good system for displaying IUU-listed vessels on its website, with detailed vessel sheets for each. However, crucial information for identification is lacking for most of the vessels, most notably IMO numbers. Without such a number it is impossible to track vessels once they have changed their names, flags and IRCS.
- ICCAT should require vessels authorised to fish in its convention area to have an IMO number.
- There is a lack of accountability of its CPs' implementation of port State measures due to the fact that there is no performance review or evaluation of these measures. ICCAT should set up transparent annual review processes to assess its CPs' compliance against port State measures, increasing the accountability of CPs towards their port State obligations.
- In the immediate future, ICCAT should recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted list.
- ICCAT is currently reviewing its CMMs to bring them in line with the requirements of the PSMA, and a proposal from the European Union for a Recommendation on Port State Measures based on the PSMA will be considered for adoption at the ICCAT annual meeting in November 2010⁴.
- Additionally, ICCAT should urge all its CPs to expeditiously sign and ratify the PSMA.

28

Contracting Parties (CPs):

Australia; Belize; China; Comoros; Eritrea; European Union; France; Guinea; India; Indonesia; Iran; Japan; Kenya; Madagascar; Malaysia; Mauritius; Oman; Pakistan; Philippines; Republic of Korea; Seychelles; Sierra Leone; Sri Lanka; Sudan; Tanzania; Thailand; United Kingdom; Vanuatu.

3

Cooperating NCPs:

Senegal; South Africa; Uruguay.

14

IUU-listed vessels during research period

3,439

Authorised vessels

BACKGROUND

The Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC), approved by the FAO Council in November 1993, entered into force on 27 March 1996. IOTC is mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. Its objectives are to ensure the conservation and optimum utilisation of stocks and to encourage the sustainable development of fisheries based on such stocks.

IUU LISTINGS

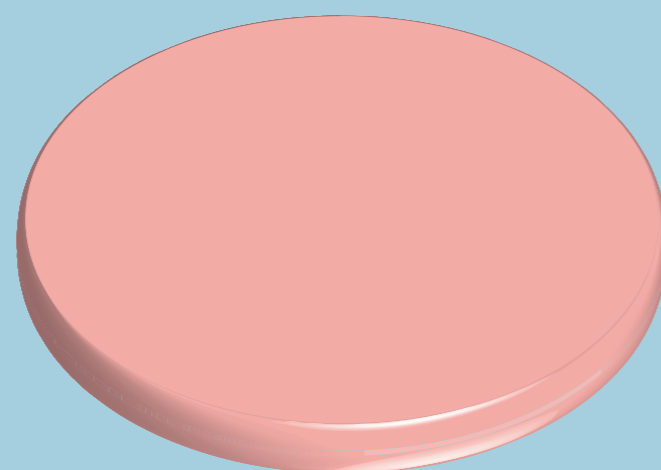
As a result of implementing the IUU-vessel listing procedure in April 2003, IOTC listed a total of 14 vessels during the research period.

PORT STATE MEASURES

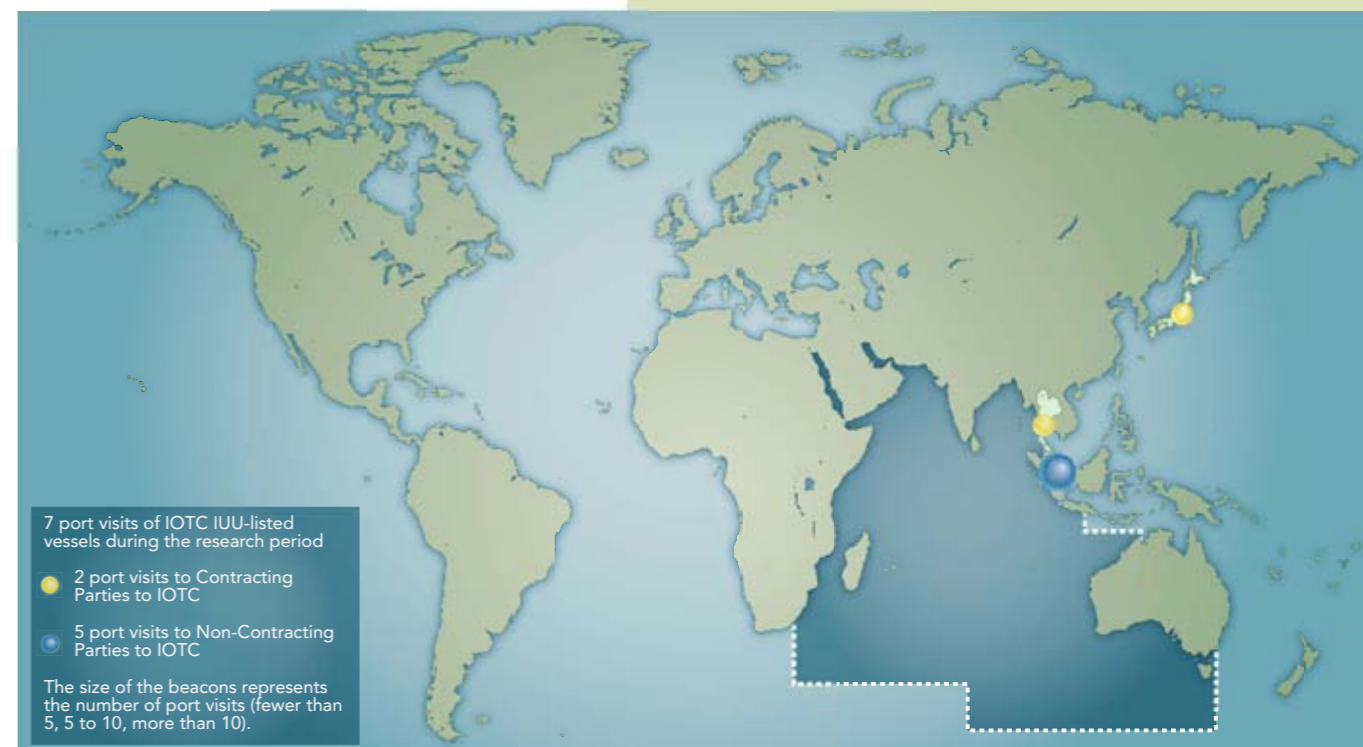
IOTC prohibited the landing and transshipment of fish products from NCP IUU-listed vessels after 6 April 2003 (*Resolution 02/04*) and from both CP and NCP IUU-listed vessels from August 2009. IOTC have not allowed the provision of some port services (refueling and resupply) to these vessels since 28 November 2008 (*Resolution 06/01*, superseded by *Resolution 09/03 of April 2009*).

Total number of port visits to Contracting Parties: 2

PERCENTAGE OF PORT VISITS



0% Violation 100% Potential violation 0% Port State action 0% Non-violation



RESULTS OF THE RESEARCH

Of the 14 vessels on the IOTC's IUU vessel list, nine were recorded with their IMO number. Movements could be documented for only five of the nine vessels.

Of the seven port visits by these five IOTC IUU-listed vessels, two were recorded in two CPs. These two port visits were considered potential violations of IOTC's CMMs. The other five port visits were to one NCP of IOTC.

ASSESSMENT

- IOTC does not require its CPs to refuse IUU-listed vessels entry to port, making port State measures less effective. The measure in place requires that CPs observe IUU-listed vessels closely while in their ports so that landing of product, transshipment and the provision of port services can be denied. This requires effective fisheries enforcement action and close coordination with port and related authorities.
- The IOTC maintains a good IUU vessel list that includes IMO numbers for all the vessels that have one, this being crucial for identifying vessels and tracking their movements. However, the IUU vessel list could be updated more frequently with flag and name changes and could contain more information on the vessels (e.g. ownership and ownership history).
- IOTC should require vessels authorised to fish in its convention area to have an IMO number.
- There is a lack of accountability of its CPs' implementation of port State measures because no performance review or evaluation of these measures exists. IOTC should set up transparent annual review processes to assess its CPs' compliance against port State measures, increasing the accountability of CPs towards their port State obligations.
- In the immediate future, IOTC should recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted list.
- IOTC revised its port State measures/CMMs in March 2010 through the approval of a new Resolution that adopts a new set of port State measures consistent with the PSMA⁵.
- IOTC should urge all its CPs to expeditiously sign and ratify the PSMA.

⁵ Resolution 10/11, on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, available at <http://www.iotc.org/English/index.php>.

12

Contracting Parties (CPs):

Canada; Cuba; Denmark (Faroe Islands and Greenland); European Union; France (Saint Pierre and Miquelon); Iceland; Japan; Norway; Republic of Korea; Russia; Ukraine; United States.

26

IUU-listed vessels during research period

Authorised vessels:

no publicly available information

BACKGROUND

The Northwest Atlantic Fisheries Organisation (NAFO) was established under the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, which was signed on 24 October 1978 and entered into force on 1 January 1979. NAFO's overall objective is to contribute to the optimum utilisation, rational management and conservation of the fishery resources of its convention area.

IUU LISTINGS

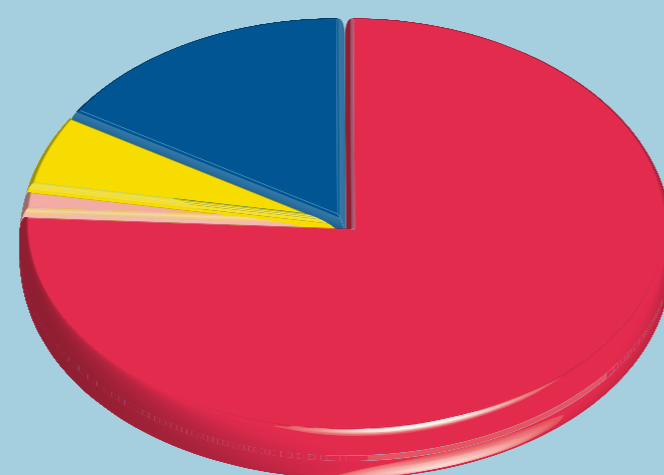
As a result of implementing the IUU-vessel listing procedure in December 2006, NAFO listed a total of 26 IUU vessels during the research period. These 26 IUU vessels are also listed by NEAFC as the two RFMOs have adopted procedures that enable them to list all vessels on both lists.

PORT STATE MEASURES

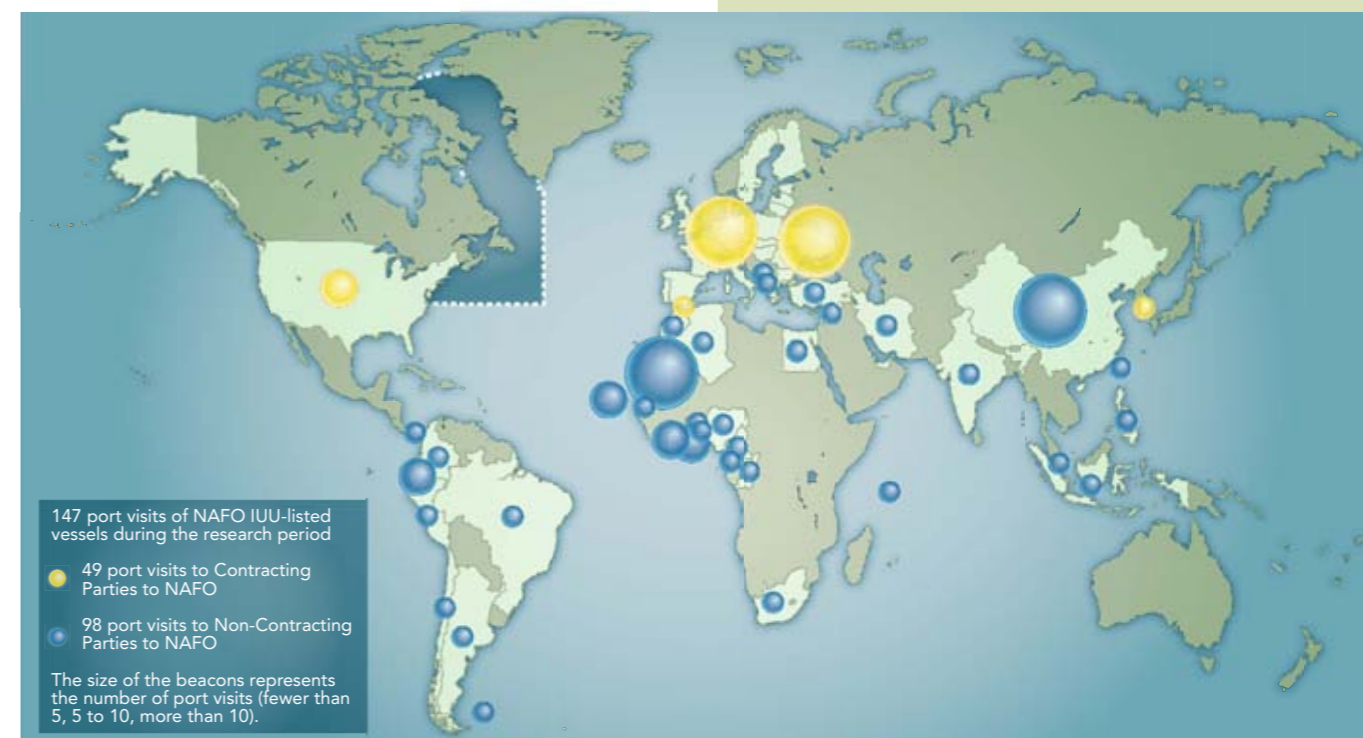
After December 2005 NAFO prohibited NCP IUU-listed vessels from landing and transshipping fish products and receiving port services in CP ports (CEM 2006, Article 48). Since December 2006, NAFO requires denial of port entry to NCP IUU-listed vessels (CEM 2007, Article 50).

Total number of port visits to Contracting Parties: 49

PERCENTAGE OF PORT VISITS



76% Violation
2% Potential violation
6% Port State action
16% Non-violation



RESULTS OF THE RESEARCH

All 26 vessels on NAFO's IUU vessel list are recorded with their IMO numbers, however, vessel movements could be documented for only 14 of them. NAFO shares an IUU vessel list with NEAFC but adopted it in December 2006, considerably later than NEAFC. By the time NAFO adopted NEAFC's list, some of the vessels were already subject to port State actions and were not showing any movements. This partly explains the lower number of documented port visits by NAFO IUU-listed vessels compared to NEAFC.

Since 4 December 2006, 147 port visits of NAFO IUU-listed vessels have been recorded. Of these, 49 were made in four NAFO CPs, including the European Union with six of its Member States. Of these 49 port visits, 38 were considered violations or potential violations and eight were considered non-violations. Three port visits were followed by port State actions. Another 98 port visits were to 35 NCPs of NAFO.

Consequently, two-thirds of the port visits of NAFO IUU-listed vessels from December 2006 to December 2009 were to NCP ports, which are not obliged to implement NAFO's Conservation and Enforcement Measures (CEMs).

ASSESSMENT

- NAFO has clear CEMs in place that require its CPs to deny entry into their ports to NCP IUU-listed vessels. NAFO should consider broadening its IUU vessel list to include CP vessels; this would widen the scope of its port State measures.
- The online NAFO IUU vessel list contains IMO numbers for all vessels, which is crucial in identifying vessels and tracking their movements. The quality of the NAFO IUU vessel list is relatively high, but it should be updated more frequently with flag and name changes and could contain more information on the vessels (e.g. ownership and ownership history).
- NAFO should require vessels authorised to fish in its convention area to have an IMO number.
- There is a lack of accountability of its CPs' implementation of port State measures due to a lack of performance review or evaluation of these measures. NAFO should set up transparent annual review processes to assess its CPs' compliance against port State measures, increasing the accountability of CPs towards their port State obligations.
- NAFO and NEAFC mutually recognise each other's IUU vessel lists. NAFO should further recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted IUU vessel list.
- NAFO should move to improve port State measures in line with the PSMA. The PSMA should be regarded as the international minimum standard, which would permit the adoption of more stringent measures.
- NAFO should urge all its CPs to expeditiously sign and ratify the PSMA.

5

Contracting Parties (CPs):

Denmark (Faroe Islands and Greenland); European Union; Iceland; Norway; Russia.

5

Cooperating NCPs:

Belize; Canada; Cook Islands; Japan; New Zealand.

27

IUU-listed vessels during research period

Authorised vessels:

no publicly available information.

BACKGROUND

The Convention on Future Multilateral Cooperation in North East Atlantic Fisheries, which entered into force in November 1982, established the North East Atlantic Fisheries Commission (NEAFC) with the aim of promoting the rational exploitation of fisheries in the NEAFC area.

IUU LISTINGS

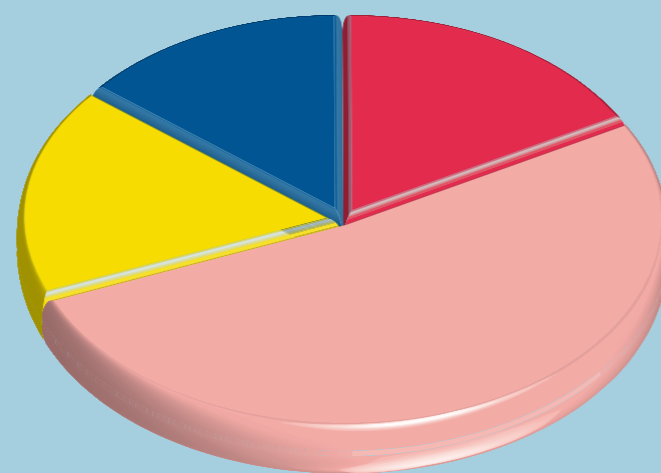
NEAFC started the IUU listing procedure for vessels of NCPs in January 2004, distinguishing between the IUU-vessel A-List (provisional) and B-List (definitive). As a result of implementing the IUU-vessel listing procedure, NEAFC listed a total of 27 IUU vessels during the research period.

PORT STATE MEASURES

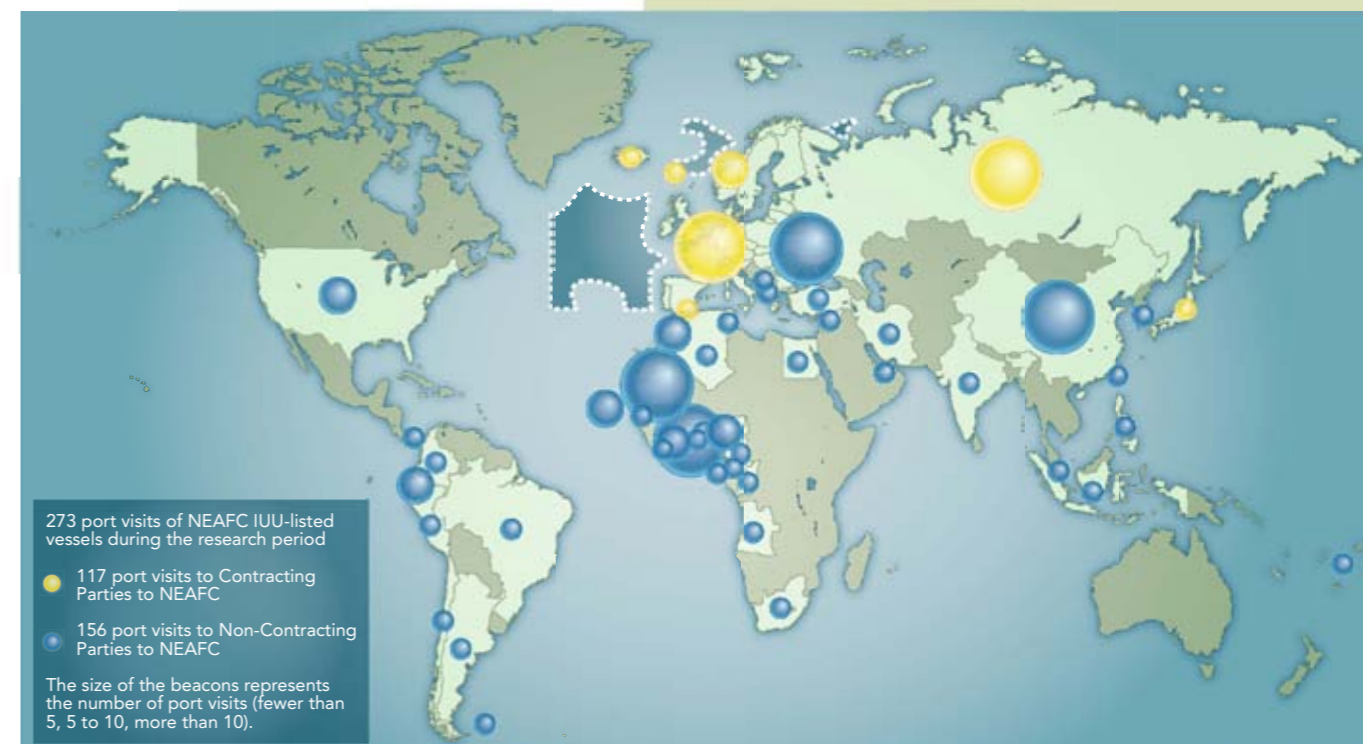
NEAFC CMMs have prohibited IUU-listed vessels of NCPs from entering ports since 1 May 2007 (*Scheme, Article 45*), while the landing and transshipment of products and the provision of port services to IUU-listed vessels has not been allowed since 8 January 2004.

Total number of port visits to Contracting Parties: 117

PERCENTAGE OF PORT VISITS



17% Violation
52% Potential violation
17% Port State action
14% Non-violation



RESULTS OF THE RESEARCH

All 27 vessels on NEAFC's IUU vessel list were recorded with their IMO numbers. This is one of the reasons for the high visibility of NEAFC's IUU-listed vessels. Movements could be documented for 23 of the 27 vessels. Two more factors may also have contributed to the high visibility: NEAFC's IUU-listed vessels have operated primarily in ports with relatively good coverage by online vessel movement services; and NEAFC has listed many reefers (refrigerated transport vessels), which our study found enter ports more frequently than fishing vessels.

Almost two-thirds of the port visits were made by vessels on NEAFC's IUU vessel list, with 273 of 425 recorded port visits. Of the 273 port visits, 117 were recorded in six CPs of NEAFC, including the European Union with 14 of its Member States. Of the 117 port visits, 81 were considered violations or potential violations of NEAFC's CMMs and 16 were considered non-violations. Twenty port visits were followed by port State actions. Another 156 port visits were to 43 NCPs of NEAFC.

Consequently, 57 percent of the port visits of NEAFC IUU-listed vessels from 2004 to 2009 were to ports in NCPs of NEAFC, which are not obliged to implement NEAFC's CMMs. Analysis of vessel movements after the introduction of the CMM requiring CPs to deny port access to NEAFC IUU-listed vessels from 1 May 2007, showed a reduction in vessel movements to CP ports. The percentage of port visits to NCPs almost doubled, from 42 to 80 percent.

ASSESSMENT

- NEAFC has a clear CMM in place which requires that its CPs ban NCP vessels on the IUU B-list from entering their ports. NEAFC should consider broadening its IUU vessel list to CP vessels, which would widen the scope of its port State measures.
- The online NEAFC IUU vessel list contains IMO numbers for most vessels, which is crucial in identifying vessels and tracking their movements. Compared with other RFMOs, NEAFC's IUU vessel list is of high quality, but it could be updated more frequently with flag and name changes and could contain more information on the vessels (e.g. ownership and ownership history).
- NEAFC should also require vessels authorised to fish in its Regulatory Area to have an IMO number.
- NEAFC listing of reefers (refrigerated transport vessels) has clearly discouraged IUU fishing in the Regulatory Area.
- NEAFC and NAFO mutually recognise each other's IUU vessel lists, thus covering the whole of North Atlantic and extending the effect of the IUU vessel list to more distant NAFO CPs such as Republic of Korea, Japan and Ukraine. NEAFC should further recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted list.
- The NEAFC secretariat has actively participated in the tracking of IUU-listed vessels and the organisation of sanctions. This has successfully encouraged NCPs to take port State action.
- NEAFC has not reviewed the compliance of its CPs in relation to port State measures. NEAFC should ideally set up transparent annual review processes to assess its CPs' compliance against port State measures, increasing the accountability of CPs towards their port State obligations.
- NEAFC should move to improve port State measures in line with the PSMA. The PSMA should be regarded as the international minimum standard, which would permit the adoption of more stringent measures.
- NEAFC should urge all its CPs to expeditiously sign and ratify the PSMA.

6

Contracting Parties (CPs):
Angola; European Union; Japan;
Namibia; Norway; South Africa.

54

**IUU-listed vessels (adopted from
NAFO, NEAFC and CCAMLR)**

34

Authorised vessels

BACKGROUND

The Convention on the Conservation and Management of Fisheries Resources in the South East Atlantic Ocean was signed in 2001 and entered into force in April 2003. The Convention established the South East Atlantic Fisheries Organisation (SEAFO) with the objective of ensuring the long-term conservation and sustainable use of the fishery resources in the convention area.

IUU LISTINGS

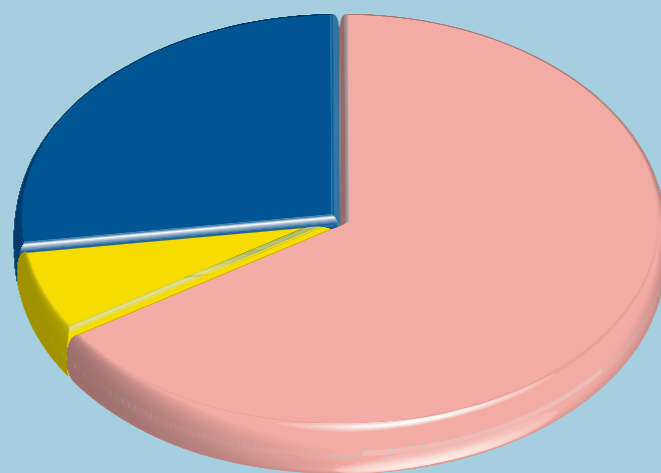
SEAFO established its own IUU-vessel listing procedure in December 2007. However, in practice, SEAFO has not included any vessels of its own on this list; rather, it adopts the IUU vessel lists from NAFO, NEAFC and CCAMLR. There are 54 IUU vessels on the SEAFO list during the research period.

PORT STATE MEASURES

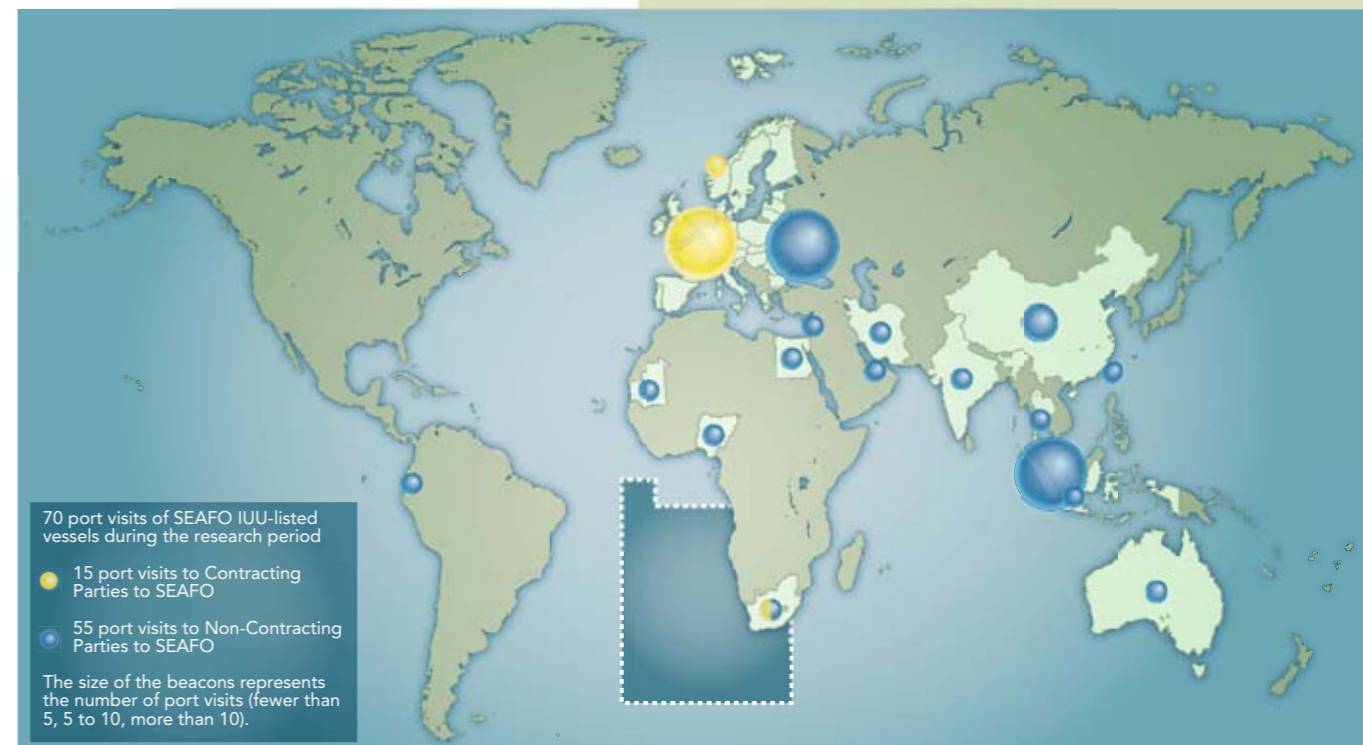
Landing and transshipment of products and the provision of some port services (refueling and resupply) to IUU-listed vessels was not allowed after December 2007 (CM 08/06).

Total number of port visits to Contracting Parties: 15

PERCENTAGE OF PORT VISITS



0% Violation 66% Potential violation 7% Port State action 27% Non-violation



RESULTS OF THE RESEARCH

SEAFO recognised the NEAFC/NAFO and the CCAMLR IUU vessel lists in December 2007 and has included 54 IUU vessels on its list. Of the 54 vessels, 53 have been listed with IMO numbers and 20 were recorded with port visits, which is a result of adopting lists from other RFMOs.

Since December 2007, 70 port visits by SEAFO IUU-listed vessels have been recorded. Of these, 15 were made in the ports of three CPs, including the European Union with 12 port visits to four of its Member States. Of these 15 port visits, 10 were considered to be potential violations and four non-violations. One port visit was followed by a port State action. Another 55 port visits were to 16 NCPs of SEAFO, including two visits to South Africa before it joined SEAFO. Consequently, almost 80 percent of the port visits of SEAFO IUU-listed vessels were to ports in NCPs to SEAFO, which are not obliged to implement SEAFO's Conservation Measures (CMs).

ASSESSMENT

- SEAFO should introduce a CM requiring the denial of port entry in its CP ports for IUU-listed vessels. The measure that is currently in place requires that its CPs observe IUU-listed vessels closely while in their ports so that landing of product, transshipment and certain port services can be denied. This requires effective fisheries enforcement action and close coordination with port and other related authorities.
- SEAFO has adopted the IUU vessel lists of NEAFC, NAFO and CCAMLR – all RFMOs that keep high-quality IUU vessel lists. By adopting these lists, SEAFO is expanding the geographical reach of these RFMOs. SEAFO should further recognise other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted list.
- For identification purposes, SEAFO should frequently update the IUU vessel list with flag and name changes and should include more information on the vessels (e.g., ownership and ownership history).
- SEAFO also has legal provisions for the listing of vessels involved in IUU activities in the SEAFO convention area but has not done so. SEAFO should monitor IUU vessel activity within the convention area and start listing IUU vessels as soon as possible.
- SEAFO should require vessels authorised to fish in its convention area to have an IMO number.
- There is a lack of accountability of its CPs' implementation of port State measures because there is a lack of performance review or evaluation of these measures. SEAFO should set up transparent annual review processes to assess its CPs' compliance against port State measures, increasing the accountability of CPs toward their port State obligations.
- SEAFO should take steps to improve port State measures in line with the PSMA. The PSMA should be regarded as the international minimum standard, which would permit the adoption of more stringent measures.
- SEAFO should urge all its CPs to expeditiously sign and ratify the PSMA.

25

Contracting Parties (CPs):

Australia; Canada; China; Chinese Taipei; Cook Islands; European Union; Fiji; France; Japan; Kiribati; Marshall Islands; Micronesia; Nauru; New Zealand; Niue; Palau; Papua New Guinea; Philippines; Republic of Korea; Samoa; Solomon Islands; Tonga; Tuvalu; United States; Vanuatu.

7

Participating Territories:

American Samoa; French Polynesia; Guam; New Caledonia; Northern Mariana Islands; Tokelau; Wallis and Futuna.

7

Cooperating NCPs:

Belize; Ecuador; El Salvador; Indonesia; Mexico; Senegal; Vietnam.

3

IUU-listed vessels during research period

6,277

Authorised vessels



BACKGROUND

The Western and Central Pacific Fisheries Commission (WCPFC) was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which entered into force on 19 June 2004. The WCPFC aims to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean.

IUU LISTINGS

As a result of implementing the IUU-vessel listing procedure in February 2007, WCPFC listed three IUU vessels during the research period.

PORT STATE MEASURES

The landing and transshipment of fish products and the provision of port services to IUU-listed vessels were not allowed after February 2007 (*Resolution 06/09*).

RESULTS OF THE RESEARCH

Of the three vessels on WCPFC's IUU vessel list, two were listed with an IMO number and one was not. The low number of listed vessels does not allow any conclusions to be drawn about the visibility of WCPFC IUU-listed vessels. The two WCPFC IUU-listed vessels with IMO numbers accounted for 16 port visits to four NCPs of WCPFC. Four of these visits were made in Aruba, an overseas territory of the Netherlands. However, Aruba is not a part of the European Union and therefore is not a territory of a CP of WCPFC. All recorded port visits were therefore to States (or territories) not obliged to implement WCPFC's CMMs.

ASSESSMENT

- The WCPFC does not require its CPs to deny IUU-listed vessels entry to ports, which makes port State measures less effective. The measure in place requires that CPs observe IUU-listed vessels closely while in their ports, so that landing of product, transshipment and port services are denied.
- The WCPFC online IUU vessel list contains IMO numbers, which are crucial in identifying vessels and tracking their movements, for two out of the three vessels on it. Without an IMO number it is impossible to track vessels after they change their names, flags and IRCS.
- WCPFC should require vessels authorised to fish in its convention area to have an IMO number.
- With a total of 6,277 authorised fishing vessels in the WCPFC area, only three have been placed on WCPFC's IUU vessel list.
- WCPFC should consider recognising other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted list.
- There is a lack of accountability of its CPs' implementation of port State measures because there is no performance review or evaluation of these measures. WCPFC should set up transparent annual review processes to assess its CPs' compliance with port State measures, increasing the accountability of CPs towards their port State obligations.
- WCPFC is considering improving its port State measures to conform to the PSMA. At its next meeting in December 2010, the WCPFC shall reconsider a proposal for port State measures based on the PSMA⁶.
- WCPFC should encourage all its CPs to expeditiously sign and ratify the PSMA.

⁶ See the EU Proposal for a Conservation and Management Measure on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, WCPFC6-2009/DP19, 6 December 2009, available at www.wcpfc.int/doc/wcpfc6-2009dp19/eu-proposal-cmm-port-state-measures.

6. Conclusions

6.1 Poor Vessel Identification, Data Recording and Information Sharing

- National fisheries or enforcement authorities of most countries could not provide more information on vessel movements than is documented in the commercial databases; several countries did not even possess information on all the port visits that appeared in the Lloyd's MIU or Sea-web databases.
- Insufficient recording and sharing of vessel information, together with non-mandatory unique identifiers for fishing vessels, hinder the effective implementation of port State measures.

Our research shows that more IUU-listed vessels could have been tracked if RFMOs had provided IMO numbers on their IUU vessel lists. For 32 vessels we were able to assign IMO numbers that were not recorded in the RFMO IUU vessel lists although these vessels had one. At least these 32 vessels, representing 18 percent of all vessels on IUU vessel lists, could have been identified by national authorities and subjected to closer scrutiny and port State measures if listed with IMO numbers. Moreover, enforcement authorities⁷ themselves seldom record IMO numbers, instead using data that may change such as vessel name, IRCS or flag. We were unable to gather reliable information on the movements of the 73 vessels with no IMO number. It is likely to be as difficult for the relevant domestic authorities to identify these vessels as it was for us. Without IMO numbers, IUU vessel lists are rendered largely ineffective.

Although vessels solely engaged in fishing are not obliged to have an IMO number, many fishery support vessels (e.g. reefers) are. For this reason, the movement data used in our analyses is potentially biased toward reefers: While only a small number of reefers were tracked, these made more than one-half of the recorded port visits. The large proportion of visits by reefers, however, may be a true phenomenon of IUU fishing activities. Support vessels offer IUU fishing vessels a way to elude authorities by reducing the frequency with which a fishing vessel enters port – through transshipment of fish, refueling and resupplying, and the exchange of crew at sea. Accordingly, reefers involved in supporting IUU activities may indeed make more visits to port than IUU-listed fishing vessels. Nonetheless, it is poor record keeping of IMO numbers that prevents vessels from being correctly identified and sanctioned. This represents a significant, yet easy to solve, loophole in mitigation measures.

⁷ A general term we gave for the purpose of this report pertaining to the various domestic authorities with the responsibility to enforce port State measures and/or other shipping, customs and labour regulations, such as the Coast Guard in the USA or the Maritime Captainty (Capitanía Marítima) in Spain.

The combination of vessels being recorded on IUU vessel lists without an IMO number, ports failing to identify vessels with IMO numbers, and reliance on changeable vessel information to identify vessels and their movements, makes it easy for IUU listed vessels to evade identification when entering a port.

6.2 Inadequate Implementation of Conservation and Management Measures (CMMs) by Port States

- Non-compliance by port States with RFMOs' CMMs occurs globally.
- A lack of accountability of port States by RFMOs contributes to their CPs' non-compliance with CMMs.

Our research found poor compliance with RFMOs' CMMs by many port States across the globe. Almost three-quarters of the visits by IUU-listed vessels to ports of RFMO CPs were in violation or potential violation of the port State's obligations in relation to the RFMO's port State measures. Although authorities could have identified these vessels, our communications with port States revealed cases where officials were not aware of the port visits or fisheries and other relevant authorities failed to share such information. However, on no occasion were we informed of any attempts by port States to address these issues. At times, misinterpretation of port State measures also resulted in situations of non-compliance. It was evident that the denial of port access and port services to vessels on an IUU vessel list can be subject to broad interpretation by port States. Some States considered they had to deny access to any vessel on an IUU vessel list, while others indicated that such a denial is required only if the vessel, when requesting port access, is carrying fish or fisheries products that have been caught in contravention of CMMs. Ambiguity in CMMs and their misinterpretation by domestic authorities when incorporating them into national law can allow IUU-listed vessels to continue their activities instead of discouraging them from visiting ports.

Correspondence with RFMOs indicated that most of them did not have information on port visits (and denial of access) or on any subsequent enforcement actions. Most RFMOs did not routinely request or receive any information on visits by IUU-listed vessels to the ports of their CPs, nor did they consistently assess the compliance of their CPs with port State measures. Given that RFMOs are only as strong as the agreement and implementation of their CMMs by their member states, this lack of accountability by port States at the RFMO level weakens the organisation's own management systems put in place to combat IUU fishing.

Although obvious, it is worth mentioning that a country that is not a CP of an RFMO is not in any way obliged to enforce the RFMOs' CMMs. Accordingly, port access and services given to

Our research shows that more IUU-listed vessels could have been tracked if RFMOs had provided IMO numbers on their IUU vessel lists.



IUU-listed vessels in these countries are never in violation of regulations. Of the 71 port States with recorded visits by IUU-listed vessels during the research period, 12 were not Parties to any RFMO. Thus, these 12 coastal nations show a 'clean record' under our study, and IUU-listed vessels can visit their ports without risking sanctions. Singapore is such a country: 32 visits were made by IUU-listed vessels to the ports of Singapore, none of which could be considered a violation of CMMs because Singapore is not a Party to any RFMO. The lack of global application of port State measures provides a significant loophole for IUU operators to exploit (see 4.3).

6.3 Regional Focus of Port State Measures Leads to Implementation Gaps

- Unless port State measures are enforced globally and effectively, IUU operators have the option to move out of the area where their vessels are listed and where they face port State control.
- Mutual recognition of RFMO IUU vessel lists would contribute to preventing IUU-listed vessels from operating with impunity outside the convention areas that originally listed them.

The regional application of the port State measures currently in force allows IUU-listed vessels to simply move to other regions when measures are effectively enforced. Our data on NEAFC clearly demonstrated this phenomenon. After strengthening port State measures, the proportion of NEAFC's IUU-listed vessels visiting ports of States that are not Parties to NEAFC doubled. While this result indicated the desired impact of effective port State measures at RFMO level, it also illustrated that as long as port State measures remain regional, the problem will be shifted elsewhere.

Examples show that when RFMOs recognise each other's IUU vessel lists, however, regional shifts in IUU fishing activity are abated. The prolifically active refrigerated transport vessel *Polestar* was subject to port State actions. Morocco, which was not a NEAFC CP but recognised NEAFC's IUU vessel list, was among those States that took action against *Polestar*.

7. Recommendations

The conclusions from this Port State Performance research highlight that to improve the effectiveness of port State measures in combating IUU fishing three steps must be taken.

1. Initiate effective procedures for identification and tracking of fishing vessels.
2. Implement effective and timely port State CMMs by RFMO CPs.
3. Expand port State measures from a regional to a global level, including the provisional implementation of the U.N. FAO Port State Measures Agreement (PSMA) pending its entry into force.

These three objectives can be successfully achieved by improved cooperation and coordination among RFMOs, and by broad ratification and effective implementation of the PSMA by port States. National laws, resources to enforce port State measures, and centralised information-sharing must support these international initiatives.

7.1 Improvement of Vessel Identification and Tracking Procedures

Our research points to three key areas that require actions.

1. To improve the identification of vessels and deter efforts by owners and operators to disguise their vessels' identities, the number of fishing vessels operating on the high seas without a permanent unique vessel identifier must be significantly reduced.
 - a. States, individually or through RFMOs and other appropriate instruments, should create incentives for vessel owners to apply for IMO numbers, in particular and as a priority, for vessels authorised to fish in areas beyond the exclusive economic zone (EEZ) of the flag State concerned. For example, it should be necessary for all high seas operators (and possibly other operators) to have an IMO number for their vessels either when applying for a licence or as a condition of access to a market for their fish. There should also be a mandatory inspection of vessels that do not have an IMO number.
 - b. As already acknowledged by the FAO Committee on Fisheries, mandatory unique vessel identification for fishing vessels as well as transport vessels needs to be established as a matter of priority.
2. To improve tracking of vessels, RFMOs and domestic fisheries authorities must build their vessel identification and fishing authorisation on IMO numbers and agree on a range

of additional standardised information requirements. Annex A of the PSMA offers a useful basis for such standardisation.

3. Sharing and updating vessel information is essential to thwart IUU vessel owners' strategies to disguise their illegal operations.
 - a. A combined IUU vessel list (from all RFMOs) should be established, along with a system for maintaining and updating it, similar to the one generated for this research. A centralised updating service that provides RFMO secretariats and interested States with the most comprehensive and up-to-date information would improve the quality of IUU vessel lists and be far more efficient for identifying and tracking IUU-listed vessels. Such a system could be supplemented by RSS feeds from online databases.
 - b. RFMOs should ask their CPs to submit information to the RFMO secretariat on visits made by IUU-listed vessels to their ports and the measures taken by the port State (including the results of any inspections). This would allow RFMOs to regularly review the effectiveness of their port State measures and provide for RFMO IUU vessel lists to be updated in a timely manner. Such data should be shared with other RFMOs and interested States.
 - c. 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 on reports of inspection (Annex C). However, if the PSMA is to be truly effective, information-sharing mechanisms need to be significantly enhanced. A user-friendly format is necessary to ensure information is swiftly and broadly exchanged and easily accessible. Initiatives such as the FAO-endorsed Global Record of Fishing Vessels, which is currently under development, should be considered in the PSMA's implementation.

7.2 Effective and Timely Implementation of Port State Measures by Contracting Parties

RFMO CMMs need to be incorporated into national legislation to ensure that flag and port States can implement them effectively. Even in some developed countries, this process has proved difficult, leading to a substantial delay and discrepancies in the implementation of CMMs. Additionally, the current generation of port State measures suffers from coordination problems between fisheries and enforcement authorities. To avoid unnecessary delays in the implementation of the PSMA and future CMMs, port States should consider the following four measures.

IUU fishing is a hidden activity that benefits from loopholes in the current systems that were designed to mitigate it.

1. As CPs of the RFMOs, States should contribute to harmonising port State measures between RFMOs and the PSMA.
2. Launch an effort to prevent, deter and eliminate IUU fishing as a national priority, and integrate all relevant authorities and ministries in the development of strategies and measures, including port State measures, to combat IUU fishing.
3. Intensify inspection and enforcement measures.
4. Sign and ratify the PSMA and take measures to provisionally implement the PSMA before it enters into force.

7.3 Expanding Port State Control: From a Regional to a Global Approach

Many RFMOs are taking steps in the right direction by establishing or improving their port State measures schemes to meet the minimum standards of the PSMA. Nevertheless, IUU fishing can only be addressed if all coastal nations, including NCPs, make use of a global information-sharing system and intensify inspection and enforcement measures as a matter of priority.

To close the loopholes exploited by globally mobile high seas fishing fleets and their support vessels, port State measures must not focus on, or stop at, the regional level. This research again underlines the call for global action as formulated in the PSMA. The broad implementation of the PSMA will be important, and its effectiveness will be largely contingent on cooperation among RFMOs to combat IUU fishing. The harmonisation of port State measures in conformity with the minimum standards of the PSMA and the mutual acceptance of IUU vessel lists are long-overdue measures that could significantly reduce IUU fishing.

IUU fishing is a hidden activity that benefits from loopholes in the current systems that were designed to mitigate it. IUU operators are constantly adapting to changing enforcement and market initiatives and devising strategies that eventually diminish these initiatives. Only a combination of enhanced political will, the swift adoption of new measures, effective global cooperation and a vast improvement in information-sharing will enable authorities around the world to cope with this challenge. What is clear from this research is that this combination of elements is a crucial part of the global toolkit to effectively combat and deter IUU fishing and help to ensure sustainable fisheries and healthy marine ecosystems across the world's oceans, for the future.



ROGER TIDMAN/FILPA

8. References

Agnew, D.J., Pearce, J., Pramod, G., Peatman, T., Watson, R., Beddington, J.R. and Pitcher, T.J. (2009) "Estimating the Worldwide Extent of Illegal Fishing." *PLoS ONE* 4: e4570.

Delgado, C.L., Wada, N.S., Rosegrant, M.W., Meijer, S. and Ahmed, M. (2003) *Outlook for fish to 2010: Meeting Global Demand*. International Food Policy Research Institute.

Erceg, D. (2006) "Deterring IUU fishing through state control over nationals." *Marine Policy* 30: 173–179.

FAO (1993) *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas*. Rome.

FAO (2001) *International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome, p. 24.

FAO (2007) *Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing*. Rome.

FAO (2009) *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome.

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.

Gianni, M. and Simpson, W. (2005) *The Changing Nature of High Seas Fishing: How Flags of Convenience Provide Cover for Illegal, Unreported and Unregulated Fishing*. Australian Department of Agriculture, Fisheries and Forestry, International Transport Workers' Federation and WWF International.

High Seas Task Force (2006) *Closing the net: Stopping Illegal Fishing on the High Seas*. Governments of Australia, Canada, Chile, Namibia, New Zealand and the United Kingdom, WWF, International Union for Conservation of Nature and the Earth Institute at Columbia University.

Hilborn, R., Branch, T.A., Ernst, B., Magnusson, A., Minte-Vera, C.V., Scheuerell, M.D. and Valero, J.L. (2003) "State of the world's fisheries." *Annual Review of Environment and Resources* 28: 359–399.

Pauly, D., Alder, J., Bennett, E., Christensen, V., Tyedmers, P. and Watson, R. (2003) "The future for fisheries." *Science* 302: 1359–1361.

Pauly, D., Watson, R. and Alder, J. (2005) "Global trends in world fisheries: impacts on marine ecosystems and food security." *Philosophical Transactions of the Royal Society B-Biological Sciences* 360: 5–12.

Sumaila, U.R., Alder, J. and Keith, H. (2006) "Global scope and economics of illegal fishing." *Marine Policy* 30: 696–703.

U.N. Convention on the Law of the Sea (10 December 1982) Part XII, Section 6: Enforcement, Article 217 Enforcement by Flag States. .

U.N. General Assembly (1995) *Agreement for the Implementation of the Provisions 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*.

Watson, R. and Pauly, D. (2001) "Systematic distortions in world fisheries catch trends". *Nature* 414: 534–536.

Worm, B., Barbier, E.B., Beaumont, N., Duffy, J.E., Folke, C., Halpern, B.S., Jackson, J.B.C., Lotze, H.K., Micheli, F., Palumbi, S.R., Sala, E., Selkoe, K.A., Stachowicz, J.J. and Watson, R. (2006) "Impacts of biodiversity loss on ocean ecosystem services." *Science* 314: 787–790.

Worm, B., Hilborn, R., Baum, J.K., Branch, T.A., Collie, J.S., Costello, C., Fogarty, M.J., Fulton, E.A., Hutchings, J.A., Jennings, S., Jensen, O.P., Lotze, H.K., Mace, P.M., McClanahan, T.R., Minto, C., Palumbi, S.R., Parma, A.M., Ricard, D., Rosenberg, A.A., Watson, R. and Zeller, D. (2009) "Rebuilding Global Fisheries." *Science* 325: 578–585.

Zeller, D. and Pauly, D. (2005) "Good news, bad news: Global fisheries discards are declining, but so are total catches." *Fish and Fisheries* 6: 156–159.

9. Acronyms

AIS	Automatic Identification System
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CEM	Conservation and enforcement measure
CM	Conservation measure
CMM	Conservation and management measure
COFI	The Committee on Fisheries of the FAO
CP	Contracting Party
EEZ	Exclusive Economic Zone
FAO	The Food and Agriculture Organization of the United Nations
FOC	Flag of convenience
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IMO	International Maritime Organisation
IOTC	Indian Ocean Tuna Commission
IRCS	International radio call sign
IUU	Illegal, unreported and unregulated fishing
LRF	Lloyd's Register – Fairplay
MCS	Monitoring, control and surveillance
NAFO	Northwest Atlantic Fisheries Organisation
NCP	Non-Contracting Party
NEAFC	North East Atlantic Fisheries Commission
NGO	Non-governmental Organisation
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFMO	Regional Fisheries Management Organisation
SEAFO	South East Atlantic Fisheries Organisation
TAC	Total allowable catch
UNCLOS	U.N. Convention on the Law of the Sea
VMS	Vessel-monitoring systems
WCPFC	Western and Central Pacific Fisheries Commission

10. Glossary

Canal passage

A recorded movement through a canal by a vessel on the combined IUU vessel list.

Combined IUU vessel list

A compilation of data on IUU vessels listed by RFMOs.

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

Regional Fisheries Management Organisation (RFMO) managing the marine living resources in waters surrounding Antarctica.

Compliance Agreement

1993 FAO Agreement to Promote Compliance With International Conservation and Management Measures by Fishing Vessels on the High Seas.

Conservation and management measure (CMM)

Conservation and Management Measure adopted by an RFMO. Some RFMOs also call them conservation measure (CM) or conservation and enforcement measure (CEM).

Contracting Party (CP)

A country that has signed, or otherwise agrees to abide by the terms of, an international agreement.

Cooperating Non-Member (CNM)

Cooperating Non-Member – includes Cooperating Non-Parties, Cooperating Non-Contracting Parties and Cooperating Fishing Entities.

Entry into force

The point at which an international agreement becomes binding.

Exclusive economic zone (EEZ)

A zone under national jurisdiction (up to 200 nautical miles wide) declared in line with provisions of the 1982 U.N. Convention of the Law of the Sea, within which the coastal State has the right to explore and exploit, and the responsibility to conserve and manage living and non-living resources.

FAO Model Scheme on Port State Measures

The Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing – endorsed by COFI in 2005.

Fish stocks

Describes target or byproduct species at the most general level. In managing fisheries, we seek to manage the take of fish stocks to ensure that there is a balance between the long-term sustainability of the stock and the amount taken by fishers over a given period, such as a fishing year.

Fishing vessel

A vessel used to catch fish.

Fishing-support vessels

A vessel which supports fishing activities, the term includes fish carriers, bunker vessels, motherships and net boats.

Flag of convenience (FOC)

Also known as Flag of Non Compliance. Pertains to cases in which a vessel is registered in a State other than its country of beneficial ownership. This could be for reasons of cost or convenience and possibly, in the case of fishing vessels, for lower-level management and enforcement of domestic and international arrangements.

Flag or flag State

The State where a vessel is registered and flagged.

Foreign fishing vessel

Any fishing vessel other than a vessel of the coastal State.

High seas

Areas of ocean beyond national jurisdictions, up to 200 miles wide.

Highly migratory species

Marine species whose life cycle includes lengthy migrations, usually through the EEZs of two or more countries as well as the high seas. This term usually denotes tuna and tuna-like species, marlins and swordfish.

Illegal, unreported and unregulated fishing (IUU)

Fishing undertaken in national waters and the high seas that is contrary to management and reporting arrangements where they are in place, or fishing that is undertaken where no arrangements exist, with little or no regard for the sustainability of fish stocks.

IMO number

A unique identification number allocated by the IMO to all merchant vessels over 100 gross tons and more than 20,000 fishing vessels; it cannot be changed during the lifetime of a vessel. (See International Maritime Organisation.)

Indian Ocean Tuna Commission (IOTC)

Regional Fisheries Management Organisation (RFMO) that manages tuna and tuna-like species in the Indian Ocean and adjacent seas.

Inter-American Tropical Tuna Commission (IATTC)

Regional Fisheries Management Organisation (RFMO) responsible for the conservation and management of fisheries for tuna and other species taken by tuna-fishing vessels in the eastern Pacific Ocean.

International Commission for the Conservation of Atlantic Tunas (ICCAT)

Regional Fisheries Management Organisation (RFMO) responsible for the conservation of tuna and tuna-like species in the Atlantic Ocean and its adjacent seas, including the Mediterranean.

International Maritime Organisation (IMO)

A specialised agency of the United Nations. Its objective is to develop and maintain a comprehensive regulatory framework for shipping; its remit today includes safety, environmental concerns, legal matters, technical cooperation, maritime security and the efficiency of shipping. It has a limited role with respect to fishing vessels.

International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU)

Voluntary instrument developed by the FAO within the framework of the Code of Conduct for Responsible Fisheries

International radio call sign (IRCS)

Issued by the flag State to a vessel.

Landing

To unload fish (products) from a vessel onto the land. First entry point of fish (products) into market/trade.

Lloyd's Register – Fairplay (LRF)

LRF manages the IMO ship identification numbering scheme on behalf of the IMO and maintains details of ships on order and under construction, the current trading fleet and ships that are in casualty, lost or broken up. It also provides online information services for the shipping industry, including Sea-web. Also known as IHS – Fairplay since June 2009.

Lloyd's Marine Intelligence Unit (MIU)

An online provider of global maritime information, with detailed and up-to-date data on the movement and ownership of some 120,000 vessels. Also known as Sea-searcher.

Member

Member or Contracting Party of an RFMO, including a Member of an Extended Commission (where applicable).

Merchant vessel

A commercial vessel used to transport goods.

Monitoring, control and surveillance (MCS)

Defined by the FAO as activities undertaken by the fishery enforcement system to ensure compliance with fishery regulations

Movement

The recorded movement of a vessel on the combined IUU vessel list in visiting a port or passing through a canal or strait.

Non-governmental Organisation (NGO)

Any organisation that is not a part of federal, provincial, territorial or municipal government. Usually refers to non-profit organisations involved in a range of activities.

North East Atlantic Fisheries Commission (NEAFC)

Regional Fisheries Management Organisation (RFMO) that manages demersal fisheries (species that live on the seabed) in the northeast Atlantic.

Northwest Atlantic Fisheries Organisation (NAFO)

Regional Fisheries Management Organisation (RFMO) that manages fish stocks that are outside Canada's 200-mile limit, straddle the line or are of mainly foreign interest.

Online databases

Those consulted in this study: Lloyd's MIU, Sea-web and shipspotting.com.

Port State

A State with ports that may allow access to foreign vessels.

Port State measures

Requirements established or interventions undertaken by port States with which a foreign fishing vessel must comply. Among these are measures against IUU-listed vessels such as denial of entry into port, denial of transshipment and/or landing, and denial of provision of port services, which we have focused on in this study.

Port State Measures Agreement (PSMA)

The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; was negotiated during 2008 and 2009 under the auspices of the FAO, and was adopted by the FAO Conference in November 2009.

Port visit

A visit by a vessel to a port, including a foreign fishing vessel or a merchant vessel flagged to another country.

Ratification

The act by a country/State to make an international agreement official, being the next step after the signature.

Reefer

A vessel used to transport perishable commodities that require temperature control, such as fruit, meat, fish, vegetables and dairy products.

Refrigerated cargo vessel

Similar to a reefer but may also include refrigerated container vessels designed to carry containerised loads in which each container is a refrigerated unit.

Regional Fisheries Management Organisation (RFMO)

Inter-governmental organisation that coordinates efforts to manage fisheries in a particular region.

Sea-web

Online database that provides comprehensive global port visit data, including real-time reports from 165 countries, as well as coverage of ship and ownership details. Part of Lloyd's Register – Fairplay.

shipspotting.com

Online database that contains the world's largest ship photo library, with some 700,000 images submitted by members. Images of vessels include the date and place the image was taken, as well as who submitted the image.

South East Atlantic Fisheries Organisation (SEAFO)

Regional Fisheries Management Organisation (RFMO) that oversees the management of fisheries in the southeast Atlantic.

Strait passage

A recorded movement through a strait by a vessel on the combined IUU vessel list.

Study/research period

The period covered by this study was 1 January 2004 to 31 December 2009.

The Committee on Fisheries (COFI)

The Committee is an inter-governmental forum (U.N. body) of member governments and other organisations where major international fisheries and aquaculture problems and issues are examined and recommendations developed to address these issues.

The Food and Agriculture Organisation of the United Nations (FAO)

This organisation leads international efforts to defeat hunger. Serving developed and developing countries, the FAO acts as a neutral forum in which nations meet as equals to negotiate agreements and debate policy. The FAO is also a source of knowledge and information.

Transshipment

The transfer from one vessel to another of fish products, whether at sea or in port. A transshipment point is where fishery products are brought together for onward shipment.

U.N. Convention on the Law of the Sea (UNCLOS)

International agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III). The Law of the Sea Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment and the management of marine natural resources. Adopted in 1982, came into effect in 1994.

U.N. Fish Stock Agreement (UNFSA)

The Agreement for the Implementation of the Provisions 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.

U.N. General Assembly (UNGA)

One of the five principle organs of the United Nations.

Vessel journey

Information on the movement of a vessel on the combined IUU vessel list.

Western and Central Pacific Fisheries Commission (WCPFC)

Regional Fisheries Management Organisation (RFMO) that oversees management of fisheries for tuna and similar species in the western and central Pacific.

www.portstateperformance.org

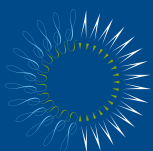
For enquiries about the research and site content please contact
Elsa Lee on ELee@pewtrusts.org

Pew Environment Group
Pew Charitable Trusts
Square du Bastion 1a
1050 Brussels
Belgium

Media Contact

For media enquiries please contact Kymberly Escobar on
KEscobar@pewtrusts.org

Pew Environment Group
Pew Charitable Trusts
901 E Street, N.W.
Washington D.C. 20004
USA



THE
PEW
ENVIRONMENT GROUP