



FAO's Initiatives to fight Illegal, Unreported and Unregulated Fishing

Blaise Kuemlangan
Development Law Service
Food and Agriculture Organization of the
United Nations



Food and Agriculture Organization
of the United Nations

Illegal, Unreported and Unregulated Fishing (IUU) - a broad term originally defined in 2001, within the context of the IPOA-IUU, and includes

I

Fishing and fishing-related activities conducted in contravention of national, regional and international laws

U

Non-reporting, misreporting or under-reporting of information on fishing operations and their catches

U

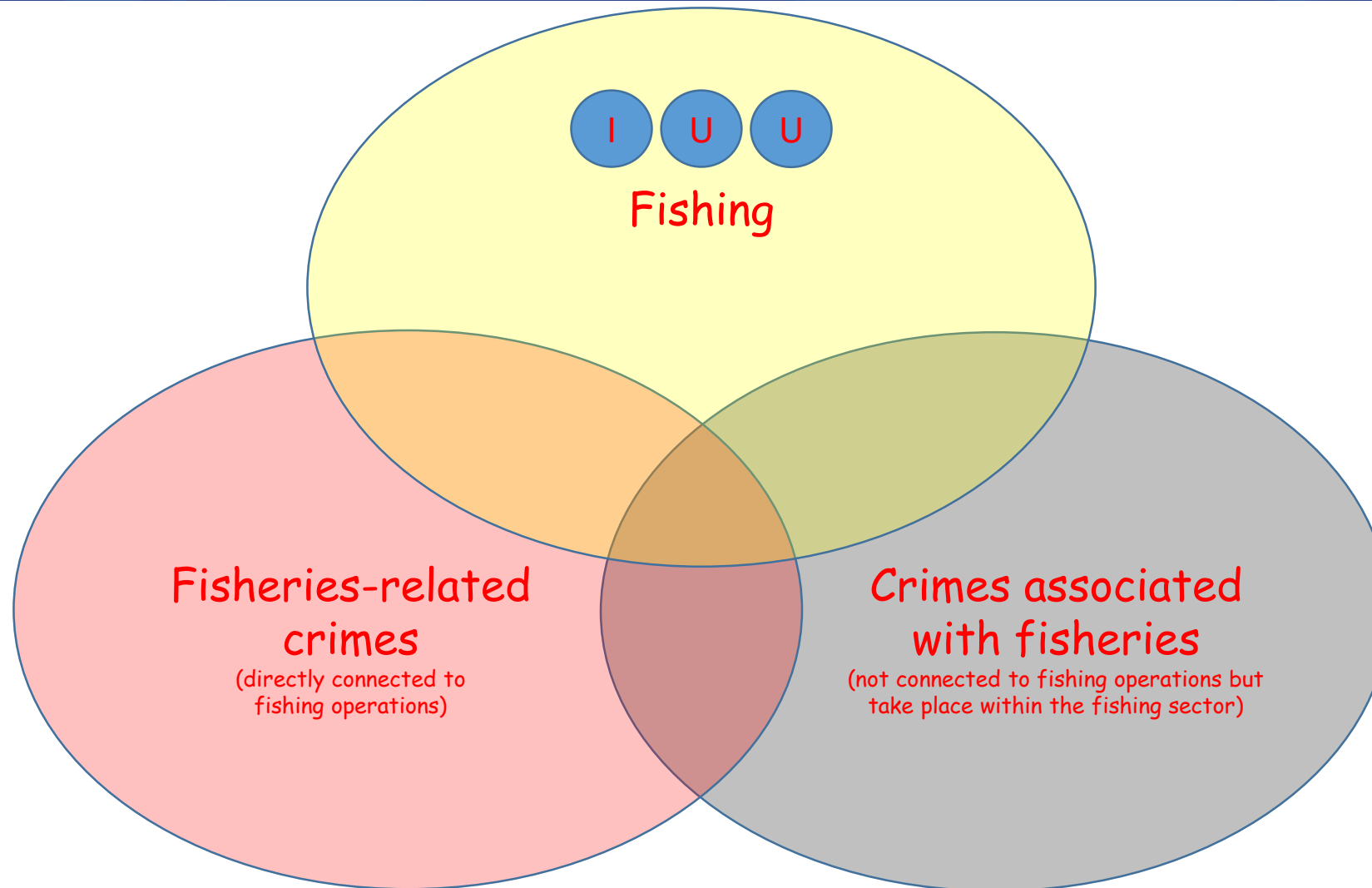
Fishing by “Stateless” vessels

Fishing in convention areas of RFMOs by non-party vessels

Fishing activities which are not regulated by States

Fishing in areas or for fish stocks for which there are no conservation or management measures

Relationship between IUU fishing and other crimes



FAO's mandate and areas of initiatives in combatting IUU fishing



Forum to develop and guide implementation of international fisheries frameworks (instruments)



Assistance and advice – policies and legislation



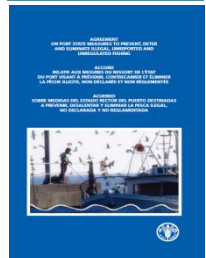
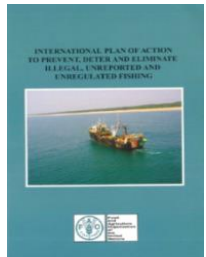
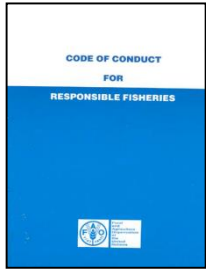
Knowledge, capacity building and training

Areas of FAO's initiatives in combatting IUU fishing



Develop and guide implementation of international fisheries frameworks (instruments)

1. The 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (**IPOA-IUU**);
2. The 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (**PSMA**); and
3. The 2013 Voluntary Guidelines on Flag State Performance.
4. Voluntary Guidelines on Catch Documentation Schemes

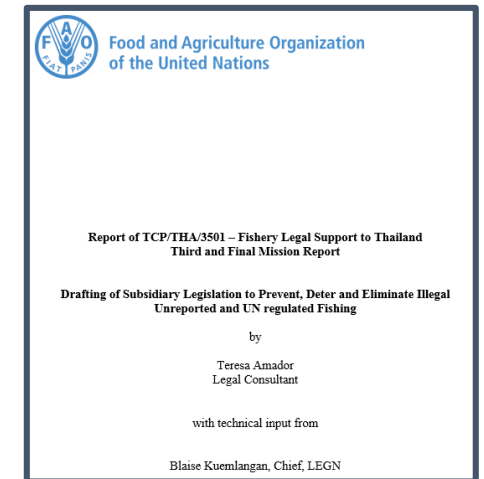


Areas of FAO's initiatives in combatting IUU fishing



Assistance and advice – policies and legislation

1. Assistance to countries (on request) to review and enhance policy and primary fisheries law and related legislation
2. Assistance to countries to strengthen policy, strategies and plans (including monitoring control and surveillance) to address EU IUU fishing concerns



Areas of FAO's initiatives in combatting IUU fishing



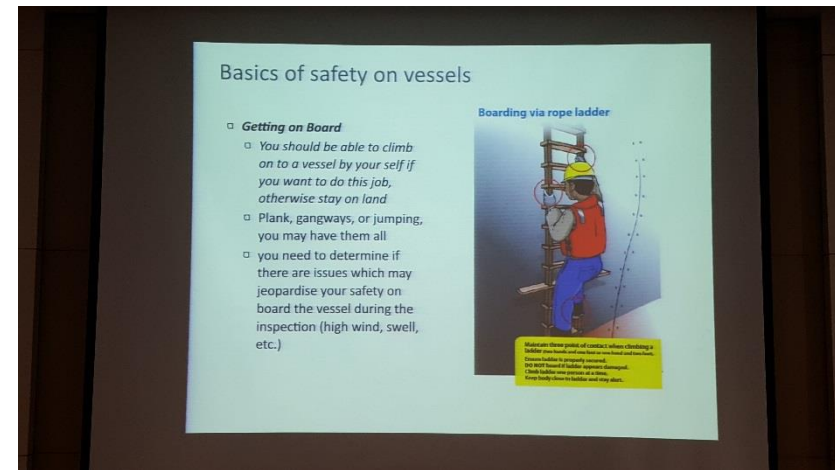
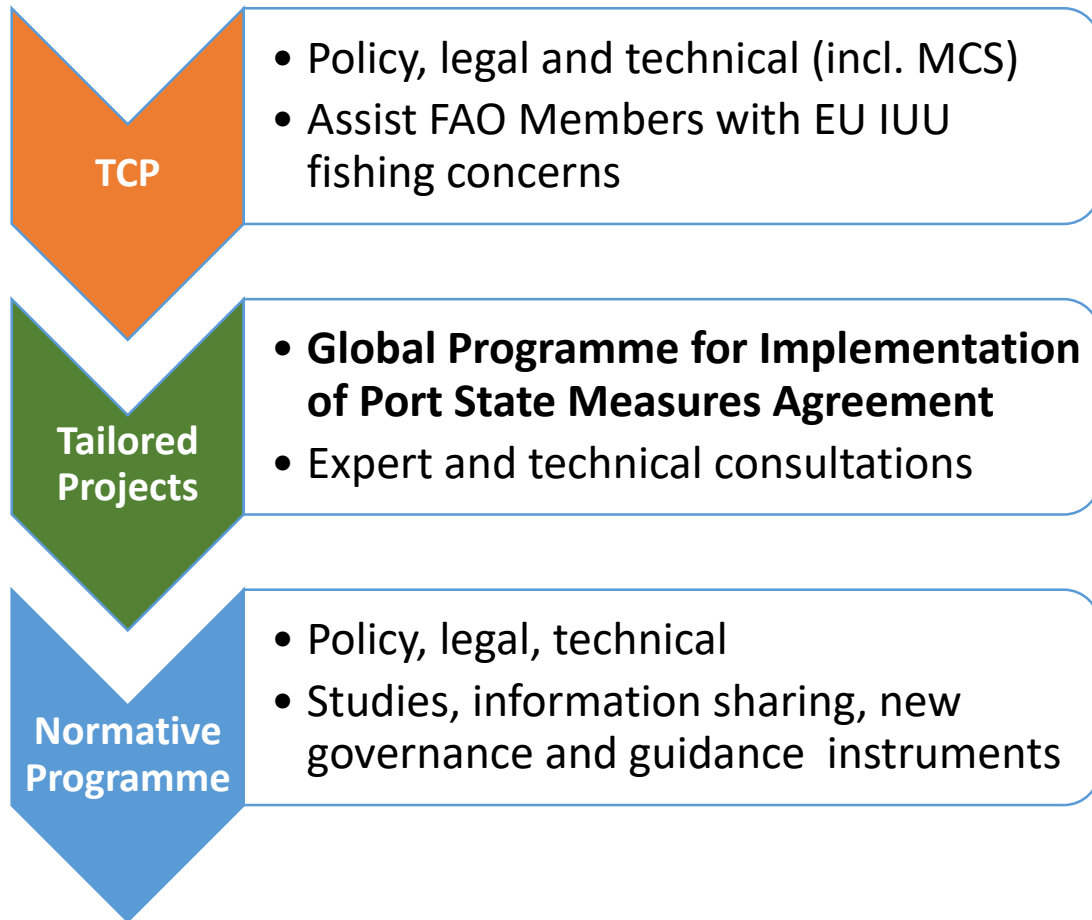
Knowledge, capacity building and training

1. Areas for capacity building and training:

1. Monitoring, control and surveillance including VMS, observers, inspections, CDS
2. Law enforcement and training (including evidence and prosecutions)
3. Studies and knowledge sharing of new areas (e.g. fish food fraud)



FAO's Technical Cooperation Programme (TCP) and projects (for assistance and capacity building)



FAO's Technical cooperation Programme and projects (for assistance and capacity building)

Technical Cooperation Programme (TCP)

- Policy, legal and technical (incl. MCS)
- Assist FAO Members with EU IUU fishing concerns

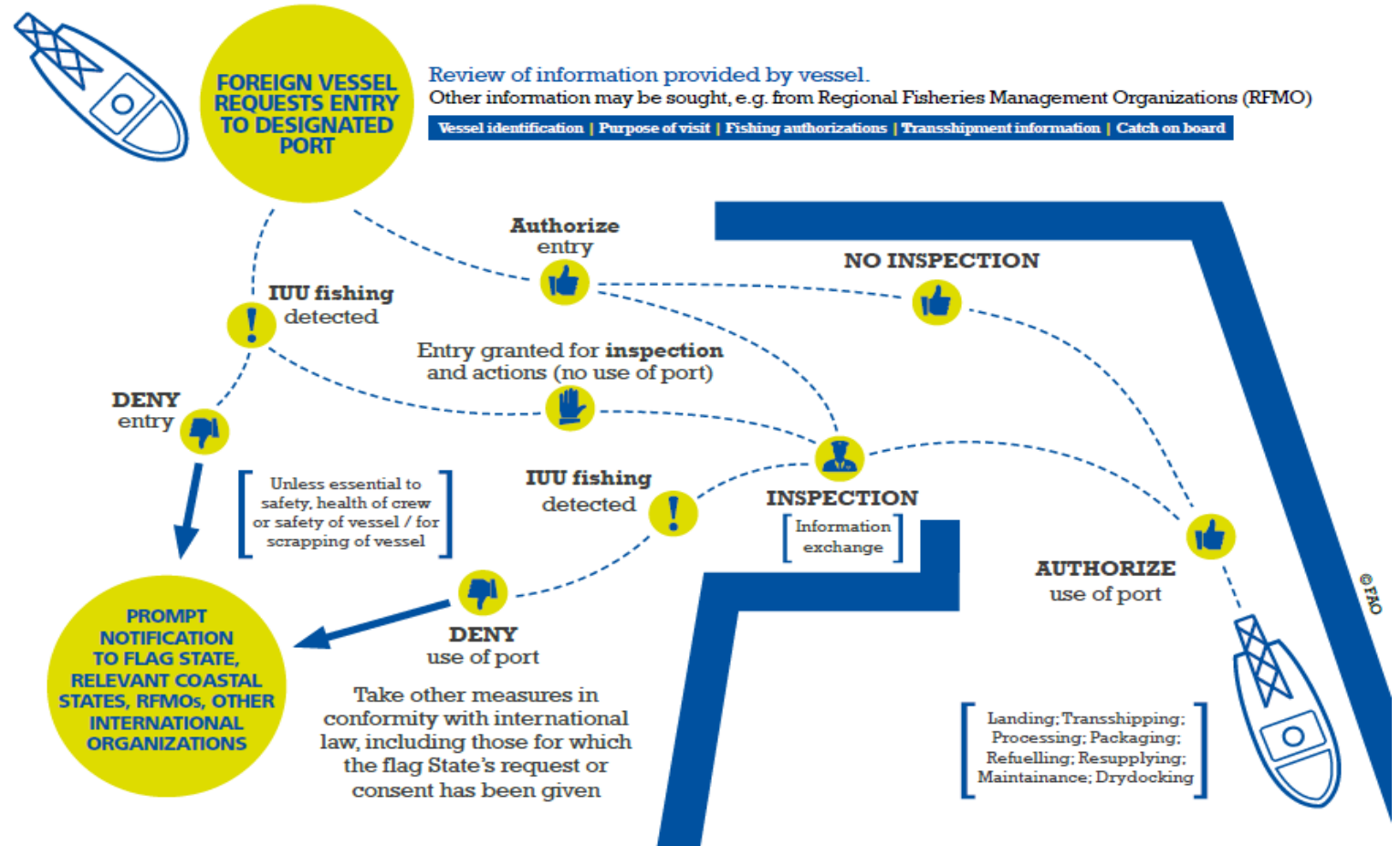


Countries	Assistance
Ghana (delivered)	<ul style="list-style-type: none"> • Legislative review and drafting • National Plan of Action on IUU Fishing • Action plan to address EU IUU fishing concerns • Training on monitoring, compliance and surveillance • Boarding and Port Inspection training • Law enforcement training • Training of Magistrates and other judicial officers • Inter-agency cooperation
Thailand (delivered)	
Papua New Guinea (on going)	
St. Kitts and Nevis (delivered)	
Bahamas (delivered)	
Trinidad and Tobago (ongoing)	
Sri Lanka (on going)	
St. Vincent and the Grenadines (ongoing)	
Cambodia (ongoing)	

Implementation of the Port State Measures Agreement

Tailored
Projects

- Global Programme for Implementation of Port State Measures Agreement
- Expert and technical consultations



FAO's Technical cooperation Programme and projects (for assistance and capacity building)

- **Global Programme for Implementation of Port State Measures Agreement (US 15 million)**
- Expert and technical consultations

Tailored programmes and projects

Countries

Cape Verde (regional)(delivered)

Tonga (planned)

Papua New Guinea (delivered)

Albania (regional with GFCM)
(delivered)

Palau (delivered)

Thailand (delivered)

Vanuatu (planned)

Others – Myanmar, Cape Verde,
Sao Tome and Principe, Maldives

Others (planned) – East African
and Indian Ocean SIDS, West
African states, South East Asia
and West Pacific Regions

Assistance

- Training on International law and PSMA
- Gaps analyses and strategy
- Training on monitoring, compliance and surveillance
- Boarding and Port Inspection training
- *Inter-agency cooperation*
- *Cooperation with other IGO and partners (e.g. IMO, ILO, UNODC, CITES)*



Thailand's Port State Measures



Overview of relevant national fisheries policy and legislation



Port State duties

Royal Ordinance on Fisheries (RO) section 94, 95 and 96

Section 94 : No person shall bring a non-Thai fishing vessel that has undertaken IUU fishing into the Kingdom.....

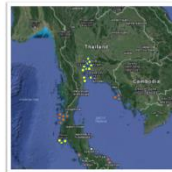
Section 95 : A non-Thai fishing vessel wishing to import aquatic animals or aquatic animal products into the Kingdom shall notify in advance the competent official by no less than the period prescribed by the Minister. Such fishing vessel shall notify the information and enter the port as prescribed by the Minister.....

Section 96: When a fishing vessel has been authorized to berth at a port pursuant to Section 95 and has completed berthing, a request for permission for the importation of aquatic animals or aquatic animal products shall be lodged.....

Port State duties (cont-)

1. The notification under RO section 95 assigned 27 PSM port for port entry of foreign vessel

"Notification of Ministry of Agriculture and Cooperatives On Advance Data Reporting, and the Determination of Ports for non-Thai fishing vessel visiting to land aquatic animals or aquatic animal products into the Kingdom (No. 2) B.E. 2559 (A.D. 2016)"



➤ On the process to reduce PSM ports to 22 ports

Port State duties (cont-)

2. Thailand set up the control system in 3 processes



Port State duties (cont-)

2.2 Vessel inspection at port:

- Section 96: When a fishing vessel has been authorized to berth at a port, permission for the importation is requested
After permission has been granted, aquatic animals or aquatic animal products may then be unloaded
- Section 102(4): Give power to inspection vessel

DOF officers inspect vessel and documents, then issue port inspection report (PIR) to allow offloading



Monitoring offloading of fish importation from neighboring country



Tuna offloading monitoring



Port State duties (cont-)

Co- Inspection with Custom and Marine Department at port



Port State duties (cont-)

Check appearance, Take photos and Check documents, evidence and equipment



PSMA ASSISTANCE FUND

Bi-lateral /
Multilateral
Assistance

FUNDING MECHANISM 1

FAO PSMA Capacity Development Umbrella Programme

FUNDING MECHANISM 2

Trust
Fund

Applications
for assistance
by Parties

Donors

Project

Project

Project

Project

Project

Project

Project

Project

Project

Project

Project n

Project n

Project n

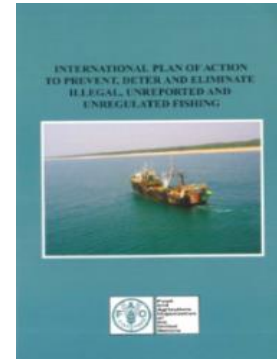
PARTIES

NON-PARTIES

FAO's Technical cooperation Programme and projects (for assistance and capacity building)

Normative Programme

- Policy, legal, technical
- Studies, information sharing, new governance and guidance instruments



Other initiatives

- **Global Record of Fishing Vessels**
- **Collaboration with other IGOs and partners**
 - PSMA Global Programme – Norway, Sweden, US
 - UNODC – delivery of technical assistance and capacity building
 - Norway – Policy and legal frameworks and training of lawyers
 - Cooperation with UNEP/UNICRI on environmental crimes study

• **FOOD FRAUD/SEAFOOD FRAUD**

Food fraud not new...

- Spotlight recently, especially the recent horse meat scandal



≠



Seafood fraud

- Multiple points along the seafood supply chain.
- Happens for a number of reasons, from a simple misunderstanding of regulations to deliberate deception of consumers to increase profits, or to launder illegally harvested fish and the falsification of trade documentation
 - intentional mislabelling
 - species substitution
 - short-weighting product (over-glazing or over-breading)
 - undeclared use of water binding agents to increase the weight of products
 - quality enhancement of fish which alter the appearance of seafood





FAO's work to assist countries achieve the SDGs – SDG 14.6.1

Section not applicable if:	Question not applicable if:	Questions:	Response	Indicator Score (0-1) =
		(Note: when applicable "1-5" is a range representing extent of implementation starting from "1" being "Not at all" up to "5" being "Fully")		-
General Questions to Determine a State's Applicability to Instruments to Combat IUU Fishing				
		A.1) Is your country land-locked?	-	
	"Yes" to: A.1	A.2) Does your country flag and authorise vessels conducting fishing and fishing related activities to operate in:		
		A.2.1) Areas within the national jurisdiction of your country including your Economic Exclusive Zone (e.g. internal waters, territorial sea and archipelagic waters of an archipelagic State)?	-	
		A.2.2) The High Seas?	-	
		A.2.3) Waters under the jurisdiction of other coastal States?	-	
	"Yes" to: A.1	A.3) Does your country authorise vessels flying the flag of other States and which conduct fishing and fishing related activities, to:		
		A.3.1) Enter and use the designated ports of your country?	-	
		A.3.2) Operate within waters under the jurisdiction of your country including your Economic Exclusive Zone (e.g. internal waters, territorial sea and archipelagic waters of an archipelagic State)?	-	
Variable 1. the 1982 United Nations Convention on the Law of the Sea – Weighting 10%				
"Yes" to: A.1 and "No" to: A.2.2 and A.2.3	"Yes" to:	1.1) Is your country a Party to the United Nations Convention on the Law of the Sea (UNCLOS)?		
		1.2) If no to 1.1, has your country initiated the process to becoming Party to UNCLOS?		
		1.3) To what extent is your country implementing the provisions of the UNCLOS in relation to coastal States and flag State responsibilities for the management of fisheries, with		
		1.3.1) Policy		
		1.3.2) Legislation		
		1.3.3) Institutional framework		
		1.3.4) Operations and procedures		
Variable 2. the 1995 United Nations Fish Stocks Agreement – Weighting 10%				
"No" to: A.2.2 and A.2.3	Yes to: 2.1	2.1) Is your country a Party to 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 (UN Fish Stocks Agreement)?		
		2.2) If no to 2.1, has your country initiated the process to becoming Party to the UN Fish Stocks Agreement?		
		2.3) To what extent is your country implementing the provisions of the UN Fish Stocks Agreement, with regard to:		
		2.3.1) Policy		
		2.3.2) Legislation		
		2.3.3) Institutional framework		
		2.3.4) Operations and procedures		
		2.4) To what extent is your country engaged in sub-regional, regional and international cooperation in enforcement, as required by the UN Fish Stocks		
Variable 3. National Plan of Action to Combat IUU Fishing in Line with IPOA-IUU – Weighting 30%				
		3.1) Has your country developed a national plan of action to combat IUU fishing (NPOA-IUU)?		

Indicator Score (0-1) = -

Response Not Applicable or Not Available

Response required



THANK YOU