



**Council**

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***FAO International Plan of Action to Prevent, Deter and Eliminate  
Illegal, Unreported and Unregulated Fishing***



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1. In response to reports of increased illegal, unreported and unregulated (IUU) fishing, the Food and Agriculture Organization (FAO) of the United Nations declared in 1999 that it intended “to develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing, including fishing vessels flying “flags of convenience”, through coordinated efforts by States, FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO)”. Last year the representative of the USA drew the attention of the Council to a preliminary draft of an International Plan of Action (IPOA) on IUU fishing, which had been developed by an FAO expert consultation. The Council welcomed this initiative and asked that the Secretary report on its progress. Following further work, a draft IPOA on IUU fishing was presented for adoption at the Twenty-fourth Session of FAO’s Committee on Fisheries (COFI) and was approved by consensus on 2 March 2001. The Committee on Fisheries urged all members to take the necessary steps to effectively implement the IPOA.
2. The IPOA is voluntary and was elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries. The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law. The IPOA consists of the following sections:
  - I Introduction
  - II Nature and Scope of IUU fishing and the International Plan of Action
  - III Objectives and Principles
  - IV Implementation of measures to Prevent, Deter and Eliminate IUU fishing
    - All State Responsibilities
    - Flag State Responsibilities
    - Coastal State Measures
    - Port State Measures
    - Internationally Agreed Market – Related Measures
    - Research
    - Regional Fisheries Management Organizations
  - V Special Requirements of Developing Countries
  - VI Reporting
  - VII Role of FAO
3. The IPOA comprises ninety-three paragraphs and is sixteen pages long. A detailed review of the document is not presented here but copies are available from the NASCO Secretariat. The definitions of illegal, unreported and unregulated fishing in the IPOA include the following:

- illegal fishing refers to fishing activities 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;
  - unreported fishing refers to fishing activities which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations;
  - unregulated fishing refers to fishing activities in the area of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that Organization, or by a fishing entity, in a manner that is not consistent with, or contravenes, the conservation and management measures of that organization.
4. Although these definitions are not particularly appropriate to salmon fishing, there are two main issues being addressed by the Council of relevance to the FAO IPOA. These are unreported catches (including those arising from illegal fishing) by the Contracting Parties and unregulated fishing by non-contracting Parties in international waters in the North-East Atlantic Commission. In addition, the Council is concerned about the level of harvests of salmon at St Pierre and Miquelon. Although this fishery is subject to domestic regulations and a bilateral agreement with Canada, the Council is taking action consistent with the FAO IPOA.
5. There follows a brief review of those elements of the IPOA applicable to regional fisheries management organizations which are most relevant to NASCO. We have indicated in italics below each section the action already taken by NASCO and future action that might be taken in accordance with the IPOA. The elements are as follows:
- (i) States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound.
- NASCO action:*
- So far as we are aware, there is no problem of compliance with, and enforcement of, regulatory measures agreed within NASCO.*
- The Council is concerned about the continuing high level of unreported catches of its Contracting Parties.*
- (ii) States which are not members of a relevant regional fisheries management organization should apply the conservation and management measures established by that organization or adopt measures consistent with these conservation and management measures and should ensure that vessels entitled to fly their flag do not undermine such measures.

*NASCO action:*

*The Council has adopted a Protocol for States not Party to the Convention for the Conservation of Salmon in the North Atlantic Ocean, calling for each Party to the Protocol to prohibit fishing for salmon beyond areas of fisheries jurisdiction. The St Pierre and Miquelon salmon fishery is not regulated by NASCO.*

*The Council's Resolution Concerning St Pierre and Miquelon, adopted in 2000, urged France to set harvest levels at the lowest possible level consistent with the advice from ICES. It also requests France to inform NASCO of the measures it has taken to address NASCO's concerns about harvest levels at St Pierre and Miquelon. The issue of whether to invite France (in respect of St Pierre and Miquelon) to become a Contracting Party to NASCO will be considered by the Council at its Annual Meeting.*

- (iii) States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways to prevent, deter and eliminate IUU fishing including: institutional strengthening of relevant regional fisheries management organizations; exchange of information on vessels engaged in or supporting IUU fishing; and development of action plans.

*NASCO action:*

*NASCO has been able to successfully deal with the issue of IUU fishing by non-Contracting Parties under its existing institutional structure.*

*Mechanisms have previously been agreed for exchange of information in relation to fishing for salmon in international waters in the Resolution on Fishing for Salmon on the High Seas adopted in 1992. This states that Contracting Parties should transmit to the Secretary information concerning sightings of fishing activities on the high seas of the North Atlantic which may undermine NASCO's conservation measures. We have also taken steps to coordinate surveillance activities and enhance the flow of information from these activities.*

*NASCO's Contracting Parties now provide information on unreported catches to the Council on an annual basis. In view of continuing concern about the high level of unreported catches by the Parties, the Council might wish to consider whether there would be benefits from developing an action plan containing measures to further minimise unreported catches.*

- (iv) States, acting through relevant regional fisheries management organizations, should compile and make available on a timely basis, and at least on an annual basis, to other regional fisheries management organizations and to FAO, information relevant to prevention, deterrence and elimination of IUU fishing.

*NASCO action:*

*NASCO already makes this information available to FAO through the Coordinating Working Party on Fishery Statistics and the biennial meetings of Regional Fishery Bodies.*

*We are liaising with NEAFC with a view to obtaining relevant information on sightings. The Council has agreed to hold a joint meeting with all North Atlantic fisheries Commissions on issues of mutual interest.*

- (v) States, acting through relevant regional fisheries management organizations, should encourage non-contracting Parties with a real interest in the fishery concerned to join these organizations and to participate fully in their work. Where this is not possible, the regional fisheries management organizations should encourage and facilitate the participation and cooperation of non-contracting Parties, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations.

*NASCO action:*

*All coastal States within the Convention area with Atlantic salmon interests are Parties to NASCO, except St Pierre and Miquelon.*

*The issue of whether or not to invite France (in respect of St Pierre and Miquelon) to become a Contracting Party to NASCO is under consideration (see (ii) above).*

*The NASCO Protocol referred to in paragraph (ii) above calls for each Party to prohibit fishing for salmon beyond areas of fishery jurisdiction.*

- (vi) When a State fails to ensure that fishing vessels entitled to fly its flag, or, to the greatest extent possible, that its nationals do not engage in IUU fishing activities that affect the fish stocks covered by a relevant regional fisheries management organization, the member States, acting through the organization, should draw the problem to the attention of that State. If the problem is not rectified, the members of the organization may agree to adopt appropriate measures, through agreed procedures, in accordance with international law.

*NASCO action:*

*In accordance with NASCO's Resolution on Fishing for Salmon on the High Seas adopted in 1992, the Secretary was requested to draw the attention of the Non-Contracting Parties concerned to the activities of their vessels. Diplomatic notes were sent to Poland and Panama.*

6. In summary, when implemented, the IPOA in conjunction with the existing FAO Compliance Agreement would appear to be a helpful initiative. NASCO has, in fact, already undertaken most of the proposals in the IPOA. Nevertheless, it should assist NASCO in relation to the problem of fishing for salmon in international waters should this recur. It may also be relevant to NASCO's work in minimising unreported catches and in relation to the St Pierre and Miquelon salmon fishery.

Secretary  
Edinburgh  
22 June, 2001

