



Combating IUU fishing in ASEAN - the FAO IPOA-IUU and Port State Measures Agreement

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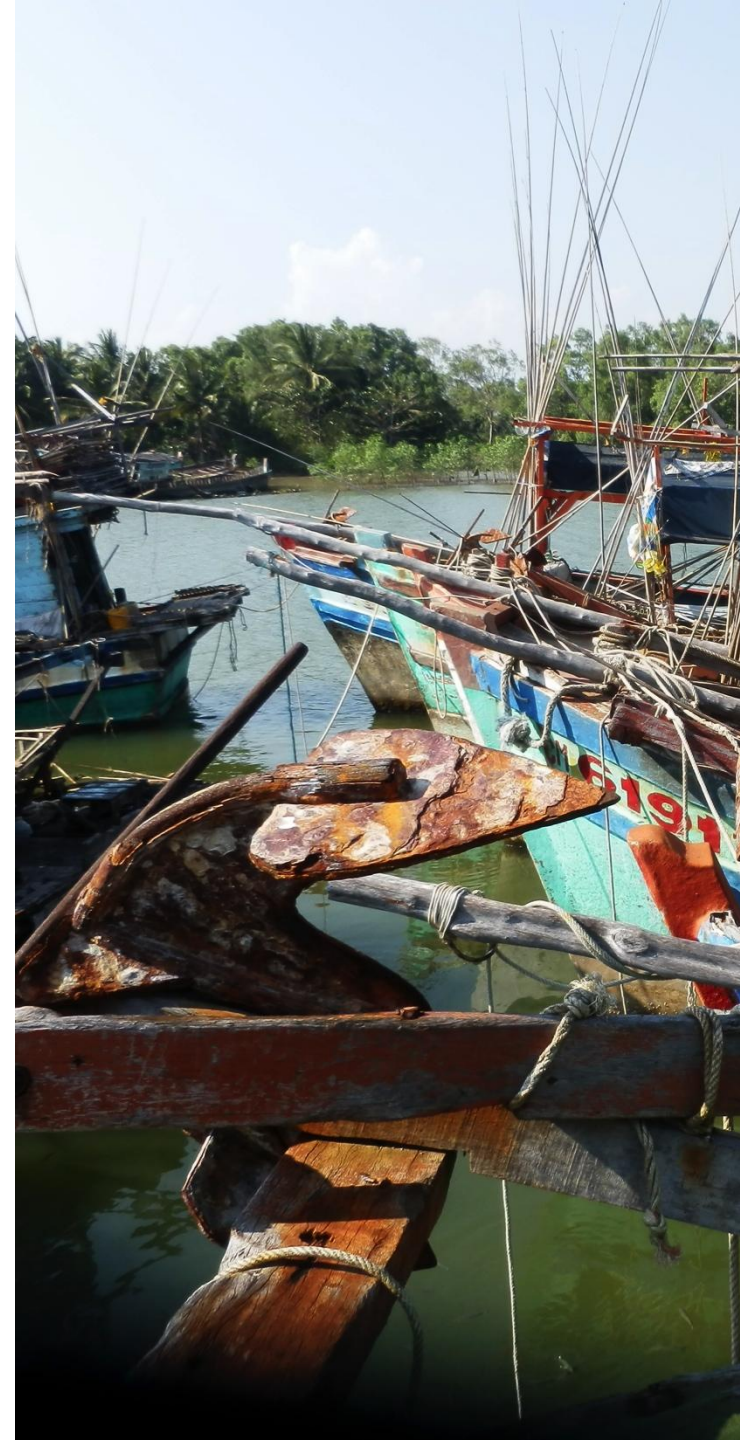


**Is IUU fishing a
problem in Asia?**



Large numbers and relative mobility of fishing vessels

- **Challenges control systems**
 - Licensing and registration systems weak
 - At-sea monitoring expensive and huge areas to cover
 - VMS/AIS systems not yet being used effectively
- **Other issues besides IUU fishing**
 - Migrant labour crews rights
 - Poor/unsafe working conditions
 - Smuggling (e.g. fuel, others)
- **Coordinated port controls offer opportunity to deal with a range of issues**



IUU fishing is opportunistic as well as calculated/deliberate

- **Taking a risk**
 - Economic opportunity
- **Limited likelihood of penalty or capture?**
 - Most coastal fisheries have limited MCS
 - Weak port controls
 - How to get evidence to the courts?
 - Fines are relatively low
 - Almost impossible to prosecute across boundaries
- **Well developed system of payments**
 - Legal and illegal
 - Linked to other illegal activities?



The IUU issues of the Asian region are often overlooked internationally

- The IUU fishing takes place between neighbouring countries
- Non-transparent arrangements (legally “grey”)
- Large number of vessels, but small and difficult to track
- Trade remains in the region and often within the country where it is landed (this is changing)
- IUU vessels may be “domestic” vessels within the countries EEZ (because of reflagging)



Estimates of the cost of IUU fishing in the Asia-Pacific

- **Globally - cost of IUU**

 - ~ US\$10 to US\$23 billion per year

 - ~ 11 to 25 million tonnes of fish

- **Asia-Pacific estimates IUU fish**

 - ~**1.3 – 2.7** million tonnes (Eastern Indian Ocean and Western Central Pacific)

 - 8 -16%** of the total reported catch

 - US\$5.8 billion** per year



Typical IUU activities in the Asian region



- Fishing without a license
- Fishing with falsified license
- Falsified vessel registration
- Duplicate registrations
- Dual flag vessels
- Encroachment into other country's EEZ
- Fishing in a restricted zone/season
- Use of destructive fishing gears and methods
- Catching of prohibited/protected species
- Illegal landing or transshipment of fish
- Non-reporting, misreporting, under-reporting of catch



International IUU related to RFMOs

Asian vessels/reefers operating in RFMO areas

- Some operating under flags of convenience
- Generally weak flag state responsibilities
- unreported transshipments
- Non-compliance with RFMO measures
- mis-reporting, gears, shark fins
- falsified catch documents

Asian ports/vessels receiving (IUU) catch from foreign flagged vessels

- IUU catch from RFMO areas (toothfish, tuna)
- reefers or transport boats unloading catch in Asian ports



IUU in access agreements between Asian countries

- **Access arrangements with neighbouring countries**
 - Access agreements may be established at sub-national level between adjoining provinces/jurisdictions
 - Re-registering/reflagging (bareboat charter)
 - Poor coordination between navy & fisheries department
- **Issues**
 - vessels with same markings (2 for one)
 - transshipping to home country port or not landing in country of capture
 - vessel not deregistered in country of origin (double flagging)
 - rent seeking: access fees, certifying catch



IUU by larger-scale vessels in neighbouring EEZ

- **Entering neighbouring countries' EEZ**
 - access with no access agreement
 - e.g. IUU fishing in waters of Timor Leste, Cambodia, Myanmar, Sri Lanka extended parts of Indonesian archipelago
- **Issues**
 - exploits countries lack of ability to patrol
 - may enter under cover of darkness
 - repainting wheelhouse
 - trans-shipping of catches to home country port



IUU by smaller-scale vessels in neighbouring Asian EEZ

- **Small(er)-scale fishing vessels entering neighbours EEZ**
 - considered traditional fishing rights
 - boundaries/borders unknown
 - no GPS/charts etc.
 - sometimes engine trouble/drift
- **Issues**
 - May travel long distances
 - Small-scale vessels straying often tolerated...
 - increasingly less so, following security scares
 - locked up fishers become a repatriation headache
 - no money, governments disinclined to act



Domestic IUU fishing

- Really domestic vessels??.....or re-flagged foreign vessels, with beneficial ownership outside the country?
- **Very common in the region**
 - Non-compliance with closed seasons or closed areas
 - Fishing in reserved artisanal nearshore area
 - Use of illegal gears (mesh sizes)
- **Issues**
 - Conflicts between artisanal/small scale and larger vessels
 - Undermines/negates fishery management
 - Socio-economic impacts on poorest fishers

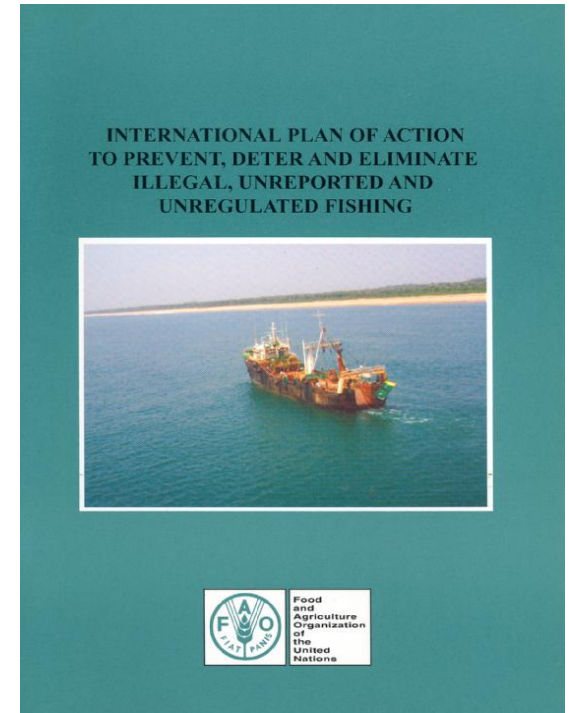


Measures to combat IUU fishing and trade in products from IUU



2001 “International Plan of Action-IUU”

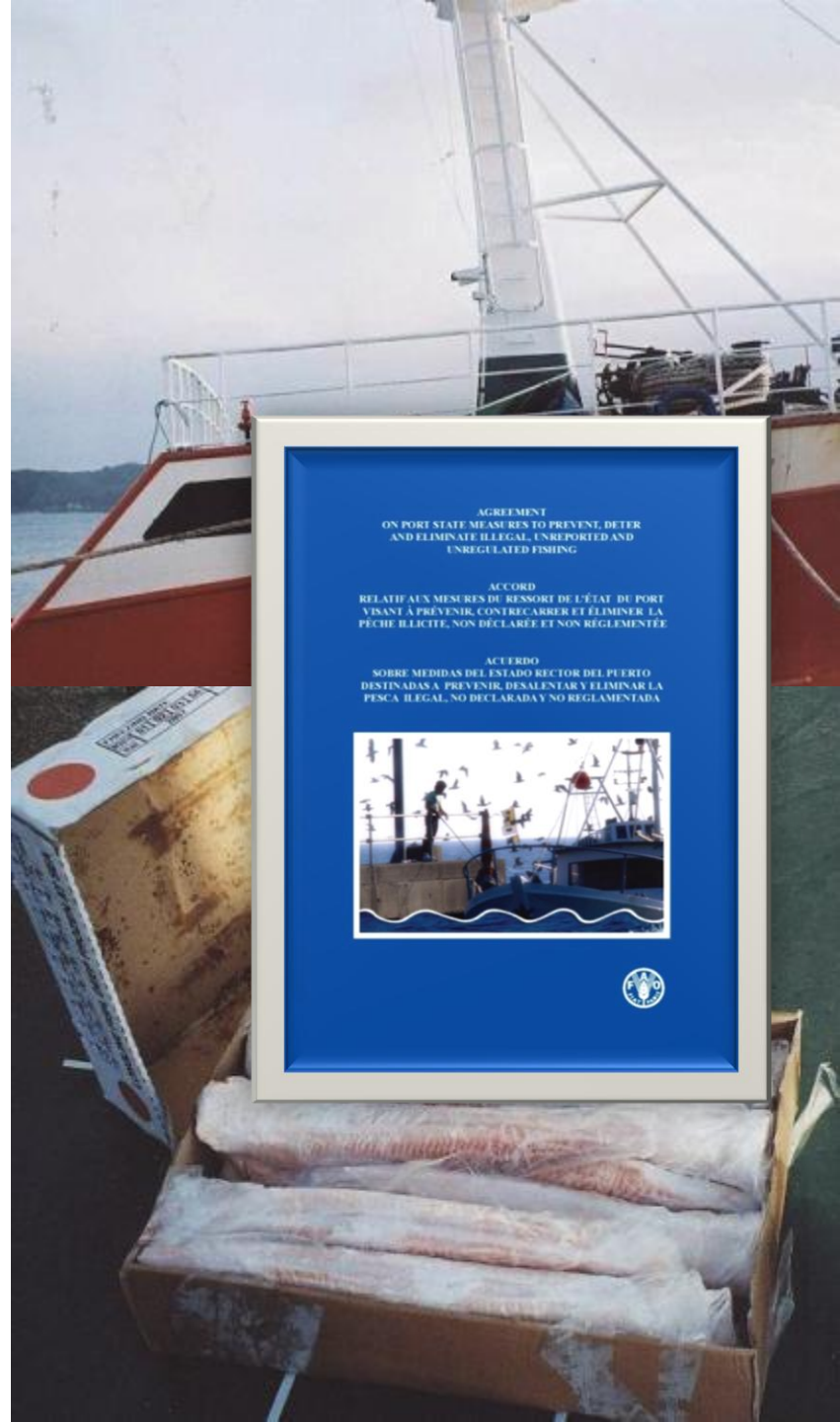
- **Application**
 - **IPOA-IUU** is a voluntary instrument applies to all States and entities and to all fishers.
- **Objectives of the IPOA**
 - prevent, deter and eliminate IUU fishing in accordance with international law
 - Improve compliance with international instruments
- **States should identify relevant IUU issues**
 - legal requirements to address IUU, update legislation, improve MCS, flag state responsibilities, coastal state, measures, port state measures
- **Develop a National Plan of action (NPOA-IUU) plan to address these**





2009 FAO Agreement on Port State Measures

- **Binding agreement**
- **Objective**
 - to remove the economic incentive of IUU through denial of port access/services
- **Principal application**
 - Foreign vessels especially reefers and carriers
 - Main focus on species from RFMO areas
 - e.g. IOTC, WCPFC (tunas/billfish), CCAMLR (toothfish), CCSBT
 - Has not yet entered into force 9 ratifications/accessions (25 required)



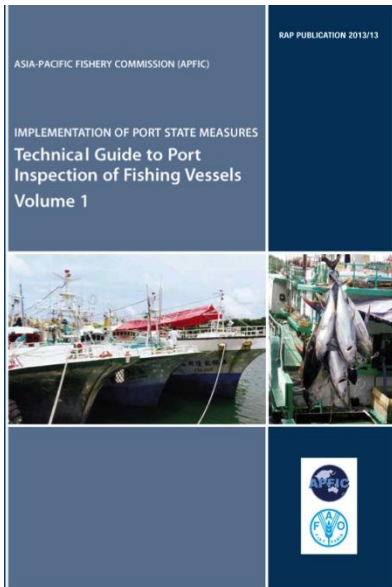
Limitations of Port State Measures in Asia

- **Currently limited signatories in Asia**
 - Legal frameworks unready
- **Primary focus on catches of RFMO species/areas**
 - less interest to address IUU by vessels fishing across neighbouring boundaries within the region?
 - return to home port as national vessels
 - dual flagged vessels may avoid inspection
 - trans-shipped catches may not be inspected
- **Little effect on countries that have limited export industries**
 - may still act as ports of convenience
 - movement of catches by road?



Effective Port Controls can work

- Fishing vessel excluded from inspections under Tokyo Memorandum
- Fishing ports may not have same level of customs, immigration controls
- Are countries willing to invest in the increased coverage to include fishing vessels in their Port Control procedures?



“Port Inspections for fishing Vessels” training course



Thank you

