



**DIRECTORATE FOR FOOD, AGRICULTURE AND FISHERIES
FISHERIES COMMITTEE**

AGR/FI/IUU/RD(2004)5
Unclassified

IUU FISHING IN NEAFC: HOW BIG IS THE PROBLEM AND WHAT HAVE WE DONE?

19-20 April 2004

This paper has been prepared by the NEAFC Secretariat.

This paper has been submitted to the IUU Workshop, 19-20 April 2004, as a background document.

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JT00162210

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Introduction

1. Discussions on IUU fishing started in NEAFC immediately after FAO had agreed on the IPOA on IUU fishing in February 2001. The first exchanges of view dealt with

1. Port State Control.
2. The exchange of information on IUU activity between NARFMOs, North Atlantic Regional Fisheries Management Organisations.
3. A fair and equitable treatment of new entrants according to international law.

2. It was at an early stage realised that it was not necessary to implement all parts of the IPOA on IUU. The situation in the North Atlantic should be kept in mind and form the basis for moving forward. Those elements relevant to the North Atlantic should be selected.

3. IUU fishing has been on the agenda of the NEAFC Commission ever since and some aspects have been delegated to NEAFC's Permanent Committee on Enforcement and Control and the Working Group on the Future of NEAFC, which prepares policy proposals to the NEAFC Commission. In the process NEAFC has introduced guidelines for new entrants, discussed lists of IUU vessels and states of flags of convenience and at the 22nd Annual Meeting in November 2003 adopted the following resolution:

Actions against non-contracting parties engaged in illegal, unregulated and unreported (IUU) fishing in the regulatory area

The Commission,

Concerned that illegal, unregulated and unreported (IUU) fishing compromises the primary objectives of the Convention,

Aware that a significant number of vessels registered to non-Contracting Parties engaged in fishing operations in the Regulatory Area in a manner which diminishes the effectiveness of NEAFC management measures,

Recalling that the states are required to cooperate in taking appropriate action to deter any fishing activities which are not consistent with the objective of the Convention,

¹ This paper has been prepared by NEAFC Secretariat.

urges Contracting Parties to take steps towards States identified to have vessels flying their flags being engaged in IUU-fishing in the Regulatory Area by approaching the flag States concerned requesting them to take all appropriate steps to halt the undermining of NEAFC management measures.

The FAO IPOA refers to three separate issues with respect to IUU fishing,

1. § 3.1 Illegal fishing

3.1.1 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;

3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

2. § 3.2 Unreported fishing

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3. § 3.3 Unregulated fishing

3.3.1 in the area of application 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; or

3.3.2 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.

4. NEAFC has so far only discussed the IUU activity of non-Contracting Parties. Possible unreported catches, quota overshooting or other activities by Contracting Parties have not been discussed. Some fisheries in the Regulatory area are still not regulated satisfactorily, especially fisheries for deep sea species.

5. The Working Group on the Future of NEAFC will meet in mid-May 2004 and discuss other aspects of the IPOA. i.e. the need for applying the IUU measures symmetrically with respect to Contracting and non-Contracting Parties. An overview over NEAFC measures implemented up to now, compared with the measures in the FAO IPOA, is given below.

IPOA §§	IPOA MEASURES	NEAFC MEASURES
80	States, acting through relevant regional fisheries management organizations, should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter, and eliminate IUU fishing. Consideration should be given to including the following measures:	
80.1	institutional strengthening, as appropriate, of relevant regional fisheries management organizations with a view to enhancing their capacity to prevent, deter and eliminate IUU fishing;	Permanent Secretariat established 1999
80.2	development of compliance measures in conformity with international law;	
80.3	development and implementation of comprehensive arrangements for mandatory reporting;	Scheme 1999
80.4	establishment of and cooperation in the exchange of information on vessels engaged in or supporting IUU fishing;	Reports from 1999
80.5	development and maintenance of records of vessels fishing in the area of competence of a relevant regional fisheries management organization, including both those authorized to fish and those engaged in or supporting IUU fishing;	Yes
80.6	development of methods of compiling and using trade information to monitor IUU fishing;	Not considered
80.7	development of MCS, including promoting for implementation by its members in their respective jurisdictions, unless otherwise provided for in an international agreement, real time catch and vessel monitoring systems, other new technologies, monitoring of landings, port control, and inspections and regulation of transshipment, as appropriate;	Scheme 1999
80.8	development within a regional fisheries management organization, where appropriate, of boarding and inspection regimes consistent with international law, recognizing the rights and obligations of masters and inspection officers;	Scheme 1999
80.9	development of observer programmes;	N/A
80.1	where appropriate, market-related measures in accordance with the IPOA;	Not considered
80.11	definition of circumstances in which vessels will be presumed to have engaged in or to have supported IUU fishing;	NCP Scheme 2003
80.12	development of education and public awareness programmes;	Not considered
80.13	development of action plans; and	Future WG
80.14	where agreed by their members, examination of chartering arrangements, if there is concern that these may result in IUU fishing.	Not considered

6. The NEAFC Secretariat every year reports on IUU fishing in the NEAFC Regulatory Area. The latest report is presented below. The main problem in the Regulatory Area is IUU fishing for Oceanic redfish. In 2001 20 % and in 2002 27 % of the catches of redfish in the Regulatory Area were taken by one non-Contracting Party. In addition a handful of vessels of flags of convenience have been spotted targeting redfish in the Regulatory Area.

IUU FISHING IN THE NEAFC REGULATORY AREA

NOTE BY THE NEAFC SECRETARIAT

1. Non-Contracting Parties' activities

7. The Scheme of Control and Enforcement currently establishes five Regulated Resources in the Regulatory Area (Oceanic redfish, herring, mackerel, blue whiting, Rockall haddock).

8. Recommended TACs for 2002 included cooperation quotas for redfish (1,175 MT) and mackerel (600 MT) for vessels flying the flag of cooperating non-Contracting Parties. For 2003 these cooperation quotas were reduced to 500 MT for redfish and 511 MT for mackerel.

9. In 2002 and 2003 Estonia authorised two vessels to operate in the Regulatory Area targeting non-Regulated Resources. The declared redfish and mackerel catches were reduced. Vessels are fully complying with the Scheme of Control and Enforcement and Estonian authorities report catches monthly.

10. In 2002 Japan has authorised one vessel to conduct fisheries in the Irminger Sea and, as in the previous year, the quantities were reduced (9 tonnes of redfish).

11. In 2002 Latvia has returned to the Regulatory Area with one vessel (formerly German) operating in the Irminger Sea and therefore the likely target is redfish. In 2003 the Latvian has been observed again fishing for redfish. The Secretariat has no information concerning catches.

12. Six vessels from Lithuania have been observed in the Regulatory Area both in 2002 and 2003. At the 21st Annual Meeting Lithuania reported catches ten times the allocated "cooperation quota" for 2002 (14,656 MT – these are not final figures)

13. NEAFC inspectors boarded a Panamanian cargo vessel operating in the Regulatory Area, receiving fish and fish offal (herring, blue whiting) from vessels flying the flag of Contracting Parties.

14. In 2002 five Belize registered vessels (ex-Russian) were observed targeting redfish in the Regulatory Area. In 2003 three of those vessel were re-flagged in the Dominican Republic. The Secretariat has no information on the catches of these fishing vessels.

2. Landings in Contracting Parties ports by non-Contracting Parties' vessels

15. In 2002 a Latvian vessel (DORADO) requested to land catches in a German port. The German authorities refused to authorise landing of redfish based on the fact that the vessel has been observed fishing in the Regulatory Area (point 10 and 11 of the NCP Scheme). Because the vessel also detained onboard catches of redfish allegedly caught in the NAFO Regulatory Area the German authorities authorised the landing of the NAFO catches.

16. In 2002 four Lithuanian vessels (RADVILA, ZUNDA, MAIRONIS, NERINGA) also attempted to land redfish in The Netherlands and were only authorised to land redfish allegedly caught in the NAFO

Regulatory Area and then proceeded to Lithuania to land the NEAFC catches. It would be interesting to NAFO Contracting Parties to compare these landings with the quotas available for the Baltic States.

17. Finally also in 2002 the Danish authorities refused the landing of redfish from a Russian (STARLET 3 - cargo) vessel because according to documents the fish had been caught by Belize fishing vessels (OSTROVETS, OKHOTINO). The same vessel then tried to land such catches in Germany but German authorities refused the landing.

3. Observation of NCP fishing vessels in the Regulatory Area

	Observations				NCP Individual fishing vessels						
	Total	EU	ISL	NOR	Total	EST*	LTU	BLZ	PAN	LVA	DOM
2001/2002	222	52	157	13	14	1	6	6		1	
2002/2003**	75	46	29		13		5	3	1	1	3

* - After October 2001 Estonia started transmitting automatically VMS messages to the Secretariat.

** - Up to and including April 2003

4. Catches of Regulated Resources

Redfish - 2001

	NEAFC RA	EU	FRO	GRL	ISL	NOR	RUS	Total
European Union * **	10,029.0		334.0	4,994.0	1,904.0	595.0		17,856.0
Faroe Islands	3,636.0			4,441.0				8,077.0
Greenland **	498.0			1,350.0	1,460.0			3,308.0
Iceland	2,318.0			14,374.0	25,782.0			42,474.0
Norway	3,853.0			1,217.0				5,070.0
Poland						6.0		6.0
Russian Federation *	24,310.0		54.0	4,050.0				28,414.0
Estonia *	599.0							599.0
Japan *	11.0							11.0
Lithuania	11,389.0							11,389.0
Total	56,643.0	0.0	388.0	30,426.0	29,146.0	601.0	0.0	117,204.0

* - Reported as RED

** - Catches include NAFO 1F

Redfish - 2002

	NEAFC RA	EU	FRO	GRL	ISL	NOR	XJM	XSV	RUS	Total
European Union *	8,479.0	22.0	251.0	7,481.0	998.0	142.0				17,373.0
Faroe Islands **	3,227.7			1,019.8						4,247.5
Greenland **	243.0			1,022.0	3,323.0					4,588.0
Iceland	3,331.0			5,995.0	35,106.0					44,432.0
Norway	1,094.0			4,198.0						5,292.0
Poland	1.4							7.6		9.0
Russian Federation *	23,411.0			2,811.0						26,222.0
Estonia	15.0									
Lithuania***	14,656.0									14,656.0
Total	54,458.1	22.0	251.0	22,526.8	39,427.0	142.0	0.0	7.6	0.0	116,819.5

* - Redfish reported as RED

** - Catches include NAFO 1 F

Mackerel 2001								
	NEAFC RA	EU	FRO	GRL	ISL	NOR	RUS	Total
European Union		352,683.0	523.0			22,107.0		375,313.0
Faroe Islands		8,829.0	5,888.0			8,967.0		23,684.0
Greenland								0.0
Iceland								0.0
Norway	10.0	386.0	5.0			178,911.0		179,312.0
Poland								0.0
Russian Federation	39,742.0		2,963.0			87.0		42,792.0
Estonia	218.0							218.0
Lithuania	1,949.0							1,949.0
Total	41,919.0	361,898.0	9,379.0	0.0	0.0	210,072.0	0.0	623,268.0

Mackerel -2002										
	NEAFC RA	EU	FRO	GRL	ISL	NOR	XJM	XSV	RUS	Total
European Union	78.0	272,412.0	56,799.0			25,739.0				355,028.0
Faroe Islands		5,108.0	5,307.0			9,542.2				19,957.2
Greenland										0.0
Iceland			53.0							53.0
Norway		10,431.0				173,478.0				183,909.0
Poland										0.0
Russian Federation	31,783.0		6,123.0							37,906.0
Estonia										0.0
Total	31,861.0	287,951.0	68,282.0	0.0	0.0	208,759.2	0.0	0.0	0.0	596,853.2