

RECOMMENDATION BY ICCAT AMENDING ICCAT'S LIST OF FISHING VESSELS PRESUMED TO BE ENGAGED IN ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING ACTIVITIES IN THE ICCAT CONVENTION AREA AND OTHER AREAS

DESPITE the efforts by global organizations, by many regional bodies and States, IUU fishing continues to persist and is in fact increasing in some areas. IUU fishing has been identified as a major threat to fisheries conservation and marine biodiversity. It can lead to collapse of a fishery, which in turn may cause adverse consequences for the livelihood of people depending on them. IUU fishing occurs in all fisheries, whether they are conducted within areas under national jurisdiction or on the high seas;

NOTING that vessels engaged in IUU fishing move in and out of areas under jurisdiction of multiple States and operate within areas of competence of several regional fisheries management organisations (RFMOs);

FURTHER NOTING that participation in RFMOs is often limited to the surrounding coastal States and some high seas fishing States, and vessels engaged in IUU fishing can often disregard applicable conservation and management measures by landing catches outside the region. This problem is exacerbated by the growing practice of transshipments at sea. Companies and individuals typically have nationalities that differ from those of the vessels themselves and fish deriving from IUU activities are put into international trade. It is absolutely necessary that agencies, international organisations and States establish ways for cooperation, both formal and informal. This is the only way of achieving the goal of preventing, deterring and finally eliminating IUU fishing;

RECOGNISING that ICCAT has adopted a system for listing of IUU vessels believed to be engaged in illegal, unreported and unregulated fishing activities in the ICCAT Convention Area and other areas. The principle of listing IUU vessels has been taken up by nine RFMOs, which altogether involves 85 States,¹ the fishing entity of Chinese Taipei and the European Community. This indicates quite clearly that listing of such vessels has widespread acceptance, and thus is supported by the international community in general and could be regarded as common law;

CONSIDERING that all RFMO schemes contain mechanisms for due processes (hearings) involving flag States of vessels suggested for inclusion on IUU vessel lists. They will have the opportunity to respond within given time frames, and only if there is no reply or the response clearly shows that the flag State does not exercise the required responsibility, will a vessel be placed on a list. Prior to the adoption of a final list, all cases are thoroughly scrutinised by the competent subsidiary bodies, involving experts from all parties. Consequently the final decisions by the respective commissions seem to be based on comprehensive and transparent processes;

ALSO CONSIDERING that one way of targeting the global phenomenon of IUU fishing, is that an RFMO formally recognise IUU vessel lists established by other RFMOs. Such a joint effort has already been taken by the Northwest Atlantic Fisheries Organization (NAFO), the North East Atlantic Fisheries Commission (NEAFC) and the South East Atlantic Fisheries Organisation (SEAFO) as vessels listed by these organisations are mutually recognised as IUU vessels;

TAKING INTO ACCOUNT that a similar initiative was taken at the Kobe meeting in January 2007 between the five RFMOs managing tuna and tuna-like species;

[Paragraph deleted]

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:

¹ Albania, Algeria, Angola, Argentina, Australia, Barbados, Belgium, Belize, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea Conakry, Honduras, Iceland, India, Iran, Israel, Italy, Japan, Kenya, Korea (Republic of), Lebanon, Libya, Madagascar, Malaysia, Malta, Mauritius, Mexico, Monaco, Morocco, Namibia, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Romania, Russian Federation, Sao Tome and Principe, Senegal, Serbia and Montenegro, Seychelles, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, USA, Vanuatu, Venezuela.

1. In the *Recommendation Amending the Recommendation by ICCAT to Establish a List of Vessels Presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area* [Rec. 06-12], a new paragraph 11 shall read:

“Upon receipt of the final IUU vessel list established by another RFMO managing tuna or tuna-like species and any information regarding the list, the Executive Secretary shall circulate this information to the CPCs. Vessels that have been added or deleted from the respective lists shall be incorporated into or deleted from the ICCAT IUU Vessel List as appropriate, unless any Contracting Party objects within 30 days of the date of transmittal by the Executive Secretary on the grounds that:

- i) there is satisfactory information to establish that the vessel did not engage in any IUU fishing activities or that effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution, and imposition of sanctions of adequate severity, or
- ii) there is satisfactory information to establish that none of the requirements mentioned in i) above have been met with regard to a vessel taken off the respective lists, or
- iii) there is insufficient information to make a determination pursuant to sub-paragraph i), or ii), above within 30 days.

In the event of an objection to a vessel listed by another RFMO managing tuna or tuna-like species being incorporated into or deleted from the ICCAT IUU Vessel List, such vessel shall be placed on the Provisional IUU Vessel List.”

2. Paragraphs 11 – 21 of Rec. 06-12 shall be renumbered 12-22.