

Call for the ICCAT Contracting Parties, Cooperating non-Contracting Parties and observers to support stronger transparency and anti-IUU measures

June 2020

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together in a coalition of non-governmental organisations to ensure that the EU's engagement with Regional Fisheries Management Organisations (RFMOs) and key partners leads to strong transparency and anti-illegal, unreported and unregulated (IUU) fishing measures worldwide.

In a coalition report titled **"Achieving transparency and combating IUU fishing in RFMOs"**,¹ we outline the minimum transparency and anti-IUU fishing measures that we consider essential for RFMO Contracting Parties, Cooperating non-Contracting Parties (CPCs) and fishing entities to adopt and implement in order to end IUU fishing.

This document details vital measures for discussion and adoption at the next meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

To promote transparency and tackle IUU fishing, we ask ICCAT CPCs to prioritise the following actions:

Amend Recommendation 06-14 by ICCAT To Promote Compliance by Nationals of Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities with ICCAT Conservation and Management Measures and strengthen the implementation of Recommendation 18-08 by ICCAT On Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities, in order to prevent CPC nationals from deriving benefits from or supporting IUU fishing

Recommendation 06-14 promotes compliance by nationals of CPCs with ICCAT conservation and management measures. Currently, its applicability is limited to any natural or legal persons subject to their jurisdiction (nationals) that are found to be engaging in IUU fishing activities. Other RFMOs, including the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the South Pacific Regional Fisheries Management Organisation (SPRFMO), the Southern Indian Ocean Fisheries Agreement (SIOFA) and the General Fisheries Commission for the Mediterranean (GFCM) have recently adopted measures that explicitly extend the mandate of their CPCs to verify and take appropriate action when nationals are found to be otherwise benefiting from or supporting the activities of IUU vessels through, for example, the provision of services.

As RFMO IUU vessel lists are publicly accessible and widely available, avoiding business contracts with IUU vessels and

denying them access to services is fully achievable and has the potential to significantly impede the activities of IUU fishing vessel operators.

We urge ICCAT CPCs to amend Paragraph 1 of Recommendation 06-14 by explicitly stating that CPCs must investigate and take appropriate action if any natural or legal persons subject to their jurisdiction are not only engaged in but also responsible for, benefiting from or supporting IUU fishing activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers).

We also encourage ICCAT to increase the accuracy, completeness, and transparency, wherever possible, of information relating to vessels on ICCAT's IUU vessel list, as required by Recommendation 18-08, including beneficial ownership and documents informing of and evidencing activities which justified the inclusion of vessels on the list. This information would assist due diligence processes carried out by any relevant entity to identify and avoid contracts that support IUU fishing activity.

Amend Recommendation 13-13 by ICCAT Concerning the Establishment of an ICCAT Record of Vessels 20 Metres in Length Overall or Greater Authorized to Operate in the Convention Area to expand IMO number reporting requirements to all eligible vessels

Recommendation 13-13 requires CPCs to submit to the ICCAT Executive Secretary the list of their fishing vessels of 20 metres in length overall or greater that are authorised to operate in the ICCAT Convention area, together with other relevant information (Paragraph 2). The latter includes, amongst other data fields, "IMO or LR number (if assigned)".

In December 2017, the International Maritime Organization (IMO) Assembly adopted Resolution A.1117(30), expanding the IMO Number eligibility criteria to all motorised inboard fishing vessels, including wooden ones, down to a size limit of 12 metres authorised to operate outside waters under the national jurisdiction of the flag State.

Since then, a number of RFMOs, such as the Western and Central Pacific Fisheries Commission (WCPFC), the Inter-American Tropical Tuna Commission (IATTC), and the Indian Ocean Tuna Commission (IOTC) have amended their resolutions to align with the new criteria. The expansion of the IMO eligibility criteria was acknowledged by ICCAT's Compliance Committee in its 2018 annual report.²

We urge ICCAT CPCs to amend Recommendation 13-13 on the application of IMO Numbers, changing the qualifier "(if assigned)" to "(if eligible)" in Paragraph 2, in order to ensure that all eligible fishing vessels above 12 metres have an IMO number in line with international best practice and with the latest IMO eligibility criteria.

In addition, we would like to draw CPCs' attention to the *mutatis mutandis* clauses in Recommendations 16-05 and 18-02 which establish authorised vessel lists for swordfish, albacore and bluefin tuna operations respectively. These clauses extend the IMO number requirements established in Recommendation 13-13 to Recommendations 16-05 and 18-02. Specifically, authorised vessels relevant to all three of these Recommendations that are eligible to obtain an IMO number must do so, as per Article 5bis. Thus, in addition to all fishing vessels of 20 metres LOA or greater, **vessels down to 12 metres LOA that target bluefin tuna, albacore and swordfish and that are authorised to operate outside waters under national jurisdiction of the flag State, are eligible and required to obtain an IMO number.** In total, over 1800 fishing vessels 12 to 19.99 metres in length overall are listed on the ICCAT Record of Vessels. IMO numbers can be issued for free by IHS Markit on behalf of the IMO.³

Alternatively, or in the future, the scope of the IMO number requirement in ICCAT should be expanded to include all eligible vessels of any size down to 12 metres, targeting any species managed under ICCAT, in line with international best practice.

Adopt a new measure to ensure safe and decent working and living conditions for crew members

As acknowledged by the member states of the IMO, the International Labour Organization (ILO), and the Food and Agriculture Organization of the United Nations (FAO) during the 4th FAO/ILO/IMO Joint Working Group meeting on IUU Fishing and other related matters in Torremolinos, Spain, on 23-25 October 2019, vessels with substandard safety and working conditions of fishers and fisheries observers on vessels are frequently linked to IUU fishing activities.

The increasing global attention to instances of poor labour conditions and mistreatment of crews, including forced and child labour on board fishing vessels, requires CPCs to take action. This should include adopting generally accepted international minimum labour standards for the responsible conduct of fishing operations.

The EU IUU Coalition acknowledges the efforts that ICCAT CPCs have made in recent years in improving the conditions and welfare of observers on board fishing vessels with the newly adopted *Recommendation 19-10 by ICCAT on protecting the health and safety of observers in ICCAT's regional observer programs*. However, it is now time to acknowledge the equal importance of the welfare of crew members.

We urge CPCs to adopt a new measure establishing minimum standards regulating crew labour conditions and to ensure adequate enforcement. This would include identifying and prosecuting breaches of relevant national laws relating to the treatment of crew by vessel operators landing fish in their ports or operating in their waters.

As a best practice example, in December 2018, the WCPFC adopted a Resolution on Labour Standards for Crew on Fishing Vessels. Although this measure is a non-binding resolution, this is the first time that a labour proposal was tabled at an RFMO. This example should be followed.

- ¹ EU IUU Coalition (2019). Achieving transparency and combating IUU Fishing in RFMOs. Reinforcing the EU's multilateral actions to promote best practices. http://www.iuuwatch.eu/wp-content/uploads/2019/05/RFMO-report_EN_May-2019_FINAL.pdf
- ² International Committee for the Conservation of Atlantic Tunas, Report for biennial period, 2018-2019, Part I (2018) - Vol. 1, https://www.iccat.int/Documents/BienRep/REP_EN_18-19_I-1.pdf
- ³ Individual vessel applications can be made online for free at <http://imonumbers.ihs.com>. Alternatively, flag States can apply for IMO numbers for multiple vessels at one time by contacting IHS Maritime at ship.imo@ihs.com to receive a multiple IMO request form in spreadsheet format.

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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