

STATEMENT

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

November 2019

Oceana, The Pew Charitable Trusts and WWF are working together with the The Environmental Justice Foundation (EJF), 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-IUU measures worldwide.

In a coalition report titled "*Achieving transparency and combating IUU fishing in RFMOs*", 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.

Relevant to the International Commission for the Conservation of Atlantic Tunas (ICCAT), we consider the following measures vital for ICCAT to discuss and adopt at the 26th Regular Meeting in Palma de Mallorca, Spain, 18-25 November 2019. **In this regard, we urge ICCAT Contracting Parties to:**

- ***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 nationals from further 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 as defined in Paragraph 1 of Recommendation 18-08. Other RFMOs, including the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), the South Pacific Regional Fisheries Management Organisation (SPRFMO), and the Southern Indian Ocean Fisheries Agreement (SIOFA), 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 therefore call on ICCAT 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 numbering 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 a series of relevant information (paragraph 2). The latter includes, amongst other data fields, “IMO or LR number (if assigned)”. On 18 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, of less than 100 gross tonnage 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 report¹.

Therefore, we call upon ICCAT to amend Recommendation 13-13 on the application of IMO Numbers for all fishing vessels above 12 metres, to better align with the new IMO eligibility criteria.

In addition, we would like to draw CPCs’ attention to the *mutatis mutandis* clauses in Recommendations 16-05 and 18-02 establishing authorised vessel lists for swordfish and bluefin tuna operations respectively. It is our understanding that these clauses extend the IMO number requirements under Recommendation 13-13 to all eligible vessels in the above lists, including any listed vessels below 20 metres, down to 12 metres LOA. In total, over 1800 fishing vessels 12 to 19.99 metres in length overall are listed on the ICCAT Record of Vessels. Where these vessels are authorised to operate outside waters under national jurisdiction of the flag State, they are eligible to obtain the IMO number and required to do so if they target Mediterranean swordfish or east Atlantic and Mediterranean bluefin. IMO numbers are issued for free by IHS Markit on behalf of the IMO.²

- **Adopt the recommended ICCAT Convention text**

For more than six years, ICCAT has been developing a set of amendments meant to modernise the Convention text. The recommended text includes several improvements, among others, on the decision-making process, providing a more transparent objection procedure and an option for a dispute resolution mechanism. Robust, flexible and enabling decision-making arrangements can facilitate an organisation’s functioning and delivery of its core mission by providing CPCs with the tools to overcome instances of impasse.

Taking the above into consideration and in recognition of the improvements included, we urge ICCAT to adopt the final recommended Convention Amendment without delay.

- **Adopt a new recommendation to report on operational incidents at sea and consider taking other measures to ensure safe and decent working and living conditions on board vessels**

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), vessels with substandard safety and working conditions of fishers and fisheries observers on vessels are frequently linked to IUU fishing activities. Widespread implementation of relevant minimum international standards and full reporting of safety and labour-related incidents will allow for the identification and potential mitigation of dangerous situations for both fishers and fisheries observers.

Accordingly, we urge CPCs to implement measures consistent with the international minimum standards outlined in the ILO Work in Fishing Convention and IMO Cape Town Agreement, to ensure safe and decent working and living conditions on board for all fishers and fisheries observers flying their flag and operating within the Convention Area. In addition, we encourage CPCs to develop a new measure requiring regular data collection and reporting on safety and labour-related incidents that occur in the Convention Area.

¹ 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

² 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.