

# **National Plans to combat illegal, unreported and unregulated fishing: Models for coastal and small island developing States**

Based on the work of

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Food and Agriculture Organization of the United Nations  
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## FOREWORD

This document presents model case studies for use in FAO regional and sub-regional workshops to enhance national capacity to elaborate National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (NPOAs – IUU). The workshops are being held as a response to widespread agreement that the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) should be put into effect by 2004. This date was stipulated in the IPOA-IUU, and reinforced by the World Summit on Sustainable Development, the United Nations General Assembly and the FAO Committee on Fisheries (COFI).

The model case studies are based on the work of Ms Judith Swan, FAO Consultant, with the assistance of various colleagues associated with FishCode, FAO's Programme of Global Partnerships for Responsible Fisheries. Technical advice and capacity-building for NPOAs – IUU are provided as part of the activities undertaken through FishCode component projects GCP/INT/849/USA ("Support for the Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing"), with Trust Fund support from the Government of the United States of America, and GCP/INT/823/JPN ("Responsible Fisheries for Small Island Developing States (SIDS)"), with Trust Fund support from the Government of Japan. The collaboration of Mr David Doulman (Senior Fisheries Liaison Officer, Fishery Policy and Planning Division, FAO Fisheries Department) and Mr Ben Satia (Chief, International Institutions and Liaison Service Fishery Policy and Planning Division, FAO Fisheries Department) in the preparation of this document is gratefully acknowledged.

The FishCode Review series publishes results of studies, missions, consultations, workshops, meetings and other project activities undertaken through the Programme, in furtherance of its objective of facilitating implementation of the 1995 FAO Code of Conduct for Responsible Fisheries and related international fisheries instruments and plans of action. Individual numbers in the series are distributed to appropriate governments, regional bodies, meeting participants and Programme partners. Further information on Programme background, publications and activities is available through [www.fao.org/fi/fishcode](http://www.fao.org/fi/fishcode).

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National Plans to combat illegal, unreported and unregulated fishing: Models for coastal and small island developing states.

For Use in FAO Workshops to enhance national capacity to elaborate NPOAs-IUU

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#### **ABSTRACT**

This document presents model case studies for use in FAO regional and sub-regional workshops to enhance national capacity to elaborate National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (NPOAs-IUU). The workshops are being held as a response to widespread agreement that the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) should be put into effect by 2004. This date was stipulated in the IPOA-IUU, and reinforced by the World Summit on Sustainable Development, the United Nations General Assembly and the FAO Committee on Fisheries (COFI).

Two model case studies are provided to show how States may develop and implement an NPOA-IUU. One case study relates to coastal States, and the other to small island developing States (SIDS). While "Republic of Galactia" and the "Alpha Islands" are fictitious, the fisheries profile presented for each State draws from typical existing circumstances. Relevant details are provided about the fishing industry, fisheries management, research, development assistance and international and regional relations, treaties and organizations. Existing regional organizations and arrangements provide the basis for the fictitious models described in the case studies.

Elements of a possible NPOA-IUU that could be elaborated for each State are then reviewed, taking into account the framework suggested in the FAO Technical Guidelines to implement the IPOA-IUU.

Worksheets are included that allow workshop participants to consider and set up a timetable for implementation of the NPOAs-IUU.

***Keywords: Illegal, unreported and unregulated fishing (IUU fishing); Small Island Developing States (SIDS), Monitoring, Control and Surveillance (MCS), Fisheries Management***

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## ACRONYMS

ALC	Automatic location communicators
BAFCO	Beta Fishing Company
CCT	Commission for the Conservation of Tuna
CECF	Committee for Eastern Ocean Fisheries
CIF	Committee for Inland Fisheries
CITES	Convention on International Trade in Endangered Species
COFI	FAO Committee on Fisheries
EEZ	Exclusive economic zone
FADs	FADs
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
GVLFO	Great Vegan Lake Fisheries Organization
IEZ	Inshore exclusion zone
IPOA-IUU Unreported	International Plan of Action to Prevent, Deter and Eliminate Illegal, and Unregulated Fishing
LME	Large marine ecosystem
MCS	Monitoring, control and surveillance
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing
PFO	Pesca Fisheries Organization
RDC	Regional Development Community
REIO	Regional Economic Integration Organization
REP	Regional Environment Programme
RFMOs	Regional fisheries management organizations
SOC	Secretariat of the Oceanic Community
TFC	Tuna Fisheries Commission
UNCED	United Nations Conference on Environment and Development
VMS	Vessel monitoring system
WSSD	World Summit on Sustainable Development

## INTRODUCTION

Since the late 1990s, a number of international fora have issued calls to combat illegal, unreported and unregulated fishing (IUU fishing).<sup>1</sup> The FAO Committee on Fisheries (COFI), at its Twenty-third Session in 1999, considered the problem to be a matter of high priority. Information presented to COFI at that time indicated that IUU fishing, particularly by fishing vessels flying “flags of convenience,” was a growing threat to the achievement of sustainable fisheries. In the face of such information, COFI recommended the elaboration of an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU),<sup>2</sup> and the convening of an Expert Consultation<sup>3</sup> and two Technical Consultations.<sup>4</sup> COFI adopted the IPOA-IUU, by consensus, in March, 2001.

In November, 2001, the United Nations General Assembly urged all States, as a matter of priority, to coordinate their activities and cooperate directly and, as appropriate, through relevant regional fisheries management organizations, in the implementation of the IPOA-IUU and to develop corresponding national plans of action.<sup>5</sup>

Since then, the IPOA-IUU has been the subject of ongoing high-level attention. The 2002 World Summit on Sustainable Development (WSSD) called for States to urgently develop and implement national and, where appropriate, regional plans of action, to put into effect the IPOA-IUU by 2004. Subsequently, two supportive General Assembly Resolutions were adopted in 2003: one urged States to take all necessary steps to implement the IPOA-IUU, including through relevant regional fisheries management organizations (RFMOs),<sup>6</sup> and another urged States to develop and implement national and, where appropriate regional plans of action, to put the IPOA-IUU into effect by 2004.<sup>7</sup>

The FAO Fisheries Department has prepared and published Technical Guidelines to support implementation of the IPOA-IUU.<sup>8</sup> They are addressed to decision-makers and policy-makers associated with the management of fisheries, but they should also be of interest to fishing industries and other parties. The Guidelines provide advice as to how the measures in the IPOA-IUU can be put into effect. They also provide advice on the possible organization and content of national plans of action for implementation of the IPOA-IUU.

The Twenty-fifth Session of COFI considered the IPOA-IUU in February 2003, in the context of activity at both national and regional levels. Many members requested FAO to continue

<sup>1</sup> E.g. the Commission on Sustainable Development; the Asia-Pacific Economic Cooperation Fisheries Working Group; the United Nations General Assembly; the International Maritime Organization (IMO) Sub-Committee on Flag State Implementation; the IMO Marine Environment Protection Committee; the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

<sup>2</sup> Report of the Twenty-third Session of the Committee on Fisheries, Rome, Italy, 15-19 February 1999, Paragraph 72.

<sup>3</sup> The Government of Australia, in cooperation with FAO, organized an Expert Consultation on Illegal, Unreported and Unregulated Fishing, which took place in Sydney, Australia, from 15 to 19 May 2000.

<sup>4</sup> FAO convened a Technical Consultation on Illegal, Unreported and Unregulated Fishing in Rome from 2 to 6 October 2000. During a further Technical Consultation, held in Rome from 22 to 23 February 2001, careful deliberations produced a complete text for the draft IPOA for consideration by COFI at its Twenty-fourth Session.

<sup>5</sup> See UNGA Resolution 56/13, paragraph 15.

<sup>6</sup> A/Res/57/141. Oceans and Law of the Sea.

<sup>7</sup> A/Res/57/142. Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments.

<sup>8</sup> FAO Fisheries Department. Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. *FAO Technical Guidelines for Responsible Fisheries*. No. 9. Rome, FAO. 2002. 122p.

to provide technical assistance to facilitate implementation, especially for the development of national plans of action to implement the IPOA-IUU.

This document supports the response by FAO to the request for continued technical assistance. It was prepared for use as case studies in FAO regional and sub-regional workshops to enhance national capacity in elaborating National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (NPOAs-IUU).

Two model case studies are provided to show how States may develop and implement an NPOA-IUU. One case study relates to coastal States and the other to small island developing States (SIDS). The States, the Republic of Galactia and the Alpha Islands, are fictitious.

A fisheries profile is presented for each State, drawn from typical existing circumstances. Relevant details are provided regarding the fishing industry, fisheries management, research, development assistance and international and regional relations, treaties and organizations. Existing regional organizations and arrangements provide the basis for the fictitious models described in the case studies.

Elements of an NPOA-IUU that could be elaborated are then presented for each State, taking into account the framework suggested in the FAO Technical Guidelines to implement the IPOA-IUU.

Worksheets are included that allow workshop participants to consider and set up a timetable for implementation of the NPOAs-IUU.

The basic terminology of IUU fishing, as defined in the IPOA-IUU, is given below.

**ILLEGAL, UNREPORTED AND UNREGULATED FISHING  
(Paragraph 3, IPOA-IUU)**

**Illegal fishing** refers to fishing activities:

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

**Unreported fishing** refers to fishing activities:

- (1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (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.

**Unregulated fishing** refers to fishing activities:

- (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
- (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.<sup>9</sup>

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<sup>9</sup> The IPOA-IUU notes that “certain unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under” the IPOA-IUU.



## PART I. REPUBLIC OF GALACTIA

### SECTION I.A GALACTIA FISHERIES PROFILE

#### 1. GALACTIAN FISHING INDUSTRY

The fishing industry in Galactia, a developing coastal State bordering the Atlantic Ocean, is based on resources from the marine and, to a lesser extent, inland sector.

##### 1.1 The inland sector

The main sources of inland fisheries – entirely traditional or artisanal - are the Great Vegan Lake, reservoirs and fish ponds. Inland fishing employs around 85 000 fishers and traders, and most of Galactia's small inland fishing boats - around 15 000 - operate on the Great Vegan Lake, most of them without engines. The annual production of inland fisheries is about 16 per cent of the annual total domestic production, with prices affected mostly by the quality and quantity of the fish.

There has been rapid expansion of the population of introduced fish in the Great Vegan Lake, locally referred to as “the Saviour”, and the fishery it supports. This has led to many expressions of alarm regarding the future of the lacustrine ecosystem and the sustainability of the resource.

The Saviour Fish, together with two other species, make up most of the total catch composition of fish from the Great Vegan Lake. The Saviour Fish has a high export value, with a significant export market being member countries of a regional economic integration organisation (REIO).

Non-Galactian fishers from the two other countries bordering the Great Vegan Lake frequently fish illegally in Galactian waters and land the fish in their home countries both for consumption and export.

Data on effort in terms of numbers of boats, fishers, nets or fishing days are somewhat fragmentary and weak; catch statistics are usually recorded at the main marketing centres on the Great Vegan Lake. The difficulties involved with the collection, analysis and reporting of catch, effort, price and related data for inland fisheries have been well known for some time. While repeated attempts have been made to resolve them, there have generally been few long-lasting effects. Monitoring and reporting systems have remained weak, not so much for lack of knowing what needs to be done but for lack of funds, equipment and trained and committed personnel.

Of the three countries bordering the Lake, Galactia has the most complete monitoring and reporting system, and it indicates a trend towards increasing effort. The fishing pressure is affecting juvenile as well as adult stock components in a situation that is already unstable and in need of a strong precautionary approach. Because of the value of Saviour Fish for export, poorer operators stand to be displaced from the fishery, and consumer prices for table fish are tending to spiral upward.

Due to the interrelationship of the three major species of fish in the Great Vegan Lake, it is believed that the best form of management is gear selectivity. The non-Galactian fishers often use gear that is not adequately selective, and tend not to report catch or effort.

One of Galactia's neighbouring countries has played a leading role in the export trade for Saviour Fish, due largely to favourable geographical and infrastructural circumstances. But overcapacity now exists in that country, with ramifications for Galactian fish-marketing and distribution patterns that could be disruptive to Galactia's national economic interests.

A concern is the future of the Great Vegan Lake ecosystem. In recent years, there have been changes in water quality, marked by increasing eutrophication and the development of an anoxic layer at lower depths of the water column. This has been brought on by a range of factors, including chemical pollution, sedimentation and runoff of deleterious substances from logging operations. In addition, the rapid colonization by the water-hyacinth has been ubiquitous, with its mats often choking sheltered bays and inlets. This is less a problem in the Galactian portion of the lake than along the shorelines of the neighbouring countries.

One consequence of the deterioration of the ecosystem has been the ban by the REIO members on the import of Saviour Fish on grounds that they contained harmful chemicals which were used in fishing operations. This has affected thousands of fishers and marketers in countries around the Lake, including Galactia.

## 1.2 The marine sector

The fisheries activities in the marine sector exploit both pelagic and demersal fish resources. Fishing activity in the marine sector consists of:

- artisanal fishing, using canoes (about 9,000 canoes, of which 55 per cent are motorised);
- semi-industrial<sup>10</sup> coastal fishing, using locally manufactured motorized wooden boats (150 craft);
- trawling, using imported steel vessels more than 35 metres long (60 trawlers);
- tuna fishing, by pole and line and purse seine vessels, including foreign operated boats (33 vessels).

The focus for IUU fishing in the marine sector is fishing by trawlers and tuna fishing.

### 1.2.1 Trawlers and tuna vessels

The major species fished by trawlers is shrimp. Fourteen Galactian trawler vessels fish in the waters of neighbouring countries, and the others fish in Galactian waters. In Galactia, the trawlers may only fish in certain areas and with specified gear. Shrimps are processed and packed on board the trawlers for export.

Three tuna vessels are known to fish in neighbouring countries and on the high seas, and several others are suspected of fishing beyond areas of national jurisdiction. Thirty of the vessels are pole and line and three are purse seiners. All tuna vessels are currently operated on a joint-venture basis with Galactians beneficially owning or controlling at least 50 per cent of the shares as required by the 2002 Fisheries Act. They are all registered in Galactia. Where there is no joint venture the Fisheries Act allows licences for foreign fishing vessels to be issued if there is an access arrangement, but none have been issued in this manner.

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<sup>10</sup> Semi-industrial is defined in the Galactian 2002 Fisheries Act as a motor fishing vessel powered by an inboard engine, and excludes artisanal fishing vessels (traditional canoe fishing by a citizen) and industrial fishing vessels (motor fishing vessel equipped with hydraulic equipment and using industrial gear).



### **1.2.2 Tuna processing and production**

About 40 per cent of the sustainable annual tuna catch of the Eastern Atlantic can be taken in Galactian waters. About 70 per cent of the landed tuna is processed into loins or canned and exported, and it is believed that tuna is the only significant species in Galactian waters able to sustain increases in production. Galactia's tuna fishing potential has been increased by the recent provision of tuna landing facilities, financed by foreign aid.

Tuna processing and preparation of fishmeal from tuna discards are the only industrial processing activities carried out in Galactia. The Pacifica Food Cannery and Atlantica Food Cannery process tuna mainly for the export market. Since continuous supply of tuna is a problem, overseas partners able to bring in or equip fishing boats are being sought. The Minister of State in charge of Fisheries recently announced that the Government would bring in some fishing vessels to enable Galactians to produce fish locally, as in the past few years the concentration had been on the importation of fish. A major goal is to raise tuna production from 70 000 to 100 000 metric tonnes annually.

### **1.2.3 Terme Harbour, port development**

Terme Fishing Harbour is currently the main landing point for all tuna and industrial vessels. The Pacifica and Atlantica Food canneries, with capacities of 25 000 tonnes and 4 500 tonnes, respectively, are located within the Terme Fishing Harbour Area. The semi-industrial fleet is mostly located in Terme Fishing Harbour.

### **1.2.4 Export and investment policy, financial value of industry**

The Galactian government seeks to encourage non-traditional fisheries with a view to export, and to this end it has a policy for tax free port and zone development. This would encourage investment by providing tax exoneration for the first ten years of operation.

In total, the marine fishing industry supports up to 1.5 million people, about 10 per cent of the total population. It accounts for about 5 per cent of the agricultural Gross Domestic Product (GDP). Fish and fish products, including tuna and shrimp, contribute US\$62 million which is 20 per cent of the industrial or non-traditional exports of Galactia.

### **1.2.5 Deepwater species depletion**

Catches made in the Galactian exclusive economic zone (EEZ) are comprised of about 80 per cent deepwater species. All indications are that there is a high rate of exploitation and excessive fishing pressure, especially for demersal stocks. In the past eight to ten years, several reports have emphasised the need to reduce the fishing pressure on the demersal stocks because they are significantly depleted.

There are a number of reasons for this. Galactia is a big market for fish – and demand for fresh or frozen produce outstrips supply. This has encouraged many to take up fishing, thus increasing the number of canoes and leading to overfishing of the accessible coastal shallows. Moreover, some years ago, large-scale poaching by foreign vessels seriously depleted the demersal fish stocks in the Galactian EEZ.

### **1.2.6 Galactian nationals in the marine fisheries sector**

Galactian nationals working in the marine fisheries sector confine their activities to the Galactian fishing grounds and/or Galactian vessels, and are not employed on vessels of other countries. Two Galactian-owned vessels that fish outside Galactian waters illegally

carry two registrations, one Galactian and the other from Pluto, a country that does not meet its flag State responsibilities.

## **2. FISHERIES MANAGEMENT IN GALACTIA**

The fisheries in Galactia are controlled by two broad types of management systems, described below. The first is comprised of traditional systems based on community institutions and social practices at the local level. The second type is a management system consistent with international management principles, based on free access but regulated by the State. It is principally directed at the activities relating to semi-industrial and industrial fishing vessels in the marine sector.

### **2.1 Traditional systems of management**

The head of the fishing community is the Chief Fisherman, who is chosen from a clan in the community. As a symbol of local administrative and spiritual authority in the community, the Chief Fisherman settles disputes, maintains law and order on the beach, coordinates action in the event of accident at seas, mediates with migrate fishers, supervises the fair distribution of any communally acquired inputs, collects user fees for initiating development projects and leads the people in performing religious rituals connected with the sea. He is assisted by a council of senior fishers.

Attempts have been made to establish community-based fisheries management committees in all the fishing communities in the Great Vegan Lake system. With the assistance of the Department of Fisheries, the fishing communities are encouraged to plan, formulate and implement fisheries resource management plans. Astra, a fishing community in the Lake system, has an effective community-based system, and is being used as a model for adoption by other fishing communities. This system of management has been found to be relatively more effective than conventional methods.

### **2.2 Management regulated by the State - the 2002 Fisheries Act**

Fisheries management and development requirements, consistent with international principles, are embodied in the 2002 Fisheries Act. Recognizing the traditional systems, it provides a framework for inland fisheries, including a community-based management system. It contains more substantial provisions relating to the semi-industrial and commercial marine sectors.

The Act was drafted in 1994, but not passed into law for many years. It therefore does not implement many of the provisions that were developed in the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement and the IPOA-IUU. It applies only to activities in areas under Galactian jurisdiction, except for the enforcement action of hot pursuit outside such areas for an offence committed within Galactian jurisdiction.

The Act is regarded as a platform for developing and strengthening fisheries management in Galactia, and is used as a major reference point for capacity building and addressing management issues, including IUU fishing activities. Relevant provisions that would empower Galactia to improve its current management practices (previously hindered by lack of authority as well as financial resources and political support) are set out below.

Although major constraints to implementing the legislation are the continuing lack of human resources, capacity, infrastructure, financial resources (sometimes resulting in conflicts of interest) and integration with other government agencies, Galactia is benefiting from

assistance from sub-regional, regional and international organizations and programmes, as well as donor assistance. It therefore views the legislation as a foundation upon which to build and prioritize its management practices.

### **2.2.1 The Fisheries Commission and Minister**

The Fisheries Act establishes a management authority in the form of a Fisheries Commission in the Ministry of Food and Agriculture. It is comprised of ten persons, including seven *ex officio* government members and three industry members. Its object is to regulate and manage the utilization of the fishery resources of Galactia and coordinate the policies in relation to them. Its functions include promoting subregional, regional and international cooperation in fisheries management. There is also a provision for the Minister to consult on international fisheries management, including through regional or sub-regional organisations or international agencies.

### **2.2.2 License and registration requirements for fishing vessels**

In keeping with the dual management systems, the Act has separate provisions in relation to local industrial and semi-industrial fishing vessels, foreign fishing vessels, artisanal fishing, aquaculture and recreational fishing vessels. Licenses are required for fishing in Galactian waters by:

- foreign fishing vessels;
- local industrial and semi-industrial fishing vessels;
- canoes;
- artisanal fishing; and
- recreational fishing.

Licensed vessels are not allowed to land, tranship or discharge any fish outside Galactia. A licence is required for transshipment or export and, in any case, fish have to be landed first in Galactia. The Fisheries Commission is required to keep a register of fishing licences. Licensed vessels are required to make appropriate reports of catches and related data, and maintain logbooks.

### **2.2.3 The Inshore Exclusion Zone**

Large semi-industrial vessels and industrial vessels are not permitted within the inshore exclusion zone (IEZ). This comprises the coastal waters between the coastline and the 30 metre isobath or 6 nautical mile offshore limit, whichever is farthest. Canoe support vessels are also prohibited, as are towing gear. The IEZ is reserved exclusively for small semi-industrial vessels. Unlike some of its neighbours, a major problem in Galactia is not with illegal trawlers but with licensed trawlers using illegal practices, including widespread fishing inside the IEZ. Trawlers are required to operate according to strict regulations, but the government does not have the necessary capacity to enforce this.

### **2.2.4 Galactia Monitoring, Control and Surveillance Unit**

The 2002 Fisheries Act provides for a Monitoring, Control, Surveillance and Enforcement Unit. Personnel for the Unit are designated by the Minister in consultation with the Minister for Defence, and include personnel from the navy, air force and the secretariat of the Commission. Their powers are clearly set out for activities inside areas of Galactian jurisdiction, but, as noted above, they may exercise their powers beyond the limits of the EEZ following hot pursuit.

### 2.2.5 Penalties, fines, compounding process

Management of fisheries can be frustrated due to the fact that penalties and fines in the Act are very steep, and somewhat uneven. They are expressed in US dollars and in most cases there are maximum and minimum fines. Maximum fines generally apply to semi-industrial, industrial or foreign fishing vessels and can be as high as US\$2 million, for example in the case of unlicensed fishing by a foreign fishing vessel. However, unlicensed fishing by a Galactian industrial fishing vessel attracts a minimum fine of US\$1 000, with no maximum specified.

There is a provision in the Fisheries Act for compounding an offence, allowing the Commission to accept an amount not less than the minimum penalty for the offence, plus the fair market value for any fish caught illegally, with the consent of the prosecutor.

### 2.2.6 Evidentiary provisions

Evidentiary provisions allow for certificate evidence by an authorized officer regarding, *inter alia*, the position of a vessel as identified by position fixing instruments. The certificate can be used as sufficient evidence in the prosecution if there is no objection by the defendant. There is a general provision regarding “designated machines” where the Minister may designate a machine by notice in the *Gazette* and the readings from such machines are admissible as evidence under certain circumstances. This could apply to automatic location communicators (ALCs) in a vessel monitoring system (VMS), but there are no requirements regulating the installation and maintenance of ALCs for VMS generally.

## 2.3 Integrated decisionmaking in Galactia

As noted above, the 2002 Fisheries Act provides for integrated decision-making in the Department of Fisheries through establishment of the Fisheries Commission, and through a requirement that certain consultation procedures be followed.

In areas related to fisheries, the Ministry of Environment, Science and Technology acts as Coordinating Ministry for integrated decision-making in the following areas:

- integrated coastal zone management and sustainable development;
- marine environmental protection;
- sustainable use and conservation of marine living resources (of the high seas and under national jurisdiction).

Other arrangements that facilitate coordination include the National Committee for the Implementation of Agenda 21 and the Steering Committee of the Gulf of Galactia Large Marine Ecosystem (LME) Project. However, in respect of the latter there has not been much progress on addressing issues relating to management of high seas fishing because the project addresses broader issues relating to the LME.

## 3. RESEARCH AND TRAINING

The University of Galactia carries out research that is focused on the Saviour Fish and related species. It runs two research stations on the Great Vegan Lake in cooperation with the Department of Fisheries.

The Water Research Institute conducts research on the ecological changes of the Great Vegan Lake, estuaries, lagoons and the immediate inshore water system of Galactia in order to provide information for proper utilization, exploitation, development and management of resources.

Galactia also benefits from the Regional Project for Research and Training on Coastal Marine Systems, and other relevant projects implemented with development assistance and through regional organizations and programmes.

#### 4. DEVELOPMENT ASSISTANCE

The World Bank is midway through a ten year fisheries sub-sector capacity building project in Galactia, in the amount of US\$9 million.

A regional economic integration organization and UN Specialized Agencies have provided substantial technical support to the development of the fisheries subsector.

In addition, many of the regional organizations and programmes, noted below, have also been active in providing technical assistance and fisheries management support to Galactia.

#### 5. INTERNATIONAL AND REGIONAL LAW AND RELATIONS

##### 5.1 Treaties and agreements

Galactia has signed and ratified the 1982 United Nations Convention on the Law of the Sea (1982 UN Convention). Even though it has not signed the 1995 UN Fish Stocks Agreement nor adhered to the 1993 FAO Compliance Agreement, the government plans to become party to both of these agreements in order to meet its obligations as a member of regional fisheries bodies.

##### 5.2 Membership in regional fishery bodies

Galactia is a member of the following regional fishery bodies.

- **The Commission for the Conservation of Tuna (CCT).** The main objective of the CCT Convention is to maintain the populations of tuna and tuna-like species found in the Atlantic at levels which permit the maximum sustainable catch for food and other purposes. The Commission's functions *inter alia* include: (i) to study the populations of tuna and tuna-like fishes; (ii) to collect and analyze statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention Area; and (iii) to recommend studies and investigations to the Contracting Parties.

The Commission's area of competence comprises all waters of the Atlantic Ocean, including Galactian waters. It has no regulatory powers, but makes regulatory recommendations to be implemented by Contracting Parties. CCT has recommended a number of measures on catch quotas, minimum weight of fish and limitation of incidental catches, as well as IUU fishing. The regulatory recommendations adopted by CCT are subject to an objection procedure.

CCT has developed a catch documentation scheme whose primary objective is to track the international trade in certain tuna species. It requires that any exports to a member country of the relevant species must be accompanied by a statistical document, validated by the flag government of the vessel that caught the fish, thus providing information on the vessel and the area in which the fish was caught. Members are required to provide the Commission with an annual report of the data collected, and these reports are sent to all members.

- **The Committee for Eastern Ocean Fisheries (CEOF).** CEOF was established under the Constitution of the United Nations Food and Agriculture Organization. It is an advisory body; it can make recommendations on fisheries management to its member countries, but these recommendations are not binding. In recent years, agenda items included emerging global fisheries issues, implementation of the 1995 FAO Code of Conduct in the region and the status and priorities for scientific research. At its last Session in October 2002, the Committee recommended that the Director General should keep under review the issue of a possible framework for the high seas. To this effect, it requested the Director General to convene a Legal and Technical Consultation to address the matter before the next Session of CEOF. There have been no activities relating to the assessment of IUU fishing, or catch certification and documentation. However, CEOF is sensitizing Members on the dangers of IUU fishing and consulting regional institutions on ways to strengthen monitoring, control and surveillance (MCS) to curb illegal fishing.
- **The Committee for Inland Fisheries (CIF).** CIF was established under the Constitution of the FAO. The terms of reference of the Committee are:
  - to promote, coordinate and assist national and regional fishery and limnological surveys and programmes of research and development leading to the rational utilization of inland fishery resources;
  - to assist Member Governments in establishing the scientific basis for regulatory and other measures for the conservation and improvement of inland fishery resources, to formulate such measures through subsidiary bodies as required, and to make appropriate recommendations for the adoption and implementation of these measures;
  - to promote and coordinate efforts on a national and regional basis to prevent damage to the aquatic environment, including the prevention and control of water pollution;
  - to assist in the development of fish culture and stock improvement, including the control of fish diseases and the importation of exotic species;
  - to promote and assist in the utilization of the most effective fishing craft, gear and techniques;
  - to promote and assist activities concerned with the processing, preservation and marketing of fish and fish products;
  - to encourage education and training through the establishment or improvement of national and regional institutions and by the promotion and the organization of symposia, seminars, study tours and training centers;
  - to assist in the collection, interchange, dissemination and analysis of statistical, biological and environmental data and other inland fishery information; and
  - to assist Member Governments in formulating national and regional programmes to be implemented through sources of international aid to help achieve the objectives referred to in the preceding paragraphs.

Members are encouraged to incorporate relevant parts of the 1995 FAO Code of Conduct in their legislation and policies. The Secretariat is encouraging national authorities to set up consultations with non-fisheries ministries, agencies and the fishers in order to address Code of Conduct issues. Even though the IPOA on the Management of Fishing Capacity addresses marine fisheries, CIF members are reminded of the dangers of over-capacity in inland fisheries. CIF is also sensitizing members on the dangers of IUU fishing and countries encouraged to

consolidate and strengthen the community-based management systems set up to limit IUU fishing.

CIF has recommended the implementation of precautionary approach for the management of inland fisheries to members that lack adequate knowledge on the state of the stocks, which prevails in most cases. Another issue considered to be a priority is involvement of the community in the management of inland fisheries.

- **The Great Vegan Lake Fisheries Organization (GVLFO)** - The objectives of the GVLFO are to foster cooperation among the Contracting Parties, harmonize national measures for the sustainable utilisation of the living resources of the Lake and to develop and adopt conservation and management measures. Member countries are currently harmonizing their legislation, and the new legislation will adhere to the Code of Conduct for Responsible Fisheries.

Regular extension and surveys are conducted to further the assessment of the extent, impact and effects of IUU fishing. Illegal gears are being removed from the fishery, and decisions relating to mesh size and slot size have been taken. A priority issue is cross border fishing, and guidelines have been issued in connection with this.

New entrants in the fishery are not encouraged, and catch certification and documentation is implemented mainly in fish factories and with regard to exported fish. To address ecosystem-based fisheries management, the catchment area is being conserved under a Great Vegan Lake Environmental Management Project.

There are no current plans to strengthen the organization's capacity, due to the mandate and budgetary constraints.

### 5.3 Participation in regional programmes

- **Regional Development Community (RDC) – MCS Programme.** Galactia is in partnership with the RDC MCS Programme, which operates under its Protocol on Fisheries. The objectives of the RDC MCS programme address the marine fisheries resources of the region. Capacity building and regional cooperation for MCS are prominent objectives.

Expected results of the RDC MCS Programme include:

- functioning national fisheries MCS systems;
- establishment of a basis for the management of shared stocks and international fishing activities;
- harmonized approaches to the control of international fishing activities;
- greater protection for the marine environment; and
- enhanced regional cooperation and communication

The FAO Code of Conduct for Responsible Fisheries constitutes the framework for any sustainable management of fisheries. RDC will introduce this comprehensive approach within the Protocol on Fisheries, and through the Marine Fisheries Policy Analysis and Review Project.

## SECTION I.B GALACTIA NPOA-IUU

### 1. ALL STATE RESPONSIBILITIES

#### 1.1 Review of national laws, regulations and practices relating to IUU fishing<sup>11</sup>

The Republic of Galactia will undertake a review of its national laws, regulations and practices relating to IUU fishing, with a view to implementing the IPOA-IUU in the most expedient manner possible. In prioritizing the implementation of the 2002 Fisheries Act, it will identify provisions which will be most effective in combating IUU fishing, such as MCS and licensing. The principal goal of the review is to rationalize and strengthen the legal regime and to make possible the use of all relevant tools in the IPOA-IUU "toolbox".

##### 1.1.1 Additional legislative or regulatory authority necessary or desirable to implement the IPOA

The Fisheries Act, 2002 will be reviewed to consider whether to give the following areas legal status through laws, regulations or other instruments, or to take other measures.

##### 1.1.1.1 State control over nationals<sup>12</sup>

- Galactia does not currently prohibit nationals or vessels from supporting or engaging in IUU fishing beyond areas of national jurisdiction, as required by the IPOA-IUU. It is recognised that the term "national" is ambiguous, and could apply to persons and fishing vessels.<sup>13</sup> Therefore, Galactia will take measures in respect of both.
- For Galactian fishing vessels, a review will be undertaken with the aim of adopting legal requirements (by appropriate instrument - law, regulation or other) to: require licences for vessels that fish on the high seas; make reports consistent with requirements of CCTi and international obligations under the 1995 UN Fish Stocks Agreement; comply with boarding, inspection and observer requirements on the high seas; and prohibit the Galactian vessels that fish on the high seas from engaging in IUU fishing or undermining conservation and management measures of designated<sup>14</sup> regional fisheries management organisations or arrangements (RFMOs). The Fisheries Commission will be required to keep certain information relevant to high seas fishing vessels on a register, consistent with standards of RFMOs of which Galactia is a member. The register will, at a minimum, contain the data in paragraph 2.2.1 of this NPOA.
- Galactia does not have capacity to identify and prosecute stateless vessels that undermine international conservation and management measures on the high seas, so will not be seeking legal amendment to this effect. However, it will support the efforts of other member countries of CCT to this effect.<sup>15</sup>
- For Galactian persons in areas beyond national jurisdiction, consideration will be given to a legal requirement prohibiting Galactian nationals from engaging in

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<sup>11</sup> For examples of legislation adopted by some countries relating to IUU fishing, see Edeson, W., Freestone, D., and Gudmundsdottir, E., "Legislating for Sustainable Fisheries" The World Bank, 2001.

<sup>12</sup> IPOA-IUU Paragraphs 18 and 19.

<sup>13</sup> For further explanation of the ambiguity, see Edeson, W., *et al*, note 1, p. 63-65.

<sup>14</sup> Note the official designation of RFMOs, for example by Notice in the *Gazette*, would provide the necessary certainty as to the high seas conservation and management measures that will be applicable to Galactian nationals. Such certainty in law is an essential component of criminal offences.

<sup>15</sup> The United States, for example, has declared that stateless vessels are subject to the jurisdiction of the United States, and has successfully exercised its authority under related legislation (the Magnuson-Stevens Act and the High Seas Fishing Compliance Act.)



fishing activities that violate the fisheries laws of another State or that undermine the effectiveness of conservation and management measures adopted by designated RFMOs.<sup>16</sup>

- It is recognized that enforcement of such a legal prohibition could be difficult, especially if a foreign boat with no connection to Galactia is involved. Concerns include limited enforcement capacity and potential problems with double jeopardy, where action may be taken against the same person for the same offence by Galactia and by the State where the fisheries laws were violated. It is currently estimated that few, if any, Galactians are employed on fishing vessels flying a non-Galactian flag.

#### 1.1.1.2 **Sanctions**<sup>17</sup>

- Sanctions reviewed will include provisions in the 2002 Fisheries Act, other legislation and policy and economic-oriented measures including trade restrictions. The objective is to assess whether the sanctions are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and deprive the offenders of the benefits accruing from such fishing.
- In the 2002 Fisheries Act the review will encompass the level of fine, the practice of compounding offences (accepting an administrative penalty) in accordance with the 2002 Fisheries Act, the seizure, sale and forfeiture of items used in the offence, terms of imprisonment and other relevant considerations. Special attention will be paid to the list of serious violations in Article 21(11) of the 1995 UN Fish Stocks Agreement, in order to ensure that Galactian penalties for such offences are at the appropriate level. Fines and penalties for IUU fishing beyond areas of national jurisdiction will be introduced, and fines for IUU fishing in the IEZ will be increased. In addition, the review will include the consistency of the level of fines for serious offences throughout the Act.
- *Inter alia*, the level of fine for non-reporting or misreporting will be reviewed (including by reference to similar fines in the region) in order more effectively to enforce against IUU fishing, including by use of catch certification schemes, and landing and transshipment documentation requirements.
- The best legal mechanism for implementing trade sanctions, prohibition of port calls or landings or other relevant sanctions against IUU fishers and fishing vessels will also be reviewed.

#### 1.1.1.3 **Eliminating subsidies or other economic support to IUU fishers**<sup>18</sup>

- Financial laws and practices, including tax exoneration, investment criteria and subsidies, will be reviewed with a view to ensuring that economic benefit or support is not provided to Galactian companies, vessels or persons involved in IUU fishing. In particular, if any IUU fisher is receiving benefits or tax exoneration connected with the development of Terme Port, this will be immediately reviewed and withheld if appropriate.

<sup>16</sup> An example of this is the United States Lacey Act which can be used in certain circumstances, for example where the fish or fish products are landed or brought to any place subject to US jurisdiction. The legislation is not directed specifically at US nationals, but makes it unlawful for any person subject to US jurisdiction to "import, export, transport, sell, receive, acquire, possess or purchase any fish...take, possessed or sold in violation of any foreign law, treaty or regulation." This has been used successfully to prosecute US nationals who engage in certain forms of IUU fishing

<sup>17</sup> IPOA-IUU Paragraph 21.

<sup>18</sup> IPOA-IUU Paragraph 23.

#### **1.1.1.4 Evidentiary standards and admissibility<sup>19</sup>**

- The evidentiary provisions of the 2002 Fisheries Act are innovative in terms of permitting certificate evidence and contain modern provisions relating to burden of proof for fisheries offences. They are satisfactory for the introduction of evidence of some new technologies but require more extensive provisions that cover such areas as digital photography. There is also no special reference to the admissibility of evidence taken in such situations as high seas boarding and inspection by a non-national inspecting officer. A review of such provisions will be carried out, with a view to amending the 2002 Fisheries Act appropriately.

#### **1.1.1.5 Monitoring, control and surveillance<sup>20</sup>**

- The 2002 Fisheries Act has extensive provisions for MCS, but they apply only to areas under national jurisdiction, except for hot pursuit. There are no provisions in relation to modern MCS technology such as VMS. There does not seem to be the legal flexibility needed for sub-regional cooperation in MCS under the RDC MCS programme, nor for cooperative MCS on the Great Vegan Lake. The Act will be reviewed, in view of Galactia's current and future international obligations, with the aim of introducing requirements focused on marine fisheries including:
  - cooperation and harmonization with other countries in the sub-region for marine fisheries, and the neighbouring countries surrounding the Great Vegan Lake;
  - installation and maintenance of ALCs and compliance with any requirements of a VMS system consistent with international standards;
  - boarding and inspection on the high seas consistent with international law, recognizing the rights and obligations of masters and of inspection officers;
  - observer programmes with relevant national, regional or international standards, including for Galactian vessels on the high seas; and
  - reporting requirements consistent with requirements in the international instruments for areas within and beyond national jurisdiction.
- Technical assistance will be sought from regional bodies and ongoing programmes as appropriate.

#### **1.1.1.6 Strengthening control over foreign fishing**

- It is current Galactian policy to partner with foreign investors, rather than enter into access agreements allowing foreign vessels to fish in Galactian waters. Galactia will take measures to ascertain whether any potential partner has been involved in IUU fishing, and if so will disqualify that partner from any investment opportunity or other role in the Galactian fishing sector. In the event that the policy changes, an access agreement will be required under the 2002 Fisheries Act and special attention will be given to terms and conditions that prevent, deter and eliminate IUU fishing by those vessels.

#### **1.1.1.7 Strengthening control over landings and transshipments**

- Notification requirements for landings and transshipments for marine fisheries will be reviewed to ensure adequate opportunity for inspection. The legal authority to prohibit landings and transshipments in a timely and effective manner will be reviewed. The CCT resolutions and recommendations will be reviewed for implementation.

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<sup>19</sup> IPOA-IUU Paragraph 17.

<sup>20</sup> IPOA-IUU Paragraph 24.

#### **1.1.1.8 Strengthening control over exports**

- The 2002 Fisheries Act requires that a permit be issued by the Minister for export of fish in commercial quantity, but there is currently no provision authorizing or requiring the Minister to deny an export permit in the event the fish were caught in an IUU fishery, nor creating an offence for an exporter to trade in such fish. An amendment will be prepared catering to these situations.
- Regarding fish illegally caught by non-nationals in Galactian waters of the Great Vegan Lake, then landed in and exported from neighbouring countries, Galactia will work through regional organizations and programmes and directly with the neighbouring and importing countries, as appropriate, to eliminate this practice.

#### **1.1.1.9 Implementation of obligations under RFMOs**

- Legislative authority to deter IUU fishing that undermines conservation and management measures adopted or recommended by any RFMO to which Galactia is party will be reviewed and amendments proposed. One amendment to the 2002 Fisheries Act that will be considered is a provision prohibiting any person from landing, importing, exporting, selling, buying etc. any fish taken contrary to international conservation and management measures adopted by a RFMO to which Galactia is party.<sup>21</sup> Sanctions would be severe, including high fines, and forfeiture, as applicable.
- In addition, cooperation with the catch certification schemes of CCT will be intensified to facilitate detection and the 2002 Fisheries Act will be reviewed to ensure that the appropriate inspection and reporting requirements are sufficient, and the sanctions deterrent.
- A possible constraint in adopting and implementing the above amendments is the planned expansion of tuna landings in Terme Port. However, the current government supports the goal of sustainable fisheries coupled with a punitive fine.

#### **1.1.1.10 Implementation of international law<sup>22</sup>**

- Galactia has implemented the 1982 UN Convention in its 2002 Fisheries Act to a satisfactory extent. Further action regarding implementation of the post-UNCED instruments is described under paragraph 1.3, below.

### **1.1.2 Review of practices relating to IUU fishing**

#### **1.1.2.1 State control over nationals<sup>23</sup>**

- Because Galactian nationals do not as a rule seek employment as crew on non-Galactian fishing vessels, Galactia's practices will be focused on control over its national vessels. Galactia will maintain a register of the operators or beneficial owners of vessels flying its flag, including their nationality. In this way Galactia can identify its nationals should a vessel be involved in IUU fishing. Galactia will encourage other coastal States and RFMOs to maintain the same information base, and encourage cooperation and information exchange for purposes of controlling nationals who may be involved in IUU fishing.

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<sup>21</sup> This is similar to the US "Lacey Act" provision, which has the objective of enforcing the laws of other States through such measures.

<sup>22</sup> Paragraph 11.

<sup>23</sup> Paragraphs 18 and 19.

- Galactia will develop measures to discourage its nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities, including a review of the benefits they may receive from Galactia (such as landing rights) with a view to withholding such benefits. Initial efforts will be directed towards those vessels that are registered in Pluto.
- For inland fisheries, Galactia will launch an information campaign directed at traditional fishing communities with the objective of ensuring that Galactian nationals fish only in national waters on Great Vegan Lake.

#### **1.1.2.2 Vessels without nationality<sup>24</sup>**

- Galactia currently lacks capacity to take active measures in relation to vessels without nationality that fish on the high seas, but will cooperate, as appropriate, with member countries of CCT that have such legislation and capacity.

#### **1.1.2.3 Non-cooperating States<sup>25</sup>**

- Galactia will cooperate with all RFMOs to which it belongs to prevent, deter and eliminate the activities of non-cooperating States which engage in IUU fishing. In particular, it will implement all relevant resolutions of CCT.

#### **1.1.2.4 Economic incentives<sup>26</sup>**

Tax exonerations and other benefits given to attract additional partners for fishing will be withheld from companies, vessels and persons that are involved in IUU fishing.

#### **1.1.2.5 Monitoring, control and surveillance<sup>27</sup>**

- The Galactian MCS Unit and fisheries database and licensing unit have been strengthened as part of the capacity-building project of the World Bank. Due to lack of capacity, there is no observer programme, but a small team of inspectors carry out intermittent port inspections. Until now, there has been no focus on IUU fishing in the annual operations of the MCS unit or the fisheries database. The Unit will seek assistance to develop a multi-year strategy that addresses IUU fishing, with the following priorities:
  - improved enforcement of IUU fishing in the IEZ;
  - improved enforcement of vessel and gear marking;
  - improved training and capacity, including training for high seas boarding and inspection, as appropriate;
  - improved liaison with the fisheries database and licensing unit;
  - developing an observer programme;
  - improved inspection of port landings and transshipments;
  - developing a VMS system, in line with amendments to the law regarding VMS and high seas fishing;
  - improved liaison with RFMOs of which Galactia is a member;
  - improved communication with other organizations and networks, such as FAO and the MCS Network.

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<sup>24</sup> Paragraph 20.

<sup>25</sup> Paragraph 22.

<sup>26</sup> Paragraph 23.

<sup>27</sup> Paragraph 24.

- A budget to implement the strategy will be drawn up and monies of the Fisheries Development Fund established under the 2002 Fisheries Act will be allocated by the Commission among the above priorities.

## **1.2 General measures needed to conform national laws, regulations and practices to international standards**

General measures needed to conform national laws and regulations to international standards consist of the reviews and amendments described in paragraph 1.1 of this section.

## **1.3 Plans to become party to and/or implement relevant international instruments**

Galactia plans to adhere to the 1993 FAO Compliance Agreement and accede to the 1995 UN Fish Stocks Agreement, but because of lack of institutional capacity will request special assistance for developing States under Part V of the IPOA-IUU to enable accession and implementation in national law. It will also seek further assistance in implementing the 1995 FAO Code of Conduct for Responsible Fisheries.

## **1.4 Measures to improve State control over nationals**

Measures will be taken to improve State control over nationals, based on the review described in paragraph 1.1.1.1, above. In addition, an information campaign will be mounted, with external assistance, to deter nationals from engaging in or supporting IUU fishing, both within and outside Galactian waters.

## **1.5 Measures to deal with vessels without nationality that conduct IUU fishing**

Galactia currently lacks capacity to take measures to deal with vessels without nationality that conduct IUU fishing, as noted in paragraph 1.1.2.1 above. Galactia will ensure, as appropriate, through any RFMO of which it is a member, the communication to other States of information it receives or of action it takes. It will also be ready to receive information from any RFMO or other State regarding a vessel without nationality that may appear to be heading for Galactia waters, and will take appropriate measures.

## **1.6 Elimination of subsidies and other economic support relating to IUU fishing**

The measures taken to eliminate subsidies and other economic support relating to IUU fishing are described in sections 1.1.1.3 and 1.1.2.4 above.

## **1.7 Measures to improve monitoring, control and surveillance**

Measures to improve monitoring, control and surveillance are described in sections 1.1.1.5 and 1.1.2.5 above. In addition, with respect to inland fisheries on the Great Vegan Lake, Galactia will cooperate through regional organizations and arrangements to improve MCS through more effective reporting and research, and through development of a programme through which its nationals report on the activities of non-Galactian vessels. It will also cooperate directly, as appropriate, with neighbouring countries around the Great Vegan Lake towards this end.

## **2. FLAG STATE RESPONSIBILITIES**

### **2.1 Measures to improve registration system for fishing vessels**

#### **2.1.1 Keeping register current**

Galactian law currently requires registration of all fishing vessels, but the register is out of date because of lack of capacity to keep it current. Many vessels currently on the register no longer exist, or have changed ownership. Measures will be taken under the capacity-building project to ensure that the register is kept up to date, with initial priority given to semi-industrial and industrial vessels.

#### **2.1.2 Control of registered vessels**

Galactia will take measures to ensure its ability to control vessels before granting registration. This will include the following.

##### **2.1.2.1 Sufficient registration information**

- As a priority, the information required for vessel registration will be reviewed to ensure it reflects the standards of transparency being developed at regional and international levels. In particular, the CCT rules to prevent vessels involved in chartering arrangements from being used for IUU fishing will be reviewed and implemented.

##### **2.1.2.2 Measures to deny registration**

- Measures to allow registration to be denied to a fishing vessel that has been convicted of IUU fishing, or, if registered, that will allow the vessel to be deregistered upon conviction or require deregistration if a vessel carries more than one registration. As a matter of priority, this will apply first to semi-industrial and industrial vessels.

##### **2.1.2.3 Further control measures**

- As the capacity of the MCS Unit is strengthened and law is reformed, further measures will include requirements for fishing beyond areas of national jurisdiction such as licensing, reporting, observers and the installation of ALCs for industrial and semi-industrial vessels.

#### **2.1.3 Coordination of government activities**

The Fisheries Commission will liaise regularly with the Ships' Registry Office with a view to putting information requirements and procedures in place to prevent and deter IUU fishing, such as deregistration requirements for vessels convicted of IUU fishing.

#### **2.1.4 Review of chartering arrangements**

Although all vessels currently fishing fly the Galactian flag, measures will be taken to ensure that Galactia can maintain control, in areas beyond national jurisdiction, of vessels fishing under joint ventures or chartering arrangements. Such measures will entail transparent chartering arrangements that provide current and accurate information. Legal provisions will be considered to require that:

- the chartered vessels take on the nationality of Galactia – that is, be registered in Galactia and fly its flag – for the duration of the charter arrangement; or
- chartering arrangements make both Galactia and the flag State responsible for controlling the high seas fishing conducted pursuant to a charter arrangement.

The charter arrangement could, for example, provide express authority for both States to board and inspect the vessel on the high seas and require reporting of catch data to both States. The 2002 Fisheries Act, in which the “operator” of a vessel is liable for most offences, defines operator as the owner, charterer and master. This means that the charterer may be prosecuted if IUU fishing takes place.

## **2.2 Creation of a comprehensive record of fishing vessels**

### **2.2.1 Data for registration of high seas fishing vessels**

The following data will be included in the registration of fishing vessels authorized to fish on the high seas:

- name of fishing vessel, registration number, previous names (if known) and port of registry;
- previous flag (if any);
- International Radio Call Sign (if any);
- name and address of owner or owners;
- where and when built;
- type of vessel;
- length;
- name and address of operator (manager) or operators (managers) (if any);
- type of fishing method or methods;
- moulded depth;
- beam;
- gross registered tonnage;
- power of main engine or engines.

### **2.2.2 Submission of data to FAO**

Submission of the above data to FAO will be arranged on a regular basis, noting that information on the last six points (from name and address of operator) will be submitted to the extent practicable.

## **2.3 Measures requiring authorization to fish**

The 2002 Fisheries Act requires industrial and semi-industrial vessels to have a licence to fish prior to engaging in fishing activities, and this will continue to be enforced. Galactia will cooperate through regional organizations and programmes to develop arrangements aimed at a system of fishing authorizations for the Great Vegan Lake.

## **2.4 Measures to control transport and support vessels**

The 2002 Fisheries Act prohibits support canoes from operating in the IEZ, and measures will be reviewed to enforce this law. Galactia will enforce the requirement that at-sea transshipments and processing of fish require authorization from the flag State (including Galactian vessels that undertake processing at sea in the zone of a neighbouring country).

Galactia will adhere to CCT's rules that at-sea transshipments take place only between CCT members or between CCT members and cooperating non-parties.

## **2.5 Other control measures**

Regulations will be promulgated under the 2002 Fisheries Act to require semi-industrial and industrial fishing vessels and their gear to be marked in accordance with FAO international vessel marking standards.

## **3. COASTAL STATE MEASURES**

### **3.1 Measures to combat IUU fishing in Galactian waters by foreign vessels**

It is suspected that there are incursions by foreign vessels into Galactian marine waters. As the MCS Unit is strengthened, enforcement activity will focus on these incursions. In addition, information will be sought from CCT, FAO and other sources as appropriate as to the vessels that may be fishing in this area.

With respect to IUU fishing by non-Galactian vessels on the Great Vegan Lake, Galactia will continue to develop approaches to improve MCS, including appropriate penalties such as confiscation of fish and vessels operated by unauthorized fishers from neighbouring countries.

### **3.2 Cooperation with other coastal States**

Galactia will cooperate with its neighbouring coastal States, especially those in which Galactian vessels are fishing, with a view to exchanging data and cooperating in enforcement of IUU fishing. Cooperation will be carried out bilaterally and through the RFMOs of which Galactia is a member.

## **4. PORT STATE MEASURES**

### **4.1 Improvement of port State measures to combat IUU fishing**

#### **4.1.1.1 Advance notification for port access**

Galactia will, by regulation, require foreign fishing vessels to provide advance notification in seeking port access.

#### **4.1.1.2 Inspection of foreign vessels in port**

As the MCS Unit is strengthened, a strategy will be developed to ensure that foreign vessels are inspected in port, and that the inspectors are trained to inspect catch certification documentation agreed in CCT.

#### **4.1.1.3 Evidence indicating IUU fishing**

Where evidence is found indicating that a foreign vessel in port has encouraged or supported IUU fishing, a procedure will be developed to enable effective measures to be taken, including prohibition on landing or transhipment.



#### **4.1.1.4 Denial of port access**

Procedures will be developed to allow the denial of port access to foreign vessels suspected of engaging in or supporting IUU fishing.

### **4.2 Cooperation with port States to combat IUU fishing**

Galactia will cooperate with neighbouring coastal States to agree on mechanisms and information exchange to combat IUU fishing.

### **4.3 Implementation of port State measures adopted by RFMOs**

Galactia will implement port State measures adopted by relevant RFMOs, with a priority on measures adopted by CCT.

## **5. INTERNATIONALLY AGREED MARKET-RELATED MEASURES**

### **5.1 Implementation of market-related measures adopted by RFMOs**

#### **5.1.1 Provision of information to RFMOs**

Galactia will provide information to CCT and other relevant RFMOs, as appropriate, on vessels suspected of IUU fishing in their respective Areas of Competence.

#### **5.1.2 Import restrictions**

Measures will be taken to restrict imports of fish and fish products from vessels and/or States identified by RFMOs, especially CCT, as engaging in or supporting IUU fishing.

#### **5.1.3 Catch documentation schemes**

Measures will be taken to implement the catch documentation and certification schemes for Galactian vessels that are adopted by CCT and any other relevant RFMO to which Galactia may become a member.

### **5.2 Implementation of other market-related measures**

#### **5.2.1 Transparency measures**

Technical assistance will be requested to develop measures to improve the transparency of markets in order to allow traceability of fish and fish products.

#### **5.2.2 Information dissemination**

As part of the capacity building project, Galactia will mount an information programme to disseminate information on IUU fishing to individuals and companies whose activities are related to fishing.

### **5.2.3 Prohibition in law**

An amendment to the 2002 Fisheries Act will be drafted as described in paragraph 1.1.1.8 above, which makes it a violation to conduct business or trade in fish or fish products derived from IUU fishing.

## **6. IMPLEMENTATION OF IPOA-IUU THROUGH RFMOS**

### **6.1 Implementation of IPOA-IUU through RFMOS**

Galactia will continue to work through RFMOs to implement the IPOA-IUU. It will support proposals made for relevant activities, and implement any decisions taken to the extent possible. However, Galactia's capacity to participate in RFMOs and to actively implement their resolutions and processes (such as provision of information) is limited. As appropriate, further technical assistance may be sought to further Galactia's participation in some of the following endeavours:

- institutional strengthening of RFMOs;
- additional compliance mechanisms to be adopted by RFMOs;
- improved collection and exchange of information through RFMOs;
- strengthening of monitoring, control and surveillance through RFMOs;
- development of comprehensive port State systems through RFMOs;
- improvement of documentation and certification schemes through RFMOs;
- regulation of chartering arrangements through RFMOs;
- addressing non-member fishing through RFMOs;
- formalizing cooperation among RFMOs and between RFMOs and other international organizations.

## **7. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

This Part of the IPOA, which relates to participation in efforts to assist developing States, and give bilateral assistance to developing States, is not relevant for the NPOA of Galactia because it calls for action by donors to establish a voluntary trust fund. Notwithstanding, Galactia supports such action and acknowledges and values the assistance given to date, including that by FAO programmes such as FishCode, which has a component to support the implementation of the IPOA-IUU fishing.

**WORKSHEET    REPUBLIC OF GALACTIA NPOA-IUU**

WORKSHEET REPUBLIC OF GALACTIA NPOA-IUU			
	2004		2005
	January-June	July-December	January-December
<b>1. ALL STATE RESPONSIBILITIES</b>			
1.1 Review of national laws, regulations and practices relating to IUU fishing			
1.1.1 Additional legislative or regulatory authority necessary or desirable to implement the IPOA			
1.1.1.1 State control over nationals			
1.1.1.2 Sanctions			
1.1.1.3 Eliminating subsidies or other economic support to IUU fishers			
1.1.1.4 Evidentiary standards and admissibility			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
1.1.1.5 Monitoring, control and surveillance (MCS)			
1.1.1.6 Strengthening control over foreign fishing			
1.1.1.7 Strengthening control over landings, trans-shipments			
1.1.1.8 Strengthening control over exports			
1.1.1.9 Implementation of obligations under RFMOs			
1.1.1.10 Implementation of International Law			
1.1.2 Review of Practices relating to IUU fishing			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
1.1.2.1 State control over nationals			
1.1.2.2 Vessels without nationality			
1.1.2.3 Non-cooperating States			
1.1.2.4 Economic Incentives			
1.1.2.5 Monitoring, Control and surveillance			
1.2 General measures needed to conform national laws, regulations and practices to international standards			
1.3 Plans to become party to and/or implement relevant international instruments			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
1.4 Measures to improve State control over nationals			
1.5 Measures to deal with vessels without nationality that conduct IUU fishing			
1.6 Elimination of subsidies and other economic support relating to IUU fishing			
1.7 Measures to improve monitoring, control and surveillance			
<b>2. FLAG STATE RESPONSIBILITIES</b>			
2.1 Measures to improve registration system for fishing vessels			
2.1.1 Keeping register current			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
2.1.2 Control of registered vessels			
2.1.2.1 Sufficient registration information			
2.1.2.2 Measures to deny registration			
2.1.2.3 Further control measures			
2.1.3 Coordination of government activities			
2.1.4 Review of chartering arrangements			
2.2 Creation of a comprehensive record of fishing vessels			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
2.2.1 Data for registration of high seas fishing vessels			
2.2.2 Submission of data to FAO			
2.3 Measures requiring authorization to fish			
2.4 Measures to control transport and support vessels			
2.5 Other control measures			
<b>3. COASTAL STATE MEASURES</b>			
3.1 Measures to combat IUU fishing in Galactian waters by foreign vessels			



**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
3.2 Cooperation with other States in the region			
<b>4. PORT STATE MEASURES</b>			
4.1 Improvement of port State measures to combat IUU fishing			
4.1.1 Advance notification for port access			
4.1.2 Inspection of foreign vessels in port			
4.1.4 Evidence indicating IUU fishing			
4.1.5. Denial of port access			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
4.2 Cooperation with port States to combat IUU fishing			
4.3 Implementation of port State measures adopted by RFMOs			
<b>5. INTERNATIONALLY AGREED MARKET-RELATED MEASURES</b>			
5.1 Implementation of RFMOs market-related measures			
5.1.1 Provision of information to RFMOs			
5.1.2 Import restrictions			
5.1.3 Catch documentation schemes			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
5.2 Implementation of other market-related measures			
5.2.1 Transparency measures			
5.2.2 Information dissemination			
5.2.3 Prohibition in law			
<b>6. IMPLEMENTATION OF IPOA-IUU THROUGH RFMOs</b>			
6.1 Actions taken to implement RFMOs measures			
6.2 Proposals for institutional strengthening of RFMOs			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
6.3 Proposals for additional compliance mechanisms to be adopted by RFMOs			
6.4 Proposals for improved collection and exchange of information through RFMOs			
6.5 Proposals to strengthen MCS through RFMOs			
6.6 Proposals to develop comprehensive port State systems through RFMOs			
6.7 Proposals to improve documentation and certification schemes of RFMOs			
6.8 Proposals to regulate chartering arrangements through RFMOs			
6.9 Proposals to address non-member fishing through RFMOs			

**WORKSHEET  
REPUBLIC OF GALACTIA NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
6.10 Proposals to formalize cooperation among RFMOs, and between RFMOs and other international organizations			



## PART II. ALPHA ISLANDS

### SECTION II.A ALPHA ISLANDS FISHERIES PROFILE

#### 1. ALPHA ISLANDS FISHING INDUSTRY

Alpha Islands, a small island developing State, is an archipelagic nation comprising about 302 islands with a total land area of 18 272 sq. km. and a surrounding EEZ of about 1.3 million sq. km. The group includes two large high islands, several medium-sized high islands, and numerous small islands and atolls. Most of the islands are surrounded by fringing and barrier coral reefs. Much of the Alpha Islands' coastal waters surround the main islands of Beta Lambda and Banua Lambda and the islands of the Tau and Rau groups.

There are three substantial rivers, a few lakes and some man-made impoundments where fishing and aquaculture take place, but marine fisheries are predominant. They consist of the subsistence fishery, the coastal commercial fishery and the industrial fishery, described below.

##### 1.1 Marine fisheries

The Alpha Islands marine fisheries are estimated to generate annual landings of about 36,400 tonnes. Fishing is divided into three sub-sectors: subsistence, coastal commercial, and offshore/industrial. The distinction between subsistence and the coastal commercial fishing in the larger, less isolated islands is often blurred as small-scale fishing activity is becoming increasingly monetized in these areas.

###### 1.1.1 The subsistence fishery

The subsistence fishery targets mainly finfish, beche de mer, octopus, seaweed, lobster, mud crab, and various bivalve molluscs. These resources make a large contribution to domestic food supplies. It has recently been estimated that 50 percent of all rural households are involved in some form of subsistence fishing and that about 21 600 tonnes of fish are landed each year, or slightly more than half of all domestic production.

###### 1.1.2 The coastal commercial fishery

The coastal commercial fishery exploits resources which fall into two main categories:

- **resources that provide food for Alpha Islanders:** mainly finfish, beche de mer, octopus, seaweed, lobster, mud crab, and various bivalve molluscs. These are similar to the subsistence resources, but the commercial fisheries take a higher percentage of finfish (about 52 per cent of the landings by weight).
- **resources which are exported:** mainly beche de mer, trochus, coral, and aquarium fish.

According to the Alpha Islands Fisheries Division data, 1 012 vessels and 2 304 fishers participated in the coastal commercial fishery in 2002. It is estimated that 9 320 tonnes of finfish and non-fish (i.e. invertebrates and plants) were harvested by this component of the fishery in 2002. The annual production of beche de mer in the late 1990s was about 250 tonnes. The 2002 production of trochus was estimated to be 92 tonnes.

Coral extraction is one of the most contentious issues in the coastal commercial fishery. Another problem is indicated by a mid-1990's survey on Beta Lambda, which reported that fishing driven by market demand resulted in the over-exploitation of commercially important species in the inshore areas. Area closures and bans on gill netting for reef fish, particularly in the north and west of the country, seem to have been effective in restoring stocks of some species. However, market demand for other species continues, as does over-exploitation.

### 1.1.3 The industrial fishery

The industrial fishery is entirely tuna-oriented and has the following components:

- A pole-and-line fishery, mainly targeting skipjack and small yellowfin tuna. This fishery has declined in recent years. Seven vessels were active in the mid-1990s, but during the 2002/03 season only two vessels participated. Problems related to access to bait fishing areas and the economics of pole-and-line fishing are the major factors for the decline.
- A longline fishery targeting large bigeye and yellowfin tuna, taking most of its catch within the Alpha Islands fisheries waters, and landing the chilled catch in Beta Lambda for export by air to fresh fish markets overseas. The fleet of domestic longliners has increased substantially. In recent years there have been between 40 and 50 vessels and landings are now about 5 500 tonnes per year.
- A freezer longline fishery involving mainly Asian vessels fishing under charter to the Beta Fishing Company (BAFCO). These vessels, which target mainly albacore tuna, fish within the Alpha Islands' EEZ as well as the EEZs of neighbouring countries, and international waters in the area. These vessels have landed between 2 000 and 3 000 tonnes of tuna in recent years, primarily at the BAFCO tuna cannery in the port of Kappa, but with some transshipment to other destinations.
- An occasional tuna purse seine fishery in the northern portion of the EEZ under the terms of an international multilateral treaty. Foreign purse seine vessels sometimes visit the Alpha Islands but this is usually only to obtain duty-free fuel. Actual fishing by these vessels normally only occurs in El Niño years, at which times it takes place in the extreme north of the country's waters.

Apart from the multilateral tuna treaty, under which only sporadic fishing occurs, Alpha Islands has one bilateral access agreement in place. Only a small amount of fishing has been done under this latter agreement in recent years. However, it is anticipated that this could change because of the increasing number of longliners based in the nearby Sigma Islands that fish on the adjacent high seas and regularly visit Alpha Islands ports for supplies and fuel.

## 1.2 Fish processing and exports

Most of the fish from inshore waters is consumed fresh locally. About 70 per cent is for home consumption by the harvesters and the remainder is sold through municipal markets and other outlets.

The beche de mer is dried and processed locally and exported by 13 licensed companies. Exports peaked in 1988 with 700 tonnes. The trochus is made into button blanks which are then exported to button factories in Asia and Europe. Aquarium fish are air freighted overseas. In 2002 about 80 tonnes of snapper was caught, of which 29 tonnes was exported. About 8.4 tonnes of live food fish was exported the same year.



There are two major fish canneries in the country:

- the BAFCO cannery at the port of Kappa, which cans domestically caught and imported tuna, principally for export and produces tuna loins for overseas canneries;
- the Vega cannery also at Kappa, which cans imported mackerel, mainly for the domestic market.

In 2001 BAFCO exported about US\$8 million of canned tuna and tuna loins. In 2002 the value was about US\$7.1 million. During the same year about 5 000 tonnes of fresh chilled fish (mostly tuna) were exported overseas by air freight.

In 2002 the four aquarium fish businesses in Alpha Islands exported about US\$762 000 worth of aquarium fish and about twice that value in various forms of coral.

### **1.3 Economic considerations**

#### **1.3.1 Economic role of the fishing industry**

It has been recently estimated by the Regional Development Bank that the value of catches are:

- by subsistence fishing, US\$24 675 061;
- by coastal commercial fishing US\$15 231 519;
- by locally-based offshore fishing US\$25 639 724.

The same study also calculated that the above values constitute about 2.4 per cent of the Alpha Islands' GDP. However, fish processing and other post-harvest activities are considered in other sectors of the Alpha Islands economy for GDP calculation purposes, so the contribution of fisheries to the economy of the Alpha Islands is substantially larger than the 2.4 per cent from fishing alone. For example, data from the Alpha Islands Revenue and Customs Authority shows that the fishery products represent 6 per cent of the value of all commodity exports from the country.

The 1996 census shows that fishing provides jobs to 2.22 per cent of the 280 505 people formally and informally employed in Alpha Islands.

The Alpha Islands receives about US\$212 000 annually in fees for access by foreign fishing vessels to the Alpha Islands waters.

#### **1.3.2 Economic policy objectives of the Government of Alpha Islands for the fisheries sector**

The Alpha Islands economy has been hampered by persistent trade and budget deficits, making the country one of the world's largest *per capita* recipients of aid. In this context, the Alpha Islands Government Fisheries Sector Policy and Strategy 2002 – 2004 includes the following economic-related objectives:

- to promote and expand sustainable competitive exports of living marine products by providing suitable, technologically appropriate, safe and cost effective fishing vessels, particularly for the industrial fisheries segment; and
- to provide assurance of adequate air freight for export production;
- to encourage local value-adding and down-stream processing with the aim of maximising the value of marine products.

## 1.4 Development Prospects

Much of the potential for increasing fisheries production is from the offshore areas, especially the tuna resource. Promotion of the semi-industrial sashimi longline fishery has been quite successful in recent years and efforts to further develop the fishery will continue. Expansion of this fishery is highly dependent on regular airfreight service at viable rates. Through the use of fish aggregation devices (FADs), artisanal fishers will be encouraged to utilise the large offshore tuna resources, thereby diverting effort away from the heavily-exploited inshore and coastal areas.

The scope for increasing production from inshore and coastal areas is generally considered to be limited, and the government is focusing an increasing amount of attention on the management of over-exploited inshore fisheries. A central feature of the new management initiatives is the devolution of management authority to local government units and, beyond this, to coastal communities having traditional rights of marine tenure.

## 2. FISHERIES MANAGEMENT

Fisheries management focuses on the coastal commercial fishery and the industrial fishery, described below. The main objective for which subsistence fisheries are managed is the protection of village food supplies.<sup>28</sup>

The management of living marine resources in the Alpha Islands is the responsibility of the Fisheries Division of the Ministry of Fisheries and Forests. The Fisheries Division has divisional offices in each of the nine Alpha Islands National Administrative Divisions.

### 2.1 Coastal commercial fishery

#### 2.1.1 Management objectives and measures

The management objectives are sustainability of resources, maximization of economic returns, and assuring that these commercial fisheries do not negatively interact with subsistence fisheries. The main strategy used to achieve the objectives is the use of centrally-administered regulations promulgated under the 1972 Fisheries Act. Examples of measures are:

- requirement for commercial fishers to be licensed (956 licenses were issued in 2002);
- size limits (e.g. regulations specify minimum sizes for 19 species of fish);
- gear specification (e.g. mesh sizes for nets);
- banned fishing methods (e.g. use of explosives);
- requirement for an export permit for marine products: The Customs Department, acting as agents for the Fisheries Division, will not authorize the release of an export shipment of fishery products without an export permit from the Fisheries Division;
- bans on the export of certain species: regulations ban the export of *Tridacna derasa*, *T. squamosa*, *T. maxima*, *Holothuria scabra*.

There are no bilateral or regional management arrangements in force with respect to the species covered by this fisheries management system.

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<sup>28</sup> To protect food supplies, the management system permits outside commercial fishing activities to be excluded by the communities, or alternatively payments can be made for the privilege of fishing.

### **2.1.2 Information for management decisions**

Information for management decisions comes from various sources, including: periodic resource assessments (often with overseas technical/financial assistance); the compilation of information in the “Alpha Islands Fisheries Resource Profiles”, which contain descriptions of the resource, fishery, stock status, and management for the 45 most important fishery resources; the Fisheries Division’s fisheries statistical system; the Fisheries Division’s export database; Customs export database; records of processors; and anecdotal information from fishers. Regional fishery organizations, the Secretariat of the Oceanic Community and the Pesca Fisheries Organization, described below, have provided substantial information for management purposes.

### **2.1.3 Monitoring, control and surveillance**

The most effective enforcement is that which can be done through the buyers and exporters. For example, it is relatively easy to enforce trochus minimum size restrictions, as all the harvested trochus are brought together at the small number of processing factories which are all located near Kappa.

Fishers are not enthusiastic about harvesting a non-food resource that buyers will not purchase. Gear specifications are the most difficult to enforce and could easily be the least effective of the various measures used.

Prevention of overfishing and interaction with the subsistence fishery is inherently difficult. Equally challenging is safeguarding the sustainability of high value, easy to capture benthic organisms, in the face of an expanding population in an environment of reduced economic opportunities. In general, the management system for the commercial coastal fisheries is least effective at achieving management objectives in locations close to urban areas.

The Fisheries Act empowers any fisheries licensing officer, police officer, customs officer or honorary fish warden to enforce the Act and subsidiary legislation. Although there has been some confusion in the past, there is now a regular dialogue between the Fisheries Division, Police, and Navy. Each year there are several exercises carried out jointly with the Alpha Islands Navy. In practice, most of the enforcement activity for coastal commercial fisheries is focused on apprehending individuals involved in fishing with explosives. Another common enforcement activity is surveillance of roadside sales for undersize fish.

## **2.2 The industrial fishery**

### **2.2.1 Management objectives and measures**

The objective of tuna management in the Government of Alpha Islands policy is “to increase the benefits to Alpha Islands from the fishing and associated processing activities. This is to include expanding local ownership of the industry, generating greater local employment, and increasing the value of exports”. A stated guiding policy principle is preservation of the gains that have been made; any management action should not jeopardize the continuing success and opportunities for growth of the tuna industry.

The strategy used to achieve the objective is limited entry in conjunction with conditions on vessel licensing. For the limited number of licenses, certain categories of applicants receive priority. A key license condition is that the geographic area where a licensed vessel is allowed to fish depends on the degree of localization of the vessel (ownership, nationality of crew, associated local infrastructure).

The measures applied are:

- all vessels are required to have a license;
- a limit is placed on the number of licenses: 60 sashimi longline vessels and 120 cannery longline vessels.
- criteria for priority in the allocation of licenses, which include: Alpha Islands-owned vessels; Alpha Islands registered fishing vessels; degree of local ownership; degree of employment opportunities that a vessel provides; degree of investment in onshore infrastructure; ability to meet quality and export standards; and vessels built locally/local content.

The licence allocation criteria attempt to encourage a greater involvement in Alpha Islands and give vessels making this commitment a competitive advantage. Accordingly, Alpha Islands registered-and-owned fishing vessels have access to all maritime zones (internal waters, archipelagic waters, territorial sea, EEZ) while at the other extreme foreign fishing vessels are restricted to the EEZ. However, the criteria are economically-based only, and do not include compliance with national laws or international conservation and management measures.

A tuna management plan is being developed for Cabinet approval. Its authority will be enhanced when the draft Fisheries Management Act is enacted.

### **2.2.2 Information for management decisions**

Information is acquired for management decisions in a number of ways. Licensed operators are required to record and submit daily records of fishing activity, including the catch of all species and fishing effort. From time to time licensed operators are required to carry an observer who collects information on fishing activities for stock assessment, research and monitoring purposes. The Fisheries Division works in cooperation with the SOC to collect length-frequency, catch composition and species composition data, for the purposes of logbook data validation, stock assessment and research. These data are analyzed at the Fisheries Division and also forwarded to the Oceanic Fisheries Programme of the SOC, where they are combined with similar information from neighbouring countries to provide a regional perspective to Alpha Islands on tuna resources.

### **2.2.3 Monitoring, control and surveillance**

The Fisheries Division is responsible for the enforcement of the measures while the vessels are in port. The Alpha Islands Navy enforces the measures while the vessels are at sea. Although there has been some confusion in the past, there is now a regular dialogue between these two agencies. The Navy has two 31.5 meter Pacific Patrol Boats. The Patrol boats have exceptional endurance with a range of 2 500 nautical miles at 12 knots, and the ability to perform at high speeds while retaining good seakeeping ability. The Navy also has four 15 meter craft for coastal enforcement.

Fisheries and Naval enforcement officers recently undertook dockside training that should directly benefit the files of the Director of Public Prosecutions. Participants were taught improved evidence collection skills in a process that involved the inspection of a docked vessel during the training session where inspectors leaf through catch records and logbooks on the vessel, and conduct a count of the crew and various modes of measurement.

A regional VMS has been developed, and Alpha Islands intends to require the installation and maintenance of ALCs on its trawlers and tuna fleet.

### 3. THE FISHERIES ACT

The laws governing the use of marine resources in the Alpha Islands are set out in Chapters 158 of the Laws of the Alpha Islands. Chapter 158 is also known as the Fisheries Act. It was first drafted in 1972, and since then there have been many amendments, but very few since 1992. It does not implement any of the international fisheries instruments agreed after the 1992 United Nations Conference on Environment and Development.

The main features of the Fisheries Act are that it:

- defines the Alpha Islands fisheries waters as all internal waters, archipelagic waters, territorial seas and all waters within the exclusive economic zone;
- prohibits the taking of fish in the Alpha Islands fisheries waters by way of trade or business without a licence, but does not provide for licences beyond areas of national jurisdiction;
- states that every licence granted under the Act terminates on the 31st December next after the day of issue, that licenses are personal to the holder, and that licenses are not transferable;
- empowers any licensing officer, police officer, customs officer, honorary fish warden and any other officer empowered by the Minister to enforce the Act;
- empowers the Minister to appoint honorary fish wardens whose duties shall be the prevention and detection of offences;
- empowers the Minister to make regulations.

Several fisheries regulations have been made under the Fisheries Act. These have been consolidated into the Fisheries Regulations 1992. The regulations cover licenses/registration, prohibited fishing methods, mesh limitations, size limits, and exemptions.

The maximum fines for the Act and regulations are at relatively low levels, and range up to \$5 000. One offence – unlicensed fishing by foreign fishing vessels - attracts a much higher fine: \$100 000. However, this is only 10 per cent of the standard fine for similar offences in the region.

A new Fisheries Management Act was drafted three years ago. To some extent, it implements Alpha Islands international obligations, but because of other political priorities it has not yet been passed. This affords an opportunity for a priority review of the draft prior to its consideration by Parliament to ensure that it addresses, to the greatest extent possible, the issues raised in international instruments and the IPOA-IUU. It is expected that the Bill will be introduced in Parliament after the next elections in six months time.

There are minimal MCS provisions in the current legislation, and none that extend beyond areas of national jurisdiction. The draft Fisheries Management Act contains more thorough provisions, referring to the appointment and powers of authorized officers, observers, port samplers and fish quality control auditors. However, their authority only relates to areas within national jurisdiction apart from a provision allowing hot pursuit beyond areas of national jurisdiction, done in accordance with international law. Similarly, the draft provisions on requirements for ALCs and VMS do not extend to areas beyond national jurisdiction.

#### 4. RESEARCH AND TRAINING

The Fisheries Division plays an active role in research in support of resource assessment, development, management, and aquaculture promotion. The Division has a research section within its headquarters, which carries out a range of research and monitoring projects. Past research activities carried out by the Fisheries Division include:

- monitoring of sales of fish, invertebrates and aquatic plants through the Alpha Islands' main markets;
- assessment of baitfish stocks and of the impacts of baitfish harvesting on juveniles of other commercially important species

The University of Oceania in Alpha Islands also regularly undertakes marine research activities in the Alpha Islands waters, often focusing on commercially important species. The University has undertaken biological studies on sea cucumbers, deep-water shrimps and marine algae, and has also carried out social, economic and post-harvest research relevant to fisheries.

#### 5. DEVELOPMENT ASSISTANCE

The Alpha Islands receives technical assistance in the fisheries sector from a number of bilateral donors. Assistance is also obtained from the international organizations of which the Alpha Islands is a member, including FAO and other United Nations agencies. The regional organizations, including the PFO, the SOC and the Regional Environment Programme (REP) have also been active in supporting the Alpha Islands fisheries sector.

#### 6. INTERNATIONAL AND REGIONAL LAW AND RELATIONS

##### 6.1 Treaties and agreements

Alpha Islands has ratified and is party to the following international treaties and agreements:

- **1973 Convention on International Trade in Endangered Species (CITES)** - Alpha Islands supports closer cooperation between CITES and FAO to improve the applicability of CITES provisions to commercial fisheries. In particular, listing some commercially harvested species on Appendix II (this requires trade in the species to be regulated) would complement RFMO efforts through addressing issues such as non-member fishing and through the potential for multilateral trade sanctions against States that do not comply with CITES requirements.
- **1982 United Nations Convention on the Law of the Sea**
- **1995 UN Fish Stocks Agreement**

Alpha Islands has ratified and is party to the following regional treaties:

- **1987 Treaty on Fisheries**, permitting access to the waters of the regional parties by foreign vessels;
- **1989 Convention for the Prohibition of Fishing with Long Driftnets**; and,
- **the 1991 Regional Treaty on Cooperation in Fisheries Surveillance and Law Enforcement.**

## 6.2 Membership in regional fishery bodies

Alpha Islands is a member of the following regional fishery bodies:

- **The Secretariat of the Oceanic Community (SOC)** - The main objective of the SOC is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the peoples of the region.

The Divisional goal for fisheries is to provide a regional service which provides information, advice and direct assistance to the Oceanic Community through SOC member governments, either individually or collectively, in using living marine resources in the most productive and responsible manner possible. Activities include fisheries stock assessment (for both reef fisheries and highly migratory fish stocks), marine ecosystem research for reef and pelagic fisheries, small scale tuna fisheries development support, coastal fisheries management support and fisheries information and databases within the area of competence.

Two fisheries programmes form the framework for SOC's fisheries activities. These are the Coastal Fisheries Programme and the Oceanic Fisheries Programme.

- **The Pesca Fisheries Organization (PFO)** - The objectives of the PFO include: (i) conservation and optimum utilization of the species covered by the Convention; (ii) promotion of regional cooperation and coordination in respect of fisheries policies; (iii) securing of maximum benefits from the living resources of the region for their peoples and for the region as a whole, and in particular the developing countries; and (iv) facilitating the collection, analysis, evaluation and dissemination of relevant statistical scientific and economic information on the resources covered by the Convention.

The functions of the Organization include, *inter alia*: (i) harmonization of policies with respect to fisheries management; (ii) cooperation in respect of relations with distant water fishing countries; (iii) cooperation in surveillance and enforcement; (iv) cooperation in respect of onshore fish processing; (v) cooperation in marketing; (vi) cooperation in respect of access to the 200 mile zones of other Parties.

PFO provides some services to its members allowing them to assess the extent, impact and effects of IUU fishing, such as operation of a regional VMS. However, because PFO does not have a management mandate, as noted above, it is not in a position to indicate activities, priorities or plans in relation to specific issues. It does, however, have important roles such as: the provision of information among member countries, and between the countries and the Organization; and assisting members in improving their capacity to manage and develop the oceanic fisheries resources for their benefits.

- **The Tuna Fisheries Commission (TFC)** - The TFC is a regional fisheries management organization with regulatory powers and includes members from the region and distant water fishing nations. The TFC's mandate allows broad scope for it to implement the 1995 UN Fish Stocks Agreement in the region, including through data collection, MCS and trade sanctions. The Commission agrees on management measures to be implemented by its members and is actively taking measures to prevent, deter and eliminate IUU fishing. These actions reinforce the need for the laws and practices of Alpha Islands concerned with implementing the international fisheries instruments, including the IPOA-IUU, to be in place to discharge its responsibilities under the Commission.
- **The Regional Environmental Programme (REP)** - REP is a regional organization established by the governments and administrations of the region to look after its environment. It has grown from a small programme attached to the SOC in the 1980s into the region's major intergovernmental organization charged

with protecting and managing the environment and natural resources. Its mandate is to promote cooperation in the region and provide assistance to protect and improve the environment, including the marine environment, and ensure sustainable development for present and future generations.

The island governments and administrations saw the need for REP to serve as the conduit for concerted environmental action at the regional level. The establishment of REP also sends a clear signal to the global community of the deep commitment of the island governments and administrations towards sustainable development, especially in light of the outcomes of the WSSD.



## SECTION II.B ALPHA ISLANDS NPOA-IUU

### 1. ALL STATE RESPONSIBILITIES

#### 1.1 Review of national laws, regulations and practices relating to IUU fishing<sup>29</sup>

Alpha Islands will undertake a review of its national laws, regulations and practices relating to IUU fishing, with a view to implementing the IPOA-IUU in the most expedient manner possible. Where appropriate, the review will be done in connection with the implementation of the tuna management plan.

Because a comprehensive new Fisheries Management Act is under preparation, the review will be focused on the current draft on a priority basis in order that it can be considered by Parliament at an early time. The principal goal of the review is to rationalize and strengthen the legal regime and to make possible the use of all relevant tools in the IPOA “toolbox”.

##### 1.1.1 Additional legislative or regulatory authority necessary or desirable to implement the IPOA

The draft Fisheries Management Act will be reviewed to establish the extent to which it contains the following provisions to implement the IPOA-IUU. If it is deficient, consideration will be given to the following areas with a view to giving them legal status through laws, regulations or other instruments, or taking other measures.

###### 1.1.1.1 State control over nationals<sup>30</sup>

- Alpha Islands does not currently prohibit nationals or vessels from supporting or engaging in IUU fishing beyond areas of national jurisdiction, as required by the IPOA-IUU. It is recognised that the term “national” is ambiguous, and could apply to persons and fishing vessels. Therefore, Alpha Islands will take measures in respect of both.
- For Alpha Islands fishing vessels, and non-national vessels fishing under charter to BAFCO,<sup>31</sup> a review will be undertaken with the aim of adopting legal requirements (by appropriate instrument – law, regulation or other) to require licences for vessels that fish on the high seas, to make reports consistent with requirements of the 1995 UN Fish Stocks Agreement and requirements of the TFC, complying with boarding, inspection and observer requirements on the high seas, and prohibiting the vessels that fish on the high seas from engaging in IUU fishing or undermining conservation and management measures of designated<sup>32</sup> regional fisheries management organizations or arrangements (RFMOs). The Fisheries Division will be required to keep certain information relevant to high seas fishing vessels on a register, consistent with standards of RFMOs of which

<sup>29</sup> For examples of legislation adopted by some countries relating to IUU fishing, see Edeson, W., Freestone, D., and Gudmundsdottir, E., “Legislating for Sustainable Fisheries” The World Bank, 2001.

<sup>30</sup> IPOA-IUU Paragraphs 18 and 19.

<sup>31</sup> To enable Alpha Islands to enforce requirements for fishing on the high seas with respect to the Asian vessels fishing under charter to BAFCO, measures described in section 2.1.4 of this NPOA will be considered: (a) requiring that the chartered vessels take on the nationality of Alpha Islands – that is, be registered in Alpha Islands and fly its flag - for the duration of the charter arrangement; or (b) requiring the charter arrangement to make both Alpha Islands and the other country involved in the arrangement responsible for controlling the high seas fishing conducted pursuant to a charter arrangement. The charter arrangement could, for example, provide express authority for both States to board and inspect the vessel on the high seas and require reporting of catch data to both States.

<sup>32</sup> Note the official designation of RFMOs, for example by Notice in the *Gazette*, would provide the necessary certainty as to the high seas conservation and management measures that will be applicable to Alpha Island nationals. Such certainty in law is an essential component of criminal offences.

Alpha Islands is a member. The register will, at a minimum, contain the data in section 2.2.1 of this NPOA.

- In relation to vessels without nationality fishing on the high seas,<sup>33</sup> Alpha Islands is concerned that this may pose a threat to the stocks subject to the TFC. A legal provision will be considered for inclusion in the draft Fisheries Management Act defining vessels subject to the jurisdiction of Alpha Islands as including stateless vessels, and allowing the prosecution of stateless vessels that are in contravention of or undermining international conservation and management measures on the high seas.
- In areas beyond national jurisdiction, the draft Fisheries Management Act prohibits Alpha Islanders from using a non-Alpha Islands fishing vessel or a vessel registered under the Alpha Islands Shipping Act for fishing in an area of the high seas subject to international conservation and management measures of a designated RFMO, if they have knowledge that the vessel has not complied with the measures and has avoided judicial or administrative process, or reasonably suspect that there will be non-compliance. This will be reviewed because of its focus on the vessel alone and not the operator; a possible amendment would be “that the vessel or its operator has not complied...” The provision could also extend to IUU fishing by Alpha Islands nationals in areas under national jurisdiction of other States.
- It is recognized that enforcement of such a legal prohibition could be difficult, especially if a foreign boat with no connection to Alpha Islands is involved. Concerns include limited enforcement capacity and potential problems with double jeopardy, where action may be taken against the same person for the same offence by Alpha Islands and by the State where the fisheries laws were violated.

#### 1.1.1.2 Sanctions<sup>34</sup>

- Sanctions under current legislation are inadequate, including exceptionally low levels of fines, brief terms of imprisonment, weak forfeiture provisions, no mandatory licence revocation or banning orders. Sanctions reviewed will include provisions in the draft Fisheries Management Act, other legislation and policy and economic-oriented measures. The objective is to assess whether the sanctions are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and deprive the offenders of the benefits accruing from such fishing.
- The review of the draft Fisheries Management Act will ensure that the level of fine is appropriate, and consistent with the level of fines elsewhere in the region. The level of fine for non-reporting or misreporting will be reviewed (including by reference to similar fines in the region) in order to better enforce against IUU fishing, including by use of catch certification schemes, and landing and transshipment documentation requirements. A schedule of penalties for compounding offences will be drawn up, and detailed provisions prepared regarding the seizure, sale and forfeiture of items used in the offence. Special attention will be paid to the list of serious violations in Article 21(11) of the 1995 UN Fish Stocks Agreement, in order to ensure that Alpha Islands penalties for such offences are at the appropriate level. Fines and penalties for Alpha Islands nationals and vessels engaging in IUU fishing beyond areas of national jurisdiction will be introduced.

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<sup>33</sup> IPOA-IUU Paragraph 20.

<sup>34</sup> IPOA-IUU Paragraph 21.

- The most appropriate legal mechanism for implementing trade sanctions, prohibition of port calls or landings or other relevant sanctions against IUU fishers and fishing vessels will be reviewed, and this would accommodate the need for fast and effective action, especially on the recommendation of the TFC.

#### **1.1.1.3 Eliminating subsidies or other economic support to IUU fishers<sup>35</sup>**

- Economic policies, laws and practices, including those relating to the expansion of the industrial fisheries, will be reviewed to ensure that economic benefit or support is not provided to Alpha Islands companies, vessels or persons involved in IUU fishing.

#### **1.1.1.4 Evidentiary standards and admissibility<sup>36</sup>**

- The evidentiary provisions of the draft legislation will be reviewed with a view to ensuring that they include reference to evidence from new technologies such as ALCs, VMS and digital photography with time/date stamps. Provisions should also allow the admission of evidence taken in areas beyond national jurisdiction, including high seas boarding and inspection by a non-national inspecting officer. To facilitate the introduction of evidence, a system of certificate evidence will be considered, in accordance with regional standards.

#### **1.1.1.5 Monitoring, control and surveillance<sup>37</sup>**

- The draft Fisheries Management Act will be reviewed, in light of Alpha Islands current and future international obligations, with the aim of introducing requirements, including:
  - installation and maintenance of ALCs and compliance with any requirements of a VMS system consistent with international standards;
  - boarding and inspection on the high seas consistent with international law, recognizing the rights and obligations of masters and of inspection officers;
  - observer programmes with relevant national, regional or international standards, including for Alpha Islands vessels on the high seas; and
  - reporting requirements consistent with requirements in the international instruments for areas within and beyond national jurisdiction.

#### **1.1.1.6 Strengthening control over foreign fishing**

- It is current practice in Alpha Islands to enter into access agreements or joint venture arrangements in respect of foreign fishing vessels. Alpha Islands will take measures to ascertain whether a foreign fishing vessel under either arrangement has been involved in IUU fishing, and if so will disqualify that vessel or joint venture partner from any further role in the fisheries sector. The access agreements will be reviewed with special attention to the terms and conditions that prevent, deter and eliminate IUU fishing by vessels fishing under its terms, and ensure that rigorous provisions relating to flag State responsibility are incorporated. A policy is being developed that will give priority for fisheries access to those flag States that consistently exercise their responsibilities in accordance with the IPOA-IUU and support the work of RFMOs in the region.
- In addition, the minimum terms and conditions of fisheries access in the draft Fisheries Management Act will be reviewed to ensure effective action against IUU fishing. They will include requirements to install and maintain ALCs and to

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<sup>35</sup> IPOA-IUU Paragraph 23.

<sup>36</sup> IPOA-IUU Paragraph 17.

<sup>37</sup> IPOA-IUU Paragraph 24.

maintain procedures on reporting, observer coverage, port calls and inspection under the direction of the Fisheries Division.

**1.1.1.7 Strengthening control over landings and transshipments**

- Notification requirements for landings and transshipments will be reviewed to ensure adequate opportunity for inspection. The legal authority to prohibit landings and transshipments in a timely and effective manner will be reviewed.

**1.1.1.8 Strengthening control over exports**

- Alpha Islands has no legal provision authorizing or requiring the denial of an export permit in the event the fish were caught in an IUU fishery, nor any offence for an exporter to trade in such fish. A provision to that effect will be prepared for the draft Fisheries Management Act.

**1.1.1.9 Implementation of obligations under RFMOs**

- Legislative authority to deter IUU fishing that undermines conservation and management measures adopted or recommended by any RFMO to which Alpha Islands is party will be reviewed and appropriate provisions proposed for the draft Fisheries Management Act. One such provision could be to prohibit any person from landing, importing, exporting, selling, buying etc. any fish taken contrary to the international conservation and management measures adopted by a RFMO to which Alpha Islands is party.<sup>38</sup> Sanctions would be severe, including high fines, and forfeiture, as applicable.
- In addition, cooperation within the TFC, when it enters into force, to develop catch certification schemes will be undertaken to facilitate detection. The draft Fisheries Management Act will be reviewed to ensure that the appropriate inspection and reporting requirements are sufficient, and the sanctions are deterrent.
- A possible constraint in adopting and implementing the above amendments is the economic focus on government policy, and desire to attract investment. However, the current government also supports the goal of sustainable fisheries coupled with a punitive fine.

**1.1.1.10 Implementation of International Law<sup>39</sup>**

- Alpha Islands has not extensively implemented the international or regional instruments to which it is party in current legislation. The draft Fisheries Management Act will be reviewed methodically to ensure maximum effectiveness in implementation. Further action regarding implementation of the post-UNCED instruments is described under section 1.3.

**1.1.2 Review of Practices relating to IUU fishing**

**1.1.2.1 State control over nationals<sup>40</sup>**

- Alpha Islands will maintain a register of the operators or beneficial owners of vessels flying its flag, including their nationality. In this way Alpha Islands can identify its nationals should a vessel be involved in IUU fishing. Alpha Islands will encourage other island States in the region and RFMOs to maintain the same information base, and encourage cooperation and information exchange for purposes of controlling nationals who may be involved in IUU fishing.

<sup>38</sup> This is similar to the US "Lacey Act" provision, which has the objective of enforcing the laws of other States through such measures. Many countries in the region have enacted this provision, and bilateral agreements concluded regarding reciprocity of action.

<sup>39</sup> IPOA-IUU Paragraph 11.

<sup>40</sup> Paragraphs 18 and 19.

- Alpha Islands nationals generally do not flag vessels under the jurisdiction of a State that does not meet its flag State responsibilities. However, some countries in the region operate open registers that include several fishing vessels, and those countries do not meet their flag State responsibilities. Alpha Islands will raise this issue at the annual regional forum of heads of government, in an effort to encourage those countries to meet their flag State responsibilities.

**1.1.2.2 Vessels without nationality<sup>41</sup>**

- Alpha Islands is not a member of the International Maritime Organisation but will support any effort of that body to prevent vessels from becoming stateless during their transfer to a new flag.

**1.1.2.3 Non-cooperating States<sup>42</sup>**

- Alpha Islands will cooperate with all RFMOs to which it belongs to prevent, deter and eliminate the activities of non-cooperating States which engage in IUU fishing. This will include implementing trade and other sanctions recommended by the TFC.

**1.1.2.4 Economic incentives<sup>43</sup>**

- Economic support will be withheld from companies, vessels and persons that are involved in IUU fishing. In particular, duty-free fuel will be denied to any fishing vessel involved in IUU fishing.

**1.1.2.5 Monitoring, control and surveillance<sup>44</sup>**

- The increasing cooperation between the Alpha Islands Fisheries Division and the Navy will continue, and sub-regional programmes to train observers, port samplers and fish quality control auditors will be attended by an increasing number of Alpha Islanders. Training of naval personnel in boarding and evidence-gathering will continue, and the Alpha Islands Navy, Fisheries Division, Attorney General's Office and judiciary will participate in in-country fisheries prosecutions workshops conducted with regional assistance. Reporting requirements will be reviewed and strengthened. Reporting requirements for the high seas, and the information database of licences and registers will be upgraded. Cooperation through regional agencies on information collection and sharing and cooperative enforcement (including VMS) will be strengthened. Cooperation with international organizations and networks, such as FAO and the MCS networks, will be strengthened.
- The Tuna Management Plan currently being developed includes a substantial section on MCS, which details the strategies and plans for both coastal commercial fisheries and industrial fisheries. For the first time, one of the criteria in licence allocation will be compliance with the law and international conservation and management measures.
- Under the new legislation, regulations will be developed designating rules, procedures and standards for confidentiality and ownership of information.
- A working group comprising officials from the Fisheries Division, Navy, Attorney General's Office and Foreign Affairs will be established to review a draft regional plan for boarding and inspection on the high seas, to be presented at the next session of the TFC. It is anticipated that training and additional capacity will be required for the high seas activities.

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<sup>41</sup> Paragraph 20.

<sup>42</sup> Paragraph 22.

<sup>43</sup> Paragraph 23.

<sup>44</sup> Paragraph 24.

## **1.2 General measures needed to conform national laws, regulations and practices to international standards**

General measures needed to conform national laws and regulations to international standards consist of the reviews and amendments described in paragraph 1.1 of this section.

## **1.3 Plans to become party to and/or implement relevant international instruments**

Alpha Islands plans to adhere to the 1993 FAO Compliance Agreement.

## **1.4 Measures to improve State control over nationals**

Measures will be taken to improve State control over nationals, based on the review described in paragraph 1.1.1.1 of this section, above.

## **1.5 Measures to deal with vessels without nationality that conduct IUU fishing**

Alpha Islands will approach this mainly in the context of regional or international cooperation, as noted in paragraph 1.1.2.1 above.

## **1.6 Elimination of subsidies and other economic support relating to IUU fishing**

The measures taken to eliminate subsidies and other economic support relating to IUU fishing are described in paragraphs 1.1.1.3 and 1.1.2.4 above.

## **1.7 Measures to improve monitoring, control and surveillance**

Measures to improve monitoring, control and surveillance are described in paragraphs 1.1.1.5 and 1.1.2.5 above.

## **2. FLAG STATE RESPONSIBILITIES**

### **2.1 Measures to improve registration system for fishing vessels**

#### **2.1.1 Keeping register current**

Alpha Islands currently has regulations that require registration of coastal commercial and industrial fishing vessels. The draft Fisheries Management Act will require registration of all fishing vessels, as well as ALCs. The database will be expanded, with the technical assistance of the PFO, and institutional responsibilities will be structured to allow timely updating of the register.

#### **2.1.2 Control of registered vessels**

Alpha Islands will take measures to ensure its ability to control vessels before granting registration. This will include the following.

##### **2.1.2.1 Sufficient registration information**

- Alpha Islands will continue to implement regional and international standards in requiring information for vessel registration, including information for national registers and relevant regional registers, such as the regional VMS register and the regional register of foreign fishing vessels.

### **2.1.2.2 Measures to deny registration**

- Measures will be adopted that allow registration to be denied to a fishing vessel that has been convicted of IUU fishing, or, if registered, that will allow the vessel to be deregistered upon conviction or require deregistration if a vessel carries more than one registration.

### **2.1.2.3 Further control measures**

- As the law is reformed, further measures will include requirements for fishing beyond areas of national jurisdiction such as licensing, reporting, observers and the installation of ALCs for all vessels.

### **2.1.3 Coordination of government activities**

Regularized communication will be established between the Fisheries Division and the Shipping Office, responsible for vessel registration. Where information on the past activity of a fishing vessel seeking registration indicates it was involved in IUU fishing activities, appropriate steps can be taken.

### **2.1.4 Review of chartering arrangements**

Although all vessels currently fishing fly the Alpha Islands flag, measures will be taken to ensure that Alpha Islands can maintain control, in areas beyond national jurisdiction, of vessels fishing under joint ventures or chartering arrangements. Such measures will entail transparent chartering arrangements that provide current and accurate information. Legal provisions will be considered to require that:

- the chartered vessels take on the nationality of Alpha Islands – that is, be registered in Alpha Islands and fly its flag – for the duration of the charter arrangement; or
- charter arrangement make both Alpha Islands and the flag State responsible for controlling the high seas fishing conducted pursuant to a charter arrangement.

The charter arrangement could, for example, provide express authority for both States to board and inspect the vessel on the high seas and require reporting of catch data to both States. The draft Fisheries Management Act, in which the “operator” of a vessel is liable for most offences, defines operator as the owner, charterer and master. This means that the charterer may be prosecuted if IUU fishing takes place.

## **2.2 Creation of a comprehensive record of fishing vessels**

### **2.2.1 Data for registration of high seas fishing vessels**

The following data will be included in the registration of fishing vessels authorized to fish on the high seas:

- name of fishing vessel, registration number, previous names (if known) and port of registry;
- previous flag (if any);
- International Radio Call Sign (if any);
- name and address of owner or owners;
- where and when built;
- type of vessel;
- length;

- name and address of operator (manager) or operators (managers) (if any);
- type of fishing method or methods;
- moulded depth;
- beam;
- gross registered tonnage;
- power of main engine or engines.

#### **2.2.2 Submission of data to FAO**

Submission of the above data to FAO will be arranged on a regular basis, noting that information on the last six points (from name and address of operator) will be submitted to the extent practicable.

#### **2.3 Measures requiring authorization to fish**

The subsistence fisheries do not require licences to fish, but all others do. Because of the importance of subsistence fisheries and traditional management to Alpha Islands, this policy will not change. However, authorizations to fish for all other fisheries will continue to be required, and the draft Fisheries Management Act will require licences for fishing in areas beyond national jurisdiction.

#### **2.4 Measures to control transport and support vessels**

The law will be amended so that Alpha Islands transport and support vessels that have been involved in IUU fishing in Alpha Islands waters or an area of the high seas subject to international conservation and management measures will be subject to prosecution and mandatory licence revocation. For such vessels not registered in Alpha Islands, but carrying out related activities in Alpha Islands waters, the law will be amended to require licence revocation. At-sea transshipment of fish by purse seiners is not allowed in the region.

#### **2.5 Other control measures**

Vessel and gear marking requirements will be reviewed and, as appropriate, strengthened. International and regional standards will be applied.

### **3. COASTAL STATE MEASURES**

#### **3.1 Measures to combat IUU fishing in Alpha Islands waters by foreign vessels**

Alpha Islands is taking measures to combat IUU fishing by foreign vessels primarily through strengthened regional cooperation. This is being achieved primarily through regional databases and information, enforcement cooperation and establishment of a VMS system. The establishment of the TFC will enhance this cooperation. As a priority, the draft Fisheries Management Act will be reviewed and prepared as a Bill for introduction into Parliament.

#### **3.2 Cooperation with other States in the region**

Regional cooperation described above will be enhanced by sub-regional and bilateral cooperation in reciprocal and joint surveillance and enforcement measures. An agreement with one of Alpha Islands' neighbours is planned with the aim of using Alpha Islands patrol boats to undertake joint enforcement activities in the waters of both Island countries.



## **4. PORT STATE MEASURES**

### **4.1 Improvement of port State measures to combat IUU fishing**

#### **4.1.1 Advance notification for port access**

Alpha Islands will, by regulation, require foreign fishing vessels to provide advance notification in seeking port access.

#### **4.1.2 Inspection of foreign vessels in port**

Inspection of foreign vessels in port (including those that are not licensed to fish but come for duty free fuel) will be intensified, following recent training on boarding and inspection by the regional organizations. As the TFC expands its work and possibly adopts catch certification schemes, a future priority will be to develop inspection capacity and train inspectors on the relevant documentation.

#### **4.1.3 Evidence indicating IUU fishing**

Where evidence is found indicating that a foreign vessel in port has encouraged or supported IUU fishing, a procedure will be developed to enable effective measures to be taken, including prohibition on landing or transshipment.

#### **4.1.4 Denial of port access**

Procedures will be developed to allow the denial of port access to foreign vessels suspected of engaging in or supporting IUU fishing.

### **4.2 Cooperation with port States to combat IUU fishing**

Alpha Islands will continue to cooperate mainly through regional organizations with other island port States to agree on mechanisms and information exchange to combat IUU fishing.

### **4.3 Implementation of port State measures adopted by RFMOs**

Alpha Islands will implement port State measures that may be adopted by the TFC and any other relevant RFMOs.

## **5. INTERNATIONALLY AGREED MARKET-RELATED MEASURES**

### **5.1 Implementation of market-related measures adopted by RFMOs**

#### **5.1.1 Provision of information to RFMOs**

Alpha Islands will provide information to the CCT and other relevant RFMOs, as appropriate, on vessels suspected of IUU fishing in their respective Areas of Competence.

#### **5.1.2 Import restrictions**

Measures will be taken to restrict imports of fish and fish products from vessels and/or States identified by RFMOs, especially CCT, as engaging in or supporting IUU fishing.

### **5.1.3 Catch documentation schemes**

Measures will be taken to implement the catch documentation and certification schemes for Alpha Islands vessels that are adopted by CCT and any other relevant RFMO to which Alpha Islands may become a member.

## **5.2 Implementation of other market-related measures**

### **5.2.1 Transparency measures**

Technical assistance will be requested to develop measures to improve the transparency of markets to allow the traceability of fish and fish products.

### **5.2.2 Information dissemination**

As part of the capacity building project, Alpha Islands will mount an information programme to disseminate information on IUU fishing to individuals and companies whose activities are related to fishing.

### **5.2.3 Prohibition in law**

An amendment to the draft Fisheries Management Act will be drafted as described in section 1.1.1.8 above, which makes it a violation to conduct business or trade in fish or fish products derived from IUU fishing.

## **6. IMPLEMENTATION OF IPOA-IUU THROUGH RFMOS**

Alpha Islands will continue to work through RFMOs to implement the IPOA-IUU. It will support proposals made for relevant activities and implement any decisions taken to the extent possible. As appropriate, further technical assistance may be sought to further these endeavours.

Alpha Islands considers existing RFMOs to be at the forefront in taking measures to implement the IPOA-IUU, with the exception of the nascent TFC. It is expected that the TFC will be well positioned to implement the IPOA-IUU through, *inter alia*, information mechanisms, MCS, dealing with non-member fishing and developing documentation and certification schemes. Alpha Islands will be an active participant and will strive to implement the decisions of the Commission effectively and expediently.

## **7. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

This Part of the IPOA, which relates to participation in efforts to assist developing States, and give bilateral assistance to developing States, is not relevant for the NPOA of Alpha Islands because it calls for action by donors to establish a voluntary trust fund. Notwithstanding, Alpha Islands supports such action and acknowledges and values the assistance given to date, including that by FAO programmes such as FishCode, which has a component to support the implementation of the IPOA-IUU fishing.

## WORKSHEET ALPHA ISLANDS NPOA-IUU

WORKSHEET ALPHA ISLANDS NPOA-IUU			
	2004		2005
	January-June	July-December	January-December
<b>1. ALL STATE RESPONSIBILITIES</b>			
1.1 Review of national laws, regulations and practices relating to IUU fishing			
1.1.1 Additional legislative or regulatory authority necessary or desirable to implement the IPOA			
1.1.1.3 State control over nationals			
1.1.1.4 Sanctions			
1.1.1.3 Eliminating subsidies or other economic support to IUU fishers			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
1.1.1.4 Evidentiary standards and admissibility			
1.1.1.5 Monitoring, control and surveillance (MCS)			
1.1.1.6 Strengthening control over foreign fishing			
1.1.1.7 Strengthening control over landings, trans-shipments			
1.1.1.8 Strengthening control over exports			
1.1.1.9 Implementation of obligations under RFMOs			
1.1.1.10 Implementation of International Law			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
1.1.2 Review of Practices relating to IUU fishing			
1.1.2.1 State control over nationals			
1.1.2.2 Vessels without nationality			
1.1.2.3 Non-cooperating States			
1.1.2.4 Economic Incentives			
1.1.2.5 Monitoring, Control and Surveillance			
1.2 General measures needed to conform national laws, regulations and practices to international standards			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
1.3 Plans to become party to and/or implement relevant international instruments			
1.4 Measures to improve State control over nationals			
1.5 Measures to deal with vessels without nationality that conduct IUU fishing			
1.6 Elimination of subsidies and other economic support relating to IUU fishing			
1.7 Measures to improve monitoring, control and surveillance			
<b>2. FLAG STATE RESPONSIBILITIES</b>			
2.1 Measures to improve registration system for fishing vessels			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
2.1.3 Keeping register current			
2.1.4 Control of registered vessels			
2.1.2.1 Sufficient registration information			
2.1.2.2 Measures to deny registration			
2.1.2.3 Further control measures			
2.1.3 Coordination of government activities			
2.1.4 Review of chartering arrangements			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
2.2 Creation of a comprehensive record of fishing vessels			
2.2.1 Data for registration of high seas fishing vessels			
2.2.2 Submission of data to FAO			
2.3 Measures requiring authorization to fish			
2.4 Measures to control transport and support vessels			
2.5 Other control measures			



**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
<b>3. COASTAL STATE MEASURES</b>			
3.1 Measures to combat IUU fishing in Alpha Islands waters by foreign vessels			
3.2 Cooperation with other States in the region			
<b>4. PORT STATE MEASURES</b>			
4.1 Improvement of port State measures to combat IUU fishing			
4.1.1 Advance notification for port access			
4.1.2 Inspection of foreign vessels in port			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
4.1.4 Evidence indicating IUU fishing			
4.1.5. Denial of port access			
4.2 Cooperation with port States to combat IUU fishing			
4.3 Implementation of port State measures adopted by RFMOs			
<b>5. INTERNATIONALLY AGREED MARKET-RELATED MEASURES</b>			
5.1 Implementation of RFMOs market-related measures			
5.1.1 Provision of information to RFMOs			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
5.1.3 Import restrictions			
5.1.3 Catch documentation schemes			
5.2 Implementation of other market-related measures			
5.2.4 Transparency measures			
5.2.5 Information dissemination			
5.2.6 Prohibition in law			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	2004		2005
	January-June	July-December	January-December
<b>6. IMPLEMENTATION OF IPOA-IUU THROUGH RFMOs</b>			
6.1 Actions taken to implement RFMOs measures			
6.2 Proposals for institutional strengthening of RFMOs			
6.3 Proposals for additional compliance mechanisms to be adopted by RFMOs			
6.4 Proposals for improved collection and exchange of information through RFMOs			
6.5 Proposals to strengthen MCS through RFMOs			
6.6 Proposals to develop comprehensive port State systems through RFMOs			

**WORKSHEET  
ALPHA ISLANDS NPOA-IUU**

	<b>2004</b>		<b>2005</b>
	<b>January-June</b>	<b>July-December</b>	<b>January-December</b>
6.7 Proposals to improve documentation and certification schemes of RFMOs			
6.8 Proposals to regulate chartering arrangements through RFMOs			
6.9 Proposals to address non-member fishing through RFMOs			
6.10 Proposals to formalize cooperation among RFMOs, and between RFMOs and other international organizations			