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COMBATING ILLEGAL, UNREPORTED AND UNREGULATED FISHING, INCLUDING THROUGH A LEGALLY BINDING INSTRUMENT ON PORT STATE MEASURES AND THE ESTABLISHMENT OF A GLOBAL RECORD OF FISHING VESSELS

SUMMARY

It has been ten years since COFI first addressed illegal, unreported and unregulated (IUU) fishing. During that time, growing experience has allowed COFI and its Member States to enhance, diversify and improve approaches to IUU fishing. The challenges are ongoing, but there is a shared sense of the problem. Two pending initiatives are described in detail: the draft legally-binding instrument on port State measures and the establishment of a global record of fishing vessels. The paper also provides a brief review of a number of significant, current and ongoing initiatives to fight IUU fishing. The paper also identifies an emerging IUU issue: bycatch and discards.

INTRODUCTION

1. Illegal, unreported and unregulated (IUU) fishing continues to plague the world's fisheries while jeopardizing conservation of the marine environment and threatening sustainability. IUU fishing and related activities are driven by high profits, growing global markets for fish and overcapacity in the fishing industry. Weak governance systems enable IUU activities. Recent estimates indicate that the annual global losses due to IUU fishing may range from US\$10-23 billion¹ although accurate quantification remains difficult due to the covert nature of the activities. IUU fishing is pervasive, occurring in all regions of the world; it is found on the high seas, in exclusive economic zones and in near-shore fisheries. If not adequately controlled, these activities pose serious problems for all types of fisheries: industrial, small-scale and artisanal, having potentially serious environmental, economic and social impacts.

2. All States are affected by IUU fishing regardless of whether they are coastal States concerned about the management of their fisheries, welfare of their fisheries-dependent communities and preservation of biodiversity; flag States dealing with their responsibilities and the socio-economic concerns of fishers who abide by management and conservation measures; port States wanting to verify catches coming to their facilities; or market States trying to ensure the importation of legally caught, safe products for their consumers. There is widespread recognition that IUU is a shared problem and that it demands collaborative solutions.

3. The international community has been trying to eradicate IUU fishing through various measures since it became a prominent issue on the global agenda approximately ten years ago.² But, its complex nature defies simple or uniform solutions. The first decade of fighting IUU fishing has produced the beginnings of some effective responses and raised awareness among governments and civil society about the negative impacts of IUU fishing. For example, during the past decade, the emphasis has shifted from targeting IUU fishing vessels to targeting IUU fishing vessels and their catch.

4. This paper's objective is to summarize noteworthy recent developments in the context of combating IUU fishing. The paper highlights two key FAO initiatives that are intended to make IUU fishing increasingly difficult and costly: the development of a legally-binding instrument on port State measures and the development of a comprehensive global record of fishing vessels, refrigerated transport vessels and supply vessels (GR)³. After a brief review of significant, ongoing developments, the paper addresses an emerging issue and concludes with suggested actions by the Committee.

¹ *Estimating the Worldwide Extent of Illegal Fishing*, Marine Resources Assessment Group (MRAG) and Fisheries Ecosystems Restoration Research, Fisheries Centre, University of British Columbia, 2008 (in press). The report indicates that its estimates do not include catches that are discards and unreported legal catches.

² At each FAO Committee on Fisheries (COFI) session since its twenty-third in 1999, IUU fishing has been addressed. In 1999 COFI started procedures to elaborate an international plan of action on the subject. FAO. *The International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing* (IPOA-IUU) Rome, FAO. 2001. 24p was adopted by COFI in 2001. Each successive COFI also included IUU fishing on its agenda. The FAO Conference and separate ministerial meetings have also focused on IUU fishing. In 2003, the FAO Conference adopted an IUU fishing resolution, Resolution 6/2003, Progress Report on the Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. The 2005 Ministerial Meeting on Fisheries, dedicated in part to activities related to IUU fishing, produced the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing.

³ The 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the FAO Ministerial Meeting on Fisheries, called for the development of a comprehensive record of fishing vessels within FAO including refrigerated transport vessels and supply vessels given their frequent involvement in IUU activities. At the 2008 FAO Expert Consultation on the Global Record, the reference to fishing vessels was to include the other categories of vessels. FAO. Report of the Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels, Rome, Italy 25-28 February 2008. *FAO Fisheries Report*. No.865. Rome, FAO. 2008. 59p. Likewise in this paper, the reference to fishing vessels in relation to the Global Record is to include the other two categories of vessels as well.

PORT STATE MEASURES

5. Following endorsement by the Twenty-sixth session of COFI in 2005 of the voluntary FAO Model Scheme on Port State Measures to Combat IUU Fishing (Model Scheme), the international community increasingly recognized the value of port State measures as an emerging and effective compliance tool to prevent, deter and eliminate IUU fishing. The Twenty-seventh session of COFI revisited the issue and acknowledged the urgent need for a comprehensive suite of port State measures to develop a new legally-binding instrument based on the Model Scheme and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). COFI emphasized that the new instrument would represent minimum standards for port States with the flexibility to adopt more stringent measures. However, it was agreed that the instrument should not detract from other previously agreed measures such as the need for fishing capacity reduction.

6. The Committee endorsed a timetable for the finalization of the instrument's text prior to the Twenty-eighth session of COFI. Accordingly, an FAO Expert Consultation was held in the United States of America from 4 to 8 September 2007⁴ to prepare an initial draft of a legally-binding instrument on port State measures which formed the basis of negotiation for the Technical Consultation held in Rome, Italy, from 23 to 27 June 2008 to draft the text of a legally-binding instrument on port State measures to prevent, deter and eliminate IUU fishing. The Consultation is scheduled to resume from 26 to 30 January 2009. The Committee will be briefed on developments at the resumed session. In addition, an informal, open-ended technical meeting to review the draft instrument's annexes was held in Rome, Italy, from 25 to 27 November 2008. The purpose of this meeting was primarily to simplify the annexes.

7. The implementation of the Model Scheme and the possible introduction of a binding instrument on port State measures require a cadre of skilled personnel. The need for human capacity development in this rapidly emerging area was acknowledged by FAO Members, and in response FAO initiated a series of regional workshops in August 2006, five of which have been held to date.⁵ Furthermore, national workshops have been held as pilot projects with a view to contributing the outcomes to a broader sub-regional initiative, if and when funding becomes available.⁶ Participants from a total of 58 countries and the European Commission have attended the workshops. Eleven Regional Fishery Bodies⁷ have partnered or cooperated with FAO in their delivery.

⁴ FAO. 2007 Report of the Expert Consultation to Draft a Legally-binding Instrument on Port State Measures. Washington D.C., the United States of America, 4–8 September 2007. *FAO Fisheries Report*. No. 846. Rome, FAO. 22p.

⁵ FAO. 2008 Report of the FAO/FFA Regional Workshop to Promote the Full and Effective Implementation of Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. Nadi, Fiji, 28 August–1 September 2006. *FAO Fisheries Report*. No. 810. Rome, FAO. 198p; FAO. 2007 Reports of the IOC/FAO/IOTC Symposium and Workshop to Strengthen Port State Measures in the Indian Ocean. Port Louis, Mauritius, 18–22 June 2007. *FAO Fisheries Report*. No. 844. Rome, FAO. 69p; 2008 FAO/General Fisheries Commission for the Mediterranean. Report of the FAO/GFCM Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. Rome, 10–12 December 2007. *FAO Fisheries Report*. No. 857. Rome, FAO. 86 p; FAO. 2008 Report of the FAO Regional Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. Cape Town, South Africa, 28–31 January 2008. *FAO Fisheries Report*. No. 859. Rome, FAO. 42p; FAO. Report of the Regional Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated (IUU) Fishing. Bangkok, Thailand, 31 March–4 April 2008. *FAO Fisheries Report*. No 868. Rome, FAO. 79p.

⁶ FAO/CSRP national workshops on port State measures to combat IUU fishing: Nouadhibou, Mauritania, 9–10 June 2008, 14–15 July 2008; Dakar, Senegal, 12–13 June 2008, 17–18 July 2008 (*Report in preparation*.)

⁷ In this paper, regional fishery bodies is a term used to refer to various types of regional fishery bodies, including regional fisheries management organizations or arrangements, (both those within and outside of the FAO framework), those with a management mandate and those with an advisory function.

8. The primary objective of the workshops is to develop national capacity and promote bilateral, subregional and/or regional coordination so that countries will be better placed to strengthen and harmonize port State measures and, as a result, implement the relevant IPOA-IUU tools and the Model Scheme and, to the extent possible, contribute to the development of a legally-binding instrument on port State measures.

9. FAO will continue the initiative for capacity building and sensitization of countries in relation to port State measures and expand it to include flag State performance and other linked compliance tools. A focal goal is to facilitate swift, effective and cooperative action in these rapidly developing areas to combat IUU fishing. Subject to the availability of funds, additional workshops are planned in the following regions over the next two years: Near East, Caribbean, West Africa, South Asia, Central America and South America. Multi-donor assistance is being sought, mindful of the wide range of countries and organizations that have supported this initiative to date. The FAO Trust Fund for Port State Measures (MTF/GLO/206/MUL) has been established to ensure maximum economy and efficiency in the administration of the funds.

DEVELOPMENT OF A COMPREHENSIVE GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS

10. Following its review of a preliminary feasibility study⁸, the Twenty-seventh session of COFI directed FAO to further develop the concept of a GR through the convening of an Expert Consultation. The Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, (EC-GR) was held in Rome from 25 to 28 February 2008⁹ to systematically evaluate the feasibility of a global record, its scope, criteria for inclusion in the record, goals of the record, the sources of data and how to obtain accurate, comprehensive and current data, the need for a unique vessel identifier and the special needs of developing countries.

11. The EC-GR strongly endorsed the GR concept. The experts envisaged the GR as a portal¹⁰ underpinned by a global database where information from many sources will be gathered and stored in one location, making it a one-stop shop for fishing vessel related information¹¹. The GR would provide links to information from national vessel registers, regional vessel records, IUU fishing vessel lists and databases containing various vessel related information. As discussed by the EC-GR, the GR would seek to establish links to States' existing national databases and States would not be required to make additional submissions containing data, in contrast to some other existing FAO administered databases.

12. The GR would contain information which is publicly available and drawn from a large number of sources. Uncomplicated search tools would make the GR a tool appealing to a wide range of potential users. The GR, as a record of information, was envisaged to be neutral in character and users will be able to make their own judgments about the information they access. Progressing the GR was described by the EC-GR as a matter of priority, however, the experts recommended a phased approach to its development and implementation, given the likelihood that developing the GR would be a formidable task.

⁸ The FAO Feasibility Study was summarized in the paper, Report on the Development of a Comprehensive Record of Fishing Vessels, Refrigerated Transport Vessels, Supply Vessels and Beneficial Ownership. for COFI in 2007. COFI/2007/Inf.12

⁹ FAO. 2008 Report of the Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels, Rome, 25-28 February 2008., *FAO Fisheries Report* No. 865, Rome, FAO. 59p.

¹⁰ A portal is a framework which provides a single point of access to a variety of information and tools.

¹¹ Such a model using a portal with links to existing national and other databases has been employed successfully in other FAO contexts; see e.g. www.ippc.int, the International Phytosanitary Portal.

13. The EC-GR noted the broad range of benefits that might be derived by a variety of users from the GR, in particular in respect to the prevention and detection of IUU fishing. GR information would assist fisheries monitoring, control and surveillance (MCS) agencies and improve the traceability of vessels and products as well as the transparency of vessel information and operation. It could support the needs of industry by assisting with traceability and certification. Personnel responsible for fisheries management, statistics, fleet capacity, national and international MCS efforts, risk assessment, fishing vessel safety, security and marine pollution as well as RFBs, are also expected to be users of the GR.

14. Convinced that progress should be made without delay, the EC-GR believed that COFI should be well informed about issues that were beyond the scope and time available to the EC-GR. To assist the Twenty-eighth session of COFI in its decision making, the EC-GR agreed that, subject to the availability of funds, looking further into key issues was called for and recommended a series of interim activities which were to be progressed prior to the Twenty-eighth session of COFI. These activities included correspondence groups with various specialists to further explore certain technical aspects of the GR's development such as a unique vessel identifier¹², information technology issues, data provision and user requirements. Various technical papers were also to be commissioned, and a programme of awareness raising about the GR was to be undertaken. Finally, a meeting should be convened by FAO, subject to availability of resources, to consider any relevant developments prior to the Twenty-eighth session of COFI. A synthesis report, summarizing the most salient conclusions from these interim activities, is presented as a made available document.

REVIEW OF SIGNIFICANT, ONGOING DEVELOPMENTS ASSOCIATED WITH COMBATING IUU FISHING

15. The FAO, other United Nations Agencies, governments, regional and economic organizations, RFBs, non-governmental organizations, industry and civil society have increasingly engaged in the fight against IUU fishing. A short review of some recent developments follows.

Implementation of the IPOA-IUU

16. Part IV of the IPOA-IUU encourages all States to develop and implement national plans of action to combat IUU fishing (NPOAs-IUU) and related activities. These plans are important because they facilitate coherent and comprehensive national action against IUU fishing. The process for the development of the plans serves as a "gaps filling" exercise enabling States to identify and remedy areas that are not being addressed or are being addressed inadequately. In addition, where regional collaboration and harmonization of activities is necessary to combat IUU fishing, regional groupings of States are encouraged to elaborate regional plans of action (RPOAs-IUU).

17. According to information available to FAO the development of NPOAs-IUU has been highly variable among regions. In addition, although there have been two successful initiatives to develop RPOAs-IUU in recent years¹³, there has been little progress towards the elaboration of

¹² A unique vessel identifier remains with a vessel regardless of any changes of ownership, location, flag, etc. The FAO's feasibility study on the GR and the 2008 FAO EC-GR recognized the need for a unique identifier to thwart flag hopping, to assist with revealing vessel history and to contribute to the tracking of vessels globally. The EC-GR also called for unique company identifiers. The EC-GR further advised that the existing vessel numbering schemes, such as those used by the IMO and others, needed to be taken into account for any global system which was recommended. Several RFBs are starting to discuss the use of a unique vessel identifier for vessels fishing within their areas of competence.

¹³ Two important regional initiatives against IUU fishing and related activities have been the development of the LVFO Regional Plan of Action to Prevent, Deter and Eliminate IUU Fishing by the members of the Lake Victoria Fisheries Organization in 2004 and the Regional Plan of Action to promote Responsible Fishing Practices including Combating

RPOAs-IUU even though many countries and RFBs have embraced the IPOA-IUU's goals and principles. However, all FAO Members and RFBs are encouraged to develop plans of action so as to ensure that there is a clear, logical and consistent platform on which to base policy and measures against IUU fishing.

Flag state performance

18. At the Twenty-seventh session of COFI, a number of Members referred to irresponsible flag States. Subject to the availability of funding, COFI requested FAO to consider the possibility of convening an expert consultation to develop criteria for assessing the performance of flag States as well as to examine possible actions against vessels flying the flags of States not meeting such criteria.

19. Canada hosted an international Expert Workshop on Flag State Responsibilities: Assessing Performance and Taking Action from 25 to 28 March 2008 in Vancouver, Canada. The workshop was coordinated as the first stage of a wider effort to identify definitive actions that can be taken to improve flag State performance.

20. A FAO Expert Consultation on Flag State Performance has yet to be scheduled, subject to the availability of funds. It will address and make recommendations on criteria for assessing the performance of flag States; possible actions against vessels flying the flags of States not meeting the criteria identified; the role of national governments, RFBs, international institutions, international instruments and civil society in implementing the criteria and actions for flag State performance, and assistance to developing countries in meeting the criteria, taking actions and fulfilling their respective roles as appropriate.

Joint FAO/IMO ad hoc working group on IUU fishing and related matters

21. Delegations from FAO and the International Maritime Organization (IMO) and their respective Secretariats met in July 2007 to identify fruitful areas for cooperation dealing with activities related to IUU fishing. The Second Session of the Joint FAO/IMO *ad hoc* Working Group on IUU Fishing and Related Matters (JWG) recognized four priorities for collaborative action in the short term: port State control/measures, the GR, marine debris and the entry into force of two IMO Conventions (Torremolinos Protocol and the International Convention on Standards of Training, Certification and Watch Keeping for Fishing Vessel Personnel). The JWG further agreed to the continuation of inter-Secretariat collaboration on a regular basis. Recent collaboration between the Organizations has been especially active and is ongoing with regard to the development of a draft legally binding instrument on port State measures, the development of the GR and other related matters (review of MARPOL Annex V and guidelines with respect to abandoned, lost or otherwise discarded fishing gears); in all areas IMO has contributed its technical expertise.

Vessel monitoring systems inventory

22. Appreciating the increasing importance of technology in combating IUU fishing, and specifically the role of vessel monitoring systems (VMS), FAO conducted an inventory of satellite based VMS usage worldwide by distributing a comprehensive questionnaire to over 180 States and RFBs in 2007. More than 100 responses to the questionnaire were received and a database is being built, which will facilitate analysis of the information provided by the responses. A directory of national or regional VMS contact points will be compiled to assist with real-time VMS data exchange and cooperation.

23. With approximately 80 countries currently using or planning on implementing VMS programmes soon, and high acceptance by RFBs, VMS can be considered well established as an effective MCS tool. Based on information provided directly by the questionnaire responses and information available more informally, it is estimated that approximately 50 000 vessels are equipped with VMS worldwide, although its use is not comparable in all regions. However, the responses to the questionnaire have made clear that many countries are not using VMS to its full potential for fisheries compliance or management and other purposes. A comprehensive programme of capacity building to develop skilled personnel who can interpret and apply VMS data for multiple purposes is needed.

Global fisheries enforcement training workshop

24. Two hundred MCS specialists from almost 50 countries gathered in Trondheim, Norway in August 2008 at the second Global Fisheries Enforcement Training Workshop (GFETW) to discuss pragmatic solutions for combating activities related to IUU fishing. The second GFETW was hosted by the Norwegian Directorate of Fisheries, organized by the International Monitoring, Control and Surveillance Network (MCS Network)¹⁴ and co-sponsored by FAO. The participants considered a broad programme of MCS topics and they agreed that cooperative MCS efforts at all levels: local, national, subregional, regional and international, were vital. They noted that the growing costs of fuel, technology and infrastructure and the increased sophistication and mobility of IUU fishing operations, made this cooperation essential.¹⁵

25. The third GFETW¹⁶ will be hosted by Mozambique in 2010 and organized by the MCS Network with FAO co-sponsorship. The Workshop's agenda will have a special emphasis on topics dealing with the situation faced by developing countries in implementing effective MCS programmes and combating IUU fishing and the unique needs that these countries have.

New European Commission regulation

26. Many States have enacted new legislation to address IUU fishing. Some have adopted broad approaches. One recent example from the European Union (EU) recognizes its responsibility as a major market, with a new comprehensive regulation to control IUU fishing and to prevent IUU products from being sold on the EU market.¹⁷ While not providing the only recent example of targeted IUU fishing legislation, the new regulation is particularly far reaching¹⁸.

¹⁴ The MCS Network is a global forum for MCS practitioners. The Network is a no-cost, voluntary organization which aims to improve MCS through sharing of information and experiences. More information about the Network can be located at www.imcsnet.org.

¹⁵ The Workshop's Declaration, approved by all participants, highlighted the efforts needed, from the perspective of those who fight IUU activities at an operational level. FAO. 2008. Report of the Second Global Fisheries Enforcement Training Workshop. Trondheim, Norway 7-11 August 2008. *FAO Fisheries Report* No. 885. Rome, FAO (in press).

¹⁶ See www.gfetw.org.

¹⁷ EC Council regulation No 1005/2008, adopted by the Council of the European Union, September 2008, published on 29 October 2008, Establishing a Community System to Prevent, Deter and Eliminate IUU Fishing.

¹⁸ Scheduled to be applied from 1 January 2010, the regulation requires imports of fishery products from outside the European Community (except freshwater and aquaculture products, and some bivalves) to be accompanied by a catch document, which certifies that the shipment was caught in compliance with the laws of the flag State of the harvesting vessel. Certain information must be validated by the Flag State including fishing authorization, quantity and species onboard and to be offloaded, and area where caught or transhipped. While ambitious due to its scope, the system presents broad opportunities for capacity building as it acknowledges that assistance will be needed by many developing countries which export to EU markets in order to comply with this new system.

Regional Fishery Bodies

27. RFBs are increasingly being called on to consider MCS actions as their Members look for ways to address IUU fishing activities. The IPOA-IUU also recognizes that regional fisheries management organizations¹⁹ have an important role to play and suggests institutional strengthening with many examples. Many RFBs have adopted or are discussing, *inter alia*,

- use of vessel registers;
- vessel lists (authorized, negative or IUU), including the recognition of each other's lists by RFBs and other organizations also giving them effect;
- use of unique vessel identifiers;
- requiring observers;
- development of boarding and inspection schemes;
- joint enforcement activities;
- banning of transshipment at sea;
- mandatory VMS;
- increased reporting;
- catch documentation schemes (CDS);
- market related measures;
- closing fisheries where misreporting is suspected;
- engaging legal fishers in schemes where they participate in the sighting and surveillance of illegal fishers;
- developing plans of action dealing with IUU fishing;
- data exchange and harmonization;
- port State measures; and
- increased cooperation.

28. Concerted use of these measures has demonstrated positive results in many locations, even beyond the zone of competence of RFBs, due to cooperation and agreements for mutual recognition.²⁰

¹⁹ FAO. 2002 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.122p. See p.55 footnote 109. The term regional fisheries management organization (RFMO) is used in the IPOA-IUU and the implementation guidelines acknowledge that RFMO is a somewhat narrower term.

²⁰ Some RFBs have implemented port State measures and others are considering such measures. In May 2007, the North East Atlantic Fisheries Commission (NEAFC) implemented its Port State Control Scheme, which is modelled on the FAO Model Scheme but imposes more stringent requirements. It has resulted in some highly publicized incidents where vessels trying to offload fish caught illegally in NEAFC waters were repeatedly turned away from ports in Europe, Asia, and Africa. The vessels were forced to travel great distances and incur significant expenses in search of a port which would allow them to land the fish. The Scheme is credited with significantly diminishing IUU fishing activity in the North Atlantic and with a number of IUU fishing vessels being scrapped and others being disabled in ports.

EMERGING ISSUES

Unreported and unregulated fishing: The need to examine bycatch and discards

29. Bycatch and discards have been identified by COFI as serious concerns in many fisheries and as threats to long-term capacity to provide both food and a source of livelihoods. Although illegal fishing is often emphasized in IUU related work, unreported and unregulated fishing are also major impediments to sustainable fisheries. In fisheries that are not well managed, unreported and unregulated (i) landings of bycatch,²¹ (ii) discards,²² and (iii) pre-catch losses²³ are commonly issues of major concern.

30. Many countries have yet to implement comprehensive schemes for managing bycatch and reducing discards. In 2004, FAO reported that while discards had declined, retention of bycatch had increased.²⁴ Although the extent of bycatch and discards has not been comprehensively quantified, it may be more than 20 million tonnes. Pre-catch losses for some gear types such as trawls²⁵, pots and gillnets²⁶ represent an additional source of fishing mortality.

31. Heightened stress on the marine environment as a result of global warming, increased environmental degradation coupled with a growing demand for fish and a failure to account for significant sources of fishing mortality, makes unreported and unregulated fishing a threat to sustainable fisheries. Reporting and regulating retained catch and discarded species as well as minimizing pre-catch losses through the use of environmentally friendly fishing gear and practices should be part of a threat abatement program. It may require increasing the level of effort and funding directed towards: (i) quantifying retained catch and discard species by geographic region and fishery; (ii) minimizing unreported and unregulated catch through comprehensive and effective catch management measures and (iii) development of fishing gear and practices that minimize discards and pre-catch losses.

SUGGESTED ACTION BY THE COMMITTEE

32. The Committee is invited to:

- (i) note progress with the development of a binding instrument on port State measures and encourage and endorse further financial support for the FAO initiatives to support capacity building and institutional strengthening for port State measures and
- (ii) review developments with the GR and provide guidance on next steps.

²¹ Despite global use of the term bycatch, it is a relatively imprecise term when used at the regional and global level because of significant variations in definition by individual countries. For example, bycatch may include retained incidental catch species (including low value/ trash fish), pre-catch losses, and discards.

²² FAO. 2005 Discards in the world's marine fisheries, an update. Fisheries Technical Paper No. 470. FAO, Rome. 2005. 131 p.

²³ refers to fish and other animals that are killed but not landed through encountering the fishing gear (including ghost fishing).

²⁴ FAO. 2004. *The State of World Fisheries and Aquaculture (SOFIA) 2004*. Rome.

²⁵ FAO. 2005. Mortality of fish escaping trawl gears. *FAO Fisheries Technical Paper*. No. 478. FAO, Rome. 2005. 72p.

²⁶ James Brown, Graeme Macfadyen, Ghost fishing in European waters: Impacts and management responses, *Marine Policy*. Volume 31, Issue 4, July 2007, pp. 488-504.