Food and Agriculture Organization
of the United Nations

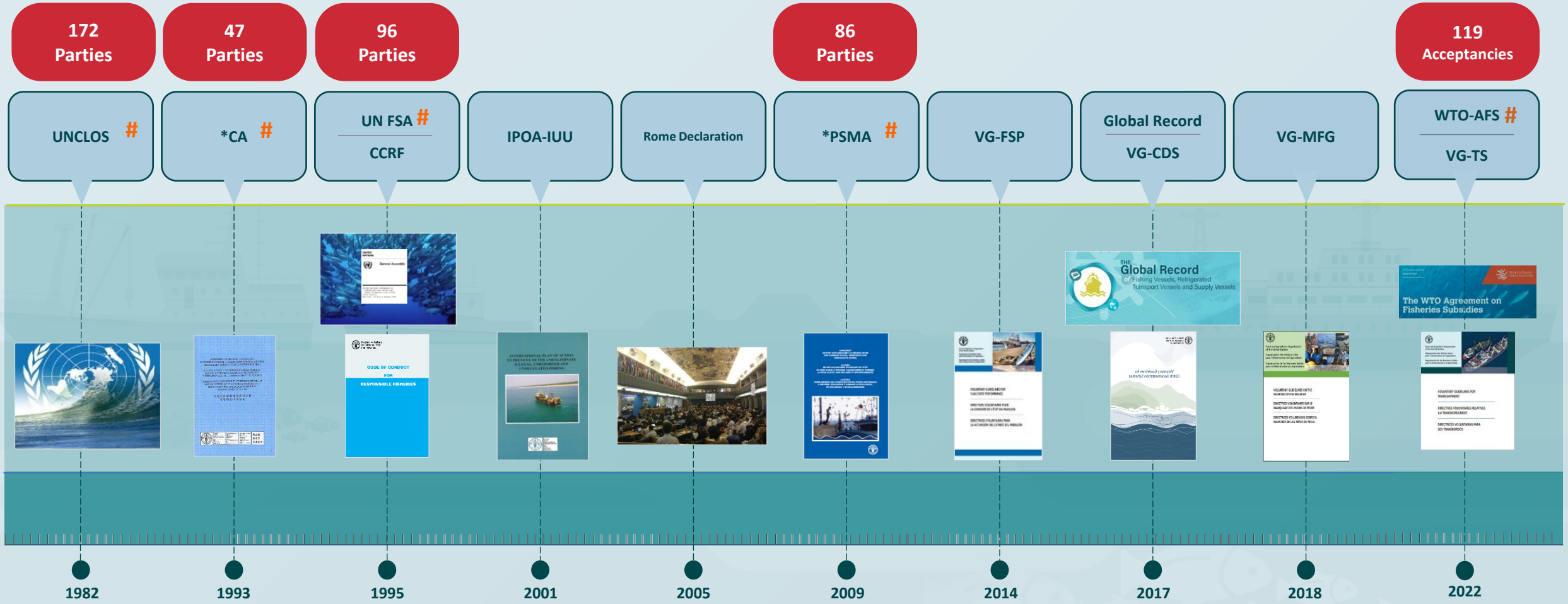


The 1993 FAO Compliance Agreement

Outline

1. International legal framework to combat IUU fishing
2. The 1993 FAO Compliance Agreement
3. Implementation of the FAO Compliance Agreement
4. The FAO Global Record of Fishing vessels, Refrigerated Cargo Vessels and Auxiliary Vessels

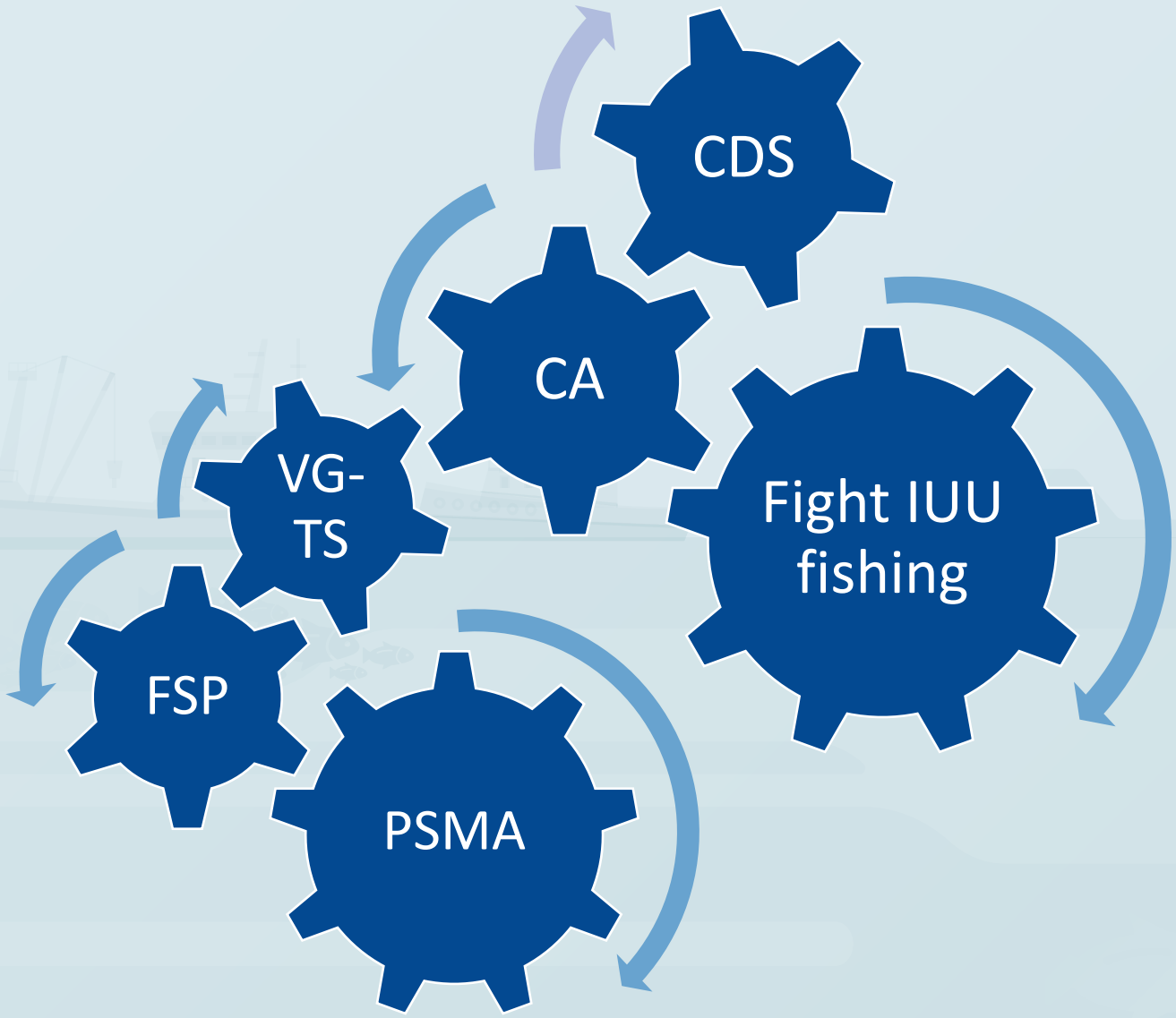
1. International fisheries instruments and tools to combat IUU fishing



Binding

* FAO executes Secretariat responsibilities

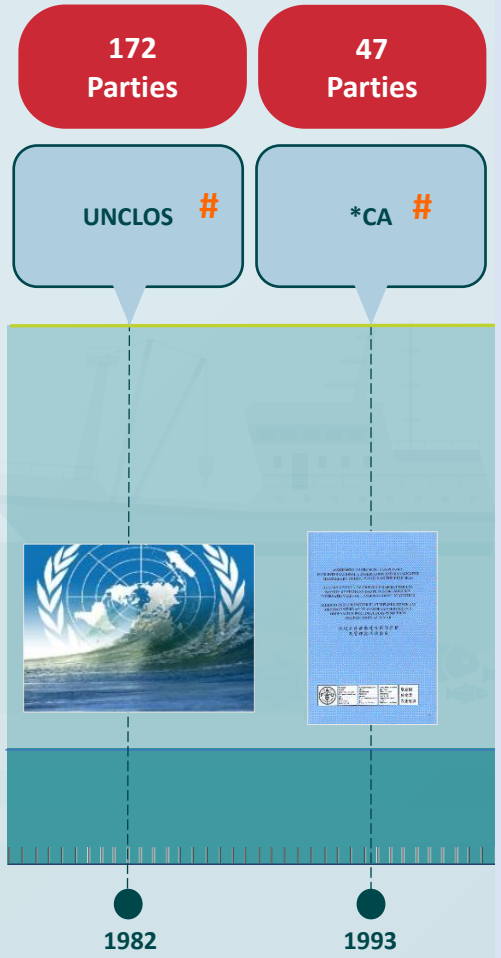
Fight against IUU fishing: international instruments



Effective actions to fight against IUU fishing needs:

- Integrated approach
- Synergy among binding and non-binding instruments

International fisheries instruments and tools to combat IUU fishing



Adopted by the FAO Conference at its 27th session in 1993
Entered into force in 2003, following the deposit of the 25th instrument of acceptance.



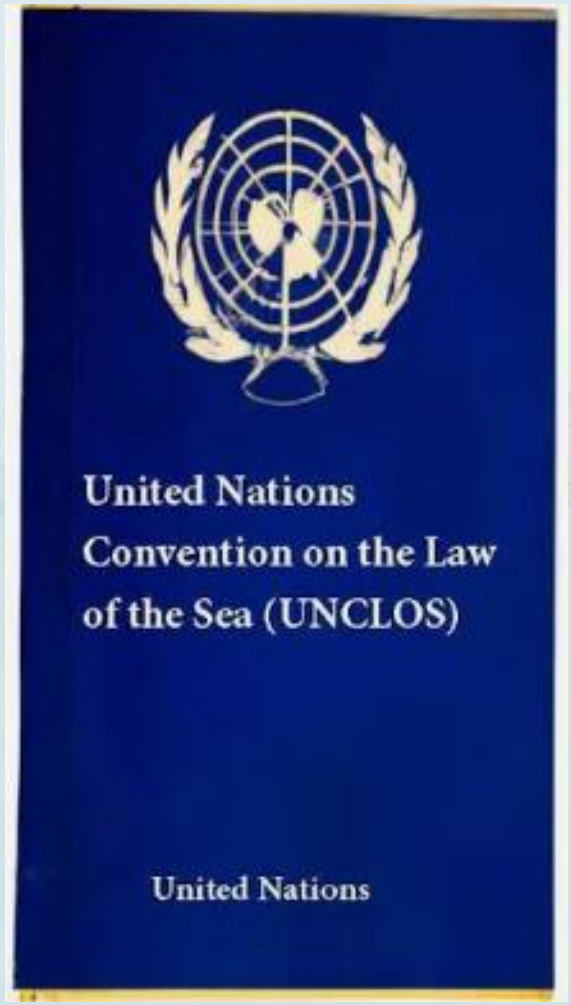
 # Binding

*** FAO executes Secretariat responsibilities**

(2)EU is a party representing 27 States

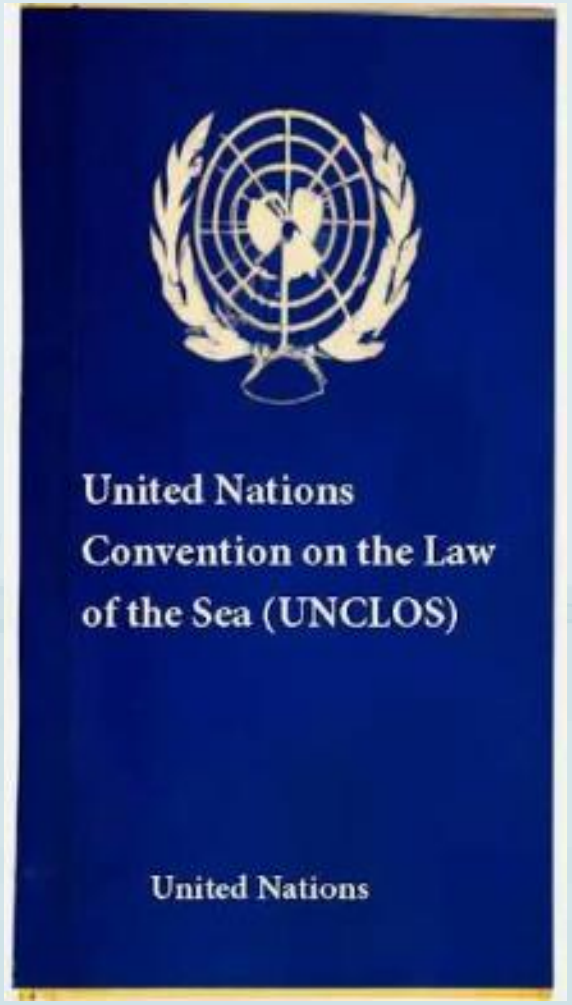
The 1993 FAO Compliance Agreement

UNCLOS 1982



- MISSING CHAPTER (CM of the living resources of the High Sea) → ((1995 UN FSA))
- LACK OF CAPACITY / POLITICAL WILL → EFFECTIVE JURISDICTION?
- RFMOs ONLY BIND PARTIES → FLAGS OF CONVENIENCE / FLAG-HOPPING
- LACK OF CONTROLS → CONSPICUOUS IUU FISHING IN THE HIGH SEAS

UNCLOS 1982



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CONSPICUOUS

Tackles issue NOT through granting of nationality, but by means of strengthening flag State control over its own vessels



AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS

ACCORD VISANT À FAVORISER LE RESPECT PAR LES NAVIRES DE PÊCHE EN HAUTE MER DES MESURES INTERNATIONALES DE CONSERVATION ET DE GESTION

ACUERDO PARA PROMOVER EL CUMPLIMIENTO DE LAS MEDIDAS INTERNACIONALES DE CONSERVACIÓN Y ORDENACIÓN POR LOS BUQUES PESQUEROS QUE PESCAN EN ALTA MAR

СОГЛАШЕНИЕ О СОДЕЙСТВИИ СОБЛЮДЕНИЮ РЫБОЛОВНЫМИ СУДАМИ В ОТКРЫТОМ МОРЕ МЕЖДУНАРОДНЫХ МЕР ПО СОХРАНЕНИЮ ЖИВЫХ РЕСУРСОВ И УПРАВЛЕНИЮ ИМИ

促进公海渔船遵守国际养护及管理措施的协定

Objective: To promote compliance with international conservation and management measures by fishing vessels operating on the high seas

- Strengthening the role of the Flag State in controlling its vessels.
- Authorization to fish on the high seas.
- Preventing vessels from changing flags to evade international measures when flying the flag of a State that is unable or unwilling to enforce such measures.
- Maintaining records of fishing vessels.

UNCLOS 82

FLAG STATE RESPONSIBILITY: Exercise effective jurisdiction and control over ships flying its flag.

AUTHORIZATION TO FISH: Right to fish on the high seas, subject to international obligations (Conservation and cooperation).

VESSEL REGISTRATION: General framework for vessel nationality, registration and jurisdiction.

COMPLIANCE WITH CMM: establish obligations concerning conservation and cooperation.

INTERNATIONAL COOPERATION: Establishes general obligations to cooperate.

FAO CA 1993

FLAG STATE RESPONSIBILITY: Specifies Flag State responsibilities in relation to fishing vessels operating on the high seas.

AUTHORIZATION TO FISH: Requires fishing vessels to be authorized to fish on the high seas and the Flag State to be able to exercise effective control over their operations.

VESSEL REGISTRATION: Requires Parties to maintain a record of fishing vessels authorized to fish on the high seas.

COMPLIANCE WITH CMM: Strengthens Flag State responsibility to ensure that its vessels don´t undermine international CMM.

REFLAGGING: Seeks to prevent vessels from changing flags to evade fisheries CMM.

INTERNATIONAL COOPERATION: Develops cooperation and information exchange concerning fishing vessels operating on the high seas

UNCLOS 82

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The Compliance Agreement elaborates on the general obligations established under UNCLOS regarding high-seas fisheries, strengthening Flag State responsibility through specific requirements for authorization, registration, control and cooperation, with particular emphasis on preventing vessels from evading international conservation measures through changes of flag.

Key requirements for the flag State

- Authorization to fish on the high seas
- Maintain record of its own vessels entitled to fish on the high seas
- Ensuring all authorized fishing vessels entitled to fly their flag are marked in accordance with applicable accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.
- Obtain from these vessels information concerning its fishery activities (catches, …)
- Take enforcement measures of sufficient gravity when necessary
- Exchange of information between Parties
- Transmission of information to FAO, which maintains a Central Register of Ships Operating on the High Seas (HSVAR)
- Avoid reflagging: the potential flag state must undertake a proper examination before granting its flag







Under the CA:

Parties shall not allow their fishing vessels to be used for fishing on the high seas unless the appropriate authority of the party has authorized them.

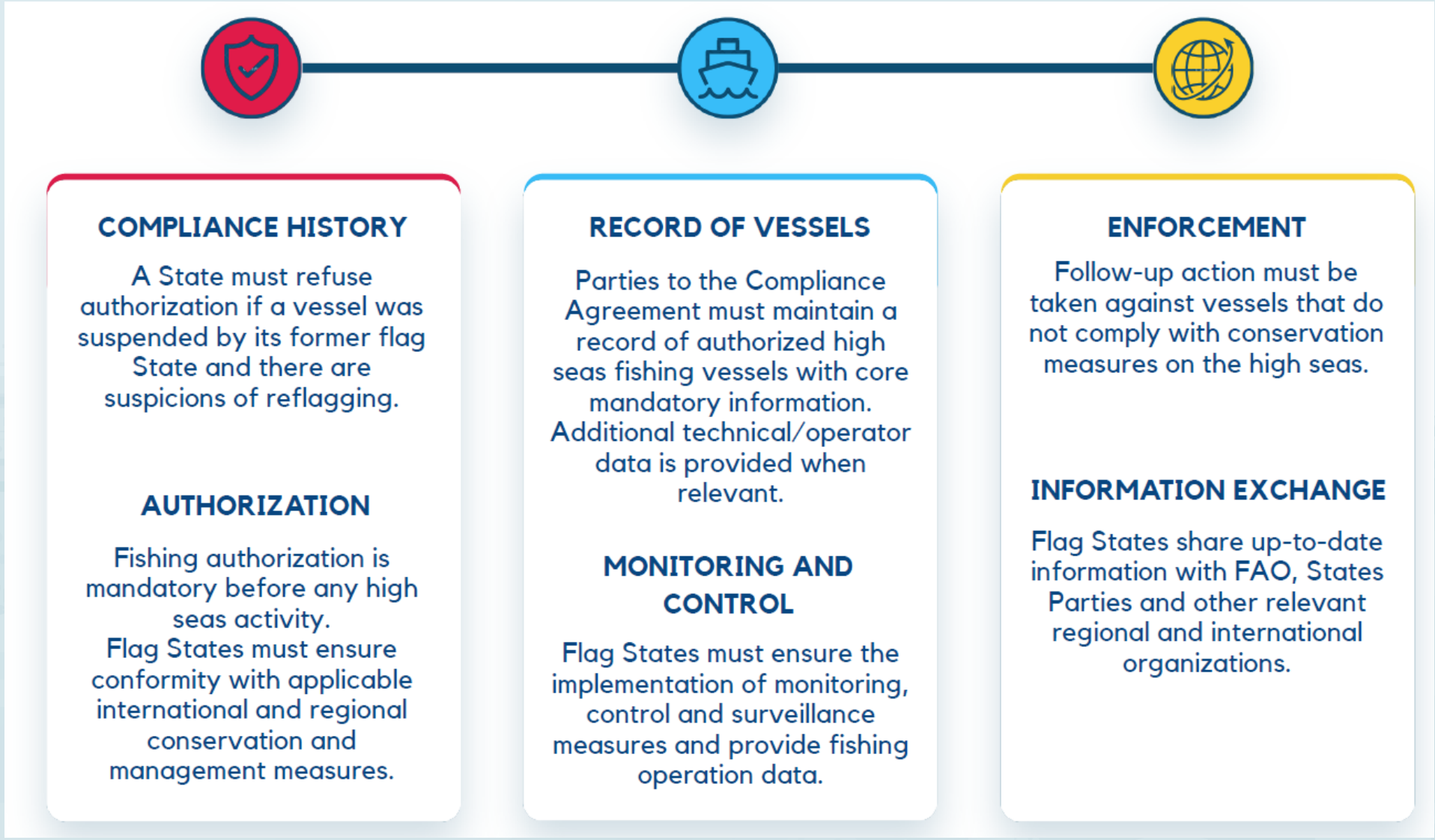
Parties must ensure that fishing vessels entitled to fly their flag “do not engage in any activity that undermines the effectiveness of international conservation and management measures”, such as those adopted by RFMOs, anticipating some of the elements the IUU fishing notion would later recognize.

No State will authorize any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless satisfied that it can effectively exercise its responsibilities under the Compliance Agreement regarding that fishing vessel.



States shall not authorize fishing vessels previously registered in the territory of another party that have undermined the effectiveness of international conservation and management measures to be used for fishing on the high seas. The only exceptions apply where there have been adequate sanctions on that vessel or that it has not been used for fishing on the high seas within the last three years.

In brief:


COMPLIANCE HISTORY
A State must refuse authorization if a vessel was suspended by its former flag State and there are suspicions of reflagging.
AUTHORIZATION
Fishing authorization is mandatory before any high seas activity.
Flag States must ensure conformity with applicable international and regional conservation and management measures.
RECORD OF VESSELS
Parties to the Compliance Agreement must maintain a record of authorized high seas fishing vessels with core mandatory information. Additional technical/operator data is provided when relevant.
MONITORING AND CONTROL
Flag States must ensure the implementation of monitoring, control and surveillance measures and provide fishing operation data.
ENFORCEMENT
Follow-up action must be taken against vessels that do not comply with conservation measures on the high seas.
INFORMATION EXCHANGE
Flag States share up-to-date information with FAO, States Parties and other relevant regional and international organizations.

3. Implementation phase of the FAO Compliance Agreement

- In the framework of the Agreement, there is no fixed mechanism for dialogue and policy co-ordination between State parties

- Even though being an *avant-garde* document at the time of adopted, further needed developments rather took place outside its framework

  - E.g. the creation of a FAO record of vessels fishing on the high seas (HSVAR)
    - But nature of information to be transmitted as well as its manner of dissemination proved quickly overtaken by new necessities
    - Other means were sought (2005 Rome Declaration, resulting in ° 2017 Global Record)

  - Leading role was taken over by RFMO/As, implementing relevant parts of the FAO Compliance Agreement [flag State duties; authorizations, flag hopping, vessel marking, vessel record, monitoring and enforcement])

Next future:

- COFI 37 and the Compliance Agreement:
  - The Committee requested FAO to analyze flag State performance in the scope of the Compliance Agreement
  - The Committee encouraged members whose fishing vessels operated on the high seas to ratify the Compliance Agreement and to submit and regularly update their fleet data in the FAO Global Register and in appropriate regional vessel databases;

4. The Global Record of Fishing Vessels, Refrigerated Cargo Vessels and Auxiliary Vessels

FAO GLOBAL INFORMATION EXCHANGE SYSTEMS



GIES

Information exchange in the scope of the PSMA:

- Inspection reports
- Port denials

National Contact Points
Designated Ports
ARPE



GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED CARGO VESSELS AND AUXILIARY VESSELS

Global tool to disseminate official and updated information about vessels and its activity

A global collaborative tool that collects and disseminates certified, relevant and up-to-date information on vessels used for fishing or in support of fishing activities through a single access point.

- Objective: To combat illegal, unreported and unregulated (IUU) fishing through greater transparency and traceability (also known as a “transparency tool”).
- Nature: A single hub for information on the Flag State’s fleet (as requested by the…).
- Scope: All fishing vessels and fishing-related vessels (transport, support and supply vessels):

1. Those holding an IMO number (in accordance with Resolution A.1117(30)) and meeting the following criteria:
   - LOA ≥ 24 m.
   - LOA ≥ 12 m and < 24 m, operating in waters beyond national jurisdiction.
2. Vessels whose products enter international markets.

➢ Content:

- 6 information modules (more than 100 data fields).
  - Provided by the relevant State authorities.
  - RFMOs act as information channels.
- 5 essential fields: available in the Global Record for all vessels.
- Vessel type will soon be included as an essential field.
- Main data modules:
  - Vessel information.
  - Historical data covering certain values (flag, name, owner and beneficial owner).
  - Authorizations.

5 essential data fields:
IMO number
Flag State
Vessel name
Length overall (LOA)
GT or GRT



Global Record information system

Pilot 2026
Working version 2017
Public version 2018
Last version 2022

- "Essential" for the PSMA and other instruments to combat illegal, unreported and unregulated (IUU) fishing:
- Verification of vessel information and authorizations (more than 100 data fields).
- Entry of vessel information into the GIES.
- Risk analysis, including the review of historical information.
- Parties and non-Parties to international instruments.
- Promotes the harmonization of standards and data exchange.



Thank you