

## PROPOSED AREAS OF FOCUS FOR THE WORK OF THE HIGH SEAS TASK FORCE

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The present document builds upon the consolidated list of issues presented in document HSTF/01 (July 2004) by identifying the key areas in which HSTF members can exert pressure on IUU fishing activities. The purpose of the document is to detail specific proposals in each broad area to determine whether they would form a viable set of solutions.

The sorts of recommendations that the HSTF is likely to be looking at fall into five broad areas.

- Sharing of intelligence and better coordination of monitoring, control and surveillance
- Development of a global register of high seas fishing vessels
- Strengthening of in-port measures and control over nationals
- Trade-related measures
- RFMO-based initiatives and governance issues

These areas have been selected because they provide opportunities for HSTF members to act individually and collectively even if other countries are not similarly minded. Each embraces initiatives aimed at **exposing** IUU fishing activities, **detering** them and improving **enforcement** against those responsible.

In keeping with the fundamental objective of the HSTF, which is to identify and prioritize steps that are both analytically sound and politically achievable, the interventions and measures that we describe are designed to be

- measures that the HSTF can agree to immediately and which are capable of effective implementation through their own efforts, regardless of agreement at the relevant international level; and
- measures that can be advocated by the HSTF to others as being an effective means of amplifying the benefits that will flow from the lead Task Force members have taken; in other words, they are measures that will have a powerful coalition-building effect.

The document also details some proposals that can be achieved only if their implementation is effected at international level. Given that it is beyond the Task Force members alone to secure such an outcome, these proposals are couched as positions that Task Force members would commit themselves to advocate by way of a clear, united position in multilateral fora and regional organizations.

What all the proposed measures have in common is that they are designed to minimize the key economic incentives to participate in IUU fishing. At the root of the problem of IUU fishing on the high seas is the fact that it is a highly profitable economic activity. IUU fishers can take advantage of weak institutional arrangements, inappropriate management regimes and low input costs, aided by substantial excess capacity in world fishing fleets as well as subsidies, to reduce their operating costs and increase revenues. With a low probability of being caught and an even lower probability of sanctions being applied, IUU fishing on the high seas is a low-risk activity with a high reward factor. We also know from both anecdotal and evidentiary sources that IUU fishing operations may provide opportunities for broader illegal activity such as money laundering, weapons smuggling, trade in illicit

drugs and illegal migration; HSTF members should seek to ensure that IUU fishing is given the same public profile as other illegal activities on the high seas.

Each of the major HSTF recommendations is intended to have one or more of the following effects:

- It will sharply increase the risk of exposure of IUU operations and the potential for successful interdiction;
- It will increase the operating costs for IUU activities;
- It will reduce the revenues from IUU fishing;
- It may potentially increase the capital costs of IUU vessels.

Some measures may also contribute to the progressive formation of obligations at international law in relation to States acting in their different capacities.

There is clearly extensive overlap between the various proposals, with some measures best viewed as a continuum. However, given the strong evidence of failure to achieve significant progress through multilateral processes, the weight of the proposals is on measures that HSTF members can commit to and implement without waiting for further multilateral agreement. None of these would, however, undermine multilateral processes and could, in many cases, complement such efforts or help to provide impetus to them. In any event, HSTF members will continue to be actively engaged in multilateral processes and to press for broad-based measures.

An important factor in the development and implementation of the recommendations will be a public education campaign to draw attention to the problem of IUU fishing on the high seas, the work of the Task Force and to improve knowledge of the social, economic and environmental consequences of IUU fishing on the high seas.

This is an area where non-government organizations and industry groups have particular expertise and can be of significant assistance. Both groups provide access to sources of information and established networks which enable the collection and dissemination of information which may not be readily available to governments. They also enable contact with groups who may not normally receive government information. These are strengths which the HSTF needs to harness and use.

It is proposed that the HSTF consider endorsing a broadly-based public education campaign to explain the problem of IUU fishing and catalyse public support for enhanced government action to reduce it. As well as using existing government channels, NGO and industry organization members of the Task Force will have a major role to play in this initiative.

## **1 Sharing of intelligence and coordination of monitoring, control and surveillance**

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Knowing the whereabouts and identity of fishing vessels wherever they may be is the key to countries being able to work together to make life difficult for IUU fishing operators. The same need for reliable information applies to the origin of fish in the marketplace. Because governments and RFMOs lack access to a reliable source of authoritative data, they are presently forced to rely on goodwill and informal contacts - if they exist. To get an investigation underway often involves having to establish links from scratch. The odds favour fleet-footed fishing vessels rather than beleaguered enforcement officers.

HSTF members need to be able to monitor what is going on where and to act decisively once they know of suspected illegal activity. If more accurate and more timely information on IUU activity on the high seas could be collected and shared more effectively, then monitoring of both legal and illegal operations would be greatly facilitated and appropriate responses to illegal activity (including other HSTF measures) could be applied more effectively. Further, an important economic incentive to participation in IUU activity (i.e., the low risk of being caught) could be significantly reduced.

As a result of an International Conference on Monitoring, Control and Fishing Surveillance (Santiago, Chile, January 2000), an International Monitoring, Control and Surveillance (MCS) Network was established. This exists as a voluntary arrangement between national organizations with responsibility for fisheries-related MCS activities. The MCS Network has grown to include representatives from some 40 countries. The objective of the MCS Network is to improve the efficiency and effectiveness of MCS activities through enhanced cooperation, coordination and information collection and exchange among organizations responsible for fisheries-related MCS. The MCS Network is a significant tool in fighting IUU activity but it is necessarily limited in its effectiveness. It has no formal secretariat or location and its reach is incomplete because of its voluntary character. Individual commitment to the network varies depending on availability of resources and national priorities.

To build on the success of the MCS Network, we will propose a **broad-based high seas fisheries intelligence network that would be capable of supporting national and regional MCS arrangements**. The objective of such a broad-based network would be to receive, analyze and disseminate data and information collected from a range of fisheries and non-fisheries sources on the individuals, companies and vessels involved in IUU fishing on the high seas and their activities.

Establishment of a reliable intelligence network would be of immediate benefit to those who participate in the network or collaborate with it. The enhanced flow and exchange of information on IUU vessels, product and illegal operations that such a network would produce, including important non-fisheries data on companies, vessels, product and activities, would have immediate and measurable benefits for enforcement agencies and would **significantly enhance the prospects of success for other, related, HSTF measures**.

This is a proposal that could be developed in stages. In the first instance it could be developed as an initiative of HSTF members (and any of the current MCS Network participants willing to be part of an enhanced programme). For example, a more formal fisheries intelligence network for the sharing of information would be a logical development from existing intelligence gathering and sharing networks. It would provide a powerful demonstration to other potentially willing participants and would form a sound basis for subsequent expansion into a broader-based initiative. It would also provide a strong basis for the development at different levels of country clusters or regional initiatives in order to accommodate the different sources and availability of non-fisheries enforcement data. A Pacific regional grouping, for example, might include the U.S.A., Australia, New Zealand and Pacific Island countries. Other possible groupings might include an Indian Ocean/Southern Oceans group with the participation of the U.S.A., UK, Australia, Namibia, France and South Africa.

In developing this initiative, the HSTF proposes to pursue the following issues in details:

- How would such a body be established and how would it function?
- What precedents exist for this type of body?
- Where would such a body be located? Can it be virtual?
- What resources would be required and how it should be funded?
- How do national fisheries agencies more effectively link with other arms of government enforcement?
- Are there other law enforcement and intelligence gathering bodies that should cooperate with such a body?
- How can non-fisheries intelligence be analyzed and shared with a broader membership?
- How can we build on other national security/sovereignty/organized crime initiatives to include IUU activity – how do we raise the profile and the resources governments are prepared to commit to IUU fishing?
- How would intelligence-sharing operate in practice, given that the proposed body (probably) has no police powers. What issues of confidentiality etc. arise? Will governments be prepared to authorize access to sensitive data?
- What legal changes would need to be made?
- Relationship with RFMOs.
- What protocols would be needed for the use, storage and transmission of classified data?
- What new or added enforcement tools have we got to further frustrate IUU activities? What is the state of the art? What new developments may be envisaged?

## **2 Global register of high seas fishing vessels**

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The introduction of an effective **global register of vessels fishing on the high seas** is a core mechanism to address many of the most pressing problems of IUU fishing and one that cuts across all other key recommendations. In order to be fully effective, it is essential that information contained in such a register is independently verifiable. It cannot be exclusively dependent upon information being provided by the flag State of the vessel.

Ultimately, a centralized global high seas fishing register is desirable. This may not be achievable in the short term. Therefore, as a first step towards a centralized global register, HSTF members could initially compile a register of all known vessels (including, of course, their own (presumably compliant) vessels) from existing available information. This would require voluntary submission of data from willing countries where possible, but also compilation and verification of data from existing registers and other sources. Whilst the establishment of a register is an initiative which can be pursued independently of the initiative to establish a broad-based high seas fisheries intelligence agency, there are close linkages between the two initiatives. If there is to be a broad-based high seas fisheries intelligence agency, then it is only logical for that agency to host and maintain a register of fishing vessels. If not, the question of the possible location of such a register assumes greater significance.

The problems this initiative is designed to address are as follows.

IUU fishing vessel operators frequently take advantage of opportunities to legally flag their vessels in States where the conditions for registration are flexible and participation in international arrangements minimal. This enables them to operate in relative anonymity, typified by a one-vessel holding company with nominee shareholders. International law requires there to be a 'genuine link' between vessel and flag State. While this has been interpreted as requiring flag States to exercise effective control and jurisdiction over their vessels, the international community has not been able to agree on strict universal criteria, such as registration, ownership or crewing standards by which the standard can be measured. The flag States of IUU vessels may well be unwilling or unable to carry out their responsibilities under international law.<sup>1</sup>

Unless such vessels can be successfully apprehended, they are effectively beyond the reach of the members of regional arrangements. Even when a vessel is apprehended, the entities behind the IUU operation can quite easily avoid exposure and liability. A consequence is that an IUU operation can be carried out with little financial risk to its ultimate beneficiaries. The confiscation of an IUU vessel, when it strays into an EEZ, is regarded as an acceptable risk. The flexibility inherent in ship registration systems also means that IUU operators can relatively easily change the characteristics of IUU vessels by changing names or flags in order to avoid detection or to evade suspicion.

The benefits of being able to identify definitively both individual vessels and their characteristics, as well as the vessels authorized to participate in a particular high seas fishery, are well recognized. There have been a number of efforts to develop registers of fishing vessels authorized to operate on the high seas. These include: national registers of high seas fishing vessels (increasingly required by a number of international and regional agreements, including UNFSA), regional registers of fishing vessels (e.g. the South Pacific Forum Fisheries Agency regional register), registers or, more accurately, records, of fishing vessels maintained by RFMOs, and the FAO High Seas Vessel Register

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<sup>1</sup> Some flag States actively encourage such registrations as a source of income, implicitly promoting their non-compliance as an incentive to rogue operators. Others may have no intention to be associated with IUU activities but either lack the resources to exercise flag State responsibility (as defined in relevant international instruments, including UNFSA and the FAO Code of Conduct for Responsible Fisheries) or are simply not members of relevant fisheries management arrangements in areas where the vessels operate and are thus practically untouchable.

maintained pursuant to the FAO Compliance Agreement. Some RFMOs have also decided to introduce *white lists* of vessels authorized to fish and *black lists* of vessels believed to have engaged in IUU activities. Then there are the commercial registers such as Lloyds Register, as well as the various IMO lists of merchant vessels.

None of these registers provide a comprehensive and definitive source of information about a particular vessel and its beneficial owners. Many of the registers hold different pieces of incompatible or inconsistent data and it is not possible easily to make comparisons between vessels and to make linkages between movements of vessels from one register to another or from one region to another. This not only significantly reduces the benefits of national and regional vessel registration, but also hampers surveillance efforts and contributes to conditions under which IUU operations can thrive. A critical weakness of all existing efforts is that they are flag State-based, i.e. they mainly rely on the authenticity of information provided by or through the flag State of the vessel concerned.

Potentially, a centralized global register with the capability of issuing unique, traceable identifiers to individual vessels and thereby capable of providing definitive, unique and verifiable information on each and every high seas fishing vessel, and the nature and extent of its fishing authorizations, could provide a powerful tool for law enforcement. In theory, the existence of such a record, when combined with the use of enhanced MCS tools (including, for example, mandatory port State inspections combined with a requirement to provide VMS data or participate in a centralized VMS), would also operate as a powerful disincentive to the renaming and reflagging of IUU vessels because the vessel and the commercial entity behind it would be easier to trace.

In addition to the obvious benefits of an authoritative register as an intelligence tool (which assumes widespread access to the register), a register can also operate as a powerful compliance tool. This underlines the distinction between a register and a mere record. Registration should be viewed as a privilege that implies prior compliance with some objective standard (set by the register keeper) which is liable to be withdrawn in certain circumstances as a sanction.

It would also provide a means of exposing IUU operations (in itself a powerful voluntary incentive to register). The register should be freely accessible by national enforcement authorities and RFMOs. Entry in good standing upon the register should become a mandatory requirement for any vessel fishing on the high seas.<sup>2</sup> Entry on the register would also be intrinsically linked to other HSTF measures and would provide a strong basis for unilateral action (e.g. a basis for arrest of a non-registered vessel if it enters the jurisdiction of an HSTF member, prohibition on import of product caught by a non-registered vessel, prohibition on port access).

To develop such a register, we will need to address the following critical issues:

- The content of the register (must contain verifiable information not only on vessel characteristics, but also on ownership);
- How to independently verify information provided by flag States?
- What objective standards may be applied as a condition of registration?
- Conditions that may be applied to registration, e.g. VMS;
- Linkages to other registers (investigate here developments with Lloyds Register – Fairplay);
- Use of and access to data (including by RFMOs and the proposed MCS organization);
- Data management and inputs (who manages, who is permitted to input data, how is data verified?);
- Linkages to other key Task Force recommendations;
- Legal implications of registration and non-registration, the possibility of continuous registration, appeals against non-registration;
- The initial resources required to establish a register from existing data;
- How an initial register compiled by HSTF members may be scaled-up to a global register.

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<sup>2</sup> Irrespective of whether the flag State is a member of a relevant regional arrangement.

Some useful parallels might well be found in the aviation industry, where detailed national registers are maintained, but subject to ICAO supervision and the issue of unique identifiers.

### **3 Strengthening of in-port measures and control over nationals**

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#### ***Port State controls***

Active use of port State powers can be an effective weapon against IUU operations. Once a vessel is in one of its ports, the port State needs to be able to act decisively and effectively. This means that necessary domestic legislation must be in place as well as cooperative mechanisms to enable coordinated action with other port States, flag States and market States in support of regional conservation and management measures.

- A harmonized and coordinated approach to port State control will act as a further disincentive to IUU operators by increasing the cost of their operations (e.g. by forcing them to seek out more remote and hence more costly ports).
- More effective use of port State controls will both contribute to and enhance the effectiveness of the enforcement measures described elsewhere in the present document. For example, the port State may be both a supplier of information about vessel and product movements as well as a user of information concerning the alleged activities of suspect vessels.<sup>3</sup>

We will therefore propose measures that HSTF members can commit to implement both individually and collectively and as members of relevant RFMOs. These will include:

- Guiding policy principles and principles to be included in model port State legislation. A possible model for such legislation is the U.S. Lacey Act, which makes it an offence to deal in unlawfully caught product and provides a powerful tool in support of trade-related measures.
- Mechanisms for cooperation in the implementation of port State measures between HSTF members and other willing participants.

There are close linkages between these measures and other HSTF measures. For example, coordinated port State controls may be used to increase the effectiveness of trade-related measures such as catch documentation schemes and controls over transshipment at sea. There are also linkages between the implementation of port State controls and the proposed broad-based fisheries intelligence network. The HSTF may also explore the potential for better integration of port State controls over fishing-related activity in other areas, such as working conditions, maritime safety, maritime security and customs. Some of options the HSTF may consider include:

- MOUs between HSTF members to support the implementation of other HSTF measures;
- MOUs to support RFMO conservation and management measures;
- Protocols for mutual assistance in judicial proceedings.

Where developing countries lack the resources to implement such measures, HSTF members may recommend and commit to appropriate forms of capacity-building to enable developing port States to fulfil their responsibilities.

#### ***Control over nationals***

A uniquely domestic tool to promote compliance is the application of domestic sanctions to the citizens of individual countries wherever in the world those citizens may be, and whatever flag they may be working under. Making the activities of citizens abroad liable to domestic sanctions is a powerful disincentive that would not only enhance the effectiveness of other HSTF measures but also send a powerful signal to other potentially willing countries. We will propose measures that HSTF members can commit to implement in respect of their own nationals These include:

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<sup>3</sup> For example, HSTF members may make entry on the global register of fishing vessels a precondition for access to their ports.

- Measures designed to better identify ownership or control by nationals of vessels involved in IUU fishing, as well as participation by nationals in trade in IUU product.
- A requirement of corporate disclosure of non-involvement in IUU activity.
- Promote application of the OECD anti-corruption instruments and guidelines for multinational enterprises.
- Maintaining a centralized enforcement database relating to both vessels and nationals.
- Potentially extend the system of registration to vessel masters.
- Application of extra-territorial sanctions to citizens engaged in IUU activities on the high seas.

By setting standards, HSTF members would in effect define the concept of a responsible port State. They would then be in a position to advocate the adoption by other countries of similar measures that are no less effective and to insist on tighter control by members of RFMOs over their nationals, e.g. by prohibiting their nationals from high seas fishing within the area of jurisdiction of that RFMO unless using vessels flagged to a member of the RFMO.

We will need to identify clearly what are the legal and practical constraints<sup>4</sup> to implementation of these recommendations, both in terms of any domestic constraints to implementation by HSTF members and multilaterally. We will also need to identify precisely and optimize the connections between these measures and other HSTF measures, as well as between these measures and new and emerging multilateral initiatives, such as the FAO Model Scheme on Port State Measures to Combat IUU Fishing.

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<sup>4</sup> E.g. IUU operators rapidly shifting operations from one port to another or transshipping at sea.

## **4 Trade-related measures**

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Trade-related measures are designed to remove the economic incentives to participate in IUU fishing by reducing revenues and increasing operating and capital costs.<sup>5</sup> By themselves, trade-related measures will not necessarily prevent IUU fishing, but, if broadly applied, they are capable of providing an increasingly powerful economic incentive to fish within legitimate management arrangements. Some measures, such as catch documentation schemes and trade information schemes, also support the enforcement armoury in the fight against IUU fishing and would reinforce other HSTF measures such as intelligence cooperation and port State controls.

In recent years, several RFMOs have introduced trade information or catch documentation schemes in a bid to monitor and distinguish between legal and illegal product and to enable the market to separate both categories and price them accordingly. Perhaps the most successful scheme to date is the catch documentation scheme for toothfish adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The scheme is designed to track the landings and trade flows of toothfish caught within the area managed by CCAMLR or in adjacent waters. Unlike the trade information schemes of ICCAT and CCSBT, which are used to track catch, the CCAMLR catch documentation scheme blocks access to markets. Anecdotal evidence suggests that it has helped to differentiate between product and results in a higher price being paid for the legally caught product, thus reducing one of the key economic incentives for IUU fishing, even if not preventing the illegal take of Patagonian toothfish.

A more stringent form of trade restriction would involve a listing under CITES;<sup>6</sup> an intergovernmental agreement which aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. In 2002, for example, Patagonian toothfish was proposed (unsuccessfully) for nomination to Appendix II of CITES.

We will make specific proposals for consideration by the HSTF on the application of trade-related measures. HSTF members would then commit to apply these measures, in conjunction with other measures, both individually and collectively as well as try to advocate such measures at the regional (RFMO) and global levels.

In developing a template of the desirable characteristics and operations for trade-related measures that will be effective against IUU fishing on the high seas we will need to:

- Assess the effectiveness of existing trade-related measures and determine how these may be adapted or modified;
- Identify the likely economic effects of proposed recommendations;
- Take account of inherent weaknesses in implementation, particularly the problem of fraudulent documentation and consider how these may be minimized with new technology;
- Determine how to optimize the linkages between proposed trade-related measures and other proposed HSTF measures;
- Consider the procedural and substantive conditions for trade-law compatibility of such measures;
- Develop a strategy for the broader application of trade-related measures through RFMOs.

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<sup>5</sup> Trade-related measures include (broadly) catch documentation schemes, trade information schemes, product labelling, import restrictions and restrictions on the supply of goods and services.

<sup>6</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora.

## **5 RFMO-based initiatives and governance issues**

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The LOSC establishes a general obligation on all States to cooperate in the conservation and management of the living resources of the high seas. All States have the duty to take, or to cooperate with other States in taking, measures necessary for the compliance by their respective nationals with the regime for conservation and management of the living resources of the high seas. The UNFSA designates the regional fishery management organization (RFMO) as the institution of choice to be the primary vehicle through which international cooperation for conservation and management of straddling and highly migratory fish stocks is to be achieved.

One form of IUU fishing is fishing of high seas fish stocks where there are no formal management arrangements in place but which is in contravention of the broader responsibilities of States under the law of the sea to conserve and manage the marine living resources of the high seas. Of particular concern in this regard are discrete high seas stocks and some deep sea fisheries on the high seas (which often target discrete high seas stocks).<sup>7</sup> In order to address the problem of IUU fishing, it is important that such stocks and areas are placed under effective international management as soon as possible. The Task Force needs to adopt clear recommendations on the following:

- Whether there is a need for new international arrangements to cover presently unregulated high seas fisheries, or whether they can be brought under existing arrangements?
- Whether there is there a need to establish new RFMOs to deal with specific high seas fisheries, or should existing RFMOs assume control over those fisheries?

Having identified the main gaps in RFMO coverage of the high seas and how these may be filled, the next step will be to consider how to deal with IUU fishing in areas covered by existing RFMOs.<sup>8</sup> This will require the Task Force to consider the extent to which existing RFMOs have been effective in managing high seas fisheries and the extent to which measures adopted by RFMOs have been effective in minimizing IUU fishing.

Even if the HSTF is able successfully to address these issues, it is unlikely that the problem of IUU fishing on the high seas by ‘free riders’ will be fully resolved unless it is possible to deal with the issue of secure rights of access to common property resources. This is a far more complex issue to deal with and therefore falls into a third category of recommendation. In this category, the HSTF will be asked to consider recommendations that have potential for future study and further development. Among the ideas that may be developed include the reform of high seas governance arrangements through, *inter alia*, the establishment of a single global scientific agency for the high seas and proxy governance of the high seas through an international agency empowered to apply rights-based systems of allocation.

The essential purpose of an RFMO is to provide an effective forum within which States can agree on conservation and management measures. UNFSA defines the desirable institutional characteristics of an effective RFMO by listing, in a legally-binding form, the matters upon which States are expected to agree in order to achieve sustainable management of fisheries. Many existing RFMOs pre-date UNFSA and do not live up to the institutional standards established by UNFSA. The primary reasons

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<sup>7</sup> In its analytical work, the Task Force needs to identify the most important gaps (i.e., the geographical areas and stocks where there is presently a lack of international management).

<sup>8</sup> The most significant manifestation of this is IUU fishing by vessels without nationality, or by those flying the flag of a State not party to or not cooperating with a relevant RFMO in a manner inconsistent with, or which contravenes, the conservation and management measures adopted by the RFMO or broader international obligations.

why RFMOs have not been as effective as they might have been in addressing the problem of IUU fishing on the high seas are as follows:

- Flawed or lowest-common denominator decision-making;
- Lack of will to implement difficult decisions either because of institutional structures that permit opting-out or because of failure to deal with the problem of free riders (IUU fishers) which removes the incentive for legitimate fishers to make difficult conservation decisions;
- Unenforceability of measures adopted by RFMOs (direct link to other HSTF measures);
- Failure to accommodate the interests of non-parties and new entrants;
- Lack of direct stakeholder involvement.

In general, any RFMO-based initiatives developed by the HSTF are likely to fall into the category of measures which are likely to be effective only if significant multilateral agreement can be achieved. It must be recognized that HSTF members alone cannot change the way in which individual RFMOs operate and that the pace of change within RFMOs is subject to a range of political dynamics.

These considerations should not, however, constrain HSTF members from reaching agreement on the root causes of the failure to deal with effective management, enforcement and IUU fishing and what might be an achievable model for the purposes of advocacy. The HSTF may also be in a position to formulate a series of strategic objectives for outcomes from ongoing international processes, in particular the 2006 UNFSA Review Conference and review of the LOSC.

The following are the key areas in which specific proposals will be developed for consideration by the HSTF. HSTF members would then commit to try to advance these goals both individually and collectively (recognizing that the pace of achievement may be different depending on the political dynamics in each RFMO).

- We will identify where RFMOs fall short of the institutional standards established by UNFSA.<sup>9</sup>
- We will identify **recommended best practices** for RFMOs to adopt.
- We will identify the areas in which we see genuine scope for increased **cooperation and harmonization of measures between RFMOs**, with a view to avoiding duplication and overlap and enhancing the effectiveness of HSTF recommendations in other key areas. It is likely that the areas in which there is scope for increased harmonization will include:
  - joint enforcement regimes (including observer schemes, centralized VMS, boarding and inspection schemes, port state MOUs) adopted through the framework of RFMOs;
  - catch documentation schemes and linkages to trade measures (can trade measures be taken against product from RFMOs that fail to meet minimum standards?).
  - are current (national and RFMO) authorization schemes for high seas fishing working? If not in what areas are they deficient and what do we need to do to improve them?
  - the role of RFMOs in relation to the proposed global register of high seas fishing vessels and fisheries intelligence network
- We will attempt to formulate strategies for dealing with the problems of **non-parties and new entrants**. In so doing, the HSTF needs to consider how best to accommodate the interests of developing countries that wish to exercise their right to participate in high seas fishing in such a

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<sup>9</sup> These may be derived from an independent audit of RFMO performance against objective standards and may cover areas such as decision-making mechanisms, access to science, etc.

way that incentives to developing countries do not simply operate as an incentive to distant water fishing nations to transfer effort to developing countries.

- We will identify long-term strategies for reform of high seas governance arrangements, including any areas in which UNFSA fails to meet expectations.