



# OPRT

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FOR CONSERVATION AND SUSTAINABLE USE OF TUNAS

## OPRT Seminar on NOAA's Report to Congress on International Fisheries held in November

OPRT held a seminar on the US National Oceanic and Atmospheric Administration (NOAA) 2021 Report to Congress on Improving International Fisheries Management. It was held through the posting of information (Summary of the report) on the OPRT Japanese website from November 24 to 26. The following are the main points contained in the posted information:

Every two years, NOAA submits a report to Congress identifying nations or entities whose vessels have been engaged in illegal, unreported, and unregulated (IUU) fishing; bycatch of protected species; unsustainable fishing for sharks on the high seas; or whose own actions or failures undermine conservation measures of a regional fishery management organization (RFMO). If an identified nation or entity does not demonstrate improvement through consultation with NOAA, it receives a negative certification, which may lead to denial of port privileges for its fishing vessels and an import ban on fish and fishery products caught by its vessels. The following is a summary of the report published in August 2021 (2021 Report to Congress on Improving International Fisheries Management (noaa.gov)).

### 1. IUU

The previous report published in 2019 identified Ecuador, South Korea and Mexico as countries whose vessels had been engaged in IUU fishing activities. Ecuador was identified due to non-compliance with IATTC regulations and South Korea due to non-compliance with regulations of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Mexico was identified due to illegal fishing in the US exclusive economic zone (EEZ) in the Gulf of Mexico. As a result of intensive bilateral discussion which took place after the identification, NOAA positively certified Ecuador and South Korea as they had demonstrated improvement of their fishery management. On the other hand, it negatively certified Mexico as Mexico demonstrated no meaningful improvement in controlling its IUU fishing, which will lead to restrictions on port access for Mexican vessels and possible trade restrictions.

Identification was made for: China (non-compliance with the regulations of the North Pacific Fisheries Commission (NPFCA), the Western and Central Pacific Fisheries Commission (WCPFC), IATTC and the International Commission for the Conservation of Atlantic Tunas (ICCAT)); Costa Rica, Guyana, and Senegal (non-compliance with the regulations of ICCAT); Russia (non-compliance with the regulations of CCAMLR); and Taiwan (non-compliance with the regulations of WCPFC, IATTC and ICCAT). Bilateral discussion will take place with these nations and entity. There are several cases that have not been identified but

require further monitoring: Ukraine (alleged non-compliance with the regulations of CCAMLR); Ecuador (another alleged non-compliance with the regulations of IATTC); Japan (alleged non-compliance with the regulations of ICCAT); and the EU (non-compliance with the regulations of ICCAT).

### 2. Bycatch of protected species

It is not easy to find reliable evidence of bycatch incidents on a global or fishery-wide basis due to deficiencies in data collection programs, delays in data publication, and inconsistencies in data reporting. This made it difficult for NOAA to identify nations or entities whose fishing vessels incidentally caught protected species. In preparation for the 2021 report, NOAA examined fisheries where foreign vessels are using the same gear or practices as US vessels that are known to have bycatch, and where foreign vessels are operating in the same areas as US vessels with known incidents of bycatch. This approach significantly increased the scope of potential fisheries and, therefore, nations and entities that could be considered under the identification process. Among them, NOAA examined those fisheries that are most likely to have deleterious impacts on protected species due to bycatch and considered those fisheries where the United States has a strong conservation interest.

There had been concern about a high level of bycatch of North Pacific loggerhead sea turtles by coastal gillnet fisheries in the Gulf of Ulla in Mexico. In response, Mexico took several measures, but they did not lead to the meaningful reduction of bycatch. Accordingly, Mexico was identified as not taking bycatch mitigation measures comparable in effectiveness to US regulations for North Pacific loggerhead sea turtles.

For bycatch mitigation of sea turtles, WCPFC and IATTC have already required vessels to implement one of the following measures: use of circle hooks on pelagic longline gear, use of finfish bait, or another mitigation approach approved by the RFMO. Accordingly, NOAA determined that IATTC and WCPFC have adopted effective management measures to end or reduce the bycatch of sea turtles in longline fisheries. If a nation or entity that is a party or a cooperating non-party to IATTC or WCPFC and implementing such measures, it should not be identified.

On the other hand, ICCAT has no such measure and 28 of its members have been identified as not taking bycatch mitigation measures comparable in effectiveness to US regulations. They are Algeria, Barbados, China, Ivory Coast, Croatia, Cyprus, Egypt, the EU, France, Greece, Grenada, Guyana, Italy, Japan, South Korea, Malta, Mauritania, Morocco, Namibia, Portugal, Saint Vincent & Grenadine, Senegal, South Africa, Spain, Taiwan, Trinidad & Tobago, Tunisia,

and Turkey. Bilateral discussion will take place with these nations and entity.

### 3. Unsustainable fishing for sharks on the high seas

In identifying nations and entities that are fishing for sharks in an unsustainable manner on the high seas, NOAA listed up 50 nations and entities which had reported shark catches to seven RFMOs to which the United States is a member (CCAMLR, IATTC, ICCAT, the Northwest Atlantic Fisheries Organization (NAFO), NPFC, the South Pacific Regional Fisheries Management Organisation (SPRFMO), and WCPFC). NOAA analyzed their reports of shark catches, their domestic legislation and whether they implement the shark-related regulations of the abovementioned RFMOs. No nation or entity were identified as not having measures comparable in effectiveness to US regulations.

### 4. Establishment of an inter-agency working group

An inter-agency working group comprising several agencies including NOAA, the State Department and the Coast Guard was established in June 2020 to support the implementation of measures against IUU fishing and related threats to maritime security. The working group seeks to achieve its objective through a number of means: improving global enforcement operations, seafood import monitoring, engagement in RFMOs, and implementation of identification and certification procedures. The working group has several subsidiary bodies, including a group on IUU fishing in the Gulf of Mexico and one on forced labor issues. It plans to report in December 2021 on the five-year integrated strategic plan to combat IUU fishing and enhance maritime security.

### 5. Other activities related to international fisheries management

#### (1) Marine Mammal Protection Act (MMPA)

The MMPA bans importation of fish caught with commercial fishing technology that results in the incidental kill or serious injury of marine mammals in excess of US standards. This prohibition will enter into force after December 31, 2022, unless an exporting country receives a comparability finding, which means that the fishery is subject to a regulatory program that is comparable to the US one. Comparability findings will be granted or denied on a fishery-by-fishery basis, not on a comprehensive basis for an entire nation.

#### (2) Capacity building and research efforts to reduce bycatch of protected species

The United States has: (a) supported work in Spain and Brazil to reduce the post-release mortality of sea turtles caused by decompression sickness in trawl fisheries in the Southwest Atlantic Ocean; (b) sponsored research on the illumination of gillnets in coastal fisheries in Indonesia, Mexico, Peru and the Philippines to decrease bycatch mortality of sea turtles and other protected species; (c) in Chile, supported efforts to reduce bycatch in artisanal fleets targeting swordfish, including circle hook design experiments; and (d) supported efforts in Southeast Asia to combat the illegal wildlife trafficking of sea turtles.

#### (3) Enforcement training assistance

The United States has: (a) supported Indonesia to develop a national training curriculum for port State inspectors and provided technical drafting assistance to Indonesia for its regulations implementing the FAO

Port State Measures Agreement (PSMA); (b) conducted assessment of monitoring, control and surveillance with FAO in the Caribbean and Latin American regions and implemented a PSMA inspector training in Peru and Ecuador; (c) held a workshop in Southeast Asia to provide basic training for officers boarding fishing vessels for inspection; (d) offered assistance to the Thai government in tackling IUU fishing; and (e) invited Vietnamese officials to the United States to enhance cooperation on deterrence of IUU fishing.

#### (4) Monitoring and control of transshipment

Whether in-port or at-sea, transshipment can obscure the origin of catches. As at-sea transshipment allows catching vessels to spend more time at sea, it could be a factor contributing to labor abuses onboard catching vessels. For enhanced monitoring, many nations and several RFMOs have implemented controls on transshipment, such as registering carrier vessels and placing observers onboard vessels. The United States has supported recent efforts to improve measures to control and monitor transshipment at RFMOs. During the 2021 meeting of the FAO Committee on Fisheries (COFI), the United States and others called on FAO to develop draft voluntary guidelines for the regulation, monitoring, and control of transshipment. COFI is expected to endorse these voluntary guidelines at its 2022 meeting.

#### (5) RFMO reporting obligations

There are several instances of RFMO members and cooperating non-members failing to fulfill reporting obligations. Failure to report is considered a serious form of non-compliance, especially when it is repeated or persistent. In evaluating nations and entities for identification, NOAA considers whether a nation or entity has implemented and is enforcing RFMO measures, which include data collection and catch reporting programs. Severe reporting deficiencies, or minor reporting deficiencies repeated over several years, may be cause for a nation or entity to be identified in future biennial reports.

#### (6) Forced labor

Vessels sometimes spend months or even years at sea, which is likely to cause forced labor issues. The United States, under the joint efforts of several federal agencies, blocks products produced with forced labor from entering US markets.

The non-binding resolution on labor standards for crew adopted by WCPFC in 2018 could be a basis for discussions in other RFMOs and multilateral organizations. The International Maritime Organization, the International Labour Organization, and FAO established a Joint Ad-hoc Working Group on IUU Fishing and Related Matters. The group agreed at its 2019 meeting on the need for greater collaborative and targeted efforts to combat forced labor and other labor abuses in the seafood industry in advance of its next meeting in 2023.

NOAA and the Department of State submitted a joint report to Congress on "Human Trafficking in the Seafood Supply Chain" in December 2020. The report lists 29 countries and territories most at risk for human trafficking in their seafood sectors. They are Bangladesh, Burma, Cambodia, Cameroon, China, Ecuador, Fiji, Gabon, Ghana, Guinea, Honduras, Indonesia, Ireland, Kenya, Madagascar, Mauritania, North Korea, Pakistan, Papua New Guinea, Philippines, Seychelles, Sierra Leone, South Africa, South Korea, Taiwan, Tanzania, Thailand, Vanuatu and Vietnam.