

International efforts against illegal fishing and the role of regional fisheries organizations

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Abstract. The main objectives of this paper are, in the first place, to review the international efforts carried out during the last ten years for fighting against illegal, unreported and unregulated fishing. In this field, the keystone is the 1982 United Nations Law of the Sea Convention. But since the adoption of this international legal text, global efforts in this area are increasing, on the one hand, with the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement, 24 November 1993); and on the other hand, with United Nations Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, adopted in New York on 4 August 1995; and finally, with the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing—adopted by FAO on year 2001. On second place, I want to expose—from a strictly legal approach—the main role regional organizations should be playing in the high seas fisheries within this framework. I will review the challenges they still have to issue managing and conserving high seas resources (participation, adopting decisions, solving controversies, etc.) taking into account the rules established for these international bodies within the International Plan of Action.

Keywords: international law of the sea, illegal fishing, regional fisheries organizations

1. INTRODUCTION

The excessively ambiguous and generic nature of the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) regulating the high seas fisheries, has caused the proliferation of dreadful practices in fisheries that endanger the general condition of the unstable marine ecosystem. Such fishing practices which do not fulfill the conservation and management measures applicable in the high seas—and normally carried out by vessels with flags of convenience—are a proven risk for the conservancy of marine resources, not only in the high seas, but also in the areas under the jurisdiction of the coastal State.

The International Community has been fighting these harmful practices for years. In fact, the antecedents of international action developed in this area will be studied in the first part of this paper. Next, we are going to analyse the process that led to the creation of a International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). And finally, we will approach the study of the specific role that regional fisheries organizations or regional and sub-regional bodies (RFBS) will play in the management and conservation of living marine resources in the high seas and, specifically, in the framework of the fight against illegal fisheries.

2. INTERNATIONAL EFFORTS BACKGROUND AGAINST ILLEGAL FISHING

The worry about the serious consequences of the activities of illegal, unreported and unregulated (IUU) fisheries on a sustainable fishery management at a long term goes back to the beginning of the 1990s. Since that moment on, several working points have been opened at international level in order to try to clarify the dark areas arose from the UNCLOS that were favouring such activities.

On the Nineteenth Session of the Committee on fisheries of the Food and Agriculture Organization of the United Nations (FAO) held in March 1991, the state of affairs and the perspectives of world fisheries were analysed, and the Organization was recommended to work on the concept of responsible fisheries and to formulate a Code of Conduct to that effect. At the FAO International Conference on Responsible Fisheries held in Cancun, Mexico in 1992, the concept of responsible fisheries was defined. This Declaration of Cancun was used in the Summit of the UN Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992, and in which the proposal to set up a Code of Conduct for responsible fisheries was endorsed.

At the same time, the States were requested by these fora to take the necessary means that, according to International Law, would effectively prevent the change of flag as a way to evade the conservation measures in the high seas by the fishing vessels. Thus, if the UNCLOS compels the States to firmly exercise their jurisdiction and control the vessels using their flag, the *FAO Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of November 24, 1993* (Compliance Agreement) —still not in force— has introduced, defined and strengthened the principle of responsibility of the Flag State of a fishing vessel working in the high seas.

On October 31, 1995, and following the line already started, the FAO Conference passed the *International Code of Conduct for Responsible Fisheries* (Code of Conduct) by consensus. This international programmatic and non-binding text establishes the principles and rules applicable to conservation, management and development of fisheries in order to ensure a sustainable exploitation of the living marine resources, in harmony with the environment. The impact of IUU fisheries was one of the issues discussed during the negotiations of the Code of Conduct. These concerns were mainly reflected in article 8.2 —flag State responsibilities— of the above-mentioned text.

Almost simultaneously, negotiations were held in New York. These negotiations ended up in August 4, 1995 with the United Nations Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (Fish Stocks Agreement) —in force since December 11, 2001. Such agreement was aimed to develop, specify and reinforce the obligation of the States to cooperate for the conservation and management of high seas fisheries. This goal is mostly regulated through the RFBS by introducing, to a great extent, a new system of control and access to resources, always under the pre-eminence of the principles of biological unity of the stocks and precaution, among others. However, the Agreement also regulates the execution competences on the fishing vessels in the high seas. These competences will belong to the Flag State or, when applicable, to other States establishing procedures —through organizations or regional/sub-regional agreements— so that inspectors of the Part States may go on board the vessels for visits and inspection. In relation to the enforcement measures following the visit and inspection, when the infringement is serious and, in the event that the Flag State gives no response to inspections or visits carried out by agents of other Part State or adopts no relevant measures according to the Agreement, such inspectors of the third State may even force the vessel to go to the corresponding nearest port or any other port specified in the procedures of the competent organization or regional/sub-regional agreement.

3. THE DEVELOPMENT OF AN INTERNATIONAL PLAN AGAINST ILLEGAL FISHERIES

During the last years, an International Plan intended to become global and to define specific measures to fight IUU fisheries has been worked on within the frame of the UN. Such plan has been designed according to the new trends in the international framework, intended to introduce a higher degree of responsibility in fisheries, as well as the reinforcement of the control measures, more precisely—within the frame of the Code of Conduct for responsible fisheries.

Despite the existing precedents in fora like the United Nations General Assembly, the first positive initiative in this matter can be found in the Twentieth Session of the FAO Committee on Fisheries (COFI), in February 1999, when the “Illegal, Unreported and Unregulated fisheries” was introduced among the FAO middle-term proposals. As a result, the 1999 FAO Meeting of Fisheries Ministers adopted a Declaration in which these concerns were reflected and the creation of an International Plan of Actions aimed to fight these practices was urged. Likewise, in April of that year, during the Seventh Session, the UN Commission on Sustainable Development underlined in its report that the responsibilities of the Flag and Port State should be dealt in a special study from the cooperation between the FAO and the International Maritime Organization (IMO), in order to solve the problems related to the IUU fisheries.

During the Twenty-Fourth Session of the COFI, in March 2001, a Report of the FAO/IMO Special Workgroup on IUU fisheries and other related matters was presented. This report highlighted the need to create a regulatory decision on the underlined issue and, at the same time the necessity to reinforce the main responsibility of the flag State and the port State and to focus the attention on these fisheries, in collaboration with regional fisheries organizations. Among other issues, a verification list to be carried out —when required— during the supervision of the vessels of the flag State was included, as well as the criteria for the inspection of a fishing vessel with a foreign flag carried out by the port State.

In the above-mentioned meeting of the COFI of March 2002, a proposal for a International Plan of Action on the Illegal, Unreported and Unregulated (IPOA-IUU) fisheries was approved, within the frame and as a further development of the Code of Conduct for responsible fisheries. Subsequently, on June 23rd, 2001, this document obtained the ratification of the FAO Council in its one hundred and twentieth Session. Given the delay in coming to effect of the Compliance Agreement, it is very likely, and at the same time, positive, that advances in these matters are achieved through the FAO Plan of Action.

The text of this International Plan can be found at the *COFI/2001/7/Add.* Appendix D, despite it has been compiled in the *FAO CL 120/7 Rev.1* document in its one hundred and twentieth Session, held in Rome in June 18-23, 2001, *Report of the twenty-fourth Session of the COFI*, Rome, February, 26 to March, 2, 2001, appendix G.

The IPOA-IUU is taking shape as a merely voluntary instrument. But, we must take into account that, despite their voluntary nature, both the IPOA and the Code of Conduct affect all the types of fisheries, while the Compliance and the Fish Stocks Agreements, being binding tools, have a application scope that is more restricted, both in space —high seas— and materially —straddling fish stocks and highly migratory fish stocks. The IPOA was created in the frame of the Code of Conduct for responsible fisheries to which text the IPOA refers in order to solve possible misinterpretations, questions about its application and about relations with other international instruments.

The subjective scope of the Plan shall be as wide and comprehensive as needed to fulfill its goals. Thus, the same plan shall be applied to both States and bodies as well as fishermen at a regional, sub-regional or national level.

As for its material scope, the fishing activities prosecuted by the IPOA are:

- Those violating laws and regulations of the coastal State, either carried out by vessels under its flag or a foreign flag, as well as those violating the conservation and management measures established by a competent regional organization when carried out by vessels under the flag of a part State of the regional organization and, in general, those violating national laws and international regulations —Illegal fisheries.
- The unreported ones and those reported in an inaccurate way, either violating the national laws or breaking the procedures of the declaration established by a competent regional organization —Unreported fisheries.
- The fishing operations that are incompatible with the conservation and management measures of a competent regional organization, when carried out by Stateless vessels or vessels with a flag of a State that is not part of the organization, or by a fishing entity; as well as those activities carried out in areas or with species not bound to conservation and management measures, when such activities ignore the responsibilities related to the conservation of living marine resources concerning the State in virtue of the International Law —Unregulated fisheries.

The aim of the IPOA is “to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law” —Section 8 of the IPOA. Pursuing the full participation of all the parties involved —even the industry, the fishing communities and the NGOs—, through a progressive application of plans and measures and under a wide and integrated approach, the principles of fairness, conservation, transparency and non-discrimination shall preside the actions in the scope of the IPOA.

An effective management of fisheries demands a coverage of all the marketing chain, including the control after catch unloading, according to the primordial principle of traceability. In general, to this extent, the IPOA demands the application of the principle of traceability through complex and effective systems of monitoring, control and surveillance of the fisheries from the beginning to the final destination and suggesting, at the same time, specific measures to achieve it. This measures shall be focused on the reinforcement and monitoring, control and surveillance, both through the improvement of the systems themselves —including the promotion of new methods recognizing the rights and obligations of masters and of inspection officers (Fish Stocks Agreement)— and training and education for all people responsible for its implementation.

As we mentioned before, the substantive contents of the IPOA follows the letter of the previous international texts in this matter, to which it is a complement. Now, at the same time, the IPOA proposes new measures intended, in any case, to contribute to the solution of the four main areas of specific concerns:

— The lack of effective control of the fishing vessels by some flag States requires the reinforcement of the controls of such state and the application of new supplementary control measures by the port State.

— The problem of some States, mainly developing states, to obtain adequate human and financial resources to efficiently fight the IUU fisheries requires specific ways of technical and financial assistance.

— The difficulties experienced by the RFBS to implement the management measures for responsible fisheries to the vessels of non-part States, especially those fishing vessels registered in open registers —“fishing vessels from open registers” denomination preferred to “vessels under flag of convenience”— demands more efforts to encourage non-part States to become members of the RFBS or to follow their management measures or implement different kinds of prohibitions against them, like denying access to ports, moratoria on fish imports, transshipments banning, etc.

— The ineffectiveness of many measures when they are only applied by a State alone implies the need of searching a agreed action to develop the regional or sub-regional cooperation and the harmonisation of fishing monitoring, control and surveillance regulation.

To this effect, the IPOA reinforces, firstly, the responsibilities content which could emerge to all the States in general and, in particular, to the coastal and port States. Secondly, following the Compliance Agreement spirit, the IPOA insists on the reinforcement of the flag-State responsibilities in relation with the registration and fishing licence. Thirdly, the IPOA proposes the establishment of international trade measures aimed at hindering the commercialisation of the IUU fishing catches. Fourthly, the IPOA strengthens the cooperation among the States and the developing countries. As a complementary measure, the plan proposes the States to collaborate, together with the support of the FDO and the pertinent international institutions and financial mechanisms, in the technical and financial assistance to developing countries in order to fulfill the IPOA. And, finally, the IPOA reinforces, as we could see in the next epigraph, apart from the mentioned measures, the cooperation of the States with the RFBS.

This vast whole of measures taken by the IPOA is reinforced, at the same time, by a triple control system of effective application: on one hand, the States count with a three years timeline, from the adoption of the IPOA, to start national action plans up, whose results will be revised, moreover, every four years; on the other hand, the States and RFBS might communicate, every two years, and as a part of their reports on the Code of Conduct Application, the advances in the elaboration and carrying out of the plans they develop with the IPOA; finally, the COFI will assess, every two years, the progresses concerning the IPOA application.

4. THE ROLE OF THE FISHERIES INTERNATIONAL ORGANISATIONS IN THE FIGHT AGAINST ILLEGAL FISHING

The conjunction of the exclusive jurisdiction principles of the Flag State, resources conservation and management, is the key of the system set up by the UNCLOS for the management of high seas fishing. Moreover, this system has been recently complemented by a new principle still in process, the principle of the responsible fishing. At the same time, in this UNCLOS basic system, the fisheries international organisations are already considered as the more appropriate vehicles to channel this imperative cooperation all the States are linked to.

The high seas fishing is one of the scopes where the international cooperation is much more necessary and, at the same time, the field that has achieved a higher degree of cooperation. Principles, rules, and above all, institutions with the aim of protecting the common interests related to marine resources have been established.

From 1982 on, the RFBS have experienced a continuous strengthening process as a reaction to the new problems arising since then in the international scenario. To this effect, the evolution of the RFBS to a more active role, assuming not only exclusively consulting functions but also management responsibilities, was promoted after the UN Conference on Environment and Development in Rio de Janeiro (1992). The main part of the Fishery Commissions was created before the UNCLOS approval, when the international scenario was clearly different from the current one. And it is because of this that their means and objectives became somewhat obsolete.

This lack of adaptation between objectives and means is due, among others, to the following factors: the great advances in the fishing industry that have involved a worrying rise of the fishing effort; the scientific advances allowing to know the resources state and its overexploitation degree; the new world trade layout, the internationalisation and globalisation of the economy and the liberalisation of exchanges from the World Trade Organisation, etc.

Moreover, some questions inherent to the RFBS hinder them to play the role they seem to be aimed at short term according to the legal texts. Among these questions can be found the unequal participation in these subjects, the complexity of the decision taking process within it, the scarce surveillance, inspection and sanction procedures;

the financing and budgetary problems; the rights of the new participants in the fisheries of a particular area, or the lack of specific and binding means of controversy solution.

In relation to these questions there is a series of elements, mainly external to the RFBs, but that are becoming important as interests at stake. The nature of these elements is: commercial, ecological, strategic and developmental.

The conventional developments after the UNCLOS we have mentioned before, have stressed the importance of the cooperation by means of these regional and sub-regional fishing organisations for the conservation and management of the fishing resources. The debates within the International Conference —like at the first historic meeting of FAO and non-FAO RFBs in February, 1999 (Report of the Meeting of FAO and non-FAO Regional Fishery Bodies or Arrangements, FAO Fisheries Report No.597, paragraph 1. 5., Appendix G)— prove the fact that these International Organisations might have a main role in the high seas fishing planning acting through them on a regional base. We can also deduce that, in order to give an effective response to the present fishing situation and to the difficulties the future might provide, the Fisheries International Organisation might be reinforced and supported for the application of management and conservation measures. Moreover, the role of these organisations regarding the application of the Code of Conduct of November 1995 was specially stressed.

Thus, although the last instruments adopted in the international framework ratify the RFBs important role regarding the application of international cooperation, above all, the Fish Stocks Agreement has considerably reinforced its function because of: the role of the existent RFBs is encouraged and other RFBs are created, in case they do not exist and are necessary; the conservation and management measures must be compatible in high seas and the exclusive economic area; suitable systems of control are created within the RFBs to control the effective application of the adopted decisions; and imperative procedures are established in order to solve the disagreements in a peaceful way.

However, a new and polemic aspect stands out among the provisions of the Fish Stocks Agreement which tend to the consolidation of this RFBs important role. The Agreement carried the matter too far when it stipulates that the access to the fishing resources such measures were applied to, will be possible only for the member States of such organisations or taking part in the Agreement or accepting to apply the conservation and planning measures in the framework of such Organisations or Agreements. As it can be deduced, it constitutes a great breakthrough in favour of the resources conservation which acquires priority as opposed to the high seas unrestricted freedom. The International Community interest about the fight against illegal fishing acquires primacy. Thus, the Agreement specifies, in fact, by limiting the access to the regulated stock in the concerning area to those States which cooperate to take decisions in a RFBs or which are committed to the application of conservation and management measures adopted within it, the general cooperation duty derived from the UNCLOS and imposes a sanction non-provided in this text — Article 8.4 of the Fish Stocks Agreement.

To this effect, Part III of the Fish Stocks Agreement deals with the mechanisms for the international cooperation related to the stocks which are the objects of the Agreement. In this part it is established that the coastal States and the States fishing in high seas must cooperate in the subject concerning these species by themselves or by means of the appropriate regional or sub-regional fisheries management Organisations. In the same way, a series of important and particularly outstanding function in the configuration of the future role of these organisations are provided. On the other hand, art.13 encourages the States to co-operate in the reinforcement of the existent fishing regional organisations in order to improve their effectiveness in the establishment and application of the conservation and management measures for the transzonal and highly migratory species. In general, the provisions of this Fish Stocks Agreement go beyond the previously prevailing obligations of the States related to its work in the present RFBs.

Moreover, following the direction of the established by this Fish Stocks Agreement, the PAI has reinforced, in addition to the above-mentioned measures, the cooperation of the States with the RFBs. In the same way, the plan reasserts that the States must collaborate with the RFBs and ensure the fulfillment of the measures adopted within it. But, as it recalls, the States out of the RFBs are not free from fulfilling their rules, but they might observe them or establish compatible rules. If a State does not guarantee that their vessels do not carry out INDNR fishing in the competence area of an RFBs, the members of this area might "communicate the problem for the attention of the State"— paragraph 84 of the PAI—, through this Organisation. If, all the same, the problem could not be solved, the RFBs could resolve the suitable measures (compatible, as logical, with International Law).

Then, it emerges the controversial question of its compatibility with the already prevailing inveterate principle of the high seas fishing freedom. And, this way, although in opinion of some authors such a compatibility offers a great vacillation margin, for some others it is completely consistent.

From our point of view, the phenomenon started with Fish Stocks Agreement and continued with the PAI, is only the spearhead of a new perspective — supported to a great extent by the EC — when facing the international management of high seas resources. Cooperation and conservation were abstract limits to the fishing freedom that have been stated into practice and which are more compatible with the freedom principle, despite the doubt that can raise — in an area characterised by its *res communis* or maritime public *dominium* nature but, in any case, internationalised —, than the option the international practice seems to want to consolidate: the creeping jurisdiction. In our opinion, they are conditions imposed in terms of the main objective, the safeguarding of the International Community interest on the resources conservation, which takes control of the non-restrictive deployment of the high seas fishing freedom without violating its central point and states a conduct obligation that was already present in the UNCLOS.

Noting that RFBS have recently carried out internal reviews and reforms with this aim, it is acknowledged that there has been no collective systematic approach among RFBS as a whole. And although important contributions to fisheries governance have already been made by some RFBS in recent years, some key problem areas for RFBS may still be identified as: conservation of resources; control of catches and effort; fleet capacity; by-catch and discards; data and information collection, dissemination and distribution; monitoring, control and surveillance (MCS); and illegal, unreported and unregulated (IUU) fishing. IUU fishing is not stand-alone in this list; it is related to each of the other problem areas. This underlines the complexities in focusing the action and coordination that is needed to combat it.

The objectives of institutional and policy strengthening in relation to IUU fishing should include enabling RFBS to:

- determine policy objectives regarding IUU fishing internally and in cooperation with other RFBS;
- strengthen institutional mechanisms as appropriate for optimum implementation of policies against IUU fishing;
- regularise coordination with institutional mechanisms of other RFBS as far as possible regarding IUU fishing, in particular information, enforcement and trade aspects; and
- ensure timely and effective implementation of policies internally, and in cooperation with other RFBS.

In addition, RFBS should take into account the existing body of regional and international activities in relation to IUU fishing. In particular, the institutional capacity for establishment and maintenance of registers and other related information, inspection and enforcement, implementation and monitoring of programmes on landings, transshipments and trade, and coordination/cooperation with all involved are essential for deterring IUU fishing. Where RFBS' institutional capacity is not adequate, alternate mechanisms should be identified with a view to improved international cooperation.

Many RFBS have developed policies to counter IUU fishing, often in the context of fishing by non-members, and adopted a range of measures to implement the policies. These measures include the following:

- registers and information relating to IUU fishing —CCAMLR, FFA, High Seas Vessel Registration Database System, GFCM, IATTC, IBSFC, ICCAT, IOTC—;
- inspection and enforcement —CCAMLR, FFA, IBSFC, ICCAT, IOTC, NAFO, NEAFC, NPAFC;
- Vessel Monitoring System —CCAMLR, ICCAT, IOTC, FFA, NAFO, NEAFC—;
- Presumptions —CCAMLR, ICCAT, NAFO—;
- landings, port inspection and transshipments —CCAMLR, CCSBT, IBSFC, IATTC, ICCAT, IOTC, NAFO, NEAFC—;
- trade measures —CCAMLR, CCSBT, IBSFC, ICCAT, IOTC, NPAFC—;
- cooperation with non-contracting parties —CCAMLR, CCSBT, GFCM, IATTC, IOTC, NAFO, NASCO, NPAFC—;
- fleet capacity —GFCM, IOTC—;
- and resolutions calling for action against IUU fishing —ICCAT 1999 Annual Meeting—;

However, these policies have generally been adopted in recent years in response to specific situations, leaving gaps in implementation and a need for a more coherent approach.

Implementation of the recent international instruments has also formed part of the focus for RFBS —NASCO, IPHC, GFCM, NAFO, ICES, CECFAF, WECAFC, IWC, APFIC, NPAFC, NEAFC, CCSBT, OLDEPESCA, IBSFC, ICCAT, IATTC, FFA, SPPC, IOTC, and CCAMLR—. They are encouraging their members and non-members to become party to the international instruments, *inter alia* in the context of controlling IUU fishing. However, the pace is slow. While

most RFBs are investigating and reviewing, through appropriately constituted working groups how best to address the relevant issues, very few RFBs have actually taken concrete steps towards implementing the desired regime. The issues are complex, and the RFBs are the only realistic option for the conservation and management of shared stocks. To this end, RFBs should adopt, and encourage members and non-members to adopt, provisional measures to implement applicable international instruments, as formal solutions are being developed.

Among the most challenging policy-related constraints for some RFBs is not the development and adoption of policies and measures against IUU fishing, but their implementation among members. This can form a considerable chasm between the objective and results. For example, RFBs' policies and measures on IUU fishing tend to address non-parties and open register flagging even though it is acknowledged that IUU fishing is also carried out by companies and individuals originating from the RFBs' parties—for example, CCAMLR reports that IUU fishing in its Convention Area is being carried out, in the main, by companies and individuals originating from CCAMLR parties—. The roles National Fisheries Administrations should play in the RFBs are crucial in this regard.

The measures taken to date by RFBs have made a start at deterring IUU fishing, but there is still much work to be done. Happily, cooperation among RFBs is on the increase—CCAMLR, CCSBT, FFA, IATTC, IBSFC, ICCAT, ICES, IOTC, NAFO, NASCO, NEAFC, NPAFC, PICES, SPC, WECAFC report participation in, or plans for, coordination with other RFBs—, which will facilitate proactive coordination among them in appropriate fora, as well as compliance by all members. In particular, cooperation among RFBs in the exchange of information and data is growing, with a view to exchanging information on fleet movement, compliance, management and trade.

CONCLUDING REMARKS

What has been exposed up to this point allows us to consider that the multilateral scope discussion under the auspices of the UN has been the perfect way to reconcile the new demands derived with respect to the high seas fishing and, at the same time, safeguarding the vocation of the UNCLOS as a balance element within it. Thus, from our point of view, the solution must be channelled towards the reinforcement and extension of the fisheries International Organisations' role in the regional scope, by providing them with the institutional power and the necessary decision-making power in order to play an effective role to hinder the dangerous unilateral solutions.

Nevertheless, the international intervention in the resources is, according to us, the more similar spirit to the one of the International Law of the Sea. But it is not a question of multiplying RFBs but of reinforcing and co-ordinating the existent ones for them to make their jobs complementary in the different fishing areas of seas and oceans. The great interest and activities divergence within the RFBs hinder the definition of a complete and valid generalisation about the characteristics and problems they face.

Once again, the International Law of the Sea demonstrates to be a perfect laboratory to test the new international cooperation techniques. In this sense, the PAI seems to be an important piece of the complex puzzle of a sustainable and responsible conservation and management of fishing resources, to advance in the internationalisation of its juridical regime, succeeding at the same time, by means of this internationalisation, in the reinforcement of the juridical content of all these measures that, in many cases, are still moving around the soft law colourless universe.

But, despite the regulation developments implemented to the date the problems still persist at present. There is a continuing movement of displaced fleets to other fishing grounds to continue IUU fishing for other species; fleet capacity has not been significantly reduced; many countries where the IUU fleets are based have little enforcement capacity; required inspection and documentation for trade, landings and transshipments of IUU caught fish is not uniformly enforced; fishing vessels operating under open registers do not respect RFBs regulations and still engage in rapid and frequent change-of-flag practices; and the negative effects of IUU fishing can be more economic and social rather than ecological in nature.

Finally, it is also the time for new approaches and concepts to be developed. Driving the new approaches should be a vision of strengthened fisheries governance through RFBs, the gateways between global and national. This means development of clear roles and responsibilities for NFAs and RFBs. And, also, of course, this should be accompanied by identification and acceptance of the consequences of failure to fulfill these roles and responsibilities.

APPENDIX

ACRONYMS

APFIC	Asia-Pacific Fisheries Commission
ACFR	Advisory Committee on Fishery Research
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna Fishery
CECAF	Committee for the Eastern Central Atlantic
COFI	Committee on Fisheries of the Food and Agriculture Organization
CWP	Coordinating Working Party on Fishery Statistics of the FAO
FIGIS	Fisheries Global Information Service
FAO	Food and Agriculture Organization of the United Nations
FFA	South Pacific Forum Fisheries Agency
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
IBSFC	International Baltic Sea Fishery Commission
ICCAT	International Commission for the Conservation of Atlantic Tuna
ICES	International Council for the Exploration of the Sea
IOTC	Indian Ocean Tuna Commission
IPHC	International Pacific Halibut Commission
IPOA	International Plan of Action
ISOFISH	The International Southern Oceans Longline Fisheries Information Clearing House
IUU	Illegal, unreported and unregulated
MCS	Monitoring, control and surveillance
MHLC	Multilateral High Level Conference
NAFO	Northwest Atlantic Fisheries Organization
NASCO	North Atlantic Salmon Conservation Organization
NFA	National Fishery Administration
NEAFC	North-East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
PICES	North Pacific Marine Science Organization
RFB	Regional Fishery Body or Arrangement
SEAFO	South East Atlantic Fishery Organization
SPC	South Pacific Commission
UNCLOS	The United Nations Convention on the Law of the Sea, 1982
VMS	Vessel Monitoring System
WECAFC	Western Central Atlantic Fishery Commission