EJF'S CHARTER FOR TRANSPARENCY

Bringing the fisheries sector out of the shadows

How best to implement principles three and four of the Charter for Transparency

ENVIRONMENTAL
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EJF

Protecting People and Planet

Executive summary

- Our seas and oceans are in a state of crisis, with 34% of stocks assessed by the United Nations Food and Agriculture Organization (FAO) found to be exploited at biologically unsustainable levels ("overfished"), and a further 60% maximally sustainably fished (formerly known as "fully fished"). Overfishing and illegal, unreported and unregulated (IUU) fishing risk pushing oceans ecosystems into a state of total collapse, with devastating consequences for the marine environment and those who depend on it.

- A wide range of criminal activities –commonly referred to as fisheries crimes– are linked to IUU fishing such as human trafficking and other human rights abuses. Declining fish stocks, coupled with a growing demand for cheap seafood are a driver of human rights abuses at sea as unscrupulous operators will aim to reduce their operational costs and generate profits, often through resorting to illegal fishing and trafficked labour.

- Many regulators and seafood buyers are aware of the devastating impacts of IUU fishing and fisheries crimes, but their efforts to remove fishery products tainted with illegality from their markets and supply chains are frustrated by a lack of transparency in the global fishing industry.

- EJF believes that transparency is the best weapon against the vicious cycle of illegal fishing, overfishing and human rights abuses in the sector.

- For this reason, EJF developed a Charter for Transparency laying out ten principles for global transparency in the fishing industry. These include publishing lists of fishing licences and authorisations, and publishing punishments handed out for IUU fishing and fisheries crimes.

- These simple, low-cost measures are well within the reach of any country and can play a pivotal role in the battle against these scourges, achieving legal, ethical and sustainable global fisheries.

- To accompany them in implementing principles three (publishing lists of fishing licences and authorisations) and four (publishing punishments handed out for IUU fishing and fisheries crimes) of the Charter for Transparency, this report and its accompanying technical briefs were designed to help states create a roadmap to achieve these.

- For states and all relevant actors in the supply chain to be able to verify the status of a vessel and ultimately to be one step closer to eradicating IUU fishing and fisheries crimes, EJF recommends:

  o coastal states should publish details of access agreements and lists of vessels licensed to fish within their waters.
  o flag states should publish a list of vessels registered to their flag and lists of vessels authorised to fish outside their EEZ.

- It is key to ensure that information made publicly available is comprehensive (i.e. it must include data on fishing-related vessels such as refrigerated cargo vessels), credible and kept up to date as well as easily accessible, including to civil society. In addition, these lists should be consistent with and feed into information made available through the FAO Global Record.

- For states and all relevant actors in the fisheries sector to be able to make informed decisions and to protect their fleets, waters, ports, markets, and supply chains from IUU fishing and fisheries crimes, EJF recommends:

  o all states should publish information about arrests and sanctions imposed on individuals and companies for IUU fishing activities, human trafficking and other related crimes.

- It is important for states to ensure that this information is kept up to date and easily accessible again to all relevant stakeholders. Moreover, this must be combined with its proactive circulation to the relevant international and regional bodies as well as to the pertinent national authorities.

- EJF renews its call on governments across the world and relevant actors in the supply chain to support and implement these basic measures.

Introduction

Our seas and oceans are in a state of crisis, with 34% of stocks assessed by the United Nations Food and Agriculture Organization (FAO) found to be exploited at biologically unsustainable levels ("overfished"), and further 60% maximally sustainably fished (formerly known as "fully fished")[1]. Overfishing and illegal, unreported and unregulated (IUU) fishing risk pushing oceans ecosystems into a state of total collapse, with devastating consequences for the marine environment and those who depend on it.

IUU fishing is broadly defined as the use of fishing methods or practices that contravene fisheries laws, regulations or conservation and management measures. Examples include fishing in closed areas or during closed seasons, targeting protected species, using prohibited fishing methods and fishing without a valid licence. These practices threaten marine biodiversity, undermine effective management of fish stocks and are one of the main impediments to meeting the United Nations Sustainable Development Goal 14 (life below water)[2].

A wide range of criminal activities –commonly referred to as fisheries crimes[3]– are linked to IUU fishing such as human trafficking and other human rights abuses. Declining fish stocks, coupled with a growing demand for cheap seafood are a driver of human rights abuses at sea as unscrupulous operators will aim to reduce their operational costs and generate profits, often through resorting to illegal fishing and trafficked labour[4].

Many regulators and seafood buyers are aware of the devastating impacts of IUU fishing and fisheries crimes, but their efforts to remove fishery products tainted with illegality from their markets, and supply chains are frustrated by a lack of transparency in the global fishing industry.

In addition to the often remote nature of fishing, the opacity and complexity of operations in the industry make it difficult to identify the actors involved, including the fishing vessels themselves, the route of their product to market and their owners. The challenges in uncovering a vessel's illegal activities, both current and past, mean that illegal operators are at low risk of capture and sanction by control authorities. Ultimately, the lack of transparency is one of the most important enablers of illegal activities.

EJF believes that transparency is the best weapon against the vicious cycle of illegal fishing, overfishing and human rights abuses in the sector.

In an effort to achieve increased transparency, EJF published the report *'Out of the shadows: Improving transparency in global fisheries to stop illegal, unreported and unregulated fishing'*[5]. It laid out ten principles for global transparency in the fishing industry.

These simple, low-cost measures are well within the reach of any country and can play a pivotal role in the battle against these scourges, creating legal, ethical and sustainable global fisheries.

A fish school.

EJF's Charter for Transparency[6]

1 Give all vessels a unique number

2 Make vessel tracking data public

3 Publish lists of fishing licences and authorisations

4 Publish punishments handed out for illegal, unreported and unregulated fishing, and fisheries crimes

5 Ban transferring fish between boats at sea – unless carefully monitored

6 Set up a digital database of vessel information

7 Stop the use of flags of convenience for fishing vessels

8 Publish details of the true owners of each vessel – who takes home the profit?

9 Punish anyone involved in illegal, unreported and unregulated fishing

10 Adopt international measures that set clear standards for fishing vessels and the trade in fisheries products

EJF renews its call on governments across the world and relevant actors in the supply chain to support and implement these basic measures.

To accompany them, this report and its accompanying technical briefs deliver recommendations on how best to implement principles three and four of EJF's Charter for Transparency.

PRINCIPLE THREE – Publish lists of fishing licences and authorisations

While there are many aspects to eradicating IUU fishing and fisheries crimes, the public availability of credible information on fishing vessels' identities and activities is essential.

The seafood supply chain is global, with numerous jurisdictions being involved until consumption. The challenge of multiple jurisdictions emerges from harvest point, with fishing vessels often operating in areas beyond their flag state jurisdiction.

The multiplicity of jurisdictions results in states having to deploy significant further efforts, in particular, to achieve effective cooperation to meet their international obligations to prevent IUU fishing activities by their vessels operating far from their shores and by foreign vessels operating in their exclusive economic zone (EEZ) but also to repel IUU vessels and products from their ports and markets.

Barriers to achieving effective cooperation are many. Without specific information-sharing platforms or quick and efficient ways to verify fishing permits and vessels' flags online, it can prove difficult to ascertain the legality of a vessel's activities and therefore of products on board. Language barriers or lack of resources may preclude control authorities from making assistance requests to all relevant flag and coastal state as a vessel is under scrutiny. It is even more difficult for the industry to obtain and verify relevant information. This means that some IUU vessels are able to operate stateless, under a false flag or without valid fishing licences and authorisations.

This is compounded by the tendency of unscrupulous operators to create as much confusion as possible around the identity and activities of their vessels through various stratagems such as changing names and flags repeatedly ('flag-hopping')[7], as well as obfuscating their corporate structure using shell companies and secrecy jurisdictions[8].

As only a few states have so far committed to making their fishing vessel registries, fishing licence and authorisation lists public, barriers and gaps remain. They can easily be broken down and closed by making the necessary information public online – a virtually cost-free measure that can be undertaken quickly.

In this way, states will offer each other the ability to verify the status of a vessel with the click of a mouse, foiling attempts by operators engaging in illegal activities to disguise fishing vessels' true identities and activities.

EJF recommends that:
- Coastal states publish details of access agreements and lists of vessels licensed to fish within their waters;
- Flag states publish the list of vessels registered to their flag;
- Flag states publish lists of vessels authorised to fish outside their EEZ.

Crew member holding the Panama flag of a fishing vessel.

Fisheries, a global industry: the example of the Pacific Islands Forum Fisheries Agency (FFA)

In 2018, nearly 60% of the world marine fishery production in tonnes originated from the Pacific Ocean[9]. This figure includes both the catches made from the high seas and those within exclusive economic zones. As such, fisheries form part of the most important economic bases of the Pacific islands countries and territories[10].

In 1979, the Pacific Islands Forum Fisheries Agency (FFA) was established to help its member countries sustainably manage their fishery resources[11]. Today, it consists of 17 states. All foreign fishing vessels in good standing and authorised to fish by any of these 17 countries are listed in the so-called FFA Vessel Register[12].

At the time of writing, 935 fishing or fishing-related vessels flying the flag of non-FFA member countries are listed in that register[13]. Those foreign vessels account for 80% of the vessels listed and involve not less than 12 flag States, some bordering the Pacific such as China, Japan or the USA other as remote as Liberia, the Netherlands or Spain. This makes the FFA fisheries truly global ones and highlights the importance the availability of credible information on fishing vessels' identities and activities has to take up the challenge arising from the multiplicity of jurisdictions.

1.1 What minimum information should be published?

For states and all relevant actors in the supply chain to be able to verify the status of a vessel and to be one step closer to eradicating IUU fishing and fisheries crimes, EJF recommends that coastal and flag states make the following information publicly available.

Coastal state licence list

- Name, tonnage and length of the vessel
- Flag of the fishing vessel and authorising country
- Vessel and/or gear type and target species
- Details of any quota allocated to vessels, if applicable
- Registration number and IMO number
- Details of the vessel legal owner and operator, including beneficial owner (if available)
- Period of the licence
- Licence fee
- Crew manifest

Flag state list of external fishing authorisations

- Details required in the flag state registry
- Details of any quota or other limits allocated to vessels, if applicable
- Period of the authorisation
- The areas where the vessel is authorised to operate (coastal state EEZs, RFMO areas, high seas)
- The type of access agreement (private, chartering, RFMO, bilateral agreement, etc.)

Flag state registry

- Name, tonnage and length of the vessel
- Vessel and/or gear type and target species
- Registration number and IMO number
- Details of the vessel legal owner and operator, including beneficial owner
- Crew manifest

By making that information available with the click of a mouse, states and all relevant actors will see their ability to identify at-risk situations and illegal activities along the supply chain enhanced.

For example, the availability of coastal state licence lists will enable flag states' authorities to verify whether a vessel flying their flag is duly authorised to fish in the EEZ of a coastal state where it reported catch data. This, without having to deploy extra efforts vis-à-vis the coastal state.

On another note, the availability of tonnage information from flag states will boost the ability of coastal states –or other flag states in case of re-flagging operations– to detect tonnage fraud, which often involves document fraud, by vessels wishing to access their fishing grounds or enter their fleets avoiding fees or circumventing applicable requirements[14].

CASE STUDY 2

The prevalence of tonnage fraud in West Africa

In its report *China's hidden fleet in West Africa, A spotlight on illegal practices within Ghana's industrial trawl sector*[15] EJF exposed two possible under-reporting of tonnage cases.

The vessels Lian Run 43 and Lian Run 44 had significantly lower –by 45%– gross tonnage in Ghana's list of fishing licences than in the IHS Sea-web database. This discrepancy warranted further attention by the Ghanaian authorities to determine whether there had been intentional under-reporting of tonnage by the vessel operators, either to avoid licence fees or circumvent licensing requirements – in particular as trawlers applying for fishing licences were subject to tonnage restrictions.

This situation was not isolated. In 2015, Greenpeace exposed 65 similar cases in Guinea, Guinea-Bissau and Senegal[16].

While tonnage fraud can sometimes be regarded as a very technical issue negatively impacting on the revenue generated by governments from fishing operations, it directly undermines the effectiveness of conservation and management measures and translates in unaccounted fishing effort. This is not only detrimental to fish stocks, but also to the people that depend on them.

Solutions to prevent tonnage fraud exist, these include states making their fishing vessel registries, fishing licence and authorisation lists public to allow for simple but effective cross-checks.

Fishing canoes at Elmina port in Ghana.

And by making detailed information about their external fishing authorisations, flag states will allow other states to ascertain whether a vessel applying for a fishing licence or requesting port entry is duly authorised to do so in the blink of an eye.

But this will only be possible to the condition that the information made public is credible and kept up to date. This means that authorities must double-check the information they intend to publish and, once online, update it whenever necessary.

Moreover, information must not limit to fishing vessels but also cover fishing-related ones such as refrigerated cargo vessels which often play an important role in the supply chain.

Making sure it is easily accessible is also essential. This can be achieved in publishing it on websites optimised for search engines but more importantly, by raising awareness amongst the relevant stakeholders about how and where it can be found.

The lists made public should be consistent with and feed into information made available through the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels ('FAO Global Record') which is meant to provide a single access point for information on vessels used for fishing and fishing-related activities[17].

Although it is essential that states actively populate the FAO Global Record, EJF recommends them not to use it as a substitute for online national lists to implement principle three of the Charter for Transparency.

Indeed, the FAO Global Record does not entirely cover the information EJF recommends to make public. This concerns crew manifests, details of any quota or other limits allocated to vessels (if applicable) and licence fees. In addition, information on areas where vessels are authorised to operate and types of access agreements are only partially taken into consideration in the FAO Global Record.

Another constraint inherent in the FAO Global Record relates to the fact that if the system allows coastal states to input some information on foreign-flagged vessels licensed to fish in their waters, this is only possible to the condition that the database has been fed already with information on these vessels by their flag states[18]. As major fishing nations such as Russia have still not populated the database, this is an important impediment –at least in the short-term– to achieve comprehensiveness of the information available through the system.

A tuna vessel offloads its catches at Tema port in Ghana.

CASE STUDY 3

How could publishing online flag state registry information have helped Guinea and Sierra Leone identifying that the Mahawa was sailing under both flags?

In November 2018, EJF investigated incursions in the Sierra Leonean inshore zone reserved for local canoes by the fishing vessel Mahawa, an industrial trawler, operated by a Korean-owned company based in Sierra Leone believed to be registered as Guinean-flagged[19].

After being alerted by EJF, the Guinean authorities called the vessel back to port to investigate its activities By sharing information with their Sierra Leonean counterparts, they discovered that the vessel was operating under both Guinean and Sierra Leonean flags, which is illegal under international maritime law. As a result, Mahawa's owners were sanctioned by the Guinean authorities.

While this situation should have been prevented in the first place through adequate registration procedures, had both countries' fishing vessel registries been public, the double-flagging could have been revealed sooner, with the click of a mouse, by cross-checking registries.

In early 2020, fishers in Sierra Leone again documented Mahawa operating illegally in inshore areas, as well as covering its markings. At the time of writing, the vessel is reportedly flying the flag of Sierra Leone.

EJF renews its call on both countries to implement all principles of the Charter for Transparency.

Photograph of the Mahawa taken in the waters of Sierra Leone.

The RFMO positive lists and the FAO Global Record

To meet their obligations, states that are parties to regional fisheries management organisations (RFMOs) must generally submit information on vessels for which they are responsible to these organisations. Based on this information, RFMOs maintain vessel records, also known as positive lists. EJF exhorts states to table and support ambitious proposals in these fora aiming at strengthening those lists through increased transparency on vessels' identities and activities.

EJF also encourages states to disseminate all relevant data through the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. Three years after it was made available to states for populating the database, 62 countries uploaded data about nearly 11,000 vessels in the system. This is a good start but still accounts for less than 50% of the total number of fishing vessels that were allocated an IMO number[20], which serves as unique vessel identifier for the FAO Global Record.

1.2 Achieving greater transparency making a step further

To achieve greater transparency states can go a step further by making the following information publicly available.

Going a step further making additional information public

- Previous essential ship's particulars (names, flags, etc.)
- Additional ship's particulars (international radio call sign, maritime mobile service identity number, external marking, port of registry, etc.)
- Engine power
- Total volume of fish hold(s) and number of fish hold(s)
- VMS details
- Colour photographs of the vessel

With this data also being made readily accessible, states will see their ability to verify the status of vessels further enhanced, fostering their capacity to detect and repress illegal activities.

Knowing the volume and number of fish holds of a vessel may allow, for example, detection of under-reported catch data. The availability of colour photographs of vessels has also demonstrated its effectiveness to uncover the true identity of vessels trying to evade law enforcement such as the IUU listed vessel Ray caught, thanks to photo analysis, in Lomé, Togo in July 2016 claiming the name Yele[21].

Implementing principle three of EJF's Charter for Transparency is a cost-effective measure for verifying the status of vessels. It is based on information that is already recorded by flag and coastal states. As such, it is well within their reach and can play a crucial part in combating IUU fishing and fisheries crimes.

CASE STUDY 4

Uncovering the true identity of two of the Indian Ocean's most wanted thanks to imagery analysis

In May 2018, five vessels were added to the IUU vessel list of the Indian Ocean Tuna Commission (IOTC)[22]. Amongst the intelligence that led the IOTC to include the vessels in its list were photographs taken by the European Union Naval Force ATALANTA documenting them engaging in activities contravening the conservation and management measures adopted by this regional fisheries management organisation (RFMO)[23]. These photographs were taken off the coast of Somalia where the vessels are also suspected having engaged in human trafficking[24].

This imagery turned instrumental in October 2019 in allowing EJF to identify, thanks to photo comparisons, two of these vessels, the Al Wesam 1 and Al Wesam 2, in Chittagong, Bangladesh.

The vessels had entered Chittagong port a month and a half before under the names of Sea Wind and Sea View and flying the flag Cameroon[25]. Relevant information was swiftly circulated to all pertinent authorities and bodies.

Nearly eleven months after the illegal vessels entered Chittagong port, they did not return to sea[26]. EJF keeps a close watch on their whereabouts.

Photograph of the Sea Wind (under one of its former names) taken on 4 March 2017 in the EEZ of Somalia.
Credit: European Union via Indian Ocean Tuna Commission.

PRINCIPLE FOUR – Publish punishments handed out for IUU fishing and fisheries crimes

The availability of information about past fisheries-related offences and sanctions is another enabler for all actors in the fisheries sector to make informed decisions and to protect their fleets, waters, ports, markets, and supply chains. It also serves as a deterrent against illegal activities and gives the opportunity to better understand them.

Where such information is not within reach, unscrupulous operators can slip through the net and continue accessing fishing grounds and flags entering ports for landing, trans-shipping or receiving services. This is exacerbated by the existence of the same challenges, barriers, and stratagems as those described in the previous part (language barriers, lack resources, stratagems to create as much confusion as possible around vessels' identities, etc.).

This not only exposes supply chains and markets to a flood of illegal products, but also can prevent states from meeting their international obligations in pre-empting, deterring and eliminating IUU fishing and from forfending fisheries crimes, in particular corruption.

If only a few states have so far committed to making their fishing vessel registries, fishing licence and authorisation lists public; even fewer states have committed to publishing information about past fisheries-related offences and sanctions.

Making public such information is an effective response to the threats of IUU fishing and fisheries crimes. As for the publication of lists of fishing licences and authorisations, it is virtually cost-free and can be undertaken quickly.

EJF recommends that:

- All states publish online information about arrests and sanctions imposed on individuals and companies for IUU fishing activities, human trafficking and other related crimes.

A fishing vessel inspection takes place off the coast of Sattahip in Thailand.

2.1 What minimum information should be published?

For states and all relevant actors in the fisheries sector to be able to make informed decisions and to protect their fleets, waters, ports, markets, and supply chains from IUU fishing and fisheries crimes, EJF recommends that states make the following information publicly available.

- Name of the vessel
- Flag of the vessel
- Unique vessel identifier (IMO number, etc.)
- Identity of the key legal and/or natural persons (beneficial owner, operator, captain (if applicable))
- Nature and date of the offence(s)
- Nature and date of the sanction(s)
- Amount paid and by whom (if applicable)

It is important for states to ensure that this information is kept up to date and easily accessible to all relevant stakeholders, including civil society organisations.

The former means that authorities should promptly upload all necessary information on new cases. The latter can be achieved in publishing the information on a website optimised for search engines which are now often the norm.

This must be combined with its proactive circulation to the relevant international and regional bodies as well as to the pertinent national authorities, for example, those of the neighbouring countries, those of the flag state of the arrested vessel or the regional fisheries management organisation under the competence of which the illegal activities took place.

Fishing vessels, are by nature, movable assets that are located according to opportunities for profit. A fishing ground may be deserted for another. Alternative ports can be called at. A flag changed to another.

CASE STUDY 5

Fishing vessels, movable assets: the example of the Sage

Examples of IUU-listed vessels having relocated their activities from one place to another are many. The Sage is one of them.

This longliner was included in the IUU vessel list of the Inter-American Tropical Tuna Commission in 2005[27]. At that time, it was named Chi Hao No. 66 and was flying the flag of Belize.

It was last located in May 2020 in the port of Dakar, Senegal, a country bordering the Atlantic, flying the flag of The Gambia[28]. Prior to that, this vessel is also known to have been operating in the Indian Ocean under various names and flags.

Unscrupulous operators caught engaging in illegal activities have opportunities to continue doing business and introducing their products in the supply chain by exploiting the lack of transparency about past fisheries-related offences and sanctions.

The lack of transparency offers these operators the necessary latitude to even deceive actors across the fisheries sector that would have introduced some level of checks over the compliance history of vessels to protect their fleets, waters, ports, markets, and supply chains.

CASE STUDY 6

Trawlers with history of illegal fishing threaten Senegalese fisheries

In April 2020, EJF alerted to the threat posed by around fifty industrial fishing vessels wishing to access Senegalese fisheries[29].

In addition to increasing pressure on depleting fish populations that are already under threat, EJF collected evidence that some of these vessels have records of IUU fishing.

Four of them –the Bo Yuan 1, 2, 6 and 7– were documented fishing illegally in coastal areas reserved for artisanal fishers in Guinea in 2014[30]. To these, add the Fu Yuan Yu 9889, which was documented in 2017 fishing in a protected area in Djibouti[31], and the Lu Lao Yuan Yu 10 which was arrested in The Gambia in 2019 for multiple offenses including failure to have a fishing logbook[32].

These indications that these vessels have records of IUU fishing were collected through tedious 'open source' investigation and come from non-governmental websites. They, therefore, need to be corroborated.

This case study highlights that Djibouti and The Gambia are not making public information about past fisheries-related offences and sanctions. Guinea is only doing so since 2015[33].

Although Senegal eventually rejected the licensing requests, after Senegalese small-scale fishers and industrial shipowners raised the alarm[34], there is no doubt that the availability of this information through governmental websites would have been of great help in checking the compliance history of the vessels by providing a means of greater reliability and credibility, as well as easily accessible, to allow authorities to make informed decisions. It would also have made it possible to corroborate, with the click of a mouse, the intelligence collected.

Ultimately, the capacity of the Senegalese authorities to fulfil their international obligations in the fight against IUU fishing by protecting their fleet, waters, ports and market would have been strongly reinforced.

EJF encourages Djibouti, The Gambia, Guinea and Senegal to fully implement principle four of its Charter for Transparency along with the nine other principles.

Implementing principle four of EJF's Charter for Transparency is a simple, cost-effective remedy to the consequences of the lack of transparency.

When vessels are caught engaging in IUU fishing and fisheries crimes, secrecy around penalties or fines also creates an environment where corruption can occur without being detected by finance ministries, auditors or international organisations[35]. Therefore, transparency is also an effective preventive measure for combating corruption[36] leading to better governance.

Taiwan, one of the few countries publishing information about IUU fishing and fisheries crimes and sanctions

Since 2016, EJF has been working with the authorities of Taiwan and other stakeholders to promote greater transparency and traceability in the fisheries sector to tackle illegal fishing and forced labour in the Taiwanese fishing industry.

Taiwan has made some progress to allow public scrutiny of its fisheries. This includes making information about fisheries-related offences by its fleet and sanctions publicly available[37].

This information is made public on the website of the Taiwanese competent authority for all fisheries-related matters, the Fisheries Agency. The data published includes names of vessels, their registration numbers, the identity of the key legal and/or natural persons, and the nature and date of offences and sanctions.

By making this information publicly available Taiwan made an important step forward in preventing and deterring IUU fishing and fisheries crimes in the Taiwanese fishing industry. It also allows actors along the supply chain to reconsider their sources of supply and turn to more virtuous vessels and operators.

As cases continue to be uncovered[38], prompting EJF to regularly send alerts to the authorities in Taipei, Taiwan must step up its efforts and fully implement EJF's Charter for Transparency.

Increased transparency coupled with renewed political will and rigorous enforcement are the main ingredients needed to bring the Taiwanese fishing industry out of the shadows.

A Taiwanese fishing vessel approaches Kaohsiung port in Taiwan.

2.2 Achieving greater transparency making a step further

To achieve greater transparency states can go a step further by making the following information publicly available.

Going a step further making additional information public

| Detailed information on *modi operandi* of offenders.

On top of contributing to aising further awareness of the issues of IUU fishing and fisheries crimes, the availability of detailed information on *modi operandi* of offenders is instrumental for the first responders to IUU fishing and fisheries crimes that are law enforcement, administrative and judicial authorities. Making such information readily available is fostering their response capacity through in-depth knowledge of illegal behaviours.

It is not only valuable to these first responders, but also to policymakers to understand illegal trends, monitor and assess the appropriateness of prevention and sanction policies, and reform them when needed.

Implementing principle four of EJF's Charter for Transparency is a key enabler for all actors across the fisheries sector to make informed decisions and to protect their fleets, waters, ports, markets, and supply chains from IUU fishing and fisheries crimes. Again, such a measure is virtually costless and can be undertaken expeditiously.

Sharing information on fisheries crimes through SHERLOC

Fisheries supply chains are increasingly looked at from the perspective of transnational organised crime. While IUU fishing does not necessarily fit within the scope of the United Nations Convention against Transnational Organised Crime[39] (UNTOC), it sometimes overlaps activities –commonly referred to as fisheries crimes– that form an integral part of UNTOC such as human trafficking.

The United Nations Office on Drugs and Crime developed an online knowledge management portal aiming at facilitating the dissemination of information regarding the implementation of UNTOC. This portal named 'Sharing Electronic Resources and Laws on Crime' and better a known as SHERLOC[40] includes a case law database containing jurisprudence on fisheries crimes.

To make the most of this platform, EJF encourages states to populate its case law database.

At-sea inspection of a fishing vessel in Thailand.

Conclusion

In a context where fish stocks are under severe pressure, and income from the vessels falls, IUU fishing and fisheries crimes continue to be used by unscrupulous operators lurking in the shadows to generate profits.

EJF believes that transparency is the best weapon against the vicious cycle of illegal fishing, overfishing and human rights abuses in the sector.

For this reason, EJF developed a Charter for Transparency laying out ten principles for global transparency in the fishing industry. These include publishing lists of fishing licences and authorisations, and publishing punishments handed out for IUU fishing and fisheries crimes.

These simple, low-cost measures are well within reach of any country and can play a pivotal role in the battle against these scourges, achieving legal, ethical and sustainable global fisheries.

To accompany them, this report and its accompanying technical briefs delivered recommendations on how best to implement principles three (publishing lists of fishing licences and authorisations) and four (publishing punishments handed out for IUU fishing and fisheries crimes) of the Charter for Transparency.

EJF renews its call on governments across the world and relevant actors in the supply chain to support and implement these basic measures.

A fishing port.

Recommendations

For states and all relevant actors in the supply chain to be able to verify the status of a vessel and to be one step closer to eradicating IUU fishing and fisheries crimes, EJF recommends that coastal and flag states make the following information publicly available.

Coastal states should:

Publish details online of access agreements and lists of vessels licensed to fish within their waters.

Flag states should:

Publish online the list of vessels registered to their flag.

Publish online lists of vessels authorised to fish outside their EEZ.

It is key to ensure that information made publicly available is comprehensive (i.e. it must include data on fishing-related vessels such as refrigerated cargo vessels), credible and kept up to date as well as easily accessible, including to civil society. In addition, these lists should be consistent with and feed into information made available through the FAO Global Record.

For states and all relevant actors in the fisheries sector to be able to make informed decisions and to protect their fleets, waters, ports, markets, and supply chains from illegal activities, EJF recommends that states make the following information publicly available.

All states should:

Publish online information about arrests and sanctions imposed on individuals and companies for IUU fishing activities, human trafficking and other related crimes.

It is important for states to ensure that this information is kept up to date and again easily accessible to all relevant stakeholders. Moreover, this must be combined with its proactive circulation to the relevant international and regional bodies as well as to the pertinent national authorities.

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