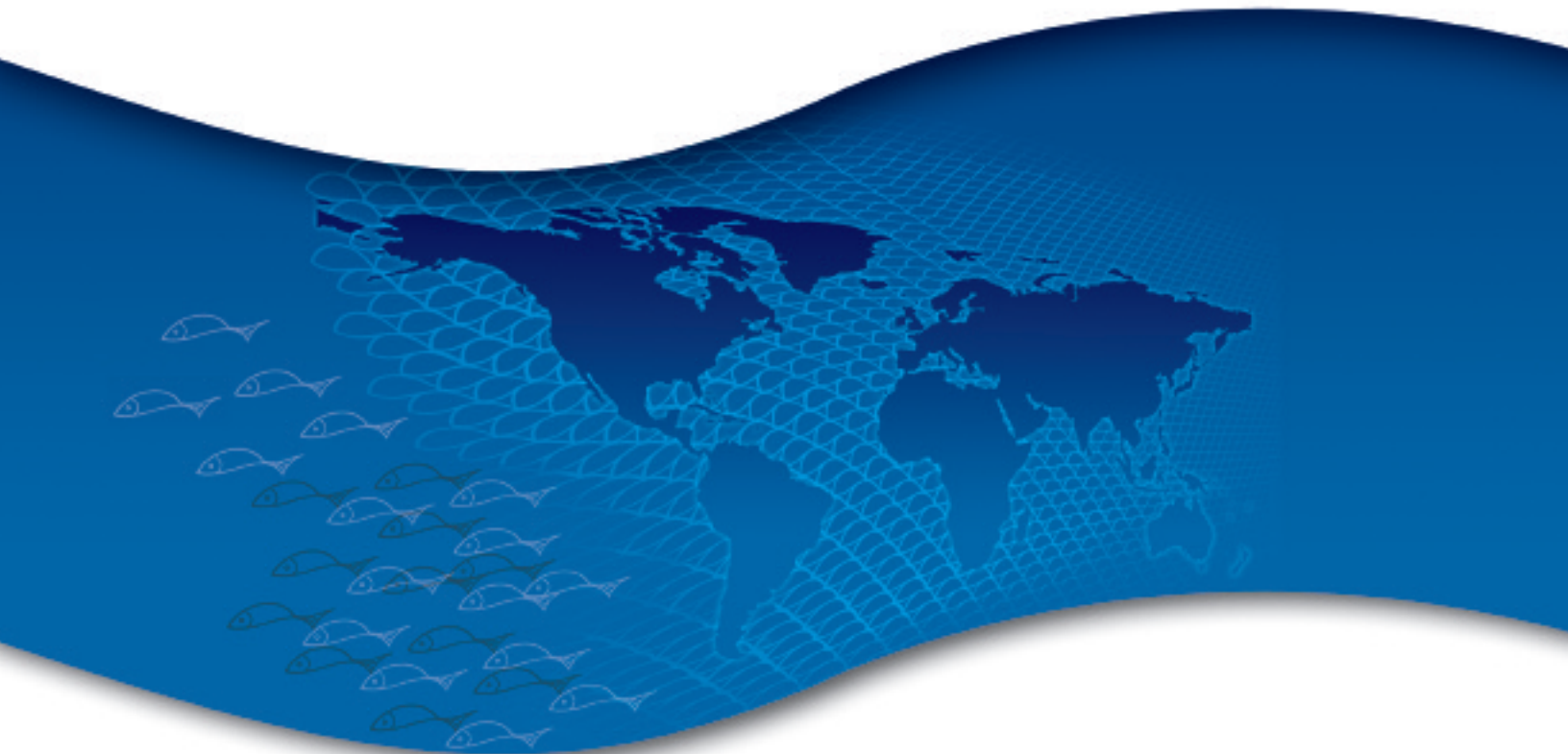




Canada's National Plan *of* Action to Prevent, Deter *and* Eliminate Illegal, Unreported *and* Unregulated Fishing

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1. INTRODUCTION

1.1 Purpose

The purpose of this document is to specify Canada's plans to prevent, deter, and eliminate illegal, unreported, and unregulated (IUU) fishing; to provide a description of Canada's existing policies and legislation related to this problem; and to identify ongoing programs and projects to address it.

Canada's *National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (NPOA-IUU) was developed in accordance with the principles and provisions of the International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU). These principles and provisions are set out by the United Nations Food and Agricultural Organization (FAO).

The NPOA-IUU elaborates and recommends solutions to Canada's IUU fishing concerns with respect to overcapacity, lack of effective flag State control by both contracting parties and non-contracting parties, and non-compliance with no consequences by contracting parties to regional fisheries management organizations (RFMOs).

1.2 Overview of IUU Fishing

During the past few decades, the international community has become increasingly aware of the growing number of unlawful and irresponsible fishing activities within national jurisdictions and on the high seas. These activities, commonly referred to as IUU fishing, threaten the sustainability of capture fisheries around the world.

IUU fishing works against the efforts of States, RFMOs, industry, and legitimate fishers to maintain productive and sustainable fisheries. In addition to the direct damage IUU fishing causes to fish populations, it also has an adverse affect on marine mammals, seabirds, sea turtles, and biodiversity as a whole.

While the true magnitude of IUU fishing around the world is unknown, the FAO suggests that approximately 30 per cent of the total catch in 2000 was the result of IUU fishing. It is clear that the purveyors of IUU fishing activities are dynamic, driven by profit, and supported by both economic and social incentives. It is also clear that these activities can differ from one region or targeted species to the other. Moreover, IUU fishing can adversely affect the people employed in illegal fishing activities; as a recent Organization for Economic Cooperation and Development (OECD) workshop on IUU fishing (April 2004) drew attention to the inadequate safety conditions of crew members from poor and underdeveloped parts of the world.

Particularly disturbing are organized illegal fishing activities occurring in the area governed by RFMOs or in other areas of the high seas. Some fishing fleets continue to illegally catch fish protected by moratoria in the NAFO regulatory area, while others fish in excess of their legal quotas each year.

In order to address IUU fishing, stakeholders at all levels need to adopt equally dynamic national, regional, and international strategies. More information about the global problem of IUU fishing can be found at the FAO Fisheries Web Site at: www.fao.org/fi/default_all.asp.

1.3 Origin and Purpose of the IPOA-IUU

The IPOA-IUU is a voluntary instrument that identifies means to prevent, deter, and eliminate IUU fishing activities through a series of measures that are meant to be fully implemented by all States, regional economic integration organizations, and RFMOs. It identifies cooperation, coordination, broad consultation, and full participation from all stakeholders as key elements of the implementation process. It also encourages a comprehensive and integrated approach that considers all economic, social, and environmental impacts of IUU fishing. This approach is based on the fundamental principle of conservation, transparency, and non-discrimination.

The concept of the IPOA-IUU arose from the Twenty-third Session of the FAO Committee on Fisheries (COFI) in 1999. The Committee was alarmed by the rate at which IUU fishing activities were increasing, the estimated damage caused by such activities, and the proliferation of vessels flying flags of convenience.

The IPOA-IUU was developed in a manner that draws on the rules of relevant international law within the framework of the Code of Conduct for Responsible Fisheries. Therefore, although the IPOA is voluntary, many of its basic provisions exist in other binding instruments, such as the 1982 United Nations Convention on the Law of the Sea, the 1995 United Nations Fish Agreement, and the FAO Compliance Agreement.

COFI approved the IPOA-IUU on March 2, 2001. It was formally adopted by the FAO Council the following June.

1.4 Canadian Fisheries

Fisheries resources play an important role in Canada, providing food and income for both Aboriginal and non-Aboriginal peoples. In 2003, these fisheries employed approximately 115 000 people, who landed some 873 000 tonnes of fish in the Atlantic region and 218 000 tonnes of fish in the Pacific region. The combined value of the catch was more than \$2.9 billion in 2003. With exports of fish and seafood products estimated at \$4.5 billion in 2003, Canada ranked fifth in the world for exports in this sector.

Much of Canada's fishing industry operates offshore in what is one of the world's largest Exclusive Economic Zones (EEZ), equivalent to approximately 31 per cent of the country's land mass. Addressing the many threats to Canada's fisheries resources in such a vast area presents a serious challenge to fisheries managers.

Key threats to the stocks within and outside Canada's EEZ include:

- fishing for species under moratoria;
- exceeding the allowable bycatch for species under moratoria;
- exceeding quotas or the amount of fish that vessels are permitted to catch;
- harvesting undersized fish;
- misreporting catches;
- fishing in an area that has been closed to fishing; and
- ineffective control by flag States over their vessels on the high seas.

These threats add to a decade of challenges and adjustments in Canada's fisheries sector. Groundfish and salmon stocks on the Atlantic coast have failed to recover from their low levels of the past decade. Pacific salmon stocks, although showing signs of improvement as a result of management measures introduced in the late 1990s, remain depressed.

The performance of these and other fish stocks underscores the importance of effective conservation measures. At the same time, demands for access to these stocks continue to highlight the need to strike a balance between harvesting the resource and protecting it to ensure its sustainability.

A complete overview of Canada’s policies, legislative framework, and fisheries management programs as they relate to the provisions of the IPOA-IUU can be found in Annex 1. The Tables in Annex 1 should also be used as a reference for Sections 2 and 3 of this document.

1.5 Canadian Legislative and Regulatory Framework

To address the threats posed by IUU fishing to the sustainability of Canada’s fisheries, the Government of Canada has implemented a number of policies and programs over the years. These policies and programs are consistent with the principles of the IPOA-IUU.

Table 1 of Annex 1 provides a quick overview of the legislative framework governing fisheries in Canada, while Actions 2.1, 2.1.1, and 2.2 identify examples of Canada’s efforts to strengthen its fisheries policies.

Canada’s legislative and regulatory framework is designed to:

- manage and protect fisheries resources in a biologically sustainable manner; and
- outline potential action to be taken, when necessary, to prevent destructive practices while continuing to seek effective international solutions.

The legislative instruments designed to deliver Canada’s fisheries resource objectives include:

- the *Department of Fisheries and Oceans Act*;
- the *Oceans Act*;
- the *Fisheries Act*;
- the *Coastal Fisheries Protection Act*; and
- the *Species at Risk Act*.

The Department of Fisheries and Oceans Act

The *Department of Fisheries and Oceans Act* establishes the powers, duties, and functions of the Minister of Fisheries and Oceans Canada, which extend to and include all matters over which Parliament has jurisdiction relating to:

- seacoast and inland fisheries;
- fishing and marine sciences; and
- the coordination of the policies and programs of the Government of Canada respecting oceans.

The Oceans Act

The *Oceans Act* gives the Minister of Fisheries and Oceans the legal authority to draw together all Canada’s ocean stakeholders, including Aboriginal organizations, to develop an oceans management strategy based on the sustainable development and integrated management of activities and resources in estuarine, coastal, and marine waters.

This *Act* also includes Canada’s full rights and jurisdiction over internal waters, our fishing zones off the Atlantic, Pacific, and Arctic coasts, and our rights with respect to the Continental Shelf. It also covers Canada’s right to harvest sedentary species in or on the Shelf, and our jurisdiction over the exploration and exploitation of minerals and non-living resources of the seabed and subsoil.

Finally, the *Oceans Act* is a declaration of Canadian jurisdiction over its 12-nautical-mile Contiguous Zone, extending from the outer of Canada’s 12-nautical-mile Territorial Sea and its 200-nautical-mile EEZ.

The Fisheries Act

The *Fisheries Act* is the cornerstone of Canada's fisheries management policy, providing broad powers to the Minister for the management, conservation, and protection of fish resources. These powers include discretion to:

- award licenses or leases for fisheries or fishing;
- allocate harvests among user groups; and
- protect fish habitat and prevent pollution.

While the regulation of commercial fishing is the most visible of Fisheries and Oceans Canada's regulatory programs, the *Act* also applies to tidal and recreational fishing, freshwater fisheries, and Aboriginal fisheries.

Three sections of the *Fisheries Act* form the basis for fisheries management in Canada:

- Section 7 provides the Minister with the absolute discretion to grant licenses and leases, wherever the exclusive right of fishing does not already exist by law;
- Section 9 provides the power to cancel or suspend licenses and leases for cause; and
- Section 43 provides regulation-making power by the Governor General in Council for the conservation and protection of fish, and the management and control of fisheries.

The *Fisheries Act* also contains provisions that prohibit the harmful alteration, disruption or destruction of fish habitat.

The Coastal Fisheries Protection Act

The Minister's responsibility for regulating foreign fishing in Canadian waters is set out in the *Coastal Fisheries Protection Act* (CFPA). The CFPA and associated regulations provide the Minister with the authority to allow foreign vessels access to Canadian waters or Canadian ports.

The Canadian Port Access Policy remains a "closed ports" policy whereby Canadian ports are generally closed, and access is a privilege that may only be granted by the Canadian government. Canada's Port Access Policy is consistent with international obligations, including international trade obligations.

The CFPA prohibits certain classes of vessels from fishing for specified fish species contrary to the rules of the high seas in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area (NRA).

Between March 2002 and March 2003, Canadian fisheries officers dealt with 10,321 fishing and habitat violations of the *Fisheries Act* regulations and the CFPA. In the same period, 2,907 charges were laid and an additional 1,188 charges are pending or under review.

The Species at Risk Act

The *Species at Risk Act* (SARA) was created to prevent wildlife species from becoming extinct. The *Act* protects species at risk and their critical habitats. It also contains provisions to help manage species of special concern to prevent them from becoming endangered or extinct.

More information about Canada's fisheries legislation, including the full text of the *Fisheries Act* and the CFPA, can be found at: www.dfo-mpo.gc.ca/communic/policy/dnload_e.htm.

The full text of all Canadian legislation may be found on the Department of Justice Web site at: laws.justice.gc.ca/en/search.html.

1.6 International Commitments

Fisheries resources lie in both national and international waters, and the Government of Canada is committed to protecting and conserving the sustainable harvest of these resources around the world. To help ensure the conservation and sustainable use of fisheries resources in international waters, Canada participates in several international and regionally based fisheries organizations, including the FAO, NAFO, and the Pacific Salmon Commission. Fisheries and Oceans Canada also monitors the fishing activities of foreign-flagged vessels in international waters, and negotiates and administers international fisheries treaties and trade agreements.

Table 1 of Annex 1 provides a quick overview of Canada’s legislative framework governing fisheries, while Actions 2.5 and 2.6 address Canada’s efforts to continue meeting its international commitments.

Canada has ratified, and is implementing, national versions of all the international agreements identified in the IPOA-IUU as key elements for combating IUU fishing, including:

- the United Nations Convention on the Law of the Sea;
- the United Nations Fish Agreement;
- the FAO Compliance Agreement; and
- the Code of Conduct for Responsible Fishing Operations.

The United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS) is the comprehensive regime of law and order covering the world’s oceans and seas. Within UNCLOS are rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole. Canada ratified UNCLOS on November 6, 2003.

The United Nations Fish Agreement

The United Nations Fish Agreement (UNFA) elaborates the fundamental principles established in UNCLOS that States should cooperate to ensure the conservation of fisheries resources straddling the EEZ and the high seas.

UNFA provides a framework for the conservation and management of straddling and highly migratory fish stocks in high seas areas regulated by RFMOs. It carries an obligation to apply the precautionary approach and ecosystem-based management when managing these fisheries on the high seas and in waters under the jurisdiction of coastal States. It also obliges States to minimize pollution, waste, and discards of fish and obliges them also to exercise effective control over their fishing vessels on the high seas.

One of the most innovative aspects of UNFA is the right of States that are party to the UNFA to board and inspect vessels of other State parties on the high seas, and to verify compliance with internationally agreed fishing rules of RFMOs. Canada ratified UNFA in August 1999 and is a strong supporter of the Agreement.

Another important aspect of UNFA is the dispute settlement provision. According to Article 27, Part VIII, States have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

The FAO Compliance Agreement

Canada ratified the 1993 FAO Compliance Agreement on May 20, 1994, and has supplied the FAO with vessel information as required by the Agreement. Countries that have signed or ratified the Agreement should ensure that they are reporting such information, particularly under Articles 4 and 6, which urge countries to:

- maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas, and take such measures as may be necessary to ensure that all such fishing vessels are entered in that record; and
- make readily available to FAO the following information with respect to each fishing vessel entered in the record required to be maintained under Article 4:
 - name of the fishing vessel, registration number and previous names (if known);
 - port of registry;
 - previous flag (if any);
 - International Radio Call Sign (if any);
 - name and address of owner or owners;
 - where and when built;
 - type of vessel; and
 - length.

In order to promote the principles of the Code of Conduct for Responsible Fisheries, the Government of Canada has collaborated with industry to implement selective fishing programs and integrated fisheries management plans.

The Code of Conduct for Responsible Fishing Operations

In 1998, through a 13-member board of fishers and fishery representatives, Canada developed a Canadian Code of Conduct for Responsible Fishing Operations, which is a commitment by participating harvesters to achieve sustainable fisheries. Currently, 80 per cent of fishers in Canada have adopted the Code and a new board has been elected to implement it.

2. ACTIONS

The objective of this section of the NPOA-IUU is to lay out a plan of action that identifies existing gaps and proposes remedial steps at the national level.

2.1 Fisheries Management Renewal

Objective

To achieve ecologically sustainable resources for an economically viable and diverse industry and a range of resource users, supported by a modern fisheries governance system that is consistent with the Constitutional protection afforded to Aboriginal and treaty rights. This vision includes better conservation outcomes, greater industry self-reliance, greater stability of access and allocation, transparent decision-making, and shared stewardship.

Means

The IPOA has identified a number of measures to deter IUU fishing. But long before these measures were identified by the IPOA-IUU, Canada had already taken great steps toward implementing many of these measures in order to strengthen its fisheries policies and programs. As a result, Canada has experienced a major decline in the occurrence of IUU fishing.

It is evident, however, from the ongoing occurrence of illegal activity, that these measures alone will not guarantee the elimination of IUU fishing. As long as incentives exist to operate in an illegal fashion, IUU fishing will continue. It is necessary for concerned States not only to implement the provisions identified in the IPOA, but to continually commit to finding new ways to strengthen their fisheries policies and programs.

The Fisheries Management Renewal Program (FMR) is an example of Canada's efforts to streamline its fisheries programs and strengthen its fisheries policies.

FMR is a cohesive package of undertakings that will result in modernized fisheries management. It implements the directions from recent policy work undertaken through:

- major engagement exercises on both the East and West coasts of the country, including Pacific New Directions;
- the responses being developed to issues raised by the Joint Task Group on Post-Treaty Fisheries and the First Nations Panel Reports; and
- the Atlantic Fisheries Policy Review.

FMR will look at the following issues:

- Modernizing the governance of fisheries management through:
 - conservation frameworks adopting the Precautionary Approach (PA) and taking into account ecosystem considerations;
 - stable access and allocation, and predictable, transparent processes;
 - shared stewardship founded upon co-management; and
 - a modernized compliance regime reflecting the new approach.
- Clear conservation frameworks that incorporate PA and ecosystem considerations will improve conservation outcomes. Conservation frameworks will be implemented through Integrated Fisheries Management Plans, managed by Objectives-Based Fisheries Management, and may be clarified in legislation.
- Stable access and allocation is a crucial first step in changing the focus of relationships with resource users from access and allocation to improving harvest management, meeting conservation objectives, and increasing economic value.

- Shared stewardship is based on shared responsibility and decision-making with resource users. Its success rests on effective engagement and co-management processes. Many successful and varied co-management arrangements demonstrate that this collaborative approach is essential to a modernized, affordable fisheries management governance system that meets conservation objectives.
- Co-management arrangements provide a framework within which industry and Fisheries and Oceans Canada share resource management responsibilities and develop collaborative approaches. These can include decision rules and shared responsibilities for science, management measures, and compliance regimes, including quota reconciliation and sanctioning.
- Modernized fisheries management governance requires a strategic compliance regime that applies new tools, facilitates new relationships, promotes shared stewardship with resource users and communities, and targets systemic compliance issues. Fisheries and Oceans Canada will re-define and modernize its compliance program, integrating cross-sector compliance issues and needs into a comprehensive strategy to ensure innovation and the best use of resources.

As specific operational programs or initiatives are put into place, the degree and pace of change will be determined in discussions with resource user groups. Programs and policies will be refined over time through existing mechanisms such as the fisheries management planning processes and local fleet planning boards.

2.1.1 Legislative Renewal

Objective

To develop change options and regulatory and governance approaches to support Fisheries Management Renewal.

Means

Many factors – environmental and climatic changes, imperfect international governance institutions, and cyclical downturns in key stocks – have contributed to problems experienced in some fisheries. Increasingly, however, there is consensus that the 138-year-old *Fisheries Act* is itself an inadequate tool for addressing the challenges of the coastal and inland fisheries.

As described in the Pearse-McRae report, *Treaties and Transitions: Towards Sustainable Fishery on Canada's Pacific Coast*, Canada's *Fisheries Act* is a statute that was designed for a different era. The report indicates a heavy reliance on the lengthy and expensive criminal process for enforcement of the *Act*. The continued reliance on command-and-control regulation is also inconsistent with the self-management of regulated groups, including fleets and Aboriginal groups.

To provide a modern regulatory framework for fisheries management in coastal and inland waters, Canada will follow a "smart regulation" approach, built around goals of efficiency, effectiveness, responsiveness, and collaboration/empowerment.

This process of analyzing legislative needs and possible solutions is at the initial stages. In particular, there will need to be a broad process of engagement with provinces, fishers' representative organizations, fleets, Aboriginal groups, and communities.

A comprehensive legislative proposal for a new *Fisheries Act* was tabled in 1995, but has yet to be enacted. Some of the elements of that Bill included:

- administrative monetary sanctions and licensing sanctions;
- legal provisions for delegated management, co-management, and joint decision-making;

- regulatory process streamlining and the development of new regulatory instruments; and
- resource management objectives, advisory or binding principles or processes, and recognition of the role of stakeholders, citizens, Aboriginal groups, and provinces in the management of the fisheries.

2.2 Implementation of the Atlantic Fisheries Policy Review

Objective

To modernize the policy framework that governs the way the Atlantic fisheries are managed, including enforcement aspects.

This Action builds on Canada's Monitoring, Control, and Surveillance program as described in Table 1 of Annex 1.

Means

Although several policies have been established in response to particular fisheries issues, the implementation of the Atlantic Fisheries Policy Review (AFPR) is the first comprehensive attempt to develop a unified direction and objectives for the management of Atlantic fisheries. The AFPR identifies the need for an enforceable regulatory framework to address the issue of IUU fishing.

To improve compliance, the AFPR states that Fisheries and Oceans Canada will work with resource users and other interested parties to further develop its statutory/regulatory framework to better provide for conservation and sustainable use. Specific actions may include:

- achieving the right mix of monitoring, control, and surveillance methods, which may include electronic monitoring systems for fishing vessels and gear, dockside monitoring services, and putting observers on fishing vessels;
- strengthening deterrence through more effective control measures and more appropriate and effective penalties for illegal fishing practices, i.e., a fleet's entitlement to maintain its harvest shares could be made conditional on its conservation and compliance record;
- increasing industry self-regulation by developing compliance protocols that set out obligations and consequences for non-compliance and making them part of fisheries management plans, with Fisheries and Oceans Canada having an audit role to ensure that conservation objectives are met;
- developing new approaches and incentives to support the sound stewardship of resources, such as:
 - giving priority to new allocations to fleets that consistently demonstrate an excellent conservation record in fisheries where there is a substantial increase in the abundance of the resource;
 - giving fleets more flexibility to design management measures, such as those related to observer programs; and
 - developing other appropriate enforcement measures.

2.3 Review and Improvement of Monitoring, Control, and Surveillance Operations

Canada uses a variety of monitoring, control, and surveillance (MCS) tools to help ensure the sustainable use of fisheries resources. Canada's Vessel Monitoring Systems and Dockside Monitoring Program are among the most important methods of achieving Canada's MCS objectives. Canada also recognizes the need for continual review and improvement of these operations in order to ensure their continued effectiveness. The following two actions are part of Canada's effort to improve its MCS operations.

2.3.1 Improvement of Vessel Monitoring Systems

Objective

To build on Canada's MCS operations capacity.

This Action builds upon Canada's MCS program, identified in Table 1 of Annex 1.

Means

The Vessel Monitoring System (VMS) transmits regular individual vessel position information to Fisheries and Oceans Canada. This system improves the ability of Fisheries and Oceans Canada to monitor vessel positions and compliance with fisheries regulations (such as closed areas), and permits the more efficient deployment of other MCS tools such as patrol vessels, on-board observers, and aerial surveillance.

Canada is implementing an integrated national approach to the application of VMS, which is one of a number of complimentary strategies that combine to constitute Canada's MCS program. An effective MCS program is necessary to support departmental objectives for sustainable fisheries and precautionary management.

Canadian vessels fishing in the NRA have been required to carry VMS since 2001. Newfoundland and Labrador implemented mandatory VMS coverage for most of their major domestic fisheries in 2004. Other regions are proceeding with industry consultations and actively working towards VMS implementation. The use of VMS will be introduced on an incremental basis during the next several years and will eventually be integrated into the national MCS regime.

Canada's aerial surveillance program allows real-time monitoring both within and outside Canada's EEZ in order to monitor the activities of vessels and provide the Government of Canada with records of their activities. Aerial surveillance has been particularly effective in identifying illegal fishing activities within waters under Canadian national jurisdiction.

As overfishing remains a significant problem within and outside national jurisdiction, the Government of Canada constantly seeks innovation and improvements in dealing with it.

In March 2004, the Minister of Fisheries and Oceans announced a new five-and-a-half year contract with a private-sector company to carry out aerial surveillance flights on the Atlantic and Pacific coasts. The aircraft are equipped with modern radar, navigation, and data management systems, and are capable of night photography for gathering evidence of illegal fishing activity.

Canada will continuously seek to improve the monitoring, control, and surveillance of vessel activities in order to combat illegal fishing activities and pollution offences, both within and outside national jurisdiction.

Fisheries and Oceans Canada will also forge closer links with, and ensure that information continues to be supplied to, the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control, and Surveillance (the MCS Network).

2.3.2 Review and Improvement of the Dockside Monitoring Program

Objective

To meet Dockside Monitoring Improvement Objectives identified in the Dockside Monitoring Action Plan.

This Action builds upon Canada's MCS program, identified in Table 1 of Annex 1.

Means

The objective of the Dockside Monitoring Program (DMP) is to provide accurate, timely, and independent third-party verification of fish landings. The DMP constitutes the primary source, and in some cases the sole source, of independent landings information for many of the major commercial fisheries in Canada. Private-sector companies are hired by the fishing industry to observe the offloading of fish and to record and report the landings information to Fisheries and Oceans Canada. The fishing industry and Fisheries and Oceans Canada are dependent on the accurate verification of landings by Dockside Monitoring Companies (DMCs).

In 2002, Fisheries and Oceans Canada conducted a review of the DMP. The subsequent report included several recommendations for improvements to the program. An Action Plan to respond to the recommendations is now being implemented to respond to the issues raised in the report. Strategies include:

- All regions are ensuring that DMP Working Groups are in place with representatives from all Fisheries and Oceans Canada organizations, and that Industry Consultation Committees are in place with representation from all DMP industry stakeholders.
- All DMCs in the country must now meet the DMP Quality Management System Standard, which was developed by the Canadian General Standards Board on behalf of Fisheries and Oceans Canada, and is based on ISO 9001:2000 QMS. DMCs must also be designated pursuant to the Fishery (General) Regulations by a Regional Director General of Fisheries and Oceans Canada.
- A new National DMP Policy and Procedures document is being finalized to standardize the DMP across the country.
- Audit strategies are being developed to monitor the performance of DMCs and individual observers, and to verify compliance by fishers, buyers, and processing plants.

With the implementation of these recommendations, the DMP will more successfully deliver the required results: timely, accurate, and unbiased landings information that can be useful for fisheries management, stock assessments, and compliance monitoring.

2.4 Implementation of the International Plan of Action for the Management of Fishing Capacity

Objective

To achieve sustainable fisheries by ensuring a proper balance between fisheries resources and fishing capacity.

Means

The objective of the International Plan of Action for the Management of Fishing Capacity is to achieve the efficient, equitable, and transparent management of fishing capacity worldwide by not later than 2005. It also calls upon countries to support the FAO in establishing an international record of fishing vessels operating on the high seas.

Through its Integrated Fisheries Management Plans (IFMP), Canada has implemented comprehensive measures to help maintain a balance between fishing capacity and available resources. In the past, when over-capacity problems arose, a series of aggressive policy and program interventions was implemented, including a license buy-back and early retirement programs, coupled with retraining and economic diversification measures to assist the affected workers and communities with their transition out of fisheries.

Canada uses different strategies for capacity management. Limiting entry to the fisheries is the most widely used strategy, in addition to input control measures such as gear and area restrictions. There are also a number of policies employed by the Government of Canada that affect the harvesting capacity of

the fishery. Vessel replacement rules specific to each fishery in Canada control capacity growth in the industry. Individual Quota (IQ) and Enterprise Allocation (EA) fisheries are very effective in controlling the volume of landings, but they also influence the harvesting capacity of a fleet. Canada, as a result, has seen a reduction in the capacity of every fleet where IQ and EA were introduced. In fact, between 1992 and 2002, the number of Canadian commercial fishing vessels decreased by 31 per cent.

Canada has begun the implementation of its National Plan of Action for the Management of Fishing Capacity led by Fisheries and Oceans Canada, in cooperation with the provinces and working through the establishment of a Task Group on capacity management. Because sound capacity management is implicitly an integral part of fisheries management, Canada's focus is therefore to establish a credible capacity monitoring system by developing tools and methodologies, and applying them to selected pilot fleets. Efforts to date have resulted in the development of an assessment guide and a number of pilot assessments to test the methodology.

The assessment guide and pilot assessments are now being finalized by obtaining stakeholder feedback to validate the methodology and results, with a view to determining how periodic capacity assessments can be integrated into the ongoing IFMP process.

Internationally, Canada is committed to reporting periodically to the FAO on its progress, which will help maintain international momentum. Canada also reports annually to the FAO on the record of Canadian fishing vessels operating on the high seas.

Canada will continue to support the FAO and other international initiatives to address over-capacity and capacity management issues, not only in national fisheries but also in international waters. In particular, Canada would support RFMOs in leading an international effort in the assessment of fishing capacity for major transboundary, straddling, highly migratory, and high-seas fisheries with active support from their respective member States.

2.5 Effective Implementation of International Commitments

Objective

To ensure that Canada continues to meet its international commitments and to work with regional and international communities to help strengthen international instruments and bodies so that they continue to meet the needs of fisheries.

More information about the international instruments Canada has adopted (Table 1 and Table 5), the various regional bodies with which Canada works with (Table 6), and other information about Canada's role and interest in international fisheries can be found throughout Annex 1.

Means

The first tool identified by the IPOA-IUU is to give full effect to relevant norms of international law in order to prevent, deter, and eliminate IUU fishing. The IPOA-IUU also calls on States whose vessels participate in fisheries regulated by RFMOs to either become members of these RFMOs or, at a minimum, apply the conservation and management measures adopted by these RFMOs.

These are important steps in combating IUU fishing and, as indicated under the *All State Responsibilities* section of Table 1, Annex 1, Canada has taken steps to ratify all the international agreements identified by the IPOA-IUU. Canada is also an active member of multilateral regional fisheries management organizations and bilateral fisheries arrangements.

However, it is not enough simply to ratify an agreement or participate in RFMO meetings. IUU fishing continues to occur even within well-established RFMOs and elsewhere on the high seas, as well as in the EEZ of even the most effective national management regimes. It is therefore important for States to

review their international commitments on a regular basis to ensure that they are being met and to ensure that these management regimes are meeting member State expectations.

Canada's progress report of international IUU-relevant programs, policies, and commitments should:

- examine all the international instruments ratified by Canada and identified in the IPOA as key elements in combating IUU fishing to ensure the full implementation of their provisions;
- identify Canada's efforts to fully implement these instruments and describe the effectiveness of the provisions of the instruments in combating IUU fishing; and
- identify areas where international instruments are dated or weak in their ability to address new and emerging problems related to IUU fishing, and options for addressing these weaknesses, such as international reviews of instruments, updates of instruments, and alternative measures.

Performance measurement and gap-analysis of RFMO involvement and the effectiveness of their efforts to address IUU activities should:

- include a performance measurement component that looks at all RFMOs that Canada works with, and examines how these RFMOs address issues of IUU fishing; and
- identify gaps and weaknesses in regional operations to determine possible solutions and options for Canada as a member, such as recommendations for reviewing programs and alternative approach proposals.

Canada's continued participation and cooperation in international events is aimed at improving the effectiveness of existing agreements. For example, Canada sees events such as the *Conference on the Governance of High Seas Fisheries and the UN Fish Agreement* (held in May 2005 in St. John's, Newfoundland and Labrador) and the work of the Ministerial-led High Seas Task Force on IUU Fishing as important steps in the fight to address IUU fishing, and encourages all countries to participate.

2.6 Implementation of Internationally Agreed Market-Related Measures

Objective

To implement market-related measures within RFMOs, consistent with international law, to deprive those who perpetuate IUU fishing of the benefit of their activities.

Table 5 of Annex 1 provides more information on Canada's efforts regarding market-related measures to address IUU fishing problems.

Means

Implementation methods include:

- developing market-related measures, where necessary, to prevent importation of fish and fish products from vessels and/or States identified by RFMOs as engaging in or supporting IUU fishing;
- harmonizing catch documentation and certification schemes adopted by RFMOs;
- consistent with international law, preventing fish from being traded or imported if caught by vessels identified by an RFMO as having been engaged in IUU fishing;
- developing criteria within RFMOs for the imposition and removal of trade measures so as to ensure fairness, transparency, and consistency;
- supporting new provisions in the Harmonized Commodity Description and Coding System to specifically identify toothfish, swordfish, and several types of tuna to allow better tracking of the trade and catch of these species in order to combat IUU fishing; and
- fully implementing the Commission for the Conservation of Antarctic Marine Living Resources catch document scheme.

2.7 National Plan of Action Program Review

Objective

To identify a review system to track the progress and performance of Canada's NPOA-IUU as called for under the IPOA-IUU, and to ensure that the NPOA is seen as a living document that can be updated when new measures are developed and endorsed.

States and RFMOs should report to the FAO on progress with the elaboration and implementation of their plans to prevent, deter, and eliminate IUU fishing as part of their biennial reporting to FAO on the Code of Conduct. These reports should be published by the FAO in a timely manner.

At least every four years after the adoption of their national plans of action, States should review their implementation of these plans to identify cost-effective strategies that will increase their effectiveness and take into account their reporting obligations to FAO under Part VI of the IPOA.

Means

To clearly evaluate our progress on implementation, Canada will utilize the "Checklist of Recommended Actions" identified on pages 72–79 of the *IPOA-IUU Implementation Guide*. By doing so, Canada will ensure that the document is updated at regular intervals in accordance with the provisions of the IPOA-IUU, or when significant new initiatives are developed through changes in Canada's domestic and international policy and programs.

The *Conference on the Governance of High Seas Fisheries and the UN Fish Agreement* and the work of the High Seas Task Force on IUU Fishing are examples of events that could produce new initiatives warranting mention in Canada's NPOA-IUU. Canada will therefore review the NPOA before the next FAO Committee on Fisheries meeting in 2007, to ensure that any new initiatives to combat IUU fishing are reflected.

Finally, Canada encourages all States to look at their national plans of action as living documents that should be updated as necessary to reflect new initiatives and to remain in accordance with the provisions of the IPOA-IUU.

3. REGIONAL AND INTERNATIONAL CONSIDERATIONS

The objective of this section of the NPOA is to identify gaps in the plan and propose remedial steps at the regional and international level.

More information on Canada's involvement in RFMOs can be found throughout Annex 1, particularly in Table 6.

3.1 Proposals for Institutional Strengthening of Regional Fisheries Management Organizations

Objective

To strengthen RFMOs to ensure that they have more effective roles in preventing, deterring, and eliminating IUU fishing.

Means

High seas overfishing remains a global problem that has drawn international attention from all sectors of society. IUU fishing involves all flag States, all types of vessels, all waters, and all markets. Possible destruction of sensitive ecosystems is predicted over the next five to 10 years as experts report that 75 per cent of the world's fisheries are significantly depleted, overexploited or fully exploited. These facts indicate an ineffective governance regime. Recent international instruments have called upon States to strengthen the capacities of RFMOs, as they are the most effective forum for cooperating in the management of high seas fisheries. These calls have been echoed in the IPOA-IUU.

As such, Canada will press for the adoption of measures to strengthen the institutional regimes of RFMOs through:

- reviews of the varied mandates and roles of RFMOs to harmonize approaches to management and incorporate changes in international law;
- the integration of ecosystem, precautionary, and biodiversity considerations into RFMO management;
- a greater role for coastal States;
- the provision of necessary resources to carry out the RFMOs' most basic functions; and
- the enhancement of RFMO credibility by improving their decision-making procedures to ensure promptness, transparency, and consistency.

3.2 Proposals for Additional Compliance Mechanisms to be Adopted by Regional Fisheries Management Organizations

Objective

To adopt effective measures to ensure that RFMO member States do not engage in IUU fishing.

Means

While IUU fishing conducted by vessels without nationality or flying the flag of States not parties to RFMOs is a significant problem, it is important to recall that much IUU fishing is conducted by vessels of countries that are parties to RFMOs. To date, the fight against IUU has been unbalanced as RFMOs have had a greater tendency to look outward rather than inward in addressing the problem.

Effective flag State control is not being exercised by RFMO members due to a lack of political will and/or capacity. Current international law puts the onus on flag States to address non-compliance by their vessels fishing on the high seas, but this reliance on flag State responsibility alone has been ineffective in preventing, deterring, and eliminating IUU fishing. The role of RFMOs is limited in this respect to monitoring the fishing activity and reporting to the flag State, and needs to be expanded.

Canada will press for the adoption of additional compliance mechanisms in RFMOs through:

- the development of effective joint mechanisms to review vessels' compliance with management measures;
- the development of boarding and inspection procedures consistent with UNFA;
- harmonized protocols for conducting port inspections to strengthen port state controls;
- the development and standardization of penalties for fisheries violations to ensure that they are of sufficient gravity to deter future violations and are not perceived simply as a cost of doing business;
- the development of measures to better regulate vessels from transshipping at sea and to prevent support vessels from enabling IUU activities;
- the placement of observers on fishing vessels to fulfill a compliance role;
- the creation of a centralized licensing regime; and
- ensuring that there is a genuine link between flag States and their vessels.

3.3 Proposals for Better Collection and Exchange of Information through Regional Fisheries Management Organizations

Objective

To improve the collection and exchange of information within and among RFMOs to enable quick action to prevent, deter, and eliminate IUU fishing.

Means

Because IUU operators can very quickly re-flag or adjust their activities to avoid being caught, the ability to obtain information on a real-time basis is key to effective monitoring and control operations. However, RFMOs can play an important role in collecting, exchanging, and disseminating information to prevent, deter, and eliminate IUU fishing.

Canada will press for improvements to the collection and exchange of information through and between RFMOs by:

- creating a record of violations leading to sanctions imposed on owners, operators, and masters of fishing vessels engaged in IUU fishing;
- forging closer links among RFMOs such as exchanges of vessel lists, as well as real-time information on the activities of non-contracting parties;
- forging closer links between members of the fishing industry and non-governmental organizations, both of whom have valuable and reliable intelligence-gathering capabilities; and
- forging closer links with the MCS Network to bridge the information gap.

3.4 Bilateral Assistance to Developing States

Objective

To assist developing states with the funds, training, and resources needed to establish and maintain the infrastructure that will prevent, deter, and eliminate IUU fishing.

Means

The Canadian International Development Agency's (CIDA) Strategy for Ocean Management and Development reflects increased international recognition of the importance of the oceans and their contribution to sustainable development and food security. The increase in fishing of traditional fish stocks by both coastal and distant-water fishing nations, together with IUU fishing activities, has pushed world fish production towards unsustainable levels.

During the past 35 years, CIDA has provided Official Development Assistance to partner countries; sub-regional, regional, multilateral, and non-governmental organizations; and the private sector to assist with the sustainable management and development of ocean resources, including marine fisheries. This effort covers areas such as:

- drafting basic policy and legislation for resource management and assessment;
- integrating scientific information into government decision-making;
- assisting with the development and implementation of licensing systems and regulatory frameworks that will help build institutional capacity for fisheries resource assessment, with the goal of determining the sustainable levels of exploitation of fish stocks that are under national jurisdiction; and
- monitoring, control, and surveillance systems for domestic and foreign fishing activities.

Based on the above, CIDA's Strategy for Ocean Management and Development may be used as a vehicle for increasing the capacity in developing countries to control IUU fishing at all levels.

ANNEX 1: COMPARISON OF CANADIAN POLICY AND PRACTICE TO THE PROVISIONS OF THE IPOA-IUU

TABLE 1

IPOA-IUU Provisions

Canadian Policy

All State Responsibilities

International Instruments

Canada deposited its instruments for ratification of UNCLOS to the United Nations on November 7, 2003.

Canada deposited its instruments for ratification of UNFA to the UN on August 3, 1999.

Canada accepted the FAO Compliance Agreement in 1994.

Canada developed the Canadian Code of Conduct for Responsible Fisheries in 1998.

Action 2.5 provides a means to ensure the continued effectiveness of these instruments.

National Legislation

Legislation

The management and protection of fisheries resources falls under the mandate of Fisheries and Oceans Canada, and is governed by four primary legislative instruments covering both fisheries and oceans resource management. These are:

- The *Department of Fisheries and Oceans Act*, establishing the powers, duties, and functions of the Minister of Fisheries and Oceans Canada, which extend to and include all matters over which Parliament has jurisdiction, relating to seacoast and inland fisheries, fishing and marine sciences, and the coordination of the policies and programs of the Government of Canada respecting oceans.
- The *Oceans Act*, founded on the principles of sustainable development and integrated resource management. The *Act* gives the Minister of Fisheries and Oceans Canada the legal authority to develop an ocean management strategy.
- The *Fisheries Act*, providing the legislative authority for the management and regulation of the fishery. It assigns powers to regulate access to the fishery to control conditions of harvesting and enforce regulations. It is one of the strongest environmental laws in Canada.
- The *Coastal Fisheries Protection Act*, setting out the Minister's responsibility for regulating foreign fishing in Canadian waters.

Actions 2.1 and **2.1.1** outline Canada's efforts to strengthen its fisheries policy.

TABLE 1 *Continued*

State Control Over Nationals	<p>Canadian nationals are aware of the destructive consequences of IUU fishing and are discouraged from doing business with those who engage in IUU fishing.</p> <p>It is an offence for Canadian nationals to violate the fishery laws of other States and/or to undermine the conservation and management measures of RFMOs.</p> <p>Canada does not subsidize or economically support activities related to IUU fishing.</p>
Vessels Without Nationality	<p>The <i>Coastal Fisheries Protection Act</i> provides for Canada to take enforcement action under specified circumstances against vessels without nationality.</p>
Sanctions	<p>Foreign vessels entering Canadian waters and conducting fishing activities without a licence, or breaching conditions of licence or relevant Canadian legislation (such as the <i>Coastal Fisheries Protection Act</i> and Regulations, and the <i>Fisheries Act</i> and Regulations) would be prosecuted under that legislation. Penalties for non-compliance vary with the offence and range up to C\$750,000 plus forfeiture of the catch and/or vessel.</p> <p>Maximum penalties for foreign vessels are set out in the <i>Coastal Fisheries Protection Act</i> (Section 18) and the Coastal Fisheries Protection Regulations. There is no distinction made for the nationality of the vessel. Examples of maximum penalties are:</p> <ul style="list-style-type: none">• fishing in Canadian waters without a license: \$C750,000 (if convicted on indictment) or \$C150,000 (summary conviction); and• unauthorized entry into Canadian waters: \$C500,000 (indictment) or \$C100,000 (summary conviction). <p>Although these are maximums, the actual fines are set by the court and rarely approach the maximums. However, penalties can also include forfeiture of catch, fishing gear, and vessels, depending on the seriousness of the offence.</p> <p>The maximum penalties for domestic offences are set out in the <i>Fisheries Act</i> (Section 78):</p> <ul style="list-style-type: none">• summary conviction: \$C100,000 for the first offence and \$C100,000 and/or imprisonment for one year for subsequent offences; and• indictment: \$C500,000 for the first offence and \$C500,000 and/or imprisonment for two years for subsequent offences.
Non-cooperating States	<p>Regarding actions that can be taken against IUU activities by foreign-flagged vessels outside Canadian waters:</p> <ul style="list-style-type: none">• Under the <i>Coastal Fisheries Protection Act</i>, Canada can take urgent action against vessels of flag States, as specified in the Regulations, to prevent further destruction of straddling stocks off Canada's east coast; and• Canada has ratified the 1995 United Nations Agreement on Straddling and Highly Migratory Fish Stocks, and is working on implementing its provisions, including those provisions relating to boarding and inspection.

TABLE 1 *Continued*

Economic Incentives

Canada does not subsidize or economically support activities related to IUU fishing, and supports efforts to eliminate subsidies to IUU fishers.

Actions 2.1, 2.1.1, 2.2, and 2.4 describe alternative ways to eliminate the economic incentives behind IUU fishing by, for example, addressing capacity-related drivers of IUU fishing. **Action 2.6** gives additional ways to approach these incentives.

Monitoring, Control, and Surveillance

Canada has implemented MCS and continually seeks ways to improve these measures. Canada's MCS process includes:

- governing access to Canadian fisheries through agreements established under the *Fisheries Act*;
- maintaining accurate records of all vessels with authority to fish in Canadian waters;
- adopting VMS and enhanced reporting, for example within Canada's EEZ and in the NAFO Regulatory Area;
- using appropriate observer programs;
- providing training and education for all persons involved in MCS operations;
- working with industry to ensure an effective MCS system; and
- working with the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring Control and Surveillance Network (MCS Network).

Actions 2.3, 2.3.1, and 2.3.2 look at ways in which Canada can improve the effectiveness of its MCS program.

National Plans

Canada's National Plan of Action was developed in accordance with the provisions of the FAO IPOA, and is a product of broad stakeholder consultations.

Action 2.7 entails a commitment to develop an NPOA review process to report on the status of implementation.

Cooperation Between States

Canada is an active member in regional fisheries management organizations such as NAFO and the International Commission for the Conservation of Atlantic Tunas (ICCAT). Canada also works with organizations like the FAO to ensure that Canadian fisheries information is available in accordance to our responsibilities under the FAO Compliance Agreement.

Canada has also worked with other States to support the development of such international agreements as UNFA, IPOA-IUU, and the FAO Compliance Agreement.

Canada supports processes developed by organizations such as the FAO and the OECD to monitor the progress of States that are committed to eliminating IUU fishing. Canada supports those States that participate fully in these monitoring processes, which include questionnaires and other information-collection systems to examine the development of national plans of actions on IUU fishing as well as program management and the ratification of UNFA. Canada encourages States which have not yet participated to do so.

TABLE 1 *Continued***Publicity**

Vessels that are caught fishing illegally in Canadian waters or in the NAFO Regulatory Area are identified by Canadian authorities.

Technical Capacity Resources

It is fully within Canada's existing technical capacity and resources to ensure that the provisions of Canada's fisheries protection policies are implemented and enforced.

TABLE 2**IPOA-IUU Provisions****Canadian Policy****Flag State Responsibilities****Fishing Vessel Registration**

Canada has implemented a regulatory requirement whereby Canadian vessels must obtain a licence to fish in waters other than Canadian fishery waters, such as international waters or the waters of another country. Conditions can be applied to the licence to ensure that pertinent conservation and management measures are respected. Fishing in the waters of other countries must be authorized by competent authorities from that State.

Further to the *Coastal Fisheries Protection Act* and Regulations, Canada has developed a Policy for Access by Foreign Fishing Vessels to Canadian Fisheries Waters and Ports. Pursuant to this Policy, a foreign fishing vessel may apply for a licence for a variety of activities. Three of the criteria specified in the Policy to aid in decision-making are that:

- the vessel is flagged to a country Canada regards as having fulfilled its flag State duties in controlling the activities of its fleet and ensuring compliance with relevant conservation and management measures and relevant international fisheries treaty obligations;
- the vessel is flagged to a country that adheres to international fisheries instruments, notably UNFA, the FAO Compliance Agreement, the Code of Conduct for Responsible Fisheries, and the IPOA-IUU; and
- the Minister of Fisheries and Oceans is satisfied that the vessel applying for a licence has not engaged in IUU fishing as per the criteria and timeframes developed by the National Port Access Committee.

Record of Fishing Vessel

Canada maintains a comprehensive record of fishing vessels entitled to be flagged under Canada's registration system. Every Canadian vessel, other than a pleasure vessel, must have a person who is responsible for acting in all matters relating to the vessel. This person is called the authorized representative.

TABLE 2 *Continued*

In the case of a Canadian vessel that is owned by more than one person, one owner must be appointed as the authorized representative. Because corporations are legally persons, a corporation may be the authorized representative. The authorized representative of a vessel owned by a foreign-owned subsidiary corporation must be:

- a subsidiary of the corporation that is incorporated under the laws of Canada or a province;
- an employee or director of any branch office of the corporation that is carrying on business in Canada; or
- a ship management company incorporated in a province or according to federal law.

All commercial vessels are required to be registered, licensed or certified by Transport Canada according to the Canadian Ship Registration Guidelines. To operate in commercial fisheries, vessels must be registered with Fisheries and Oceans Canada. Foreign vessels that would be exceptionally allowed to fish in Canadian waters for Canadian operators are not required to be registered with Fisheries and Oceans Canada.

Authorization to Fish

In the case of unauthorized fishing or a breach of the licence by a vessel flying a Canadian flag, appropriate action can be taken under Canadian law.

Licences are required for transporting and transshipping. Where licences are issued, vessels are required to report.

TABLE 3

IPOA-IUU Provisions

Canadian Policy

Coastal State Measures

To track vessels operating within Canadian jurisdiction, Canada employs several MCS tools such as mandatory reporting requirements, mandatory logbooks, frequent vessel position reporting, independent at-sea and dockside observer programs, and regular patrols in areas where vessels are known to fish. Some of the Canadian vessels operating in Canada's EEZ use VMS systems while others are monitored through hail reports and regular radio contact.

Canada's fisheries management programs allow officials to know where most or all fishing vessels are within Canadian jurisdiction.

Vessels are also subject to Canada's *Fisheries Act*, the *Coastal Fisheries Protection Act* (in the case of foreign vessels fishing in Canadian waters), the provisions of UNFA, and the regulations of those RFMOs of which Canada is a member.

Actions 2.1 to 2.4 and 2.6 identify new ways for Canada to meet its coastal State responsibilities.

TABLE 4**IPOA-IUU Provisions****Canadian Policy****Port State Measures**

Foreign vessels seeking port access in Canada are required to provide reasonable advance notice of entry into port, a copy of authorization to fish, and details of the fishing trip and quantities of fish on board. Other vessels engaged in fishing-related activities are also required to provide the aforementioned information. Foreign vessels in Canadian ports are also required to provide information regarding:

- the flag State of the vessel, its name, nationality, and identification details;
- qualifications of the master and the fishing master;
- types of fishing gear;
- catch on board, including the origin of catch, species, form, and quantity; and
- other information required by relevant RFMOs and international agreements.

If a vessel intends to land or transship fish in Canadian ports, then a port inspection will be carried out subject to relevant international agreements and laws. However, if no fish is to be landed or transhipped, then access may be provided for the purposes of refuelling and re-supply even at a time when an inspection cannot be carried out.

Where there are reasonable grounds for suspecting IUU fishing, Canada will:

- prohibit landings and transshipments from the IUU vessel in port;
- immediately report the matter to relevant authorities in the flag State, and as appropriate, to an RFMO or other State where the IUU fishing occurred.

In the past, Canada has had to take action against foreign vessels in port with the consent of the flag State because of fishing violations.

Canada has been an active and cooperative participant in the efforts of RFMOs to adopt and/or strengthen schemes to prevent landings and transshipments of IUU caught fish, and to prohibit landings by non-members' vessels where there is a presumption of IUU fishing, based on identification by an RFMO.

Actions 2.3 and **2.6** will help Canada improve its Port State Measures to deter IUU fishing.

TABLE 5

IPOA-IUU Provisions	Canadian Policy
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Internationally Agreed Market-Related Measures	
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	<p>Canada co-sponsored a resolution with the ICCAT, establishing a mechanism for the imposition of non-discriminatory trade sanctions on States whose vessels undermine ICCAT's conservation and management measures, in conformity with international law.</p> <p>Canada has taken steps to prevent the trade or import of IUU-caught fish by encouraging individuals and companies not to do business with others who are engaged in or support IUU fishing. Canada has also adopted laws that make it a violation to conduct business or trade in fish or fish products derived from IUU fishing.</p> <p>Canada also participates in catch documentation schemes. Catch of all vessels can be determined using catch reporting, the DMP and, for species not covered by DMP, sales slips. Under the DMP, landed fish are weighed and catch reports verified against landings.</p> <p>Action 2.6 includes commitments to implement market-related measure, while Action 2.3.2 provides information on improvements being made to the DMP.</p>
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TABLE 6

IPOA-IUU Provisions	Canadian Policy
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Cooperation through Regional Fishery Management Organizations	
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	<p>Canada cooperates with a number of RFMOs to combat IUU fishing, and has implemented decisions taken by RFMOs to combat IUU fishing at the national level. While this is an evolving process, Canada has implemented obligations under RFMOs that deal with IUU fishing such as those contained in NAFO Conservation and Enforcement Measures and NAFO's Scheme to Promote Compliance by Non-Contracting Party Vessels.</p> <p>Similarly, Canada has implemented measures such as ICCAT's positive list. Implementation of measures such as these is accomplished primarily through regulatory amendments (i.e., to the Coastal Fisheries Protection Regulations) and policy changes.</p> <p>Actions 3.1 to 3.3 identify recommended actions for both RFMOs and RFMO member States to improve their ability to combat IUU fishing.</p>
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TABLE 7

IPOA-IUU Provisions Canadian Policy

Special Requirements of Developing Countries

Action 3.4 details Canada's efforts to work with developing countries and their efforts to combat IUU fishing.

Reporting

Canada regularly responds to reporting requests from the FAO and other organizations such as the OECD, and will continue to do so to the best of its ability.

Action 2.7 will help streamline the reporting process by ensuring that Canada is aware of the status of its implementation, and the success of its efforts to address IUU fishing.