



APPENDIX F – USCG UNFSA Implementation Plan

In 1995, the United Nations concluded the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks by adopting a landmark agreement (United Nations Fish Stock Agreement, or UNFSA) outlining management of those types of fisheries. In November 2001, the thirtieth state ratified this Agreement, and it entered into force 11 December 2001. Under this Agreement, the U.S. may board any UNFSA party vessel on the high seas within a region managed by a fisheries agreement for straddling stocks or highly migratory species that the U.S. is party to, whether or not the flag state of the vessel is a member of the regional fisheries body enacted by the agreement. The purpose of the boarding is to ensure compliance with conservation and management measures for straddling stocks and highly migratory fish stocks established by the respective regional fisheries management organization. The UNFSA also requires all regional fisheries management organizations that manage straddling stocks or highly migratory species to adopt boarding and inspection procedures that are comparable to the Agreement by 11 December 2003. This gives the U.S. Government increased leverage to seek these provisions where they do not currently exist. Finally, this Agreement gives the Coast Guard substantial authorities to investigate and prosecute violations on the high seas if there is evidence that the flag state is not taking appropriate enforcement action. Unfortunately, there are numerous distant water fishing nations and flag of convenience nations who are not yet party to this Agreement.

The Coast Guard's implementation strategy for the UNFSA is three-fold: (1) Fully use the enforcement authorities provided in the UNFSA; (2) Leverage the UNFSA to implement stronger boarding and inspection procedures through Regional Fisheries Management Organizations; and (3) Encourage nations that are not yet party to this Agreement, particularly distant water fishing nations and flag of convenience nations, to ratify the UNFSA.

The United States is party to the following Conventions intended to conserve and manage straddling fish stocks and highly migratory species that are subject to the boarding and enforcement provisions in Articles 21 and 22 of the UNFSA:

- Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (also known as the Donut Hole Agreement);
- Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (managed by the Northwest Atlantic Fisheries Organization, or NAFO);
- Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific;
- Convention for the Establishment of an Inter-American Tropical Tuna Commission (managed by the Inter-American Tropical Tuna Commission, or IATTC); and the
- Convention for the Conservation of Atlantic Tunas (managed by the International Commission for the Conservation of Atlantic Tunas, or ICCAT).



A more detailed description of these Conventions that provides management objectives, convention area, species managed, parties, and enforcement schemes and measures are available in Appendix H.

IMPLEMENTATION PLAN

Fully support the formulation of the National Plan of Action to combat Illegal, Unregulated and Unreported fishing (IUU-NPOA). Develop associated Coast Guard implementation plan.

Status: Ongoing. The U.S. IUU-NPOA was completed by an interagency work group and sent to OMB for clearance in July 2003. The associated Coast Guard implementation plan has been completed and is available in Appendix G to this plan.

Responsibility: Commandant (G-O/G-M)

Determine the expected long-term implications from the UNFSA. Determine possible alternatives/costs/courses of action

Status: Ongoing. Initial analysis of long term implications of UNFSA completed and incorporated into the UNFSA implementation plan. Costs incorporated into the Ocean Guardian five-year budget (Appendix E to this plan). Re-evaluate and update as necessary.

Responsibility: Commandant (G-O)

Seek budgetary, resource, and staffing support for effective implementation of this Agreement and as a result of the increased demands for CG high seas fisheries enforcement efforts.

Status: Not started. Submit resource proposals within one year to effectively implement the Ocean Guardian five-year budget (Appendix E to this plan).

Responsibility: Commandant (G-O)

Ensure operational units patrolling EEZ borders and high seas areas are aware of the opportunities the UNFSA offers to improve effectiveness in those operations. Leverage the Agreement when applicable.

Status: Ongoing. Update patrol orders and pre-patrol briefings to include a list of flag states party to UNFSA, and guidance to units conducting high seas boardings of vessels subject to the boarding and inspection provisions of UNFSA. Ensure units have applicable convention area charts for patrol areas. Policy guidance in the Maritime Law Enforcement Manual has been updated.



Responsibility: Commandant (G-O), Atlantic Area, Pacific Area

Pursue increased boarding, inspection, and monitoring provisions within the Northwest Atlantic Fisheries Organization (NAFO).

Status: Ongoing. Port Inspection Protocols and Observer Schemes currently under negotiation. The Coast Guard will continue to participate as principal enforcement advisor and member of the U.S. delegation at plenary, Standing Committee on International Control (STACTIC), and intercessional meetings. The Coast Guard will continue to participate as a member of the U.S. delegation and continue efforts to overhaul this organization's conservation and enforcement measures in alignment with UNFSA.

Responsibility: Commandant (G-O), Atlantic Area, CCGD1

Pursue increased boarding, inspection, and monitoring provisions with the International Convention for the Conservation of Atlantic Tunas (ICCAT).

Status: Not started. ICCAT has just begun developing integrated monitoring and control measures in the convention area, to include licensing and requirements for Vessel Monitoring Systems (VMS) and log books. The U.S. delegation does not have an enforcement advisor; the Coast Guard will participate as enforcement advisor for plenary and intercessional meetings involving monitoring, enforcement and compliance issues.

Responsibility: Commandant (G-O), Atlantic Area

Pursue increased boarding, inspection, and monitoring provisions with the Inter-American Tropical Tuna Commission (IATTC).

Status: Not started. IATTC has a standing work group on compliance, with NOAA Enforcement as the principal enforcement advisor. The Coast Guard provides enforcement input to NOAA prior to meetings. The Coast Guard will evaluate the need to increase boarding, inspection and monitoring provisions through IATTC and increase participation in meetings should enforcement in the convention area become a higher Coast Guard priority.

Responsibility: Commandant (G-O), Pacific Area

Pursue boarding, inspection, and monitoring procedures that more closely align with the UNFSA should directed fishing for Pollock resume within the Donut Hole.

Status: Ongoing. The U.S. delegation at the 8th Annual Conference to the Parties for the Conservation and Management of Pollock Resources in the Central Bering Sea proposed a re-activation of the enforcement committee in anticipation of



future resumption of fishing in the Convention Area. Although not supported by all Parties in Sept 2002, the CG will continue to participate as a member of the U.S. delegation and seek re-activation of the enforcement committee to pursue boarding, inspection and monitoring procedures aligned with UNFSA.

Responsibility: Commandant (G-O), Pacific Area, CCGD17

Pursue entry into force of the Convention for the Conservation of Highly Migratory Fish Stocks of the Western and Central Pacific (also known as MHLIC). Continue efforts through the ongoing Preparatory Conference process to incorporate boarding, inspection, and monitoring procedures with the Convention.

Status: Ongoing. The convention enters into force 6 months after the deposit of the 13th instrument of ratification. 19 nations have signed the agreement and 11 have deposited their instrument of ratification. The Coast Guard continues to participate as the enforcement advisor to the U.S. delegation to the Preparatory Conference process to develop an effective boarding and inspection scheme pursuant to article 26 of the Convention.

Responsibility: Commandant (G-O), Pacific Area, CCGD14

Integrate the UNFSA and promotion of this Agreement into the Coast Guard's International Strategic Plan. Identify appropriate avenues to forward this agenda.

Status: Not started.

Responsibility: Commandant (G-CI)

Continue initiatives through the North Pacific Heads of Coast Guard Agencies (NPHCGA) annual meetings, the NPHCGA Fisheries Work Group, technical consultations, and other venues of opportunity to encourage nations not already signatory to ratify the UNFSA.

Status: Ongoing. Only four of the world's 20 leading fishing nations have ratified the UNFSA. The Coast Guard will coordinate with Department of State to encourage nations to ratify the UNFSA at various fora.

Responsibility: Commandant (G-O, G-CI), Pacific Area, Atlantic Area