



Overview of International Provisions Regarding Illegal, Unreported, and Unregulated Fishing

The High Seas Driftnet Fishing Moratorium Protection Act (the “Act”) was amended by the Magnuson-Stevens Reauthorization Act of 2006, which was signed into law by the U.S. President in January 2007. This Act contains a number of provisions for both domestic and international fisheries stewardship that significantly shape the focus of fisheries management. This Act was also recently amended in January 2011 to include additional shark conservation measures.

This Act pays an unprecedented level of attention to international fisheries. The overarching approach is a call for the United States to work multilaterally through various fora, such as Regional Fishery Management Organizations (RFMOs), to address illegal, unreported and unregulated (IUU) fishing, bycatch of protected living marine resources (PLMRs), and shark conservation.

This Act also requires the United States to produce a biennial report that lists nations that the United States has identified as having vessels engaged in IUU fishing, bycatch of PLMRs, and/or high seas fisheries targeting or incidentally catching sharks not subject to a regulatory program for the conservation of sharks comparable to that of the United States, taking into account different conditions.

Pursuant to this Act, final regulations have been promulgated that establish identification and certification procedures to address IUU fishing activities and bycatch of PLMRs. The regulations set forth the procedures that the United States will use to work with nations identified in the biennial report as having vessels engaged in IUU fishing and/or bycatch of PLMRs. Nations identified for having vessels engaged in IUU fishing activities are required to take appropriate corrective action to address the activities described in the biennial report. Nations identified for having vessels engaged in PLMR bycatch are required to adopt regulatory programs for PLMRs that are comparable to U.S. programs, taking into account different conditions, and establish management plans for PLMRs. The absence of steps to address problems of IUU fishing or bycatch of PLMRs may lead to prohibitions on the importation of certain fisheries products into the United States and other measures. Future amendments will be made to the regulations to address shark conservation.

The Act also calls on the United States to promote improved monitoring, control, and surveillance for high seas and RFMO fisheries; improve the effectiveness of RFMOs through adoption of IUU vessel lists, stronger port state controls, market-related measures, and the adoption of measures to prohibit the removal of any shark fins and discarding the carcass at sea; and build capacity in other countries to ensure sustainable fisheries and regulatory enforcement.

The United States looks forward to actively working with other nations to achieve the goals of this Act in a cooperative and transparent manner.

Additional information may be found at: <http://www.nmfs.noaa.gov/msa2007/intlprovisions.html>

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