

## Greenpeace recommendations on the Fisheries Transparency Initiative Standard

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### 1. Background

As a civil society organization working on fisheries issues, Greenpeace advocates that processes established to achieve environmentally sustainable and socially responsible fisheries must be fully transparent to the public and enable the full and informed participation in decision-making processes of civil society organizations that have a genuine interest in protecting the health and integrity of marine ecosystems. Greenpeace thus shares the objective stated by the Fisheries Transparency Initiative (FiTI) “to promote transparency in the fisheries sector by producing reliable, publicly accessible and generally accepted information in form of regular country reports as a product of a consultative process.” After having attended two meetings of the FiTI advisory group, Greenpeace would like to offer comments on the FiTI standard currently under discussion.

### 2. Minimum requirements to become a FiTI member

FiTI participant countries will be, by joining the initiative, portraying themselves internationally as responsible actors in fisheries and as such, they should agree to comply with a set of minimum requirements related to transparency.

Full and informed participation by civil society organizations working on fisheries or the small-scale fishing sector is often hindered by the lack of access to basic information which should be available in the public domain, irrespective of whether this information needs to be included in FiTI national reports or not. International key instruments such as the FAO Code of Conduct for Responsible Fisheries already provide that “States should, to the extent permitted by national laws and regulations, ensure that decision making processes are transparent [...] should facilitate consultation and the effective participation of industries, fishworkers, environmental and other interested organizations in decision” (para 6.13); or that “States and subregional or regional fisheries management organizations and arrangements should ensure transparency in the mechanisms for fisheries management and in the related decision-making process” (para 7.1.9).

In particular, Greenpeace believes any country joining FiTI should agree as a minimum requirement, and irrespective of the content of FiTI national reports, to make publicly available:

#### 2.1. All national legislation relevant to fisheries, in its most up-to-date version

Lack of easy access to up-to-date national legislation is a recurrent problem in some regions. To give an example, the Sub-Regional Fisheries Commission (<http://www.spcsrp.org/>) attempts to provide an overview of the national legislation of its seven members. However such information is not always up-to-date and basic national regulations are sometimes missing for some countries. This makes it very difficult at times to understand what rules apply to vessels operating in certain countries waters.

One possibility which could be considered is that FiTI provides an online repository of all relevant legislation, or containing links to the legislation of participant countries, which FiTI countries would commit to make available and update. Irrespective of the chosen mechanism, any FiTI participant should commit to maintain an up-to-date, easily accessible, public repository of all national legislation relevant to fisheries. Note that “*relevant to fisheries*” involves in most countries also legislation relative to other areas, such as shipping (navigation, vessel registration, tonnage measurement, etc), trade in fish products, investments, etc.

#### 2.2. The list of all vessels authorized to fish in waters under the national jurisdiction of each FiTI country as well as all FiTI country's flagged vessels irrespective of where they operate

Making such up-to-date list of licensed vessels available, including information on ownership and license conditions, should also be considered a minimum requirement. It is important that all

national vessels be included irrespective of where they fish. All national vessels fishing outside their EEZ should also be included irrespective of their size.

While initially there were some concerns about including fishing activities on the high seas in the FiTI reporting requirements, it would be difficult for a country portraying itself as transparent to argue against the provision of information on vessels authorized to fish outside its economic exclusive zone, since it has well established obligations under international law to have the means to monitor and control the activities of such vessels. Not least since article the FAO Compliance Agreement already calls on States to maintain a record of fishing vessels entitled to fly their flag and authorized to be used for fishing on the high seas and to share such information with the FAO.

### **2.3. The texts of fisheries access and charter agreements and related protocols, be it with States or private companies**

Lack of transparency around access agreements has been an issue of great concern particularly for civil society, including artisanal fishermen, who has a right to know how public resources are being made accessible to foreign governments and/or companies and under which conditions. While FiTI national reports may contain a summary of such agreements and provisions, participant countries should make the terms and conditions of these agreements available to the public.

Steps in that direction have already been taken. Several tuna RFMOs (ICCAT, IOTC) already demand that countries share information on access agreements, including a copy of the written agreement. Some distant water fishing entities, such as the EU, make all their access agreements and protocols with third countries publicly available, and are further negotiating provisions where the coastal State commits to make public any agreement, whether public or private, giving any foreign vessel, irrespective of its nationality, access to resources occurring in its EZZ. Providing such information for all fleets operating in a country's EEZ would contribute to a level playing field, as well as the possibility for civil society to participate effectively.

Charter agreements and their provisions have been recognized as a significant problem in terms of monitoring and control of fishing activities and basic management aspects such as catch reporting. FiTI should contribute to solve the lack of information surrounding these arrangements by requiring participant countries to make charter agreements available to the public.

### **3. Clear definitions**

The terminology used in the FiTI draft reporting elements circulated in preparation for the second meeting of the FiTI advisory group (copied at the end of this document as an annex) was a bit uncommon for those working on fisheries issues. For example, the term "licensing agreement", referring to "fishing licenses" can create some confusion as to whether this is referring to licenses under access agreements or fishing licenses in general. We suggest that common fisheries terminology is adopted and that a section with clear definitions is included for discussion in the FiTI standard.

### **4. Reporting elements**

While the elements themselves are a fundamental aspect of the initiative, the way these are organized may be important in dealing with the substantial amount of information that would potentially be generated. Greenpeace believes the elements suggested in the documentation provided prior to the second meeting of the FiTI advisory group provide the right basis for the FiTI standard.

#### **4.1. Start from the list of vessels authorized to fish**

We would however suggest starting from the list of authorized vessels, rather than from the right holders. In our view, while in dealing with other extractive industries it may be different, in fisheries the easiest way to report on this information would be starting from requiring that all fishing authorizations be reported. This way all vessels authorized to fish in each FiTI country's waters and

by any FiTI country's flagged vessel irrespective of where it operates, would be included. From the list of authorized vessels, all other information could be derived, including all fishing companies/rights holders operating in a particular country.

The list of authorized vessels would also help to deal with the divide between industrial (and semi-industrial) vs artisanal fisheries, as it would rely on national legislation, rather than on a FiTI global discussion on the definition of industrial and artisanal: all vessels authorized should be available for any category which according to national legislation is subject to a license/permit/.... In the FiTI report, each national FiTI multi-stakeholder group can later discuss, taking into account relevant national legislation and definitions for which categories they present the information in an aggregated manner. The list of licensed vessels should include, at a minimum, the following information:

- name and flag of the fishing vessel;
- name of address of both the owner and operator (where they are different);
- national registration number;
- type of vessel, including gear type;
- port of registry;
- year of built;
- previous vessel name(s) and flag(s);
- vessel characteristics: length, tonnage, engine power, hold capacity,...
- international radio call sign (if issued);
- MMSI (if issued);
- unique vessel identifier (such as IMO number, if issued);
- terms and conditions of the fishing license, including: license fee where applicable; duration of the license; target species; gear; area of operation; any other.

#### 4.2. Reporting elements

In addition to the reporting elements presented in the documentation shared in preparation of the 2<sup>nd</sup> meeting of the advisory group, copied at the end of this document for referene, we would have interest in seeing the elements below be part of these discussions. While we understand not all of them may be included in the FiTI standard in its early stages we would however like to see them discussed by this group.

- on access agreements: specific mention not only to reporting on the amount of money received, but on how the money has been spent, particularly in relation to targeted payments (ie in the EU agreements with third countries, part of the payment is attached to specific expenditures such as MCS, scientific research, etc);
- aggregated compliance information: means of MCS and inspection (at port, at sea, in the market); number of inspections carried out; non-compliance cases detected; follow-up actions including number/amount of fines, and reporting on the amount and use of money collected through penalties;
- information on financial support to the fishing sector, including public subsidies;
- disaggregated compliance information (disaggregation can take place at different levels, from fleet segments and/or fisheries to individual operators);
- information on the state of resources in its waters, for all assessed stocks, including number of assessed stocks, result of the assessments as well as existing information gaps;
- consumption and trade data: imports and exports of fish products; processing;

**Annex – Suggested/draft reporting elements as circulated in preparation of the second meeting of the advisory group**

<b>1. Tenure Arrangements (Who has the right to fish?)</b>		
<i>→ Primarily for industrial fisheries</i>		
<b>ID</b>	<b>Reporting elements</b>	<b>Detailed information</b>
<b>1.1</b>	<b>List of individual rights holders</b>	<p><i>Information should specify for each rights holder<sup>9</sup>:</i></p> <ul style="list-style-type: none"> <li>• <i>Name of legal entity that holds a right to fish</i></li> <li>• <i>Address of legal entity</i></li> <li>• <i>&lt;Beneficial ownership of rights holder&gt;</i></li> </ul>
<b>1.2</b>	<b>List of vessels permitted to fish on behalf of the license agreement</b>	<p><i>Information should specify for each rights holder:</i></p> <ul style="list-style-type: none"> <li>• <i>Flag state of vessel(s)</i></li> <li>• <i>Vessel(s) name</i></li> <li>• <i>Vessel(s) ownership</i></li> <li>• <i>Vessel(s) identification number(s)</i></li> <li>• <i>Vessel(s) characteristics, including weight &amp; length</i></li> </ul>
<b>1.3</b>	<b>Terms of license agreement</b>	<p><i>Information should specify for each rights holder<sup>10</sup>:</i></p> <ul style="list-style-type: none"> <li>• <i>Duration of the license agreement</i></li> <li>• <i>Financial terms of license agreement</i></li> <li>• <i>Quantity and species of fish permitted to be caught for each vessel or rights holder, if applicable</i></li> <li>• <i>Permitted gear type</i></li> <li>• <i>Any restrictions on fishing activities (e.g. fishing zones, fishing times)</i></li> <li>• <i>Additional conditions attached to license agreement on local employment, landings, on board observers etc.</i></li> </ul>

**Regarding small-scale fisheries:**

1.1: Not applicable

1.2: Estimated number of fishers and fishing vessels; information should indicate numbers of fishers according to types of fishing vessel and/or gear types

1.3: Information on tenure arrangements; information should be disaggregated where possible for the district level. Information should indicate: 1. Areas considered open access; 2. Areas of exclusive access for small scale fisheries; 3. Areas under co-management.

## 2. Payments (What is paid for the right to fish?)

→ *Primarily for industrial fisheries*

<u>ID</u>	<u>Reporting elements</u>	<u>Detailed information</u>
2.1.	Actual payments made from each rights holder	<p><i>Information should specify for each rights holder<sup>11</sup>:</i></p> <ul style="list-style-type: none"> <li>• <i>Payments made as a license fee</i></li> <li>• <i>Payments in kind</i></li> <li>• <i>Additional payments related to variations in catches</i></li> <li>• <i>Fines and penalties</i></li> </ul>

Regarding small-scale fisheries: 2.1: Actual payments from small-scale fisheries; information should indicate payments from fishing permits, landing charges and any other income. Data should

## 3. Catches (How much is extracted?)

→ *Primarily for industrial fisheries*

<u>ID</u>	<u>Reporting elements</u>	<u>Detailed information</u>
3.1.	Actual catch data	<p><i>Information should specify for each rights holder<sup>12</sup>:</i></p> <ul style="list-style-type: none"> <li>• <i>Quantity of retained catches, including species composition</i></li> </ul>

be disaggregated where possible to indicate payments for the district level.

### Regarding small-scale fisheries:

3.1: Actual catch data from small-scale fisheries; information should be disaggregated for species.