



Marshall Islands Marine Resources Authority

RMI NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING

2020-2025



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Acknowledging assistance from NZMFAT*

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Republic of the Marshall Islands National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing 2020 – 2025.

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Acronyms and abbreviations

1982 UN Convention	United Nations Convention on the Law of the Sea of 10 December 1982
1993 FAO Compliance	Agreement to Promote Compliance and International Conservation and Management Measures by Fishing Vessels on the High Seas
1995 UN Fish Stocks Agreement	Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
ALC	Automatic Location Communicators
CA	Competent Authority
CC	Catch Certificate
CCM	Contracting Member, Cooperating Non-Member
CCRF	Code of Conduct for Responsible Fisheries
CDS	Catch Documentation Scheme
CITES	Convention on International Trade in Endangered Species
CNM	Cooperating Non-Members
CMM	Conservation and Management Measure
COFI	FAO Committee on Fisheries
EEZ	Exclusive Economic Zone
EU	European Union
FAD	Fish Aggregation Device
FAO	Food and Agriculture Organisation
FFA	Pacific Islands Forum Fisheries Agency
FSM	Federated States of Micronesia
FSMA	FSM Arrangement
FOC	Flag of Convenience
GDP	Gross Domestic Product
IMS	Information Management Systems
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IRI	International Registry Inc
LL VDS	Longline Vessel Days Scheme
MCS	Monitoring, Control and Surveillance
MIMRA	Marshall Islands Marine Resources Authority
MIRC	Marshall Islands Revised Code
MISP	Marshall Islands Sea Patrol
MTCs	Minimum Terms and Conditions for Fishing Access
MTU	Mobile Transceiver Units

Niue Treaty	1991 Regional Treaty on Cooperation in Fisheries Surveillance and Law Enforcement
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
PNA	Parties to the Nauru Agreement
PNG	Independent State of Papua New Guinea
PSMA	Port State Measures Agreement
RIMF	Regional Information Management Facility
RFMOs	Regional Fisheries Management Organizations
RMI	Republic of the Marshall Islands
RMIPA	Republic of the Marshall Islands Ports Authority
ROP	Regional Observer Programme
RoV	Record of Vessels
SIDS	Small Island Developing State
SPC	Pacific Community
TUBS	TUFMAN Observer Module
TUFMAN 2	SPC Tuna Fisheries Database Management System
TCC	Technical and Compliance Committee
UN	United Nations
USP	University of the South Pacific
UST	US Tuna Treaty
VMS	Vessel Monitoring System
VOGS	Vessels of Good Standing
VOI	Vessel of Interest
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean

Executive summary

RMI's National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU), has been developed following the International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU) adopted in 2001 by the Committee on Fisheries of the Food and Agriculture Organisation of the United Nations (FAO).

The IPOA-IUU is a voluntary instrument and is one of four IPOAs that fit within the framework of the FAO Code of Conduct for Responsible Fisheries, also adopted by COFI in 1995. It describes broadly accepted principles and measures to prevent and counter IUU fishing at the level of states, regional economic integration organisations and regional fisheries management organisations (RFMOs).

The present NPOA-IUU is in four parts;

- Part 1 provides background information and definitions;
- Part 2 gives a brief overview of the fisheries sector;
- Part 3 compares fisheries conservation and management legislation, policy and practice;
- Part 4 describes how RMI adheres to the provisions of the IPOA-IUU and identifies further actions needed to ensure full implementation.

The information in Part 4 is presented following the format of the IPOA-IUU, to allow for easy reference.

Implementation of the actions specified in the NPOA-IUU are supported in the Implementation Table shown at Attachment A.

The NPOA-IUU aligns with the principles of transparency, cooperation, integration, and the sharing of information and assets within the RMI Government.

The NPOA-IUU also recognises and relies on a high level of cooperation with regional and global partners such as the Pacific Islands Forum Fisheries Agency (FFA), the Secretariat of the Pacific Community (SPC), FAO, the Western and Central Pacific Fisheries Commission WCPFC, market states and industry.

Many of the fundamental principles on which the NPOA-IUU depends are covered in more detail in RMI's Strategic Plan.

RMI will continue to work with regional and international partners to ensure the conservation and long-term sustainable use of highly migratory and straddling stocks as well as the protection of the environment.

RMI will carry out reviews of this NPOA-IUU every five years and will submit relevant findings to the FAO and other parties.

To demonstrate RMI's continued adherence to the principles of the IPOA-IUU, MIMRA will pursue to the best of its abilities, the 15 action points identified in this NPOA.

1 Purpose and scope

1.1 Purpose

The purpose of this NPOA-IUU is to keep guiding RMI in prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU) in its waters, by its fleet, and through regional organisations such as PNA, FFA and WCPFC

It was developed following the International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU) adopted in 2001 as a voluntary instrument by the Committee on Fisheries of FAO.

1.2 Scope

The Plan principally concerns highly migratory and straddling stocks that are subject to management cooperation through the WCPFC.

The RMI NPOA-IUU follows the structure of the IPOA-IUU and describes measures that specifically address RMI's roles as a flag state, a coastal state, port state and processing state. It also refers to market-related procedures, measures to support the special requirements of developing countries, and actions to be taken by RMI through the WCPFC.

Some of the NPOA-IUU provisions reflect obligations that many states have accepted as binding, either through global instruments, RFMOs or through national legislative instruments.

This NPOA-IUU does not cover domestic fisheries for inshore and coastal species, which are managed through the provisions of other fishery-specific plans and regulations.

1.3 Definition of IUU fishing

This NPOA-IUU defines illegal, unregulated and unreported (IUU) fishing as follows:

Illegal fishing refers to activities:

- conducted by national or foreign vessels in waters under the jurisdiction of a state, without the permission of that state, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of states that are parties to a relevant RFMO but operate in contravention of the conservation and management measures adopted by that organisation and by which the states are bound, or relevant provisions of the applicable international law; or
- in violation of national laws or international obligations, including those undertaken by cooperating states to a relevant RFMO.

Unregulated fishing refers to fishing activities:

- in the area of application of a relevant RFMO that are conducted by vessels without nationality, or by those flying the flag of a state not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or
- in areas or for fish stocks to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with state responsibilities for the conservation of living marine resources under international law.

Unreported fishing refers to fishing activities:

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- undertaken in the area of competence of a relevant RFMO which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.

These definitions are consistent with those used by the FAO IPOA-IUU.

1.4 NPOA Principles and Strategies

The NPOA-IUU incorporates the following principles and strategies consistent with those articulated by the FAO IPOA-IUU:

- Participation and coordination: To be fully effective, the NPOA-IUU will be implemented by RMI either directly, in cooperation with other states, indirectly through WCPFC, or via FFA or other appropriate international organisations. The full participation of stakeholders including industry, fishing communities, and non-governmental organisations, has been encouraged;
- Phased implementation: Measures to prevent, deter and eliminate IUU fishing will involve the earliest phased implementation of the NPOA-IUU and regional and global actions. Since not all actions can be completed immediately, a phased approach will be followed;
- Comprehensive and integrated approach: RMI will embrace measures that build on its responsibilities as a flag state and will use a range of mechanisms compliant with international law, including port state measures, coastal state measures, market-related measures and measures to ensure that RMI nationals do not support or engage in IUU fishing. This will require the participation of various government agencies as well as other stakeholders;
- Conservation: RMI's measures to prevent, deter and eliminate IUU fishing are designed to be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment;
- Transparency: The NPOA-IUU will be implemented transparently following Article 6.13 of the FAO Code of Conduct for Responsible Fisheries (CCRF).
- Non-discrimination: The NPOA-IUU will be applied without discrimination in form or fact against any state or its fishing vessels.

2 RMI's Oceanic Fisheries

The Republic of the Marshall Islands (RMI) consists of 29 coral atolls and five single islands in the equatorial and tropical Pacific Ocean between 2° and 17°N latitude and 157° and 175°E longitude. It has an exclusive economic zone (EEZ) of about 2,131,000 km² with a land area of about 181 km² making it the fourth largest EEZ amongst the other Pacific Islands Countries (excluding the Territories) and the 19th largest EEZ in the world. Nearly half of its EEZ borders international waters to the north and the other half borders three other Pacific Island nations (the Federated States of Micronesia, Nauru and Republic of Kiribati) to the south. RMI maritime limits are presented in Figure 1

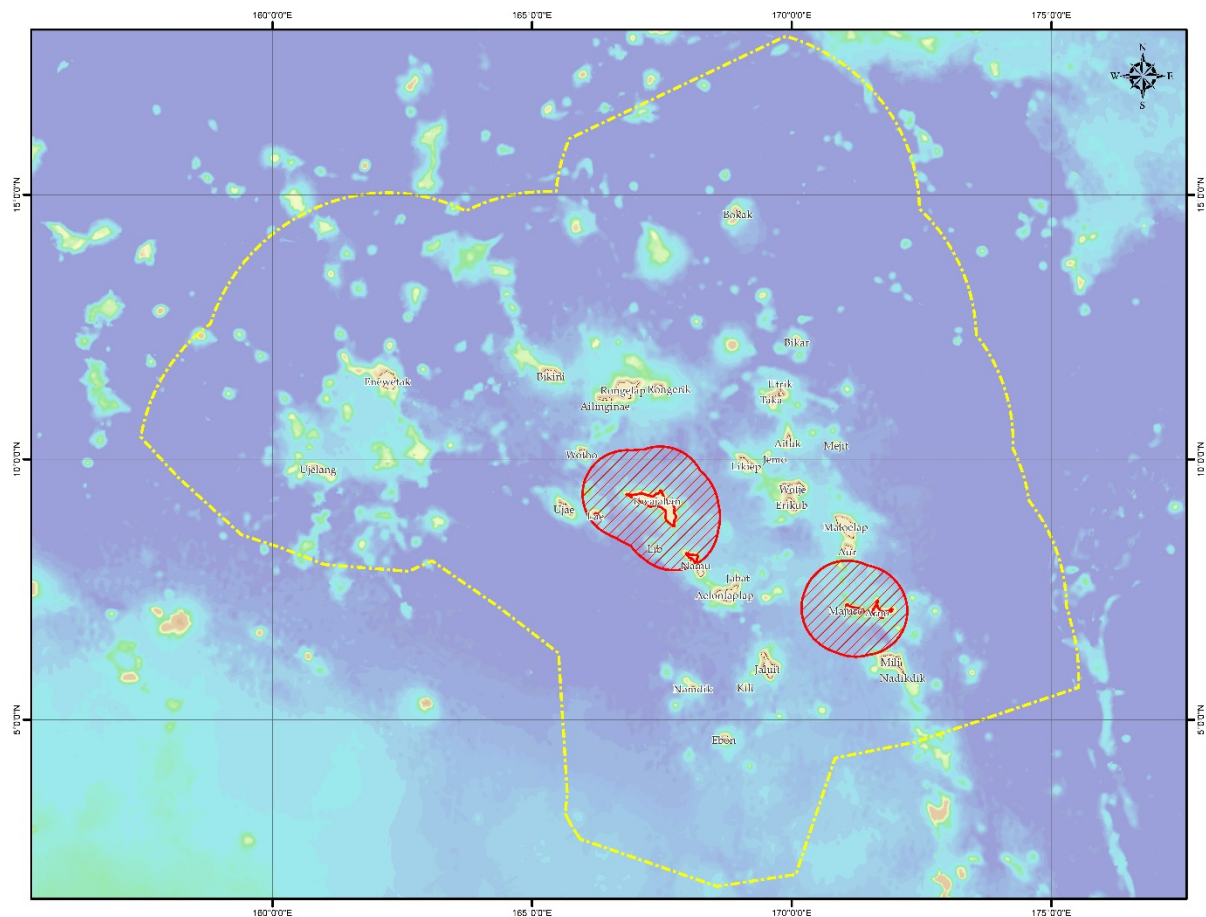


Figure 1: Maritime limits of RMI

The national development and management of the marine resources within the RMI are under the jurisdiction of MIMRA.

MIMRA operates under the Fisheries Act 1997 (amended 2011 and 2016), which establishes a comprehensive framework for fisheries management. MIMRA's rights and authority regarding fish and fishery resources in Fisheries Act 1997 relevant to the oceanic fisheries are outlined in Part 1 Sections 203 – 209, 211-13, and Part II Section 236, Part IV 229 - 231.

MIMRA is also guided by the Marine Resources Act 1997 (revised 2002), Tuna Management Plan 200-2025, Fisheries Enforcement Act 1997 (Amended 2011), Marshall Islands Maritime Zones Declaration Act 2016 (2016), Fishing Access and Licensing Act 1997 (amended 2011), National Plan of Action to Prevent IUU fishing (being amended hereby) and the Endangered Species Act (1975)

The functions, roles and responsibilities of MIMRA and its staff are defined under the *Marshall Islands Marine Resources Act 1997 (2002) Part II*. Under the Act, the powers and functions of MIMRA are vested

and exercised by a Board of Directors, which consists of seven members: The Minister of Natural Resources and Commerce who serves as Chairman and six other members appointed by the President and the Cabinet. Four of the six members are required to have knowledge and experience in the fisheries sector, and the Director of MIMRA serves as the "Secretary of the Board."

The Executive Director supervises six MIMRA divisions:

- Oceanic and Industrial Affairs;
- Coastal and Community Services (with sections responsible for policy, planning, statistics, aquaculture, and repairs and maintenance);
- Competent Authority
- Corporate Services and Finance; and
- Legal Affairs Division.

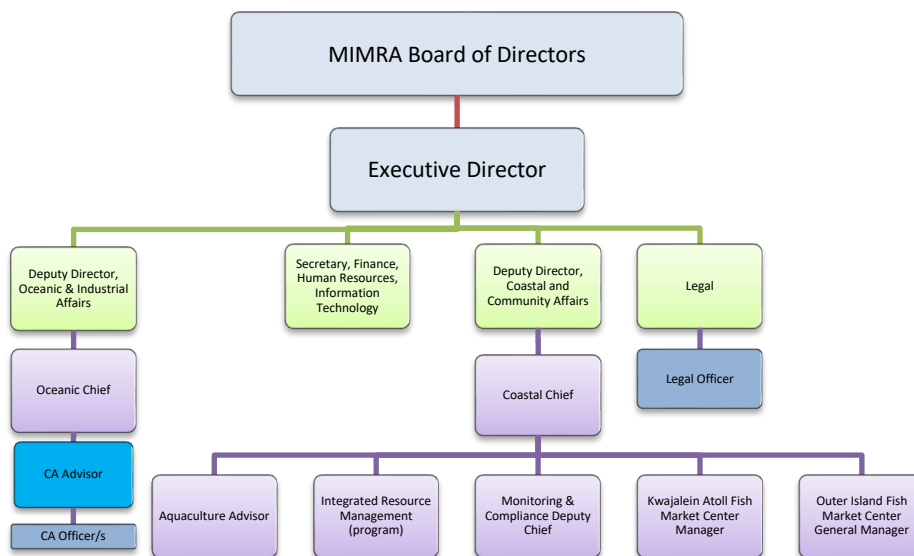


Figure 2: Corporate structure of MIMRA – need to update

MIMRA activities are funded from fishing access fee revenues. The Ministry of Natural Resources and Commerce is the oversight Ministry for MIMRA, with the Minister as Chairman of the MIMRA Board. The Board of MIMRA includes representatives from relevant government departments and the private sector. Fisheries policy is primarily driven by MIMRA, with the approval of the Board, and where legislative change is involved, the National Parliament (Nitijela).

Marine resources are one of RMI's vital resources. Managing the oceanic fisheries resources for RMI has always been an important responsibility. With the introduction of the Vessel Day Scheme in 2010, revenues from the offshore tuna fishery became a significant source of income for RMI. For this reason, MIMRA must develop an IUU NPOA that clearly outlines what the Authority does and intends to do in regards Monitoring, Control and Surveillance (MCS) including Port State Measures (PSM) as to support this IUU NPOA.

The main species by volume in RMI's oceanic fisheries are skipjack tuna, yellowfin tuna, and bigeye tuna, although there are other species taken. The primary industrial fishing method is purse seine, followed by longline and some pole & line fishing.

RMI has eight nationally flagged and two chartered purse seine vessels fishing in the WCPO which in 2018 caught a total of 71,963 metric tons of tuna. Skipjack is the prominent species caught in the purse seine fishery is comprised of 93% of the total followed by yellowfin, 6% and bigeye tuna, 1%.

RMI also had 26 chartered longline vessels fishing in its EEZ that caught a combined total of approximately 2,187 metric tons of tuna and about 488 of marlin and swordfish. These foreign-flagged

longline vessels operate in support of domestic development activities and work from the Marshall Islands Fishing Venture (MIFV) Fish Base.

There are approximately 208 foreign vessels licensed to fish in RMI, but not all of them fished in one year. Table 1 shows the breakdown of the licensed foreign vessels by gear for 2018.

Flag	PS	LL	P&L
China (chartered)	8	26	
FSM	9		
Japan	25	6	11
Korea	24		
Kiribati	5		
Philippines	13		
Chinese Taipei	23		
Tuvalu	1		
USA	31		
FSMA	76		
Totals	215	32	11

Table 1: Breakdown of the foreign by gear for 2018

In addition to fleet operations in the EEZ, RMI has developed significant shore-based facilities including the Marshall Islands Fishing Venture (MIFV) longline Fish Base processing fresh, chilled tuna and the Pan Pacific Foods (PPF) loining plant processing skipjack from the purse seine fishery.

The RMI Government also maintains a joint venture partnership with Koo's Fishing Company, Ltd. (KFC). This venture continues to provide an additional revenue stream as well as acting as a catalyst for further on-shore developments. Local companies such as the Pacific International Inc. also contribute to local value-adding through fish handling and export shipments.

In 2018, there was a provisional total of 2,822 mt of fish unloaded by the longline fleet and most of it was bound for export markets. MIFV exports mainly fresh, chilled tuna species to markets in the US, China and Canada. Frozen fish (rejects and bycatch), designated as local, are shipped to Asia via transport containers and sold locally.

Majuro port is the only designated port for transshipment in RMI and a major regional hub for purse seine transshipment. A recent paper¹ identifies Majuro as the second busiest port in the world after Busan in South Korea based on the number of foreign vessel visits (1168) and the first in the world in terms of foreign fishing vessel hold size (943,000 m³).

In 2019, there were 595 FV (including carriers arrivals to Majuro of which 509 were foreign-flagged). Table 2 presents the breakdown per flag.

Flag State	# of entries	%
Taiwan	146	24.54

¹ Hosch, Gilles; Soule, Bradley; Schofield, Max; Thomas, Trevor; Kilgour, Charles; and Huntington, Tim (2019) "Any Port in a Storm: Vessel Activity and the Risk of IUU-Caught Fish Passing through the World's Most Important Fishing Ports," Journal of Ocean and Coastal Economics: Vol. 6: Iss. 1, Art.

Panama	90	15.13
RMI	86	14.45
FSM	64	10.76
USA	55	9.24
PNG	44	7.39
China	26	4.37
Nauru	18	3.03
Korea	17	2.86
Solomon Islands	12	2.02
Vanuatu	10	1.68
Kiribati	9	1.51
Philippines	9	1.51
Liberia	4	0.67
Japan	3	0.50
NZ	1	0.17
Tuvalu	1	0.17
Total	595	100

Table 2: Breakdown of transshipments in Majuro per flag state (2018)

These vessels took part in 481 transshipments with a provisional total of 338,628 mt of SKJ, 30567 mt of YFN and 3227 of BET transhipped.

3 Fisheries Governance and Management

3.1 Statutory enforcement and management organisations

MIMRA receives its mandate to operate as an independent authority managing the fisheries resources for the Republic of the Marshall Islands from the *Marshall Islands Marine Resources Act of 1997*. Specifically, its mandate comes from section §119. *Powers and Functions of the Authority*

1. *Unless otherwise provided in this Title, the Authority shall have the exclusive powers and functions to:*
 - a. ***conserve, manage and sustainably develop all resources in the Fishery Waters and seabed and subsoil thereunder, in accordance with the principles and provisions in this Title and in sub-regional, regional and international instruments to which the Republic of the Marshall Islands is party;***
 - b. *establish management plans and programs to manage the resources in the Fishery Waters;*
 - c. *issue licenses in accordance with this Title;*
 - d. *issue licenses for the exploration and exploitation of the seabed and subsoil of the Fishery Waters;*
 - e. *negotiate and conclude access agreements and fisheries management agreements on behalf of the Government in accordance with Article V, Section 1(d) of the Constitution and Part I of Chapter 4 of this Title;*
 - f. *implement by regulation or otherwise as appropriate access agreements or fisheries management agreements to which the Republic of the Marshall Islands is party;*
 - g. *act as the Competent Authority for the purpose of implementing the international fisheries and related obligations of the Marshall Islands;*
 - h. *coordinate and manage fisheries monitoring, control and surveillance and, in consultation with the Attorney-General, enforcement of this Title;*
 - i. *appoint authorised officers and observers in accordance with this Title;*
 - j. *cooperate in the conservation and management of highly migratory fish stocks as appropriate with other coastal States in the region and States fishing in the region and high seas area and participate in appropriate sub-regional, regional and international organisations or arrangements relating to fisheries;*
 - k. *participate in the planning and execution of projects, programs or other activities related to fisheries or fishing, or the exploration or exploitation of the non-living resources of the Fishery Waters, seabed or subsoil thereunder, in which the Government or any agency or instrumentality that has a proprietary interest, direct or indirect, by way of stock ownership, partnership, joint venture or otherwise;*
 - l. *regulate the processing, marketing and export of fish and fish products;*
 - m. *seek technical assistance for the determination of the Fishery Waters zones and boundaries;*
 - n. *submit the budget and a report regarding the expenditure of its funds to the Nitijela on an annual basis, (o) perform such other duties and functions as may be necessary to carry out the purposes and provisions of this Title.*

MIMRA formulates and implements management measures as per the Marine Resources Act, Republic of the Marshall Islands.

Specific subtasks undertaken by Oceanic and Industrial Affairs Division include licensing, national fisheries database (data collection and statistics), research and monitoring (port sampling and observer programmes), international liaison, and collaboration in national MCS.

Both MIMRA and Marshall Islands Sea Patrol undertake fisheries enforcement duties, mostly at sea boardings. RMI Sea Patrol comes under the Department of Public Safety, reporting to the Ministry of Justice and operates the patrol boat *Lomor (soon to be replaced)*, with assistance from the Royal Australian Navy Maritime Surveillance Advisor.

Periodic patrols of the EEZ averaging 100 days annually are conducted based on fishing vessel activity information provided by MIMRA, as well as data generated from VMS coverage. These patrols work in coordination with aerial patrols undertaken by the US Coast Guard, as well as the FFA aircraft when operational in RMI.

Additional assets support is provided by the US coastguard (US Ship Rider Programme)², as well as through joint FFA coordinated exercises. These exercises include four operational Joint Deployment Programmes (JPDs). Each action is supported by hard assets and technical knowhow from Australia, New Zealand, France and the USA, as well as the cooperating Pacific island countries.

MIMRA Port Operations are consistent with PMSA, and in line with title §506 Port State Measures of the Act guide the requirements by which a foreign fishing vessel must comply with or is subjected to as a condition for the use of ports within RMI. This key role is enhanced by the 2017 WCPFC PSM CMM and FFA's PSM framework. In port, MIMRA duties include inspecting fishing vessels on landing and transshipment. Vessel inspection and transshipment monitoring involve 100% of all Purse Seine vessels and 25% of Longliners entering Majuro. PSM activities are further described in section 4.5

The VMS system used is the FFA Trackwell supplemented by the Regional Surveillance Picture in Google Earth. They are two separate stations, one at MIMRA and the other at Sea Patrol, allow tracking, through a google interface, via a traffic light system associated to the FFA compliance index, with red for Vessels of Interest (Vol).

MIMRA operates a pool of boarding officers, with the provision for MIMRA licensing officer to be co-opted as an additional resource.

MIMRA also has two full-time legal practitioners, a legal counsel and a legal officer, with delegated powers to act on behalf of the Attorney General.

Performance against the implementation of the WCPFC measures is assessed annually by the Technical and Compliance Committee (TCC) of WCPFC under the conditions of WCPFC 2011-06 (CMM 2010-03/2011-06). It is noteworthy that RMI was judged to be compliant on the application of all CMMs in 2019.

As a condition of license to fish in the RMI and in line with PNA measures, all purse seine vessels have 100% observer coverage while in RMI and PNA waters. Coverage of longliners has fallen to below 5% and is to be increased to be consistent with the WCPFC benchmark (WCPFC CMM 2008-01) and may increase further if required. RMI's national observer program is an authorised observer provider under the WCPFC's Regional Observer Programme (ROP).

Observers from the WCPFC Regional Observer Programme (ROP) are required on vessels that operate in more than one coastal State jurisdiction, as well as on the high seas.

The observer group comprises a pool of trained observers of which ten are senior observers and one debriefer. The scheme is supported by an ongoing training programme in place to make up for observer attrition.

All Pacific Island observers are required to complete comprehensive training modules developed by SPC and FFA and are subject to training, debriefing and performance review procedures. Observers debrief on disembarkation and after that enter the data into the SPC TUFMAN2 Observer Module (TUBS).

² Ship Rider provides for use of US coastguard vessels operating with the Compact country zones. US coastguard might report suspicious activities. However, MIMRA or Sea Patrol personnel would be on the vessel for specific actions to be taken.

3.2 Management Measures

The governance and fishery management organisations for tuna and related species in the Western Central Pacific Ocean (WCPO), and the tuna purse seine fisheries in particular include; the national governments, the Parties to the Nauru Agreement (PNA) and the Western & Central Pacific Fisheries Commission (WCPFC).

The regional organisations that provide management services to the Pacific Island countries are the Party to the Nauru Agreement Office (PNAO), which monitors Party members VDS uptake and advises the parties on sub-regional management measures; the Forum Fisheries Agency (FFA) based in the Solomon Islands which provides technical support and training in tuna fisheries; and the Secretariat of the Pacific Community (SPC) based in New Caledonia, which includes stock assessment support for tuna.

RMI implements both WCPFC management measures and PNA Implementation Arrangements. The measures are implemented through minimum terms and conditions applied on each license and apply to all vessels fishing within the EEZ, and also to RMI vessels when fishing throughout PNA waters.

3.2.1 National

The *Fisheries Act* establishes control by the government over the living and non-living resources in the EEZ and provides for the conservation, management and development of these resources. The Act also requires MIMRA to cooperate with other States concerning shared and straddling fish stocks. Amendments to legislation are drafted by the Attorney General, supported by MIMRA and reviewed by Cabinet. The draft legislation is then passed for Parliament, for approval.

The following management measures apply in Title 51 of the Marshall Islands Revised Code:

- All fishing vessels must apply for a fishing license as a condition of access. Additional licensing terms and conditions are in the Access Agreements. Access Agreements are subject to various arrangements which range from Bilateral (Distant Water Fishing Nations [DWFN] fleets) to Multilateral (US Treaty, FSM Arrangement).
- MIMRA issues fishing licenses for all fishing vessels authorised to operate in the RMI EEZ. Types of fishing licenses include Foreign, Locally-Based Foreign, and Domestic for the three main gears, which are Purse Seine, Longline, and Pole and Line. Fishing vessels also include support vessels such as Bunkers and Carriers.
- Fees and costs associated with licensing are subject to negotiation with bilateral/foreign fishing associations and companies as well as domestic fishing companies according to the Fishing Access and Licensing Act. License fees and associated costs are separate from those charged for fishing days under the VDS.
- Negotiations of Access Agreements are undertaken by MIMRA management in consultation with the Chairman and Board of Directors and take usually place at the end of the calendar year.
- Territorial seas, 50nm within Majuro Atoll and 50nm within Kwajalein Atoll
- Gear restrictions Large scale drift nets, trace wire

3.2.2 WCPFC

RMI implements both WCPFC management measures and PNA Implementation Arrangements. The measures are implemented through minimum terms and conditions applied on each license and apply to all vessels fishing within the EEZ, and also to RMI vessels when fishing throughout PNA waters

The core purse seine management measures implemented include all those covered under WCPFC CMM 2008-01³, now amended by CMM 2012-01, including the endorsement of the purse seine VDS, 100%

³ WCPFC CMM 2008-01, Conservation and management measure for yellowfin and bigeye tuna in the WCPO

observer coverage, seasonal prohibitions in the use of Fish Aggregation Devices (FADs), prohibited access to the high seas pockets (HSPs) and retention of all tuna bycatch species.

A summary of the main WCPFC measures is provided in Table 3 below:

CMM	Specifics
CMM 2004-03 Marking of fishing vessels	Specifications for the marking of fishing vessels.
CMM 2007-01 Regional Observer Programme (replaced by 2018-05)	Functions of Regional observers; Obligations of the CCMs; Role of the coastal state; Guiding principles for the operation of the ROP;
CMM 2007-02 VMS in the Convention area (replaced by 2014-02)	Application of the Commission VMS (geographical distinction); Applicable to all vessels > 24 m; VMS Standards Specifications Procedures (SSPs).
CMM 2008-01 (replaced by 2020-01)	Limit high seas purse seine effort to 2004 levels or average 2001-04; Limit EEZ effort to 2010 levels (PNA) or take compatible measures; Operating the purse seine Vessel Day Scheme (VDS); FAD closure – 3 months from 2010, and 4 months from 2013 (with a flexibility formula); Closure of 2 high seas pockets; 100% catch retention/no discards (for tuna species); 100% observer coverage.
CMM 2008-03 Sea Turtles (replaced by 2018-04)	Implement FAO Guidelines; Comatose turtles to be brought on board and resuscitation attempted; Proper handling and release techniques and equipment to be applied as per WCPFC Guidelines; Purse seine operators to follow specific procedures to avoid and release turtles; Purse seine operators to report all interactions and provide reports to WCPFC.
CMM 2009-01 Record of fishing vessels and authorisation to fish (replaced by 2018-06)	Authorisation to fish; Members record of fishing vessels; WCPFC Record of fishing vessels.
CMM 2009-06 Transshipment	Notification of designated ports and ports of transshipment; Reporting on transshipments in the high seas; Carriage of observers and definition of their monitoring duties; Transshipping authorisations (longliners) if applicable.
2010-03: Compliance monitoring (replaced by 2019-07)	Monitoring and reporting systems implemented: Catch and effort limits; Catch and effort reporting; Spatial and temporal closures and gear restrictions; Observer and VMS requirements; and Scientific data provision, reporting and handling.
2010-07: Sharks (replaced by 2019-04) Single comprehensive shark CMM covers all sharks incl species specific requirements	Members comply with reporting systems confirming the Implementation of the National Plan of Action on Sharks; Require full utilisation through the retention of the carcass; , <u>requiring fins and carcasses to be offloaded together at the point of first landing</u> ; Prohibit retention, transshipment or trading in fins caught in contravention; Encourage live release of sharks in non-target fisheries.

Table 3: WCPFC measures relevant to the RMI

Performance against the implementation of the WCPFC measures is assessed annually by the Technical and Compliance Committee (TCC) of WCPFC under the conditions of WCPFC 2011-06 (CMM 2010-03/2011-06). It is noteworthy that RMI was judged to be compliant on the application of all CMMs in 2019.

In response to specific weaknesses in WCPFC measures, PNA has also adopted additional measures⁴ which include an extension of closures to all high seas areas (high seas areas between 10°N and 20°S and 170°E and 150°W 20°S)⁵; an increase in the minimum mesh size for purse seine nets to 90 mm (3.5 inches) measured from knot to knot in the bunt and 240 mm (9 inches) in 70 % of the body of each purse seine net; and a ban on the setting of whale sharks (PNA, 2010).

3.3 Institutional Arrangements

MIMRA is responsible for the enforcement of RMI's national fisheries legislation which incorporates regional and sub-regional regulations and measures. It also aligns itself with other member countries through multilateral and bilateral MCS treaties and agreements like the NTSA, FFA regional operations and the smaller bilateral surveillance operations.

National MCS capabilities have improved with emerging technology, alongside the increasingly open information-sharing network in the region. In 2019, MIMRA established an operations centre equipped with the tools to fulfil its national and international MCS obligations.

With Majuro being one of the world's busiest tuna transshipment ports, day-to-day MCS operations include intelligence analysis on vessel arrivals to ensure legal fishing practices of fishers before and during port use. MIMRA is currently implementing an inspection plan for arriving vessels in port. (Further discussed in section 4.5) Transshipping vessels are monitored for catch verification and certification.

National EEZ surveillance is also a vital MCS practice. RMI is not only a coastal state, but the EEZ is part of a highway for vessels crossing to and from Asian countries. MIMRA incorporates and utilises tools provided by FFA and PNA Fisheries Information Monitoring System (FIMS) to monitor these activities, including effort allocations and limits.

3.3.1 Vessel Registry

The International Registry Inc (IRI) is the authorised body responsible for registering vessels flagged to the Marshall Islands. The MIMRA is in charge of authorising vessels on the MIMRA Record of Fishing Vessels (RoV), and after that submitting details of vessels RoV onto the Western and Central Pacific Fisheries Commission positive list.

IRI maintains a register of the operators or beneficial owners of vessels flying the Marshall Islands flag, including their nationality. Details of Fishing Vessels, through the application, are jointly made available to both IRI and MIMRA, and decision on registration requires pre-verification and formal exchange of information between the two parties.

3.3.2 Ministry of Justice, Immigration and Labor

The Ministry of Justice, Immigration and Labor is nominated as the responsible line ministry for the control and enforcement of laws, regulations and conservation and management measures. The Ministry is responsible for drafting legal statutes, and the application of the law. Through the MIMRA legal officer, it is proactively engaged in supporting the compliance functions and implementing actions, both criminal and civil.

⁴ Resolution of the PNA of the PNA Ministers to Amend the Third Arrangement Implementing the Nauru Agreement setting forth additional terms and conditions of access to the Fisheries Zones of the Parties

⁵ The closure of additional High Seas areas between 10N and 20S and 170E and 150W, effective 1 January 2011, PNA Circular 2010-01, 24 May 2010, Outcomes of the 29th Annual Meeting of the Parties to the Nauru Agreement (PNA29), 19-23 May 2010, Majuro, Marshall Islands. It was noted that this had not been introduced as part of the Kiribati Minimum Terms and Conditions (MTCs).

3.3.3 ***The Marshall Islands Ports Authority (RMIPA)***

is responsible for the pilotage, anchoring and berthage within Majuro Atoll. It has no enforcement role, but is informed, if required of any detentions, and requires notification that vessels have been released from the necessary authorities, including MIMRA and Sea Patrol Division.

3.3.4 ***Others***

Other relevant Marshall Islands institutions with involvement in fisheries include the Ministry of Foreign Affairs, Asia Pacific Desk, which is active in international aspects of fisheries policy, including work related to the WCPFC Convention and other regional and international aspects of fisheries affairs.

Republic of the Marshall Islands Environmental Protection Agency (RMI EPA) is responsible for sanitation on board fishing vessels, especially concerning water quality and discharge. However, it does not undertake any functions as a competent authority responsible for food safety.

4 Implementation of the IPOA-IUU

4.1 Scope

The following sections describe how RMI adheres to the provisions of the FAO International Plan of Action to Combat, Deter and Eliminate Illegal, Unregulated and Unreported Fishing and, where necessary, any further specific actions RMI may need to take to improve its implementation. Information is presented following the format and structure of the IPOA-IUU.

4.2 All state and coastal state responsibilities

4.2.1 International instruments

IPOA-IUU Articles 10 to 15 encourage states to give full effect to appropriate norms of international law. This includes the ratification of UNCLOS, the FAO Compliance Agreement, and the conservation and management measures of competent RFMOs.

RMI is a party to the following international legal instruments relating to fisheries conservation, management and development:

Instrument	Status
WCPF Convention	Ratified in 2000
1982 UN Convention of the Law of the Sea	Ratified in 1991
1995 UN Fish Stocks Agreement	Ratified in 2003
Driftnet Convention	Ratified in 1989
CITES	RMI is not Party to CITES. The Fisheries Act may, by proclamation, declare any fish as protected which are designated as endangered by International agreement on advice from the Director.
Port State Measures	Not formally but supporting measures in the Marshall Island Revised Code (MIRC), 2011. And Operationally aligned to PSMA.
FAO Code of Conduct	Accepted and implemented through the Marine Resources Act and the Tuna Management Plan
IPOA-IUU	Endorsed in 2005
Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement	Ratified in 1991

Table 4: Summary of ratification of primary international fisheries instruments by RMI

The endorsed agreements are formally adopted in the Marshall Island Revised Code (MIRC), 2011. Any changes to Pacific Island treaties, the Palau Arrangement (on VDS)⁶, the Nauru Agreement⁷ and the Niue Treaty, are all subject to ratification by Cabinet. PNA Implementation Arrangements and WCPFC

⁶ The Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery (As Amended), as revised by the Ninth Annual Meeting of the Parties to the Palau Arrangement, 18-19 May, 2004. Available from <http://www.ffa.int/system/files/%252Fhome/ffaadmin/%252Ffiles/ffa/Palau%20Arrangement.pdf>

⁷ PNA 3rd Arrangement Implementing the Nauru Agreement Setting Forth Minimum Terms and Conditions of Access to The Fisheries Zones of The Parties. http://www.spc.int/coastfish/countries/nauru/nfmra/laws/PNA_Third_Implementing_Arrangement.pdf

management measures are introduced automatically and applied through the MTCs. These changes are deliberated through MIMRA but also submitted to Cabinet for endorsement.

NPOA Action Point 1: MIMRA to maintain implementation, through supporting compliance actions, WCPFC CMMs and PNA IAs as and when these are amended

4.2.2 *National legislation*

IPOA-IUU Articles 16 and 17 encourage states to develop legislation which covers, in an effective manner, all aspects linked to IUU fishing, notably the application of licensing conditions. Articles 16 and 17 encourage countries to develop legislation which covers effectively all aspects linked to IUU fishing, notably the application of licensing conditions.

The main legislation dealing with fisheries management in the RMI is Title 51, Chapter 2, and Fisheries enforcement, Chapter 5 of the Marshall Island Revised Code (MIRC), of the Republic of the Marshall Islands.

The Fisheries Management chapter includes references to the following statutory requirements:

- Conservation and management measures;
- protection of certain species;
- protection and promotion of artisanal fisheries;
- fisheries Exclusion Zone;
- cooperation on high seas fishing for highly migratory fish stocks;
- consultation on international fisheries management;
- fishing with poisons or explosives;
- limitations on taking turtles;
- control of sponges;
- control of *pinctada margaritzfera* (black-lip mother of pearl oyster shell);
- prohibition of harvesting trochus except during open season;
- introduction of fish into Fishery Waters;
- prohibition of removal of fish from nets, traps;
- protection of fish aggregating devices, artificial Reefs mooring buoys, floats, trays etc.;
- protection of fishing vessel or gear;
- use of possession of prohibited fishing gear;
- prohibition of driftnet fishing;
- prohibition of trade in fish, fish products, or other marine resources;
- commercial sale of endangered species;
- export of live fish, fish products or other marine resources;
- certification of fish and fish products;
- prohibition of Commercial Shark fishing;
- prohibition of taking of sharks, possession, sale and trade;
- Penalties;
- provisions on fishing permits (date of validity, revocation and issuance);
- the Fisheries Management chapter includes references to the following statutory requirements.

A summary of national monitoring tools that apply to the vessels include:

- Enforcement Responsibility;
- Marshall Islands Record of Fishing Vessels;
- authorisation to fish in areas beyond the Fishery Waters;
- Use of Vessels of other flags by the Marshall Islands beyond the Fishery Waters;

- Port State measures;
- Mobile Transceiver Unit requirements;
- Vessel Monitoring System – Information;
- Mobile Transceiver unit – Evidence;
- Catch Certification;
- appointment, powers and duties of authorised officers and observers jurisdiction, legal proceedings and evidence;
- forfeiture and disposition of seized or confiscated property.

NPOA action point 2: MIMRA to maintain the effective application of the Marshall Island Revised Code.

4.2.2.1 Control over nationals

IPOA-IUU Articles 18 and 19 encourage states to exercise control over their nationals to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing. They also encourage states to cooperate with other states to identify such nationals involved in IUU fishing and to discourage nationals from registering vessels under the jurisdiction of states not meeting their flag state responsibilities.

An RMI fishing vessel means any fishing vessel which is registered in RMI or the operations of which are based on a place in RMI and which is wholly owned by, part-owned by, an RMI beneficiary including private individual, State or Government shareholding, or contributing to the domestic value-adding through fish processing.

RMI maintains a register of the operators or beneficial owners of vessels flying its flag, including their nationality. Before registration, IRI formally consults preceding registries on the vessel history, and MIMRA runs a check against the RFMO IUU blacklists. Vessels (fishing vessels, carriers and tankers) are registered on the IRI, but after that, fishing vessels are registered on a separate MIMRA Record of Fishing Vessels and submitted on the positive list.

The process strengthening cooperation between MIMRA and IRI is being formulated in a Memorandum of Understanding (MoU). A Standard Operating Procedure (SOP) ensures consistency in the process.

It is an offence under the Act for an RMI flag vessel to operate in areas under the jurisdiction of another country or countries, in contravention of relevant fisheries management regulations. Such an offence can attract a fine of up to US\$1 million⁸.

RMI is also bound by WCPFC CMM 2004-01 to ensure that flag vessels are authorised to fish in the WCPFC regions in areas beyond fishery waters and that such vessels are on the Commission's Record of Fishing Vessels. Section 505 of the Act, establishes the jurisdiction of the court over any RMI, vessel, citizen or resident that contravenes the Act, outside RMI. When fishing in national waters of the PNA countries, these vessels conform to the FSMA.

Domestic and locally-based foreign longliners are prohibited from fishing outside national waters unless under explicit authorisation.

Purse seine in the high seas pockets is prohibited (CMM 2008-01). Monitoring is undertaken using VMS and a series of reporting requirements, including weekly reports and catch logsheets.

When reissuing the licence or distant water authorisations, MIMRA now proposes to undertake an annual compliance check for each vessel against the activities from the previous period. A track record of systematic non-compliance will result in the vessel being removed from FFA vessels of 'Good Standing!').

⁸ Marine Resources Act, 2002, S. 909

RMI, as an FFA member, has, on many occasions, exercised the option to collectively withdraw or suspend vessels from the FFA Regional Vessel Register. The consequence arising is that the 17 FFA members would deny licensing of foreign fishing vessels in their coastal waters. The IUU deterrence value of this action is regularly relied upon to ensure compliance, particularly with VMS provisions.

NPOA action point 3: MIMRA to formalise the MOU between the office of the Maritime Administrator and MIMRA, along with the Standard Operating Procedure process for registration, licensing and authorisation.

NPOA action point 4: MIMRA to maintain the standardised monitoring of all RMI flagged vessels when fishing within the 200-mile zone and outside territorial waters, and in the waters of other PNA parties with the assistance of FFA

4.2.2.2 *Vessels without nationality*

IPOA- IUU Article 20 invites states to take measures to eliminate the IUU fishing activities of fishing vessels without nationality on the high seas.

Vessels without a nationality are not currently perceived as a major cause for concern or a source of IUU fishing activity. To date, RMI has not encountered fishing vessels suspected of being without nationality in the RMI EEZ or on the high seas. Should RMI detect any fishing activities by a vessel without nationality on the high seas, this would be presumed and deemed to undermine the conservation and management measures of the respective RFMO; a serious violation, for which RMI would instigate or support IUU listing and sanctioning procedures consistent with WCPFC CMM.

In maintaining its vessel registry, RMI supports and has in place mechanisms to prevent vessels from becoming stateless during a transfer to a new flag.

The creation of the Register of Vessels (RoV) held by WCPFC⁹, and the FFA Vessels of Good Standing (VOGS)¹⁰ has contributed substantially to helping fisheries surveillance agencies throughout the region in their ability to identify industrial fishing vessels which are not authorised to operate within the WCPFC region. Before registration vessel, owners are required to submit details to FFA including ownership, as well as vessel characteristics (Fishing method, flag, vessel name, length, GRT and supporting details (IRCS and details of any modifications made). During this process, FFA undertakes a check on the vessel's history.

Under its PSM practices, RMI also introduced the system of pre-notification and detention of any unauthorised fishing vessel calling into port. All vessels seeking to enter port are required to give 48 hours pre-notification to MIMRA via an agent.

Any information received on vessels without nationality operating in the region will be passed on to neighbouring countries and WCPFC as appropriate.

4.2.3 **Penalties**

IPOA-IUU Article 21 encourages states to ensure that sanctions for IUU fishing be of sufficient severity to effectively eliminate IUU fishing and deprive offenders of the benefits derived from such activities.

In summary, Title 51 of the Marshall Islands Revised Code contains five legislative references that give MIMRA the legal authority to oversee fisheries management for both Oceanic and Coastal Fisheries. For this NPOA, four pieces of national legislation, along with two key regulations, contain penalty provisions for various offences for acts or omissions committed by natural persons (e.g. Master, Operator, Crew, etc.) and corporations (e.g. foreign or domestic fishing industries, etc.) [see *Fisheries Act, Fishing Access and Licensing Act, Fisheries Enforcement Act, Fishing License (Third Implementing Arrangement) Regulation of 2009* and *MIMRA Regulations 1998*).

⁹ <http://www.wcpfc.int/record-fishing-vessel-database>

¹⁰ <https://rimf2.ffa.int/public/goodstanding>

Part II of Chapter 5 of the MIMRA Act provides clear guidance regarding the powers that are available to Authorised Officers. A penalty for each offence is provided under the relevant section of the Act. Table 5 provides a schedule of fisheries offences and penalties.

Offence	Penalty
Possess or obtain parts removed from a vessel impounded and disabled by authorities	US\$ 20,000 and 6 months imprisonment
Offence (obstructing) against an authorised officer	US\$ 50,000 and/or 6 months imprisonment
ALC tampering	US\$ 100,000 and/or 6 months imprisonment
Providing incorrect information to an authorised officer	US\$ 10,000 and/or 6 months imprisonment
Gear not stowed	US\$ 100,000 and/or 6 months imprisonment
Contamination of fishery waters	US\$ 500,000 plus clean-up costs
Repeated offending	Maximum penalty applied plus suspension of license for 6 months
Multiple offences	In addition to any relevant fine, a ban from fishing for up to three years
Fishing without a license	US\$ 1m, forfeiture of vessel, gear and catch
Any fine not paid within 30 days	Revocation, suspension or conditions applied to license
Non-reporting of catch and effort	US\$ 10,000 and/or 6 months imprisonment
Marine Scientific Research: no license, failure to submit information, carry an observer, train a national or submit all samples not required.	US\$ 250,000
Prohibition of taking of sharks, possession, sale and trade	US\$ 25,000 to US\$ 250,000
Contravention of license conditions	Citizens: US\$ 500 to US\$ 10,000 or 3 months imprisonment. Non-citizens: US\$ 5,000-US\$ 750,000 and shall not engage in fishing or license suspension for 3 months. Each day is a separate violation.
Obstruction in fish processing inspections	US\$ 100,000
Long Driftnet fishing	US\$ 1m for owner, master, charterer.
Land. sell, deal, receive, display for sale fish caught by use of explosives or poison	Citizens: US\$ 20,000 and/ or 6 months imprisonment. Non-citizens: US\$ 500,000 and/ or 6 months imprisonment.
Discharge of pollutants	US\$ 25,000 each day. US\$ 50,000 repeated offence.

Table 5: Schedules of RMI fisheries offences and penalties

If penalties are not covered under the existing legislation, Section 47 of the MIMRA Regulations 1998 provides for the inclusion of those offences with benchmark fines covering both natural persons and corporations.

MIMRA engages via its legal officers with representatives of key national agencies involved in IUU mitigation, particularly the Ministry of Justice, Immigration and Labor, Attorney General Office, Maritime Police and the Port Authority, and it will coordinate and host an annual effectiveness review and forwards planning

RMI has applied penalties to 6 vessels for various infractions since 2018.

NPOA Action 5: RMI to maintain the use of the provisions for administrative penalties order to ensure IUU activities are effectively sanctioned.

NPOA Action 6: MIMRA to coordinate and host an annual effectiveness review and forwards planning with representatives of key national agencies involved in IUU mitigation.

4.2.4 Non-cooperating states

IPOA-IUU Article 22 encourages States to 'prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organisation which engage in IUU fishing'.

The relevant RFMO in the RMI context is the WCPFC. RMI is a member of the WCPFC and strives in equal terms to translate yearly WCPFC resolutions into tangible action at the national level.

WCPFC membership presently excludes important countries, such as Indonesia and Vietnam. However, these countries participate as Cooperating Non-Members (CNMs) in the WCPFC meetings, and as such, are required to comply with the WCPFC management measures.

The WCPFC positive list of fishing vessels mechanism provides for vessels from any other country being barred from being granted licenses to fish in WCPFC member State waters. However, all issues on harmonised Port State Control measures throughout the WCPFC area, and the landing of potentially illegal or non-reported catches in the ports of lenient and non-cooperating countries bordering the WCPFC area of competence, could be a cause for concern.

4.2.5 *Economic Incentives*

IPOA-IUU Article 23: States should, to the extent possible in their national law, avoid conferring economic support, including subsidies, to companies, vessels or persons that are involved in IUU fishing.

Article 23 of the IPOA-IUU requires countries to ensure that no economic support, including subsidies, be granted to entities (persons, companies or vessels) involved in IUU fishing.

Direct economic incentives and subsidy schemes are not available to RMI flagged vessels.

4.2.6 *Monitoring, Control and Surveillance*

IUU-IPOA Article 24 States should undertake comprehensive and effective fisheries monitoring, control and surveillance (MCS) arrangements, notably by giving due thought to the following: a) regulated access to waters and resources; b) records of vessels and owners; c) vessel monitoring systems (VMS); d) observer programmes; e) training for MCS personnel; f) planning and funding MCS activities in an effective manner; g) promoting industry awareness of the need for MCS; h) promoting understanding of MCS issues within the national judicial system; i) systems for the acquisition, storage and dissemination of MCS data; and j) effective implementation of national and internationally agreed boarding and inspection regimes.

MCS and IUU issues have recently been addressed by two assessments of MCS capacity and performance in Pacific Ocean Fisheries: The FFA 2016 Evaluation of the Regional FFA MCS Framework¹¹, and the 2016 FFA report on quantification of IUU¹². The recommendations of both these technical studies have been used on improvements in resourcing, operational strategies and more effective and efficient use of the MCS tools at hand and to strengthen the amendments to the current legal framework.

The evaluation of the Regional FFA MCS Framework identifies the as weakness the fact that the majority of transactions and reports required of the industry are dependent on paper-based forms and are often held in databases that have non-standardised formats for information exchange and analysis. The associated time delays and input errors prevent transparency and analysis of data to detect IUU. At the same time, the IUU quantification report found out that the risks relate largely to underreporting and misreporting and are very well differentiated by the type of vessel gear.

Furthermore, an NZ MFAT supported Offshores Fisheries Advisor has been working since August 2018 for 100 days a year based in MIMRA with MCS in general and PSM in particular, as key areas of his work plan.

The MCS and compliance team at MIMRA is responsible for collection and analysis of inspection and observer data, and provision of inspection data and report when required by the Director of MIMRA. This data is entered into the Fisheries Integrated Management System (FIMS) and MCS TUFMAN II (SPC Tuna Fisheries Database Management System).

¹¹ McEachan F. (2016) Evaluation of the Regional FFA MCS Framework, FAWT Group PTY LTD of the ACT, Australia.

¹² MRAG Asia Pacific (2016). Towards the Quantification of Illegal, Unreported and Unregulated (IUU) Fishing in the Pacific Islands Region. 101pp.

FIMS contains details of licensed activity (catch, VMS, vessel days and observer reports) and MCS TUFMAN II, the details of inspections at sea, at transshipment and on offloading.

FIMS provides for access and interrogation of data over time and stores the history of fishing vessel activity in the RMI EEZ and FSMA. This system can be used to monitor compliance levels across all fleets covering VMS, fishing days, catch, observer reporting, transshipment and reporting obligations, and when required, analyse fishery compliance levels in real-time.

This information is added to the FFA Regional Fisheries Surveillance Centre's (RFSC) electronic tracking system.

MCS operational aspects are described in the Vessels Inspection Plan, whose objective is to contribute to strengthening fisheries compliance and enforcement processes, particularly in terms of PSM. This MCS support document sets out the guidelines to deal with requests for port entry, inwards clearance, inspection results, monitoring and outwards clearance of vessels. As well as the basic requirements in relations to catch documentation scheme and applicable certifications.

From 2020 onward an annual self-evaluation MCS needs assessment workshop will be conducted as to inform decision making in the topic, eternal evaluations and the Inspection manual

NPOA Action 7: MIMRA to maintain the practice of annual self-evaluation MCS needs assessment, as to inform revision and updating of operational documents if required.

4.2.7 *National Plans of Action*

IUU-IPOA, Articles 25 to 27 encourage states to develop their NPOA-IUU in close consultation with interested stakeholders, including RFMOs, industry and NGOs, to assess its implementation on a regular basis, and to ensure internal and national coherence and coordination of efforts.

This NPOA has been developed through appropriate consultation processes and gives full effect to the IPOA-IUU in RMI.

The NPOA-IUU will be reviewed and amended periodically, at intervals of no more than five years, to ensure that any regulatory and management changes are fully reflected.

NPOA Action 8: MIMRA to revise the present NPOA-IUU periodically, and no less than every five years.

4.2.8 *Cooperation Between States*

IUU-IPOA, Articles 28 to 31, encourages states to cooperate under the following headings: a) exchange of information on records of vessels authorised to fish; b) acquisition, management and verification of data and information from fishing; c) allow respective MCS personnel to cooperate in the investigation of IUU fishing; d) cooperate at the levels of technology transfer, harmonising policies and MCS, notably through signing international agreements. States are also encouraged to inform FAO and RFMOs about vessels deleted from their records of vessels authorised to fish, to designate and publish initial formal contact points for IUU fishing matters, as well as to cooperate directly (through agreements or arrangements) with other states for the enforcement of flag state measures applicable to management and conservation measures on a national, regional or global scale.

RMI has reciprocal information-sharing agreements in place with most of the FFA membership, including VMS, compliance details of vessels on the FFA Register, and inspection details. RMI, through FFA, shares certain data to target the aerial and water surveillance activities of the Quadrilateral Surveillance Providers (Australia, France, New Zealand and USA) to FFA.

RMI is a signatory to the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement (NTSA), which allows for cooperation in enforcement activities, including hot pursuit of offending vessels through the EEZ of participating countries.

The Treaty is an Agreement of cooperation between FFA members on monitoring, control and surveillance of fishing. It includes provisions on the exchange of information and procedures for cooperation in monitoring, prosecuting and penalising illegal fishing vessels. It is designed to complement the other management frameworks in the region and specifically defines its relationship to harmonised minimum terms and conditions of access.

RMI has formulated an agreement with Micronesian nations Palau and FSM. An area of specific attention will be to develop stronger links with other countries where RMI vessels are active, most specifically Nauru and PNG, which sees a significant amount of interdependent activity with RMI. Special attention is paid to observer reporting, joint operations, intelligence sharing and integration of IT systems.

RMI is an active participant in the international treaties, agreements and the WCPFC. These arrangements provide for the provision of public information of RMI fishing vessels, international cooperation in the conservation and management of fisheries, and efforts to combat IUU fishing. The PSMA provides for reciprocal arrangements for dockside inspection of fishing vessels.

RMI will pursue bilateral agreements with those states where there may be additional needs for cooperative data sharing, surveillance and enforcement activities, as well as other forms of cooperation, such as the alignment of national fishery management approaches.

A recent MCS implementation is an MoU between the RMI and Thailand fisheries authorities which allows for collaboration between port state and tuna processing state to improve traceability. MIMRA is looking to expand this type of MoU with other tuna processing countries.

National EEZ surveillance is also a vital MCS practice. RMI is not only a coastal state, but the EEZ is part of a highway for vessels crossing to and from Asian countries. MIMRA incorporates and utilises tools provided by FFA and PNA Fisheries Information Monitoring System (FIMS) to monitor these activities, including effort allocations and limits.

NPOA Action 9: MIMRA to maintain and expand its regional and bilateral agreements with other states.

4.2.9 **Publicity of IUU events detected, and fines implemented**

IPOA-IUU Article 32 encourages states to publicise widely full details of IUU fishing and actions taken to eliminate it.

With the view to ensure that rules are clear, and that consequences of illegal fishing are known MIMRA is active in the publication of successful infringements detected, and fines implemented.

MIMRA has been active in the publication of successful prosecutions and out-of-court settlements for fisheries case in both domestic and international media.

NPOA Action 10: MIMRA to maintain and expand publicity of IUU cases and prevention activities.

4.2.10 **Capacity and technical resources**

IPOA-IUU Article 33 encourages states to make available the necessary technical capacity and resources needed to implement the NPOA-IUU, noting that this might include the establishment of appropriate financial mechanisms at national, regional or international levels.

Most of RMI's fishery officers involved in MCS activities have undertaken relevant training, usually through MCS workshops and short courses delivered by regional organisations and overseas universities. MIMRA staff are trained in core maritime deployment functions through the Pacific Patrol Boat Program, with specific enforcement and surveillance training organised for naval and fisheries officers. RMI's observers and debriefers are required to meet the regional Pacific Islands Regional Fishery Observer (PIRFO) competency standards developed by SPC and FFA.

RMI has supported the development of a regional MCS Competency-Based Foundation Course, which is now operational. In partnership with BZ MPI and AFMA, FFA delivers the Certificate level IV Fisheries Enforcement and Compliance course which was accredited by USP in 2016. The course is delivered online over eight months, followed by a short face to face competency-based assessment. Attainment of the competency standards is through a combination of: short, targeted courses; mentoring/ practically focused training in the workplace; and two-way attachments, with internships at other MCS agencies and capacity building by experienced MCS advisers.

There are also changing needs in MIMRA MCS, and this will only be further exacerbated through the development of effective PSM and CDS. These developments will further increase the current need for more industry knowledge, forensic accountancy, data analysis and intelligence analysis skills. Mentoring on these very industry-specific areas has been the focus of much of the work of the NZ MFAT supported OFA attached to MIMRA operations

As regards financial resources, the MIMRA annual budget provides the basic financial resources needed for implementation of the NPOA-IUU. This is supplemented from time to time by small grants from a variety of sources, including regional organisations, RFMO and bilateral development partners and industry cost-recovery.

NPOA Action Point 11: MIMRA to maintain supporting its officers through the FFA Certificate level IV Fisheries Enforcement and Compliance and the fisheries operations mentoring provided by the NZ MFAT OFA.

4.3 Flag state responsibilities

4.3.1 Vessel registration/ Record of Fishing Vessels

IPOA-IUU Articles 34 to 41 encourage flag states to exert necessary control over vessels flying their flag to minimise possible IUU fishing activities. This encourages states to avoid flagging vessels with an established IUU fishing record (unless proven changes of ownership and operators have occurred) and to prevent flag hopping for purposes of non-compliance. Flag states are encouraged to firmly link vessel registration and the issuing of fisheries licences.

Articles 42 and 43 encourage flag states to keep a register of vessels authorised to fly its flag, for vessels fishing within its waters, as well as for vessels fishing in waters beyond national jurisdiction.

There is a mechanism in place which links vessel registration and issuing of fisheries licenses, IRI being responsible for conferring the flag, and MIMRA being responsible for authorising the issuing licenses. The practical mechanism, which has IRI submitting flag applications of fishing vessels to MIMRA for approval (the condition being that a fishing license will be issued to the vessel) and MIMRA undertaking the required IUU checks, is now enshrined in an inter-institutional agreement (an MoU). As stated earlier, this MoU incorporates provision for a check on IUU records.

It is the responsibility of IRI to undertake checks on the following:

- Details of the vessel's history with the previous registry, including:
- Previous names,
- Details of former ownership
- Detail of current ownership, including ALL beneficial owners, including a check on the criminal record of any owner
- Vessel safety checks
- Details of vessel characteristics – length, moulded depth, beam, Gross Registered tonnage, power of main engines
- Details of Radio call sign and Lloyds number
- Vessel communication types and numbers (Inmarsat A, B and C numbers and satellite telephone number)

It is the responsibility of **MIMRA** to undertake the following checks:

- Whether on any IUU RFMO list <http://iuu-vessels.org/iuu/iuu/search>
- IUU catch history, from previous flag fisheries competent authority and FFA
- IUU catch history of the ship's master from flag fisheries authority and FFA
- Carrying capacity, including freezer type, capacity and number, and fish hold capacity
- Areas intending to fish
- Fishing Method(s) intended
- Details of licenses issued by other coastal States (if applicable).

Only if political willingness, catch entitlements, and sustainability-related issues are cleared in writing by management, then the flagging followed. Otherwise, the request is rejected in writing to the applicant with a summary of the reasons.

If the feedback from FFA is negative in regards the vessel, authorisation is denied (*as well as entry to port, except in cases of emergency or distress*). The request is rejected in writing to the applicant with a summary of the reasons.

If any vessel that becomes registered, but subsequently demonstrates a procedure of systematic non-compliance, resulting from the removal from the MIMRA RoV, request from the Marshall Islands Registry will be granted and formal notification sent to the vessel owners. MIMRA and IRI will also retain records of any non-compliant vessel to inform other country competent authorities.

Action points under this NPOA requirement are being dealt under **NPOA Action Point 3**

4.3.2 **Authorisation to fish**

NPOA-IUU Articles 44 to 50 encourage flag States to ensure that each fishing vessel entitled to fly its flag, and fishing in waters beyond national jurisdiction, be duly authorised by the flag State.

MIMRA is the authority responsible for authorising fishing activities in RMI waters and areas beyond its national jurisdiction. To date, there have been no reported cases of RMI-flagged vessels fishing beyond its national jurisdiction without such authorisation.

As a condition of their authorisation to fish RMI fishing vessels are required to record, maintain and provide catch statistics and other required data to MIMRA, and meet the reporting requirements of WCPFC, PNA and the national governments of any countries whose waters they may fish in.

RMI FV must also report by VMS to the FFA / RMI national monitoring centre and comply with any applicable WCPFC or third-country VMS reporting requirements. RMI FV operating in Areas Beyond National Jurisdiction (ABNJ) need to comply with FFA's FFA Harmonised Minimum Terms and Conditions (HMTCs) for Access by Fishing Vessels. (Sponsored by FFA and latest version available on FFA website). This document is one of the most important tools used by FFA members to regulate access to their waters.

RMI requires 100% observer coverage of its PS fleet. RMI progressively requires that LL carry observers or electronic monitoring systems (EMS) as a pre-requisite for fishing.

4.4 **Coastal State Measures**

IPOA-IUU Article 51 encourages coastal states to implement measures to prevent, deter and eliminate IUU fishing in the exclusive economic zone, through effective MCS, licensing and authorisation, data collection and information exchange with other states.

The *Fisheries Act* and subsidiary legislation lay down the legal framework for the management of RMI's domestic and national fisheries.

Vessels operating under RMI's coastal State jurisdiction need to be licensed and must comply with the responsibilities of license holders or operators concerning RMI's national laws and WCPFC CMMs.

The FFA regional register recognises that most fishing vessel operators wish to operate in waters under the jurisdiction of more than one FFA member. FFA members undertake to ensure that any access agreements they negotiate will include all the requirements in the HMTCs, including:

- no foreign vessel will fish in a member state's EEZ unless a standard licence is issued;
- purse seine transshipments at sea are prohibited; they are permitted only in designated ports; longline vessel transshipments can occur at sea, subject to application and approval by the licensing state;
- foreign fishing vessels must release logbooks and catch records to officers from the licensing state;
- vessel operators must maintain and submit catch logs for operations in an EEZ and adjacent high-seas areas; these must be released to the licensing state within 45 days of any fishing trip;
- vessel operators must provide regular catch records for the licensing state while operating in any EEZ;
- vessel operators must carry observers to verify reports; they must have access to appropriate parts of the vessel and must record their observations;
- vessel operators must maintain a local agent;
- fishing gear must be stowed while transiting an EEZ;
- vessel operators must comply with the orders of licensing states;
- operators must mark their vessels following the FAO Standard Specification for the Marking and Identification of Fishing Vessels, and
- vessel operators must register automatic location communicators on the VMS Register of Foreign Fishing Vessels.
- vessel operators must comply with minimal crew labour requirements as set in the HMTCs

Information exchange arrangements are in place between RMI and other FFA members through the NTSA, which, as discussed before, provides for cooperation in a range of MCS activities.

4.5 Port state measures

IPOA-IUU Articles 52 to 64 encourages port states to put necessary controls in place at the level of port installations (ports or offshore terminals). Measures to implement, and conditions, include: a) advance notice and permission to enter port; b) refuse landing or transhipping authorisation to vessels in port, for which IUU fishing activities have been established; c) publicise ports to which foreign vessels may be permitted access, and ensure on-site capacity to conduct inspections; d) communicate data flowing from inspections (vessel identification, quantities of catch onboard, etc.) to interested parties (incl. RFMOs and flag state); e) immediately report detected infractions to the flag state of the inspected vessel; f) publicise the national strategy and procedures on port state controls concerning fishing vessels and train officers accordingly; g) cooperate bilaterally or regionally, as appropriate, to develop compatible port state control measures; h) assume that vessels calling to port, or flying the flag of a non-member or non-cooperating state of a relevant RFMO, have engaged in IUU fishing, and order the master to establish that catch onboard was taken in a manner consistent with regional management and conservation measures; i) enhance information flows amongst relevant RFMOs on port state controls.

RMI is allegedly the busiest transshipment port state in the Pacific; hence RMI Port State Measures (PSM) are requirements established or interventions undertaken by which a foreign fishing vessel must comply with or is subjected to as a condition for the use of ports within RMI. Concerning point h) in the previous paragraph, WCPFC has already established a positive list, along with a blacklist.

This key role is enhanced by the recent (Dec 2017) WCPFC PSM CMM that will guide the operation of MIMRA's PSM operational scheme, in line with title §506 Port State Measures of the Act.

MIMRA PSM already includes requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transhipment of fish, restrictions on supplies and services,

documentation requirements and port inspections, as well as related measures, such as IUU vessel listing, trade-related measures and sanctions.

The objective of this section of the MPOA is not specifically aimed at implementing the PSMA. Rather it seeks to implement arrangements that are consistent with the objectives of the PSMA. The decision to ratify the PSMA, or implement alternative PSM arrangements, is the sole discretion of the RMI.

The MIMRA PSM system is described in the Vessels Inspection Manual. A visual map of the PSM operations in Majuro is presented in figure 3 and identifies (in colours) various distinctive operational groups inside the MIMRA structure and one outside

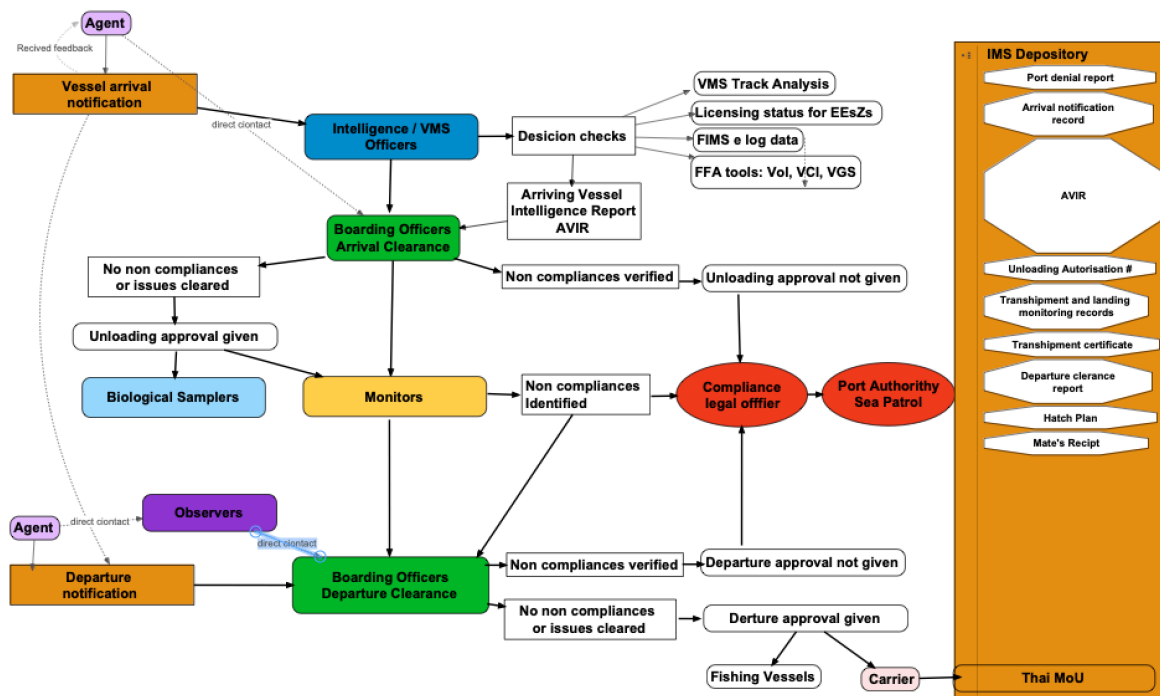


Figure 3: Visual map of the PSM operations in Majuro

The 48 hrs notification arrival of a fishing vessel, initiates a cascade of events and requirements that need to be understood, managed and controlled until the departure of the vessel.

Procedures intelligence analysis and determination of port use are based on assessing the vessels trip information based on information available to the Compliance officers through FFA RIMF and iFIMS. This info check includes among others: FFA Vol, risk index and VMS track, FIMS Licensing for the areas fished, eForms information (when available) and eObs when available (in particular Gen 3) data.

The arrival is then approved in the port arrival system, which communicates the approval back to the agent and the boarding is scheduled, and the boarding logistics set up. In the case of various arriving on the same day, the order of boarding is established following the FFA Compliance Index (1st green vessels, then yellow, then red).

The boarding party will bring on with them the details of any investigation they want to pursue on the vessels and follow the SOP.

Standard Operating Procedures (SOPs) are now available for:

- Vessel Arrival Notification and Approval
- Boarding and Inspection
- Landing and transhipment monitoring for fishing vessels and carriers
- Departure and clearance
- Certifications

The inspection benchmark is of 100% of all PS and since 2019, 25% of all LL vessels calling to port of landing or transshipping fish,

The publicity of port state controls and principles ruling them will need to be displayed on dedicated pages under MIMRA's website.

NPOA Action Point 12: MIMRA to maintain the PSM inspection benchmarks (100% PS, 25% LL) and make the PSM controls and principles available in its website

4.6 Market-related measures

The IPOA-IUU Articles 65-76 encourage states to take steps, consistent with international law, to apply trade- and market-related measures as a tool to deter and eliminate IUU fishing. Specific proposals include: preventing fish caught by IUU vessels being traded or imported into their territories; adopting multilaterally-agreed trade-related measures consistent with the principles of the World Trade Organisation, and the establishment of catch documentation schemes to enhance traceability.

MIMRA does not yet operate its traceability system for fishery products for vessel off loadings. Yet it verifies the records of the traceability systems in place as part of the processors' seafood safety requirements.

It is also noteworthy that a Sanitary Competent Authority (CA) was created in MIMRA, and its systems are being developed to gain authorisation to the EU market.

Regulation (EC) 854/2004 provides that products of animal origin can only be imported into the EU from a third country that appears on a list drawn up as per that Regulation. When drawing up such lists, account is taken of EC controls in third countries and guarantees provided by the CA of third countries regarding compliance or equivalence with the relevant EU (health) regulations.

If a country is listed for fishery products in the application of the above Regulation, it would be drawn up in Annex II of Commission Decision 2006/766/EC, as amended¹³. Lists of EU approved establishments or vessels can only be drawn up for those countries appearing on the country list.

The EU requires compliance with its requirements, and thus requires the 3rd country to prove that it operates a control structure applicable to its seafood exports that is equivalent to those existing in an EU member country. Hence meeting the applicable EU standards to allow seafood export to the EU, through the establishment and operation of a Competent Authority (CA) for seafood sanitary controls is a challenging, expensive and difficult undertaking for any country.

EU IUU Catch Certification under EC Regulation 1005/2008 is dependent on first achieving sanitary authorisation. Yet, RMI has been active in signing Section 7 (Transshipment in port) of catch certificates associated with foreign vessels transshipping in Majuro.

From 2020 onwards MIMRA has authorised the importation of frozen tuna in containers to be processed at premises under its control and to be exported. A SOP associated with verification of legality before the importation of containers with fish for processing is authorised was developed and will be tested during 2020.

Furthermore, MIMRA is an active participant in the FFA regional Catch Documentation Scheme (CDS) being presently developed.

NPOA Action Point 13: MIMRA to pursue EU Market Access and through this, develop its traceability framework

NPOA Action Point 14: MIMRA to standardise and adopt its SOP associated with verification of legality in the importation of fish for processing

¹³ https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm#

4.7 Research

IPOA-IUU Article 77 encourages states to engage in scientific research to derive methods permitting the identification of fish species from samples of processed products, notably through work on genetic markers and protein profiling.

MIMRA supports the research functions of the Secretariat of the Pacific Community (SPC) through the provision of port sampling information, observer observations and ER and EM initiatives

MIMRA also initiates and participates actively in the development and testing of new technologies such as dynamometers with wireless remote weight display attached to the hooks of the cranes from carriers used during transshipments, as an opportunity to record accurate transshipment weight data and eliminate the challenges and issues relating to estimates.

4.8 Regional Fisheries Management Organisations

IPOA-IUU Articles 78 to 84 encourage states to respect and enforce anti-IUU policies and measures of RFMOs, to adopt suggested management measures even if they are not members of these organisations, and to support the establishment of RFMO where they do not currently exist. The IPOA-IUU invites states to strengthen RFMO capacity in combating IUU fishing across the board, to encourage the participation of non-members, to create relevant linkages with other relevant RFMOs, and to take measures against states failing to adopt agreed RFMO or other measures to control their nationals and vessels.

RMI is an active member of WCPF and implements its resolutions. The application of the WCPFC CMMs is monitored annually. Failure to implement measures results in a compliance review.

The 2019 Technical Compliance Committee judged RMI's application of the CMMs to be compliant. RMI will continue to implement the WCPFC CMMs as are relevant to its fleet

As a member of FFA RMI has been instrumental in the development of many WCPFC CMM proposals. The majority of WCPFC binding CMMs have originated from the FFA chamber of WCPFC, with RMI's active participation.

While the principle of broadening the participation by states in WCPFC is supported, RMI is not in favour of expanding the membership of the WCPFC. RMI's policy, aligned with that of all other Pacific Islands Forum members, is that management of the WCPO tuna fishery is the responsibility and the right of the coastal states in the region, not of flag states from elsewhere.

Fishing by RMI-flagged vessels and/ or nationals in waters and for species subject to the jurisdiction of RFMOs to which RMI is not a party or a cooperating non-member has not arisen to any extent. RMI prohibits such fishing without explicit authorisation.

4.9 Special Requirements of Developing Countries

IPOA-IUU Articles 85 and 86 call for support to developing countries, notably in developing and implementing their NPOA-IUUs and giving effect to international obligations, duties and responsibilities as coastal, flag and port states.

As a small island developing state (SIDS) RMI regularly seeks and sometimes receives financial and technical assistance from bilateral development partners, regional organisations, and others in support of its anti-IUU efforts. RMI will continue to seek such support as required.

This NPOA-IUU for RMI was developed with the technical assistance a semi-resident (100 days/year) Offshore Fisheries Advisor (OFA), supported by financial assistance from the New Zealand Ministry of Foreign Affairs and Trade (NZ MFAT).

RMI will diffuse its NPOA-IUU widely, to signal its willingness to collaborate on regional and international scales with partner nations and organisations, communicating what measures are foreseen to deter IUU fishing incidence, inside, and beyond waters under national jurisdiction.

The NPOA-IUU should most definitely serve as a basis on which partnerships for assisted implementation should be discussed and agreed

4.10 Reporting

IPOA-IUU Article 87 recommends that states and regional fisheries management organisations should report to 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 FAO in a timely manner.

In regard to NPOA-IUU, the FAO website states: The FAO Regular Programme funds only a "watching brief" on implementation, the monitoring of the implementation and reporting to COFI, as well as limited economic and social analysis of fishery and aquaculture policy and management advisory activities.

In view of the above, RMI will endeavour to provide the required information to FAO when feasible or if specifically requested, noting that (a) it appears that FAO does not intend to make active use of any reports that may be provided and (b) RMI is not always able to participate in COFI.

4.11 Implementing the NPOA–IUU

RMI's NPOA-IUU will be periodically reviewed and, if necessary, revised at intervals of no longer than 5 years, as per **Action Point 6**.

The Implementation Table in Attachment A sets out how RMI will manage the implementation of the actions specified in this NPOA-IUU.

Primary responsibility lies with the MIMRA, but some actions may require a multi-agency approach and the acceptance of RMIS technical documentation by other countries.

NPOA Action Point 15: MIMRA to pursue to the best of its capabilities the action points identified in this NPOA.

Attachment A: Implementation Table

Action	Description	Responsibility	Timeframe
1	MIMRA to maintain implementation, through supporting compliance actions, WCPFC CMMs and PNA IAs as and when these are amended	MIMRA	Ongoing
2	MIMRA to maintain the effective application of the Marshall Island Revised Code.	MIMRA	Ongoing
3	MIMRA to formalise the MOU between the office of the Maritime Administrator and MIMRA, along with the SOPs process for registration, licensing and authorisation	MIMRA IRI	By 2020 then ongoing
4	MIMRA to maintain the standardised monitoring of all RMI flagged vessels when fishing within the 200-mile zone, outside territorial waters, and PNA parties with the assistance of FFA	MIMRA	Ongoing
5	RMI to maintain the use of the provisions for administrative penalties order to ensure IUU activities are sanctioned	MIMRA	Ongoing
6	MIMRA to coordinate and host an annual effectiveness review and forwards planning with representatives of key national agencies involved in IUU mitigation	MIMRA	Annually
7	MIMRA to maintain the practice of annual self-evaluation MCS needs, as to inform revision and updating of operational documents if required.	MIMRA	Annually
8	MIMRA to revise the present NPOA-IUU periodically, and no less than every 5 years.	MIMRA	As required
9	MIMRA to maintain and expand its regional and bilateral agreements with other states	MIMRA	As required
10	MIMRA to maintain and expand publicity of IUU cases and prevention activities	MIMRA	As required
11	MIMRA to maintain supporting its officers through the FFA Certificate level IV Fisheries Enforcement and Compliance and the mentoring provided by the NZ MFAT OFA.	MIMRA and partner agencies	Ongoing
12	MIMRA to maintain the PSM inspection benchmarks (100% PS, 25% LL) and make the PSM controls and principles available in its website	MIMRA	By 2020 then ongoing
13	MIMRA to pursue EU Market Access and through this develop its own traceability framework	MIMRA	By 2021 then ongoing
14	MIMRA to standardise and adopt its SOP associated with verification of legality in the importation of fish for processing	MIMRA	By 2020
15	MIMRA to continue to the best of its capabilities the action points identified in this NPOA.	MIMRA	By 2020 then ongoing