

# **THE MALDIVES NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL UNREPORTED AND UNREGULATED FISHING (NPOA-IUU)**

July 2019





بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



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The NPOA-IUU was developed and agreed based on extensive consultation with stakeholders in the Maldives. Our thanks go to all stakeholders who gave their time to engage with the development of this document.

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<sup>1</sup>FAO provided two consultants, Graeme Macfadyen and Mohamed Faiz, to support MOFMRA in developing the NPOA-IUU. Susana Siar from the FAO regional office in Bangkok also provided technical input and support.



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## Foreword

Illegal, Unreported and Unregulated (IUU) fishing at present is the biggest threat to sustainable fisheries worldwide. It is one of the biggest challenges for fisheries managers and scientists to ensure fish stocks are maintained at sustainable levels. It is even a bigger threat for well managed small-scale fisheries and coastal fishing communities that depend on the resources for their livelihood and gainful employment.

Food and Agriculture Organization (FAO) of the United Nations estimate that up to 26 million tonnes of fish valued at USD 10 to 25 billion are caught annually at a global scale. In other words, 10 to 25 billion dollars in revenue is lost for fisheries that operate within the rules and regulations. In addition, to the direct loss of revenue, catch that goes unreported also indirectly impacts their fishing as stock bio-economic models aimed at maintaining the profits of fleets are no longer accurate and relevant.

Maldives is an Indian Ocean coastal state that has a long history of fishing; more specifically tuna fishing. At a time when key stocks of the Indian Ocean are being over-exploited, it would not be an exaggeration to state that at present we have a race to fish scenario in the Indian Ocean. Yellowfin tuna which is one of the main species caught by the Maldivian fleet is considered overfished and subjected to overfishing or in the red zone. Skipjack tuna stocks, although assessed in the green zone for the time being, stock forecasts paint a bleak picture. IUU fishing is even a bigger concern for the Maldives considering the status and future of these stocks.

It is with great pride that I say I am proud of the way fishing is conducted in the Maldives. Our fishery is environmentally friendly and cleaner by several folds in comparison with other Indian Ocean fisheries. Yet, to ensure that our fisheries maintain the high standards there is a lot more that we have to. In this





regard, we have to ensure that any fishing related activity that might or could be perceived as IUU should be stopped through all means possible. Our fisheries must comply with the international requirements and standards. We have to further strengthen our catch reporting framework to ensure that catches are accounted for in a proper sense.

Poaching and encroachment from foreign flagged vessels is another major IUU threat to the Maldives. It is estimated that such vessels harvest in the range of 10 – 15 thousand tonnes of fish from our EEZ annually. This indeed is a big loss for countries such as Maldives. This National Plan of Action on IUU reflects the intents and actions promoted by the FAO's 2001 International Plan of Action to Prevent, Deter and Eliminate IUU fishing. My wish is that this document plays a crucial planning role in addressing the IUU activities that are of concern both at a national and international levels. I also take this opportunity to thank FAO for their technical support and financial assistance in developing this NPOA which I have no doubt will be important for the Maldives for the next 5 years.

Zaha Waheed  
Minister of Fisheries, Marine Resources and Agriculture

“*Poaching and encroachment from foreign flagged vessels is another major IUU threat to the Maldives.*”

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# Acronyms

<b>APFIC</b>	Asia-Pacific Fishery Commission
<b>CA</b>	Compliance Agreement
<b>CCRF</b>	Code of Conduct for Responsible Fisheries
<b>CDS</b>	Catch Documentation Scheme
<b>CMM</b>	Conservation and Management Measures
<b>EEZ</b>	Exclusive Economic Zone
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organisation (of the United Nations)
<b>FIS</b>	Fisheries Information System
<b>GDP</b>	Gross Domestic Product
<b>GNI</b>	Gross National Income
<b>IOTC</b>	Indian Ocean Tuna Commission
<b>IPOA</b>	International Plan of Action
<b>IUU</b>	Illegal Unreported and Unregulated
<b>MCS</b>	Monitoring Control and Surveillance
<b>MIFCO</b>	Maldives Industrial fisheries Company Limited
<b>MOFMRA</b>	Ministry of Fisheries, Marine Resources and Agriculture
<b>MoU</b>	Memorandum of Understanding
<b>nm</b>	nautical miles
<b>NPCI</b>	National Plan of Control and Inspection
<b>NPOA</b>	National Plan of Action
<b>PSM(A)</b>	Port State Measures (Agreement)
<b>RFMO</b>	Regional Fisheries Management Organisation
<b>SDG</b>	Sustainable Development Goal
<b>SIDS</b>	Small Island Developing State
<b>UNCLOS</b>	United Nations Convention of the Law of the Sea
<b>USD</b>	United States Dollar
<b>VMS</b>	Vessel Monitoring System



# 1. Introduction

## 1.1 Purpose of this NPOA-IUU

This document sets out the National Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU) for the Republic of Maldives (hereafter, The Maldives).

The Maldives NPOA-IUU was prepared by the Fisheries Division in the Ministry of Fisheries, Marine Resources and Agriculture (MOFMRA).

The NPOA-IUU serves to ensure that the Maldives has acted on the recommendations of the International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IPOA-IUU) fishing (FAO, 2001), a voluntary international instrument developed by FAO in 2001 in the context of the Code of Conduct for Responsible Fisheries (CCRF).

Based on a benchmarking of current performance/ issues against the contents of the IPOA-IUU (FAO 2001) and the related FAO Technical Guidelines on implementation of the IPOA-IUU (FAO 2002), the Maldives NPOA-IUU identifies action points to reduce the negative social, economic, and environmental impacts of IUU fishing in the Maldives, and of Maldivian vessels operating outside of Maldives' Exclusive Economic Zone (EEZ).

The NPOA-IUU represents action by the Maldives in contributing to The United Nations Sustainable Development Goal (SDG) 14 Life Below Water, which has a Goal to: Conserve and sustainably use the oceans, seas and marine resources. One of the associated targets is 'By 2020, effectively regulate harvesting and end overfishing, IUU fishing and destructive fishing practices...'

“*the Maldives NPOA-IUU identifies action points to reduce the negative social, economic, and environmental impacts of IUU fishing in the Maldives, and of Maldivian vessels operating outside of Maldives' Exclusive Economic Zone (EEZ).*”



## 1.2 *Process used to develop the NPOA-IUU*

MOFMRA led and coordinated the preparation of the NPOA-IUU and facilitated extensive participation by all relevant stakeholders in its development. This was ensured by holding a stakeholder planning workshop in November 2018, conducting consultation with stakeholders during November and December 2018, and involving stakeholders in a stakeholder validation workshop in January 2019. Stakeholders involved in the process to develop the NPOA-IUU included those from the government (multiple Ministries/line agencies) and the private sector (vessel owners, fishers, and processing/export companies).

FAO provided technical support to development of the NPOA-IUU through a Technical Cooperation Project<sup>2</sup>.

## 1.3 *Definition of IUU fishing*

The Maldives NPOA-IUU adopts the definition of IUU fishing contained in the IPOA-IUU, namely:

***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 regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization 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 regional fisheries management organization.

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<sup>2</sup>TCP/MDV/3603 C3

***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 regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

***Unregulated fishing refers to fishing activities:***

- in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- in areas or for fish stocks in relation 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.



## 1.4 Framework and scope of The Maldives NPOA-IUU fishing

The Maldives NPOA-IUU closely follows the structure of the IPOA-IUU. Like the IPOA-IUU, and in line with the related Technical Guidelines on implementation, the NPOA-IUU is comprehensive and adopts an integrated approach. It addresses general measures targeted at all countries, as well as measures related specifically at coastal States, flag States, and port States.

The NPOA-IUU focuses principally on tuna fisheries given the dominance of tuna fisheries in the Maldives, but other fisheries are not excluded. The content of the NPOA-IUU is well integrated with actions at the regional level by the Indian Ocean Tuna Commission (IOTC) to combat IUU fishing, and with national-level sectoral policy.

The Maldives NPOA-IUU will be reviewed and, if necessary, revised every four years.



## 2. The fisheries sector in The Maldives

### 2.1 *Importance of the fisheries sector to the Maldivian economy*

The Republic of Maldives is a Small Island Developing State (SIDS) in the Indian Ocean, just north of the equator and southwest of the Indian peninsula. Stretching for more than 800 kilometers from north to south and covering a total area of 90,000 square kilometers, the Maldivian Archipelago comprises a total of 1,192 coral islands (of which only about 188 are inhabited) formed around a double chain of 26 atolls.

The total population of Maldives is estimated to be 378,114 (2017)<sup>3</sup>. About one-third of the population currently resides in the capital city Male', and the rest live in the islands. The majority of inhabited islands have less than 1,000 inhabitants.

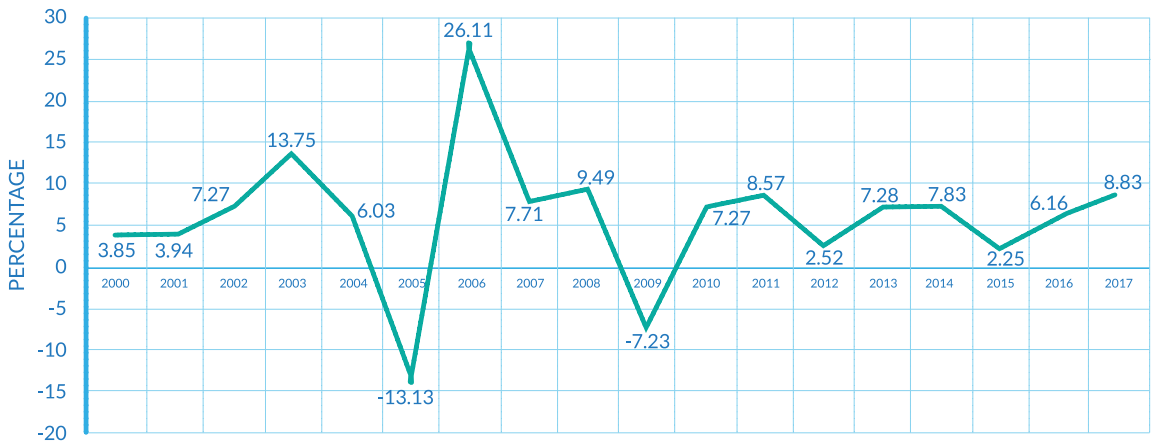
Maldives has achieved notable progress in recent decades in terms of human development indicators. Poverty rates have fallen sharply and indicators such as infant mortality, maternal mortality, and educational attainment have improved greatly.

The Maldivian economy has also performed impressively over the past three decades. From being amongst world's poorest countries in the early 1980's, the country's robust economic growth, as shown in the figure below, has enabled Maldives to graduate to being a middle-income country. Gross Domestic Product (GDP) per capita reached \$10,675 in 2017, compared to just \$200 in 1978<sup>4</sup>.

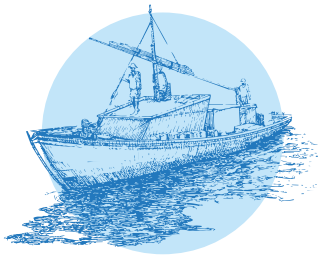
<sup>3</sup><http://statisticsmaldives.gov.mv/yearbook/2018/population/>

<sup>4</sup><https://www.worldbank.org/en/country/maldives/overview>

**Figure 1: Maldives' GDP Growth Rate (2000 – 2018)**



Source: Statistical Year Books of Maldives

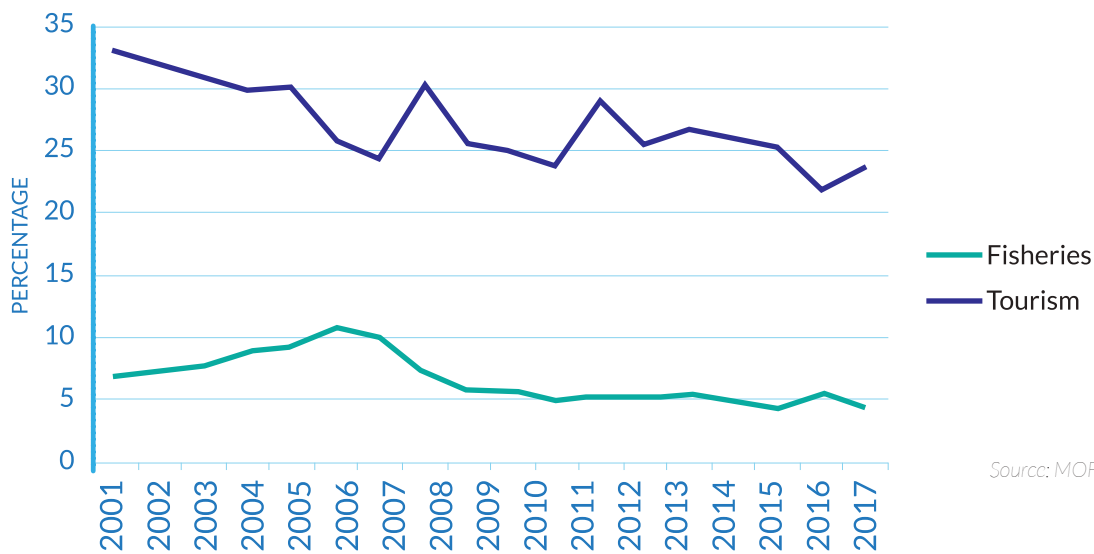


The fisheries sector is unique amongst other economic sectors in the country in being a primarily rural-based sector that is intimately integrated with rural livelihoods and income.

The economy of Maldives is dominated by two sectors; tourism and fisheries, which together generate an estimated 31 per cent of GDP<sup>5</sup>. Fisheries have traditionally been the backbone of the country's economy, providing around 80% of export revenue. Until the 1980s, virtually the whole economy was based on fishing. However, with the growth of other sectors in the economy, the official contribution of the fisheries sector to the GDP has decreased over the years from around 22 per cent in 1978 to 4.6 per cent in 2017<sup>6</sup>. Although its contribution to GDP has since been overtaken by tourism, fisheries remains a critical sector in economic and socio-economic terms as it provides a substantial source of food, rural employment, export earnings, and revenue generation. The fisheries sector is unique amongst other economic sectors in the country in being a primarily rural-based sector that is intimately integrated with rural livelihoods and income. The rural population is dependent on fisheries as the major income earning activity, and fisheries provide the greatest direct financial benefit to rural communities through fishing or fishing-related activities such as fish product preparation and processing. This is particularly true for the outer atolls.

<sup>5</sup>MMA (2017): Annual Report

<sup>6</sup>Actual contribution to GDP is thought to be higher than this figure when including all related upstream/input and downstream-related processing and marketing business activities.

**Figure 2: Fisheries and tourism contributions to total GDP in the Maldives (%)**

Source: MOFMRA

## 2.2 Harvesting sector

During the past half a century, the Maldivian fishing industry has evolved from a traditional subsistence-based pole and line tuna fishery to a commercial industry. A number of factors contributed to this transformation. A fishing vessel mechanization program initiated by the government during the 1970s was perhaps the most important event that led to the expansion of the industry. Once introduced, the number of mechanized fishing vessels increased and reached a high of 2,344 vessels by 2001.

However, records show that the number of mechanized vessels in the fishing fleet decreased to 505 by 2017 (see table below). Introduction of larger fibreglass fishing vessels to the fishing fleet from the late 1990s contributed to the decline in vessel numbers. The hull sizes of the larger vessels are almost double the size of a conventional second-generation fishing vessel with their engine capacity being much higher.

The catching capacities of these vessels are also higher as they are able to go further out to sea and are able to fish in more adverse weather conditions than smaller traditional vessels. These larger vessels are capable of landing 10 – 15 tons of fresh fish per fishing trip while the conventional mechanized vessels can only land about 5 tons of fresh fish per trip.

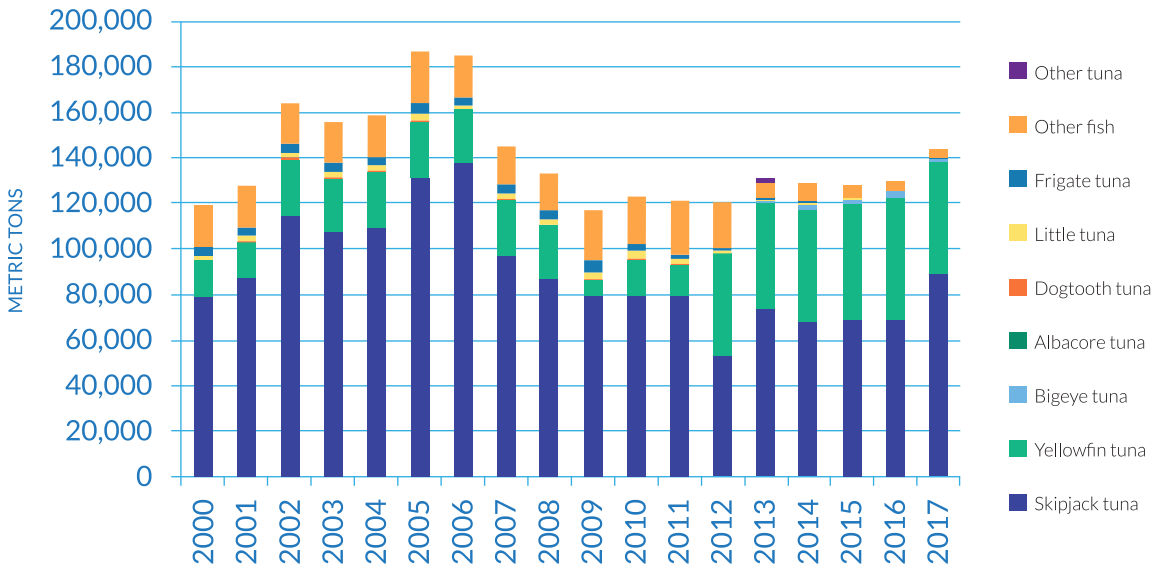


With the introduction of mechanized fishing vessels at the end of the 1990s, along with the establishment of fish purchasing and processing factories, the volume of fish catch increased substantially. There was a steady increase in total fish catch to just over 180,000 metric tons in 2005 and 2006. However, 2007 saw a sharp decrease in the total catches over the next three years, before catches stabilized, and then began to recover, with catches in 2017 being 143,160 tons (see Figure 3). A similar trend was observed for all the fleets fishing in the Indian Ocean for tuna and tuna like products during this period.

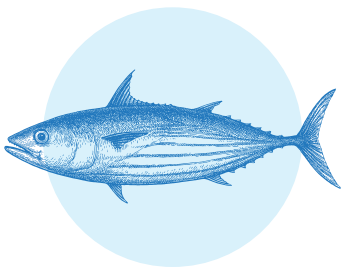
*“With the introduction of mechanized fishing vessels at the end of the 1990s, along with the establishment of fish purchasing and processing factories, the volume of fish catch increased substantially.”*

The bulk of the total annual fish catch of the country comprises tuna species, as shown in the figure below. The main target species are skipjack tuna (*Katsuwonus pelamis*), yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*), kawakawa (*Euthynnus affinis*), and frigate tuna (*Auxis thazard*).

**Figure 3: Fish catches in the Maldives (2000 – 2017)**



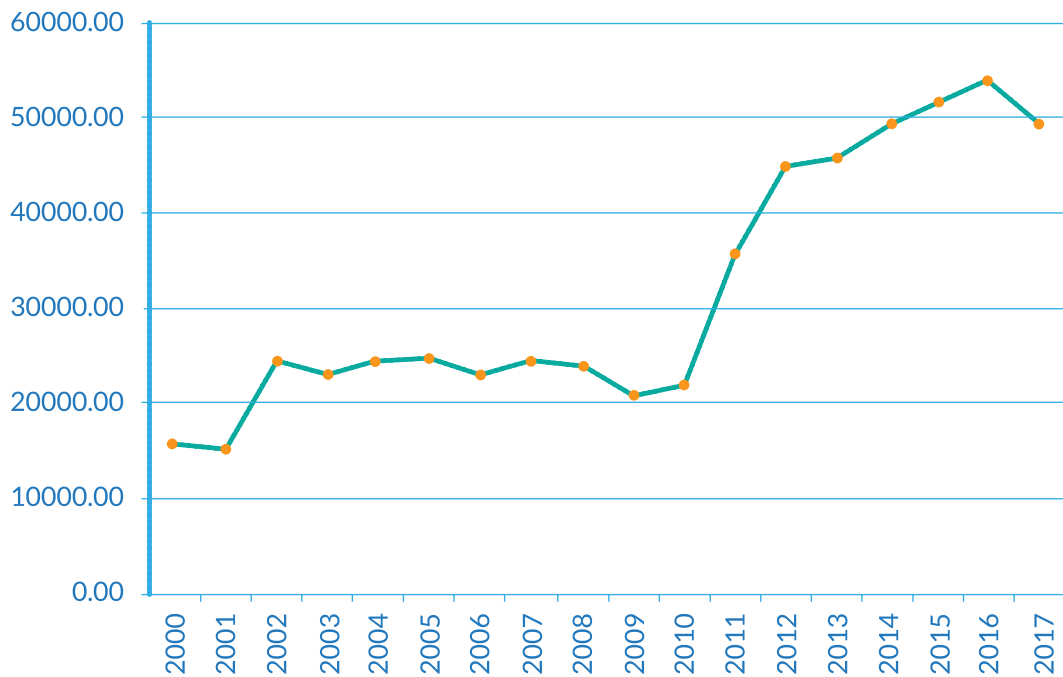
Source: MOFMRA



SKIPJACK TUNA has been by far the most important fishery species in the Maldives, contributing an average about 75% to the annual tuna catch.

Historically, skipjack tuna has been by far the most important fishery species in the Maldives, contributing an average about 75% to the annual tuna catch. In 2002, a record catch of 115,322 tons of skipjack was landed. With the expansion of the large yellowfin tuna fishery, the proportion of skipjack as a percentage of total tuna catch has declined in recent years. Virtually all the catch of skipjack is by mechanized pole and-line vessels. In addition to its quantitative importance, skipjack tuna is also the preferred source of protein in the local diet.

Since the late 1990s, the large yellowfin tuna fishery developed to become an important component of the Maldivian fishery, principally serving the export market (see following section).

**Figure 4: Yellowfin catches (tons, 2000-2017)**

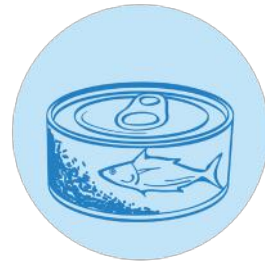
Source: MOFMRA

### 2.3 Fish marketing and processing

Until the early 1980s, reef fishing was only carried out for local consumption, normally when the weather was too bad for tuna fishing or when tuna fishing was very poor. However, with the advent of tourism, and to cater for a lucrative export market mainly in the Far East, the reef fishery has expanded substantially during the last three decades. Communities in islands remote from the capital have benefited from the expansion of such reef fisheries.

Currently the Maldivian fish processing and export sector is worth US\$ 195 million annually in export value. In terms of both volume and value of processing, skipjack and yellowfin tuna are the most important species. During 2017 earnings from export skipjack tuna contributed 53.4% of the total export value from fisheries, and yellowfin tuna for 41.1%. Combined, export earnings from these two species amounted to over 94% of total export earnings from the fishery.

A substantial amount of harvested skipjack is consumed locally. Maldives has one of the highest per capita consumption of fish in the world. Apart from local consumption, a large volume of skipjack catch is exported in frozen form, mainly to Thailand as raw material for the canning industry. Skipjack landings are also utilized for ‘cottage-based’ processing in the islands into traditional smoked fish known as ‘Maldivian fish’, which is mainly bought by traders and exported to Sri Lanka.



Apart from local consumption, a large volume of skipjack catch is exported in frozen form, mainly to Thailand as raw material for the canning industry.

In the early 2000s the government decided to liberalize the skipjack tuna processing industry, and to allow local private investment in skipjack processing whereas previously large-scale processing had been limited to state-owned companies. With the liberalization program the private sector began investing in the skipjack processing industry. At present there are five large-scale skipjack processing facilities established or being established in the country (see table 1 below), including two canning factories that mainly produce cans from skipjack tuna. The Felivaru Tuna Processing Plant which is owned and operated by the state-owned Maldives Industrial fisheries Company Limited (MIFCO) was established in 1978. Originally built as a 5 mt/day cannery, it was upgraded in 1986 to 50 mt/day raw material throughput capacity.

The second tuna cannery, which is owned and operated by the privately-owned Horizon Fisheries Pvt Ltd at the company’s site in L. Maandhoo, is capable of processing 100 mt/day of raw material for canning, pouching and as cooked loins.

**Table 1: Capacity of large-scale skipjack processing facilities**

Source: MOFMRA

	FREEZING	COLD STORAGE	CANNING
Keekimini Island	80 MT + 20 MT blast freezer	2700 MT	NIL
Felivaru	50 MT blast freezer	550 MT + 270 MT Freezing vessel	50 MT per day (can and pouch)
Maandhoo	120 MT brine freezing (10 hour shift)	2800 MT	80 MT per day (can and pouch)
Kooddoo	240 MT brine freezing (10 hour shift)	2000 MT	NIL
Hoadeddhoo	160 MT brine freezing	4000 MT	NIL





Development of the large yellowfin tuna fishery was driven by the private sector. The fishery was developed to cater for the export market and in terms of value it has become almost as important as the skipjack tuna fishery. The processing factories for yellowfin fishery are mostly concentrated near the capital island Male' where there is good access to the international airport and port. Currently there are 10 factories processing yellowfin and most of these factories operate to EU standards. The majority of the harvested large yellowfin tuna is exported as chilled or frozen fish to markets in the Far East, Europe and the USA. For export purposes yellowfin tuna catch is classed into three grades, A to C, depending on the freshness and quality. While fish that are classed in the "A" category fetch very high prices, "C" grade fish does not obtain good export prices and is sometimes sold in the local market.

“*The processing factories for yellowfin fishery are mostly concentrated near the capital island Male' where there is good access to the international airport and port.*”

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## 2.4 MCS governance

As per the current fisheries law of Maldives (Law No 5/87), MOFMRA is the key institution responsible for managing all the fisheries resources of Maldives. The law provides MOFMRA the authority to formulate and implement various rules and regulations regarding development and management of fisheries resources and it is an obligation of MOFMRA to monitor the status of fishery resources and to explore the possibility for the development of the fishery and to carry out research needed for such developments. Under the same Act, MOFMRA has formulated and implemented a number of regulations with regard to fisheries management.

New and amended legislation and regulations have been drafted and currently rest with the Attorney General’s office for submission to the parliament. An activity to fast track the bill through the parliament was included in the 100-day programme of the new government which came into power at the end of 2018.

This provides an opportunity to make further amendments to the draft legislation and regulations that have already been drafted, as proposed in this NPOA-IUU.



New and amended legislation and regulations have been drafted and currently rest with the Attorney General’s office for submission to the parliament.

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“An activity to fast track the bill through the parliament was included in the 100-day programme of the new government which came into power at the end of 2018.”

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***MCS-related work within MOFMRA is carried out by the Compliance section.***  
**Important functions of the Compliance Section are**

- **Licensing of fishing vessels and fish processing facilities:** The Fisheries Licensing Regulation which came in to force in 2009 requires all fishing vessels which are engaged in fishing for the purpose of exporting fish or with the intention of offloading fish to a fish processing facility to hold a valid fishing license. Likewise, all commercial fish processing facilities are also required to hold a valid fish-processing license.
- **Quota management for longline fishing:** The Compliance section manages the issuance of fishing quota for longline fishing vessels through a bidding process. Strict measures are in place for the longline fishing fleet in terms of reporting the catch and implementing bycatch mitigation measures. These measures are in line with the bycatch mitigation measures prescribed by the relevant Resolutions of the Indian Ocean Tuna Commission (IOTC).
- **Monitoring of fishing vessels and processing factories:** Staff of the Compliance section carry out random spot checks of fishing vessels and processing facilities to check on compliance and to serve as a deterrent. With regards to fishing vessels, mainly these checks occur in port when vessels return from fishing, although as noted below staff from the Compliance section also occasionally participate in Coast Guard patrols. Checks are carried out for things such as possession of a valid license, recording of catch in logbooks, gear used, and species caught. For processing facilities, checks are carried out to ensure that the required data are being collected during fish landings (and that catch reports and fish purchase reports tally) and most importantly that only fish caught from licensed fishing vessels are bought by the facilities.

- **Catch documentation and verification scheme:** In accordance with the EU IUU Regulation, MOFMRA implements a catch documentation scheme. The scheme is implemented for: i) tuna catches (yellowfin and skipjack) caught by Maldivian fishing vessels, processed by domestic processing companies, and exported to the EU and elsewhere (tuna loins, skipjack steaks, canned tuna); and ii) tuna catches (skipjack) caught by Maldivian vessels, frozen by a processing company and exported to the EU and elsewhere or especially to Thailand and Sri Lanka, where they are processed and then exported to the EU. Recently, groupers have also been added to the list of species that require a catch certificate for export irrespective of the Catch certificates are ‘validated’ (i.e. signed) by a special team, but ‘verification’ (i.e. checking) of data on catch certificates remains a challenge for MOFMRA given available resources.

“Enforcement of fisheries regulations in Maldivian waters is the delegated responsibility of the Coast Guard of the Maldives National Defense Force.”



Apart from MOFMRA, the Coast Guard, Maldives Police Service, and the Maldives Customs Services also play important roles in MCS.

Enforcement of fisheries regulations in Maldivian waters is the delegated responsibility of the Coast Guard of the Maldives National Defense Force. Vessel assets include a 35m vessel, two 40m vessels, a 45m vessel, and other smaller vessels below 25m. In addition, 5 fast interceptor vessels of 22–23m were added to the Coast Guard’s capability in 2017 and are used as the principal means of inspecting/boarding fishing vessels. Coast Guard vessels have multiple functions such as safety, maritime border control, and fisheries enforcement. The Coast Guard has good exchange of information with other countries enabled by the Djibouti Code of Conduct (2009) and its Jeddah Amendment (2017), which has been instrumental in repressing piracy and armed robbery against ships in the western Indian Ocean and the Gulf of Aden, and which has seen its scope significantly broadened to cover other illicit maritime activities, including human trafficking and IUU fishing.

The Coast Guard collaborates with MOFMRA in carrying out fisheries monitoring and surveillance activities. MOFMRA provides technical information essential for Coast Guard sea surveillance activities, and jointly conducts some inspections of fishing vessels particularly targeting the longline fleet. Regular exchange of information between authorities through focal points helps the exchange of information in a timely manner. Under the current licensing regulation, all licensed commercial fishing vessels are required to install a Vessel Monitoring System (VMS) and all vessels should be tracked by the Coast Guard. While VMS is not generally operational in the Maldives at present, but ongoing developments are serving to ensure a roll-out of VMS throughout the licensed fishing fleet in line with regulations.

“*The Maldives Police Service have investigative responsibility for marine related legislation, including fisheries. The police have patrol boats in most of the inhabited atolls.*”

The Maldives Police Service have investigative responsibility for marine related legislation, including fisheries. The police have patrol boats in most of the inhabited atolls.

MOFMRA coordinates with the Maldives Customs Service in implementing port state measures, including controlling fishing vessels at the point of providing entry clearance, and also providing assistance in inspecting vessels that call into port and reefers loading fish for export. Customs is also the lead agency enforcing control measures at the point of import and export of fisheries products.

## **2.5 Main IUU fishing issues**

There are few drivers/incentives for Maldivian fishermen to infringe on regulations. However, some potential issues of concern include: i) hand line fishing for yellowfin in the 3 nm zone around FADs; ii) vessels not complying with the requirement to carry log books on board fishing vessels and report catches in a timely manner (and lack of action from MOFMRA for vessels that fail to comply with such requirements); iii) quota overshoot for some longline vessels; and iv) failure to comply with size limits on grouper catches in the reef fish fishery.

Of greater concern is IUU activity by foreign vessels in Maldives' EEZ using both longlines and driftnets. There is little accurate information about the extent to which foreign vessels encroach in Maldivian waters, although it is strongly suspected that foreign vessels are engaged in considerable levels of illegal fishing, with unofficial estimates of around 10,000–15,000 tonnes of tuna a year caught illegally by foreign vessels. There are high levels of foreign vessels reporting they are in 'distress' and with 'engine problems' when inspected at sea, and claiming they have drifted into Maldivian waters. In almost all such cases this claim is not substantiated with vessel tracks obtained through VMS or other sources.

## 3. The NPOA-IUU for The Maldives

### 3.1 All State & Coastal State Responsibilities

#### *International instruments*

Articles 10–15 of the IPOA–IUU suggest that all States that have not yet done so should become party to the 1982 UNCLOS, the 1993 FAO Compliance Agreement (CA), and the 1995 UN Fish Stocks Agreement. And that they should implement the Code of Conduct and its associated International Plans of Action.

Maldives has already acceded/ratified UNCLOS (in 2000) & UNFSA (in 1998) (see [http://www.un.org/Depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm](http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm)) and has a NPOA–sharks (2015) in line with the IPOA–sharks (see <http://www.fao.org/ipoa-sharks/database-of-measures/en/>). However Maldives has not accepted the FAO CA (see <https://treaties.un.org/pages/showDetails.aspx?objid=080000028007be1a>) as historically there were no Maldivian–flagged vessels fishing outside of the EEZ. Recent developments over the last few years have seen the development of a small longline fleet that does fish in high seas areas as well as within the EEZ.

#### **Action(s)**

1. *Accept FAO Compliance Agreement*
2. *Deposit instrument of acceptance with FAO*
3. *Provide authorised vessel data to FAO HSVAR in line with Article VI of the CA*

## *RFMO membership*

Section 3.1 of the Technical Guidelines on implementation of the IPOA-IUU specify that States whose vessels participate in fisheries regulated by RFMOs should either become members of those RFMOs or, at a minimum, apply the conservation and management measures adopted by those RFMOs to their own vessels or adopt measures consistent with those conservation and management measures. States should also cooperate to establish new RFMOs as needed.

Maldives has been a full Contracting Party to the Indian Ocean Tuna Commission (IOTC) since 2011 (<http://www.iotc.org/about-iotc/structure-commission>) and is also a member of the South West Indian Ocean Fishery Commission (SWIOFC) (<http://www.fao.org/fishery/rfb/swiofc/en>). Maldives also engages actively with other regional bodies without a regulatory mandate but which engage in activities to combat IUU fishing, such as the Bay of Bengal Programme Inter-Governmental Organisation (<http://www.bobpigo.org/>) and the Asia-Pacific Fishery Commission (APFIC) (<http://www.fao.org/apfic/en/>).

*No Action required.*



## National legislation

Articles 16 and 17 of the IPOA-IUU require States to undertake a thorough review of their existing laws, regulations and practices that may relate to IUU fishing, so that national legislation effectively addresses all aspects of IUU fishing and evidentiary standards and admissibility.

Current legislation in force is law no 5/87 named the “Fisheries Law of Maldives” (<https://www.fishagri.gov.mv/index.php/en/rules-regulations/fisheries-regulations>). This legislation came in to force in 1987. Since then the fisheries industry has evolved considerably. The present fisheries law of Maldives is outdated and not fit for purpose, especially given changes in international instruments, standards, norms and best practice since it was enacted. New legislation in the form of a new Fisheries Bill and supporting Regulations (such as the Licensing Regulation, and the Longline Fishery Regulation) have been drafted and currently rest with the Attorney General awaiting submission to Parliament for consideration. During the 2018 fisherman’s day celebration, the fisheries minister of MOFMRA announced that passing the new fisheries act is one of the priorities of the government’s legislative agenda. The proposed draft legislation is generally sufficient to address aspects of IUU fishing although later text and actions in the NPOA-IUU make suggestions for additional necessary improvements.

### Action

1. *Seek introduction of the Fisheries Bill, amending the Fisheries Act of 1987 and its subsidiary legislation (i.e. Regulations), including other amendments suggested in the NPOA-IUU, and ensure its effective application by MOFMRA and other relevant organisations*

## State control of nationals

Articles 18 and 19 of the IPOA-IUU state that States should i) take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing, and ii) cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing.

A number of local private companies currently operate long line fishing vessels within the EEZ of the Maldives and all longline vessels are reflagged from other registries rather than being constructed in the Maldives. The Ministry of Transport re-registers the vessels but under the current practice does not undertake a background check prior to re-registration (for example to check if the state flagging the vessels has been identified by a RFMO as undermining the effectiveness of conservation and management measures adopted by that RFMO). MOFMRA is discussing the issue with the Ministry of Transport, and could conduct the IUU check on behalf of the Ministry of Transport before, and as a requirement of, submission to the Transport Authority for registration. Deeper verification of the compliance history of vessels applying for registration in the Maldivian ship registry, and on their beneficial ownership, is recognized by MOFMRA as being important.

Under the current fisheries law there are no provisions regarding violation of fishery conservation and management laws of other states. However, the draft new fisheries legislation (and associated action – see action under Art. 16 and 17 of the IPOA-IUU above) addresses this issue.

### Action

1. *Transport Authority to register fishing vessels on the vessel register only after documentation is provided by MOFMRA to prove that a background check on vessels has been completed*

## Vessels without nationality

Article 20 of the IPOA-IUU recommends that States should take measures consistent with international law in relation to vessels without nationality on the high seas involved in IUU fishing.

MOFMRA collects, compiles and maintains a comprehensive list of all Maldivian licensed fishing vessels operating in and outside of the Maldivian EEZ. The list is regularly updated and submitted to the IOTC. The IOTC considers Maldives as an exemplary member in maintaining and updating the list, supporting a comprehensive register of authorized vessels by IOTC.

## Sanctions

Article 21 of the IPOA-IUU requires States to ensure that sanctions for IUU fishing by vessels and, to the greatest extent possible, nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing.

The present sanctions regime for fisheries-related offences and violations is weak and insufficient to deter violations. The existing fisheries law does not make provisions to impose severe sanctions for fisheries-related offences. The draft new fisheries legislation provides a range of sanctions for violations of the legislation and regulations made pursuant to the legislation. These include civil, criminal and administrative penalties. For example, vessels failing to comply with the regulations can be fined by twice the value of the profit or damage caused by committing that offence. Refusing to cooperate with MCS enforcement officers is a criminal offense. Further, the minister of MOFMRA is vested with powers to impose a range of administrative penalties to offenders including suspending fishing license and confiscating fishing gear. Even though the sanctions prescribed in the draft new fisheries legislation can be considered sufficient to act as a deterrent, there are concerns among fisheries managers that timely implementation of various sanctions might be a challenge. It might also be useful if additional effective sanctions, such as giving authority to enforcing

*No Action required.*

### Action(s)

1. *Review the sanctions proposed in the draft legislation, and if considered necessary propose additional sanctions for inclusion before draft legislation is submitted to parliament*

officers to impose on-the-spot fines for vessels that fail to carry and maintain log books, were incorporated into the draft legislation.

### ***Non-Cooperating States***

Article 22 of the IPOA-IUU encourages States to eliminate actions of non-cooperating States to a relevant regional fisheries management organization which engage in IUU fishing.

The Maldives is a Contracting Party of the IOTC (and a member of SWIOFC) and strives to translate IOTC resolutions into tangible action at the national level. IOTC membership by coastal states in the Indian Ocean is incomplete, and Myanmar and Timor Leste currently do not participate. Kuwait and UAE also make catches in the IOTC's area of competence but are not parties.

#### **Action(s)**

1. *Support the IOTC in any efforts it may make in encouraging relevant states to become Contracting Parties to the IOTC*

## ***Economic incentives/subsidies***

Article 23 of the IPOA-IUU notes that 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.

Currently there are no subsidy programs being implemented in the fisheries sector. The draft new fisheries legislation does not address the issue of subsidies. It could act as a deterrent to violators if a specific clause was inserted in to the draft legislation to bar any fishing vessels engaged in IUU fishing activities from receiving any form of subsidies, should they be introduced in the future.

## ***MCS: regulation of access to waters and resources***

Article 24.1 of the IPOA-IUU recommends that countries give due thought to regulating access to waters and resources and suggests that coastal States should carefully control fisheries access by foreign vessels.

As part of a policy shift, in 2009, the government stopped issuing licenses to harvest any form of marine resources in the Maldivian EEZ by foreign vessels. Currently there are no foreign fishing vessels operating legally in the Maldivian EEZ.

Access to domestic waters by Maldivian commercial handline and pole and line vessels is open to those with vessels with valid licenses and registration.

For the longline fleet, at the beginning of each year MOFMRA decides on the total quota for longline vessels and publicly invites Expression of Interest for fishing licenses and quota. If the number of applications does not exceed the total quota allocated for the year, all applications are approved. If the applications exceed the total quota allocated then the vessels are selected on a first come first served basis.

### **Action**

1. *Insert a clause in to the draft new fisheries legislation and subsequent regulatory framework to bar any fishing vessels identified as engaged in IUU fishing activities from receiving any form of subsidies*

*No Action required.*

The process of assigning quota for specific vessels has recently been further elaborated to ensure each vessel is assigned with a minimum quota tonnage based on vessel size/capacity. Changes have also recently been made to the way the quota and the longline vessels are monitored.

The vessels are now monitored for fishing activity at sea and log books are verified against fishing activity to ensure that log book reports are accurate and true. Monthly checks are also performed for overshooting of quota and potential overshooting in the near future. MOFMRA has also drafted changes to the regulatory framework to make it mandatory for all longline fishing vessels to be equipped with electronic observer systems due to the nature of the fishing operations (see later text).

### ***MCS: records of vessels and owners***

Article 24.2 of the IPOA-IUU recommends that countries give due thought to records of vessels and owners.

All commercial fishing vessels fishing with the intention to export or sell to processing facilities are required to have a fishing license and a list of all vessels and owners are maintained and updated by MOFMRA.

However, vessels fishing for subsistence and recreational fishing vessels are not required to have a license. This issue is under review and discussions are being held to make it mandatory for all vessels engaged in fishing to have a fishing license.

All tuna fishing vessels licensed in the Maldives are required to be Maldivian owned, and theoretically are, as evidenced by information provided on license applications. However, in the case of the longline fleet it is difficult for the authorities to verify (for example through forensic accounting) if any vessels are beneficially owned overseas.

#### **Action**

- 1. If regulations change with regards to the types of vessels that should have a fishing license, ensure that the license database is updated accordingly*

## **MCS: Vessel Monitoring Systems (VMS)**

Article 24.3 of the IPOA-IUU recommends that countries give due thought to vessel monitoring systems (VMS). And that countries should know the location of all vessels fishing in waters under its jurisdiction.

It is mandatory for all fishing vessels operating under a fishing license to have a VMS system, and IOTC requirements are for all vessels over 24m or vessels of all sizes that are authorized to fish outside the area of national jurisdiction to be equipped with VMS. It is also mandatory under Maldivian legislation for the vessels to record the location of the fish catch along with fishing records and submit data to MOFMRA. However, effective enforcement of VMS continues to present challenges to MOFMRA. The Ministry initially began to implement the VMS program through an IFAD-assisted program. However the program had limited success, as the VMS systems used had data transmission capability problems. MOFMRA is currently working through a World bank project to strengthen the implementation of the VMS program, but at present only a small proportion of the fishing fleet are covered by VMS. The World Bank project has three main components with regards to MCS: i) introduction of vessel location devices with catch reporting capabilities; ii) implementation of an electronic-observer program; and iii) strengthening of MCS capability of MOFMRA

## **MCS: Observers**

Article 24.4 of the IPOA-IUU recommends that countries give due thought to implementing where appropriate observer schemes.

MOFMRA does not implement an observer program at present. The requirement to implement an observer scheme has not been fully translated in the Maldivian framework even though it is an RFMO requirement. The IOTC Resolution 11/04 On Regional Observer Scheme mandates members states to monitor 5% of the total operations undertaken by vessels larger than 24m. However, this resolution currently only takes into account conventional human observers and

### **Action**

1. *Install VMS on all vessels over 24m (about 300), and ensure full coverage of all other relevant vessels by the end of 2020*

### **Action**

1. *Fully comply with IOTC requirements on observer coverage, whether they be human observers or e-/ camera systems by the end of 2020*

some IOTC members are currently working to pass a resolution that will allow electronic observer systems as a suitable substitute. IOTC has a pilot project to promote the regional observer scheme (16/04).

MOFMRA through the World Bank assisted project will be installing electronic observer systems on Maldivian fishing vessels which will rely on cameras linked to satellite. The Longline Fishery Regulation also been recently revised with amendments including the requirement for all longline fishing vessels to be equipped with electronic observer systems from 1 December 2019.

### ***MCS: training of MCS personnel***

Article 24.5 of the IPOA-IUU recommends that countries give due thought to training for MCS personnel.

At present MOFMRA lacks sufficient capacity for implementing an effective MCS program. MOFMRA lacks the technical skills and experience required to manage the challenges and complexities of an effective MCS program. In addition to technical knowledge, insufficient funding and insufficient inter-agency coordination continues to be an impediment to MOFMRA's efforts. The proposed draft fisheries legislation will require considerable scaling up of the MCS program and will overburden an already weak setup. Hence there is an urgent need to implement a capacity building program in MOFMRA and other related agencies in the field of MCS.

#### **Action**

1. *Design a capacity building program for MOFMRA and other related agencies in the field of MCS as the basis for attracting funding*



## ***MCS: planning and funding***

Article 24.6 of the IPOA-IUU recommends that countries give due thought to planning and funding MCS activities in an effective manner.

Enforcement of fisheries regulations in Maldivian waters is the delegated responsibility of the Coast Guard of the Maldives National Defense Force. Limited funds are available for at-sea operations, and Coastguard vessels are limited in their capacity to fully enforce regulations in Maldives' large EEZ. Support is however provided from the Indian authorities and includes the provision of some aerial surveillance as well as at-sea inspection platforms/vessels onto which Coast Guard staff are deployed.

MOFMRA has signed an MOU with the Coast Guard with regards to MCS, including combatting IUU. However, there is no MCS strategy or plan for inspections agreed and documented in advance each year between MOFMRA and the Coastguard based on a clear risk assessment (of key areas, seasonal issues, fleet segments, etc). And regular consultation to assist with operational planning of MCS nature between the Ministry and the Coastguard could be improved.

## ***MCS: promoting industry awareness***

Article 24.7 of the IPOA-IUU recommends that countries give due thought to promoting industry awareness for the need for MCS and their cooperative participation in MCS activities to prevent, deter and eliminate IUU fishing.

MOFMRA holds an annual function to celebrate “fishermen’s day” on December 10 each year. The event takes place on different islands each year and is a national event where the whole of the fishing industry and relevant government agencies are represented. A typical fishermen’s day program will include discussion forums and information dissemination sessions. This is an opportunity where fishers, industry officials and very high-level government officials including ministers and sometimes even the President interact with the industry. All issues

### **Action**

1. *MOFMRA and Coast Guard to develop and implement a national plan of control and inspection to cover all forms of inspections (vessels, processing facilities, aquaculture facilities etc) with targets and clear indicators of inspection requirements and outcomes. Performance against the plan to be made publicly available.*

### **Action**

1. *Special workshops held for island councils and industry on logbook data collection and completion*

facing the industry including IUU issues are discussed in these forums. Fishers are also informed of their obligations through the Gazetting of relevant regulations, publicity information through local media, through the Ministry's extension division, based on communication with processing companies to which they sell, and through other more informal mechanisms such as text messaging. These methods are generally effective in informing fishers of their obligations.

In most field trips carried out by MOFMRA officials, they hold discussions with island councils about data collection. Despite these efforts, thus far island councils have proved ineffective in carrying out their responsibilities of data collection. Urgent awareness programs need to be implemented in this area.

### ***MCS: understanding of MCS issues within the national judicial system***

Article 24.8 of the IPOA-IUU recommends that countries give due thought to promoting understanding of MCS issues within the national judicial system.

Currently the Maldivian judicial system has limited capacity and knowledge regarding various aspects of IUU fishing and co-operation between the judiciary and fisheries management bodies is almost non-existent. Considering that current fisheries law does not make adequate provision to address IUU fishing activities, successful prosecution and sanctioning of IUU offenders is difficult. There is urgent need to develop and implement a comprehensive program to enhance the relationship between the judiciary and fisheries management bodies. Such a program should aim to educate the judges and government prosecutors on IUU-related violations and Maldives' obligations under international treaties and RFMO commitments on IUU fishing. Such a program should be holistic and should include MOFMRA, the judiciary, AG office, Coast Guard, Customs, Marine Police, Ministry of Transport, and Ministry of Trade.

#### **Action**

1. *Develop and implement a training/sensitizing programs for the judiciary in collaboration with the Maldives Police Service, Prosecutor General's Office and other line ministries/agencies*

## ***MCS: acquisition, storage and dissemination of MCS data***

Article 24.9 of the IPOA-IUU recommends that countries give due thought to systems for the acquisition, storage and dissemination of MCS data.

Data on infringements detected by foreign vessels are recorded by the coastguard along with data on its patrols and inspections (but are not made public), and reports of infringements by domestic vessels are maintained by MOFMRA. MOFMRA is developing an online Fisheries Information System (FIS) that will collect, analyze and store all fisheries-related statistics. FIS will allow for remote entry of logbook data. Important information such as fishing licenses, catch data, export data, fish purchase prices, fishing vessel data etc will be stored in the system, and will be used for MCS purposes. Information on IUU fishing activities will also be stored in the system. FIS is capable of formatting data as required by the Indian Ocean Tuna Commission and national fisheries statistics. MOFMRA plans to publish a comprehensive annual report using data from the FIS, including the nature and details of infringements. FIS will become fully operational during 2019 and the first report will be published in the same year.

## ***MCS: boarding and inspection regimes***

Article 24.10 of the IPOA-IUU recommends that countries give due thought to effective implementation of national and internationally agreed boarding and inspection regimes.

Currently there is no regionally agreed protocol on boarding and inspection in the Indian Ocean, although the Coastguard has its own standard boarding and inspection procedures. There is a need for regionally agreed protocol and a Standard Operating Procedure for Boarding and inspection that will impose requirements on foreign fishing vessels in a country's EEZ, and countries which are party to relevant international conventions are empowered to verify that fishing vessels of other nations operating in their waters are not engaged in IUU activities. Maldives is

### **Action**

1. *MOFMRA to record and formally publicize details of IUU infringements on a quarterly basis*

### **Action**

1. *Support the establishment of a regionally agreed protocol and a Standard Operating Procedure for boarding and inspection of fishing vessels*

actively working with IOTC for a regionally-agreed protocol for boarding and inspection and will fully comply when such a protocol is available.

### **MCS: other issues**

The Technical Guidelines for implementation of the IPOA-IUU recommends that countries should: i) be able to determine the catch of each vessel fishing in waters under its jurisdiction, ii) verify the accuracy of reported data and should penalize the failure to report and the misreporting of data, and iii) ensure that waters under its jurisdiction are clearly delineated and marked on charts.

It is mandatory for all fishing vessels operating under a fishing license to compile catch data and submit it to MOFMRA. Vessels are required to carry logbooks on-board and record data at sea, but there are some issues relating to logbooks being completed after fishing trips on land. MOFMRA is currently implementing a program to review and strengthen the data collection system and plans to implement a more comprehensive e-logbook data collection system, which will feed data into the FIS referred to above. In addition, early in 2019 it became a requirement for fishing vessels to lodge log book sheets in a box prior to the catches being weighed and payments made for any purchase activity. The log books lodged are then cleared by the exporters on a fortnightly basis and sent to MOFMRA for data entry.

Maritime boundaries with the British Indian Ocean Territories are not fully agreed.

### **Action(s)**

1. *Timely Implementation of the planned Fisheries Information System and its extension work on electronic catch reporting application*
2. *Amend the draft new fisheries regulations to authorize enforcing officers to impose on-the-spot fines for vessels that fail to carry and maintain log books*
3. *Engage with relevant states to reach agreement over all maritime boundaries*

## **NPOA-IUU**

Articles 25-27 of the IPOA-IUU encourage countries 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 the internal, national coherence and coordination of efforts.

At present, coordination between government agencies responsible for enforcing fisheries management measures is weak. MOFMRA has signed an MOU with the Coast Guard with regards to MCS including combatting IUU. Apart from this current interagency coordination occurs mainly against the backdrop of day-to-day, informal interactions between MOFMRA and other agencies staffs, including casual conversations, meetings, and workshops. At RFMO level, MOFMRA works very closely with the IOTC and there is good coordination between the Maldives and the IOTC. If Maldives is to successfully implement the NPOA-IUU, it will require systematic efforts to institutionalize coordination and promote interagency collaboration, consultation and coordination at all levels. Once the NPOA-IUU is finalized and adopted, an implementation plan needs to be developed. An effective way to promote interagency coordination will be to execute MOUs with various government agencies to cover their intent to implement relevant actions in the NPOA-IUU. The MOUs should include specifics that will enable agencies to assess the effectiveness of their agreement and would enable signatory agencies to review MOUs regularly to determine whether they continue to be effective.

## **Cooperation between States**

Articles 28-31 of the IPOA-IUU encourage countries to cooperate under the following headings: a) exchange of information on records of vessels authorized 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, harmonizing policies and MCS, notably through signing international agreements.

### **Action(s)**

1. *Develop an implementation plan for the NPOA-IUU fishing*
2. *Develop and execute MOUs between MOFMRA and other agencies (including but not limited to Maldives Customs Service and Transport Authority) for implementation of relevant NPOA-IUU actions*

### **Action(s)**

1. *Further enhance the exchange of information and intelligence with MCS agencies in Sri Lanka and India to combat IUU fishing*

Countries are also encouraged to inform FAO and RFMOs about vessels deleted from their records of vessels authorized 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 countries for the enforcement of flag State measures applicable to management and conservation measures on a national, regional or global scale.

MOFMRA collect, compile and maintain a comprehensive list of all licensed fishing vessels operating in the Maldivian EEZ. The list is regularly updated and shared with the Coast Guard of Maldives. The list is also submitted to the IOTC. In addition, IOTC also shares a list of IUU fishing vessels and important information with MOFMRA.

The Coast Guard is regularly updated with the information, and has good contact and communication with the Coast Guards/Navy of neighbouring countries. However, since Maldives has a vast EEZ, the country needs to enhance regional cooperation to address IUU fishing.

Information sharing between agencies involved in MCS with neighboring countries and RFMOs is critical to the Maldives. In this regard MOFMRA already has good informal contact with MCS agencies in Sri Lanka for the sharing of intelligence and relevant information, but such collaboration with India for the purpose of combating IUU fishing could be increased.

## 3.2 Flag State Responsibilities

### *Fishing vessel registration*

Articles 34 to 41 of the IPOA-IUU encourage flag States to exert the necessary control over vessels flying their flag to minimize possible IUU fishing activities. The IPOA-IUU also encourages countries to avoid flagging vessels with an established IUU fishing record (unless proven changes of ownership and operators have occurred), or to support flag hopping for purposes of non-compliance. Flag States are encouraged to firmly link vessel registration and the issuing of fisheries licenses, and to coordinate the functions of registering fishing vessels and granting authorizations to fish among its responsible government agencies.

All commercial fishing vessels operating in or outside the Maldivian EEZ are registered in the Maldives. All vessels in the long line fleet (not built in the Maldives) have been deregistered and then registered in Maldives. Earlier comment has been made about the difficulty in establishing whether any longline vessels registered in the Maldives and documented as being owned by Maldivians are in fact beneficially-owned overseas. The Ministry of Transport re-registers all long line vessels but under the current practice does not undertake a background check on the vessels prior to reregistration, for example for previous IUU activity. MOFMRA is discussing the issue with the Ministry of Transport.

All vessels issued with a fishing license must demonstrate vessel registration as part of the licensing process.

*No action proposed  
(as addressed earlier  
under coastal/all state  
responsibilities)*

## **Record of fishing vessels**

*No action required.*

Articles 42 and 43 of the IPOA-IUU recommend that each flag State should maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorized to fish on the high seas, all the information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement.

All commercial fishing vessels operating in or outside of the Maldivian EEZ are registered, and are required to have a fishing license. The Maldives has not however provided data to FAO as per Article VI of the Compliance Agreement, and should do so for the new fleet of longline vessels which are operating on the high seas as well as within the Maldivian EEZ.

Action number 3 above covers the need to provide data for all longline vessels to FAO as per Article VI of the Compliance Agreement.

## **Authorization to fish**

*No action required.*

Articles 44-50 of the IPOA-IUU encourage flag states to ensure that each fishing vessel entitled to fly its flag, and fishing in waters beyond national jurisdiction, be duly authorized by the flag state. This also covers issues related to transshipment.

MOFMRA carefully manages quotas and fishing licenses for the longline fishing fleet (see earlier discussion). Longline fishing licenses include provision to fish in high seas areas as well as within national jurisdiction (pole and handline vessels are restricted to activities within the EEZ).

Maldives has no flagged vessels registered as transshipment vessels operating in waters beyond national jurisdiction.



### 3.3 Port State Responsibilities

#### *The Agreement on Port State Measures (PSMA)*

The PSMA is the first binding international agreement to specifically target illegal, unreported and unregulated (IUU) fishing. Its objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. The PSMA had not been developed at the time that the IPOA-IUU was approved, and so is not covered by the IPOA-IUU or related guidelines. The PSMA represents an important step in combatting IUU fishing at national, regional and international levels.

The Maldives is already a party to the PSMA

(<http://www.fao.org/port-state-measures/background/parties-psma/en/>).

Maldives ratified the agreement on Port State Measures (PSM) in 2017 and is in the process of formulating a national regulation required under the PSM, which will provide for requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transshipment 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.

#### *Visits by foreign vessels to ports*

Articles 52-64 of the IPOA-IUU encourage States to put in place all measures to combat IUU fishing, such as those related to prior notice, data on catches, prohibiting IUU vessels from entering, designated ports, sharing of information with Flag States and RFMOs, and cooperation with RFMOs on port state measures.

Foreign fishing vessels sail in to port on an emergency basis such as for crew illness, they are already required to sail into Male' port and follow strict rules in line with Part 2 of Resolution 16/11 on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Fish carrier vessels collecting fish from fish purchasers in the Maldives for transport to canneries in other

#### **Action(s)**

1. *National regulation required to give effect to the obligations of the PSM to be developed and enacted*

#### **Action(s)**

1. *MOFMRA to enter into discussions with Maldives Customs Service to establish a formal working arrangement to implement port state measures in the Maldives, including control of fish carrier vessels.*
2. *26. Implement the IOTC e-PSM system*

countries are currently not well controlled, making it difficult to know whether these vessels might be used for transshipment while travelling to canneries in other countries. However the new regulation referred to above will include requirements for these vessels and provide the regulatory basis for their control. The draft amendments to the Licensing Regulation also now mandate collector vessels and refers to obtain a license for operations. The changes to the regulation have also spelled out various other requirements for the such vessels to ensure that their operations can be remotely monitored by MOFMRA. MOFMRA will need to conduct increased levels of inspections at the point of loading of these carrier vessels in the future, in association with the Customs Service.

### 3.4 Market-related measures

#### *Trade measures*

Articles 65-76 of the IPOA-IUU recommend that States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multilaterally agreed trade-related measures. Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing could include the adoption of multilateral catch documentation and certification requirements. Stock or species-specific trade-related measures may be necessary. Certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

The Maldives notes a distinction between trade documentation schemes and catch documentation schemes, even though both are trade-related instruments; trade documentation schemes start with the trade and are designed as trade monitoring tools. Catch documentation schemes start with the harvest and are designed as MCS tools to combat IUU fishing.

At the regional IOTC level, current CMMs of relevance include CMM 10/10 (on ‘market related measures’) and CMM 01/06 (statistical document programme for bigeye tuna).

#### **Action(s)**

1. *Support ongoing developments by IOTC to amend/replace CMM 10/10 and CMM 01/06, and engage appropriately with the development of any regional catch documentation schemes*
2. *28. Amend current draft new fisheries regulation to require fish importers to adhere to an internationally approved catch documentation or trade documentation scheme for all fish products imported to Maldives*
3. *Enhance cross-checking and verification of information on catch certificates*

Recommendations of the 1st and 2nd IOTC performance reviews suggested as follows:

- **PRIOTCo1 (2009): 62.** The bigeye statistical document programme should be applied to all bigeye products (fresh and frozen). Catch documentation schemes for target species of high commercial value should be considered. Alternatively, expanding the scope of the current statistical document programme to address current loopholes should be considered.
- **PRIOTCo2 (2016):** a) the Commission to consider strengthening the market related measure (Resolution 10/10 Concerning market related measures) to make it more effective.

Although imports of fresh and frozen fish to the Maldives for value addition purposes are currently very low, in future fish imports may increase. At present there is no legal requirement for fish importers to adhere to a catch documentation scheme or trade documentation scheme. Ongoing developments by the IOTC may strengthen the provisions of CMM 10/10, and regional catch documentation schemes could emerge in the future.

The proposed amendments to fisheries legislation contained in the draft legislation make it illegal to conduct any form of trade with fish or fish products harvested from IUU fishing. Maldives' existing shark regulation also already makes it illegal to catch any shark-related products. And MOFMRA issues catch certificates to swordfish exporters upon request.

With respect to the EU's unilateral catch document scheme as part of the EU IUU Regulation, in general complies with the requirements of Council Regulation (EC) No 1005/2008 and has in place a catch documentation scheme for all tuna exports (except 'Maldivian fish'). However, some improvements could still be made, as noted by the European Commission during visits to the Maldives in 2017 and 2018, notably relating to the timing of the issuing of catch certificates and verification (i.e. cross checking of data on catch certificates).

### 3.5 Research

#### *Scientific research*

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

Maldives does not have the capacity to conduct research on genetic markers or protein profiling, but the Maldives is actively engaged with IOTC scientific working group and will follow guidelines and advice in conducting research in this area.

### 3.6 Regional Fisheries Management Organizations

#### *Compliance and enforcement of RFMO measures*

Articles 78–84 of the IPOA-IUU recommend that States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound.

IOTC has embarked upon a commendable program to prevent, deter and eliminate IUU fishing through the implementation of various measures to control the harvest of fish caught in the IOTC Area. Apart from the VMS and observer programs being implemented by member states, a number of resolutions have been passed by the IOTC, which mandate member states to undertake specific measures in combating IUU. These include:

- Resolution number 16/11 to prevent, deter and eliminate IUU fishing
- Resolution Number Resolution No 17/03 on establishing a list of vessels presumed to have carried out IUU fishing in the IOTC area of competence
- Resolution no 01/07 concerning the support of the IPOA-IUU plan
- Resolution no 07/02 concerning the establishment of an IOTC record of vessels authorized to operate in the IOTC area

#### **Action(s)**

1. *Collaborate with regional and international partners to the extent possible on ongoing research work related to combatting IUU fishing.*

#### **Action(s)**

1. *Work with other member states to identify and strengthen areas of IOTC work to combat IUU fishing*

- Resolution No 10/10 concerning market related measures to combat IUU fishing.

In addition, IOTC actively engages in capacity building of member states, especially Island Developing States in combating IUU fishing.

Maldives being an active member of IOTC, fully participates in the Commission's efforts to combat IUU fishing.

Maldives considers that there are areas where IOTC needs improvements in its effort to combat IUU. Strengthening the collection and reporting of accurate and timely catch and effort records, strengthening VMS and observer programs including through implementation of electronic monitoring and reporting systems by all member states, and strengthening measures that regulate and monitor transshipments are some of the areas that need to be improved.

### 3.7 Needs of developing countries and Small Island Developing States

#### *Support to developing states and SIDS*

Article 85 of the IPOA-IUU recommends that States, with the support of FAO and relevant international financial institutions and mechanisms, where appropriate, should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their duties as flag States and port States. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action.

Maldives is a middle-income Small Island Developing state and effective implementation of the NPOA-IUU will be a major challenge without technical and financial assistance from international donors. Short term and long-term assistance will be needed and Maldives should seek assistance from international donors in both the development of an implementation strategy for the NPOA-IUU and in implementing various actions identified in the NPOA-IUU.

### 3.8 Reporting

#### *Dissemination*

Article 87 of the IPOA-IUU recommends that States and regional fisheries management organizations should report to FAO on progress with the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing.

It is also important to ensure that the Maldives NPOA-IUU is disseminated domestically.

#### **Action(s)**

1. *Identify actions in the NPOA-IUU that will require immediate and long-term technical and financial assistance from donors (which could include development of the implementation plan for the NPOA-IUU as the first step)*

#### **Action(s)**

1. *Submission of The Maldives NPOA-IUU to FAO for publication on FAO's website*
2. *Translation of the NPOA-IUU into Dhivehi and publication on the MOFMRA website*

### 3.9 Implementation of The Maldives NPOA-IUU

Article 33 of the IPOA-IUU suggests that States should endeavor to make available the technical capacity and resources which are needed to implement the IPOA. This should include, where appropriate, the establishment of special funds at the national, regional or global level. In this respect, international cooperation should play an important role.

Earlier text has highlighted the need for an implementation plan for this NPOA-IUU, and potentially for donor support to assist with technical and financial capacity for its implementation and the actions it contains. The implementation plan to be developed will specify responsibilities, timeframes, budgets and mechanisms for completion of all actions in this NPOA-IUU.

## Annex 1: References

European Council, 2008. Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation)

European Commission, 2009. Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008

FAO, 2001. International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IPOA-IUU) fishing

FAO, 2002. FAO Technical Guidelines for Responsible Fisheries, 9. Implementation of the International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IPOA-IUU) fishing

IOTC, 2009. Report of the IOTC Performance Review Panel: January 2009. Indian Ocean Tuna Commission. 56 pp.

IOTC. Resolution 16/11 on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

IOTC, 2016. IOTC-PRIOTCo2 2016. Report of the 2nd IOTC Performance Review. Seychelles 2-6 February & 14-18 December 2015. IOTC-2016-PRIOTCo2-R[E]: 86 pp



## Annex 2: Summary list of all actions

RESPONSIBILITY / ISSUE	TOPIC	ACTION	STAKEHOLDER INVOLVED
All state and coastal state responsibility	International instruments	1. Accept FAO Compliance Agreement	Parliament, MOFMA
		2. Deposit instrument of acceptance with FAO	MOFMA
		3. Provide authorised longline vessel data to FAO	MOFMA and Maldives Transport Authority
		HSVAR in line with Article VI of the CA	
	RFMO membership	n/a	n/a
	National legislation	4. Seek introduction of the Fisheries Bill, amending the Fisheries Act of 1987 and its subsidiary legislation (i.e. Regulations), including other amendments suggested in the NPOA-IUU, and ensure its effective application by MOFMA and other relevant organisations	MOFMA
	Control of nationals	5. Transport Authority to register fishing vessels on vessel register only after documentation is provided by MOFMA to prove that a background check on vessels has been completed	MOFMA, Maldives Transport Authority
	Vessels without nationality	n/a	n/a
	Sanctions	6. Review the sanctions proposed in the draft legislation, and if considered necessary propose additional sanctions for inclusion before draft legislation is submitted to parliament	MOFMA, Attorney General's Office
	Non-cooperating States	7. Support the IOTC in any efforts it may make in encouraging relevant states to become Contracting Parties to the IOTC	MOFMA
	Economic incentives/subsidies	8. Insert a clause in the draft new fisheries legislation and subsequent regulatory framework to bar any fishing vessels identified as engaged in IUU fishing activities from receiving any form of subsidies	MOFMA, Attorney General's Office
	MCS: regulation of access	n/a	n/a

RESPONSIBILITY / ISSUE	TOPIC	ACTION	STAKEHOLDER INVOLVED
All state and coastal state responsibility	MCS: record of vessels and owners	9. If regulations change with regards to the types of vessels that should have a fishing license, ensure that the license database is updated accordingly	MOFMA, Maldives Transport Authority, Attorney General's Office
	MCS: VMS	10. Install VMS on all vessels over 24m (about 300) by the end of 2019, and ensure full coverage of all other relevant vessels by the end of 2020	MOFMA, Coast Guard
	MCS: observers	11. Fully comply with IOTC requirements on observer coverage, whether human observers or e-observer systems by the end of 2020	MOFMA
	MCS: training of personnel	12. Design a capacity building program for MOFMA/MOFMA and other related agencies in the file of MCS and submit to relevant donors as the basis for attracting funding	MOFMA
	MCS: planning and funding	13. MOFMA and Coast Guard to develop and implement a national control and inspection plan to cover all forms of inspections (vessels, processing facilities, aquaculture facilities etc) with targets and clear indicators of inspection requirements and outcomes. Performance against the plan to be made publicly available.	MOFMA and Coastguard
	MCS: promoting industry awareness	14. Special workshops held for island councils and industry on logbook data collection and completion	MOFMA, Local Government Authority, Island councils, Coast Guard, Customs, Transport Ministry
	MCS: promoting understanding of	15. Develop and implement training/sensitizing programs for the judiciary in collaboration with the Maldives Police Service, Prosecutor General's Office and other line ministries/agencies	MOFMA, the judiciary, AG office, Coast Guard, Customs, Maldives Transport Authority, Maldives Police Service, and Ministry of Economic Development.
	MCS issues within judicial system	16. MOFMA to record and formally publicize details of IUU infringements on a quarterly basis	MOFMA
	MCS: data acquisition, storage and dissemination	17. Support the establishment of a regionally agreed protocol and a Standard Operating Procedure for Boarding and inspection of fishing vessels operating	MOFMA

RESPONSIBILITY /ISSUE	TOPIC	ACTION	STAKEHOLDER INVOLVED
	MCS: boarding and inspection regimes	18. Timely Implementation of the planned Fisheries Information System and its extension work on electronic catch reporting application	MOFMA
		19. Amend the draft new fisheries regulations to authorize enforcing officers to impose on-the-spot fines for vessels that fail to carry and maintain log books	MOFMA, Attorney General's Office Ministry of Foreign Affairs
		20. Engage with relevant states to reach agreement over all maritime boundaries	MOFMA
	NPOA-IUU	21. Develop an implementation plan for the NPOA-IUU.	
		22. Develop and execute MOUs between MOFMA and other agencies (including but not limited to Maldives Customs Service and Transport Authority) for implementation of relevant NPOA-IUU actions	MOFMA and other relevant agencies
	Cooperation between states	23. Further enhance the exchange of information and intelligence with MCS agencies in Sri Lanka and India to combat IUU fishing	MOFMA, Ministry of Foreign Affairs
Flag state responsibility	Fishing vessel registration	see action number 5 above	
	Record of fishing vessels	see action number 3 above	
	Authorisation to fish	n/a	n/a
Port state responsibility	PSMA	24. National regulation required to give effect to the obligations of the PSM to be developed and enacted	MOFMA, Maldives Customs Service, Attorney General's Office
	Visits by foreign vessels	25. MOFMA to enter into discussions with Maldives Customs Service to establish a formal working arrangement to implement port state measures in the Maldives, including control of fish carrier vessels	MOFMA, Maldives Customs Service
		26. Implement IOTC electronic PSM system	MOFMA, Maldives Customs Service
Market state responsibility	Trade measures	27. Support ongoing developments by IOTC to amend/replace CMM 1010/ and CMM 0106/, and engage appropriately with the development of any regional catch documentation schemes	MOFMA, Maldives Customs Service

RESPONSIBILITY / ISSUE	TOPIC	ACTION	STAKEHOLDER INVOLVED
		28. Amend current draft new fisheries regulation to require fish importers to adhere to an internationally approved catch documentation or trade documentation scheme for all fish products imported to Maldives	MOFMA, Attorney General's Office
		29. Enhance cross-checking and verification of information on catch certificates	MOFMA
Research		30. Collaborate with regional and international partners to the extent possible on ongoing research work related to combatting IUU fishing	Marine Research Centre
RFMO compliance		31. Work with other member states to identify and strengthen areas of IOTC work to combat IUU fishing	MOFMA
Special requirements of developing states and SIDS		32. Identify actions in the NPOA-IUU that will require immediate and long-term technical and financial assistance from donors (and which could include development of the implementation plan for the NPOA-IUU as the first step)	MOFMA
Reporting		33. Submission of The Maldives NPOA-IUU to FAO for publication on FAO's website	MOFMA
		34. Translation of the NPOA-IUU into Dhivehi and publication on the MOFMA website	MOFMA



