



Republic of Vietnam  
Ministry of Agriculture and Fisheries

**NATIONAL PLAN OF ACTION TO PREVENT,  
DETER AND ELIMINATE ILLEGAL,  
UNREPORTED AND UNREGULATED FISHING**



2006

# **SULTANATE OF OMAN**

## **NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

2006

## TABLE OF CONTENTS

<b>ACRONYMS</b>	<b>5</b>
<b>EXECUTIVE SUMMARY</b>	<b>7</b>
<b>1. INTRODUCTION</b>	<b>9</b>
<b>1.1. Purpose</b>	<b>9</b>
1.2. FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	9
1.3. Definition of Illegal, Unreported and Unregulated Fishing	11
1.4. Why is IUU fishing a problem?	12
1.5. Profile of Oman fisheries	14
1.5.1. The fisheries	15
1.5.2. Economic role of the fishing industry	16
1.5.3. Fisheries management	19
1.5.4. Research and Training	23
1.5.5. Development Assistance	24
1.5.6. International and regional law and relations	25
1.6. The impact of IUU fishing on Oman	28
1.7. Scope of Oman's National Plan of Action	29
<b>2. ALL STATE RESPONSIBILITIES</b>	<b>29</b>
2.1. International Instruments	29
2.2. National Legislation	30
2.2.1. Legislation	30
2.2.2. State Control over Nationals	31
2.2.3. Vessels without Nationality	32
2.2.4. Sanctions	32
2.2.5. Non Cooperating States	34
2.2.6. Economic Incentives	34
2.2.7. Monitoring, Control and Surveillance	34
2.2.8. Cooperation between States	37
2.2.9. Publicity	38
<b>3. FLAG STATE RESPONSIBILITIES</b>	<b>39</b>
3.1. Fishing Vessel Registration	39

3.2. Record of Fishing Vessels	40
3.3. Authorization to Fish	41
3.4. Measures to Control Transport and Re-supply Vessels	42
<b>4. COASTAL STATE RESPONSIBILITIES</b>	<b>43</b>
5. PORT STATE MEASURES	43
5.1. Advance Notice of Access	44
5.2. Denial of Access	44
5.3. Authorized Ports	45
5.4. Evidence indicating IUU Fishing	46
5.5. Cooperation with port States/through RFMOs	46
<b>6. INTERNATIONALLY AGREED MARKET RELATED MEASURES</b>	<b>47</b>
6.1. Trade-related Measures	47
6.1.1. Catch documentation Schemes	48
6.1.2. Transparency of Markets	49
6.1.3. Information Dissemination	49
<b>7. REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS</b>	<b>50</b>
7.1. Party Compliance	50
7.2. Non-party Compliance	50
7.3. Innovation	50
7.4. Inclusion of non-contracting Parties	51
<b>8. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES</b>	<b>51</b>
<b>APPENDIX</b>	<b>52</b>
SUPPORTING ACTION	52

## ACRONYMS

1982 UN	United Nations Convention on the Law of the Sea of 10 December 1982
1993 FAO	Convention Agreement to Promote Compliance and International Conservation and Compliance Management Measures by Fishing Vessels on the High Seas Agreement
1995 UN Fish	Agreement for the Implementation of the United Nations Convention on Stocks Agreement 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
CG	Coast Guard
CITES	Convention on International Trade in Endangered Species
COFI	FAO Committee on Fisheries
CPC	Contracting Party and Cooperating non-Party
EEZ	Exclusive Economic Zone
FAO	the Food and Agriculture Organization of the United Nations
FINSS	Fisheries Information Statistical System
FOC	Flag of Convenience
GCC	Gulf Cooperation Council
HACCP	Hazard Analysis Critical Control Point
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
MAF	Ministry of Agriculture and Fisheries
MCS	Monitoring, control and surveillance
MCT	Ministry of Communications and Transport
MFLARPL	Marine Fishing and Living Aquatic Resources Protection Law
NPOA-IUU	National Plan of Action to Prevent, Deter

RECOFI  
RFMOs  
RON  
RAO  
UNCED

VMS  
WSSD

and Eliminate Illegal, Unreported and  
Unregulated fishing  
Regional Commission for Fisheries  
Regional fisheries management organizations  
Royal Oman Navy  
Royal Airforce of Oman  
United Nations Conference on Environment  
and Development  
Vessel Monitoring System  
World Summit on Sustainable  
Development

## EXECUTIVE SUMMARY

This document outlines Oman's National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated (NPOA-IUU) fishing. It has been developed in accordance with the International Plan of Action to prevent, deter and eliminate IUU fishing adopted in 2001 by the Food and Agriculture Organization of the United Nations.

Oman is a coastal State and for centuries Omanis have depended on fish as their major source of protein. In recent times the economy has been dependent on oil exports. Current estimates however suggest that oil reserves will be depleted within 20 years and since 1970 Oman has embarked on major initiatives to modernize and diversify its economy in a way that ensures that all Omanis now and in the future can enjoy the benefits of a prosperous and sustainable lifestyle. The development of aquaculture, traditional inshore and industrial offshore fisheries as well as enhanced processing capability is a key focus of the economic development and diversification process.

Developments to date include modernization of the traditional fisheries sector with fishermen equipped with modern outboard boats and appropriate gear, fishing ports established in all regions providing mooring, market and fishing support facilities, establishment of minimum quality control standards, a licensing regime to manage all fishing related activities and research centres that support advancements in fishing technology, knowledge of resources and the development of new fisheries including in aquaculture.

The fisheries sector is estimated to provide a livelihood to around 30,000 fishermen and their families. In addition, activities relating to fish sales, processing, transport and related equipment sales and services provide employment to an estimated 150,000 people. In 2004 total fish landed amount-

ed to 165,000 tonnes valued at almost US\$200 million. Of this US\$162 million was derived from the export of 85,000 tonnes.

IUU fishing occurs in the traditional sector in particular in relation to high value species such as lobster and abalone and in the industrial fisheries including through license violations and fishing by unlicensed operators targeting pelagic species. IUU fishing remains a significant threat to food security and to Oman's aspirations to develop a sustainable and viable fishing and processing industry.

Oman has limited fisheries management resources and relies to some extent on regional and bilateral cooperation to prevent, deter and eliminate illegal, unreported and unregulated fishing. Oman is committed to further developing its management capacity and to work with partner States in the region and internationally, to ensure the conservation and long term sustainable use of fish stocks and the protection of the environment.

Since Oman has adopted fisheries management initiatives developed regionally and will soon adopt new legislation that incorporates principles contained in the 1995 UN Fish Stocks Agreement, the 1993 Compliance Agreement and the Code of Conduct for Responsible Fishing, to a large extent, this document is a record of actions already underway. There is however a number of matters to be considered for further action and these are listed at the end of the document. Oman will carry out on-going review of the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and will submit revisions to FAO as required.

## **1-INTRODUCTION**

### **1.1. Purpose**

This document outlines Oman's National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU).

Oman's NPOA-IUU has been developed in accordance with the International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU). The IPOA-IUU was adopted in 2001 by the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO).

### **1.2. FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**

The IPOA-IUU was developed as a voluntary instrument within the framework of the FAO Code of Conduct for Responsible Fisheries.

The objective of the IPOA is to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organisations (RFMOs) established in accordance with international law.

The IPOA-IUU calls on States to develop and implement NPOAs by June 2004, to further achieve the objectives of the IPOA and give full effect to its provisions as an integral part of their fisheries management programmes and budgets.

The IPOA-IUU serves as a comprehensive 'toolbox' of measures to address IUU fishing in a range of contexts. The IPOA-IUU contains general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. It also contains market-related measures, measures to support the special requirements of developing countries in their achievement of the objective of the IPOA-

IUU, and measures to be taken by States through RFMOs. Some of the IPOA-IUU provisions reflect obligations that many States have accepted as binding, either through global instruments, RFMOs or through national legislative instruments.

The IPOA-IUU incorporates the following principles and strategies:

Participation and coordination: To be fully effective, the IPOA-IUU should be implemented by all States either directly, in cooperation with other States, indirectly through relevant RFMOs or through the FAO and other appropriate international organisations. The full participation of stakeholders in combating IUU fishing, including industry, fishing communities, and non-governmental organizations, should be encouraged.

Phased implementation: Measures to prevent deter and eliminate IUU fishing should be based on the earliest possible phased implementation of NPOAs-IUU, and regional and global action in accordance with the IPOA-IUU.

Comprehensive and integrated approach: Measures to prevent deter and eliminate IUU fishing should address factors affecting all capture fisheries. In taking such an approach, States should embrace measures building on the primary responsibility of the flag State and using all available jurisdictions in accordance with international law, including port State measures, coastal State measures, market-related measures and measures to ensure that nationals do not support or engage in IUU fishing. States are encouraged to use all these measures, where appropriate, and to cooperate in order to ensure that measures are applied in an integrated manner. The action plan should address all economic, social and environmental impacts of IUU fishing.

Conservation: Measures to prevent, deter and eliminate IUU fishing should be consistent with the conservation and long-term sustainable use of fish stocks and the protection of the environment.

Transparency: The IPOA-IUU should be implemented in a transparent manner in accordance with Article 6.13 of the Code of Conduct for Responsible Fisheries.

Non-discrimination: The IPOA-IUU should be applied without discrimination in form or in fact against any State or its fishing vessels.

### **1.3. Definition of Illegal, Unreported and Unregulated Fishing**

The IPOA-IUU defines IUU fishing according to the definition below. Oman also uses this definition in its NPOA-IUU.

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.

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.

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 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.

The IPOA-IUU notes that unregulated fishing may take place in a manner which is not in violation of applicable international law, and may not require the application of measures envisaged under the IPOA-IUU.

#### **1.4. Why is IUU fishing a problem?**

In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of IUU fishing in world fisheries is a serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short-term and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been deplet-

ed. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them.

To avoid detection, IUU fishers often violate certain basic safety requirements, such as keeping navigation lights lit at night, which puts other users of the ocean at risk. Operators of IUU vessels also tend to deny to crew members fundamental rights concerning the terms and conditions of their labour, including those concerning wages, safety standards and other living and working conditions.

In addition to its detrimental economic, social, environmental and safety consequences, the unfairness of IUU fishing raises serious concerns. By definition, IUU fishing is either an expressly illegal activity or at minimum, an activity undertaken with little regard for applicable standards. IUU fishers gain an unjust advantage over legitimate fishers. In this sense, IUU fishers are ifree riders who benefit unfairly from sacrifices made by others for the sake of proper fisheries conservation and management. This situation undermines the morale of legitimate fishers and, perhaps more importantly, encourages them to disregard the rules as well. Thus, IUU fishing tends to promote additional IUU fishing, creating a downward cycle of management failure.

The unreported nature of IUU fishing makes it particularly difficult to quantify. Available information nevertheless indicates that, for some important fisheries, IUU accounts for up to 30 percent of total catches. Moreover, available information strongly suggests that, despite apparent improvement in some regional situations, the amount of IUU fishing worldwide is increasing, as IUU fishers seek to avoid compliance with stricter fishing regulations that are being imposed to deal with downturns in a growing number of fish stocks. While some estimates suggest that IUU fishing may account for as

much as one quarter of total catch in the world's oceans, fully reliable data on IUU fishing are by definition, scarce.

IUU fishing is a dynamic, multi-faceted problem which cannot be effectively addressed by any single strategy. A multi-pronged approach is required at international, regional and national levels, with buy-in from all stakeholders involved and affected.

The IUU-IPOA contains a range of effective tools to address IUU fishing. Widespread implementation of the provisions contained in the IPOA-IUU presents an opportunity for States and RFMOs to reinforce existing measures and to implement new measures to address IUU fishing.

### **1.5. Profile of Oman fisheries**

The Sultanate of Oman is situated in the Gulf of Oman and is bordered on the north by the United Arab Emirates (UAE) on the northwest by Saudi Arabia and on the Southwest by the Republic of Yemen. The land area of Oman is 309,500 sq km with a coastline of approximately 3,000 km and an EEZ that extends over 400,000 sq km of the Indian Ocean. The population in 2003 was 2.33 million with a workforce estimated to be 920,000 half of which is involved in agriculture and fisheries related activities. GDP in 2004 was estimated to be US\$24.8 billion more than 40% of which can be attributed to the crude oil sector while the contribution of fisheries was around 1%.

Oil has played a major role in the economy over the last 40 years but it is estimated that oil reserves will be depleted in less than 20 years. As a result the government has embarked on development initiatives to diversify the economy including through development of the fisheries sector to a level whereby the oil sector contribution to GDP is planned to be reduced to 9 percent. Development initiatives have been implemented through a series of five year development plans aimed to:

- \* Develop an efficient macroeconomic frame work;
- \* Facilitate economic diversification;
- \* Build human resource capacities; and
- \* Ensure equitable sharing of development benefits to all segments of society.

In the fisheries sector significant developments have included modernization of the traditional fleet, establishment of extensive port facilities in the regions, implementation of international quality standards for export product and enhanced research capacity. Major aims for the sector include sustainable utilization of resources, self sufficiency in fish production, Omanization of the offshore commercial fisheries and maximizing export earnings. In 2004 total fish landings were estimated at 165,000 tonnes with 85,000 tonnes exported earning US\$162 million.

#### **1.5.1. The fisheries**

The fisheries sector of Oman can be divided into three broad sub-sectors:

- \* Traditional;
- \* Industrial; and
- \* Aquaculture

More than 1,500 species of fish and crustaceans have been identified in Omani waters ranging from sardines to tuna. A wide variety of fish are eaten locally ñ kingfish and grouper being popular and the per capita consumption has been estimated to be 36.7 kilogramís per year.<sup>1</sup>

A major resource assessment survey is planned during the 2006-2010 five-year plan long the Arabian Sea coast aimed at providing an estimate of the fishable biomass of principal demersal and small pelagic fish species to guide development and investment decisions. Oman is also participating in the IOTC tuna tagging project aimed at providing enhanced information on tuna stocks

1- Izzat H. Feidi, Fisheries Development in the Arab World. FAO.

that occur in the IOTC leading to determination of sustainable exploitation levels.

According to a joint survey carried out by MAF and FAO during 1989/1990 it was estimated that catches of kingfish could be sustained at between 15,000 and 27,000 tonnes, tuna catches could be sustained at 50,000 tonnes and shellfish at 2,000 tonnes annually. Total marine fishery landings by weight and value for the period 2000 to 2004, is provided in table 1.

**Table 1: Fish Production 2000-2004: Tonnes and Landed Value**

	2000	2001	2002	2003	2004
<b>Traditional</b>					
Weight (000 mt)	108	125	115	119	139
Value (US\$m)	121	134	124	137	159
<b>Trawl</b>					
Weight (000 mt)	11	27	25	18	22
Value (US\$m)	28	7	66	46	58
<b>Longline</b>					
Weight (000 mt)	1.7	1.9	1.9	1.7	3.5
Value (US\$m)	3.2	3.3	3.3	3.1	6.4

Clearly by weight and value the traditional sub-sector is dominant in terms of total landings providing the majority of fish in all categories including large pelagics, demersal and crustacean. In terms of vessels licensed, the traditional sub-sector is also dominant with 14,000 traditional vessels and 25,000 fishers licensed in 2004 compared with 30 trawlers, 42 tuna longliners and 7 multi-gear Youth Vessels.

The aquaculture sub-sector is gaining in prominence and efforts are focusing on the production of shrimp, abalone and species such as sea bream and grouper

### **1.5.2. Economic role of the fishing industry**

The fisheries sector remains a critical element of the Oman economy both because fish is the basic source of protein and

because the sector is a major export earner. Currently the sector contributes around 1 percent to GDP and this is projected to increase to 2 percent over the next 15 years. In terms of employment, the sector is the basis for the livelihood of 30,000 traditional fishermen and their families and it is estimated that taking into account all related sales, processing, transport, equipment sales and services, the sector provides employment for 150,000 people.

The sector is also a significant export earner and in 2004 exports of fish and fish products were valued at US\$162 million. Table 2 provides information on total landings and exports for the 2000-2004 period. Approximately 30 percent of exports are to the United Arab Emirates with other significant markets being Korea, Saudi Arabia, Hong Kong and the European Union.

**Table 2: Total Fish Landed and exported 2000-2004**

	2000	2001	2002	2003	2004
Landed (000 mt)	120	130	143	138	165
Export (000 mt)	46	52	62	69	85
Value Export (US\$m)	96.7	102	120.6	136.2	162.2

### **1.5.2.1 Economic policy objectives for the fisheries sector**

Policy objectives include:

- \* Long term conservation and sustainable use of fishery resources, and to this end adopt management measures which promote the objective of optimum utilization to achieve economic growth, food security, human resource development, employment creation and sound ecological balance;
- \* To promote and expand sustainable competitive exports of marine products by implementing appropriate fisheries management plans developed in partnership with the private sector;
- \* To encourage local value adding and downstream processing with the aim of maximizing the value of marine products.

### **1.5.2.2 Development prospects**

The development of the fisheries sector to ensure food security and enhance income generation through national sources and exports, are primary objectives of Oman. The current contribution of the fisheries sector to GDP is estimated to be 1 percent and it is planned to double this by 2020. Annual sector growth rate is expected to range between 3.9 and 5.6 percent.

Information obtained from a major resource assessment survey beginning in 2007 will form the basis for future marine fisheries conservation and development. For the traditional fisheries the survey will explore the existence of less exploited resources such as shark, squid, cuttlefish and other invertebrates and will also investigate the existence of new fishing grounds including in areas beyond depths of 250 meters. Use of additional fishing gears such as dredges and traps will be explored to identify and quantify resources that usually cannot be obtained efficiently from trawl gear.

Current development initiatives include enhancement of processing capacity and capability to increase the range and quality of products particularly for export purposes and the farming of fin fish and wider private sector involvement in aquaculture and mariculture commercial ventures including with respect to prawn, shrimp and eventually abalone. For the capture fisheries, the long term objective is for the displacement of all foreign vessels operating in the demersal and pelagic fisheries by Omani owned and operated vessels.

Greater private sector involvement in each of the harbour facilities established in the regions is also encouraged and opportunities exist in the areas of engine and boat maintenance, the supply of ice, net mending and other associated activities.

### 1.5.3. Fisheries management

#### 1.5.3.1. Management objectives and measures

The management objectives are sustainability of resources, maximization of economic returns, and Omanisation of all aspects of the fisheries sector. The main strategy used to achieve the objectives is the use of centrally-administered regulations and participatory management. Examples of measures are:

- \* ensure effective enforcement of fishing law;
- \* use traditional knowledge and interests of artisanal fishers and communities in fisheries management;
- \* ensure integrated planning and a collaborative approach;
- \* requirement for all fishers and associated vessels, vehicles and plant as well as processors and exporters to be licensed to operate;
- \* size limits (e.g. regulations specify minimum sizes for lobster, certain species of fish);
- \* gear specification (e.g. mesh sizes for nets);
- \* banned fishing methods (e.g. prohibition of certain fishing gears);
- \* requirement for exports to be authorized and to comply with minimum food quality standards ñ Hazard Analysis Critical Control Point (HACCP);
- \* area restrictions and season closures;
- \* bans or limits on the export of certain species including lobster and abalone;
- \* the promotion of safety at sea; and
- \* cooperate with neighboring countries in the management of shared and migratory species.

#### 1.5.3.2. Information for management decisions

Information is acquired by the MAF for management decisions in a number of ways. Licensed operators in the commercial fisheries are required to record and submit daily records of fishing activity, including catch of all species

including by-catch, and fishing effort. From time to time licensed vessel operators are required to carry an observer who collects information on fishing activities for monitoring and enforcement purposes. Stock assessment and other management related information is also provided through the research and extension departments as well as from outside agencies including IOTC with respect to tuna.

For the traditional fisheries local committees have been established to encourage community participation in the management process. Regular meetings are held with these committees and information is exchanged on developments in fisheries as well as management practices. In the future input from local committees will assume greater importance as the harbour development projects are fully completed and fishermen become based at those centers. In order to better manage traditional fisheries and in recognition of the importance placed on community involvement in management, a new department of local committees will be established.

### **1.5.3.3. Monitoring, control and surveillance**

Enforcement of fisheries management legislation is the responsibility of the Department of Fisheries Surveillance and Enforcement (DFSE) an arm of the Directorate of Fisheries Development. The DFSE has five divisions with the following specific responsibilities:

#### **Licensing:**

Responsible for the issuing of licenses and the maintenance of license registers for fishermen and vessels in the traditional and industrial sectors, fish handlers, transporters, exporters and processing plants. Foreign vessels may only fish in Oman under charter to an Oman company that has fish quota. Foreign fishers are restricted to the industrial fisheries and are licensed to operate on specific vessels. The chartering company concerned is responsible for the license application

which should include vessel and crew certification for clearance by the Ministry of Transport. The captain and crew are also required to have a medical clearance. Licenses may be issued on an annual basis or for a single voyage. Other restrictions include area, species, and weight and by-catch considerations. Fees are comprised of levies per ship's complement, vessel size and percentage of catch. All vessels licensed as industrial fishing vessels are required to be VMS compliant and to participate in the observer programme. In addition, foreign tuna longline vessels are required to be entered in the IOTC Record of Authorized Vessels.

**Companies and fish plant surveillance:**

Responsible to ensure that companies and fish plants including processing plants and retail stores comply with license conditions particularly with respect to production records and during closed seasons for lobster and abalone. Hotels and restaurants are also monitored to ensure that only legitimate fish products are used. Fishing boat dealers are also monitored to ensure that any fishing vessels are of the correct dimensions and that vessels are only sold to licensed fishermen.<sup>2</sup> As well fishing gear dealers are monitored to ensure that no illegal gear is available for sale.

**Border surveillance:**

Responsible for the surveillance of land border crossings to ensure that all exports of Oman fish products are duly authorized and that vehicles and drivers are duly licensed. Of primary concern is the unauthorized export of lobsters and abalone. Weekly activity reports are maintained detailing the number of inspection and any violations detected.

**Commercial fisheries surveillance:**

The commercial surveillance section is responsible to ensure compliance in the demersal and pelagic fisheries including

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2- For the traditional fishery vessel size is restricted to 18-28 feet. Vessels over 28 feet are restricted to an area beyond 6 miles from shore.

through the use of VMS technology, observers and inspection. All vessels are required to undertake pre and post trip inspections and all landings are monitored and verified through inspection of catch and documentation as well as observer reports.

As part of the national security programme aerial surveillance is provided by the Royal Airforce of Oman surface surveillance is conducted by the Royal Oman Navy (RON) and Coast Guard (CG).

#### **Traditional fisheries surveillance:**

The Traditional surveillance section is responsible for the surveillance and enforcement of conservation and management measures in the traditional fisheries sector to ensure that all active vessels and those that handle fish are licensed and that conditions of license are complied with. MAF inspectors are stationed in the regional fisheries offices and conduct regular inspections.

MAF is supported in its compliance operations by the Royal Airforce of Oman, The Royal Oman Navy and the Royal Oman Police who conduct fisheries surveillance patrols as part of their national security, immigration, customs and environmental protection responsibilities within the EEZ. Prosecutions are the responsibility of the Office of the Public Prosecutor.

#### **1.5.3.4. Fisheries management legislation**

The conservation, management and development of Oman fisheries is governed by the following legislation:

- \* Marine Fishing and Living Aquatic Resources Protection Law, 1981 (MFLARPL);
- \* The Executive Regulations of the Marine Fishing and Living Aquatic Resources Protection Law;
- \* Rules of Operation for Industrial Fishing Vessels;

- \* Quality Control Regulations of Omani Exported Fish; and
- \* Ministerial Decision 121/98 concerning Industrial Fishing Vessels Equipped for Preservation and Handling of Fish Products.

The MFLARPL has six sections covering definition, handling, marketing and processing, violations and penalties and general provisions. The Executive Regulations deal with licensing procedures, license fees, protection and development of resources, transport and marketing, and violations and penalties.

Due to the adoption of the Code of Conduct for Responsible Fishing, a legislative review was conducted and new draft legislation is now under consideration for adoption. New provisions included in the proposed legislation include the appointment of authorized fisheries officers with powers to search and detain also the establishment of an administrative penalty procedure to deal with fisheries offences without burdening the court system.

#### **1.5.4. Research and Training**

The Directorate of Fisheries Research and Extension is responsible for fisheries research and maintains the Marine Science and Fisheries Centre, Aquaculture Centre, Quality Control Centre and Extension Services for this purpose. The directorate also maintains an extensive library and aquarium which are open to the public. Scientists at tertiary institutions including Sultan Qaboos University are actively involved with MAF on a number of research projects. This work is supported by the Fisheries Research Fund. Stock assessment work is currently being conducted on a number of species including kingfish and lobster and aquaculture trials relating to shrimp, prawns, and abalone are ongoing. Other research includes work in gear technology and the production of fish-meal. In partnership with NASA, the directorate maintains a

remote sensing capability and is able to provide oceanographic information to support biological studies.

A major survey of fish resources is expected to commence in early 2007 and take fifteen months covering inshore and offshore waters out to a depth of 250 meters. The aim of the survey is to estimate the fishable biomass of principle demersal and small pelagic species to guide development and investment decisions. The survey will also contribute to the understanding of biodiversity and ecological dynamics of the Arabian Sea and Indian Ocean areas and may lead to the utilization of previously un-exploited resources. An allied tuna tagging project coordinated by IOTC should also provide valuable information about tuna stocks.

An important component of the directorate is the Quality Control Centre which monitors fish processing plants including fishing vessels and export products to ensure HACCP standards are met. The centre also provides advice and training assistance to companies and fish handlers in this respect. The centre is required to approve all fish processing plant designs and installations and inspects plants on a monthly basis.

Human resource development is considered one of the pillars of economic diversification and fisheries a key sector for employment and income generation. Fisheries related training is catered for in all areas including research and fishing technology and is conducted at the research centre, through extension services at other training institutions in Oman and internationally. Fisheries training institutes have been established in Salalah and Al Khabourah.

#### **1.5.5. Development Assistance**

Oman funds much of its own research and development projects and encourages the involvement of the private sector through direct investment and joint venture operations. Some technical assistance in the fisheries sector is provided by

Japan including expertise to support the Fisheries Training Programme. Japan also funded the construction of the Quality Control Centre which was opened in 2002. Technical assistance is also provided by FAO which funded a review of the MCS programme in 2003 and is funding the development of the national IUU plan. Oman is currently considering the adoption of an Individual Transferable Quota (ITQ) system for the allocation of quota in the industrial fisheries sector and will look to secure international expertise to assist in this area.

#### 1.5.6. International and regional law and relations

##### 1.5.6.1. Treaties and agreements

Oman is party to or has accepted the following international treaties and agreements:

- \* 1973 Convention on International Trade in Endangered Species (CITES) - Oman supports closer cooperation between CITES and FAO to improve the applicability of CITES provisions to commercial fisheries. In particular, listing some commercially harvested species on Appendix II (this requires trade in the species to be regulated) would complement RFMO efforts through addressing issues such as non-member fishing and through the potential for multi-lateral trade sanctions against States that do not comply with CITES requirements;
- \* 1982 United Nations Convention on the Law of the Sea - which provides the framework for the better management of marine resources and confers on coastal States rights and responsibilities for the management and use of fishery resources within the area of their national jurisdiction (EEZs); and
- \* 1993 Compliance Agreement ñ is an integral part of the Code of Conduct and outlines measures to promote compliance with international conservation and management measures by fishing vessels on the high seas

- \* United Nation 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 1995

Oman has ratified and is party to the following regional treaties:

- \* Agreement for the Establishment of the Indian Ocean Tuna Commission
- \* Agreement for the Establishment of the Regional Commission for Fisheries

#### **1.5.6.2. Membership in regional fisheries bodies**

**The Indian Ocean Tuna Commission** - The main objectives of the IOTC are to promote cooperation among its members to ensure the conservation and optimum utilization of stocks of tuna and tuna-like species in the Agreement Area and to encourage sustainable development of fisheries based on such stocks. To achieve these objectives IOTC undertakes the following functions and responsibilities:

- \* To keep under review the conditions and trends of the stocks and to gather, analyze and disseminate information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by the IOTC Agreement;
- \* To encourage, recommend and coordinate research and development activities including with respect to technology transfer and training;
- \* Adopt conservation and management measures to ensure conservation of tuna stocks and to promote their optimum utilization;
- \* To keep under review the economic and social aspects of fisheries and particularly the interests of developing coastal States.

Activities include fisheries stock assessment (for both reef fisheries and highly migratory fish stocks), marine ecosystem

research for reef and pelagic fisheries, tuna fisheries development support, coastal fisheries management support and fisheries information and databases within the area of competence.

**Regional Commission for Fisheries** - The main objectives for the Regional Commission for Fisheries (RECOFI) are to promote the development, conservation, rational management and best utilization of living marine resources and the sustainable development of aquaculture in the region. To achieve these objectives RECOFI undertakes the following functions:

- \* Review the state of resources, including their abundance and level of exploitation, as well as the state of the fisheries;
- \* Formulate appropriate measures for the conservation and rational management of living marine resources based on the best available scientific information and the precautionary approach;
- \* Review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;
- \* Encourage, recommend, coordinate, and as appropriate, undertake research and training activities in all aspects of fisheries;
- \* Assemble and disseminate information regarding exploitable living marine resources and fisheries based on these resources; and
- \* Promote programmes for aquaculture and fisheries enhancement.

Oman along with other RECOFI members is currently participating in the development of the Regional Aquaculture Information System (RAIS) which will establish guidelines for the control and use of exotic species. Oman will also be participating in the proposed workshop on marine stock

enhancement and artificial reefs.

### **1.6. The impact of IUU fishing on Oman**

Protection of the marine ecosystem is a key issue for Oman in its bid to ensure food security and to maximize benefits from the sustainable exploitation of fisheries resources. All fishing activity that degrades the marine environment and that threatens the health of fish stocks in Oman and the wider Indian Ocean region is a threat to the health and livelihood of the Oman people and to the supply of fish, particularly shared fish stocks, available to Oman and the outside world.

Coastal marine resources are already under stress from legitimate fishers consequently, the additional impact of IUU fishers can only be catastrophic both for the resource and the livelihood of traditional fishers and their families dependent on income from the exploitation of those stocks. Action to protect the resources and the livelihood of Oman fishers in the traditional fisheries is on-going and includes not only the prosecution of licensed operators that conduct IUU fishing but also unlicensed fishers including the expulsion of a number of foreign fishers.

Over the next 20 years Oman intends to develop its industrial fleet to exploit demersal and pelagic resources and to displace all foreign fishing operations currently active in the EEZ. In addition, the opportunity exists for Omani vessels to operate outside national waters including in high seas areas. Indiscriminate and uncontrolled fishing in off-shore areas including on the high seas poses a real threat to these development objectives.

Oman has limited fisheries management resources and will increasingly rely on regional and bilateral cooperation to prevent, deter and eliminate illegal, unreported and unregulated fishing. Oman is committed to developing its own management capacity and to work with partner States in the region and internationally

to ensure the conservation and long term sustainable use of fish stocks and the protection of the environment.

### **1.7. Scope of Omanís National Plan of Action**

Omanís NPOA-IUU closely follows the structure of the IPOA-IUU. Like the IPOA-IUU, Omanís NPOA-IUU addresses general measures targeted at all States, as well as measures targeted specifically at flag States, coastal States and port States. The NPOA-IUU focuses principally on the industrial trawl and tuna sector and as such considerable importance is attached to the role of RFMOs in fisheries management, particularly with respect to high seas fisheries management.

Oman has recently reviewed existing fisheries conservation and management arrangements and has developed new draft legislation which is consistent with the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement and which makes provision for management measures that may be required by RFMOs including IOTC. As a result, Omanís NPOA-IUU is largely a record of actions already underway though does not close the door to future developmental needs.

At the end of the document, there is a list of suggested actions aimed at enhancing Omanís ability to address IUU fishing. As suggested in the IPOA-IUU, the Oman NPOA-IUU will be reviewed and if necessary, revised every four years for submission to FAO.

## **2. ALL STATE RESPONSIBILITIES**

### **2.1. International Instruments**

The IPOA-IUU calls on States to give full effect to relevant norms of international law in order to prevent, deter and eliminate IUU fishing. States are encouraged as a matter of priority to ratify, accept or accede to the 1982 UN Convention, the 1995 Fish Stocks Agreement, the 1993 FAO Compliance Agreement and the Code of Conduct and its related IPOAs and to become members of, or cooperate to establish new, RFMOs where appropriate.

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

- \* 1982 UN Convention on the Law of the Sea;
- \* Agreement for the Establishment of the Indian Ocean Tuna Commission; and
- \* Agreement for the Regional Commission for Fisheries.

Fisheries conservation and management is conducted in accordance with the 1981 Royal Decree No. 53/81, Marine Fishing and Living Aquatic Resources Protection Law. Due to the considerable developments that have occurred over the past 25 years in traditional and commercial fishing, the Ministry of Agriculture and Fisheries has reviewed this legislation. Proposed new legislation that incorporates the principles and guidelines elaborated in the Code of Conduct is now before legislative and executive authorities for consideration.

Oman is making every effort to implement the Code of Conduct in a compatible manner and has recently submitted its letter of acceptance to adopt the 1993 FAO Compliance Agreement and the 1995 Fish Stocks Agreement.<sup>3</sup>

## **2.2. National Legislation**

### **2.2.1. Legislation**

The IPOA-IUU states that national legislation should address, in an effective manner, all aspects of IUU fishing. National legislation should address, inter alia, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

The proposed new fisheries conservation and management legislation incorporates the principles and guidelines set out in the Code of Conduct and to that extent, addresses sound fisheries governance and all aspects of IUU fishing.

With respect to evidentiary standards and the use of electron-

<sup>3</sup>- 1995 UN Fish Stocks Agreement - which builds on the 1982 United Nations Convention on the Law of the Sea and is closely associated with the 1993 Compliance Agreement and sets out

ic evidence and new technologies, the MFLARPL and regulations are silent. The rules of operation for industrial fishing vessels however, require vessels to be VMS compliant as a condition of license. The VMS Centre at MAF makes daily contact with on-board observers to verify daily catch as well as position reports. Each observer is equipped with a hand-held GPS unit.

The use of electronic evidence including digital images and VMS information is admissible as evidence in Oman courts.

### **2.2.2. State Control over Nationals**

The IPOA-IUU calls on States, to the greatest extent possible, to take measures or cooperate to ensure that their nationals do not support or engage in IUU fishing, and to cooperate to identify those nationals who are the operators or beneficial owners of IUU fishing vessels.

MAF maintains a register of flag vessels authorized to operate in the IOTC Area and provides relevant information on these vessels to IOTC as required.

A MAF register of fish handlers, exporters and trucks used for the transport of fish including for export purposes is also maintained. The register includes details of ownership.

The traditional fisheries sector is reserved for Omani nationals and all fishers in this sector are required to be licensed to fish or handle fish and vessels used for fishing must also be licensed.

For the industrial sector, a quota system is used and only Omani companies are entitled to hold quota. A quota holding company may charter foreign vessels to fill the quota and is held fully responsible for the actions of any fishing vessel operating in Omani waters for its benefit. The company is responsible for the licensing of vessels and crew.

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the framework for the management and conservation of highly migratory fish stocks and straddling fish stocks. It should be noted that other neighbouring countries party to the agreement include India, Pakistan and Yemen

### **2.2.3. Vessels without Nationality**

The IPOA-IUU calls on States to take measures consistent with international law in relation to vessels without nationality on the high seas that are involved in IUU fishing.

Oman is a member of the International Maritime Organization (IMO) and will support any effort of that body to prevent vessels from becoming stateless during their transfer to a new flag.

Any information received on vessels without nationality operating in the region, will be passed on to neighboring States and relevant RFMOs as appropriate, as well as the International MCS Network for further dissemination.

In accordance with IOTC Resolution 99/02 requiring action to be taken against large scale flag of convenience (FOC) longline vessels, Oman will, in accordance with its membership obligations, refuse port access to FOC vessels engaged in activities that diminish the effectiveness of IOTC conservation and management measures.

### **2.2.4. Sanctions**

The IPOA-IUU provides that sanctions for IUU fishing by vessels and nationals under its jurisdiction should be of sufficient severity to effectively prevent, deter, and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing.

Under current legislation the maximum penalty for IUU fishing includes a fine of US\$52,000 and six months imprisonment for foreign fishing vessels fishing without a license. The penalty may also include the confiscation of vessel gear and catch. Upon repetition of the same offence, the penalty is doubled and may include confiscation of the vessel.

Proposed new legislation includes sanctions for IUU fishing as follows:

- \* Fishing without a license attracts a fine of up to US\$26,000 in the first instance and up to US\$66,000 for a repeat of the offence. Sanctions also include the possibility of three months imprisonment and confiscation of fishing gear and catch;
- \* Foreign fishing vessels that fish, purchase or sell fish in Omani waters without authorization may attract a fine of up to US\$132,000. The fine is doubled on repeat of the offence and may include three months imprisonment as well as confiscation of fish, gear, any equipment used and the vessel;
- \* Commercial vessels including foreign fishing vessels that fail to comply with reporting requirements are liable to be fined up to US\$26,000 in the first instance and up to US\$66,000 for a repeat of the offence. Sanctions also include the possibility of three months imprisonment and confiscation of fishing gear and catch;
- \* Royal Decree 34/74, the Law on the Control of Marine Pollution, prohibits the discharge of pollutants from vessels. Disposing of oil, oil mixtures or other environmental pollutants from ships is punishable by imprisonment of up to 2 years and a fine of between US\$1,300 and US\$130,000.

In recent years violations in the industrial sector have involved mainly trawlers chartered from overseas owners by Omani companies. Offences typically include discards, incorrect mesh size, decreasing mesh size through the use of rope and double nets and fishing in closed areas.

Incursions by foreign purse seiners targeting tuna dhou targeting shark, have occurred in the past but the practice appears to have been curtailed with no apprehensions of such vessels over the last three years.

Catch reporting is an area that requires increased attention

due to the apparent practice of misreporting and under-reporting by vessels operating in the industrial sector.

An administrative process for the resolution of fisheries offences is not a feature of the MFLARPL, but the proposed new legislation incorporates the use of an administrative process as a way of expediting resolution of fisheries violations without burdening the court system.

### **2.2.5. Non Cooperating States**

The IPOA-IUU recommends that all possible steps should be taken, consistent with international law, to prevent, deter, and eliminate the activities of non-cooperating States to a relevant RFMO that engage in IUU fishing.

Oman will cooperate with all RFMOs to which it belongs to prevent, deter and eliminate the activities of non-cooperating States which engage in IUU fishing. This will include implementing trade and other sanctions that may be recommended by the IOTC.

### **2.2.6. Economic Incentives**

The IPOA-IUU provides that States should avoid conferring economic support, including subsidies, to companies, vessels, or persons that are involved in IUU fishing.

Economic support will be withheld from companies, vessels and persons that are involved in IUU fishing. In particular, this will include the denial of access to soft loans and tax incentives.

### **2.2.7. Monitoring, Control and Surveillance**

The IPOA-IUU calls on all States to undertake comprehensive and effective monitoring, control, and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination.

Oman has a well established MCS system that is geared to support the attainment of long term development objectives including those relating to food security, job creation and income generation including through exports.

All fishing activity is required to be authorized and an inspection capability is in place to monitor traditional fishers, vessels, ports, border areas (for over-land transfers of fish), export facilities, restaurants and fish related retail outlets. All foreign vessels are required to be VMS compliant, submit to inspection including the hosting of observers and adhere to established catch reporting schedules.

Proposed new fisheries management legislation outlines stronger sanctions for fisheries violations and provides for the authorization of fisheries officers to enter and inspect fishing vessels and fish handling premises including vehicles, airports, ports and borders to ensure compliance with conservation and management measures. Authorized officers may issue citations for violations of fisheries law and may also impound vessel, gear and equipment as well as suspend any license for one month.

In relation to the strengthened powers of authorized officers, the proposed legislation new establishes an administrative enforcement procedure which allows MAF to settle cases of IUU fishing directly without the need to burden the court system. These changes should provide a greater deterrent for fishers to engage in IUU fishing and when violations do occur, for penalties and settlements to be made more quickly.

In 2003 FAO completed a review of the MCS programme<sup>4</sup> and a number of recommendations from that review remain relevant including:

- \* The development of fisheries management plans;
- \* The preparation of an inspection and prosecutions manual to ensure standardized application of surveillance and enforcement measures;
- \* Monthly meetings of MCS management staff to review section activities and to establish priorities

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4- FAO TCP/OMA/0167 Strengthening Fisheries Monitoring, Control and Surveillance.

based on review outcomes;

- \* Daily electronic catch reporting by industrial vessels using the VMS system;
- \* The adoption of an Inmarsat based VMS system; and
- \* Adjustment of base catch prices used in fee calculation to reflect true market value.

Information technology development is considered to be an important component of the overall plan to develop the Oman economy. Over the Seventh Five-Year Plan cycle (2006-2010) it is planned to link government agency websites and this should have a positive impact on MCS information management. For example under this proposed development, databases of all agencies (including MCT, port authorities customs, police, Coast Guard and RON) involved in vessel registration, crew registration, port calls, exports, border monitoring, inspections, violations etc. could be linked to ensure accurate and timely information is readily available. Of critical importance is the maintenance of information flows between MAF, the Royal Oman Air Force, Coast Guard and the Royal Oman Navy responsible for surveillance of Oman's EEZ.

MCS would also be enhanced if links were established with other States in the region and IOTC to allow for the timely exchange of information including information relating to licensing, inspections, catch and effort and violations. Implementation of the IOTC fisheries information statistical system (FINSS) would facilitate this exchange.

With respect to MAF inspectors of industrial vessels, consideration should be given to requiring vessels that carry inspectors, to be responsible for their salary and insurance costs while on board.<sup>5</sup> It is standard practice in other regions that as a condition of license, vessels are required to cover travel, insurance and salary costs of observers.

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5- The justification for this approach is that the cost of inspection is an integral component of fisheries management and fishers that benefit from enhanced management should bare this cost as it is a cost of fishing in the same way that other direct costs (e.g. fuel) are borne by vessel owners.

It is also important for compliance purposes to maintain at least 20% observer coverage on tuna vessels. Because tuna vessels may undertake trips of up to 90 days, the assistance of RON should be secured to allow MAF inspectors to be placed on longliners at sea and to be transferred to other vessels or to port when required.

To be effective, MCS needs to be well coordinated and for this purpose a coordinating committee made up of all agencies involved in fisheries management including MAF, port authorities, customs and defense services should be established.

### **2.2.8. Cooperation between States**

The IPOA-IUU calls on States to coordinate their activities and cooperate directly, and as appropriate through relevant RFMOs, in preventing, deterring and eliminating IUU fishing.

Oman is a member of IOTC and implements regionally agreed conservation and management measures adopted with respect to tuna. These measures include the provision of information concerning flag vessels authorized to operate in the IOTC Area, the provision of catch and effort information, including statistical documentation specifically required for bigeye tuna. MAF has also established a port inspection scheme that incorporates the requirements of the IOTC port inspection scheme. Other MCS measures implemented include the requirement for tuna vessels to be VMS compliant and to carry observers for management compliance purposes.

In order to ensure effective coordination at the regional level it is vital that Oman fulfill its regional obligations with respect to the timely provision of accurate information to IOTC including with respect to violations, catch and effort, statistical documentation and inspections. In this respect it is noted that IOTC has developed FINSS for installation in member countries. The FINSS system could be used for all aspects of fisheries MCS including statistics, shore sampling for correcting weights and commercial categories, bridges to

national VMS systems (allowing VMS logbook data, sightings, license details analysis etc.) all aspects of port inspections, sightings, observer reports and registration. The Seychelles now has an electronic, automated licensing system using FINSS, linking vessel agents, the fisheries management authority, licensing authority, central bank as well as coast guard and enforcement authorities. The approach taken by the Seychelles could, as appropriate, serve as a model for Oman in developing such a system. Importantly, IOTC is also developing a regional vessel record and statistical hub using FINSS.

Oman would like to develop cooperative management arrangements covering shared fish stocks such as kingfish, with its neighbours including Gulf Cooperation Council (GCC) countries, India, Iran, Pakistan and Yemen and considers that RECOFI could facilitate such management initiatives.

### **2.2.9. Publicity**

The IPOA-IUU calls on States to publicise widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any confidentiality requirements.

At the artisanal fisheries level the principle method used by MAF to publicize IUU fishing incidents and resulting convictions is through public meetings with community fishing groups. On occasion these meetings are televised. The greater involvement of community based fisheries committees is envisaged to assume greater importance in the management of the traditional sector through the establishment of a department of Traditional Committees within MAF.

Occasional meetings are also held with those involved in the commercial sector to discuss the proposed introduction of additional conservation and management measures. This approach is important because it includes stake-holders in the decision-making process, allows for enhanced understanding of management measures and leads to higher levels of compliance.

A database of all inspections including those involving, commercial vessels, traditional vessels, companies and factories as well as exports, is maintained. The database includes details of suspected violations and resulting actions including the results of any court proceedings. Posting IUU related information on the MAF website would allow its wide dissemination and would also act as a disincentive to would-be IUU fishers who may not appreciate the negative publicity.

### **3. FLAG STATE RESPONSIBILITIES**

#### **3.1. Fishing Vessel Registration**

The IPOA-IUU calls on States to ensure, including through appropriate fishing authorisation and vessel registration procedures, that their flag vessels and vessels under charter do not engage in or support IUU fishing.

All Oman flag fishing vessels that wish to operate within or beyond the Oman EEZ are required to be authorized to do so. All foreign vessels under charter to Omani companies must also be licensed. On application to be licensed, the vessel is required to be inspected to ensure it is fit for fishing and conforms to safety and hygiene standards. Notification of any change of ownership or modification to a licensed vessel is required and further inspection is mandatory. Licenses are non-transferable either between fishers or vessels.

A record of Oman tuna fishing vessels which are authorized to operate in the IOTC Area is maintained and this information is provided to IOTC on an annual basis or as changes occur.

Foreign tuna vessels under charter to Oman interests are required to be entered in the IOTC Record of Authorized Vessels as a prerequisite for licensing. A further pre-requisite is that the vessel be in compliance with the certification and safety standards established by the MCT. Vessels are also required to conform to hygiene standards established by the MAF Quality Control Centre.

### 3.2. Record of Fishing Vessels

The IPOA-IUU calls on each flag State to maintain a record of fishing vessels entitled to fly its flag. Each flag State's record of fishing vessels should include, for vessels authorised to fish on the high seas, all information set out in paragraphs 1 and 2 of Article VI of the 1993 FAO Compliance Agreement, as well as the additional information specified in paragraph 42 of the IPOA-IUU.

MAF maintains a register of commercial fishing vessels that includes the following information as required in the Commercial Fishing Vessel Registration Application Form:

- \* Name of fishing vessel, registration number and port of registry;
- \* Name and address of owner, charter and agent;
- \* Name of Officers and crew;
- \* International Radio Call Sign;
- \* Vessel communications types (Radio VHF, Inmarsat, SSB);
- \* Where and when built;
- \* Type of vessel;
- \* Type of fishing methods and fishing gear details;
- \* Length, depth, breadth;
- \* Gross register tonnage;
- \* Main and auxiliary engine details;
- \* Fuel and water capacity;
- \* Carrying capacity, including freezer type, brine tanks, bait tanks, storage and temperature information; and
- \* Safety equipment.

In addition, MAF maintains a register of vessel officers and crew and issues each person with a fishing license containing a photograph and license details which is to be carried at all times and made available on request to a fisheries inspector.

Information required under paragraph 42 of the IPOA-IUU not included in the register are:

- \* Previous names;

- \* Ownership history and history of non-compliance; and
- \* A recent photograph.

A recent photograph of the vessels along with previous vessel names is included in the information required by the MCT. This information is available to MAF.

Vessel information held by MAF combined with information that is available from MCT fulfils the information requirements under Article VI of the 1993 Compliance Agreement in relation to vessel information required to be submitted to FAO.

While the history of non-compliance by a vessel is not included in the record of flag vessels, MAF maintains a record of all fishing violations that occur in its EEZ including violations involving vessels.

All foreign tuna fishing vessels that apply for a license are checked by MAF against the IOTC list of IUU vessels prior to licensing to ensure that there is no history of IUU fishing. Vessels over 24 meters in length are required to be on the IOTC Record of Authorised Vessels. Any such vessel not entered into the record, is deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.

### **3.3. Authorization to Fish**

The IPOA-IUU calls on States to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas. A flag State should ensure that each of the vessels entitled to fly its flag fishing in waters outside its sovereignty or jurisdiction holds a valid authorization to fish issued by that flag State. Where a coastal State issues an authorization to fish to a vessel, that coastal State should ensure that no fishing in its waters occurs without an authorization to fish issued by the flag State of the vessel.

Oman currently has 11 tuna vessels on the IOTC Record of Authorized Vessels. A foreign tuna fishing vessel is required

to be entered into the IOTC record as a pre-requisite to obtaining a license to operate in Oman. Flag State authorization for vessels on the IOTC record includes information on time periods authorized for fishing and/or transshipping.

To enhance control over the actions of Omani flag vessels and nationals that operate beyond areas of national jurisdiction, provision is required in legislation to regulate the flag vessel fishing authorization process and to establish that an action committed in violation of the laws of a foreign State is an offence under Omani law. Consideration also needs to be given to developing provisions that make it illegal for nationals and flag vessels to violate agreed conservation and management measures for high seas areas that are managed by RFMOs.

#### **3.4. Measures to Control Transport and Re-supply Vessels**

The IPOA-IUU calls on flag States to ensure their fishing, transport and support vessels do not support or engage in IUU fishing. The IPOA-IUU also calls on States to ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State, and report specified information to the national fisheries administration or other designated institution.

In accordance with the rules of operation for industrial fishing vessels, the transshipment of fish at sea is prohibited. Fuel for commercial fishing vessels is required to be supplied from within the Sultanate. Transshipment or landing of fish is required to take place at a designated port where transshipment may take place and a vessel is required to provide 72 hours notice of its intention to enter port. All fishing vessels are inspected and catches verified, on arrival. Inspection reports are signed by the inspector and counter-signed by the vessel master.

#### **4. COASTAL STATE RESPONSIBILITIES**

In the exercise of sovereign rights of coastal States for exploring and exploiting, conserving and managing the living marine resources under their jurisdiction, the IPOA-IUU calls on coastal States to implement measures to prevent, deter and eliminate IUU fishing in waters under their jurisdiction. Measures which coastal States should consider are: effective MCS; cooperation and exchange of information with other States and RFMOs; ensuring that all fishing is authorized; ensuring all vessels are registered; logbook requirements; controls on transshipment/processing of fish; regulation of fishing access; and avoiding licensing vessels with an IUU history.

Oman requires all fishing and related activities to be authorized by MAF. Registers are comprehensive and are maintained relating to quota holders, vessels, fishers, fish handlers, processing plants, exporters, importers, retailers and fishing gear handlers. For the industrial sector, transshipment at sea is prohibited including with respect to re-fuelling and the transfer of crew. All processing establishments including factory vessels and export oriented plants are required to be HACCP compliant. Export oriented plants are inspected monthly and all product is tested to ensure compliance with European Union requirements.

As a member of IOTC, Oman ensures that all foreign tuna vessels are entered in the List of Authorised Fishing Vessels and do not appear on the IOTC register of IUU vessels. In addition, each vessel and its crew are required to be authorised to operate by the MCT. All fishers associated with a foreign vessel must also have police clearance and a permit to work in Oman.

#### **5. PORT STATE MEASURES**

The IPOA-IUU calls on States to use measures, in accordance with international law, to control port access by fishing vessels in order to prevent, deter and eliminate IUU fishing.

All foreign fishing vessels that enter Oman waters for fishing and related purposes must first proceed to a designated port and obtain a license. A foreign vessel can only obtain a license under the following conditions:

- \* An Omani fishing quota holder, applies for a license so that it may charter the vessel;
- \* The MCT accepts that the vessel and crew are appropriately certified and safety requirements are met;
- \* Tuna longline vessels are required to be entered in the IOTC Record of Authorized Vessels and not listed as an IUU vessel;
- \* It is VMS compliant; and
- \* A resident vessel agent is appointed to respond to MAF communications.

### **5.1. Advance Notice of Access**

The IPOA-IUU calls on States to require vessels seeking access to their ports to seek prior permission to enter their ports and to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, and details of their fishing trip and quantities of fish on board, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

Industrial vessels are required to provide 72 hours notice of their intention to enter a designated port. Inspection of vessels to check on compliance with conditions of license and to verify catch and effort information is mandatory. Vessels are required to be VMS compliant and must keep a daily record of catch and effort.

Consistent with international law, Oman provides port access to foreign flagged vessels for reasons of force majeure or distress or for rendering assistance to persons, ships or aircraft in danger or distress.

### **5.2. Denial of Access**

The IPOA-IUU calls on each port State, where it has clear evidence that a vessel has engaged in IUU fishing activity, to prohibit the vessel from landing or transhipping fish in its ports, and to report the matter to the flag State of the vessel.

The penalty for IUU fishing conducted in contravention of Oman conservation and management measures may include the confiscation of vessel, gear and catch. There is however no provision that makes it an offence in Oman for fishing vessels that contravene conservation and management measures that applies on the high seas or in other national jurisdictions. Incorporating such a provision in fisheries legislation would greatly enhance international efforts to eradicate IUU fishing and to promote responsible fishing behaviour by Omani flag vessels and nationals. The draft text of the Marine Fisheries Law included article for the treatment of this subject .

### **5.3. Authorized Ports**

The IPOA-IUU encourages States to publicize ports to which foreign flagged vessels may be permitted admission and to ensure that these ports have the capacity to conduct inspections.

The following are ports authorized for use by industrial vessels operating in Oman:

- \* Sultan Qaboos;
- \* Salalah; and
- \* Sohar.

The inspection of commercial fishing vessels is mandatory to verify the catch on board and to ensure that conservation and management measures have been infringed. An inspection report is completed for each inspection and this is signed by the inspection officer as well as the vessel captain. All catch unloaded is checked for species and weight accuracy and remaining catch on board is also verified. In the event that an infringement is detected, the vessel agent is advised and if a serious violation has occurred, the matter is referred to the Public Prosecutor for further action.

#### **5.4. Evidence indicating IUU Fishing**

If, in the course of an inspection, a port State finds that there are reasonable grounds to suspect that a vessel has engaged in or supported IUU fishing, the IPOA-IUU calls on port States to immediately report the matter to the flag State of the vessel and, where appropriate the RFMO. The port State may take other action with the consent of, or upon the request of, the flag State.

All foreign fishing vessels that operate in Oman must do so under charter to a company that owns fish quota. That company assumes responsibility for the actions of all vessels it charters. In addition each vessel is required as a condition of license, to maintain a resident agent responsible to respond to any communication and legal notice. If during the course of an inspection it is found that a vessel may have been engaged in IUU fishing, the vessel agent is informed and action may be initiated through the national court system.

Under the IOTC port inspection scheme where there is evidence of a violation by a Contracting Party or Cooperating non-Contracting Party (CPC) vessel, the port State is required to provide full documentation to the flag State concerned as well as the Commission and the flag State is required to advise the Commission on details of actions it has taken in respect of the matter. Each CPC is required to submit electronically to the Commission, on an annual basis the list of foreign fishing vessels and catch of tuna and tuna-like species caught in the IOTC area, which have landed in their ports.

#### **5.5. Cooperation with port States/through RFMOs**

The IPOA-IUU calls on States to cooperate, as appropriate, bilaterally, multilaterally and within relevant RFMOs, to develop compatible measures for port State control of fishing vessels. The IPOA-IUU also encourages States to consider developing, within relevant RFMOs, port State measures building on the presumption that fishing vessels entitled to fly the flag of States not parties to a RFMO and which have not agreed to cooperate with that RFMO, which are identified as being engaged in fishing activities in the area of that particular organization, may be engaging in IUU fishing.

IOTC has adopted a port inspection scheme<sup>6</sup> that allows each CPC to inspect documents, fishing gear and catch on board fishing vessels, when vessels are voluntarily in its port. In order to promote compliance by non-Contracting Party vessels, CPCs are required to develop regulations to prohibit landings and transshipments by Non-Contracting Party vessels where it has been established that the catch of species covered by the Agreement establishing IOTC has been in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission. The inspection of non-Contracting Party vessels is to take precedence over CPC vessels. Where there is evidence of a violation by a CPC vessel, the port State is required to provide full documentation to the flag State concerned as well as the Commission and the flag State is required to advise the Commission on details of actions it has taken in respect of the matter. The port State may exercise its right to prosecute the vessel under national law. Each CPC is required to submit electronically to the Commission, on an annual basis the list of foreign fishing vessels and catch of tuna and tuna-like species caught in the IOTC area, which have landed in their ports.

As a member of RECOFI, Oman will support the development of port inspection measures aimed in particular at trawl vessels which operate in the waters of RECOFI members.

## **6. INTERNATIONALLY AGREED MARKET RELATED MEASURES**

### **6.1. Trade-related Measures**

The IPOA-IUU encourages States to take steps, consistent with international law, to prevent fish caught by vessels identified by the relevant RFMO to have been engaged in IUU fishing being traded or imported into their territories.

<sup>6</sup> Resolution 02/01 relating to the establishment of and LOTC programme of inspection in port.

All foreign fishing vessels are required to be licensed to operate in Oman and to be under charter to an authorised Oman fish quota holder. As a pre-requisite for licensing, tuna vessels are required to be entered in the IOTC List of Authorised Vessels and to be absent from the list of IUU vessels.

Current Omani fishing legislation would be strengthened to make it an offence for a vessel or person to import, export, transport, sell, receive, acquire or purchase any fish taken, possessed or transported in contravention of another State's laws.

The IOTC is empowered to develop procedures which allow for non-discriminatory trade measures to be taken against any State or entity whose fishing vessels fish in a manner which undermines the effectiveness of the conservation and management measures that are adopted.

#### **6.1.1. Catch documentation Schemes**

The IPOA-IUU suggests that certification and documentation requirements should be standardised to the extent feasible, and electronic schemes developed where possible, to ensure effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade.

In 2002 IOTC adopted Resolution 01/06 which requires that all longline caught bigeye tuna when imported into the territory of a CPC, be accompanied by an IOTC Bigeye Tuna Statistical Document. The document must be validated by the flag State or by an official of the exporting State if the vessel is under charter. CPCs that import bigeye are required to report details annually to IOTC and this information is disseminated for examination by exporting CPCs. All CPCs are required to exchange import and export documentation to facilitate the process of verification.

### 6.1.2. Transparency of Markets

The IPOA-IUU calls on States to take steps to improve the transparency of their markets to allow the traceability of fish or fish products.

Oman has adopted EU regulation 104/2000 which requires exports to include proper marking or labels indicating the species of the product, the production method and the catch or production area.

### 6.1.3. Information Dissemination

The IPOA-IUU calls on States to take measures to ensure that their importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers, other service suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing, and should consider measures to deter such business. Similarly, the IPOA-IUU calls on States to take measures to ensure that their fishers are aware of the detrimental effects of doing business with importers, transhippers, buyers, consumers, equipment suppliers, bankers, insurers and other service suppliers identified as doing business with vessels identified as engaged in IUU fishing.

Foreign vessels may be authorized to fish under charter to an Omani fish quota holder. The actions of such vessels are the responsibility of the charterer. The charterer is obliged to inform the owners of the vessel of all laws and rules adopted in Oman and any instructions issued from time to time by the competent authorities. Periodic consultations between MAF and fishing industry representatives are conducted to discuss fisheries management related issues. Meetings with individual license holders may take place if it is considered necessary to draw attention to particular conditions of license.

Information dissemination would be enhanced through the development of a fisheries management website that could include information on IUU fishing and related matters. Local fisheries committees established under the Department of Fisheries Local Committees should also be kept informed of fisheries management matters.

## **7. REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS**

### **7.1. Party Compliance**

The IPOA-IUU calls on States to ensure compliance with and enforcement of IUU fishing related policies and measures adopted by any RFMOs by which they are bound. States should cooperate in the establishment of such organizations in regions where none currently exists.

Oman will continue to work through RFMOs to implement the IPOA-IUU and to meet all obligations arising from the Sultanate's membership of RFMOs.

### **7.2. Non-party Compliance**

The IPOA-IUU calls on States to give effect to their duty to cooperate by agreeing to apply the conservation and management measures by RFMOs to which they are not members, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

Consistent with the 1995 UN Fish Stocks Agreement, Oman will cooperate and act consistently with the conservation and management measures agreed by RFMOs to which it is not a member. In the future there may be a need to authorize Oman vessels and nationals (including Oman registered companies), to fish in areas or for species covered by organizations and arrangements to which Oman is not a party.

### **7.3. Innovation**

The IPOA-IUU encourages States, acting through relevant RFMOs, to take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter, and eliminate IUU fishing.

As a member of IOTC and RECOFI Oman will actively pursue innovative ways to prevent, deter and eliminate IUU fishing including, as appropriate, closer cooperation with other IOTC and RECOFI members.

#### **7.4. Inclusion of non-contracting Parties**

The IPOA-IUU encourages States, acting through relevant RFMOs, to encourage non-contracting parties with a real interest in the fishery concerned to join those organizations and to participate fully in their work. Where this is not possible, the RFMOs should encourage and facilitate the participation and cooperation of non-contracting parties, in accordance with applicable international agreements and international law, in the conservation and management of the relevant fisheries resources and in the implementation of measures adopted by the relevant organizations. RFMOs should address the issue of access to the resource in order to foster cooperation and enhance sustainability in the fishery, in accordance with international law.

Oman acknowledges that the effectiveness of RFMOs depends on securing the membership and participation of all States and entities fishing in an area, or for species covered by an RFMO. The IOTC has developed a protocol to allow Oman, as appropriate, will encourage non members to join IOTC and to participate fully in the Commission's work.

#### **8. SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES**

The FAO-IUU encourages States, with the support of FAO and relevant international financial institutions and mechanisms, to 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-IUU and obligations under international law. Such assistance should be directed in particular to help such States in the development and implementation of national plans of action.

Oman supports the establishment of a voluntary trust fund, and acknowledges and values the assistance given to date including by FAO.

## APPENDIX 1 SUPPORTING ACTION

The following suggested actions would further strengthen Omanís ability to prevent, deter and eliminate IUU fishing:

### International Instruments:

#### **\* Ratify the 1995 UN Fish Stocks Agreement.**

The United Nations Agreement for the Implementation of the Provisions 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 sets out principles for the conservation and management of those fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle that States should cooperate to ensure conservation and promote the objective of the optimum utilization of fisheries resources both within and beyond the exclusive economic zone.

The Agreement attempts to achieve this objective by providing a framework for cooperation in the conservation and management of those resources. It promotes good order in the oceans through the effective management and conservation of high seas resources by establishing detailed minimum international standards for the conservation and management of straddling fish stocks and highly migratory fish stocks; ensuring that measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas are compatible and coherent, ensuring that there are effective mechanisms for compliance and enforcement of these measures on the high seas; and recognizing the special requirements of developing States in

relation to conservation and management as well as the development and participation fisheries for the two types of stocks mentioned above.

The Agreement was opened for signature on December 1995 and entered into force on 11 December 2001, 30 days after the deposit of the thirtieth instrument of ratification or accession.

Note : The Oman's accession to the Convention by the Royal Decree No. (10 / 2007) on January 23, 2007.

### **National Legislation:**

- \* Adopt the revised MFLAR fisheries management legislation and develop regulations as appropriate;
- \* Adopt legislation to make it an offence for a vessel or person to import, export, transport, sell, receive, acquire or purchase any fish taken, possessed or transported in contravention of another State's laws;
- \* Adopt legislation including through regulations, to enhance control over the activities of flag vessels and nationals that operate outside Oman by making it an offence for nationals to engage in fishing activities that violate the fishery conservation and management laws of any other State or that undermine the effectiveness of conservation and management measures adopted by a RFMO.

Such a law could be drafted as follows:

“A person subject to the jurisdiction of Oman who:

- (a) on his or her own account, or as partner, agent or employee of another person, lands, imports, exports, transports, sells, receives, acquires or purchases; or
- (b) causes or permits a person acting on his behalf, or uses a fishing vessel, to land, import, export, transport, sell, receive, acquire or purchase,

Any fish taken, possessed, transported or sold contrary to the law of another State or in a manner that undermines the effec-

tiveness of conservation and management measures adopted by a Regional Fisheries management Organization shall be guilty of an offence and shall be liable to pay a fine .

### **Vessels without Nationality**

Any information received on vessels without nationality operating in the region, will be passed on to neighboring States and relevant RFMOs as appropriate, as well as the International MCS Network for further dissemination.

### **Economic Incentives**

Economic support will be withheld from companies, vessels and persons that are involved in IUU fishing. In particular, access to soft loans and tax incentives will be denied to any fishing vessel involved in IUU fishing.

### **Monitoring Control and Surveillance**

- \* The development of fisheries management plans;
- \* The preparation of an inspection and prosecutions manual to ensure standardized application of surveillance and enforcement measures;
- \* Daily electronic catch reporting by industrial vessels using the VMS system;
- \* The adoption of an Inmarsat based VMS system;
- \* Adjustment of base catch prices used in fee calculation to reflect true market value; and
- \* Incorporate into the licensing regime of industrial vessels, a system of inspection cost recovery to ensure that these vessels cover costs associated with observer duties including salary, insurance and travel.

Information technology development is considered to be an important component of the overall plan to develop the Oman economy. Over the Seventh Five-Year Plan cycle (2006-2010) period it is planned to link government agency websites and this should have a positive impact on MCS infor-

mation management. For example, databases of all agencies involved in vessel registration, crew registration, port calls, exports, border monitoring, inspections, violations etc. could be linked to ensure accurate and timely information is readily available.

MCS would also be enhanced if links were established with other States in the region and IOTC to allow the timely exchange of information including information relating to licensing, inspections, catch and effort and violations. Implementation of the IOTC fisheries information statistical system (FINSS) would facilitate this exchange.

#### **Cooperation between States:**

Oman would like to develop cooperative management arrangements covering shared fish stocks such as kingfish, with its neighbours including India, Iran, Pakistan, Yemen and GCC countries and considers that RECOFI could facilitate such management initiatives.

It is noted also that Oman along with Iran, Yemen and UAE are members of the International MCS Network and this network provides an ideal opportunity for the sharing of information on MCS related activities relevant to the Oman Gulf and Arabian Sea region.

#### **Publicity:**

Information dissemination would be enhanced through the development of a fisheries management website to include information on IUU fishing and related matters including the posting of the Oman NPOA-IUU on the MAF website in both Arabic and English.

Local fisheries committees established under the Department of Fisheries Local Committees should also be kept informed of fisheries management matters including those involving IUU fishing and related matters.

### **Catch Documentation Schemes**

Measures will be taken to implement further catch documentation and certification schemes as they are implemented by RFMOs to which Oman is a party.

### **Internationally Agreed Market Related Measures**

Oman will cooperate with all RFMOs to which it belongs to prevent, deter and eliminate the activities of non-cooperating States which engage in IUU fishing. This will include implementing trade and other sanctions that may be recommended by RFMOs to which Oman is a party including IOTC and RECOFI.