



# Fighting against Illegal, Unreported and Unregulated fishing (IUU): Impacts and challenges for ACP countries

10<sup>th</sup> Brussels Development Briefing  
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On 29 April 2009, CTA and other partners convened the 10<sup>th</sup> 'Brussels Development Briefing' - part of a series of bimonthly Development Briefings on ACP-EU rural development issues. Around 100 participants gathered in Brussels to discuss IUU Fishing and its challenges to ACP countries

## Partners in the Briefings:

- CTA
- European Commission
- ACP Group
- ACP Ministerial Working Group on Fisheries
- Euforic
- Concord
- IPS Europe

Introducing the 10<sup>th</sup> Briefing, H.E. Mr. Faure, Ambassador of the Seychelles and Chair of the ACP Ministerial Working Group on Fisheries, informed participants that on 2-5 June 2009 the first meeting of ACP Ministers in charge of Fisheries will take place and that the outcomes of the meeting on such a key issue for ACP coastal states would represent an input for ministerial discussions.



M. Cesar Deben, Director at the EC/DG MARE, recalled that the new EU Regulation on IUU fishing – which will enter into force in 2010 – has the main objective of avoiding any IUU products accessing the European market. He insisted that these rules are not technical barriers to trade, since they will apply to both European and foreign operators, and that the objective is not to protect the EU market which depends for 70% of its needs on imports from third countries. Therefore, ACP fish products legally caught would face no difficulty in accessing the EU market: the new Regulation would only impede market access for IUU products. He recalled that ACP countries are the most concerned by the phenomenon and that informative and training sessions have taken place in the regions to help them address the issue.

From his part Mr. Khadar, Manager at CTA, recalled the facilitation role that CTA can play to help ACP countries in terms of providing and facilitating access to information on such key issues, in order to effectively contribute to development goals.



Ambassador Rumpf from Namibia and vice-chair of the ACP WG on Fisheries, chaired the first panel of the meeting which addressed the main impacts of IUU fishing at global and regional levels, and particularly for ACP countries.



## Assessing the impacts of IUU fishing

Mr. Agnew from MRAG synthesized the key results of two MRAG studies on the impacts of IUU fishing: he estimated the overall loss for IUU fishing to be 10 to 23 billion \$ per year, representing between 11 and 26 tonnes of fish, with developing countries identified as those most at risk from illegal fishing, with the total value of losses in Sub-Saharan Africa estimated to be about 1 billion \$. Moreover there is no country, no fishing sector and no species which is not vulnerable to IUU fishing.



In addition to the economic, ecological and social impacts, the variable which mostly affects the extent of IUU fishing is governance: a significant relationship on a global scale between the level of illegal and unreported fishing and indices of governance has been demonstrated. Developing countries with poor governance are therefore more vulnerable to illegal activities — conducted by both their own fishers and by foreign vessels. This represents a failure of control on behalf of the flag state as well as the coastal state. Turning to the Sub-Saharan region, he highlighted that IUU is not restricted to industrial fleets and that unreported fishing without controls and transshipments currently represent two growing issues. In his opinion, the actions to be taken in order to fight the phenomenon should primarily focus around better control of fishing and licensing, as well as on banning

fishing in areas where it could create economic damages to local communities or could hurt the local ecosystems.

### IUU fishing as a symptom of weak governance



Mr. Kelleher, Fisheries Team Leader in the World Bank and manager of the World Bank's Global Partnership on Fisheries (PROFISH), stressed that illicit fishery activities should be seen as part of a broader governance failure and a symptom of weak governance. For this reason,

some of the solutions are not within the fisheries sector but fall under a broader governance agenda: policy and anti-corruption measures need to supplement direct efforts to combat illicit fishing activities since improved transparency and control are key to reform the world's largest fisheries.

In his words control is a key part of reforms, including independent determination of TAC and independent monitoring of all landings. Enforcement must be cost effective in using assets and capacity, as well as new cost-effective technologies like remote sensing, for tracking and traceability. Finally, Mr. Kelleher emphasized the need for an effective regional cooperation.



Ms Saskia Richartz, EU Oceans Policy advisor for Greenpeace, provided a civil society perspective on IUU fishing. She underlined that the phenomenon is global in scale but it presents substantial differences regionally and locally, and between the actors involved. The root cause of IUU fishing is legal overfishing beyond national

waters due to shrinking resources, she summarized, which create governance gaps and therefore the incentive to go beyond rules, with substantial social and economic adverse effects on developing countries. Weak port state control and lack of traceability are two main loopholes in the system, she stressed. As far as Europe is concerned, control not only at sea, but also over nationals and companies is a key issue that should be addressed. In her words, the large European fleet is difficult to monitor and compete for depleting resources: government's intervention should therefore address the IUU fishing issue also within the EU, providing for an effective control on EU actors involved.

For these reasons, Greenpeace calls for sustainable and equitable sourcing agreements and a stronger enforcement of the rules by the EU and proposes concrete actions like the "blacklist" of IUU fishing vessels that Greenpeace compiles and manages.

The General Secretary of the National Federation of Fishermen interests (FENAGIE Pêche) in Senegal, Mr. Samba Gueye provided an overview of the impacts of IUU fishing on the fisheries industry and communities in his country.

He emphasized that fisheries resources shrinking in coastal states reduce living standards for fisheries communities: fisheries are fragile resources and inadequate policies aggravate this fragility.

The damages to ecosystems, the non regulation and



non surveillance represent major challenges for artisanal fishing which would need specific support and tailored capacity building programs. In his words regulations, standards and regulatory frameworks are useful tools but not sufficient to stop IUU fishing activities: alternative

strategies should be conceived and concrete actions should be taken as for example banning the small fishes catches, preventing transshipments, creating artificial reefs. Moreover he underlined that extensive training, information and awareness rising are key efforts to undertake in order to assist fishermen communities resist to IUU fishing.

In the discussions with the audience, DG Mare recognized the existence of overcapacity problems and stated that they are taking measures to control vessels operating outside the EC waters and on ports of convenience. The debate outlined the crucial aspect of governance and the economic loss IUU causes to a profitable sector. Effective coordination at the port level is needed and a regional and coordinated approach among national authorities would improve the effectiveness of port state measures. However, this cannot happen without capacity building and raising awareness, especially in countries with a large EEZ and low capacity. Awareness among the general public and policy makers on the needs of reform has also been called upon. Moreover, concerns have been raised on the logic behind fish dumping and about promoting the consumption of farmed fish. According to the World Bank, the general awareness of the importance of aquaculture has increased and currently 50% of the global supply of fish comes from aquaculture. An additional concern was whether appropriate studies had been undertaken in the Caribbean region on the effects of IUU fishing.

### The EC regulation and the challenges for ACP

Mr Vergine, from the DG MARE of the EC, provided an overview of the EC Community's system to prevent, deter and eliminate IUU fishing. He set the framework by recalling that IUU fishing constitutes a



major threat to the sustainability of fish stocks and marine biodiversity and that 75% of the world's fish stocks are currently over – or at least fully - exploited and it is these species that are usually targeted by IUU operators. The aim of the 2008 EC Regulation on IUU fishing (which will enter into force on 1

January 2010) is to ensure the sustainability of marine fisheries resources and to improve the effectiveness of existing international legal and other obligations

pertaining to their conservation and management by clamping down on IUU fishing.

It is a non-discriminatory instrument applicable to all fishing vessels under any flag, he stressed, which, in order to ensure that no products derived from IUU fishing appear on the markets, seeks to ensure full traceability of all fishery products traded with the Community, by means of a catch certification scheme. This scheme is an essential part of the IUU Regulation which will also improve and facilitate the control and compliance with conservation and management rules, in co-operation with third countries. It may also apply to exports of EC vessel catches, if the country of final destination requires a catch certificate.

Moreover, the Regulation comprises provisions on port state control, mutual assistance, a Community alert system, to place focus of verification activities towards situations at risk and share information with third countries, the identification of IUU vessels and non-co-operating third countries and the prohibition for EC nationals to support directly or indirectly IUU fishing under any flag, irrespective of the destination of the catches. In order to ensure effective enforcement, the Regulation also includes harmonised, proportionate and dissuasive sanctions for serious infringements.

Since developing countries pay the highest price for IUU fishing, and in particular coastal communities relying on fisheries for its livelihood, DG MARE is committed to assist third countries and therefore ACP states in the fight against IUU fishing and has already participated to two ACP meetings dedicated to the Regulation and answered questions. Moreover, DG MARE is organising and funding regional seminars for the benefit of authorities in developing countries.

### **The private sector's key concerns**

Representing the South African Deep-Sea Trawling Industry Association (SADSTIA) - a non commercial trade organisation and industrial body – Roy Bross



expressed the private sector's support to the objectives of the EU Regulation on IUU fishing. While realizing and accepting it would require increased costs, he stressed that the main challenge for South African's fisheries industry relates to the possibility to continue developing business and

in this sense the envisaged system creates a certain scope of concern.

In his words private operators will face difficulties to comply with procedures mainly at two levels. First, difficulties may be envisaged at the tracking level because the traceability demanded by the Regulation requires a huge amount of work and staff and sometimes would be unobtainable given the complexity of some business models (there is no "one size fits all" tracing system). Second, some legal problems and inconsistencies may arise when the Regulation will interact with local laws and practices. To overcome these weaknesses, a substantial simplification of tracking procedures and the grant of a certain degree of flexibility in implementing some

aspects of the catch certification scheme foreseen by the Regulation represent a critical issue.

Mr. Celso, director of RD Tuna canners Ltd. from Papua New Guinea, provided an additional private sector's perspective on the EC Regulation on IUU



fishing and on the challenges it would pose for Pacific countries. The tuna industry, as shown by the regional catching and processing capabilities plays an important economic role in Pacific islands. While recognizing that the Regulation is a good starting point, he stressed some challenges

concerning the definition of IUU fishing and the implementation of the Regulation. Among them he mentioned the costs that it will imply, the lack of capacity by coastal and flag states as well as the lack of proper logistics and infrastructures. In his words there is a substantial need for strengthening the capabilities of competent authorities of flag and coastal states. A dialogue with relevant stakeholders is also key for a more effective implementation of the new rules.

Alois Kinol, from the National Fisheries Authority of Papua New Guinea, highlighted the challenges which the new regulation would cause to PNG. The vast sea



area to cover, as well as the large number of countries with flag vessels, makes monitoring adequately the catches difficult. Some of the challenges are linked to the numbering system, required for both the catch and the health certificates. There is a lack of clarity on who, between the flag state and the

Competent Authority (CA) of the third country, would be responsible for the rejection of a catch in case a certificate had the wrong details, or on who does the certification of a catch if a flag country has no CA. It is also uncertain how stakeholders will be advised about the new EC regulation, considering all the flag countries that PNG licenses.

### **A Caribbean regional perspective**

Terrence Phillips, from the Caribbean Regional Fisheries Mechanism (CRFM) underlined the important contribution to employment, income, foreign exchange earnings, rural stability and food security made by the fisheries sector in the CARIFORUM/CARICOM region. The full extent of IUU fishing is not quantified but goes from poaching in countries with high value species like conch and lobster stocks in Belize, Jamaica and The Bahamas, shrimp in Guyana and Suriname, and tunas in the Eastern Caribbean Islands. The region has inadequate MCS to ensure compliance with existing legislations and regulations and insufficient awareness among public and private sector stakeholders and the public at large about compliance and the negative effects of IUU fishing. Combating IUU fishing at the national and



regional levels would require encouraging voluntary compliance through a process of education and awareness to obtain support for fisheries management strategies and efforts to combat IUU fishing and to ensure compliance by fishers and other stakeholders who resist the regulatory regime. The role of the CRFM is encouraging ratification and adoption of the relevant international instruments for fisheries management and compliance; promoting the development of NPOAs to prevent, deter and eliminate IUU fishing; promoting regional databases and other information systems; promoting regional cooperation on port state control ; and strengthening national and regional institutional capacity and infrastructure.



The CRFM is well placed to promote fisheries management, including the implementation of strategies to prevent, deter and eliminate IUU fishing. CRFM Member States are in the process of elaborating a Common Fisheries Policy and finalising a Draft Declaration on IUU Fishing. At present, the existing MCS and enforcement functions are not as effective as required due to severe human and financial resource constraints within the region's fisheries administrations. With the advent of the EC regulation, this situation will be compounded for those Member States exporting to or intending to export fish and fish products to the EU. As such, the EU needs to take into account the capacity constraints facing developing countries and regional fisheries bodies and be prepared to provide technical assistance and training to facilitate the implementation of the catch certification scheme.

In the debate, the private sector raised the concern on the risk of decreasing trade flows given the lack of capacity of competent authorities and the difficulties in addressing this issue. The question of the catch certification system which will apply in the case of non originating fish and the need for transshipments to be fully made at port could reduce the efficiency of the port. The EC reminded that the lack of capacities of the Competent Authorities does not prevent the country to organise its fisheries sector and the need for technical assistance should not prevent from adopting and implementing the Regulation. Other concerns were raised regarding the practical implementation of the EC regulation, as providing catch certification to all fish products is sometimes difficult, as a result of the fishermen not knowing the final market or as a result of the disaggregation of fish for exports. A plea was made to the EC for clear rules and guidance for actors in the fisheries sector to adjust themselves. The EC reminded participants that an information kit for third countries to apply the EC regulation was available, and that national traceability systems could be used as an alternative to catch certificates. A reminder was also made of the new programme "Partnership for African Fisheries", run by NEPAD under the auspices of the AU, where working groups focus on key policy areas such as tackling IUU (see [www.africanfisheries.org](http://www.africanfisheries.org))

## Conclusions

In his concluding remarks Mr. Philippe Michaud, from the Seychelles Ministry of Foreign Affairs, recalled that good governance plays a key role in the fight against IUU fishing but underlined that it has a high cost, especially for small island states with huge EEZs, and that it is therefore important for governance mechanisms to be sustainable and to convince that benefits will outweigh the costs. He also highlighted the importance of transparency and called for an effort to increase availability of information, notably for small-scale operators. He expressed his optimism on a positive outcome of the new disciplines but stressed that corrective mechanisms in order to adapt the IUU Regulation to stakeholders' needs should be envisaged.



As Head of Service in FAO Department of Fisheries and Aquaculture and Secretary of FAO Committee on Fisheries (COFI), Mr. Ndiaga Gueye stressed that IUU fishing represents a global challenge and that the international community is increasingly involved in



IUU. But he also stressed that IUU Fishing is not inevitable and a strong willingness by all actors can make the difference. From its part, FAO plays a key role in dealing with fisheries issues within the UN system and has established a set of measures to fight and eradicate IUU fishing: in

view of this, international negotiations for a legally-binding instrument on port State measures are currently under way. FAO also undertook several national and international initiatives in order to build developing countries financial and technical capacities to address IUU fishing.

The Chair of the ACP Ministerial Working Group on Fisheries, Ambassador Barry Faure, concluded reminding the audience that much work still needs to be done. The ACP countries have to prepare formal requests to the EC on information and capacity building programmes. As various speakers reminded the audience, the EC needs to show some flexibility in the implementation and recognize the constraints that most of ACP countries and regions face.

The discussions held in this Briefing will feed the next ACP Council of Fisheries Ministers.

## Further information on the web

The Briefing webpage:

<http://brusselsbriefings.net/past-briefings/n°10-iuu-fishing/>

The video materials:

<http://brusselsbriefings.net/2007/03/24/briefing-20090429-iuu/>

The Reader - Resources on IUU Fishing:

[http://brusselsbriefings.files.wordpress.com/2009/04/reader\\_iuu\\_eng.pdf](http://brusselsbriefings.files.wordpress.com/2009/04/reader_iuu_eng.pdf)