



# BRUSSELS RURAL DEVELOPMENT BRIEFINGS

## A SERIES OF MEETINGS ON ACP-EU DEVELOPMENT ISSUES



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

#### **Resources on Illegal, Unreported and Unregulated (IUU) fishing<sup>1</sup>**

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of Prof. Martin Tsamenyi (ANCORS)



## **Briefing no. 10**

# **Resources on Illegal, Unreported and Unregulated (IUU) fishing<sup>1</sup>**

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## 1. Introduction

IUU fishing is a serious global threat and one of the main impediments to the achievement of sustainable world fisheries. It represents a major loss of revenue, particularly for some of the poorest countries in the world, where dependency on fisheries for food, livelihoods and revenues is high.

IUU fishing is not new but it has become more visible and pronounced in the past 20 years: it is increasingly observed in high-seas fisheries.

It includes a wide range of activities such as unauthorised fishing in Exclusive Economic Zones (EEZs) and in Regional Fisheries Management Organisations (RFMOs) convention areas, taking juvenile and protected species, using prohibited gear, failing to report catches, etc. It is motivated by economic gain and is sometimes, in industrial fisheries, associated with organized crime.

It exploits weak management regimes, preys on developing countries and takes advantage of corrupt administrations with respect to vessel registration, “authorizations to fish” and shore-side operations.

IUU fishing involves complex webs of actions and entities and is not limited to the illegal harvesting of fish but also includes the shipment, processing, landing, sale and distribution of fish and fishery products. Support and provisioning of vessels and providing financing are also part of the IUU continuum.

In a nutshell, illegal unreported and unregulated (IUU), fishing:

- undermines national and regional efforts to manage fisheries;
- inhibits stock rebuilding efforts;
- hastens the downward slide in many fisheries, and
- potentially affects food and livelihood security for poor communities in developing countries<sup>2</sup>

Moreover it:

- generates harmful effects on the economic and social welfare of those involved in legal fishing;
- distorts competition for legal fishermen and reduces incentives to play by the rules;
- threatens the survival of coastal communities in developing countries and jeopardizes the viability of resources;
- contributes to the depletion of fish stocks worldwide and undermines efforts to secure and rebuild those stocks for the future;
- destroys marine habitats.

This blight of modern times continues to plague the world's fisheries while jeopardizing the conservation of the marine environment and threatening

sustainability. IUU fishing and related activities are driven by high profits, growing global markets for fish and overcapacity in the fishing industry. Weak governance systems enable IUU activities. Estimates place the annual global value of IUU fishing at US\$ 10-23 billion although accurate quantification remains difficult due to the covert nature of the activities<sup>3</sup>. Developing countries are most at risk from illegal fishing, with total estimated catches in West Africa being 40% higher than reported catches. There is a significant link between the high levels of illegal fishing and poor governance.<sup>4</sup>

IUU fishing is pervasive, occurring in all regions of the world; it is found on the high seas, in exclusive economic zones and in near-shore fisheries. If not adequately controlled, these activities pose serious problems for all types of fisheries: industrial, small-scale and artisanal, having potentially serious environmental, economic and social impacts.

All states are affected by IUU fishing regardless of whether they are coastal States concerned about the management of their fisheries, welfare of their fisheries-dependent communities and preservation of biodiversity; flag States dealing with their responsibilities and the socio-economic concerns of fishers who abide by management and conservation measures; port States wanting to verify catches coming to their facilities; or market States trying to ensure the importation of

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legally caught, safe products for their consumers. There is widespread recognition that IUU is a shared problem and that it demands collaborative solutions.

The international community has been trying to eradicate IUU fishing

through various measures since it became a prominent issue on the global agenda, more than ten years ago,<sup>5</sup> but its complex nature defies simple or uniform solutions. The first decade of fighting IUU fishing has produced the beginnings of some effective responses and raised

awareness among governments and civil society about the negative impacts of IUU fishing. For example, during the past decade, the emphasis has shifted from targeting IUU fishing vessels to targeting their catch<sup>6</sup>.



## 2. Setting the context: the globalization of fisheries

Fisheries and fishing activities, including production, trade, and governance have become progressively globalized. The key factors behind the creation of what is now a global fisheries economy are high-speed communication, transportation, refrigeration, and information technology. Other factors include the combined operation of fishing activities which permit previously internationally dispersed activities to be linked through direct enterprise co-ordination or through less direct mechanisms such as markets and prices.

The whole supply chain in fisheries – from the catching as well as rearing of fish, to the processing of product on land or at sea, the transportation of product, to the final points of consumption – has become globalized. Industrial processing of fish, for example, is increasingly taking place at locations other than the country of origin<sup>7</sup>. Aquaculture and mariculture sectors have also become closely integrated with the marine capture sector.<sup>8</sup>

Governance of the global fisheries economy is also globalized, operating through a decentralized but still relatively coherently coordinated system of treaties, non-binding international fisheries instruments as well as an emerging layer of private arrangements sponsored by internationally influential non-governmental organisations (NGOs) with significant international public legitimacy. The actors currently involved in this global regulatory framework include: coastal States, flag States, fishing States, port States, inspecting States,

market States, RFMOs, fishing fleets and companies, inter-governmental organisations, and NGOs<sup>9</sup>.

### International fish trade: key data and trends

The FAO estimates that in 2010 capture fisheries and aquaculture supplied the world with approximately 148 million tonnes of fish (with a total value of US\$217.5 billion), of which about 128 million tonnes was utilized as food for people. Preliminary data for 2011 indicate an increased production of 154 million tonnes, of which 131 million tonnes were destined as food. World fish food supply has, in fact, grown substantially in the last five decades, with an average growth rate of 3.2 percent per year in the period 1961 – 2009.

Of the 126 million tonnes available for human consumption in 2009, fish consumption was lowest in Africa (9.1 million tonnes, with 9.1 kg per capita), while Asia accounted for two-thirds of the consumption with 85.4 million tonnes (20.7 kg per capita). The corresponding per capita fish consumption figures for Oceania, North America, Europe and Latin America and the Caribbean were 24.6 kg, 24.1 kg, 22 kg and 9.9 kg, respectively.<sup>10</sup> The FAO estimates that about 45% of the world fish catch enters international trade. In 2006, the total world exports of fish and fish products reached US\$ 85.9 billion, which represents an increase of 55% from 2000. Similarly, the value of imports in the same period reached US\$ 89.6 billion or an

increase of 49%. Developed States absorb more than 80% of total world fisheries imports in value terms. The EC is the largest global market for fish, accounting for approximately 40% of global imports. Japan and the US account approximately for an additional 35% of total world imports of fisheries products. The significant contribution of developing States in the international trade of fish is undeniable. The net exports of fish by developing States have shown a continuous increasing trend over the decades, which is estimated at 49% in value and 59% in quantity of the total fishery exports in 2006. This overall trend is primarily driven by China, which has now become the world's largest exporter of fish.

Cumulative net exports of fisheries products from developing States far exceed export earnings from major commodities such as coffee, bananas, and rubber.

The rising trade values and volumes for all fish commodities reflect the increasing globalisation of fisheries value chains, in which processing is being outsourced to Asia, as well as Central and Eastern Europe and North Africa. Outsourcing of processing takes place both at the regional and global levels, depending on the product form, labour costs and transportation time. Many species, such as salmon, tuna, catfish and tilapia, are increasingly traded in their processed form. In addition, there has been a growth in the internationalisation or globalisation of distribution channels through the demands of large retailers<sup>11</sup>.

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### The global problem of IUU

IUU fishing is a worldwide phenomenon with significant environmental, economic and social consequences. It contributes to the depletion of fish stocks and also threatens habitats, which has cross-boundary impacts affecting both areas under national jurisdiction and the high seas. Because of the global nature of fisheries and fishing activities any decrease in fish catch in one part of the world, regardless of cause, also threatens the food security of fish importing States and consequently the global food supply. The lack of accurate data further makes it difficult to determine how much of the fish traded internationally are derived from IUU fishing.

Many of the relatively positive features of globalised fish production, trade and market arrangements, especially the flexibility of such arrangements as well as the speed with which they can be re-positioned globally, are also structurally facilitative (as well as supportive) of IUU fishing. This

makes enforcement against IUU fishers particularly difficult.

The following drivers of the global fisheries economy may be identified as inadvertently giving support to IUU fishing:

- A *high level of demand for fish* exists in key market centres, meaning that high prices are fetched for a range of seafood products, including abalone, shark fin, live Napoleon wrasse, and fresh and chilled tuna. While the illicit market for these products is global in scope, the supply comes from specific geographic areas such as Australia and Southeast Asia, resulting in negative impact on such fisheries.
- Another factor is the *international nature of the fishing business*, including vessel chartering, crewing and flagging. The lack of sufficient legal requirements to link beneficial owners to their vessel registry allows such owners to be protected under a corporate veil, and thus more freely conduct and benefit from IUU activities.

- The *global character of fisheries production operations and product markets* facilitates the product laundering that is central to IUU fishing. In particular, the ease of transshipment as well as the anonymity of the cold-chain for transportation of fish products supports non traceability of IUU products;
- The anonymity, vitality and transactional speed that exists within *global markets for vessel flags, crews and vessels* underpins the flexibility with which IUU fleets move from production area to production area.

In some parts of the world, particularly in unregulated sea areas, IUU fishing also overlaps with other forms of maritime crime such as piracy and drug smuggling. IUU fishing has also recently been linked to organised crime, requiring a cooperative response among affected States<sup>12</sup>.



### 3. What is IUU?

#### 3.1 Definitions of IUU Fishing

A number of international instruments contain provisions that are relevant to controlling IUU fishing. These include the 1982 United Nations Law of the Sea Convention, the 1993 FAO Compliance

Agreement, the 1995 United Nations Straddling Stocks Agreement (the 1995 Agreement), and the 1995 FAO Code of Conduct for Responsible Fisheries. None of these was set up to deal directly with IUU fishing. Concern over the growth of IUU fishing worldwide increased rapidly during the late 1990s. An initiative taken by the FAO Committee on

Fisheries in 1999 culminated in the adoption of an International Plan of Action (IPOA) on IUU fishing in March 2001. The IPOA is a voluntary agreement, elaborated within the overall framework of the FAO Code of Conduct for Responsible Fishing. Paragraph 3 of the FAO IPOA provides for a definition of IUU:

##### **3.1 Illegal fishing refers to activities:**

3.1.1 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;

3.1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

3.1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

##### **3.2 Unreported fishing refers to fishing activities:**

3.2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

3.2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

##### **3.3 Unregulated fishing refers to fishing activities:**

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

3.3.2 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.

3.4 Notwithstanding paragraph 3.3, certain 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.



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### 3.2 Types of IUU fishing

These formal definitions do not necessarily help to understand the widely differing types of activities that might be considered to be IUU. Below, several common types of IUU fishing are listed:

1. Illegal/poaching activity is the easiest to define. It is usually expressed as fishing without a licence in an EEZ. This can apply to national vessels, to vessels licensed to fish in an adjacent area that have crossed the boundary to fish in an area where they are not licensed; and to vessels fishing on the high seas that cross the boundary for the same purpose.
2. other types of illegal fishing which may be undertaken by otherwise

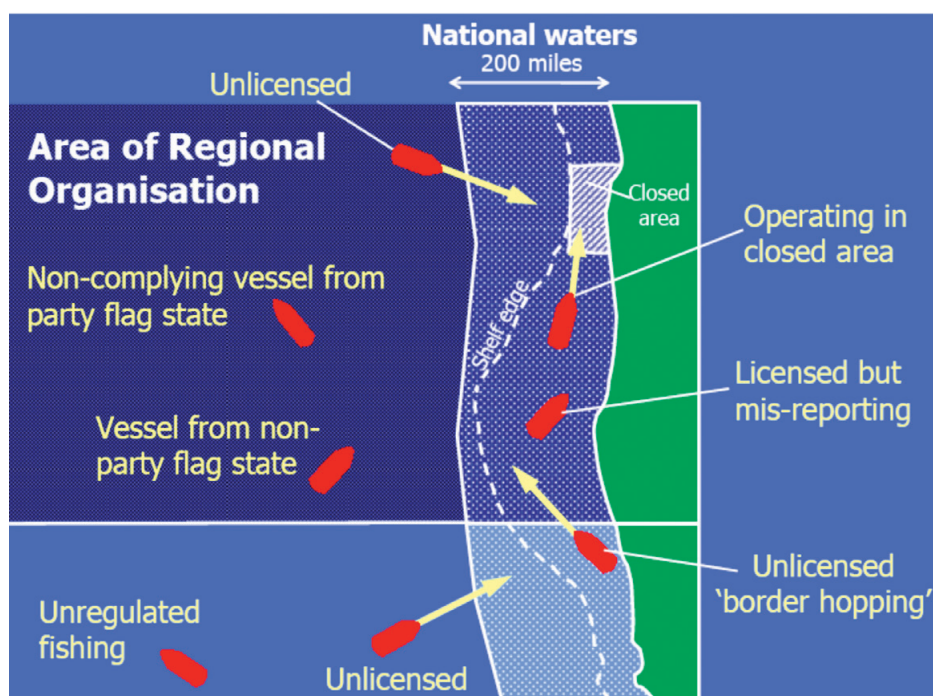
legally licensed vessels. Licensed vessels may still fish illegally by contravening the terms and conditions of their licence, for example using illegal gear, catching fish over the allocated quota, fishing in closed areas and/or seasons, exceeding by catch limits, non- or partial reporting of data, or submission of erroneous data.

3. Misreporting, or failing to report, catch and other data may constitute both illegal and unreported fishing. The FAO definition suggests that unreported fishing may not necessarily be illegal, although it is evident that it should also be considered illegal where reporting obligations form part of national laws and regulations or licence conditions.

4. Unregulated fishing is well described by the FAO IPOA definition. It includes fishing on the high seas by 'free riders', i.e. those who fail to sign up to regional management arrangements and refuse to comply with the conservation and management measures established by those arrangements. It also includes fishing on the high seas where there are no regional management arrangements in place<sup>13</sup>.

Therefore, as illustrated below, within an EEZ there may be unlicensed fishing (poaching), under- or non-reporting, or unauthorised fishing by area, seasonal, gear, quota or species. Outside EEZs there may be noncompliance with an RFMO, or there may be unregulated fishing outside the area of an RFMO<sup>14</sup>.

#### Illustration of types of IUU fishing<sup>15</sup>.



### 3.3 Governance of capture fisheries: monitoring, control and surveillance (MCS) activities

At the national level, countries can address IUU fishing by implementing measures to deny access to known IUU fishing vessels to ports<sup>16</sup>.

To this end, fisheries monitoring, control and surveillance (MCS) activities are a key component of the fisheries management process. The rapid depletion of key fish stocks in the 1980s and 1990s has caused governments to seek more effective

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control over fishing activities and the movement of fish products. Contemporary definitions of MCS go beyond the traditional idea of MCS as simply policing. A comprehensive suite of MCS activities includes:

- *Monitoring* - the collection, measurement and analysis of fishing activity including, but not limited to: catch, species composition, fishing effort, by-catch, discards and area of operations. This information is primary data that fisheries managers use to arrive at management decisions. If this information is unavailable, inaccurate or incomplete, managers will be handicapped in developing and implementing management measures.
- *Control* - involves the specification of the terms and conditions under which resources can be harvested. These specifications are normally contained in national fisheries legislation and other arrangements that might be nationally, sub regionally, or regionally agreed. The legislation provides the basis for which fisheries management arrangements, via MCS, are implemented.
- *Surveillance* - involves the regulation and supervision of fishing activity to ensure that national legislation and terms, conditions of access and management measures are observed. This activity is critical to ensure that resources are not overexploited, poaching is minimised and management arrangements are implemented<sup>17</sup>.

Agnew <sup>18</sup> demonstrated a significant relationship on a global scale between the level of illegal and unreported fishing (IU) and indices of governance. Developing countries with poor governance are not to blame for illegal fishing, but they are more vulnerable to illegal activities — conducted by both their own fishers and by foreign vessels. In Africa, for instance, many coastal states license foreign vessels and there is a significant reported illegal fishing problem from many of these. This represents a failure of control on behalf of the flag state as well as the coastal state.

## 4. Estimating the world extent of IUU fishing

Estimating the level of illegal fishing is, by its very nature, extremely difficult and has not previously been attempted on a global scale. Fishing vessels, especially those fishing in high seas waters and under third party access agreements to EEZ waters (Exclusive Economic Zones, which can extend up to 200 nm from the coast), are highly mobile. Although there are a number of studies of the level of IUU (Illegal, Unreported and Unregulated)

fishing in individual fisheries (both EEZs and high seas), only a few studies have attempted to estimate the impacts of IUU over a whole region. In a 2008 Report, MRAG set out, for the first time, a detailed study which arrives at global estimates of current and historical illegal and unreported catches<sup>19</sup>.

The level of IUU catches has been calculated on a regional and species

group basis. The results demonstrate that there are significant differences in the level of IUU catch and the trends in those catches between regions, being highest in the Eastern Central Atlantic and lowest in the Southwest Pacific. Over the last 10 years IUU has declined in 7 areas, increased in one and stayed the same in the remaining 7.

### Trends in regional estimates of illegal fishing, averaged over 5 year periods 1980–2003<sup>20</sup>

Region	1980–1984	1985–1989	1990–1994	1995–1999	2000–2003
Northwest Atlantic	26%	19%	39%	15%	9%
Northeast Atlantic	10%	10%	12%	11%	9%
Western Central Atlantic	16%	14%	14%	11%	10%
Eastern Central Atlantic	31%	38%	40%	34%	37%
Southwest Atlantic	15%	18%	24%	34%	32%
Southeast Atlantic	21%	25%	12%	10%	7%
Western Indian	31%	24%	27%	25%	18%
Eastern Indian	24%	29%	30%	33%	32%
Northwest Pacific	16%	15%	23%	27%	33%
Northeast Pacific	39%	39%	7%	3%	3%
Western Central Pacific	38%	37%	37%	36%	34%
Eastern Central Pacific	20%	17%	13%	14%	15%
Southwest Pacific	10%	9%	7%	7%	4%
Southeast Pacific	22%	21%	24%	23%	19%
Antarctic	0%	0%	2%	15%	7%
<b>Average</b>	<b>21%</b>	<b>21%</b>	<b>21%</b>	<b>20%</b>	<b>18%</b>

The figure given is the mid-point between the lower and upper estimates of illegal and unreported catch in the case study species, expressed as a percentage of reported catch of case study species.

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**It has been estimated that the overall loss from the studied fisheries is 11–19% of the reported catch in those fisheries, worth some US\$ 5 - 11 billion in 2003.**

Taking the total estimated value of illegal catch losses within the analysed fisheries and areas and

raising by the proportion of the total world catch, the lower and upper estimates of the total value of current IUU losses worldwide were between US\$10 billion and US\$23 billion annually, representing between 11.06 and 25.91 million tonnes.

Moreover, regional trends reveal issues related to the quality of fisheries management.

In the *Western Central Atlantic* there has been a steady improvement in control by both South American coastal states and ICCAT.

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In the *Eastern Central Atlantic*, by contrast, there appears to have been a steady increase in illegal fishing, which is at a much higher level than in the western central Atlantic. This is a large area, covering many states with a wide variety of fisheries and governance state (Morocco to Angola). There is a period in the 1990s when coastal states in North West Africa, particularly, were exerting greater control on their resources and in which period it has been estimated the illegal catch decreased. By contrast, according to the Report in the late 1990s countries such as Guinea, Sierra Leone and Liberia suffered increasing illegal catches as a result of internal strife.

Increasing uncertainty about the level of illegal catch in the South

West Atlantic from the mid-1990s has been pointed out, but overall levels of IUU appear to have increased at this time, once again in response to declining resource status. In contrast, the exclusion of foreign vessels, and imposition of national control in Southeast Atlantic coastal states from the late 1980s led to a marked reduction in illegal catch at that time followed, is estimated, by a continued decline.

The decline in the *Western Indian Ocean* reflects gradually increasing control over time by coastal states, particularly those in the extreme north and the SADC region, and a reduction in the unreported catch estimated by the IOTC.

In the *Eastern Indian Ocean* there has been a gradual increase in illegal catch but this masks a complex set of dynamics in which some coastal states appear to have been able to reduce the level of IUU over the period, but in some with high volumes of catches the amount of IUU appears to have increased. This may reflect increasing pressure from small scale fisheries.

The increase in estimated illegal in the *Northwest Pacific* is almost entirely due to the influence of China and Russia, since estimates of illegal catch in other states in the area is relatively small. However, the knowledge-base for this estimate is not as good as for other estimates in this analysis, which is reflected in the increase in uncertainty in this region<sup>21</sup>.

## 5. Economic and social impacts of IUU fishing

The biological and ecological impacts of IUU fishing are well known, and fairly self-evident.

Large-scale IUU fishing undermines conservation measures directed at conserving stocks and ensuring the long-term sustainability of fisheries. It is doubly insidious as, because it is extremely difficult to monitor, its effects are also very difficult to predict because reliable estimates of total extractions cannot be used in stock assessment models. Thus, a management authority may not even know that the stock is in danger until it is in a poor state. IUU fishing is, effectively, over-fishing and will ultimately lead to stock collapses, the result being that the resource is of no value to either legitimate or IUU fishermen.

IUU fishing also damages the ecosystem and associated species: IUU fishermen do not respect the various control measures put in place to ensure responsible fishing by legitimate fishers, with the result that they may kill large numbers of other fish as by-catch, with birds, seals and whales as incidental mortality. These deaths also go unreported<sup>22</sup>.

The effects of IUU on developing countries include financial, economic, social and environmental/ecological impacts<sup>23</sup>.

### Direct economic losses

The most obvious impact is direct loss of the value of the catches that could be taken by the coastal state if the IUU fishing was not taking place. Aside from the loss to GNP, actual revenue can accrue to the coastal state in the

form of landings fees, licence fees, taxes and other levies which are payable by legal fishing operators.

In a 2005 Report MRAG estimated that at a minimum US\$0.9billion of IUU catch is taken from EEZs of various countries in the sub-Saharan Africa region, the majority of which are developing countries. In Guinea, for example up to 60% of vessels sighted during patrols in 2001 were fishing illegally. This, coupled with unreported catches in the shrimp fishery and illegal transshipments occurring within the EEZ, represents a significant loss of opportunity to generate national revenue. In addition to vessels operating without licences, licensed operators are also known to misreport catches. Under reporting can be as high as 50% in Kenya and even 75% within the shrimp fishery in Mozambique. Illegal transshipment of catches is also thought to occur within the EEZ of a number of developing countries, with further loss of opportunity to generate national revenue.

There are other secondary macroeconomic effects caused by the loss of fish and marine resources to IUU vessels. These include implications for government budgets (fish and other marine product exports and other taxes), and employment within the fishing and fish processing sector<sup>24</sup>.

### Secondary economic losses

In addition to direct macro-economic impacts, there are indirect and induced impacts. These include the impacts resulting from loss of income and employment in other industries

and activities in the supply chain upstream and downstream from the fishing operation itself.

On the upstream side, IUU fishing depresses the demand for fishing gear, boats and equipment, and other inputs that otherwise might be present.

Downstream from fishing there is fish processing and packaging, marketing and transport that may be negatively impacted. Any associated reduction in fishing incomes will also have impacts on the demand for consumption goods by fishing families.

According to the 2005 MRAG Report, most IUU catches attributed to the case studies do not appear to be landed within the country from whose national waters they were taken. Instead they are often transhipped or landed elsewhere. Illegal shrimp and tuna catches from Liberia, for example, are thought to be landed within Cote d'Ivoire, where many foreign vessels already land part of their legal shrimp and tuna catch from the region, thus making misreporting relatively easy to undertake. At present, countries such as Kenya do not have any requirement for licensed vessels to enter their ports or land part of their catch, thus making inspections particularly difficult to undertake and the threat of misreporting very high.

If port activity is effectively reduced due to IUU fishing, this leads to a loss of secondary income – income from processing and re-export, port revenues, service revenues, transport and employment – which is both loss of value added income to the population, affecting their standard of living, and loss of tax revenues for the country. Secondary economic

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effects also include multiplier effects, such as the potential loss of activity in shipbuilding and re-supply, which may have much wider effects on the country's economy through loss of (or, rather, the lack of opportunity to gain) technological know-how<sup>25</sup>.

### Social impacts

IUU fishing usually contributes to unsustainable impacts on both target species and the ecosystem. This is likely to reduce productivity, biodiversity and ecosystem resilience. This in turn is likely to lead to a reduction in food security for artisanal fishers. This is particularly important in those communities which are heavily dependent on fish as a source on animal protein, notably the coastal communities in countries such as Mauritania, Guinea Bissau, Guinea Conakry, Senegal, Liberia, Sierra Leone, Angola and other countries of West Africa and Somalia, Kenya, Tanzania and Mozambique in North Eastern, Eastern and Southern Africa. For example in Liberia, it has been reported that around 70% of pre-conflict licensed catches were landed in Liberian ports. Recent landings are reduced, which has important implications for the protein availability of this state.

Direct conflict between IUU and other fishery users can often occur. Conflicts between IUU industrial and artisanal or semi-artisanal fishers

are particularly prevalent in shrimp fisheries around Africa (Guinea, Sierra Leone, Liberia, Angola, Mozambique, Somalia) as well as in the inshore fisheries of Mauritania and Senegal. Conflicts may be direct (vessels running others down) or indirect (removing all available fish or shrimp), the former often leading to accidents, death and injury amongst artisanal and other local inshore fishers which in itself will have economic and social consequences (lower catches through injury, loss of earnings) for fishers and their families<sup>26</sup>.

### Environmental impacts

Damage to fish stocks caused by overfishing induced by IUU activity tends to reduce future catching opportunities and therefore leads to a consequent loss of potential economic rent. The majority of our case studies indicate that excessive unregulated fishing effort means that overall catch levels rise above sustainable levels, leading to over-exploitation and depletion<sup>27</sup>.

Fishing in general has the capacity to damage fragile marine ecosystems and vulnerable species such as coral reefs, turtles and seabirds. Regulation of legitimate fisheries aims to mitigate such impacts, but IUU fishers seldom comply with such requirements<sup>28</sup>.

Damage to the marine environment, including marine ecology, can arise through the use of inappropriate gear and equipment in sensitive areas (coral reefs, fish breeding and spawning grounds). Similarly, IUU fishers may use explosives or poisons or other destructive fishing practices which are not used by legitimate fishers<sup>29</sup>.

### 5.1 Impacts of IUU at the ACP level

Most ACP countries, specifically in Africa, have declared a large EEZ (200NM) and are entitled to claim or to declare jurisdiction over their continental shelf. For countries that have no assets to chase IUU fishers, this situation makes their waters vulnerable with ecological, social, economic and legal consequences. In most ACP countries figures for legal fish landings are unclear and it is difficult to estimate how much these countries lose from illegal fishing. The data uncertainty can be caused by: (I) Poaching, especially when we are talking about fish stocks, such as highly migratory species located in EEZ (e.g. Indian Ocean), (II) misreporting or simple non-reporting of catches, nothing that catch reports can be manipulated in order to not exceed set quota limits for target or by-catch species; (III) transshipment at sea, to avoid traceability<sup>30</sup>.





## 6. Existing initiatives to fight IUU Fishing

### 6.1 United Nations

The freedom of the high seas is subject to the basic rights and obligations set out in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the 1995 UN Fish Stock Agreement. High seas fisheries include a number of discrete stocks located outside EEZs, as well as highly migratory resources and straddling stocks. International law requires that such resources are to be managed through regional fisheries management organisations.

In addition to the UNCLOS, the current international instruments related to high seas fisheries are:

- 1993 FAO Compliance Agreement (Compliance Agreement);
- 1995 UN Fish Stock Agreement (Fish Stock Agreement);
- 1995 FAO Code of Conduct for Responsible Fisheries (the Code);
- 2001 FAO International Plan of Action on IUU fishing (IPOA);
- 2005 FAO Model Scheme on Port State Measures to combat IUU Fishing.
- 2009 Agreement on Port State Measures to Prevent, Deter and Eliminated Illegal, Unreported and Unregulated Fishing (PMSA)<sup>31</sup>

Among existing instruments, the Compliance Agreement and the UN Fish Stock Agreement are legally binding international instruments which contain a range of requirements relating to flag State

responsibilities, compliance and enforcement. The Code and the IPOA, on the other hand, are voluntary and management-oriented instruments, formulated to be interpreted and applied in conformity with the relevant rules of international law. These instruments are also essentially complementary in nature to achieve their objective toward sustainable and responsible fisheries.

### The FAO International Plan of Action on IUU fishing (IPOA)

Albeit a voluntary instrument, the IPOA sources many of its provisions from binding international fisheries instruments and provides international support for various types of action against fishing. Under the Plan, in addition to detailed requirements for the flag State, there are provisions for port States to collect specified information on fishing activities and possibly to deny the landing or transshipment of catches to IUU fishing vessels. States can impose trade-related measures such as import bans, consistent with WTO obligations, as well as adopting legislation making it an offence to trade in fish caught by IUU fishing vessels. The IPOA also urges countries to adopt multilateral catch documentation and certification requirements as a means of eliminating trade in fish derived from IUU fishing. By the same token, coastal States are to implement effective control and surveillance in their waters. With the full and effective implementation of flag State control, the development

of complementary port State control would possibly also contribute to a reduction in IUU fishing on the high seas. In this sense, and when properly implemented into national legislation, the IPOA has the potential to play an important role in addressing IUU fishing activities.

In order to adopt IPOA measures in a consistent way, countries were encouraged to develop their own National Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (NPOA), sourcing measures from the 'tool box' represented by the IPOA, and adapting them to their particular situation<sup>32</sup>.

### The FAO Model Scheme on Port State Measures to combat IUU Fishing

Without prejudice to the emphasis put on the role of the flag State in controlling IUU fishing, attention has become increasingly focused on the contribution that may be made by port States. The 26th session of the FAO Committee on Fisheries (COFI) endorsed in March 2005 the FAO Model Scheme<sup>33</sup> and acknowledged a need to strengthen port State measures in a more substantive manner, given that the lack of agreed binding measures provided a loophole. The Model Scheme, a voluntary instrument, sets out minimum standards; port States and RFMOs are free to adopt stricter standards. With the aim of facilitating the implementation of effective action by port States,

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the Scheme addresses general considerations, issues relating to the inspection of vessels while they are in port, actions to be taken when an inspector finds there is reasonable evidence for believing that a foreign fishing vessel has engaged in, or supported, IUU fishing activities, and information that the port State should provide to the flag State<sup>34</sup>. A Technical Consultation to draft a legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing is actually ongoing within the FAO<sup>35</sup>. A Technical Consultation to draft a legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing is actually ongoing within the FAO. The negotiations began following a March 2007 decision by 131 countries attending FAO's biennial Committee on Fisheries and Aquaculture. FAO convened an Expert Consultation to consider the matter ahead of a first set of talks in June 2008. The second meeting was held on January 2009 and the general outlines for an international agreement or treaty on "port State measures" that would deny vessels engaged in IUU fishing access to fishing ports are now largely in place. After the agreement becomes active, fishing vessels that wish to land will be required to request permission from specially designated ports ahead of time, transmitting information on their activities and the fish they have on board - this will give authorities an opportunity to assess and detect possible problems prior to docking.

Information-sharing networks will enable countries to deny port

access to any vessel previously reported as involved in IUU fishing by other agreement participants or by regional fisheries management organizations. The designated landing ports will be equipped to undertake inspections of boats in order to monitor for evidence of IUU fishing activities.<sup>36</sup>

### The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing<sup>37</sup>

The Agreement was adopted by the FAO Conference in 2009. The objective of this agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, in order to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems. It seeks to be applied according to international law and other international instruments. Emphasis is put on cooperation, exchange of information and monitoring of ports. Furthermore, specific roles are given to developing states and guidelines are given for the settlement of disputes.

The Agreement envisages that parties, in their capacities as port States, will apply the Agreement in an effective manner to foreign vessels when seeking entry to ports or while they are in port. The application of the measures set out in the Agreement seeks to contribute

to harmonized port State measures, enhanced regional and international cooperation and block the flow of IUU-caught fish into national and international markets. The Agreement is binding and stipulates minimum port States measures, but, at the same time, countries are free to adopt more stringent measures than those outlined in the Agreement.

FAO has continued to contribute to capacity development by initiating a global series of regional workshops, which aim, for instance, to provide essential information about the Agreement, heighten awareness about the benefits of implementing the Agreement, facilitate knowledge building and skills development, facilitate the exchange of national experiences in combating IUU fishing. The first workshop was held in Bangkok, Thailand from 23 – 27 April 2012 in collaboration with the Asia-Pacific Fishery Commission (APFIC).<sup>38</sup>

## 6.2 European Union

IUU fishing is one of the most serious threats to the sustainable exploitation of living aquatic resources, jeopardizing the very foundation of the Common Fisheries Policy (CFP)<sup>39</sup> and the Community's international efforts to promote better ocean governance. The European Community has one of the largest fishing fleets in the world and is the third largest catching power. In addition, it is also the largest importer of fishery products in the world.

The high demand for fish products within the EU makes it a profitable market for the offloading of IUU catch. In 2007, the EU imported





approximately 15 billion Euros of fisheries products (European Commission, 2007a). However, conservative estimates of EU imports of IUU catches have been valued at approximately 1.1 billion Euros in 2005 (European Commission, 2007a). The relatively large scale of the EU market means that if the Regulation is successful, it could have a considerable influence on global IUU fishing.

Processed products account for roughly half of total Community imports of fishery products. The high demand for processed products exposes the Community to be a potentially attractive market for IUU operators as, due to the lack of control mechanisms based on traceability, IUU catches can be easily laundered.

The EU IUU Regulation and its implementing regulation (Regulation 1010/2009) are very significant because the EU is the largest market for fisheries products in the world – in 2006 the EU accounted for approximately 40% of the global market (including both imports and exports of fisheries products) (FAO, 2007). Projections show that by 2020, global fisheries production will expand reaching approximately one hundred and sixty-four million tonnes, an increase of 15% from 2010 (OECD/FAO, 2011). During this time, the EU is still expected to be the largest importer of fisheries products with approximately 22% of the global import market and exporting 9% in 2020. The next largest importer of fishery products is expected to be the US at 15% according to 2020 projections (OECD/FAO, 2011).<sup>40</sup>

The European Commission has been involved in the fight against IUU fishing for over a decade and in 2002 an Action plan against IUU fishing was adopted, inspired by the FAO's IPOA of 2001<sup>41</sup>. Implementation of the Community action plan for the eradication of illegal, unreported and unregulated fishing is one of the top priorities of the Community Fisheries Control Agency, established in 2005 to organise operational coordination of fisheries control and inspection activities by the Member States and to assist them to cooperate<sup>42</sup>.

### 6.2.1 The IUU Regulation of 29 September 2008

The Commission intensified its action towards IUU fishing by launching a consultation process in 2007, at the end of which a proposal to prevent, deter and eliminate IUU fishing was adopted<sup>43</sup>. The process was finalized in September 2008, with the adoption of a new Regulation<sup>44</sup>, which entered into force on 1 January 2010. The Commission is actively working to inform all parties on how to apply the new rules.

One of the main objectives of the EU IUU Regulation is to control the movement of fisheries products entering the EU Market (European Commission, 2009a). This is a key instrument contributing to the EU's overall goals to improve global fisheries sustainability, combat IUU fishing, and strengthen regional fisheries enforcement frameworks within RFMOs (Tsamenyi et al, 2009). The Regulation intends to regulate access of illegal fisheries products from 'third countries' into the EU market. Based on this Regulation, the ability for a non-Member State to export fisheries products into the

EU is dependent on how the State addresses IUU fishing in its area, or the region where the fisheries product originated (Tsamenyi et al, 2009; European Commission, 2009a). This restriction of imports is accomplished through the implementation of: port state control of third country vessels, the establishment of a Community IUU vessel list, the establishment of a non-cooperating third countries list and the implementation of catch certification requirements for all fisheries products (European Commission, 2009a).

Under the new regulations:<sup>45</sup>

- only marine fisheries products validated as legal by the relevant flag state or exporting state can be imported to or exported from the EU
- A European black list has been drawn up covering both IUU vessels and states that turn a blind eye to illegal fishing activities
- EU operators who fish illegally anywhere in the world, under any flag, face substantial penalties proportionate to the economic value of their catch, which deprive them of any profit

The Regulation is designed to limit access to the EU market dependent on 'the extent the country, area, or region of origin of the exported fish product is completely free or increasingly free of IUU fishing' (Tsamenyi et al, 2009). In simplest terms, the Regulation limits the accessibility of any country or fishing vessel wishing to export fish products into EU based on their individual record for addressing and reducing IUU fishing.

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It specifies sanctions and trade measures that may be used against fishing vessels and foreign States, which either support IUU fishing or fail to meet the requirements in the Regulation. The core elements of the Regulation are measures to address (1) Port State Control of Third Countries; (2) Community Alert System; (3) Catch Certification; (4) Community IUU Vessel List; (5) Non-Cooperating Third Country List and (6) Enforcement Measures and Sanctions.<sup>46</sup>

In order to achieve this goal, a European Community catch certification scheme has been introduced with the aim of improving traceability of all fishery products traded with the Community and facilitating the control of their compliance with conservation and management rules, in cooperation with third countries<sup>47</sup>.

This strategy to block the trade in IUU-caught fish represents a forward looking approach blocking revenue flows to IUU fishers. The strategy will focus on the transshipments of catches, processing of product, landings, imports and marketing. It will build on and further develop other measures adopted at international and regional levels while also advocating unilateral EU action wherever multilateral initiatives have not yet achieved satisfactory outcomes.

Given that the European Union is the world's largest market for fisheries products, the trust of the strategy should have considerable impact. It is estimated that the European Union imports IUU-caught product valued at €1.1 billion annually<sup>48</sup>.

In addition to the certification scheme, the Regulation also comprises provisions on port state control, mutual assistance and the establishment of a Community alert system, a Community IUU vessels list and a list of non cooperating third countries. In order to ensure effective enforcement, the Regulation also includes a harmonised system of proportionate and dissuasive sanctions for serious infringements. It also contains provisions for support and cooperation with third countries. Cooperation under the Regulation has a three-pronged approach and will:

- provide a legal framework to prevent, deter and eliminate IUU fishing on a case by case basis;
- establish, with the third countries concerned, commonly agreed administrative rules to facilitate the implementation of the catch certification scheme, taking into account the interests of legitimate trade and specific situations, such as the type of fisheries, control systems in place and/or trade profiles;
- provide support to developing countries<sup>49</sup>.

### An overview of the IUU Regulation

The IUU Regulation establishes a system of access conditionality in which access to its markets will be partly conditioned by the extent to which the country, area or region of origin of the exported fish product is completely free or increasingly free of IUU fishing. Specifically, the Regulation seeks to address the EC's objective of combating IUU fishing by imposing stringent trade-related measures against fishing vessels and foreign

states that support such fishing or fail to provide adequate documentation regarding fisheries products.

The Regulation applies to IUU fishing and associated activities carried out within the jurisdiction of EC member states, in addition to activities carried out by Community and non-Community vessels on the high seas or in the waters under the jurisdiction of a third state (Article 1). It applies to fishing vessels broadly defined to include "any vessel of any size used for or intended for use for the purposes of commercial exploitation of fishery resources, including support ships, fish processing vessels, and vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels".

The control, sanctioning and conditionality elements at the heart of the Regulation include: port state controls over third country fishing vessels, catch certification requirements, establishment of a Community IUU vessel list, and establishment of a list of non-cooperating third countries<sup>50</sup>.

### Port control of third country fishing vessels

The Regulation requires that landings or transshipments by third country fishing vessels shall only take place in designated ports of EC member states and subject to specific conditions (Articles 4 and 5). These conditions include the submission by masters of third country fishing vessels of a prior notice of entry and specific information required by competent authorities of the relevant EC member state (Article 6). The notice

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of intention to enter into port is to be accompanied by a validated catch certificate if the third country fishing vessel in question carries fishery products on board (Article 6). Only after the catch certificate and other information have been verified can a third country fishing vessel be granted authorisation to access the port of an EC member state (Article 7).

EC member states are required to carry out inspections in their ports of at least 5% of landings and transshipment operations by third country fishing vessels each year (Article 9). The Regulation also requires the mandatory inspection of all fishing vessels that have been sighted or presumed to have conducted IUU fishing and have been reported in the Community alert system, or have been listed under the Regional Fisheries Management Organisation (RFMO) IUU List (Article 9). If the results of inspection disclose evidence that a third country fishing vessel has engaged in IUU fishing, the EC port member state is required to follow various notification procedures and prohibit the landing or transshipment of catch in port (Article 11).

**Catch certification requirements** Under the IUU Regulation the importation of fishery products into the EC will be allowed only when the import is accompanied by a catch certificate, completed by the master of the fishing vessel and validated by the flag state of the vessel. Exportation and indirect importation of fishery products are also subject to the validation of a catch certificate by the competent authorities (Articles 14 and 15).

Catch documents and any related documents that are validated in conformity with catch documentation schemes adopted by an RFMO and are recognized by the EC as complying with the requirements of the IUU Regulation, will be accepted as catch certificates in respect of the products from species to which such catch documentation schemes apply (Article 13).<sup>5</sup> In this respect, the IUU Regulation gives wide powers to the competent authorities of EC member states to carry out all of the controls they deem necessary for the validation of the catch certificate and other information provided (Article 17). A range of actions may also be taken by EC member states against third country fishing vessels that have not complied with the catch certification requirements, including the refusal to import fishery products from that fishing vessel (Article 18)<sup>51</sup>.

### EC IUU vessel list

A central feature of the new EC Regulation is the creation of a Community IUU vessel list, which will contain information on vessels identified by the EC and the member states to have engaged in IUU fishing (Article 25). The vessel list will also include IUU vessels listed by RFMOs on their respective lists (Article 30). The actions that may be taken by EC member states against vessels on the Community IUU vessel list are varied, and include: prohibitions on the grant of fishing authorisations; withdrawal of fishing permits; refusal of access to EC ports and port services; confiscation of catches and gear; and prohibitions regarding the exportation and re-exportation of fisheries products (Article 37). Furthermore, fishing vessels flying the flag of EC member states are prohibited from assisting

or engaging in fish processing operations, joint fishing operations or transshipment activities with fishing vessels on the Community IUU vessel list (Article 37)<sup>52</sup>.

### EC list of non-co-operating third countries

A state may be identified as a non-co-operating third country if it fails to discharge the duties imposed upon it under international law as flag, port, coastal or market states and to take action to prevent, deter and eliminate IUU fishing activities (Article 31). The listing of such states is based on a number of considerations and factors, including: the examination of measures taken by the state to combat IUU fishing; whether the state concerned is co-operative with the EC in respect of investigations and responses to IUU fishing; the capacity of competent authorities in developing countries; ratification or accession to international fisheries instruments; and the nature of the state's participation in RFMOs (Article 31). The IUU Regulation requires the prohibition on the importation into the EC of fishery products caught by fishing vessels flying the flag of non-co-operating third countries, and non-acceptance of catch certificates accompanying such products (Article 38). In cases where the identification of a non-cooperating state is justified by the lack of appropriate measures adopted by the state in relation to IUU fishing activities affecting a given stock or species, the prohibition of importation may only apply in respect of this stock or species (Article 38). The IUU Regulation also provides for the denunciation by the EC of any standing bilateral fisheries agreement or fisheries partnership agreements with such states, as well as refusal to

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enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such states (Article 38)<sup>53</sup>.

### The role of the European Parliament

Under the consultation procedure, the European Parliament adopted a non-binding report on the EC proposal for a regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing<sup>54</sup>. MEPs in the committee proposed several amendments concerning the Community list of IUU fishing vessels, the inspections to be carried out and the sanctions

and other measures to be imposed by Member States. According to the rapporteur, Marie-Hélène Aubert, the proposal deserved the full support of Parliament, for it is to a significant extent based upon the demands that Parliament itself has made on its report on the implementation of the EU action plan against IUU fishing<sup>55</sup>.

## 6.3 Regional Fisheries Management Organisations (RFMOs)

**Regional Fisheries Management Organisations** (RFMOs) are affiliations of nations which co-ordinate efforts to manage fisheries in a particular region. RFMOs may focus on certain species of fish or have a wider remit related to living marine resources in general within a region. This wide diversity of mandates and areas of application, and also effective implementation of regulations, opens up opportunities for IUU vessels.

### RFMOs sorted by type<sup>56</sup>

<b>Management Bodies</b>
<i>Bodies with a management mandate</i>
<b>CCAMLR</b> - Commission for the conservation of Antarctic Marine Living Resources
<b>CCBSP</b> - Convention on the Conservation and Management of the Pollock Resources in the Central Bering Sea
<b>CCSBT</b> - Convention on the Conservation of Southern Bluefin Tuna
<b>GFCM</b> - General Fisheries Commission for the Mediterranean
<b>IATTC</b> - Inter-American Tropical Tuna Commission
<b>ICCAT</b> - International Commission for the Conservation of Atlantic Tunas
<b>IOTC</b> - Indian Ocean Tuna Commission
<b>IPHC</b> - International Pacific Halibut Commission
<b>IWC</b> - International Whaling Commission
<b>NAFO</b> - Northwest Atlantic Fisheries Organization
<b>NASCO</b> - North Atlantic Salmon Conservation Organization
<b>NEAFC</b> - North-East Atlantic Fisheries Commission
<b>NPAFC</b> - North Pacific Anadromous Fish Commission
<b>PSC</b> - Pacific Salmon Commission
<b>SEAFO</b> - Southeast Atlantic Fisheries Organization
<b>SIOFA</b> - South Indian Ocean Fisheries Agreement
<b>SPRFMO</b> - South Pacific Regional Fisheries Management Organization
<b>WCPFC</b> - Western Central Pacific Fisheries Commission

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### Advisory Bodies

*Bodies with an advisory mandate (scientific and/or management)*

**APFIC** - Asia Pacific Fishery Commission

**BOBP-IGO** - Bay of Bengal Programme – Inter-Governmental Organization

**CARPAS** - Regional Fisheries Advisory Commission for Southwest Atlantic

**CECAF** - Fishery Commission for the Eastern Central Atlantic

**CIFAA** - Committee for Inland Fisheries of Africa

**COMHAFAT** - Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean

**COPESCAL** - Commission for Inland Fisheries of Latin America

**CTMFM** - Technical Commission of the Maritime Front

**COREP** - Regional Fisheries Committee for the Gulf of Guinea

**CPPS** - South Pacific Permanent Commission

**EIFAC** - European inland Fisheries Advisory Commission

**FCWC** - Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea

**FFA** - South Pacific Forum Fisheries Agency

**ICES** - International Council for the Exploration of the Sea

**LVFO** - Lake Victoria Fisheries Organization

**MRC** - Mekong River Commission

**NAMMCO** - North Atlantic Marine Mammal Commission

**OLDEPESCA** - Latin America Organization for Fisheries Development

**PICES** - North Pacific Marine Science Organization

**RECOFI** - Regional Commission for Fisheries

**SEAFDEC** - Southeast Asian Fisheries Development Center

**SPC** - Secretariat of the Pacific Community

**SRFC** - Sub-Regional Fisheries Commission

**SWIOFC** - Southwest Indian Ocean Fisheries Commission

**WECAFC** - Western Central Atlantic Fishery Commission

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RFMOs sorted by Region<sup>57</sup>



## Who monitors the High Seas?

Under present governance of the high seas, Regional Fisheries Management Organisations (RFMOs) regulate some areas that are outside national jurisdictions. However, their role could be greatly enhanced to combat IUU fishing. Current non-members should be encouraged to join the relevant RFMO in order to ensure that sound practices are adopted for fishing in these areas, or, at the very least, that vessels follow the rules of the RFMO. RFMOs themselves may also require legislative strengthening in order to respond to ongoing concerns. A major issue is that international legal frameworks apply only to states that have acceded to various conventions, making it difficult to enforce RFMO rules that must

be implemented through national authorities. In some cases, a lack of enforcement capabilities has diminished the potential impact of RFMO rules. Furthermore, gaps or “hot spots”, where boundaries of adjacent RFMOs or exclusive economic zones (EEZs) do not meet, must be closed<sup>58</sup>.

## The regional dimension in the fight against IUU:

The RFMOs have an essential role to play in the quest to stop illegal fishing. While many provisions inherent to the IPOA, directed at RFMOs, are in fact provided for through resolutions and recommendations passed during RFMO general assembly meetings, such recommendations are generally phrased in very loose terms.

Implementation is generally where the real challenges arise. There is a clear need for RFMOs to monitor the implementation of resolutions and achieved results at Contracting and Cooperating Parties level, and to record the lack of implementation, or implementation failures.

This implies and includes the following:

- Providing an exhaustive vessel list;
- Developing harmonised legal frameworks to set highly deterrent penalties;
- Exchanging information about illegal operators and their companies;





- Closing regional ports to identified IUU operators;
- Exchanging on a regional scale nationally generated information on fisheries operations and their operators; and
- Refusing to issue licenses to major fraudsters identified and denounced by neighboring countries<sup>59</sup>.

### 6.4 The ACP Group of States

Several African, Caribbean and Pacific (ACP) countries rely heavily on fish trade for food security and economic development. In addition to their value in trade, fisheries provide an important source of protein, employment, and foreign income for most ACP countries. With their endowment of inland fisheries, significant tuna fisheries, and major pelagic fisheries, together with a large import market for the re-export of fish, ACP countries have been increasingly involved in the growing trade in fish and fish commodities. The ACP countries have long been dependent on access agreements with major fishing nations, and fisheries aid from developed countries. Increasingly, the ACP countries are being confronted with competition from Asian countries for major export fish markets. Sixty-eight per cent of ACP members' fish exports are currently to the European Union, which is embracing

broad-based liberalisation measures that will inevitably lead to erosion of preference margins ACP countries have enjoyed for many years.

Intra-ACP trade is another potential opportunity for the ACP group of states. In the past decade, the significance of the intra-ACP export trade in fish and fish products (in value terms) has grown from 1 per cent to 8 per cent. ACP member countries annually import about US\$2 billion worth of fish and fish products from the rest of the world and thus this indicates a significant market opportunity.<sup>60</sup>

In the framework of the ACP-EU Joint Parliamentary Assembly assessment of the importance of the fisheries sector for ACP countries, a fact-finding mission took place in Seychelles in April 2008. Among the conclusions, the need for coordination between the different ACP regions in the domain of fisheries lacks, and the need for ACP information, monitoring and coordination mechanism on fisheries issues were highlighted. Given the current and future challenges for the ACP fisheries sector, it was therefore proposed to establish an ACP Working Group on Fisheries. The aim of the ACP Working Group on Fisheries would be to improve ACP access to information and facilitate exchanges amongst the ACP Group. The Working Group on Fisheries will be reporting to the ACP Committee of Ambassadors.

The ACP 87th Council of Ministers adopted a resolution on the 11th June 2008, which calls for responsible fishing, and implementation of effective management, conservation and control practices in ACP States as well as the establishment of a Ministerial Mechanism for fisheries, no later than the first quarter of 2009. The resolution, which was tabled by Seychelles, had the backing of the ACP Group, especially those who have stake in fisheries<sup>61</sup>. Considering the persistence of Illegal, Unreported and Unregulated (IUU) fishing, the second meeting of the ACP Ministers in charge of Fisheries was held in Mahé (Seychelles) from 22nd to 25th November 2010 urged the international community to provide financial and technical support - through specific programmes- for the efforts made at the national and regional levels to prevent, counteract and eradicate IUU fishing. Ministers considered that international cooperation needs to be strengthened to combat piracy and improve maritime security; appropriate resources must therefore be given to the worst affected ACP States and regions as a matter of priority. The Third meeting of the ACP Ministers responsible for fisheries was held in Nadi (Fiji) on 18 June 2012, addressing the theme of Partnerships for sustainable development of the fisheries sector in ACP countries reiterated the concern about continuing threats to fisheries, in particular, Illegal, Unregulated and Unreported (IUU) fishing, and piracy.

## 7. IUU in ACP countries: a regional review

Fisheries and aquaculture provided livelihoods and income for an estimated 54.8 million people engaged in the primary sector of fish production in 2010, of whom an estimated 7 million were occasional fishers and fish farmers. Asia accounts for more than 87 percent of the world total with China alone having almost 14 million people (26 percent of the world total) engaged as fishers and fish farmers. Asia is followed by Africa (more than 7 percent), and Latin America and the Caribbean (3.6 percent). About 16.6 million people (about 30 percent of the world total) were engaged in fish farming, and they were even more concentrated in Asia (97 percent), followed by Latin America and the Caribbean (1.5 percent), and Africa (about 1 percent). Employment in the fisheries and aquaculture primary sector has continued to grow faster than employment in agriculture, so that by 2010 it represented 4.2 percent of the 1.3 billion people economically active in the broad agriculture sector worldwide, compared with 2.7 percent in 1990. Europe experienced the largest decrease in the number of people engaged in capture fishing, with a 2 percent average annual decline between 2000 and 2010, and almost no increase in people employed in fish farming. In contrast, Africa showed the highest annual increase (5.9 percent) in the number of people engaged in fish farming in the same period, followed by Asia (4.8 percent), and Latin America and the Caribbean (2.6 percent). Overall, production per person is lower in capture fisheries than in aquaculture, with global outputs of 2.3 and 3.6 tonnes per person per year respectively, reflecting the huge numbers of fishers engaged in small-scale fisheries.<sup>62</sup>

### 7.1 IUU in Africa

#### Context

The contribution of Africa's fish resources to trade is significant. One factor is that part of the catch is made by foreign fleets operating for example under access agreements or illegally, with the result that the trade is recorded against other countries (or not at all if the distant-water fleet fishes illegally or lands into its home market). In addition, an increasing part of the production is traded internationally. The net value of African exports of fish and fish products exceed the net foreign exchange income for African international trade in cocoa, coffee or any other agricultural commodity, combined.

On the other side, there are a number of negative elements which cannot be ignored and which constitute serious constraints and obstacles to the enhancement and development of fisheries in Africa. Worse, they can lead to their serious deterioration. In particular IUU fishing activities by national, Sub-Regional and Distant Waters Fishing Nations fishing vessels inhibit the capacity of the fisheries sector to respond to the pressures of a growing population and of an increasing demand for fish.

Empirical data on lost or foregone wealth for Africa is not available. Nonetheless, a good indication may be obtained from new figures on losses to the global economy due to fisheries mismanagement: according to a 2008 World Bank Report, bad governance of marine fisheries produce lost economic benefits which are estimated to be on the order of US \$50 billion annually. Over the past three

decades, this cumulative global loss of potential economic benefits is on the order of US\$ 2 trillion<sup>63</sup>. Given the valuable fisheries endowments that Africa possesses, specific losses to African economies could be around US\$6-7 billion per year - evidently a significant lost opportunity to stimulate economic growth and provide pathways out of poverty<sup>64</sup>.

#### Challenges

The main IUU fishing issues that need to be tackled in Africa are:

- Conflict between artisanal and industrial fleets
- Disagreement with management measures
- Misreporting of catches
- Fishing in restricted areas and during closed seasons
- Use of harmful fishing practices
- transshipment in the high sea;
- Fishing carried out by non-licensed vessels in EEZs – Poaching
- Fishing by non-party vessels: lack of effective flag State control by some States: so called “flags of convenience” or “flags of non compliance”
- Landing of IUU catches
- Ports of convenience

As the pressure on fish stocks increases, so do the challenges on achieving sustainable fisheries.

Among the critical difficulties/constraints to be faced are:





- Inconsistency between policy and operational practices: weak management regime and/or unwillingness to control effectively the activities
- Lack of political will: It has long been recognized that no single state on its own can manage and protect its fisheries resources. IUU fishing requires strong “political will” and concerted and consistent action, often at a Sub-Regional or regional level, to curb it;
- Institutional/Human capacity requirements to support the implementation of international instruments and regulations;
- Funding problems: high cost of surveillance activities;
- Geopolitical situation / Institutional instability.

### In West Africa

Fish and fishery products are an important source of food in the region. The annual fish consumption per capita in coastal West African countries is significantly higher than the African average of 7 kg per year, except for Guinea-Bissau (Table 4). Some countries like Senegal far exceed the global average of 16 kg per year. In terms of fish as a percentage of animal protein supply, coastal countries in West Africa consume a much higher percentage of fish. In countries such as Gambia and Sierra Leone, fish provide more than 50 percent of animal protein intake. Marine fish are vital in many areas throughout the region where other protein sources are limited.

According to FAO, both marine and inland small-scale fisheries in the region supply up to 80 percent of the fish products for domestic consumption in the region (FAO 2004a). In many African countries, various types of salted, fermented, sun-dried and smoked fishery products are used to prepare traditional food. In Senegal, a dried fish product locally called *Kethiakh* is consumed either as food fish or added to stews and soups. The fishery sector provides significant direct and indirect employment in the region, with an estimated 450,000 people employed in the sector. The post-harvest subsector provides women and youth with many jobs, playing an essential role in gender equality and empowerment of women.

Throughout the region there is concern about three fundamental types of illegal fishing: unlicensed foreign industrial vessels; illegal fishing in prohibited areas, particularly close to shore, and with illegal nets; and illegal fishing by artisanal vessels, many of which are unlicensed and fishing with illegal nets. The estimated total value of illegal catch from the industrial case studies was US \$22 million. The estimated illegal catch value from the artisanal case studies was US\$ 85 million, although this was about the same proportion (35%) of the total catch value as in the industrial case studies, which were much more restricted in total catch volume than the artisanal case studies (20,000 t compared to 560,000 t).

The combined value added lost to countries (removed through illegal fishing and not landed in-country)

was US\$ 8 million for the industrial case studies and US\$ 74 million for the artisanal case studies. Estimated illegal losses from the artisanal fishery are very high for Guinea (US\$ 173 million), and very small for The Gambia. Our industrial case studies covered a relatively small, but highly valuable, set of fisheries. If other industrial fisheries are included, the total value added lost for industrial and artisanal fisheries combined could be close to US\$ 300 million.<sup>65</sup>

### The SADC Region

#### Context

The main feature of the SADC maritime region, in terms of overall fisheries layout, is that it is spread out across two large and distinct ocean basins, of which the first one is the central and south eastern Atlantic Ocean, and the other the South West Indian Ocean. Fisheries of the south east Atlantic are characterized by trawl fisheries targeting pelagic, demersal finfish and crustacean resources, while fisheries of the south west Indian Ocean are by and large defined by industrial scale, longline and purse seine fisheries of highly migratory and trans-boundary large pelagic.

#### Challenges

As a region, SADC continues to have a number of national fisheries administrations that face severe limitations in technical and budgetary assets to respond to the challenges of IUU fishing. Many monitoring, control and surveillance (MCS) set-ups throughout the region remain poorly developed, under-funded, and lack human capacity.

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Large differences in human development terms exist between countries. Some of the SADC members have emerging economies; others are middle-income economies, while some continue to figure at the bottom of UNDP's human development index. The sharing of information, cross-border collaboration and nationally integrated approaches to tackle IUU fishing are also often weak or lacking. In recent years, encouraging initiatives have been taken, e.g. the operational VMS data-sharing protocol between South Africa and Mozambique.

High level corruption and non-transparency concerns affect certain SADC countries more than others. IUU fishing incidence, as defined in the IPOA-IUU, is largely a function of governance in general, and the MCS systems in place. The better governments score on the quality of governance, and the more developed and effective MCS systems are, the lower the incidence of IUU fishing. This gives rise to large discrepancies in IUU incidence across the SADC maritime region<sup>66</sup>.

### Piracy in the Horn of Africa – Caused by Illegal Fishing?

Somali pirates in the Horn of Africa are a significant maritime security issue. Their motivation is not particularly mysterious: money is obviously the impetus. The history of how it began is, at least partly, connected with the illegal fishing and dumping of toxic waste, including radioactive material, in Somali

waters. Many of the Somali pirates claim to have previously been local fishermen who only resorted to hijacking after illegal fishing operations intimidated them with the destruction of gear, attacks by high pressures hoses and the ramming of their vessels. Due to the absence in Somalia of a functioning government with maritime surveillance and enforcement agencies and capabilities, the country's waters are essentially unpoliced. The Food and Agriculture Organisation of the United Nations (FAO) estimates that around 700 foreign fishing vessels are engaged in unlicensed fishing in Somali waters. IUU fishing vessels come from both within the region (Kenya, Pakistan, Saudi Arabia, Sri Lanka and Yemen) and outside it (Belize, France, Honduras, Japan, South Korea, Spain and Taiwan). The culture of piracy is now so entrenched in Somali society that many younger men have only ever aspired to piracy and probably have never considered fishing as a potential trade. The narrative of Somali pirates being protectors of their territorial waters also does not fit with the reality of an operation that is moving both farther south and east, with the area between the Seychelles and Tanzania becoming a prime hunting ground and attacks now taking place even further south in the Mozambique Channel. It does seem likely that illegal fishing was one part of the root cause of Somali piracy but, just as importantly, so too was the lack of governance and economic opportunities on land amid the chaos of post-1991.<sup>67</sup>

#### 7.1.1 The NEPAD Approach

A programme called Partnership for African Fisheries (PAF) has

been developed within the NEPAD (New Partnership for Africa's Development). It aims to support an emerging political cadre in defining processes that will strengthen Africa's capacity to consider, determine and implement responsive reforms in fisheries governance and trade. Reforms are needed not only to ensure these benefits are sustained, but also to generate and sustain wealth from fisheries.

To be effective, PAF will require strong and effective political leadership. The programme will harness the political capital gained during the Stop Illegal Fishing Programme that culminated in a Ministerial Statement of Commitment by SADC Ministers of Fisheries in July 2008. This has already encouraged African Union/NEPAD to convene a broader, African Ministerial Task Force which will represent the political pathway for change. A key objective will be the development and eventual implementation of a Comprehensive African Fisheries Reform Strategy.

Capacity building of partners will be a core aspect of the PAF and activities, together with the development of an "African voice". An example of this are the efforts to promote cooperation and communication between all African delegations to the COFI meeting of 2009, in partnership with the African Union, as part of the work of the PAF. A briefing paper was prepared before the meeting to stimulate discussion and debate and daily meetings were facilitated to engage African delegations. This process was considered to be successful with a request from many States

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to continue this work on various levels and to also undertake similar efforts for the next COFI. A joint AU / NEPAD meeting of ministers – also called the Task Force for African Fisheries (TF) is being planned for August 2009 possibly in the Gambia<sup>68</sup>.

### 7.2 IUU in the Caribbean

#### Context

Illegal, unreported and unregulated (IUU) fishing poses significant problems for managing fisheries resources globally. A system for monitoring, controlling and surveillance (MCS) is a vital and effective tool in managing these resources. In CARICOM countries, the ability to effectively manage living resources is determined in large measure by their ability to conduct appropriate MCS activities.

In reviewing the IUU situation and the status of MCS in the region, consideration must be given to the ocean environment, the nature of the fisheries in the region and its socio-economic importance, as well as the extent of the maritime zones available to the states. It must be recognized that the region is made up of Small Island Developing States (SIDs) and this situation presents certain problems for MCS as it encourages IUU fishing.

The nature of the fisheries of the region, which stretches from Suriname to Belize and The Bahamas, is varied. It ranges from the shrimp and ground fish stocks off Guyana and Suriname to the pelagic stocks off Trinidad and Tobago. The region

also contains reef species of the Eastern Caribbean, and the conch and lobster of Jamaica, Bahamas and Belize. Meanwhile migratory pelagic such as wahoo, tuna, flying fish and dolphin fish roam through the area.

The magnitude and extent of the fish stocks in the Caribbean Sea are not well known. However, scientific assessments of stocks in the CARICOM region have revealed high levels of exploitation resulting in a number of fully fished species, such as shrimp, spiny lobsters, conch, reef species and some small pelagics such as flying fish.

The fishing industry makes an important contribution to development and the attainment of food security in the region. It is a source of animal protein for the population providing 18.8% of total food production.

Annual domestic production<sup>1</sup> of fish in the Caribbean States has been growing steadily since the 1950s with an estimated 164,000 MT valued at about US\$5-600 million in 2009. The catch plays an important role in nutrition and food security, as fish and other marine species provide a vital source of protein and minerals in the diets of Caribbean people, particularly the poor and vulnerable members of society. Per capita consumption of fish is high in most States, ranging from 57 Kg in Guyana and 55 kg in Antigua and Barbuda at the higher end, to 15 Kg in Belize and Trinidad and Tobago and only 3 Kg in Haiti. Average per capita consumption in the CARICOM countries overall is approximately 31 Kg per annum which is nearly double the world average per capita

consumption of about 15 Kg per annum.<sup>69</sup>

The extent of IUU fishing in the region is not quantified. At the national level, there is not sufficient capacity to assess the extent, but in all states, the fisheries authorities report that IUU fishing is considered significant as for example, the poaching of conch and lobster stocks in Jamaica and The Bahamas<sup>70</sup>.

Some specific examples of the progress towards tackling IUU fishing in the CARICOM/CARIFORUM are:

- i. At the sub-regional level, the Organization of Eastern Caribbean States (OECS) has made some progress towards integrating MCS into management. In the early 1980s, Member States through the enactment of harmonized fisheries legislation developed a harmonized sub-regional fisheries management regime. This legislation included enforcement provisions, regulatory conditions and penalties. In 1991, Member States signed an “Agreement Establishing Common Fisheries Surveillance Zones of Participating Member States of the Organization of Eastern Caribbean States”. This placed the waters of the OECS under a single regime whereby any Authorized Officer, for the purposes of surveillance of the Common Fisheries Zones can enforce fisheries laws of Participating Member States. The Agreement removed the requirement for Coast Guard vessels to embark an Authorized Officer from the local Member State to give legality to fisheries enforcement activities undertaken in its waters.

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- ii. At the regional level, in 2002, the Heads of Government of CARICOM approved the establishment of the Caribbean Regional Fisheries Mechanism (CRFM) with the following objectives: the promotion of efficient management and sustainable development of the marine and other aquatic resources in the Caribbean Region in conformity with the economic objectives of its Member States; promotion and establishment of cooperative regional arrangements for the management of shared and highly migratory marine and other aquatic resources; and the provision of technical, advisory and consultative services to national fisheries divisions in the development, management and conservation of their marine and other aquatic resources. Based on a mandate from the Heads of Government in 2003, the CRFM Member States are developing a Common Fisheries Policy, with the vision of participating states cooperating and collaborating in the conservation, management and sustainable utilization of the fisheries resources and related ecosystems for the welfare and wellbeing of the people of the Caribbean.
- iii. In 2005, the CRFM, with assistance provided under an EU Project, undertook a review of the current situation on IUU fishing and MCS in the fisheries sector of the CARICOM/CARIFORUM region and developed a strategy and project proposal to enhance the effectiveness of MCS in the region. The CRFM is seeking to mobilize resources to implement the project. Also, in order to show their

determination and commitment to protect the economic interests of the countries and prevent, deter and eliminate IUU fishing within the region, the Member States are finalizing a Draft Declaration on IUU Fishing.

- iv. At the national level, generally fisheries legislation needs updating, however some countries such as Belize, Guyana and St. Vincent and the Grenadines have updated legislation, while others like Antigua and Barbuda, Jamaica and St. Lucia are in the process of revising theirs. With very limited resources, all CARICOM/CARIFORUM countries seek to enforce fisheries regulations and carry out limited surveillance. Some countries have more comprehensive surveillance systems than others as a result of favorable budget allocations and political will e.g. Belize and Trinidad and Tobago<sup>71</sup>.

### Challenges

IUU fishing is particularly threatening for fisheries management in developing states. Efforts to deal with the problem are hampered by a number of factors including the large area of ocean space relative to land area, the migratory nature of fleets and fisheries resources, the lack of financial and technical resources and the lack of skilled manpower.

The strategy for effective MCS at the national and regional levels should be comprised of a two-pronged approach, with these being: (i) a preventive approach to encourage voluntary compliance through a process of education and awareness

to obtain support for the fisheries management strategies, and (ii) a deterrent/enforcement approach to ensure compliance by fishers and other stakeholders who resist the regulatory regime.

Due to the geographical spread of CARICOM and the number of sovereign independent states involved, a regional / sub-regional strategy must also be adopted. At this level, the strategy should focus on coordinating and networking the national MCS systems; building cooperation between Member States for harmonizing fisheries legislation; sharing information through a regional information system; and supporting the development of electronic monitoring systems at the national level<sup>72</sup>.

## 7.3 IUU in the Pacific

### Context

The shared tuna fishery of the Western Pacific is managed under the umbrellas of the Forum Fishery Agency (FFA) and the Western Central Pacific Fisheries Commission (WCPFC). The FFA provides guidance on management of the fishery within the national waters of the 17 FFA island State members, while the WCPFC provides the management framework for the high seas waters. The catches of tuna within this overall Western Pacific area are estimated at around 2.2 million tonnes per year. These are caught by vessels from a registered vessel list of over 1 000 licensed vessels that are flagged by nearly 30 countries. This magnitude of fishing over such a large area provides a challenge for national MCS systems and opens the door for regional

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cooperation through the platform of the FFA.

In response to this, the FFA countries have chosen some innovative ways to ensure that fisheries in the Western Pacific operate by the rules, and that the tuna fishery within their Exclusive Economic Zones (EEZs) and the adjacent high seas waters are legal. The members of the FFA are currently in the process of developing a coordinated regional monitoring, control and surveillance strategy to combat IUU fishing. Legal and technical elements of the FFA MCS system are applied nationally or regionally and include a harmonized approach to minimum terms and conditions for foreign vessels such as: a vessel register for these vessels; a Treaty on cooperation in fisheries surveillance and law enforcement (the Niue Treaty); and a Lacey Act-style arrangement allowing regional cooperation relating to penalties for fish caught illegally in the EEZ of another FFA member.

Regional collaboration on port State enforcement, harmonization of

national laws, observer programmes, aerial surveillance, maritime surveillance and a vessel monitoring system are also essential elements of the system. The Western and Central Pacific Fisheries Commission have also developed a series of measures to combat IUU fishing. These include high seas boarding and inspection procedures and conservation and management measures to place IUU vessels on the Commission's IUU list. Southeast Asian countries have also developed a Regional Plan of Action to promote responsible fishing practices and to combat IUU fishing. Under the Plan, the member countries have agreed to cooperate to combat IUU fishing.

Beside the regional approach, in the South Pacific, most of the members of the FFA have developed draft National Plans of Action to combat IUU fishing. What is left is for these Plans to be fully implemented<sup>73</sup>.

### Challenges

The FFA is continually striving to improve their MCS capacity and capability. Their most recent efforts

are towards a regional fishery MCS strategy and a review of the national VMS that make up the FFA VMS. The future approach of the FFA is to base enhanced regional compliance collaboration on the findings of analytical studies into compliance and the associated risks to noncompliance. This approach is becoming more common in fisheries MCS, with the realization that targeting high risk areas (such as specific fleets or fish stocks) increases the chances of successful fishery management.

The FFA, like some member States of SADC, are looking into a regional MCS support centre as a future move to facilitate the sharing and management of MCS information and to support regional MCS strategies. The SADC region, although different in its fishery make-up, may benefit from following closely the progress and lessons learned by the FFA that cover the core areas of information management, coordination, capability, capacity, legislation and governance.

## 8. Implications of the EC regulation for ACP countries

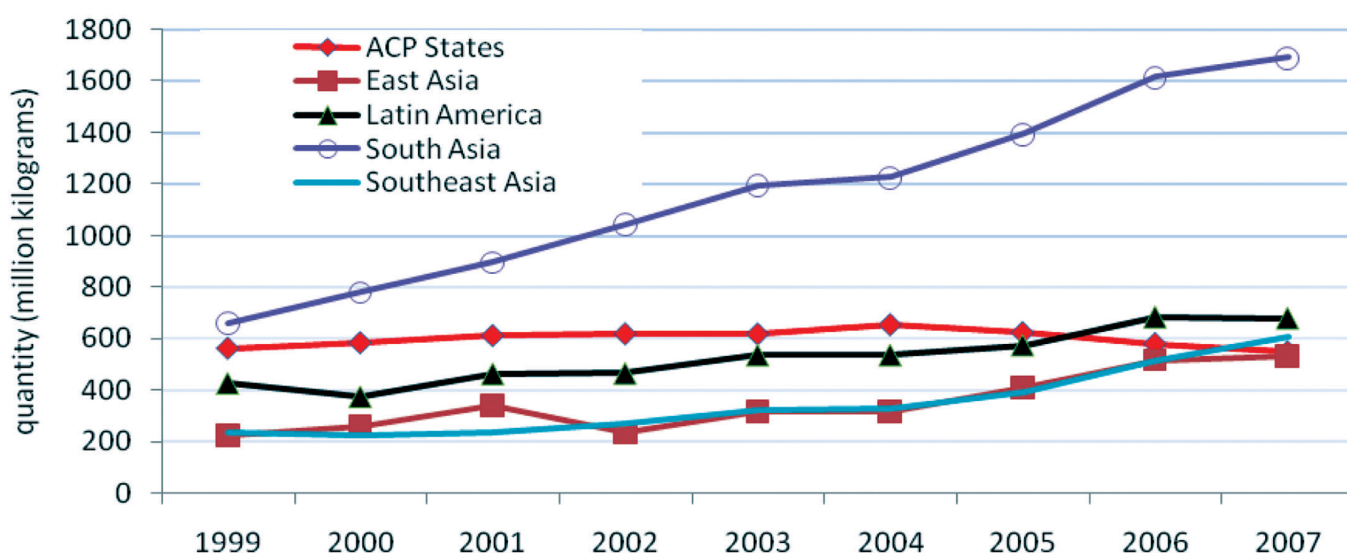
### 8.1 ACP -EC Fisheries trade

The EU is increasingly dependent on imports of fish and fishery products to meet its needs. In 2009, the EU imported €15.5 billion worth of fish

and fishery products, accounting for more than 60% of its fish consumption. Europe exported € 2.5 billion worth of fisheries goods in 2009, the bulk of it to large markets like Norway, Russia and Japan. Total aquaculture production in the EU

is around 1.3 million tonnes (EC-DG Trade) The ACP States represent an important fish trading partner for the EC: in 2006, about 15% of the total fisheries imports of EC came from ACP states with an estimated value of €1.4 billion.

**Fisheries Exports into the EU by Regions (expressed by quantity)<sup>74</sup>**



Source: Data obtained from EuroStat External Trade Dataset

The main exports to the EC of ACP are canned/processed tuna, fish fillets, shrimp, chilled whole fish, frozen whole fish, and octopus. In general, the main ACP suppliers to EC of unprocessed fisheries imports are Namibia, Senegal,

Tanzania, Mauritania, and Seychelles, amounting to about €1.21 billion in total value. The main ACP suppliers for processed fish are Seychelles, Cote d'Ivoire, Ghana, Mauritius, and Madagascar with a total value of € 0.53 billion.

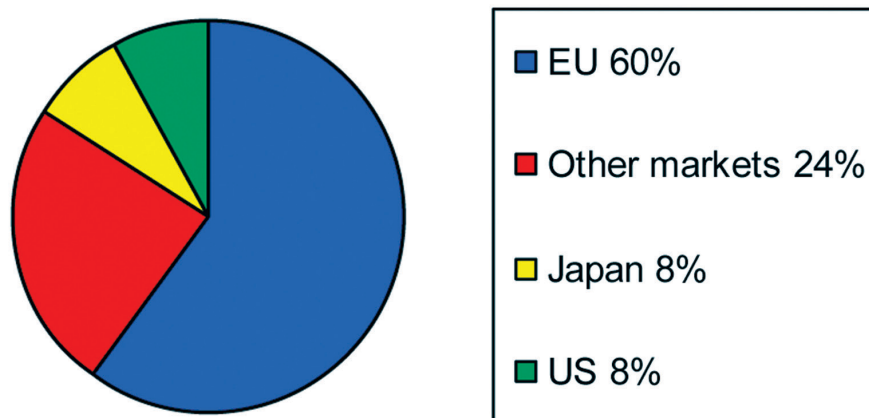
The economic significance of fisheries exports into the EC is much greater for the ACP states, as approximately 60% of fish and fishery products are currently exported by the ACP into the EU.



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Destination of ACP fisheries exports in 2006 (value in US dollars)<sup>75</sup>

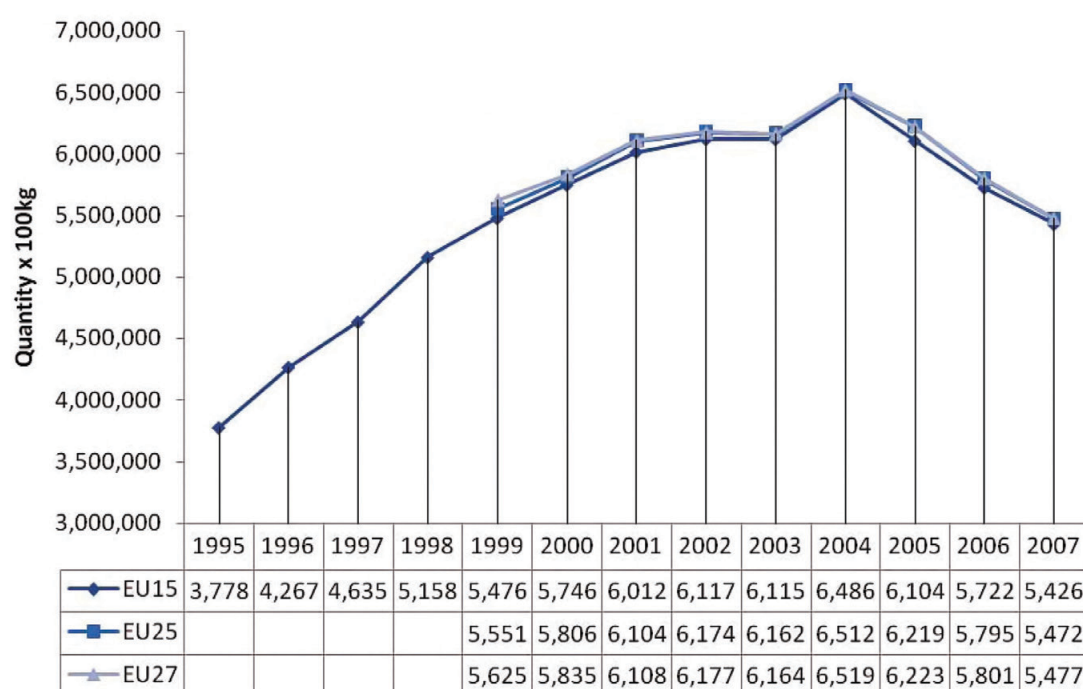


However, the data on supplies of fisheries products to the EU by various regional groups show that East Asian, South-East Asian and Latin American exporters have now managed to close the significant

gap in fisheries exports that the ACP had enjoyed during the late 1990s despite the fact that ACP member states are larger in number and have more diversified fishery products being exported to the EC. Aggregate

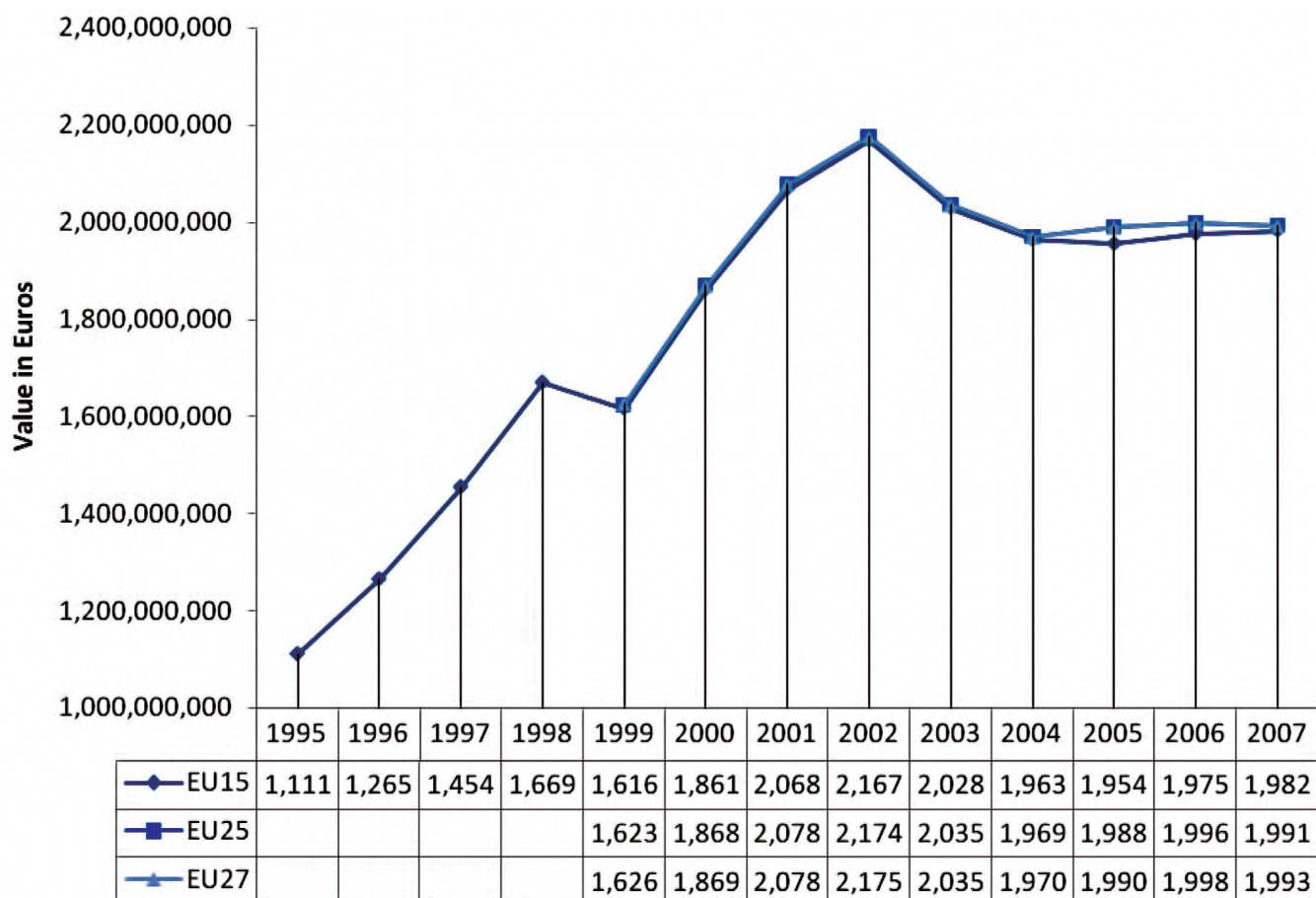
trends of exports by ACP States of fisheries products to the EC for the period between 1995 and 2007 are provided below:

ACP Fisheries Exports to the EC in quantity, 1995-2007<sup>76</sup>



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

ACP Fisheries Exports to the EC, value in Euros, 1995-2007<sup>77</sup>



The annual volume of ACP fisheries exports to the EC increased significantly between 1995 and 2004<sup>78</sup>. Equally, the annual value of ACP fisheries exports to the EC increased significantly between 1995 and 2002, dropping briefly in 1999<sup>79</sup>.

### 8.2 Impacts and challenges of the EU regulation for ACP countries

With the adoption of the IUU Regulation, there is a possibility for the ACP share of the EC fisheries market to be negatively impacted. While there is some scope for alternative markets for ACP fisheries exports to the USA and Japan, a point needs to be made that these markets are also moving towards

establishing IUU control restrictions similar to the EC's IUU Regulation. In addition to trends in ACP-EC fisheries exports, the trade and development impacts of the IUU Regulation need to be assessed in light of the current framework for ACP-EC fisheries trade relations.

Through the Cotonou Agreement, Economic Partnership Agreements (EPAs), as well as Interim Economic Partnership Agreements (IEPAs), ACP exports of fisheries products to the EC are given preferential tariff treatment, including duty-





free and quota-free (DFQF) market access. The IUU Regulation has indirect impacts on DFQF access, Generalised Systems of Preference schemes (GSP) and Rules of Origin (ROO) applied under these arrangements<sup>80</sup>.

### **Trade and development impacts: DFQF access under EPAs, IEPAs and GSP schemes**

The IUU Regulation does not purport to modify the DFQF access granted pursuant to these trade frameworks, or amend any specific EC trade regulation as a result of its future implementation (Article 56). Similarly, the Regulation does not directly curtail access to the EC market by the current beneficiaries of the GSP, GSP-EBA and GSP+. However, the IUU Regulation may have indirect implications for the ability of ACP member countries to take advantage of DFQF access. Additional administrative requirements to implement the IUU Regulation may also have indirect impacts on the ability of GSP, GSP-EBA and GSP+ beneficiaries to attain the basic objective of these market access arrangements, which is to promote economic development and poverty reduction. The indirect impediments to DFQF and GSP schemes access are twofold.

First, provisions of the IUU Regulation regarding port state control over third country fishing vessels do not set out clear provisions stipulating the rights of third country fishing vessels during port inspections. The IUU Regulation makes no direct provision for the prevention of unnecessary delays to the fishing vessel being inspected, and does not establish a compensation or

complaint framework regarding actions of the port state. Second, as noted above, the new arrangements set out detailed conditions of access of third country fishery products to EC territories, including provisions regarding port state notification and catch certification. These provisions have the effect of making DFQF access for all types of fishery products conditional on the adoption of complex legal, administrative and technical procedures by EC members, and between EC member states and third countries. Many ACP countries have little capacity to enforce complex fisheries regulations and establish catch certification systems.

In the event that such states are listed under the EC list of non-co-operating third countries, the IUU Regulation is clear on the sanctions to be imposed, which include the prohibition of importation or reconsideration of bilateral fisheries access agreements. If applied without proper consultation, such sanctions, particularly the latter, may prove detrimental to the development of ACP economies. The trade-restrictive effect is anticipated to some extent by the fact that the Regulation requires administrative authorities in EC member states to co-operate with third states in the development of compliance procedures, and further requires the adoption of a system of mutual assistance to that end (Article 51)<sup>81</sup>.

### **Trade and development impacts: utilisation of Rules of Origin (ROO)**

Implementation of the Regulation would impose an indirect additional burden on countries of origin to ensure that all value added fish of a particular product coming from other

countries has not been obtained through IUU means.

Existing EC regulations on ROO only determine where goods originate, not where they have been shipped from. In the case of fishery products, the current EC rules do not verify whether or not a product has been derived from IUU fishing. Because different derogations apply in current IEPA arrangements, it would be difficult to trace how particular products falling under the derogation may have been obtained through IUU fishing.

The IUU Regulation does not clarify how the ROO are to be applied in the context of prohibiting fisheries imports from offending vessels and states listed under the EC IUU vessel list and list of non-co-operating third countries. In fact, the existing ROO are insufficient to implement these provisions of the IUU Regulation. The proof of origin, for example, only traces goods back to the exporter's business and not the fishing vessel. These certificates are only used to establish preference products and countries and not their compliance with fisheries laws and regulations.

In the case of the Pacific IEPA, the global sourcing rules of origin for fresh and frozen fish fillets apply in order to provide Pacific Island States exporters with maximum flexibility in buying fish for value-added processing and export. The implementation of the IUU Regulation would impose additional burden on the Pacific Island States to ensure that all value added fish has not been derived from IUU fishing. Although these rules "shall apply without prejudice" to EC Sanitary and Phytosanitary (SPS) measures and

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combating IUU fishing in the Pacific Island region, as provided in the PACP IEPA, it is uncertain as to how such rules would be applied in practice and in a proportionate manner. The implications of the IUU Regulation on the utilization of the 15% value tolerance rule in current EPAs and IEPAs, and application of the global sourcing rules of origin in the Pacific IEPA, have clear parallels with the operation of the EU SPS scheme<sup>82</sup>.

### Policy and Governance Implications of the IUU Regulation for the ACP States

The actual implications of the IUU Regulation on ACP member states can only be fully assessed when they are implemented. However from the text of the IUU Regulation, one can identify particular areas which will give rise to implementation challenges for ACP member states. For example, the requirements for catch certification and validation of such certificate would require the implementation of appropriate legislative and administrative measures to ensure compliance. ACP flag states will need to have legislative and administrative measures in place to monitor and control their vessels (through, for example, vessel monitoring systems and observer programmes). They will also need to implement effective fisheries management measures such as fishing authorizations and data collection systems. These requirements will, undoubtedly, impose additional resource and administrative burden on the already stressed and weak administrations of most ACP member states.

EC member states and ACP member states have equal international obligations to prevent, deter, and eliminate IUU fishing. Measures to combat IUU fishing such as the ones contained in the IUU Regulation will become prevalent and embedded parts of national, regional, sub-regional and international fisheries governance arrangements to ensure sustainable and responsible fishing practices. Hence, the fundamental policy issue for the EC and ACP states is one of developing the required capacity to assist the ACP states in implementing the requirements of the IUU Regulation. Without the necessary technical and financial resources to implement and enforce these new demands, it is likely that several ACP states will suffer economic hardship as a result of the IUU Regulation's entry into force. Experience with the EC SPS measures is a key example here and shows a well known double standard as these rules seem to be less strictly enforced within certain EC member states.

While the IUU Regulation is a welcome development, it will need to be implemented in a fair and transparent manner. The EC must acknowledge the vulnerability of developing countries and the difficulties that they will face in implementing the requirements of the IUU Regulation. It is essential that developing countries do not, either directly or indirectly, bear a disproportionate burden of global efforts to combat IUU fishing<sup>83</sup>.

## 8.3 Concerns about the IUU Regulation at ACP regional level

The application and timeframe of the new EU regulation on IUU could have strong repercussions in the seafood exporting countries in general and in the ACP community in particular.

The “certification” is not a new concept, as it has been a tool used in the consumer health and safety side of fisheries for many years now. It is a tool issued by the Competent Authority (CA) of the exporting countries as a “prove” of its capacity to provide meaningful “official guarantees” in regards a group of conditions to be covered by a consignment of seafood. The spirit of the EU IUU regulation draws heavily on the same concept, ergo some lessons from the seafood safety area can be helpful to analyse to potential problems arising. Over the last 10 years two regulatory frameworks have dealt with seafood safety issue in terms of market access, the last change was made in 2004 and enacted the 1/1/2006, so in not a new issue, despite this, EU market access has consistently been a problematic issue for non EU member countries exporting (or intending to export) seafood there. The range of problems faced relate to “how” official guarantees are offered, as well as “what” are the particulars of these required guarantees.

The worrying issue is that the consumer health and safety certification process is in comparison to the IUU one, relatively simple. It

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has defined CAs in the country of origin, an relatively solid body of knowledge established by years of technical assistances and a unique responsible body in Brussels (DG SANCO) and more importantly its own “inspection” body, the Food and Veterinary Office (FVO) that conducts a multitude of regulatory visits in third countries. And beside substantial assistance being given by DG Sanco and many others development initiatives (for example, the SFP-ACP programme<sup>84</sup> alone had a budget of €22 million over more than 6 years) problems still arise (Cameroon and Fiji had their export privileges suspended in the last year).

A further very important issue, is that as exporting to the EU is a voluntary choice by some operators in a 3rd country, the CA has the choice of running a “split” system where the EU requirements, control activities and guarantees can be applied to those operators specifically, while the rest of operators that operate domestically regionally or with less exigent markets, can be regulated under a less costly framework. The present IUU regulation does not contemplate this scenario.

The EU IUU regulation may also underestimate the complexity of the industry, particular with “commodity” species.

The legislation incorporates a role for RMFOs in the management and certification procedures. This is a good concept, however as the legislation recognises, enforcement capacity is crucial for the credibility of the system, but in most RMFOs enforcement is delegated to the member countries. This in principle could put the credibility of an organisation and their responsible members under strain for the lack of capacity or rogue attitude of a minority of members.

And finally, the set up and operation costs of CA cannot be underestimated, already in 2003 a study commissioned by CTA analysed the difficulties and costs associated to the increasing scope of the EU legislation (in this case specifically related to consumer health and safety), and evaluated the erosion in the level of ACP competitive advantage derived from EU preferences<sup>85</sup>.

In terms of costs, they found that the measures represent overheads of between 2% and 10% of the value of produce exported by the vast majority of ACP exporters, and this figure excludes the initial (often larger) cost of set up for compliance.

There are no reasons to doubt that same cost issues will apply for the EU

IUU regulation, and this way eroding even more the ACP members’ advantages in terms of preferences<sup>86</sup>.

### Future challenges

If implemented fully the EU regulation will serve to block IUU-caught fish from entering the EU market and should therefore be applauded and supported. However developing countries are concerned that it might place a heavy additional burden on their administrations. They are also concerned that the new regulation could interfere with the legitimate trade in fisheries products. If implemented, other countries with major markets for fisheries products will be encouraged to adopt a similar approach.

It is clear that there is much to be done in most developing countries and at sub-regional and regional levels to promote meaningful understanding of the provisions of the EU regulation, and how to implement them. This could include actions focusing on the training of officials in charge of customs and fisheries control as well as representatives from the export-oriented fishing sector in the countries concerned<sup>87</sup>.

## 9. Key actions to combat IUU fishing

### Illegal fishing:

- Increase surveillance in order to increase the risk of being caught;
- Increase penalty levels to reduce expected returns for illegal operators;
- Apply trade measures to countries whose vessels are fishing illegally;
- Deprive of benefits RFMO members whose vessels have been involved in IUU fishing;
- Use Trade and Catch Documentation Schemes, combined with chain-of-custody programmes.

### Unreported fishing:

- Trace the origins of catch;
- Increase co-operation between private operators;
- Increase use of on-board observers.

### Unregulated fishing:

- Undertake diplomatic efforts;
- Increase RFMO scope and participation;
- Increase cooperation between RFMOs;
- Wage “Name and Shame” campaigns;
- Introduce an International Regime for the High Seas

### General measures:

- De-link tax havens and flags of convenience;
- Improve transparency in re-flagging and de-flagging procedures;
- Apply extra-territorial sanctions;
- Introduce minimum guidelines for port controls;
- Harmonise controls such as prior notice and inspection requirements;
- Increase technical and financial resources for capacity-building for RFMOs and developing countries;
- Improve monitoring of foreign direct investment;
- Ensure transparency surrounding company dealings;
- Use initiatives such as corporate governance involvement and education.

If economics is a key driving force behind IUU fishing, it makes sense to use economic principles to make the practice less attractive. This can be achieved by making it more costly to mount and conduct IUU operations and by reducing the revenue from fish piracy.

The private sector can also play an important role as closer co-operation between private operators such as processing plants, wholesalers and supermarkets could help facilitate

an accurate and verifiable chain of information. This would reduce the available market for illegally caught fish, leading to lower sales and reduced revenues for illegal operators. The legal fishing industry can also lend support through both co-operating and reinforcing monitoring and enforcement schemes. However, such cooperation is likely to be more forthcoming if the legal operators are consulted on the design and implementation of enforcement approaches.

Governments can also help make illegal fishing less financially attractive by reducing fisheries subsidies and removing excess capacity. This is because subsidies have generated overcapacity in fleets, which means there is a large pool of excess idle vessels. These vessels are easily mobile, offering plentiful supply of vessels for illegal operators at relatively low cost. Combined with lower repair, maintenance and safety equipment costs, this significantly reduces the operating costs associated with IUU operations<sup>88</sup>.

A summary of the major IUU problems for ACP countries, how it can impact them and possible solutions/challenges can be found in the table below. For all these problems a strong national capacity and capability in MCS forms an important tool to combat IUU and improving MCS routines, procedures and work practices are needed<sup>89</sup>.

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



What do we know about IUU	How impact ACP countries	Solutions/Challenges
Fishing in restricted area and closed seasons	<ul style="list-style-type: none"> <li>- Unfair competition in the market between legal and illegal products</li> <li>- Legal fishers pay taxes and other obligations</li> <li>- Low revenue to the countries</li> </ul>	<ul style="list-style-type: none"> <li>- Patrol boat, air surveillance and VMS, industry cooperation, satellite imagery</li> </ul>
Use of Illegal or unauthorized nets (mosquito nets, dynamite etc)	<ul style="list-style-type: none"> <li>- Unfair competition in the market between legal and illegal products</li> <li>- Legal fishers pay taxes and other obligations</li> <li>- Low revenue to the countries</li> </ul>	<ul style="list-style-type: none"> <li>- Patrol boat, air surveillance and coastal communities involvement in compliance matters</li> <li>- Pre-Fishing briefing inspections,</li> <li>- Legal framework to limit multi- nets</li> <li>- Increasing awareness and participation to improve compliance, to include the industry, civil society, public and media as monitors to increase transparency and good governance.</li> </ul>
Misreporting of catches	<ul style="list-style-type: none"> <li>- Difficulties to estimate the catches and consequently inaccurate data for management purposes</li> </ul>	<ul style="list-style-type: none"> <li>- Implement port state control measures and monitor all landings</li> <li>- Training personnel to form a strong MCS organisation with a common regional standards;</li> <li>- Develop or improving MCS routines, procedures and work practices in a regionally consistent manner</li> </ul>
Weak capacity to trace fishing products	It can impact on trade relationship and trade and it can be seen and used as trade barrier in near future.	<ul style="list-style-type: none"> <li>- Market measures need to be assessed – these are a new concept in the region and people are not comfortable with them, so training is needed.</li> <li>- Log books, reporting by catch, landing by catch, no discharges.</li> <li>- Awareness programmes to alert fishers men, traders and transporters what constitutes illegal activity, are needed, otherwise it can impact on the economy of the country in near future.</li> <li>- Identifying critical risks and solutions to mitigate these on both a national and regional basis.</li> <li>- Improving information systems and regional information exchange to facilitate timely operations against IUU fishing.</li> </ul>

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

What do we know about IUU	How impact ACP countries	Solutions/Challenges
Discards of fishing products at sea and transshipment at sea	<ul style="list-style-type: none"> <li>- Negative impact on stock assessment capacity</li> <li>- Unfair competition in the market between legal and illegal products</li> <li>- Legal fishers pay taxes and other obligations</li> <li>- Does not enable potential assessment of new fisheries</li> <li>- Threatens food security</li> <li>- Low revenue to the countries</li> </ul>	Patrol boat, air surveillance and VMS, satellite imagery, log books, catch landings
Fishing without license in national jurisdictional waters	<ul style="list-style-type: none"> <li>- Unfair competition in the market between legal and illegal products</li> <li>- Legal fishers pay taxes and other obligations</li> <li>- Low revenue to the countries</li> <li>- Difficulties to estimate the catches and consequently inaccurate data for management purposes</li> </ul>	<ul style="list-style-type: none"> <li>- Patrol boat and air surveillance</li> <li>- Pre-fishing briefing, legal entry and exit zone, inter agency guidelines.</li> </ul>
Weak capacity to monitor and record all landings	Difficulties to estimate the catches and consequently inaccurate data for management purposes	<ul style="list-style-type: none"> <li>- Training to enforce Ports State Control measures and NPOA-IUU</li> <li>- Improving information systems</li> </ul>

To monitor and control IUU activities, emphasis must not be limited to tracking the harvesting vessel but also must be put on tracking the fish, in recognition of the reality of product movement in today's supply chains. Usually it is not the harvesting vessel which arrives in port with its cargo holds filled with IUU fish. Rather, transactions are carried out at sea, which transfer the fish from harvesting vessel to reefers, mother ships, factory trawlers or other vessels. Catch can be divided among numerous processors, brokers or importers and multiple marketers can be involved, with transport by air, sea or overland. Hence, a broad range of actors and stakeholders can play a role in eliminating IUU activities, including flag states, coastal states, port states, and

market states, international and intergovernmental organizations, fishing industry, non-governmental organizations, financial institutions, insurers and consumers<sup>90</sup>.

### Can fisheries certification be used in the fight against illegal fishing?

Mandatory product certification and catch documentation are increasingly used as a natural extension of normal monitoring and enforcement in fisheries, and as a means of excluding IUU products from consumer markets and therefore rewarding responsible fishing with protected markets. The concept is increasingly common in other markets, including those for timber and for diamonds.

Certification initiatives, ranging from Fairtrade to eco-labels, have become

common place in today's European and American markets. The greatest driver for fisheries certification has been environmental sustainability, as processors and retailers respond to demands from customers and NGOs to avoid overexploited fisheries. Many certifications provide an eco-label that through preferential consumer choice creates market incentives.

There is increasing interest from consumers for sustainable fisheries products. In a recent survey undertaken by the Seafood Choices Alliance in the UK market in 2007, 74% of respondents reported that environmental considerations were quite or very important. Other studies have suggested that consumers are more likely to be driven by value for-money, quality and convenience, rather than sustainability concerns<sup>91</sup>.



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



*Documentation Schemes* - To date, documentation schemes have been implemented for three species: tuna, swordfish and toothfish. These address the supply side of the trade in these products. There are two types of documentation schemes. Trade documentation schemes require documentation to accompany particular fish and fish products when traded. Documentation is issued when the fish is landed and applies only to those fish which will be internationally traded. Catch certification schemes, on the other hand, use certificates at the point of 'harvesting' and apply to all fish which are caught, landed and/or transshipped<sup>92</sup>.

Trade-related documentation schemes are most effective when they are species focused and are driven by Regional Fisheries Management Organisations acting cooperatively. Moreover, it certainly helps when the fish species being targeted can be relatively easily traced. In the case of bluefin tuna, for instance, this has been relatively straightforward because the fish are generally sold individually. Toothfish, on the other hand, are traded by volume posing challenges for effective tracking systems that have required harmonised customs codes and the use of DNA or protein 'fingerprints'<sup>93</sup>.

*Eco-labels* - Over the past decade consumers have become more interested in learning about the way in which their purchasing decisions may affect the environment. One of the responses to this 'green consumerism' has been a proliferation of private voluntary eco-labeling schemes.

Private, voluntary eco-labels for fish products are another trade measure, but target the demand side of trade in fish. In the fisheries sector, labeling is dominated by the Marine Stewardship Council (MSC), an independent, global, non-profit organization based in London. This programme, which does not directly address the issue of IUU fishing, was originally established in 1997 by Unilever and the World Wildlife Fund to address over-fishing, and more specifically, "to safeguard the world's seafood supply by promoting the best environmental choice."

MSC seeks to achieve this by using a product label to reward environmentally responsible fishery management and practices. Inevitably, the MSC programme is not without problems. Most of the fisheries initially certified under the MSC's programme have been primarily of interest to European markets. Penetration in the high value markets of Japan and the United States, however, has been limited. Moreover, with its emphasis on specific fishery certification, the MSC programme has had no impact on the incidence of IUU fishing on the high seas. Moreover, the high cost of certification, combined with the complexity of the MSC's fisheries management requirements, and other infrastructure problems may preclude significant developing country participation in the short term<sup>94</sup>.

### Other examples include:

The UK's Co-operative Bank Ethical Consumerism 2010 Report shows that overall and throughout the recession, there has been growing support by British consumers for green goods and services — an 18

percent increase in total spending between 2007 and 2009 — with sustainable seafood one of the key drivers of overall growth.

In a separate survey conducted by Platform Verduurzaming Voedsel and LEI in the Netherlands, researchers found that spending on eco-labeled wild seafood increased by 50 percent in the first six months of 2010, compared to the same period in 2009. In the first half of the year, overall food spending increased just 1.4 percent, while spending on eco-labeled food increased 25.5 percent. The leap in revenue, from EUR 39 million to EUR 59 million, makes the sustainable-seafood market one of the fastest growing sectors in the Netherlands. The Netherlands imports EUR 3.1 billion and exports EUR 2.6 billion worth of seafood annually, and the Marine Stewardship Council eco-label is highly recognized among Dutch consumers, with 40 percent recognizing the label and 22 percent knowing that the label represents sustainable fisheries.

The country has pledged that by the end of 2011, 100 percent of its retail products will be MSC-certified and all of its North Sea fisheries aim to be certified by the end of 2012.

Dolphin-friendly tuna is now widely available and clearly labelled in supermarkets and Marine Stewardship Council (MSC) certified fish in McDonald's stores (MSC., 2011).

Marks & Spencer and other major retailers have committed to sourcing wild fish species from fisheries that have been certified as sustainable by the Marine Stewardship Council (MSC) or an equivalent third party.

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

### Challenges

Despite the considerable growth in fisheries certification in recent years, there are still a number of issues related to such initiatives and consequences for developing countries.

- Low capacity in developing countries and high costs to reach certification;

- Potential non-tariff barriers for developing countries;
- Low involvement of developing countries in standard setting.

If certification becomes a pre-requisite for market access, there is concern of restricting opportunities to develop export markets<sup>95</sup>.

Moreover, certified fish does not guarantee a price premium; and it is not yet clear how costs and benefits of the process are distributed throughout the supply chain<sup>96</sup>.





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COMHAFET - Ministerial Conference on Fisheries Co-operation among African States bordering the Atlantic Ocean  
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CRFM - Caribbean Regional Fisheries Mechanism  
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CSRP - Commission Sous Régionale des Pêches  
<http://www.csrpsp.org/>

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CTA Brussels Blog : <http://brussels.cta.int/>

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EJF Environmental Justice Foundation  
<http://www.ejfoundation.org>

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<http://www.iafi.net>

ICCAT - International Commission for the Conservation of Atlantic Tunas  
<http://www.iccat.int/en/>

ICFA - International Coalition of Fisheries Associations  
<http://www.icfa.net/>

ICSF - International Collective in Support of Fish workers  
<http://www.icsf.net>

ICTSD  
<http://www.ictsd.org/search/>

IFREMER - French Research Institute for Exploitation of the Sea  
<http://www.ifremer.fr/anglais/>

Illegal Fishing.info  
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IMCS - International Monitoring, Control and Surveillance Network for Fisheries Related Activities  
<http://www.imcsnet.org/>

INFOFISH  
<http://www.infofish.org/>

IOTC - Indian Ocean Tuna Commission  
<http://www.iotc.org/English/>

MRAG - Marine Resources Assessment Group  
<http://www.mrag.co.uk/index.html>

MSC Marine Stewardship Council  
<http://www.msc.org/>

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Onefish

<http://www.onefish.org/global/index.jsp>

Pew Environment Group

<http://www.pewenvironment.eu/>

SADC Southern African Development Community

<http://www.sadc.int>

Sea Around Us Project

<http://www.seaaroundus.org/>

SEAFO - South East Atlantic Fisheries Organisation

<http://www.seafo.org/welcome.htm>

SFP - Strengthening Fishery Products Health Conditions in ACP/OCT Countries:

<http://www.sfp-acp.eu>

South Pacific Regional Fisheries Management Organization

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Stop Illegal Fishing Programme:

[www.stopillegalfishing.com/](http://www.stopillegalfishing.com/)

UN Atlas of the Oceans

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UN Convention on the Law of the Sea

<http://www.un.org/Depts/los/index.htm>

World Bank – Fisheries and aquaculture

<http://go.worldbank.org/DM59TK1531>

Global Program on Fisheries (PROFISH)

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WorldFish Centre

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WWF World Wide Fund for Nature

<http://www.wwf.org/>

WWF - Southern African Sustainable Seafood Initiative (SASSI)

<http://www.wwfsassi.co.za/home.asp?m=1>

## Acronyms

AAFC	Atlantic Africa Fisheries Conference
ACFR	Advisory Commission on Fisheries Research
ACP	African, Caribbean and Pacific
APFIC	Asia Pacific Fishery Commission
AU	African Union
CARPAS	Regional Fisheries Advisory Commission for Southwest Atlantic
CCAMLR	Convention for the Conservation of Antarctic Marine Living Resources
CCSBT	Convention on the Conservation of Southern Bluefin Tuna
CDS	Catch documentation scheme
CECAF	Fishery Commission for the Eastern Central Atlantic
CEPTA	Council of the Eastern Pacific Tuna Fishing Agreement
CIFA	Committee for Inland Fisheries of Africa
COFI	FAO Committee on Fisheries
COREP	Regional Fisheries Committee for the Gulf of Guinea
CPPS	South Pacific Permanent Commission
DWFS	Distant Water Fishing Fleets
EEZ	Exclusive Economic Zone
EPAs	Economic Partnership Agreements
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
FFA	South Pacific Forum Fisheries Agency
FFV	Foreign fishing vessel
FOC	Flags of convenience
FONC	Flag of Non Compliance
FPZ	Fisheries Protected Zone

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GDP	Gross Domestic Product
GEF	Global Environment Fund
GRT	Gross Registered Tonnage
GSP	Generalised System of Preference
GT	Gross Tonnage
HSTF	High Seas Task Force
HSVAR	High Seas Vessel Authorization Record
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
ICSEAF	International Commission for the Southeast Atlantic Fisheries
ILO	International Labor Organization of the United Nations
IMO	International Maritime Organization of the United Nations
IOC	Indian Ocean Commission
IOTC	Indian Ocean Tuna Commission
IPHC	International Pacific Halibut Commission
IPOA	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing
ISEAL	International Social and Environmental Accreditation and Labelling Alliance
IUCN	International Union for Conservation of Nature
IUU fishing	Illegal, unreported and unregulated fishing
LVFO	Lake Victoria Fisheries Organization
MCS	Monitoring Control and Surveillance
MoU	Memorandum of Understanding
MRAG	Marine Resources Assessment Group
MSC	Marine Stewardship Council

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n.m.	Nautical Miles
NAFO	Northwest Atlantic Fisheries Organization
NAMMCO	North Atlantic Marine Mammal Commission
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North-East Atlantic Fisheries Commission
NGO	Non-Governmental Organization
NPOA	National Plan of Action
NPOA-IUU	National Plan of Action on Illegal, Unreported and Unregulated Fishing
OPRT	Organization for the Promotion of Responsible Tuna Fisheries
PONC	Ports of Non Compliance
PSC	Pacific Salmon Commission
RECOFI	Regional Commission for Fisheries
RFMO	Regional Fisheries Management Organisations
RMB	Regional Management Bodies
RoO	Rules of Origin
SADC	Southern African Development Community
SAG	Stock Assessment Group (CCSBT)
SBT	Southern Bluefin Tuna
SCRS	Standing Committee on Research and Statistics (ICCAT)
SEAFDEC	Southeast Asian Fisheries Development Center
SEAFO	Southeast Atlantic Fisheries Organization
SOLAS	The International Convention for the Safety of Life at Sea
SPC	Secretariat of the Pacific Community
SRFC	Sub-Regional Fisheries Commission





SWIOFC	Southwest Indian Ocean Fisheries Commission
TAC	Total Allowable Catches
TDS	Trade Documentation Scheme
TIS	Trade Information Scheme (CCSBT)
TRAFFIC	Wildlife Trade Monitoring Network
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNFSA	United Nations Fish Stocks Agreement
VMS	Vessel Monitoring System
WCPFC	Western Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WIOTO	Western Indian Ocean Tuna Organization
WTO	World Trade Organisation
WWF	World Wildlife Fund

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

## Footnotes

- 1 This Reader is not intended to exhaustively cover the issue of Illegal, Unreported and Unregulated fishing but to provide some background information and selected information resources. Most text of this Reader has been directly taken from the original documents or websites. For additional inputs, kindly contact Isolina Boto ([boto@cta.int](mailto:boto@cta.int)) or Ronalee Biasca ([biasca@cta.int](mailto:biasca@cta.int)). The Reader and most of the resources are available at <http://brusselsbriefings.net/>.
- 2 Sources: Ndiaga Gueye, General considerations on Illegal, Unreported and Unregulated (IUU) Fisheries, Special paper prepared for the Fighting against Illegal, Unreported and Unregulated Fishing lunch side-event in the context of the 16th ACP-UE Joint Parliamentary Assembly, Port Moresby (Papua New Guinea), 25th November 2008; OECD, Why Fish Piracy Persists. The economics of Illegal, Unreported and Unregulated Fishing, 2005 [http://www.oecd.org/document/6/0,2340,en\\_2649\\_33901\\_35403462\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/6/0,2340,en_2649_33901_35403462_1_1_1_1,00.html); MRAG, Review of Impacts of Illegal, Unreported and Unregulated Fishing on Developing Countries, 2005, [www.dfid.gov.uk/pubs/files/illegal-fishing-mrag-report.pdf](http://www.dfid.gov.uk/pubs/files/illegal-fishing-mrag-report.pdf).
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- 4 MRAG, DFID, Illegal, Unreported and Unregulated Fishing. Policy Brief 8, 2009 [http://www.mrag.co.uk/Documents/PolicyBrief8\\_IUU.pdf](http://www.mrag.co.uk/Documents/PolicyBrief8_IUU.pdf)
- 5 At each FAO Committee on Fisheries (COFI) session since its twenty-third in 1999, IUU fishing has been addressed. In 1999 COFI started procedures to elaborate an international plan of action on the subject. An International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (IPOA-IUU) was adopted by COFI in 2001 (<http://www.fao.org/DOCREP/003/y1224e/y1224e00.HTM>). Each successive COFI also included IUU fishing on its agenda. The FAO conference and separate ministerial meetings have also focused on IUU fishing. In 2003, the FAO Conference adopted an IUU fishing resolution. The 2005 ministerial meeting on fisheries, dedicated in part to activities related to IUU fishing, produced the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing and, the same year, a Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (<http://www.fao.org/DOCREP/010/a0985t/a0985t00.htm>) was adopted by COFI.
- 6 Ndiaga Gueye, General considerations, cit.
- 7 As an example, tuna canneries in West Africa source product from the South Pacific and Asia to ensure they can supply full-year products for the Japanese and European markets, whilst Thai processors source their supply globally and provide well over 25% of the worlds canned tuna.
- 8 Bluefin tuna reared in the Mediterranean through mariculture competes on Japanese markets with bluefin tuna caught in the Southern Oceans. Such is the case for other fisheries as fish farming has supplemented the continuous decrease in marine capture production. These examples illustrate that the component segments of the global fisheries economy are increasingly integrated through transport networks and intersecting supply chains.
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