

# HIGHLIGHTS



## Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries

### Brussels Development Briefing No. 38

Brussels, 27th October 2014

On October 27th 2014, the CTA organised the 38th Brussels Development Briefing – part of a series of bi-monthly development briefings on ACP-EU rural and agricultural issues. Around 100 participants gathered in Brussels to discuss the major challenge and concern of IUU for ACP countries, a number of which have faced sanctions under the EU's IUU Regulation.

**Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries** This Briefing focused on the successful cooperation, engagement and initiatives undertaken by a number of ACP countries with key partners, notably the European Commission, in order to combat IUU and regain market access for their fisheries products into the EU market. This Briefing was a follow-up to the 2009 Briefing organised by CTA on "Fighting against Illegal, Unreported and Unregulated fishing: Impacts and challenges for ACP countries" in order to measure the progress achieved in fighting IUU.

#### Partners in the Briefing:

- CTA
- European Commission (DG DEVCO & DG MARE)
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Alhaji Muhammad Mumuni



Cesar Deben

In his introductory remarks, **Honourable Alhaji Muhammad Mumuni, Secretary General, ACP** began by highlighting the importance of exchanging ideas and sharing experiences on IUU. IUU is of particular concern in the context of food and nutrition security challenges. Fish remains an important source of high quality nutritious food, particularly for low income populations in rural areas. Sustainable fisheries management relies on adequate control of fishing operations and enforcement of management records, amongst other measures. According to the Food and Agriculture Organisation (FAO), global fish production has grown steadily, with fish supply increasing at an average annual rate of 3.2%, outpacing population growth at 1.6% and per capita fish consumption increased from 9.9 kg in 1960s to 19.2kg in 2012; the global aggregate wealth generated amounts to 500 billion USD per year. Unsustainable practices employed by IUU – unauthorised fishing in Exclusive Economic Zones (EEZ), taking juvenile and protected species, using prohibited gear and failing

to report resources – is a major global threat to sustainable fisheries management, the maintenance of healthy ecosystems and stable socio-economic conditions. In the past decade, the emphasis has shifted from targeting IUU fishing vessels to targeting their catch, necessitating effective responses and sensitisation on the national and regional levels, amongst government and civil society.

**Mr. Cesar Deben, Principal Adviser, DG Mare, (European Commission)** underlined the need to take stock of the threats, risks, and future trends related to IUU. IUU is like a virus which mutates and becomes increasingly difficult to combat. The European Commission strategy of dialogue and cooperation with IUU countries received criticism. However, the team led by Mr. Deben were convinced that implementing EU legislation without taking into account of the consequences of these actions, in particular for the ACP countries, would be detrimental. Dialogue and cooperation is key to strategy and fighting against IUU fisheries,



Michael Hailu



H.E. Roy Mickey Joy



Martin Tsamenyi

as opposed to simply applying sanctions. There are many lessons learnt from the first four years of the implementation of EU regulation. These lessons are beneficial for ACP countries in their continued and future fight against IUU fisheries. The process of negotiation and dialogue with IUU countries involved major reforms. Yet, many countries took up the challenge to transform their approach to IUU, respond to the EU warning and implement deep reform. The European Commission remains in constant and coherent dialogue with the aim of supporting ACP commitment to undertake fundamental reform in the area of IUU.

**Director of CTA, Michael Hailu** gave the final introductory remarks, reminding the audience of the key role of the fisheries sectors in ACP countries, of which more than 50 ACP countries are coastal states. Sustainable strategies are a prerequisite to tackle IUU and its serious adverse and multiple implications for ACP states: access of ACP fisheries products to EU markets, food security, employment and income, amongst others. This Briefing follows on from the 2009 CTA Brussels Development Briefing on the implications of compliance and non-compliance for ACP countries of the EU IUU Regulation (2010). The IUU Regulation aims to increase traceability, and involves black-listing of vessels and non-cooperative countries. This is the first EU legislative instrument to

tackle IUU fishing through trade-related measures. The regulation has helped to promote better governance, tackle illegal fishing and prevent the import of IUU products into EU markets. In addition, ACP countries have strengthened their policies, legal frameworks and enforcement capacity to comply with the IUU regulation and gain access to the EU market. Continued and enhanced cooperation is needed at all levels. Especially, as there is a growing demand for animal protein linked to growing middle class, throughout emerging countries, which is an additional pressure on fish stocks. It is essential that the EU, the ACP and the international community effectively address IUU.

## Panel 1: What do we know about IUU fishing in ACP countries?

The Chair of the first panel, **H.E. Mr. Roy Mickey Joy, Ambassador of Vanuatu** began by citing the case of Vanuatu. Having received the yellow card from the EU, Vanuatu encouraged the European Commission to consider fisheries as a stand-alone issue in the upcoming European Development Fund (EDF) discussions. The previous Brussels Development Briefing on SIDS highlighted the importance of fisheries sector, especially for SIDS economies. On the 38th anniversary of the ACP, H.E Mr. Roy underlined the importance

of intensifying both South-South and intra-ACP cooperation in agriculture and in fisheries.

**Professor Martin Tsamenyi, Professor of Law and Director of The Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong** gave the first presentation on the current state of play of IUU. There are a number of challenges, but the first relates to the fact that the scale of IUU fishing in ACP countries and globally largely remains unknown. Furthermore, there is no clear methodology to analyse the figures produced on IUU. IUU is a three tier process, involving three key concepts: illegality, unreported and unregulated fishing activities. There is an overlap between the concepts: unreported can be illegal or legal, whereas unregulated refers to government action. IUU connects the three of these concepts. Firstly, illegal activity refers to breaches of fisheries laws and regulations. Secondly, it also includes any activity, legal or illegal, which undermines international, national and regional conservation measures. The drivers of IUU include failure of governments and policy. IUU as a subject is further complicated by the cross-cutting nature of fisheries with other areas of governance. While the main beneficiaries of IUU are foreigners, the problem is nevertheless a national one. Global, regional and national policy needs to refocus on understanding on the concept of IUU. Professor

## Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries | HIGHLIGHTS



Cesar Deben



Emmanuel Kaunda



Milton Haughton

Tsamenyi made two suggestions: i) conducting a global study on IUU and a localised study for ACP countries to find out the impact of IUU; ii) taking specific measures and identifying approaches which have implications for the market because that is where impact is felt. This was evident when Ghana received the yellow card from the EU and both industry and government reacted with urgency.

The trade challenges of IUU were further explored by **Cesar Deben, Principal Adviser, DG for Maritime Affairs and Fisheries, European Commission** focusing on three points: i) the implementation of IUU regulation from the EU, ii) the current state of play today and iii) trends and future perspectives on IUU. While the trend is to reduce the subject to maps, this approach is problematic. It oversimplifies the EU approach, equating the EU to the role of umpires or police. The EU itself has had a bad experience with fisheries policies, but has managed to rectify the situation today with more consistent policies. Although in use, Mr. Deben said that the card approach is too simplistic and does not correspond to the EU mandate or role. Nevertheless, the Las Palmas report noted a reduction of IUU activities since implementation of the EU regulation began. Dialogues were launched with 46 countries – 28 were from the ACP countries – and the EU maintains dialogue with 31 countries today, of which 20 are ACP states. Some countries

are not reacting or do not have the ability to implement key requirements of IUU; IUU affects countries differently depending on the size, and also necessitates a differentiation of approach. The sanctions approach negatively depicts the EU as referees, whereas a ‘goal keeper’ is a more accurate description. While pirate activities were curbed by regional fisheries and coastal state organisations, four new risks have arisen: (i) ‘carousel’ – changing flags for convenience, (ii) institutionalisation of IUU fishing, (iii) demand for fish is less and less sustainable, (iv) globalisation of the industry. Tackling these risks is the primary responsibility of the market state, yet the EU is the only market today with adequate legislation in place.

The ‘Overview of IUU fishing in Africa: trends, successes and challenges ahead’ was the theme of the presentation from **Emmanuel Kaunda, Professor & Deputy Vice Chancellor, Lilongwe University of Agriculture and Natural Resources (LUANAR), Bunda Campus Malawi**. For the first time in Africa, a policy reform strategy was endorsed by African Ministers in Addis Ababa, prioritising the conservation of natural resources, identifying priorities and specifications for combating IUU. However, the losses from IUU fisheries are bigger than statistics can reveal. The joint EU-Africa strategy for capacity building, directly responds to the need to create effective regional responses to IUU. Professor

Kuanda showed a video, which depicted a successful response to tracking illegal fishing, protecting offshore resources and preventing illegal elements from entering the markets. This reinforces the need for cooperation to be strong at the regional level, as well as the importance of capacity building.

The ‘Scope of IUU fishing in the Caribbean’ was presented by **Milton Haughton, Executive Director, Caribbean Regional Fisheries Mechanism**. The CRFM was established in 2002 to promote sustainable development and efficient management of the marine and fisheries sector, and to promote joint management of resources for the collective benefit of the region. The average per capita consumption of fish in the Caribbean is higher than average global per capita consumption. While the maritime islands of the Caribbean lose huge revenues from IUU fishing, it also poses numerous environmental and security challenges. It is often described as single greatest threat to the sector, especially as it targets high value species. The ACP Fish II project assisted CRFM to prepare a regional strategy and to produce a small study. However, again, the very concept of IUU poses as problem due to the lack of studies and information on IUU, as well as unquantifiable economic and social costs. While it is a major problem for sustainable fisheries management, key weaknesses are identifiable: outdated legal framework, inadequate sanctions

## Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries | HIGHLIGHTS



Moses Amos



Hanno Rumpf



Inoke Udolu Wainiqolo

and low penalties. For example, in many cases, the value of the product is worth more than the fine given, which neither deters nor penalises perpetrators effectively. FAO, EU, ACP and CTA work on IUU has inspired the Caribbean region and resulted in fisheries becoming a standing item on the agenda of Fisheries Ministers, as well as a key area for investment. There are several frameworks for IUU fishing now in place: the CARICOM Treaty of Chaguaramas, the CARICOM fisheries policy and the Castries Declaration. The CRFM identified the key next steps on IUU, including establishing a stronger legal framework and multilateral agreement of IUU fishing, and cooperation with Caribbean countries that are not part of the organisation, such as the French Overseas Departments and Central American countries.

The ACP experience was further elaborated on by **Moses Amos, Director of Fisheries, Secretariat of the Pacific Community (SPC)**, who explained state of play in the Pacific region. The Pacific Ocean is a colossal mass of 30million square kilometres of sea, which provides 60% of the global supply of tuna, worth 6bn USD annually. There is a three level approach to IUU policy in the Pacific: on the national, sub-regional and regional levels. Ensuring compatibility in each of these groupings fosters an enhanced and uniform approach to IUU fisheries. Two regional

bodies, the SPC and the Pacific Islands Forum Fisheries Agency (FFA) assists countries to develop measures to combat IUU fisheries. The particular case of Vanuatu showed that receiving a yellow card from the EU was a 'blessing in disguise'. Indeed, there was a lot of significant progress made since: government re-allocated money to the area of fisheries and this in turn led to increased revenues. However, there is continual need for support. Countries need financial and capacity support to understand EU legislation, and a strategy should be developed in order to ensure a partnership is built around IUU fisheries. Adequate market, trade controls and restrictions can combat IUU and safeguard food and nutrition security. Given the important social, economic and environmental implications, it is important to tackle weak governance and weak legislation to combat IUU fishing.

**Questions and comments** gave examples from different states' experiences. There was concern raised for the blanket-ban approach on IUU and the need for best practises to be shared. UNIDO asked how the EU intended to strengthen its approach to IUU with other regions and sub-regional actors to foster a continued and strengthen dialogue, beyond bilateral dialogue. One stakeholder was particularly interested to know more about the EU's dialogue with China's activities in African

waters. The EU representative responded by reminding that EU dialogue with third countries are strictly confidential. The question of special assistance was raised, especially for fragile states that face multiple challenges. Ebola was raised as having caused an additional burden to developing countries of West Africa.

### Panel 2: Successes in fighting IUU from ACP countries

**H.E. Mr. Hanno Rumpf, Ambassador of Namibia, Chair of the ACP Working Group on Fisheries** chaired the second panel and underlined the importance of committing to combating IUU fisheries in ACP countries. He remarked on the case of Namibia, who managed to regain greater control of their waters in the post-independence context.

The first presentation on the 'Successes in fighting IUU Fishing: the case of Fiji' was given by **Inoke Udolu Wainiqolo, Permanent Secretary for Fisheries, Government of Fiji**. Fiji is one of the major flag states within the Pacific with 99 vessels licensed. Offshore fisheries contribute 2.7% GDP. Major markets for exports include Japan, US and Thailand. The EU is becoming a new priority export market, especially with the EU-Pacific Economic Partnership Agreement. In 2012, the principal advisor to DG Mare visited Fiji and confirmed that Fiji did not

## Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries | HIGHLIGHTS



Robert Robinson



Martin Tsamenyi



Aliou Diallo

have relevant legal and regulatory framework or capacity to monitoring IUU. Legislation was outdated and human and financial resources were not strong enough. Fiji was given a yellow card and risked losing market access to EU, which forced the government to comply with requirements. Legislative and policy frameworks, such as Fiji Offshore Management Decree, were put in place. There were also many commitments by government and additional measures were taken to boost the fisheries offshore division: the establishment of the investigation section in Offshore Fisheries Division; mandatory certification for vessels and MoUs with key agencies in Fiji and other islands, including the police force and the intelligence unit.

The experience of the government of Belize was given by **Robert Robinson, Deputy Director, Belize High Seas Fisheries Unit, Ministry of Finance**. Mr. Robinson reflected on the process of implementing the necessary administrative and legislative framework for combating IUU fisheries. On 15 November 2012, Belize was identified as a non-cooperating third country and was invited to work closely with the European Commission to rectify the situation. By June 2013, the government of Belize reassumed control of International Merchant Marine Registry and the International Business Registry. In order to streamline and normalise the activities of these organisation,

the government of Belize made the strategic decision to bring fisheries into the Ministry of Finance. While Belize did take concrete steps, such as the High Seas Fishing Act, this was a little too late as the country was nevertheless identified as a non-cooperating country in November of the same year. Belize continued to lay down the necessary foundations, including the establishment of the Belize High Fisheries Unit to regulate, manage and control high seas fishing. Having implemented new management and control mechanisms however, does not remove Belize from the list of non-cooperative countries. Indeed, Belize still has many obligations to fulfil under international law and wants to work together to foster unilateral efforts to combat IUU fishing.

‘The case of Ghana: sharing challenges in implementing the legislation to combat IUU fishing’ was presented by **Professor Martin Tsamenyi, Director, ANCORS**. Ghana’s problems are largely recognised as being linked to regional problems, especially as there are no maritime boundaries. Ghana is recognised as a traditional flag state, whereby all registered vessels must be either Ghanaian by nationality or company. The control processes previously in place were clearly inadequate and the existing legislation was outmoded. In Ghana, as in the case of other countries, there was evidently a policy vacuum for fisheries management. This

was evidenced in the institutional decision to move fisheries from the Ministry of Agriculture, where it had been under-resourced and under-regulated, to the Ministry of Fisheries in the post-independence context. While the fisheries sector accounts for 4.5% of GDP, 10% jobs and 60% of animal protein consumed in Ghana, the country is the third most dependent on fish for food security in the world. The concept of IUU remained largely unknown and there was a necessity to go beyond rhetoric in policy to implementation in reality. Putting in place an enabling legislative framework was recognised as a prerequisite for transforming the current state of IUU. With the support of the World Bank amongst others, Ghana aims to transform the fisheries sector by 2017. The first step requires putting the necessary legal parameters in place. This includes, formal recognition of IUU, setting of penalties ranging from 1million USD and 2million USD for IUU offences, and 2million USD to 4million USD for repeat offences. There are also penalties of serious violations for government officials, including dismissal and imprisonment. The case of Ghana demonstrates executive commitment and high level political support to combat IUU.

The penultimate presentation was given by **Aliou Diallo, Minister-Counsellor, Embassy of Guinea** who summed up the efforts made by the Government of Guinea to combat IUU. While, fisheries is an

## Fighting against Illegal, Unreported and Unregulated Fishing (IUU): Successes from ACP countries | HIGHLIGHTS



Olivier Laboulle

important sector, IUU fisheries is not only a national problem but also a regional problem. Existing legislation from 1995 still needs to be brought up-to-date. This was recognised as the first step to reinforcing legal and regulatory framework in the area of IUU. The government of Guinea has set up a number of important decrees in key areas: (i) satellite surveillance, (ii) inspections, (iii) transshipment and (iv) fines. Progress is evident in the following measures: Guinea now carries out ship inspections before giving licences, which are now managed through a secure system; quotas are given depending on the type of licence granted; awareness raising campaigns have taken place and there has been an increase in surveillance measures. In particular, 120 Maritime observers have been trained and there have been numerous capacity building activities. Technical discussions continue to strengthen

the fight against IUU, with the aim of eventually being de-listed. Furthermore, since the outbreak of Ebola, the government is aware of the inter-related negative impacts for local populations.

The final presentation by **Olivier Laboulle, West Africa Project Coordinator, Environmental Justice Foundation (EJF), UK**, focused on 'Successes in fighting IUU: the perspective from the civil society'. An introductory video from one of the beneficiaries in Ivory Coast depicted the difficulties facing artisanal fisheries in Inshore Exclusive Zones (IEZs). The EJF approach focuses on empowering local people. For example, EJF provides video cameras to encourage reporting of IUU fishing activities and sends IUU alerts to ensure sanctions are put in place. EJF recognised that IUU regulation has even empowered the NGO sector and this has been a very

positive development based on multi-stakeholder collaboration to combat IUU. In total, EJF has sent 15 IUU alerts and this has successfully been used to sanction vessels, and ensure that trawlers are not allowed into IEZ zones. EJF did recognise that it was unfortunate that traditional fishermen have been forced to resort to IUU but recommends a continued multi-stakeholder approach to tackle the issue of IUU.

**Questions** raised concerns on capacity building, accessibility of existing studies and again, the importance of sharing best practices to-date. Responses confirmed the importance of taking further steps, exchanging knowledge and advancing progress on IUU.

**Mr Hailu** concluded with some remarks about the practical outcomes of the Briefing on IUU.

### Further information available online:

- Brussels Briefings: [www.brusselsbriefings.net](http://www.brusselsbriefings.net)
- Reader: <http://tinyurl.com/osa756m>
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