

April 2016



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

FISHERY COMMITTEE FOR THE EASTERN CENTRAL ATLANTIC

Twenty-first Session

Dakar, Senegal, 20 – 22 April 2016

Illegal, Unreported and Unregulated Fishing in the CECAF Area

SUMMARY

Illegal Unreported and Unregulated (IUU) fishing is a major global threat to sustainable fisheries and to the management and conservation of fisheries resources and marine biodiversity. The international community has put forward several initiatives, instruments and tools to combat IUU fishing worldwide in a cooperative way. Several countries, Regional Fishery Bodies (RFBs) and other international entities have engaged in a wide-range of initiatives over the years to implement the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). Following the formulation of the IPOA-IUU, additional international instruments have been developed to combat IUU fishing, namely the Voluntary Guidelines for Flag State Performance and the 2009 FAO Agreement on Port State Measures (PSMA). The worldwide implementation of the provisions of the PSMA, in conjunction with other tools as well as catch documentation schemes and other MCS tools, is believed to be one of the most cost-effective and efficient means of combating IUU fishing. Along the Atlantic coast of Africa, IUU fishing takes various forms: surveillance avoidance, transshipment, abuses of vessel registries, licensing abuses, interactions with artisanal vessels and sisterships (Interpol, 2014). FAO is working on various fronts to combat IUU fishing through an integrated approach that includes awareness raising, knowledge building, and support to the development, adoption and implementation of global instruments such as PSMA, and the CECAF area has been identified as a priority area for this work. As of March 2016, only one country in the CECAF area has become party to the PSMA (Gabon), while a number of other countries have expressed intent to become party and have initiated their internal processes to become party. The Committee is requested to: 1) consider how to formulate a regional approach to tackling IUU in the CECAF area; and 2) discuss how to better coordinate with regional organizations in their initiatives to combat IUU along the Atlantic coast of Africa.

BACKGROUND

Illegal Unreported and Unregulated (IUU) fishing is a major global threat to sustainable fisheries and to the management and conservation of fisheries resources and marine biodiversity. In addition to affecting the maintenance of productive and healthy ecosystems, it also has a serious impact on the socio-economic condition of many of the world's fishing communities as well as significant losses for the economic and social development of coastal Nations. While there are no accurate quantifications of the impacts of IUU fishing, it is roughly estimated to remove between USD 10 and 23 billion from the legitimate fisheries industry. West Africa is estimated to have some of the highest levels of IUU in the world. IUU fishing not only undermines fisheries management measures, it is often undertaken on stocks that are already fully or over-fished. In addition, IUU fishing impacts the livelihoods of legitimate fishers engaging in fishing; in the CECAF area fishing is an important source of income for millions of people and for the governments, in addition to being a source of protein, micro-nutrients and food security in general.

Motivated by economic gain, IUU fishing takes advantage of corrupt administrations and exploits weak management regimes, especially those of developing countries lacking the capacity and resources for effective monitoring, control and surveillance (MCS). It is found in all types and dimensions of fisheries, occurs both on the high seas and in areas under national jurisdiction, concerns all aspects and stages of the capture and utilization of fish, and may sometimes be associated with organized crime.

The international community has put forward several initiatives, instruments and tools to combat IUU fishing worldwide in a cooperative way. Several countries, Regional Fishery Bodies (RFBs) and other international entities have engaged in a wide-range of initiatives over the years to implement the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). The IPOA is a voluntary instrument elaborated within the framework of the FAO Code of Conduct for Responsible Fisheries, and builds on and complements a number of other international instruments for fisheries management, including the 1982 UN Convention on the Law of the Sea, the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993 FAO Compliance Agreement), the 1995 UN Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995 Fish Stocks Agreement).

The IPOA-IUU is a toolkit with the objective to prevent, deter and eliminate IUU fishing by providing all States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law. It not only outlines a definition for IUU fishing, but provides a guideline of the roles and responsibilities of the coastal, flag and port States, as well as regional fisheries management organizations.

Following the formulation of the IPOA-IUU, additional international instruments have been developed to combat IUU fishing, namely the Voluntary Guidelines for Flag State Performance and the 2009 FAO Agreement on Port State Measures (PSMA). The worldwide implementation of the provisions of the PSMA, in conjunction with other tools such as those mentioned above as well as catch documentation schemes and other MCS tools, is believed to be one of the most cost-effective and efficient means of combating IUU fishing. Denying port entry to foreign

fishing vessels engaged in IUU fishing and the prohibition of landing their catches are considered to be highly effective deterrents to the operators and owners of such vessels.

The Voluntary Guidelines on Flag State Performance are expected to provide a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.

IUU FISHING IN THE CEECAF AREA

Along the Atlantic coast of Africa, IUU fishing takes various forms: surveillance avoidance, transshipment, abuses of vessel registries, licensing abuses, interactions with artisanal vessels and sisterships (Interpol, 2014). In the artisanal sector, IUU fishing is characterized by the implementation of non-compliant fishing gear and fishing without a license in the waters of neighboring countries, while at the industrial level industrial IUU fishing is mostly conducted by foreign vessels fishing without a fishing license, engaging in illegal transshipment activities in waters under national jurisdiction and on the high seas, by not reporting the catches made or making false statements and operating in fishing zones reserved for the artisanal segment. This is the case both for foreign and domestic ships (ATLFAO, 2015).

ACTIONS TAKEN TO COMBAT IUU IN THE CEECAF AREA

FAO

Within the CEECAF area, a number of initiatives by various entities have been undertaken to combat IUU fishing, both at the national, sub-regional and regional level. FAO is working on various fronts to combat IUU fishing through an integrated approach that includes awareness raising, knowledge building, and support to the development, adoption and implementation of global instruments such as PSMA, and the CEECAF area has been identified as a priority area for this work.

In June 2014, the FAO Committee on Fisheries (COFI) expressed its appreciation of FAO's efforts in conducting a global series of regional capacity-development workshops to prepare for the entry into force of the Agreement and encouraged FAO to press ahead with the convening of the regional workshops. The African coastal countries of the Atlantic were beneficiaries of one of these regional workshops (Praia, Cabo Verde, 20-24 July 2015), the objectives of which were to improve the understanding of the provisions of the PSMA, to highlight the policy, legal, institutional and operational requirements for effective implementation of the provisions, and to enhance the necessary skills of national officers in the implementation of port State measures. The issues raised at this workshop, including existing capacity, challenges faced and recommendations are highlighted in the below sections of this working document.

As of March 2016, only one country in the CEECAF area has become party to the PSMA (Gabon), while a number of other countries have expressed intent to become party and have initiated their internal processes to become party.

Relevant initiatives by regional fisheries management organizations in the CECAF area

CECAF

- Regional Workshop on the Elaboration of National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing for the West African Subregion, which was held in Accra, Ghana, from 28 November to 2 December 2005.
- FAO/CECAF Workshop on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing for the West African Subregion, held in Accra, Ghana, from 9 to 12 June 2009, which was a preliminary workshop held to raise awareness about the benefits of the PSMA and its overall provisions.

ICCAT

- ICCAT Recommendation 13-13 mandatory for all vessels on ICCAT vessel record of 20 meters or over to obtain an IMO number
- Binding resolution on Contracting Parties, Cooperating non-Contracting Parties, Entities of Fishing Entities to implement vessel monitoring system for commercial tuna fishing vessels, carrier vessels and support vessels
- ICCAT ensures publicity of IUU vessels list adopted by ICCAT
- Regulations guiding transshipment (transshipment can only take place in port unless a number of conditions are met)

Sub-Regional Fisheries Commission

- Harmonization of the legal sub-regional framework for the finalization of MCS Convention
- Developing protocol relating to the sub-regional registry of industrial fishing vessels, MCS information exchange and sub-regional observer program.

Fisheries Committee for the West Central Gulf of Guinea

- Adopted an RPOA-IUU in 2009, prioritizing 44 measures to be implemented. Implementation process has included training for vessel register development, inspections, facilitated dialogue on ratification of the PSMA
- In cooperation with FCWC Secretariat, Trygg Mat Tracking, Stop Illegal Fishing, a West Africa Task Force for Fish-i Africa established and has been undertaking a number of capacity building exercises in 2015.

COREP

- Training of staff assigned to missions for monitoring and control of fishing activities, including through the training of inspectors of fisheries observers on board (national and regional) and in the field of the VMS.
- Developed manual of operational procedures for monitoring/control of fisheries.
- Development of national registries of industrial fishing vessels and operationalization of a regional register of industrial fishing vessels.
- Establishment of a regional MCS arrangement.

COMHAFAT/ATLAFCO

- Rabat Declaration on regional cooperation in the fight against IUU fishing (September 2014)

- Contribution of ATLAFCO to the strengthening of the capacity of Governments of Member States for the control and inspection of vessels in the context of the fight against IUU fishing
- Workshop entitled ‘Monitoring, Control and Surveillance (MCS), an effective tool to fight against IUU fishing’, October 2015

European Union

EU Regulation to combat IUU fishing; catch certification scheme

In addition to the above regional initiatives, there are numerous national initiatives throughout the CECAF area, including the elaboration of NPOA-IUUs, improving MCS, adjusting legislation, all with the objective to effectively combat IUU fishing.

EXISTING CAPACITY TO COMBAT IUU: FOCUS ON PSMA

IUU is conducted by both national and foreign vessel and therefore is not a national issue alone; it requires coordination and cooperation with other States or relevant regional fisheries management organizations to effectively combat IUU.

Prior to the FAO PSMA workshop for the Atlantic coast of Africa, held in Praia, Cabo Verde 20-24 July 2015, a questionnaire was circulated to get a better understanding of the existing conditions in the region in terms of number of foreign vessels entering into port, as well as the legislative, institutional and operational capacity to implement port State measures in these countries. In total, 15 questionnaires were returned, 12 countries indicated that they had ports used by foreign fishing vessels, and 3 countries indicated that they did not have ports used by foreign fishing vessels. Of those countries that have ports used by foreign fishing vessels, the types of vessels included long-liners, seiners, and trawlers, of numerous nationalities. The main purpose of port calls was for landing fish, followed by transshipment, refuelling, resupplying, maintenance, packaging and processing, as well as drydocking.

Of the 12 countries that have ports used by foreign fishing vessels, only one country indicated that it had denied vessels entry into port, while three countries indicated that vessels had been denied use of port after being granted entry. Reasons for denying the use of port included vessels entering port under false pretences, providing false documents, and vessels changing its name. Seven countries indicated that they have set levels of priorities for selecting foreign fishing vessels to inspect; explanations included that these were in line with obligations under a Regional Fishery Management Organization (RFMO), or that simply all vessels were inspected. Eleven of the twelve respondent countries indicated that there are standard operation procedures for inspections and they had a standard format for inspection reports.

The main constraints for effective port State measures included human capacity, interagency cooperation, inadequate information exchange and inadequate integration of other MCS tools. Regarding the existing legal conditions, the questionnaire responses generally indicated a legal framework which is in line with the implementation of the PSMA. For example, 10 of 12 countries indicated that their laws require both an advance request for permission to enter port and authorization for port entry. Nine countries indicated that their laws empower national authorities to deny a vessel entry into port and prohibit landings and transshipments if it was established that the catch was taken in manner which undermines the effectiveness of RFMO management measures. Additionally, more than 80 percent of countries indicated that their

laws and regulations provided for the denial of the use of port in various circumstances coherent with what is required in the provisions of the PSMA.

Of those three countries that indicated they do not have ports used by foreign vessels, all indicated that they have bilateral MCS arrangements to undertake port State measures on their license foreign fishing vessels and two of the three indicated that their country cooperates in the implementation of regional MCS tools that support port State measures, such as regional observer programmes, surveillance activities and VMS. These countries indicated lack of awareness, inadequate infrastructure, financial constraints and lack of knowledge on implementation as the main constraints for adopting a regional arrangement on port State measures.

CHALLENGES FACED

In general, the African coastal countries of the Atlantic face a number of challenges. This region includes a number of ports which allow entry and use of port for international vessels. The level of IUU fishing is considered some of the highest in the world. In this regard, this region faces challenges to address IUU fishing in terms of responsibilities of its member countries as coastal, flag and port States, and as well in terms the challenges faced by and the responsibilities of the relevant Regional Fishery Body (RFB) or RFMOs¹. At the FAO PSMA workshop held in Praia, Cabo Verde, (20-24 July 2015), a number of challenges were highlighted, in terms of legal, institutional and capacity building, operational and regional cooperation. These are highlighted below, and also include a number of challenges raised at other recently held workshops on addressing IUU in the region.

Policy

As regards policies development, a major difficulties is the lack of quantitative assessment of the impacts of IUU fishing activities on the economy of coastal States in order to better raise awareness of decision makers, inform policy making process, and better arouse the political will in order to better invest in the fight against this scourge. However, and despite this gap of information, IUU fishing is considered in fisheries policies in CEEAF countries as major constraints/threats for the sector development. The low efficiency of MSC policies against IUU are often underlined and the need to better align a MSC policies (National and Regional Plans of Surveillance) with specific fisheries management objectives is also recognized. A better efficiency in combatting IUU requests also a better integration among various policies in charge of the management of vessels activities at sea, and maritime surveillance in general.

Legal

The legal challenges in the CEEAF area in terms of combatting IUU fishing are focused on two areas: 1) lack of adaptation and integration of measures (including port State measures) into national laws in order to effectively implement these measures (e.g.; VMS, logbook, sea observers), and 2) need to harmonize laws at the regional level, or have a regional agreement between States in the fight against IUU fishing. Particular challenges include that it is not clear whether the current legislation is sufficient to implement global instruments to combat IUU

¹ Some RFBs have an advisory mandate and these bodies provide advice and coordinate decision that are not binding on members, while others RFBs, called RFMOs, have a management mandate to adopt fisheries conservation and management measure that are binding on members.

and other MCS tools, and if they are not, then the challenge is on the difficulty in revising the legislative framework on fisheries management. Additionally, it has been noted by countries in the region that without a legislation to ensure communication and information sharing, transparency could be limited.

Operational

The African coastal countries of the Atlantic face a number of operational challenges. These include the need to better adapt the institutional and organisational frameworks in order to be able to conduct and coordinate operational MSC activities and to improve cooperation between the Agencies within the Port. In many cases, there do not exist the needed procedures and identified responsibilities for coordination and communication among government agencies to prevent IUU fishing behaviour. Additionally, it was noted that challenges include the need for a single data center recording foreign vessels, standardized checklist, lack of inspectors and sea observers training, lack of resources for inspections, surveillance means, radar, internet, power. In terms of operational issues at the regional level, challenges such as lack of cooperation, lack of exchange of information between coastal, flag and port States was highlighted. The need for the harmonization of procedures and the need for better compliance with international instruments, and regulations of ICAAT, RFBs etc was also highlighted as a challenge.

Institutional and Capacity Building

In terms of the main constraints at the institutional and capacity building level, a number is priority areas include: insufficient staffing in the MSC systems and inadequate training of stakeholders agents in the control of fishing activities, insufficient understanding of the PSMA and IUU at the needed levels of government, lack of coordination of the various administrations in charge of maritime space and lack of resources to implement the MCS system.. At the regional level, insufficient cooperation between States belonging to the same organization and between organizations was identified as a key challenge for the implementation of the PSMA, and for combatting IUU fishing overall.

Regional cooperation

Finally, there exist a number of constraints and challenges for combatting IUU fishing with specific regards to regional cooperation. These challenges include: a low level of coordination and harmonization of initiatives in the fight against IUU fishing, a limited level of information exchange, weakness of technical and financial capacity; low awareness of the impacts of IUU fishing, and limited implementation of relevant international instruments targeting the elimination of IUU fishing.

SUMMARY OF RECOMMENDATIONS ON IUU IN THE CECAF REGION

As a result of the numerous workshops and initiatives undertaken in the CECAF area specifically focused on IUU fishing, there are numerous recommendations that have emerged. Despite the large number of recommendations, clear themes across all of these emerge, with similar recommendations being elaborated each time.

Enhance legislation

- Work with international organizations and RFB/RFMOs to enhance fisheries legislations and ensure legislation is in line with existing international instruments to combat IUU fishing

Implement international instruments for fisheries management and IUU

- PSMA, Voluntary Guidelines on Flag State Performance, IPOA-IUU (national and regional level), MCS, 1993 Compliance Agreement

Reinforce regional cooperation and coordination

- National and regional level, national law enforcement agencies, fisheries authorities, coast guards, customs, port authorities
- Coordinate with FCWC, COREP, COMHAFAT/ATLAFCO, SRFC, ICCAT, INTERPOL, Fish-i Africa, Stop Illegal Fishing, EU, State and non-State actors
- Establish regional arrangement for implementation of PSMA, MCS and other instruments to combat IUU fishing
- Enhance effectiveness of and strengthen RFMOs/RFBs for fisheries management, implementation of instruments and enforcement of regulations

Enhance information sharing

- Encourage information sharing among countries bilaterally and through RFB/RFMOs in the region
- Engage with different international stakeholders to help avoid duplication of efforts

Enhance national and regional capacity to implement global instruments and MCS

- Ensure harmonized training for inspectors at the regional level and the development of harmonized operational procedures for implementing the PSMA
- Enhance institutional and technical capacity to implement MCS

CONSIDERATIONS FOR CECAF

The CECAF area, as outline above, benefits from numerous initiatives with the objective to eliminate IUU fishing. These initiatives are extremely innovative, and some countries may be benefiting more than others in terms of their effectiveness. Each initiative calls for increased regional cooperation to avoid duplication of efforts and a role for CECAF could emerge as an RFB which holds many of the initiatives within its convention area. Coordination with the other RFB/RFMOs and COMHAFAT/ATLAFCO to ensure that CECAF countries benefit from and build on these existing ongoing initiatives could be a starting point for CECAF to effectively engage in IUU fishing as part of its activities. The work that has already been undertaken by other regional organizations, and which some of the member countries of CECAF have already benefited can be shared at the CECAF level, to ensure that best practices and lessons learnt are transferred to the entire CECAF constituency. Additionally, demonstrating and initial interest in the implementation international instruments by CECAF countries may open the way for increased external support to build capacity at the regional level and effectively implement these instruments in the future.

ACTIONS REQUESTED BY THE COMMITTEE

The Committee is requested to:

1. Consider how to formulate a regional approach to tackling IUU in the CECAF area
2. Discuss how to better coordinate with regional organizations in their initiatives to combat IUU along the Atlantic coast of Africa