

The Seafish guide to Illegal, Unreported and Unregulated fishing (IUU)

Introduction

In a series of guides covering topical issues affecting the UK fishing industry, Seafish looks at the issues surrounding IUU fishing, the global scale of the problem, its impact on the UK fishing sector and initiatives to prevent it.

There are other Seafish guides on related topics including sustainability, responsible sourcing, discards, Marine Protected Areas, the Responsible Fishing Scheme and bottom trawling.

The size of the problem

On a global scale IUU is a big problem but one which is very difficult to measure its exact extent. It can occur in virtually all fisheries from shallow coastal waters to the deep oceans. It is a major issue in some areas, especially in lesser developed countries without fisheries management capacity, where it can undermine local markets and damage local fisheries.

Accurate data on the scope and scale of IUU fishing is hard to come by as it is in essence a clandestine activity. An EU presentation in March

2009 estimates that IUU amounts to approximately €10 billion every year worldwide (Oceanic development study 2007). By comparison, legal landings by the EU fleet in 2004 were worth €6.8 billion. IUU fishing represents 19% of the worldwide reported value of catches (Oceanic development study 2007), and developing countries pay a particularly high price. For instance, IUU fishing represents more than 50% of the value of catches for certain Sub Saharan African countries (MRAG study 2005).

IUU fishing anywhere undermines markets and prices for fishermen operating legally. It is unacceptable and damages the reputation of the industry as a whole.

WHAT IS IUU FISHING?

IUU encompasses unauthorised fishing and all fishing activities that are a serious breach of national, regional or international rules.

Illegal fishing vessels operate in violation of the laws of a fishery. This includes fishing out of season; harvesting prohibited species; using banned fishing gear; catching more than the set quota and fishing without a licence.

Unreported fishing is fishing that has been unreported or misreported to the relevant national authority or regional fisheries management organisation.

Unregulated fishing applies to fishing conducted by vessels without nationality or flying a flag of convenience, or flying the flag of a State that is not party to the regional organisation governing that particular fishing region or species. It also relates to fishing in areas, or for fish stocks, where there is a lack of detailed knowledge or conservation or management measures in place. This is not intended to include data deficient fisheries.

Why and how IUU occurs

The obvious economic benefits are the prime reason for IUU. IUU fishing substantially minimises the operating costs for vessel owners who can avoid paying for licences, onboard observers, vessel monitoring systems or catch documentation systems and ignore quota levels, enter closed fishing areas, use non-approved tackle and catch undersized fish. In many areas IUU fleets specifically target commercially valuable species.

IUU is able to take place because of shortcomings in national and international controls, which allow the practice to take place. These include:

Flags of Convenience

A loophole in international law allows the issuing of 'Flags of Convenience'. A flag of convenience ship is one that flies the flag of a country, other than its country of ownership, which makes it virtually impossible for unscrupulous ship owners to be caught and punished for illegal fishing. Under existing laws governing the High Seas, the law of the flag state – the country in which a vessel is registered – applies. So if a country either hasn't signed up to fishing agreements or doesn't enforce them, then vessels flagged to that country are able to fish illegally at will. Further loopholes exist because of the need to clarify the 'genuine link' between the owner of a vessel and its

chosen flag of registration. Flag-hopping is a further issue – in certain flag states vessels can be registered in as little as 24 hours, with little or no checks on their activities, meaning vessels can easily swap from one flag state to another.

Insufficient monitoring at sea

IUU fishing can thrive in areas where monitoring, control and surveillance activities (patrol boats, surveillance aircraft, satellite monitoring, onboard observers, etc) are insufficient. In many developing states a lack of available resources, combined with large areas to police and high costs of enforcement mean that fishing vessels can operate with impunity. Monitoring is also very difficult on the High Seas (the waters beyond 200 miles from the coast) due to the huge areas and costs involved.

At-sea trans-shipment

Another way in which IUU fishing can remain undetected is by vessels transshipping their catch at sea. Large vessels can remain at sea for months at a time, refuelling, re-supplying and rotating their crews. By transferring their catches onto transport ships (reefers) IUU fishing vessels can avoid entering ports with their illegally caught fish. Moreover, the illegally caught fish is laundered by mixing with legally caught fish onboard transport vessels.

Ports of Convenience

All fishing vessels must at some point visit a port to land their catch, refuel and take on provisions, and IUU vessels are no exception. Regulating access to port facilities can therefore be a highly effective way of controlling IUU fishing. However, certain ports fail to do so and the existence of such 'Ports of Convenience' is seen as one of the major reasons that IUU fishing continues to occur. There are Ports which provide services to IUU fleets operating off the coast of West Africa, and serve as a gateway through which illegally caught fish can enter onto the EU market.

Penalties

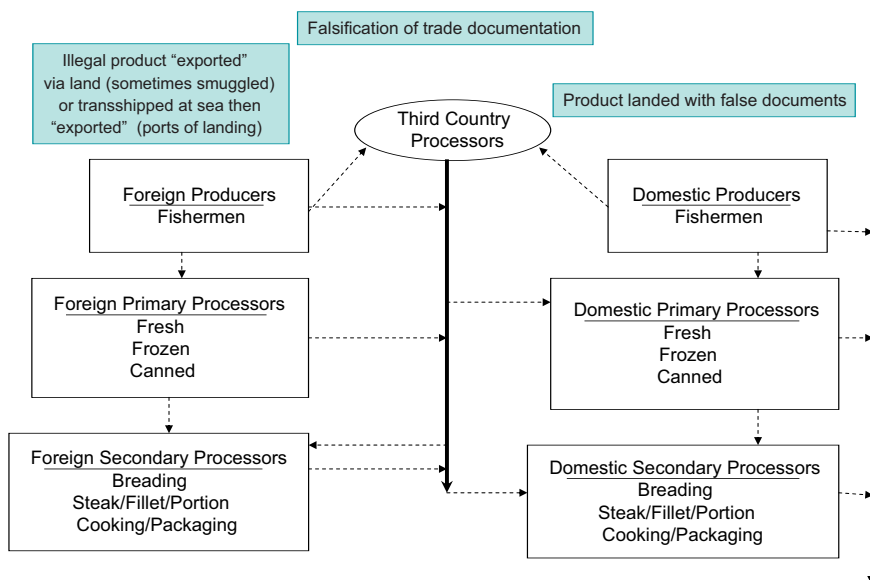
Even in the unlikely event that a vessel is caught engaging in IUU activities the penalties faced by the crew, captain and vessel owner are often too small to act as an effective disincentive, and are therefore seen simply as a cost of doing business. Also penalties vary hugely between Member States.

The impact of IUU fishing

There is no doubt that IUU fishing has disastrous worldwide environmental and socio-economic impacts. Environmentally it constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources and marine biodiversity. IUU causes the depletion of fish stocks and future stock growth and damages the marine environment by overfishing and using irresponsible fishing practices and techniques.

On a socio-economic level the depletion of fish stocks reduces the size of catches which in turn contributes to lower turnover and eventually job losses. It contributes to unfair competition among those operators who abide by the rules and those who do not, and it causes serious overall consequences for coastal communities and in particular those in developing countries who rely to a large extent on fisheries.

Entry of Illegal Fish into Supply Chain



The fight against IUU fishing

The need to combat IUU fishing and related activities is high on the international fisheries agenda. The incidence of IUU fishing is increasing in many areas and this undermines national and regional efforts to manage fisheries sustainably.

The key to detecting and preventing IUU fishing is for governments and regional fishery management organisations to work together to identify boats and determine where suspected IUU vessels are fishing, what they are catching, who is benefiting, and how fish product is moving in the global marketplace. Ultimately, fish needs to be tracked from harvest to consumption. It must also be determined where IUU fish product is co-mingled with legitimate fish product.

There is international consensus to establish better traceability systems and reduce the economic incentive to illegally fish through preventing access to the market. Efforts to combat IUU fishing focus on blocking fish from entering international trade, thereby depriving IUU fishers of financial reward.

Measures adopted at international and EU level

The European Community has been involved in the fight against IUU fishing for over a decade. Whilst measures have been adopted at regional and international level, and by the Regional Fisheries Management Organisations (RFMOs) these have

not been sufficient to fight IUU fishing and EU has intensified its activities.

Progress of new IUU Regulation

A new EU Regulation is due to come into force in January 2010.

2002: Adoption of Commission's IUU Action Plan – inspired by the FAOs International Plan of Action to prevent, deter and eliminate IUU fishing (2001).

2007: The Commission launched a public consultation. This resulted in a Proposal for an IUU Regulation 'to prevent, deter and eliminate IUU fishing.' This was adopted by the European Commission in October 2007. This far-reaching Regulation hinges on reducing profits for IUU fishers and their collaborators. This requires flag states to certify that all imported fish has been harvested in a legal manner and imposes sanctions on flag states that do not meet their international obligations. A catch certification scheme to improve traceability of all fishery products traded is an essential part of the Regulation. EU vessels, or any non-EU vessel trying to land a catch at an EU port will be hit with a maximum fine of five times the market value of the catch.

2008: The Proposal reached a unanimous political agreement on 24 June 2008. The Council Regulation (EC) No 1005/2008 was adopted by the Council on 29 September 2008.

1 January 2010: Entry into force of IUU Regulation No 1005/2008 (O.J. E.U L 286 of 29 October 2008).

The Regulation is a transparent and non-discriminatory instrument which seeks to prevent, deter and eliminate fishery products derived from IUU activities (and thus fails to comply with conservation and management measures) to be traded to/from the Community.

Other initiatives

Blacklists and whitelists

The purpose of blacklists is to publicly expose irresponsible fishing operators. A database of fishing vessels and companies engaged in IUU fishing can be found on the Greenpeace website. The Official Blacklist is derived from publicly available official registries of IUU vessels and companies, such as regional fisheries management organisations. In addition the Greenpeace blacklist records vessels engaging in IUU activities, but not yet blacklisted by an official body. There are also whitelists. Since 2003 CCSBT (Conservation of Southern Bluefin Tuna) has adopted a whitelist, or positive list, of fishing vessels authorised to fish southern bluefin tuna.

Port State measures

On 3 February 2009 FAO reported significant progress had been made on negotiating an international agreement on Port State measures aimed at closing ports to ships involved in IUU fishing. 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.

Global Network to Stop IUU Fishing

The International Monitoring, Control, and Surveillance (MCS) Network is an association of over 40 nations working together to combat IUU fishing throughout the world.

Common control procedure

AIPCE-CEP which represents the EU Fish Processors and Traders Association has approved a Common control procedure. This sets a standard for traceability and record keeping for goods delivery, fishing and transport vessels, port registration, control documentation, import control procedures and purchase of finished products.

U.S. to deny entry to ports for nations engaged in IUU fishing

In January 2009 the National Oceanic and Atmospheric Administration (NOAA) submitted its first-ever report to Congress identifying six nations whose fishing vessels were engaged in IUU fishing in 2007 or 2008. If a nation is found to be engaged in IUU fishing, that nation's vessels may be denied entry into U.S. ports and imports of certain seafood products from that nation may be prohibited.

What is happening in the UK

Defra strongly believes "that the world's oceans should be managed sustainably, not ruthlessly and unsustainably exploited, often at the expense of local fishermen".

Fishing is well controlled in UK waters where there are strict regulations in place. Whilst fishing within the EU is strictly controlled IUU fishing still directly affects the UK. The European Community is a valuable target for IUU operators because it is the largest importer of fishery products in the world, it imports high value products, it is one of the main producers and exporters worldwide and has many trading partners on all continents.

Defra is actively involved in initiatives to stop IUU fishing:

Registration of Buyers and Sellers Regulations 2005

New legislation was introduced in the UK in 2005 to improve the monitoring and control of fish and shellfish landed in the UK. Buyers and sellers of first-sale fish and shellfish landed into the UK must register with the fisheries department in the country where they buy or sell. Any fish market which sells first sale fish and shellfish must also be registered as a 'designated market'. (First sale fish is fish landed from a fishing vessel which is being sold for the first time.)

High Seas Task Force

The then UK Fisheries Minister Ben Bradshaw, led the international ministerial High Seas Task Force (HSTF) on IUU fishing. Other members included Ministers from Australia, Canada, Chile, Namibia and New Zealand as well as international non-governmental organisations (NGOs) like World Wildlife Federation International (WWF), the Earth Institute, IUCN-World Conservation Union and the Marine Stewardship Council (MSC).

Closing the net

This resulted in a report, Closing the Net, which was published in March 2006. The report contained nine recommendations to help uncover and discourage IUU fishing and improve enforcement action against the culprits.

International Coordination Unit

The UK is working with other countries to coordinate action to improve international monitoring, control and vessel data and to assist developing countries take action. An International Coordination Unit, a joint initiative between DFID (Department for International Development) and Defra, was set up to develop an Action Plan to implement the Task Force proposals. This was published in May 2006.

SOURCES

www.illegal-fishing.info
www.high-seas.org
www.stopillegalfishing.com
www.defra.gov.uk/marine/fisheries/conservation/iuu-regulation.htm
http://ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing_en.htm
http://ec.europa.eu/fisheries/cfp/external_relations/illegal_fishing/pdf/presentation_march2009_en.pdf
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:286:0001:0032:EN:PDF>
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www.neafc.org/measures
<http://www.fao.org/docrep/011/i0250e/i0250e00.htm>
<http://blacklist.greenpeace.org/home>
For more information see the Seafish IUU web page:
www.seafish.org/b2b/subject.asp?p=349

Seafish: who we are

Seafish, the authority on seafood, was founded in 1981 by an act of parliament and supports the UK seafood industry for a sustainable, profitable future. Our services range from research and development, economic consulting, market research and training through to account management and legislative advice for the seafood industry.

The next steps

While numerous measures designed to ensure control of fishing activities at sea are in place at EU level and within RFMOs, the main shortcoming of the current EU regime is that there has not been enough control to guarantee fisheries products from third countries imported into the EU have been caught in compliance with management and conservation rules.

The measures contained in the new IUU Regulation should effectively close EU doors to illegal fisheries products and vessels, and reduce the economic incentives for IUU operators to harvest and trade illicit fisheries products.

The EU is not alone in taking this approach. There is a growing international consensus on the need to adopt a comprehensive approach to IUU activities. Many RFMOs have adopted comprehensive control schemes (see NEAFC), or considerably strengthened their port state control schemes (for example, the new multi-annual management plan for Eastern bluefin tuna agreed by ICCAT in November 2006). It is clear that stronger control systems, which cover the whole chain from net to plate, will in future be the standard.

The next step for the UK is to pave the way for implementation of the new IUU Regulation. Defra published an Information Note in July 2009 which sets out the requirements of the regulation and the approach being taken in the UK to implement it. See:
<http://www.defra.gov.uk/marine/pdf/fisheries/iuu-infonote.pdf>

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