The Pan-African Fisheries and Aquaculture Policy Framework and Reform Strategy: How to Stop Illegal Fishing in Africa

Options for Actions to Ensure Change at Regional and International Levels

NEPAD
TRANSFORMING AFRICA

AFRICAN UNION
INTERAFRICAN BUREAU
FOR ANIMAL RESOURCES

Executive Summary

As fish stocks decline and the demand for fish and seafood increases, illegal fishing and the trade of illegal fish is an attractive option for some operators. The main reason for this in commercial fisheries is to minimize operating costs in order to increase profits.

Developing countries are attractive areas for illegal fishing because they often: lack the capacity and resources to monitor their waters, have relatively unregulated labour markets, minimal controls on working conditions, operate tax havens or confidentiality of banking systems that facilitate the operation of 'shell companies', and provide opportunities for bribery and corruption – all of these attract, encourage and facilitate illegal fishing.

In recent years, despite significant challenges, African countries have demonstrated that through working together in regional and pan-African groups and through international cooperating they can make a difference in the fight to stop illegal fishing. Some examples include (i) African experiences and evidence incorporated into international processes, such as Food and Agriculture Organization (FAO) Ports State Measures Agreement (PSMA) negotiations and the FAO Committee on Fisheries (COFI) in respect to issues of illegal fishing.

At regional level, many African countries have engaged among themselves to develop and implement regional policies to address llegal, Unreported and Unregulated (IUU|) fishing.

Sustainable networks have been developed to facilitate cooperation, notably the Stop Illegal Fishing, a Policy Working Group of the NEPAD Agency, is supporting cooperation among countries.

Strengthened engagement in compliance committees in such Regional Bodies, as Regional Fisheries Management Organisations (RFMO), Regional Fisheries Bodies (RFB) or other shared water body Commissions have Compliance Committees.

Countries should build on these successes in order to improve sharing of information, publicising cases and demonstrating success.

Background and Introduction

As fish stocks decline and the demand for fish and seafood increases, illegal fishing and the trade of illegal fish is an attractive option for some operators. The main reason for this in commercial fisheries is to minimize operating costs in order to increase profits. This is done through activities such as: fishing without paying for a license, wrongfully reporting catch or not reporting it at all or not complying with management measures related to gear, fishing effort or by-catch levels. These requirements that are normal in most commercial fisheries and are intended to ensure sustainable fisheries often add extra costs to fishing activities or they may reduce the efficiency of fishing, something that illegal operators try to avoid. In addition to this, some of the worst culprits also avoid labour, safety and health regulations in order to reduce costs still further.

Developing countries are attractive areas for illegal fishing because they often: lack the capacity and resources to monitor their waters, have relatively unregulated labour markets, minimal controls on working conditions, operate tax havens or confidentiality of banking systems that facilitate the operation of 'shell companies', and provide opportunities for bribery and corruption – all of these attract, encourage and facilitate illegal fishing. In response to this Stop Illegal Fishing, a working group of the NEPAD has been working with countries and international partners since 2006 to identify viable solutions for Africa to overcome this plague. This Policy Brief presents some of the evidence and recommendations that have emerged from this work in respect to regional and international solutions for illegal fishing, while a second Policy Brief covers issues and recommendations related to national solutions.

Problem Statement

In the last years, many African governments have worked to improve their fisheries governance and to stop illegal, Unreported and Unregulated (IUU) fishing, often simply called illegal fishing, in their waters. However, it is still estimated that at least one in four fish caught in Africa is caught illegally and that due to this over one billion US dollars is lost in potential revenue each year. One of the challenges that is becoming increasing evident, is that certain types of commercial illegal fishing cannot be tackled by individual governments; it is a global or regional challenge both in respect to the impacts and the solutions. An example would be that often those benefiting from illegal fishing live on the other side of the world to where the illegal fishing takes place, their vessels roam the oceans, flying flags that bear no relationship to the ownership of the vessel or where the vessel fishes, their crews will often be from one continent while they fish illegally in another and the catch is then transported to multiple global destinations. The FAO reports that 25 % of fish caught in the high seas or in coastal States 200 nautical mile wide Exclusive Economic Zone's (EEZ's) is reported to be caught by distant water fishing fleets, thus demonstrating the need for national agencies to cooperate with their neighbouring countries, vessel flag States, the market States and port States to find and apply lasting solutions.

Evidence

In recent years, despite significant challenges, African countries have demonstrated that through working together in regional and pan-African groups and through cooperating with international countries and partners they can make a difference in the fight to stop illegal fishing. Some examples include:

African experiences and evidence incorporated into international processes – African countries have been working together for some years to influence international processes, such as the FAO Ports State Measures Agreement (PSMA) negotiations[2] and the FAO Committee on Fisheries (COFI) in respect to issues of illegal fishing. African experts have contributed to the formulation of positions through the preparation of position papers and attendance at pre-negotiation meetings to consolidate positions. This has ensured that processes embrace the practical issues that Africa faces while also increasing awareness about issues and spurring commitment. For example, in respect to the PSMA, seven African countries signed the Agreement and the Seychelles acceded to it in 2013. CAMFA II offers an opportunity for strengthening the mandate and mechanisms for the African Voice to Stop Illegal Fishing.

Regional policies to address IUU fishing – there have been several regional declarations or commitments against IUU fishing in the last decade, with some being successful and others achieving less. The 2008 Southern African Development Community (SADC) Statement of Commitment on IUU fishing has been deemed one of the most successful, demonstrating that regional policy can underpin meaningful action when negotiated with the right players and following a well-informed process. The Statement encouraged a range of actions by SADC coastal States that resulted in among others: the FV Antillas Reefer being seized in July 2008 for fishing illegally in Mozambican waters; Namibia removing the FV Paloma V from its registry of vessels after it had been implicated in illegal fishing in New Zealand; in October 2008 Madagascar arrested a Senegalese fishing vessel, FV El Amine, for illegal fishing; and in March 2009 South Africa, Mozambique, Kenya and Tanzania participated in a joint patrol which led to the arrest of the FV Tawariq I for fishing illegally in Tanzanian waters[3].

Sustainable networks to facilitate cooperation – *Stop Illegal Fishing,* a working group of the NEPAD, is Africa's leading network in supporting cooperation between countries, offering technical support to governments and working with international partners to help reduce illegal fishing. To date the *Stop Illegal Fishing* Network has supported legal and administrative actions against more than fifty vessels fishing illegally in Africa, with sanctions of more than seven million US dollars being paid in fines or settlements. FISH-i Africa is a more specialised Task Force of seven Southeast African coastal states; that share information and intelligence to enable targeted enforcement action against illegal fishing operators. Since its launch in December 2012 FISH-i Africa has yielded many results including the case of the FV Premier that illustrated that effective pan-African cooperation and the application of regional frameworks are key to achieving positive outcomes in IUU fishing cases[4].

Strengthened engagement in compliance committees – some regional bodies, such as Regional Fisheries Management Organisations (RFMO), Regional Fisheries Bodies (RFB) or other shared water body Commissions have Compliance Committees (also known as Monitoring Control and Surveillance (MCS) Committees) to monitor compliance with, and provide accountability to management measures that the organisation has set or to provide guidance and advice on issues of MCS. Examples include the Compliance Committees of the tuna RFMOs, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Fisheries Committee for the West Central Gulf of Guinea (FCWC) and the mandated but yet to be formed, Benguela Current Commission (BCC). Some experiences have shown that African cooperation and engagement in these Committees has been weak and that better technical support is required to help improve this situation.

Access to information, publicising cases and demonstrating success – are all elements that have supported countries to implement successful MCS. Access to information is often via the internet and making information public on the web has proved to increase transparency and support operational work, for example the Stop Illegal Fishing website in cooperation with the Trygg Mat Foundation hosts a combined IUU fishing vessel list that provides relatively easy access to information on vessels that have been listed by RFMOs for IUU fishing. This simple tool provides updated readily available information to anyone, and it has been used in risk assessment of vessels applying for registration (flagging), licences or port visits. Communicating cases and success has proved to be an effective tool when cases against IUU suspected operators are underway to promote the successful conclusion. This method keeps cases in the public eye, encourages diplomatic and other support and puts pressure on illegal companies to conclude cases and pay their fines.

Regional and international partnerships and cooperation – have been a key aspect of many of the successful actions against IUU fishing. Examples include in the case of the arrest of the FV Antillas Reefer[5] in Mozambique and the FV Tawariq 1[6] in Tanzania where inter-agency and international cooperation groups were established to strategize and coordinate on approaches. The experience of the FV Antillas Reefer demonstrated that international cooperation should happen as soon as possible to ensure that evidence and facts are secured and that an exchange of information is undertaken to ensure transparency. Both cases demonstrated the need for improved cooperation with flag States. Interpol's fishery project – Project Scale – is a relatively new initiative to detect, suppress and combat fisheries crime, FISH-i Africa countries have been interacting with the Project to look at options for them to bring fisheries cases under the spot light of an Interpol investigation into possible criminal activity, including fraud, tax evasion, or other corporate crime. The International MCS Network have also been cooperating with Africa, a highlight in this in 2011 was the hosting of the Third Global Fisheries Enforcement Training Workshop in Maputo, Mozambique that brought together over 200 international and African MCS experts.

Implications and Policy Recommendations

Through these and other practical experiences by African countries the following policy recommendations have been distilled:

Strengthen regional and international frameworks for cooperation:

- Develop and implement regional policies on combating IUU fishing that promote transparency, accountability, common agendas, the joining of forces and links to global frameworks and best practise.

- Ratify or accede to – and implement regional and international agreements on fishery related issues connected to fighting IUU fishing.

- Establish a coherent African Voice in international processes on illegal fishing based on African experiences and needs.

- Harmonize national legislation across regions to strengthen actions against IUU fishing, such as Lacey Act type provisions and penalties to strengthen regionally coordinated enforcement actions.

- Cooperate with market States to improve the implementation of appropriate market measures that promote access of legal African fish into foreign markets.

- Develop regional minimum terms and conditions for allowing access to foreign vessels to regionally shared resources.

Building capacity and mechanisms to implement cooperation:

- Strengthen compliance committees within RFMOs and other regional bodies with stronger mandates and powers and encourage African cooperation in these committees.

- Develop and maintain or strengthen regional MCS Centers, Task Forces and Networks to support MCS cooperation, the sharing of information, expertise and resources, such as the SADC MCS Centre, Stop Illegal Fishing and FISH-i Africa, including adequate funding.

- Establish and support equitable mechanisms to facilitate international collaboration and information exchange, including between coastal, flag, port and market States and specifically between fishery, police, customs, ports, immigration and tax authorities in relation to evidence gathering, arrests and prosecutions in fishery cases.

- Continue to provide open access to the consolidated IUU fishing vessel list and incorporate greater intelligence information, build national level capacity of fisheries officers to utilise this resource.

- Establish fisheries species lists for regionally traded species and establish regional traceability/labelling systems to promote use of catch documentation schemes linking coastal, flag and market states.

- Support the implementation of port State measures and flag State responsibility consistently in all African ports and countries including the promotion of a unique identifier for all fishing vessels.

- Grow Africa's leading IUU fishing network and website www.stopillegalfishing.org to increase awareness, as a portal for sharing information and as a means to publicise successful cases.

Conclusion

Building on the recommendation of the first CAMFA – that MCS systems and regional cooperation should be strengthened and that urgent actions at national and regional levels are required to deter and eradicate IUU fishing – and integrating evidence gained in the last years by African countries, Stop Illegal Fishing believes that greater pan-African cooperation and partnership with international players is vital in the fight against illegal fishing. Thus, all players involved in the fight against illegal fishing in Africa are encouraged to collaborate to implement the recommendations provided above and to develop sustainable mechanisms to support this cooperation.

Endnotes

1.   Stop Illegal Fishing Case Study 1 – Forming an African Voice in international fisheries negotiations. June 2010

2.   Stop Illegal Fishing Case Study 1 – Forming an African Voice in international fisheries negotiations. June 2010

3.   Stop Illegal Fishing Case Study 6 – A regional policy that drove change – the billion dollar treasure hunt. July 2013

4.   Stop Illegal Fishing Case Study 7 – African unites and illegal fishing industry pays. July 2013

5.   Stop Illegal Fishing Case Study 4 – Capture of the Antillas Reefer – and its successful confiscation. February 2011

6.   Stop Illegal Fishing Case Study 8 – Regional and international cooperation supports the prosecution of Tawariq 1. December 2013