

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 NATIONAL LEVEL





## Executive Summary



The low chance of detection of illegal activity has fuelled a thriving market in illegal fishery products; at least one out of every four fish caught in Africa is caught illegally.



Only through its eradication can countries enjoy the full benefits available from their fishery resource.



Despite these challenges, African countries have demonstrated that they can stop illegal fishing and take control of their inland, coastal, and off-shore waters. Some examples of these successes are (i) Community surveillance; (ii) Increasing deterrence through successful prosecutions; (iii) Strengthening national level inter-agency cooperation; (iv) Trade, market and consumer initiatives assist to tighten controls; and (v) Strengthening court systems.



In addition to building on these successes, there is a need to building capacity across the continent to implement the Food and Agriculture Organization (FAO) Port State Measures Agreement.



Where possible at sea observers should be capacitated to strengthen cross-checking of fishing vessels.



African countries should strengthen their fisheries governance frameworks, in order to deter and stop illegal fishing, and these may include ratification or accession to international and regional fishery agreements; and resolutions as well as implementation of these into domestic legislation to facilitate national actions against Illegal, Unreported and Unregulated (IUU) fishing operators.

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## Background and introduction

Global decline in fish stocks, the increasing demand for fish and seafood and the low chance of detecting illegal activity has fueled a thriving market in illegal fishery products. At least one out of every four fish caught in Africa is caught illegally which threatens the sustainability of the resource that it exploits, the ecosystem that it relies on and it undermines the social and economic wellbeing of those legitimately dependent on the fisheries. Only through its eradication can countries enjoy the full benefits available from their fishery resources.

The true extent of the losses and damage from IUU fishing is not known, but estimates suggest that Africa loses over one billion USD a year of potential income due to IUU fishing. Illegal fishing is a complex web of actions and entities, ranging from organized crime that spans oceans and continents, to small-scale fishers that fish with dynamite and mosquito nets on inland lakes, rivers and coastal areas

African countries are some of the hardest hit by illegal fishing, vulnerable to the impact of diminishing fish stocks, targeted by foreign illegal vessels for fishing grounds and cheap labour, and often faced with issues such as unemployment, conflict and food insecurity – these countries struggle to find practical solutions and answers. In response to this, Stop Illegal Fishing, a working group of the New Partnership for Africa's Development (NEPAD) has been working with countries and international partners since 2006 to identify viable solutions to help Africa reduce the impacts of this plague. This policy brief presents some of the evidence and recommendations that have emerged from this work in respect to national solutions for illegal fishing. A second policy brief covers issues and recommendations related to regional and international cooperation.

## Problem Statement

IUU fishing, commonly referred to as illegal fishing, includes one or more of such as illegal catching, processing, landing, sale, distribution and marketing of fish and fishery products. High levels of illegal fishing are often linked to weak fisheries governance, resulting in fishers and those working in the fishery sector not playing by the rules. Illegal fishing may be driven by greed, need or ignorance – whichever the motive, a lack of understanding of the potential benefits of implementing a fair regulatory system hampers progress in overcoming illegal fishing, as a result regulations are often not implemented or if they are, violations of these regulations result in very low fines. Another problem is that those involved in the sector, whether fishers agents, traders, or business operators, are often removed from decision making processes leading to mistrust, lack of awareness and low levels of legitimacy for the rules and regulations that govern fishery activities. The human and institutional capacity and resources within governments are often inadequate to enable the development, planning and implementation of viable Monitoring, Control and Surveillance (MCS) solutions, while low levels of integration and cross-checking from catching to consumption, also provide opportunities for illegal fishing operations to go unnoticed.

## Evidence

Despite these challenges African countries have demonstrated that they can stop illegal fishing and take control of their inland, coastal, and off-shore waters. Some examples of these successes are given below. More detail can be found on [www.stopillegalfishing.org](http://www.stopillegalfishing.org):



**Community surveillance** – Sierra Leone and Guinea have successfully facilitated cooperation and exchange between communities and national administrations in relation to evidence gathering for illegal fishing. In the Sherbo River region of Sierra Leone incursions by industrial fishing vessels into the inshore zone where fishing is reserved for small-scale fishers, were reduced from 32 to 4 within one year of the community monitoring programme starting up. This cost effective system where local fishers report to the fishery administration any illegal fishing vessels resulted in fewer accidents at sea and less damage to gear, making fishing safer for local fishers. In less than six months Sierra Leone generated over 300,000 USD of fines based on evidence gathered by the communities<sup>1</sup>.



**Increasing deterrence through successful prosecutions** – the cases of the fishing vessels Antillas Reefer<sup>2</sup> in Mozambique, Tawariq I<sup>3</sup> in Tanzania, and Premier<sup>4</sup> in Liberia provide three different examples of how countries overcame challenges and successfully brought to justice those caught fishing illegally in their waters. These cases demonstrated the difficulty that countries face in; following arrests through to successful prosecutions; the long time it took – several years in each case; the need for political and technical support; and the challenging situation that individual enforcement officers and their managers were placed in to persevere and overcome the many obstacles. The need for strong legal frameworks and the value of international and Regional Fisheries Management Organization (RFMO) fishery agreements and resolutions were also demonstrated as was the value of media as a tool to support cases through awareness, transparency and recognition.



**Strengthening national level inter-agency cooperation** – Sierra Leone and Liberia have successfully implemented inter-agency committees formed by various government administrations and departments to facilitate the sharing and cross-checking of information and to provide mutual support. The committees have facilitated improved due diligence checks, for example in respect to registering (flagging) or licensing fishing, supply or transport vessels. Clear procedures and defined roles have improved transparency and strengthened legitimacy, enabling better communication with flag states of foreign fishing vessels resulting in reduced corruption, fraud, money laundering and tax evasion related to fisheries crimes.



**Trade, market and consumer initiatives assist to tighten controls** – by establishing coherent catch traceability systems and labelling to ensure market access for legal African fish, an example is that of the Southern African Sustainable Seafood Initiative (SASSI) that interlinks players along the seafood chain to create incentives for sustainable and legal seafood trading choices. This initiative brings together partners, with easy-to-use tools and an internationally accepted methodology to list good seafood choices for buyers, suppliers and consumers<sup>5</sup>. Other traceability schemes include those enforced by the market state such as the European Union (EU) regulation to prevent, deter and eliminate IUU fishing that requires flag states to demonstrate the legality of fish that they wish to export to the EU. However, evidence indicates that compliance to these regulations is complicated and that many verification procedures are simply rubber stamping catch certificates<sup>6</sup>.



**Strengthening court systems** – South Africa has provided an interesting example of environmental courts being used to help bring fisheries crimes to successful prosecution and to increase the level of deterrence through a high probability of conviction and severe punishment. The environmental courts demonstrated the value of sharing expertise and knowledge among prosecutors and law enforcement officers and educating prosecutors about the high gains that fisheries crimes provide and why high fines are required<sup>7</sup>. Evidence suggests that MCS is most effective when there are: sanctions for breaking rules, high likelihood of sanction being applied, high probability of being caught, and these are incorporated into the legal and management frameworks.



**Mixed results have been achieved with high technological options** – such as with vessel monitoring systems where many countries historically had non-functioning systems due mainly to problems with technical issues such as IT support and equipment maintenance. Early tests of cloud or remotely based systems look promising and require lower requirements in terms of in country technological expertise as well as offering the potential for regional sharing of information. Technology, via internet, has also provided the opportunity for countries to improve transparency, for example, through publishing their vessel licence and flag registration lists, licensing procedures, fisheries agreements and information on IUU fishing cases together with settlement agreements and court rulings. Liberia and Tanzania have used this to assist them in combatting fraud, and Liberia has implemented a complimentary fisheries telephone hotline.



**The value of plans and strategies** – in the last decade many African countries developed National Plans of Action on IUU fishing (NPOA-IUU) to assist them in fighting illegal fishing. To date it appears that implementation of these plans has been limited and they have not yielded the needed results. However, countries including Comoros, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Seychelles, Tanzania and Uganda are introducing the use of strategic tools such as compliance and risk assessments that assist them in developing strategies for adaptive monitoring and targeted surveillance making more efficient use of the resources that they have at hand.



**Building capacity** – is an on-going challenge across Africa and several useful approaches have been implemented, such as in Cote d'Ivoire, Mozambique, Senegal, Seychelles and Tanzania where a capacity needs assessments have been conducted to assess the capacity required to implement port state measures. This process helps to identify gaps in capacity for MCS and leads the way for capacity building plans. Meeting these gaps is another challenge and countries of Southeast Africa have been dealing with this through a shared training of trainers programme implemented through the Indian Ocean Commissions SmartFISH initiative and the Indian Ocean Tuna Commission.



**At sea observers to strengthen cross-checking** – Namibia, South Africa and Liberia are among the countries that have implemented at-sea observer programmes. These require trained personnel to join fishing vessels at sea to monitor activities in order to conduct cross-checking between vessel logbooks and catch reports, to confirm the accurate reporting of the gear used and to confirm the position of the vessel. Observers are also able to collect scientific information to feed into assessment models making them a cost-effective solution.

## Implications and Policy Recommendations

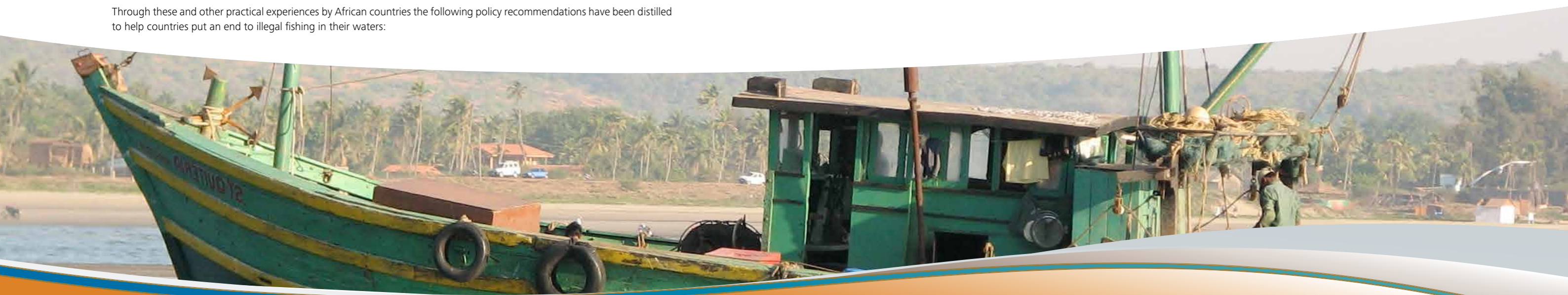
Through these and other practical experiences by African countries the following policy recommendations have been distilled to help countries put an end to illegal fishing in their waters:

### Strengthen the governance framework to deter and stop illegal fishing:

- Ratify or accede to international and regional fishery agreements and resolutions and implement these into domestic legislation to facilitate national actions against IUU fishing operators.
- Strengthen and formalize participation in governance processes by those engaged in fisheries and along the value chain to increase legitimacy and awareness of the rules and regulations.
- Ensure adequate and robust legislation to support prosecutions with strict penalties and custodial sentences and build capacity of qualified magistrates, prosecutors and judicial officers to understand the value of fisheries and the seriousness of fisheries related crimes.
- Make illegal fishing unprofitable by denying illegal operators access to fishing grounds and port services.
- Carry out assessments to identify gaps in implementing flag State responsibilities based on the FAO voluntary guidelines on flag state performance and take steps to fill these gaps such as closing open registries for fishing vessels.

### Build capacity to successfully apply low cost MCS:

- Facilitate targeted allocation of MCS resources by conducting fisheries risk assessments including assessing compliance levels and the impact of non-compliance.
- Assess the human and institutional capacity needed to implement different approaches to MCS, prepare and implement capacity building plans to strengthen this capacity.
- Facilitate for effective MCS by implementing smart technology and simple cost effective tools to improve effectiveness of MCS including various types of satellite monitoring, shared 'cloud' technology, observer programmes and community-based surveillance.
- Promote the use of catch documentation schemes and increase awareness of the rules and regulations among those working in the value chain in order to promote access to markets for legal African fish and fishery products.
- Establish national MCS funds that utilise fines gained from fishery prosecutions to be used to strengthen the MCS system.



### Increase cooperation and awareness to fight IUU fishing:

- Encourage voluntary compliance to rules and regulations through awareness campaigns and engagement of communities into management processes.
- Create awareness and understanding of the nature of as well as the impact of illegal fishing among senior public servants and politicians to increase will to implement viable MCS solutions and to prosecute violators.
- Increase transparency and access to information, publish vessel licence and registration lists, licensing procedures, fisheries agreements and information on IUU fishing cases and promote hotlines for tips on suspected IUU fishing activities.
- Strengthen national inter-agency cooperation to all stakeholders involved in ocean and river basin governance, e.g. coastguard, maritime security, immigration, health and sanitary, trade, and police and use this platform to increase transparency and awareness of decision making.
- Utilise media to increase awareness and as a tool to increase transparency and encourage positive incentives and results.

## Conclusion

Building on the recommendation of the first First Conference of African Ministers for Fisheries and Aquaculture (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 by assessing evidence gained by African countries, Stop Illegal Fishing concludes that; a well-coordinated and tailored approach that intertwines elements of strengthened governance with building MCS capacity and increased cooperation and awareness is the most appropriate way that countries can sustainably fight illegal fishing. It is essential for countries to implement solutions that are suited to the capacity and resources available and that advantage is taken of strategic planning tools and low cost and low technological options. All players involved in this fight are encouraged to collaborate to implement the recommendations provided above and to help countries to take control of their fisheries.

### Endnotes

Stop Illegal Fishing Case Study 5 – Community surveillance to protect small-scale fisheries. April 2012

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

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

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

Stop Illegal Fishing Case Study 3 – Sustainable seafood promoting change in the South African seafood chain. February 2011

Stop Illegal Fishing Case Study 9 – Market controls – the risk of non-compliance. January 2014

Stop Illegal Fishing Case Study 2 – Environmental courts prove to be effective. August 2010

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