

○ Cutting off outlets for illegal fishing



Illegal fishing accounts for 15 to 20% of catches worldwide, but for certain stocks in high demand on international markets, like tuna, Patagonian toothfish or cod, this can rise to over one third of catches.

Illegal, unreported and unregulated (IUU) fishing is a worldwide phenomenon. Both its huge scale, and the gravity of its environmental, economic and social consequences, are such that it is now a truly international problem. IUU fishing is a significant cause of depletion for fish stocks worldwide and undermines protection and recovery measures put in place to preserve stocks. The European Union is in the forefront of the global fight against this scourge, and wants to step up the means at its disposal to address the problem. Last October, the European Commission proposed new measures that seek to eliminate the main appeal of this activity: profits.

It is extremely difficult to measure the extent of illegal fishing owing to the nature of the activity. The few figures that are available are impressive, however. Serious estimates suggest that this illegal trade is worth somewhere between 3 and 10 billion euros a year globally. By comparison, legal landings by the Community fleet amounted to 6.8 billion euros in 2004. The United Nations Food and Agriculture Organisation (FAO) reports that illegal fishing accounts for up to 30% of total catches in certain important fisheries, and that catches of certain species could amount to three times the authorised quantity.

Serious consequences for the environment...

Illegal fishing disregards stock protection measures (fishing licences, closed zones, seasonal closures, total allowable catches, technical rules, restrictions on days at sea, etc.). As a result, it poses a serious threat to the sustainability of fisheries. According to the FAO, 25% of fish stocks are overexploited, a figure that rises to 66% for high seas species and straddling stocks, which are particularly vulnerable to illegal fishing. Certain species like bluefin tuna may even be in danger of extinction if illegal fishing is not brought to a halt. Tuna, cod, Patagonian toothfish, redfish and swordfish are subject to intensive illegal fishing due to their high commercial value.

Illegal fishing also causes damage to marine ecosystems due to its high level of by-catch (other fish, birds, tortoises, etc.). And, of course, illegal activity frequently occurs in zones which are otherwise off limits to fishermen in order to protect coral reefs, for example.

... and for livelihoods

As Manuel Liria-Franch of the FEOPE⁽¹⁾ explains, *'If you have one vessel fishing legally and another fishing illegally, they are competing for the same resources. Afterwards, they end up selling on the same market. And when measures have to be taken to protect resources, the legal operator will have to apply them, but not the illegal operator. So the competition is totally unfair at every step along the way.'*

In the short term, this unfair competition leads to smaller catches, lower income and the loss of jobs. In the long term, the repercussions are likely to be even more serious, as fish stocks are further undermined, or even exhausted.

Coastal communities in developing countries are directly hit by this phenomenon, particularly along the coasts of sub-Saharan Africa, where food security is often directly dependent on fishing.



These countries generally do not have the means to patrol their exclusive economic zone (EEZ), and illegal operators are quick to turn this situation to their advantage, (over)exploiting their waters and stripping them of vital resources.

At the same time, operators fishing illegally on the high seas often exploit their fishermen too, making them work for low pay in sub-standard living and working conditions, which sometimes border on slavery.

Years of struggle

The international community and the European Union (EU) have been fighting against such practices for a long time. In 2001, the FAO launched its International Plan of Action against Illegal, Unregulated and Unreported Fisheries. The United Nations General Assembly and the Organisation for Economic Cooperation and Development (OECD) have also addressed this problem.

The European Commission adopted a Community Action Plan for the eradication of IUU fishing in 2002⁽²⁾. The EU's action to date has resulted in stepped-up controls on fishing activity and the strengthening of Community legislation to establish the responsibility of the beneficiaries of illegal operations, notably the liability of Member State nationals, irrespective of the flag flown by the vessel used for their activities. The creation of the Community Fisheries Control Agency has also put new instruments in the hands of the EU.

This fight, however, often has to deal with activities carried out in international waters. Cooperation between the countries concerned is vital, in particular within the Regional Fisheries Management Organisations (RFMOs). That is why the EU has played a leading role in the adoption by RFMOs of measures to combat illegal fishing.

Most RFMOs have devised a whole range of measures in this area, including control and inspection programmes, the adoption of port state control, the mandatory use of satellite-based vessel monitoring systems, systems certifying respect for conservation measures for products placed on the market, black lists of vessels identified as being involved in IUU activities, and so forth.

These rules are then written into the laws of the partner states, and in particular into EU legislation.

A lucrative activity

The fact remains, however, that these measures have so far failed to achieve the objective of eradicating IUU fishing – first and foremost, because the activity is still so lucrative! Operators fishing illegally have lower operating costs. They do not have to comply with obligations relating to resource protection (controls, quotas,

investment in more selective gear, etc.). They are often registered in tax havens and pay only low taxes (or none at all) and minimal social security contributions.

Any penalties incurred, usually fines, are not enough of a deterrent and are often seen by fraudsters as a 'normal' operating cost. Since there is sustained strong demand for the species targeted (especially tuna, cod and Patagonian toothfish), selling prices and profits are high.

In addition, illegal operators have numerous methods for developing their activity, which are hard to combat. The best known method is to register a vessel in a country that cannot or will not exercise real control over the vessel's activities: this phenomenon is known as 'flags of convenience'. Vessels can be registered under such flags in only a few hours and at very little cost. Numerous vessels thus regularly change flags to find the most advantageous conditions – and more especially, to thwart the efforts by RFMOs, EU bodies and states to keep their black lists up to date.

Moreover, controlling such activities is inherently problematic: fraudulent operators carry out their activity in waters where inspections are difficult, such as the high seas or the exclusive economic zones of developing countries. It is impossible to have a network large enough to identify and penalise all pirate vessels.

Due to the large amounts of money at stake, illegal fishing is now a well-organised professional activity. Operators use a number of techniques to conceal the illegal origin of their catches: transshipments to different vessels, landing in ports of convenience or 'bulk' processing in a country that is not scrupulous in applying the relevant rules.

A new strategy

As long as illegal fishing remains profitable, and fish caught illegally can be landed and marketed, it will be extremely difficult to halt the phenomenon. That is why the European Commission is determined to put in place a new strategy to tackle the problem more effectively. A communication accompanied by a proposal for a regulation were presented in October 2007 to the Council of Ministers and European Parliament. An extensive public consultation was held during the development phase, so that the sector's comments and proposals could be taken into account.

The proposed new strategy adopts an overarching approach to the problem, and takes into account all the activities that offer an outlet for illegal fishing, whether it be transshipment, landing, processing or marketing. In other words, the idea is to deprive illegal fishing of commercial outlets and thus to hit fraudulent operators it will hurt them most: their purse.

(2) Community Action Plan for the eradication of illegal, unreported and unregulated fishing (COM (2002)180).



New control measures are needed to combat illegal fishing.

As a result, the Commission is proposing that all fishery products (including processed products) exported to the European Union must be certified by the flag state as having been caught legally. Proof of the legality of the catch must be provided by the flag state, and the port state may not authorise the entry of fishery products lacking such certification.

To prevent fraudulent operators from hiding behind flags of convenience, the proposed regulation will enable the EU to adopt retaliation measures against states in breach of international rules. These could be trade sanctions, a ban on access to European ports for vessels flying the flag of the country concerned or other measures.

The proposed measures also include raising the level of financial sanctions. Obviously these must be high enough to be dissuasive, which is not the case at the moment. Fines could also be accompanied by other sanctions, such as the confiscation of catches or vessels and/or the withdrawal of licences.

Other proposals provide for simplification of control and inspection rules, and stronger measures against EU nationals who participate in illegal activity. Further integration should also be pursued for the different facets of the EU's maritime policy: control, police, port surveillance, customs, trade, fisheries, etc.

International cooperation needs to be stepped up to improve the control and surveillance of IUU activities, particularly by improving cooperation between RFMOs. The Commission also proposes to strengthen the EU's partnership agreements with the developing countries to help them improve their infrastructures, monitoring means and the legal framework to combat illegal fishing.

In a context of strong market demand, over-capacity of numerous fleets, and increasingly scarce resources justifying measures by the public authorities to reduce fishing opportunities, illegal fishing represents a real danger. Measures to curb it need now to be taken to a new level, in the interest of honest fishermen, and to ensure the future of sustainable fisheries in our waters and in oceans worldwide.

What is meant by illegal fishing?

The exact term used by the international institutions is *illegal, unreported and unregulated (IUU) fishing*. This expression covers unauthorised fishing, and all fishing activities that are in breach of national, regional or international rules.

This can include vessels fishing illegally as well as those carrying out a legal activity that do not report all their catches. But it can also concern fishing activities in waters not covered by stock conservation measures due to a failure to lay down a framework by the state concerned (unregulated fishing). In waters where fish stocks are managed by a regional fisheries management organisation, unflagged vessels or those flying the flag of a state not party to the organisation are considered IUU vessels.