



WWF

RECOMMENDATIONS

OCTOBER

2019

SECURING THE FUTURE OF FISHERIES

Minimum measures
to effectively combat
IUU fishing



Robust fisheries management to secure sustainable seafood

Illegal, unreported and unregulated (IUU) fishing is a global problem that undermines efforts to achieve socially, economically and environmentally sustainable fisheries. IUU fishing depletes fish populations, jeopardises food security, destroys marine habitats, distorts competition, puts honest fishers at a market disadvantage and weakens coastal communities' economies, particularly in developing countries, as the collapse of fisheries jeopardises the livelihoods on those who depend on them¹.

The estimated global value of IUU fishing is as much as USD 23 billion annually.² Between 11 and 26 million tonnes of fish are caught illegally each year, which corresponds to at least 15% of total fish catches worldwide.³ As a result, resources, revenue, nutrition and livelihoods decline, posing serious challenges both at sea and on land. Developing countries are particularly vulnerable to IUU fishing, and weak governance has been shown to have a clear correlation with high levels of IUU fishing activities.⁴

Given the complexity of IUU fishing, combating it requires a host of measures that respond to various parts of the problem. Flag States, coastal States, port States and market States all have crucial roles to play to address IUU fishing. Together, they can help close the loopholes that allow IUU fishing to continue.

WWF has compiled the most important governance elements that must urgently be addressed to ensure a robust fisheries management system that is capable of effectively combatting IUU fishing.⁵ These elements are based on internationally agreed legal frameworks and best practices standards, and are presented as the minimum steps necessary for establishing comprehensive responses to IUU fishing activities.

The measures presented in this paper are fundamental to eliminating IUU fishing while simultaneously providing the building blocks for good fisheries management. Putting these measures in to effect will help to realise socio-economic and environmental benefits beyond IUU eradication, such as ensuring a fair and transparent fisheries system which is more likely to support healthy marine ecosystems, improved food security and profitability for the fishing sector.

These recommended actions will enable national fisheries authorities to assess how well their systems are poised to respond to the challenges of IUU fishing, and whether national systems are able to deliver on their international obligations as coastal, flag, port or market States.

It should be noted that the actions required to effectively combat IUU fishing may depend on the specific national context, such as the size and characteristics of a particular country's fishing fleet, Exclusive Economic Zone (EEZ), consumption patterns or processing industry.



Photo: © Jürgen Freund / WWF

1. Liddick, D., The dimensions of a transnational crime problem: the case of IUU fishing. Trends in Organized Crime. 2014
2. Agnew, D. et al., Estimating the worldwide extent of illegal fishing. PLoS ONE. 2009.
3. U.S. National Intelligence Council. Global Implications of Illegal, Unreported, and Unregulated (IUU) Fishing. NIC WP 2016-02. 2016
4. Pomeroy, R. et al., Drivers and impacts of fisheries scarcity, competition, and conflict on maritime security. Marine Policy. 2016
5. Broadly based on 2016 analysis of 20 carding decisions in: EJF et al., Improving performance in the fight against illegal, unreported and unregulated (IUU) fishing. The EU IUU Regulation carding process. A review of European Carding Decisions. 2016

Minimum measures to effectively combat IUU fishing

STRONG FOUNDATION LEGAL FRAMEWORK AND GOVERNANCE

Transposing international legal instruments

- 1 Ratify the main international treaties on sustainable fishing: the UN Convention on the Law of the Sea (UNCLOS), UN Fish Stocks Agreement (UNFSA), FAO Compliance Agreement and the FAO Port State Measures Agreement (PSMA). Ensure that the national legal framework is consistent with these and is fully implemented.
- 2 Ratify the IMO Cape Town Agreement and the International Labour Organization Work in Fishing Convention (C188).

Robust national fisheries management

- 1 Develop and implement a national plan of action on IUU fishing in line with the FAO's International Plan of Action to Prevent, Deter and Eliminate IUU Fishing.
- 2 Transpose applicable Conservation and Management Measures (CMMs) established by relevant Regional Fisheries Management Organisations (RFMOs) that the country is a member of into national legislation.
- 3 Establish a legal framework for the Monitoring, Control and Surveillance (MCS) of fishing activities and enforcement of those measures.
- 4 Ensure that the national legal framework establishes a system of deterrent sanctions for IUU fishing offences, including for nationals supporting, engaging in or profiting from IUU fishing. Information about sanctioned offences should be published.
- 5 Ensure that the national fisheries management system is aligned with the FAO ecosystem-based approach to fisheries.⁶
- 6 Ensure robust coordination between relevant government authorities, including local and national levels of government authorities, as well as inter-agency coordination between e.g. port, fisheries, customs and tax authorities (e.g. through publishing and sharing up to date lists of fishing licences, authorisations and vessel registries).

COASTAL STATES CMMs AND MCS

Conservation and Management Measures

- 1 Establish clear and transparent CMMs based on best available scientific advice from internationally recognised and peer-reviewed bodies, and consistent with international obligations.
- 2 Develop and implement a national fisheries management plan.

Monitoring, Control and Surveillance

- 1 Require vessels operating in the coastal State's EEZ to hold an authorisation/licence and establish a record of vessels authorised to fish; ideally, this record should be publicly available. Ensure a balance between the number of licences/size of fishing activity in the EEZ, the status of stocks and enforcement capacity.
- 2 Implement effective MCS measures to ensure compliance with coastal State CMMs, including establishing a Fisheries Monitoring Centre for the continuous monitoring of vessel activities with Vessel Monitoring Systems (VMS).
- 3 Take prompt action to infringements in the coastal State's EEZ and apply deterrent sanctions in a consistent and transparent manner.
- 4 Ensure pre-authorised and full, easily verifiable human or electronic monitoring and reporting of transshipment activities, or introduce a complete ban of at-sea transshipments.

6. Garcia, S.M. et al., The ecosystem approach to fisheries. Issues, terminology, principles, institutional foundations, implementation and outlook. FAO Fisheries Technical Paper. No. 443. Rome, FAO. 2003.

FLAG STATES

FULFILLING OBLIGATIONS TO CONTROL ACTIVITIES OF FLAGGED VESSELS

Vessel registration

- 1 Maintain an up to date and public register of vessels, including details of vessel characteristics, history, owner and beneficial owner, operator, marking and unique vessel identification — preferably an IMO number or, if not eligible, a national unique vessel identification system. This vessel information should be provided to the FAO Global Record of Fishing Vessels.
- 2 Verify the history of vessels and owners involved in IUU activities when registering a vessel; provide for deregistration of the vessel in the event of non-compliance.
- 3 Ensure cooperation between competent national authorities, including with respect to coordination of vessel registration and fishing authorisations.
- 4 Prohibit the practice of open registries in which the flag State does not have adequate control over vessel activities. Stop the use of flags of convenience by vessels fishing in a State's waters or importing to its market.

Monitoring, Control and Surveillance

- 1 Ensure MCS capacity is in line with fishing fleet size.
- 2 Require a VMS to be installed on board vessels, and the regular reporting of VMS data, with this data published in unedited form.
- 3 Ensure adequate inspection capacity for the control of fishing operations, transshipments and establish a national plan of inspections.
- 4 Ensure vessels fishing outside of the flag State's EEZ hold a valid authorisation to fish (from either the flag State or the coastal State, if fishing in another country's EEZ, or in line with RFMO CMMs, if fishing on the high seas).

Enforcement

- 1 Ensure adequate capacity to detect and take enforcement action with respect to violations.
- 2 Apply deterrent sanctions transparently and consistently in the event of infringements.

PORT STATES

IMPLEMENTATION OF THE PSMA

- 1 Port States carry out their duties according to the Port State Measures Agreement (PSMA), including providing information to flag States on transshipments, the results of inspections, as well as records of landings and denial of port entry involving vessels flying their flag.
- 2 Ensure inspections of foreign fishing vessels are carried out at port based on a risk analysis.

COOPERATION

REGIONAL AND MULTILATERAL ACTIONS

- 1 Flag States and coastal States cooperate with relevant RFMOs with competence for their fishing activities or fish stocks, preferably by becoming a contracting party/member.
- 2 Flag States and coastal States participate fully in the activities of the RFMO with respect to their vessels and waters, including by ensuring compliance of their vessels with CMMs and taking prompt action to investigate and sanction infringements.
- 3 All countries cooperate to prevent, deter and eliminate IUU fishing at a bilateral and sub-regional level.

MARKET STATES

SEAFOOD TRACEABILITY

- 1 Flag States implement controls, verifications and data crosschecks for the reliable certification of catches for export to market States, such as the EU.
- 2 Processing States implement robust traceability and certification schemes, providing for the verification of information submitted by operators.
- 3 Processing States and flag States cooperate with each other for the purposes of traceability and ensuring the legality of processed products.

EU 'carding' of non-EU countries for failure to effectively combat IUU

Since 2010, the European Union (EU) has raised its efforts to combat IUU. As the largest seafood market in the world, efforts have focused on policies which ensure that no IUU-derived products are imported into the EU market. The EU's IUU Regulation has imposed two new tools: the first is the mandatory catch certificate, which validates a seafood consignment's legality, while the second is the so-called 'carding' of non-EU countries.

'Carding' identifies non-EU countries that are considered to not be combatting IUU fishing effectively and with whom the EU will begin a dialogue on those areas of governance that are lacking. If these third countries fail to introduce the reforms required to address their IUU fishing activities in a timely manner, the EU can issue a warning (i.e. 'yellow card') or, ultimately, impose sanctions in the form of a trade ban on their fisheries products (i.e. 'red card') in cases where no improvements are made to their ability to combat IUU.

The minimum measures listed in this paper broadly coincide with the criteria that the EU applies in its carding decisions⁷, which are based on internationally agreed legal frameworks and best practices standards. This means that there are no new or additional requirements imposed by the EU.

The principles that the EU uses for carding decisions are centred around three main categories:

- The recurrence of IUU vessels listed by RFMOs, IUU-derived fisheries products entering those countries' markets and the measures taken to address these issues.
- Failure to cooperate with the EU and take effective enforcement measures against IUU fishing operators.
- Failure to implement international fisheries instruments and cooperate in RFMOs.

Additionally, the EU takes into consideration the specific constraints of developing countries, in particular with relation to a nation's capacity for Monitoring, Control and Surveillance.

The EU works with non-EU countries through bilateral cooperation on an ongoing basis, and may also offer technical and development aid to third countries to address their IUU fishing problems. This can be done through targeted actions on capacity building in third country administrations, as well as through the EU development aid programmes.⁸

It is noteworthy that if a previously carded country fails to properly implement reforms and fulfil its commitments to improve its fisheries management and control following a green-carding decision, it could be subject to the EU carding process again.

Way forward

A robust legal framework and appropriate national plans of action are key to combatting IUU fishing effectively, but these systems are only as good as their implementation. Dedicating sufficient resources is thus crucial to ensure continuous monitoring of the implemented measures, including allowing for sufficient staff with appropriate training.

As IUU fishing is often a transboundary problem, national measures should go hand in hand with international cooperation, such as through RFMOs or other regional initiatives, to be truly effective. When regional partners or neighbouring countries cooperate, it serves to close the loopholes for IUU activities in the region, reinforcing the wider international fight against IUU fishing.

WWF urges decision makers to take immediate action against IUU fishing. The responses of each nation will vary depending on country specific factors. With its experience working with stakeholders and its wide network of national and local offices, WWF is well placed to help identify the gaps in national systems and is ready to provide assistance. The foremost action that underpins all others is a State's political will to address IUU fishing in a timely manner.

7. Disclaimer: The suggested elements should be considered as general guidance only, and should not be construed as legal advice.

8. Communication from the Commission to the European Parliament and the Council on the Application of Council Regulation (EC) No 1005/2008 Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. 2015

Minimum measures to effectively combat IUU fishing

11-26 million tonnes

The amount of fish caught illegally each year

Up to \$23 billion

The estimated global annual value of IUU fishing in USD

100%
RECYCLED



15%

Every year, nearly 1/6 of total fish catches worldwide are caught illegally

6th

In 2017, IUU fishing was the 6th most valuable crime globally

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