

The Seafish Guide to **Illegal, Unreported and Unregulated (IUU) Fishing**

This is one of a series of guides in which Seafish explores topical issues affecting the UK seafood industry. Here we discuss the issues around IUU, the global scale of the problem, its impact on the UK fishing sector and initiatives to prevent it.

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Definition

IUU fishing is the term used to describe any unauthorised fishing activities conducted in breach of regional, national or international rules or obligations.

Illegal fishing violates the laws of a fishery. It includes fishing out of season; harvesting prohibited species; using banned gear or techniques; catching more than a set quota and fishing without a licence.

Unreported fishing is that which is not declared (or is misreported) to the relevant authority or regional fisheries management organisation (RFMO).

Unregulated fishing is conducted by vessels without nationality or flying the flag of a State not party to the regional organisation which governs that particular fishing region or species. It also relates to fishing in places – or for fish stocks – where conservation or management measures are lacking or inadequate.

The negative impact of IUU fishing

IUU fishing contributes to overexploitation of fish stocks and is a hindrance to the recovery of fish populations and ecosystems. It damages the marine environment, distorts competition and puts those fishers who operate legally at a disadvantage. It also adversely affects the economic and social well-being of fishing communities, especially coastal communities that rely heavily on fish resources. IUU fishing is linked to crime in other sectors, such as human trafficking, slavery, drug smuggling, gun running and corruption.

On a global scale, IUU fishing is a big problem and one that is very difficult to quantify. It can occur in virtually any fishery, from shallow coastal or inland waters to deep remote oceans. It is a particular issue in developing countries where fisheries management strategies may be poorly developed, or where there are limited resources to enforce regulations such as landing controls, vessel inspections and patrol vessels.

Global losses from IUU fishing are estimated to be between US \$10 billion and US \$23.5 billion annually – between 10 and 22% of total fisheries production¹. The EU imports approximately 5 million tonnes of fishery products annually, worth €19 billion². In 2005 imports of IUU catches were conservatively estimated to be 500,000 tonnes or €1.1 billion.

Key Facts

IUU Fishing anywhere is a completely unacceptable practice. It undermines legal fishing and negates efforts for sustainable fisheries management

The Overseas Development Institute found that;

“IUU fishing is having a huge impact on western African livelihoods and economies by directly contributing to the overexploitation of the region’s fisheries resources³

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Why and how IUU fishing occurs

The main driver for IUU fishing is economic benefit. A vessel that is fishing illegally is able to minimise operating costs in terms of licensing, regulation, use of vessel monitoring systems and documentation. IUU fishers may ignore quota levels, enter closed fishing areas, catch undersized fish or target rare or even endangered species, attracting a premium from unscrupulous buyers.

IUU fishing is more prevalent in areas where there is poor governance and shortcomings in national and international controls, where the fisheries are not properly managed and the seas not well monitored. The main contributory factors include:

Flags of convenience

International law currently allows a ship to fly the flag of a nation other than its country of ownership. This can make it difficult for the owners to be caught and punished for illegal fishing. Vessels are governed by the law of the flag state (the country in which it is registered). So some owners will deliberately register with flag states that are known to have weak controls – a flag of convenience. Some states will register vessels in as little as 24 hours, with little or no check on their activities. A vessel registered to a country that hasn't signed up to fishing agreements has more potential for IUU fishing activities. 'Flag hopping' is where vessels swap from one flag state to another to evade control. Key steps in combating IUU fishing internationally are to ensure that flag states accept their responsibilities in the fight against IUU fishing.

The EU IUU Regulation sets out the flag state responsibilities; a country failing to meet its responsibilities is in danger of being identified as a non-cooperating country and not allowed to export to the EU.

Without greater transparency in the ownership of fishing vessels it will remain difficult for legal action to be taken against the 'beneficial' owners who have been profiting from the illegal activity.

Insufficient monitoring at sea

IUU fishing can thrive in areas where monitoring, control and surveillance (by patrol boats, aircraft, satellite or on-board

observers) are insufficient. In many developing states, a lack of resources and the sheer size of the

areas needing to be policed can allow illegal fishing to continue. Monitoring is particularly difficult on the 'High Seas' (beyond 200 miles from the coast) due to the vast areas and costs involved.

Trans-shipment at sea

Trans-shipment is where fish is transferred from one vessel to another. Whilst not illegal, trans-shipment, especially when carried out at sea, can allow IUU fish to go undetected. Some large vessels can remain at sea for months, remotely refueling, re-supplying and rotating their crews. By transferring catches to transport ships (reefers), they can avoid entering port with illegally caught fish. On board the reefer IUU fish can be 'laundered' by mixing it with legally caught fish.

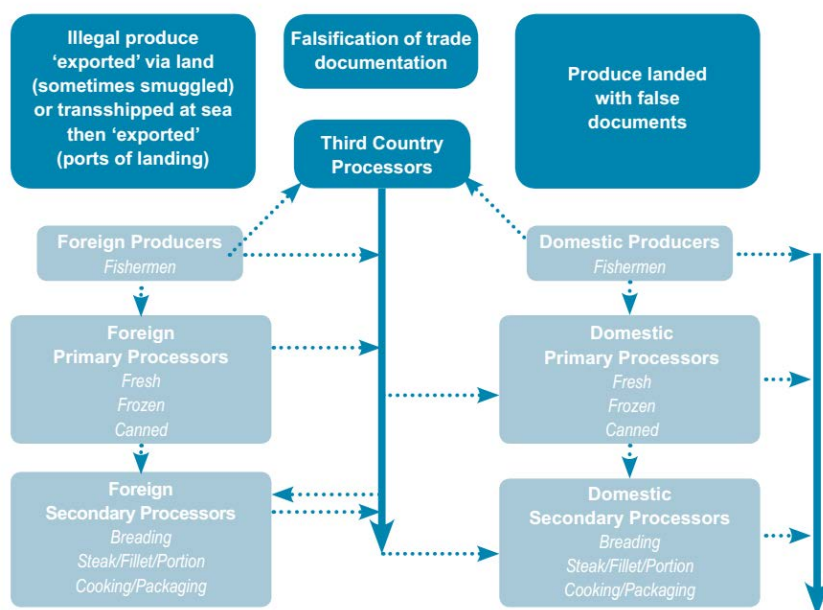
Ports of convenience

All fishing vessels must at some point visit a port and IUU fishing vessels are no exception. So, regulating access to port facilities can be a highly effective way of controlling IUU fishing. Ports that allow fish to be landed with minimal or no inspection are known as 'Ports of Convenience.' Their existence is one of the major reasons that IUU fishing can continue.

Penalties

Even in the unlikely event that a vessel is caught engaging in IUU fishing activities the penalties faced by the crew, captain and vessel owner are often too small to act as an effective disincentive – maybe even regarded simply as a cost of 'doing business'. Penalties can also vary hugely between different states; see below for discussion of recent European penalties. Very often the persons benefitting from the IUU activities maintain their anonymity by using untraceable ownership structures, and remain beyond the reach of the prosecuting authorities.

Entry of Illegal Fish into the Supply Chain



Assessing the IUU risk in the supply chain

Key questions	What to research
Who catches it?	List of vessels in entire supply chain, including flag state, registration number and licence Unique Vessel Identifier (UVI)
Is there transshipment?	Details of transshipment (date, area (at sea/at port), location, list of vessels involved – catch and carrier) General information on observer programme operating within fishery Basic vessel information to include; flag State, registration number (Unique Vessel Identifier), licence, State authorising licence
Where is fish landed?	Name of country (province), port state. Information on port state controls (including ratification and national implementation of the FAO Port State Measures Agreement)
Where is it processed?	List of processing facilities (primary and further processing) in supply chain Documented paper trail from processor back to catch vessel (or group of vessels)
Is the supply chain transparent?	Map of supply chain from delivery of fish/fish product back to catch vessel through exporter, processor, auction/auctioneer and/or buying agent (or collector from co-operative)
Is there third party traceability or chain of custody?	Number/reference for third party chain of custody certificate Documented paper trail back to catch certificate

Table adapted from "An Advisory Note for the UK Supply Chain on How to Avoid Illegal, Unreported and Unregulated (IUU) Fishery Products"⁴

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The fight against IUU fishing

The key to combating IUU fishing is to fully understand where and how it is taking place and how IUU-caught fish is entering the market. There is international consensus on the need for better traceability systems – efforts are focused on preventing IUU fish from entering international trade, therefore depriving IUU fishers of financial reward. Ultimately, all fish needs to be tracked from harvest to consumption.

EU regulation and controls⁵

The European Union has been involved in the fight against IUU fishing for over a decade. Overall the EU has been a valuable target for IUU operators because collectively it is the world's largest importer of fishery products. The EU imports many high value products and is also one of the main producers and exporters worldwide with many trading partners on all continents.

The EU Regulation No 1005/2008 establishes a European Union-wide system to prevent, deter and eliminate the import of IUU fishery products into the EU market. The Regulation aims to close the EU market to illegal fishery products and vessels, which should also reduce the economic incentive for IUU fishing to continue. The Regulation limits access to the EU market by requiring imports of sea caught fishery products to be certified by the flag state and any processing/storage Country to guarantee that the fishery products comply with the rules. Other provisions are to reinforce the surveillance of activities at sea, to identify IUU operators, to enhance the implementation of fisheries legislation and to improve how sanctions are applied in the event of infringements.

The catch certificate requirement

All fish imported into the EU require a catch certificate issued by the flag state of the catching vessel and demonstrating how and where it has been legally caught. The European Commission maintains a list of flag state authorities responsible for this aspect.

Enforcement agencies at border control points check the catch certificates of fish reaching the EU and will accept only consignments with valid certificates. UK catch certificates can be issued to accompany any fish exported outside the EU if the importing country requests them.

The IUU vessel list

The EU maintains a blacklist of vessels engaged in IUU fishing⁶. This is compiled from the blacklists maintained by the Regional Fisheries Management Organisations (RFMOs) and may also include vessels identified by the European Commission. The list publicly exposes irresponsible fishing operators and allows port authorities to identify and take action against illegal vessels and IUU fishery products.

The EU's yellow and red carding system

The EU's IUU Regulation requires the European Commission to identify flag states that have not been complying adequately with requirements to combat IUU fishing. If a state is identified as 'possibly non-cooperating' with the European Commission, it is given an official warning – a yellow card – and a period of formal dialogue follows during which the state is expected to improve its anti-IUU measures. If insufficient progress is shown during this period, a red card is shown. Fishery products that are caught by vessels flying the flag of a red-carded state are not permitted entry into the EU.

Penalties for EU nationals

EU nationals who are linked to IUU fishing face significant penalties that are proportionate to the economic gains they are making from the illegal activity. In a landmark case in 2016, the Spanish authorities, working with Interpol, charged a number of Spanish nationals with various IUU-related crimes estimated to have generated €10 million annually⁷.

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Broader initiatives to combat IUU

The EU is not alone in driving for more effective regulations to combat IUU fishing. The FAO has produced a number of international instruments that address IUU fishing. In particular, these are the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993⁸; the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing, 2001⁹; and the Port State Measures Agreement, 2009¹⁰.

Regional fisheries management

There is broad international consensus on the need to adopt a comprehensive approach. A growing number of RFMOs have adopted anti-IUU measures, including inspection and enforcement, trade measures, and controls of landings and transshipments.

Port state measures⁹

The 2009 Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing (PSMA) is an international agreement drawn up by the UN Food and Agriculture Organisation (FAO). It entered into force on 5 June 2016. The PSMA requires that states introduce regulations to close ports to ships involved in IUU fishing. In addition, all fishing vessels wishing to land will be required to request permission from specially designated ports ahead of time, transmitting advance information on their activities and the fish they have on board.

UK regulation and control

Both as a member of the EU and through its own governance and agencies, fishing in UK waters is well controlled and covered by strict regulations. The primary tools used in the UK to support the EU IUU Regulation include:

Vessel licensing

The UK vessel licensing system controls UK fishing opportunities in order that EU regulations for sustainable fisheries

management can be met. All vessels fishing commercially for sea fish in the UK must be registered.

Marine fisheries enforcement

The Marine Management Organisation (MMO)¹¹ in England and Wales, the Department of Agriculture, Environment Rural Affairs (DAERA)¹² in Northern Ireland, and Marine Scotland¹³ co-ordinate the enforcement programme for monitoring, control and surveillance of all sea fishing activity within UK fishing areas, and the activities of UK vessels operating outside those waters. They investigate and take appropriate enforcement action (including prosecution) when breaches of the regulations are identified. This enforcement work is crucial to ensuring compliance with EU fisheries regulation both on IUU fishing and on fishing quotas, to assist the long term economic survival of the fishing industry and to protect a valuable natural food resource.

Registration of buyers and sellers (RBS)¹⁴

This scheme requires buyers and sellers of first-sale fish landed into the UK to 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'. The scheme is widely acknowledged for the positive impact it has had on compliance by providing greater transparency, improved cross checking of fish landings data and reduced levels of illegal or black landings.

Other Seafish Resources

There are a number of other Seafish Guides in this series, covering different aspects of responsible seafood sourcing and fisheries' management. There is more information on IUU fishing,¹⁵ responsible seafood sourcing and fisheries management¹⁶ on the Seafish website www.seafish.org. Seafish also maintains the Risk Assessment for Sourcing Seafood (RASS) tool¹⁷ which provides risk-based guides for around 300 fisheries. www.seafish.org/rass/

The Seafish Guide To Illegal, Unreported and Unregulated Fishing (IUU)

About Seafish

Seafish was founded in 1981 by an Act of Parliament and aims to support a profitable, sustainable and socially responsible future for the seafood industry. It is the only pan-industry body offering services to all parts of the industry, from the start of the supply chain at catching and aquaculture through processing, imports, exports and distribution of seafood right through to restaurants and retail.

Contacts

Ivan Bartolo; Ivan.Bartolo@seafish.co.uk

Bill Lart; William.Lart@seafish.co.uk Seafish, Origin Way, Europarc, Grimsby N.E. Lincs DN37 9TZ UK Phone +44 (0)1472 252323

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