

OECD WORKSHOP ON IUU FISHING ACTIVITIES

KEY OBSERVATIONS AND FINDINGS BY THE WORKSHOP CHAIRS¹

The issue of illegal, unreported and unregulated (IUU) fishing has moved to the forefront of the international fisheries policy agenda in recent years. Governments around the world have recognised the negative effects of IUU fishing activities on resource sustainability, biodiversity and economic and social sustainability. In many cases, the burden is borne by the fishing industry. The OECD hosted a workshop on IUU fishing activities in Paris on 19-20 April 2004. The objective of the workshop was to gather information and data on the extent of IUU fishing and identify the economic and social drivers to IUU fishing. Around 120 experts from OECD and non-OECD countries, regional fisheries management organizations, international governmental organizations, non-governmental organizations and academia attended the workshop.

The workshop was organized around 4 sessions addressing: the state of play of IUU fishing; data and information needs; economic and social drivers; and possible future actions. The following observations and findings from the Workshop have been compiled by the Workshop Chairs.

THE STATE OF PLAY ON IUU FISHING

- IUU fishing is a world-wide problem, affecting both domestic waters and the high seas, and all types of fishing vessels, regardless of their size or gear.
- IUU fishing is harmful to fish stocks and undermines the efficiency of measures adopted nationally and internationally to secure fish stocks for the future.
- IUU activities also have adverse effects on the marine ecosystem, notably on the populations of seabirds, marine mammals, sea turtles and bio-diversity as a whole (discards, etc.).
- IUU fishing distorts competition and jeopardizes the economic survival of those who fish in accordance with the law and in compliance with relevant conservation and management measures.
- There are important social costs associated with IUU fishing as it affects the livelihoods of fishing communities, particularly in developing countries, and because many of the crew on IUU

1. The Workshop Chairs were Mr Ignacio Escobar, Mr Jean-Francois Pulvenis de Seligny, Mr Nobuyuki Yagi, Ms Jane Willing and Ms Lori Ridgeway.

fishing vessels are from poor and underdeveloped parts of the world and often working under poor social and safety conditions.

- The impact of IUU fishing for some species (primarily tuna and tuna-like species) is global, whereas that for other species (e.g., Patagonian toothfish and Orange roughy) is specific to those areas where such species occur. This means that global and local solutions are required, as well as solutions tailored to specific species.
- There is a concern that excess capacity in fisheries in OECD countries can lead to a spillover of capacity into IUU fishing activities.
- IUU fishing is a dynamic and multi-faceted problem and no single strategy is sufficient to eliminate or reduce IUU fishing — a concerted and multi-pronged approach is required nationally, regionally and internationally, and by type of fishery. The full range of players should be involved in helping bring forward solutions to the IUU problem.
- Many developed and developing states have not been fully responsible in complying with their responsibilities as flag states, port states, coastal states, states of vessel owners and trading nations.
- The FAO International Plan of Action to combat IUU fishing contains tools to tackle the IUU issue. The question is to find ways to better implement such tools.

INFORMATION AND DATA NEEDS

- In spite of recent improvements in information collection, there remains a lack of systematic and comprehensive information on the extent of IUU operations and impacts. This is compounded by the varying level in quality, accessibility, reliability and usefulness of the available data.
- There are a number of international instruments addressing the collection of fisheries information and statistics. However, these need to be integrated and further, there remains a need for improvement in national statistics on trade in fish and fish products, especially in relation to IUU fishing.
- There is a diversity of actors involved in gathering, processing and disseminating information on IUU fishing activities — governments, intergovernmental organizations, RFMOs, RFBs, NGOs and industry.
- Trade-tracking and the resulting accumulation of information by market countries are an enormous task but it is very important for the creation of effective measures to combat IUU fishing.
- There is a need to broaden the scope of the information gathered so it covers activities and situations “upstream” and “downstream” of the IUU fishing operations themselves. This will help to better define the nature and scope of IUU fishing and to improve knowledge of the economic and social forces which drive IUU fishing in order to help target future actions.

ECONOMIC AND SOCIAL DRIVERS

- Under current conditions, IUU activities can be extremely profitable due, amongst other factors, to lower cost structures than for compliant fishing activities. Strategies to combat IUU fishing need to include measures that reduce the relative benefits and raise the costs of IUU fishing.
- The demonstration effect achieved by government and RFMO efforts in fighting IUU activities is significant. This will provide positive signals to legal fishers and send the message to IUU fishers that their products will be excluded from the international market and that their activities will not be tolerated.
- Inefficient domestic fisheries management may work as a driver for IUU fishing activities; the more economically efficient management is the higher the fisher income will be and thus lessen the incentive to engage in IUU activities.
- The size of penalties and the risk of being apprehended is not generally a sufficient deterrent to IUU fishing activities. This is complicated by the ease of re-flagging vessels and the difficulties in tracking company structures and identifying beneficial owners of IUU vessels. The lack of harmonisation of penalties across countries is also a concern.
- IUU fishing inflicts damage on a law abiding fishing industry aiming at sustainable exploitation.
- IUU fishing activities also make it harder for countries to strike a balance between food security and protection of the marine environment.

POSSIBLE ACTIONS

- There is a wide range of possible measures that can be undertaken to address the problem of IUU fishing. These will need to cover legal, institutional, economic and social dimensions and will require the involvement of multiple players in the national, regional and international fisheries sectors.
- Determining the cost-effectiveness of alternate approaches to addressing IUU fishing problems should be undertaken to help identify priorities amongst the possible options so that the best results can be obtained from limited resources that are available to national governments and international organizations.

Flag state actions

- Links between flags of convenience and tax havens have been established and a more concerted approach towards both could be undertaken.
- There is a need to improve transparency on the procedures and conditions for re-flagging and de-flagging.
- More countries could usefully investigate the possibilities for applying extra-territorial rules for their nationals.
- The penalties for IUU offences should be significantly increased and harmonised between jurisdictions.

Port state actions

- The development of minimum guidelines for port state controls and actions against IUU fishers, particularly with respect to the use of prior notice and inspection requirements (including health and safety conditions), should be encouraged. The harmonisation of these controls and actions should be a priority.
- There is a need to ensure a broader use of port state control measures including inspections, preventing access to services and goods of IUU vessels
- There needs to be an agreement to make it illegal to tranship, land and trade in IUU fish.
- There is also a need to improve the monitoring of the provision of at-sea services and transhipment of fish and fish products.

Coastal state actions and international trade responses

- It is necessary to augment monitoring, control and surveillance capacities and improve fisheries management across the board, but in particular in developing countries.
- Improving and extending the use of catch and trade documentation schemes could help provide additional information on IUU activities.
- Fair, transparent and non-discriminatory countermeasures should be adopted, consistent with international law, against countries that do not comply with the conservation and management measures adopted by RFMOs or fail to effectively control the vessels flying their flag in order to ensure they comply with the conservation and management measures adopted by RFMOs.
- Countries should identify the area of catch and name of fishing vessel and its past history (of name and flag) in order to collect information necessary for better fisheries management and elimination of IUU fishing.

RFMO actions

- Strengthening the mandate and role of RFMOs and RFBs, in particular their possibilities for tracking IUU fishing, is an important requirement.
- There is a need to improve information sharing and cooperation among RFMOs, particularly in terms of linking and integrating their data on IUU fishing activities.
- More RFMOs should consider publishing lists of companies and vessels engaged in high seas IUU activities and lists of vessels that are authorized to fish. The use of positive and negative lists of IUU fishing vessels and companies is strongly encouraged in this regard.
- The creation of a global record/register of authorised fishing vessels that are technically capable of engaging in high seas fishing should be considered.

International coordination

- Resources matter: more technical and financial resources are needed for capacity building, in particular in the developing states for monitoring, control and surveillance, and in all activities in combating IUU activities.
- The international community should move to ratify relevant international treaties on labour and working conditions in the maritime sector in order to strengthen international hard and soft laws to protect fishing crews in general.
- Improved monitoring foreign direct investments (out-going and in-coming) in the fishing sector will assist in tracking potential IUU fishing operations.
- Work should be undertaken nationally and multilaterally to lift the veil of corporate secrecy surrounding the companies undertaking IUU fishing activities and related services. Partnerships between public authorities and businesses offer important scope in the fight against IUU. In this regard, the OECD Guidelines for Multinationals offers some possibilities that could be followed-up by national regulatory authorities.
- A major effort is required, in particular by regional fisheries management organisations and market countries, to collect and disseminate relevant information.
- The efforts already underway to improve information at all levels and mechanisms to share information need to be supported and strengthened.

NGO and private sector actions

- Whenever possible, governments should consider bilateral consultation with businesses engaged in IUU activities to determine if alternative means of getting IUU vessels out of the business can be found.
- There should be continued efforts to communicate the IUU problem, for example through promotional/educational campaigns with the market including intermediate buyers, processors, distributors and consumers. Such activities will help raise awareness of the problem and improve the knowledge of the social, economic and environmental consequences of IUU activities.
- Industry and NGOs should be encouraged to continue to self-organise their response to IUU fishing and information collection.