

NEPAD Planning and Coordinating Agency
Agence de Planification et de Coordination du NEPAD



STOP ILLEGAL FISHING CASE STUDY SERIES **07**

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Africa Unites

AND ILLEGAL FISHING INDUSTRY PAYS

Background

The global tuna fisheries industry reports catches of around five million tonnes annually, estimated to be worth ten billion US dollars per year. About 70 % of this tuna is caught in the Pacific Ocean, 20 % in the Indian Ocean and 10 % in the Atlantic Ocean¹. Tropical tunas are highly migratory and widely distributed. Within the oceans of Africa, foreign, mainly European and Asian owned fishing vessels catch tuna within coastal state exclusive economic zones (EEZ) and on the high seas. This catch is usually destined for markets outside of Africa.

Permission to fish within EEZs is granted via the sale of fishing licences. These licences have terms and conditions, which when complied with, should provide for mutually fair benefits within a sustainable fisheries framework, providing fish for the vessel owners and income to the country. Fishing within an EEZ without a licence is illegal – this is one of the main forms of illegal fishing.

The story

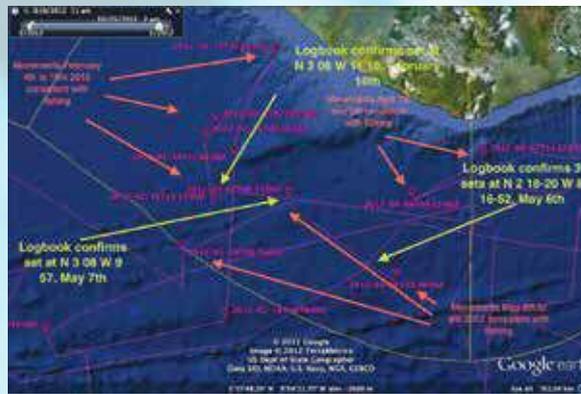
After two decades of conflict the infrastructure and the institutions of Liberia were weakened and the natural resources were depleted. The task to rebuild the fisheries sector fell to the Bureau of National Fisheries (BNF) under the Ministry of Agriculture. In January 2011, in order to give the BNF time to establish a monitoring, control and surveillance (MCS) system and build capacity, the Minister of Agriculture closed the industrial fisheries. In February, the Minister of Justice wrote to all fishing companies' agents to warn them that all industrial vessels must immediately halt fishing or face prosecution.

The FV Premier a South Korean purse seine vessel owned by Dongwon Industries was identified fishing on various occasions between November 2011 and May 2012 in the Liberian EEZ. The purse seiner FV Solevant, operated by Dongwon Industries was also observed to have operated in the Liberian EEZ in February, July and September 2012. During 2012, the Premier continued to fish in the Atlantic Ocean, operating from Abidjan, Côte d'Ivoire, until in late 2012, following enquiries to the government of South Korea



STOP ILLEGAL FISHING CASE STUDIES aim to:

Define best practice by analysing practical examples of different approaches in the fight against IUU fishing. They also demonstrate the magnitude of activities and partnerships underway to stop illegal fishing and provide the basis for policy advice.



The story (cont'd)

and media coverage of suspected illegal fishing on the *Stop Illegal Fishing* website, it relocated to the Indian Ocean, arguably in an attempt to escape justice. The Liberian Government's investigation into both the Premier's and the Solevant's activities was concluded in February 2013 with charges made to both vessels for violations of the Liberia Fisheries Regulations including fishing without a licence.

At this time several coastal states of the Indian Ocean were launching the FISH-i Africa Task Force an initiative of *Stop Illegal Fishing*, supported by the Pew Charitable Trusts, with the purpose of *enabling targeted enforcement actions against illegal fishing operators through coordinated analysis and use of intelligence and information*. The Task Force was aware of the investigations into the Premier and were anticipating its arrival in December 2012 in Port Louis, Mauritius. In response to a request by the Liberian government the Mauritian Ministry of Fisheries inspected the vessel and provided copies of the fishing catch log and a forged Liberian fishing licence to Liberia.

In early 2013, while the investigation remained open the FISH-i Africa countries showed support to Liberia and action against IUU fishing:

- During the period from January to March, Kenya and Mozambique denied the Premier a fishing license to operate in the waters under their national jurisdiction;

- In March, Seychelles, based on the Indian Ocean Tuna Commission (IOTC) Port State Measures Resolution (PSMR)², denied the Premier permission to offload its catch in Port Victoria;
- In April, Tanzania denied to renew the Premier's fishing licence;
- Throughout, Comoros stated its intent to deny the Premier any application for a fishing licence; and
- On the 19 April the vessel returned to Mauritius and requested to offload its catch, this request was denied by the Ministry of Fisheries.

The Premier was by then a notorious IUU fishing vessel. Liberia's action followed by the allegiance of the FISH-i Africa countries and Mauritius led to over 50 international press stories, numerous blogs, tweets, Facebook comments and activists painting the word "illegal" on the hull of the vessel. Africa and the world made it clear that until the fine was paid – the Premier was not welcome, nor was its fish wanted.

On the 22 April 2013, the owners of the vessel, South Korea's Dongwon Industries paid the Liberian government two million US dollars in settlement of the charges against the FV Premier and the FV Solevant. The Mauritian government did not allow the Premier to offload in Port Louis as it did not want potentially illegal fish to enter its market: she eventually offloaded in May in Colombo, Sri Lanka before sailing back home to South Korea.

Drivers

The main driver for action was the need to stop the damaging effects of illegal fishing on African societies and resources and to demonstrate to fishing vessel operators that they cannot act with impunity in African waters. The Conference of African Ministers of Fisheries and Aquaculture (CAMFA) in 2010 recommended *'that monitoring, control and surveillance systems and regional cooperation should be strengthened and that urgent actions at national and regional levels are required to deter and eradicate IUU fishing'* – as a result countries, such as Liberia, took national action while the countries of the Indian Ocean and their partners responded by forming FISH-i Africa.

Lessons learned

- **Providing intelligence analysis and regular information to countries within a support framework such as FISH-i Africa** can result in national actions against illegal operators that place a financial burden on operators making illegal fishing less profitable.
- **Engaging the legitimate industry and market States** provides an opportunity for support and further pressure on illegal operators that forces flag States to fulfil their obligations in respect of the vessels entitled to fly their flags.
- **Legal frameworks require further strengthening** through the inclusion of a Lacey Act type provision into national fisheries legislation to enable States to conduct fisheries law enforcement actions (including initiate administrative or judicial proceedings) for breach of laws and regulations having taken place under another State's jurisdiction; and to develop regional fisheries instruments to strengthen regional cooperation in fisheries law enforcement.
- **Global information and intelligence exchange and cooperation** is required as vessels move from one ocean to another and fish is transported and traded internationally.
- **Timely publishing of the case in the media** helps to send a message to other IUU fishing operators, to encourage action by the flag States and to gain international and popular support for the case.

Key features and outcomes

- **Effective pan-African cooperation** – demonstrated that no matter where the Premier went, it was held responsible for its illegal fishing actions.
- **Payment of two million US dollars settlement to Liberia** – demonstrated that when the cost of illegal fishing becomes too high, owners are forced to play by the rules.
- **On-going media coverage and press releases** – placed on the Stop Illegal Fishing and BNF websites³ including countering false accusations made against Liberia generated global support.
- **The UK and other EU States imposed extra inspections and restrictions on tuna imports from West Africa** – based on increased evidence and exposure of IUU fishing activities.
- **Legitimate industry did not want any real or perceived connection to Dongwon** – this helped to stop the offloading of Premier's catch in Port Louis, while in Thailand buyers were reported to be avoiding Dongwon fish for the European market.

- **South Korea amended its Fisheries law to strengthen penalties against its distant water vessels that fish illegally** – due to the harmful media coverage of Dongwon and a recent warning from the United States for a possible import ban on South Korea's fisheries products.
- **Application of the regional legal framework** – the strict IOTC PSMR, based on the FAO Port State Measures Agreement (PSMA) provided the legal framework for actions that were taken.
- **Strengthening FISH-i Africa** – the critical role that the FISH-i Africa Task Force played in the Premier case, drew awareness to the benefits of expanding this group and in May 2013 Mauritius and Madagascar joined the Task Force.

Challenges

- **Limited human capacity within MCS agencies** – if the enforcement officers with adequate knowledge, experience and understanding were unavailable, delays in decision making occurred.
- **Communication and exchange between Liberia and FISH-i Africa countries** – were at times testing as this was a pioneer exercise with no established procedures or protocols.
- **Lack of internationally coordinated police effort to investigate corruption and fraud issues** – the vessel was denied access to port and charged with illegal fishing, but the forgery of licenses and other State communications were not fully investigated.
- **Unclear legal framework with regard to dealing with vessels with an IUU fishing history** – presented challenges for interpretation and decision-making.

Players involved

- **Liberian Bureau of National Fisheries and Ministry of Agriculture:** initiated legal proceedings against the Premier and prosecuted it for illegal fishing activities in Liberian waters with the support of the West Africa Regional Fisheries Project.
- **Stop Illegal Fishing:** a working group of the NEPAD that provides facilitation and advice to all African countries including the FISH-i Africa Task Force with respect to illegal fishing.
- **Analytical Unit of the Trygg Mat Foundation:** identified the illegal fishing activities by the Premier in the Liberian EEZ, tracked the Premier's movements throughout this case keeping countries one step ahead of the vessel.
- **Coastal States of FISH-i Africa:** Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles and the United Republic of Tanzania shared information and collectively denied licensing,

landing of catch and port services to the vessel.

- **Pew Charitable Trusts:** through their End Illegal Fishing Project provides financial and technical support to FISH-i Africa and supported the Task Force's engagement in this case.
- **FISH-i Africa partners:** including the IOTC, the Indian Ocean Commission's SmartFISH programme and others provided advice and information to the Task Force.
- **International organisations and media:** supported this case through their media campaigns, protests and investigations into Premier's owners, putting further pressure on the owners.
- **Market states and the legitimate industry:** sent a clear message to all that they did not want to have any association with potentially illegal fish.

Next steps

In order to facilitate further continental cooperation, future efforts should focus on:

- Strengthening of the FISH-i Africa Task Force and extending its reach to West Africa and strengthening Stop Illegal Fishing to provide the facilitation to maintain the FISH-i network.
- Strengthening partnerships between African governments and investigative units such as Interpol (through their SCALE⁴ project) and Trygg Mat (through their Analytical Unit) in order to support improved national and pan-African intelligence to fight IUU fishing.
- Negotiating a policy statement in respect to illegal fishing for West African countries that includes a framework for cooperation in fisheries MCS and law enforcement.

Policy implications

- In order to make illegal fishing unprofitable African countries must continue to deny illegal operators access to fishing grounds and port services.
- Ratifying and implementing agreements on fishery related issues and implementing RFMOs' resolutions is important to facilitate national actions against IUU fishing operators.
- Transparency in fisheries governance can be increased, for example through publishing vessel licence and registration lists, licensing procedures, fisheries agreements and information on IUU fishing cases together with settlement agreements and court rulings.
- A mechanism to facilitate national, regional and international collaboration and information exchange, including between coastal, flag, port and market States, in relation to evidence gathering, investigations, arrests and prosecutions in fishery cases is required.
- National, regional and international collaboration between fishery, police, customs, ports, immigration and tax authorities to investigate and prosecute associated crimes such as corruption, fraud, money laundering, tax evasion and human trafficking.
- Establishing robust and coherent catch traceability systems in cooperation with market states will assist in stopping illegal fishing and ensuring market access for legal African fish.

Further information



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Acknowledgements

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Footnotes

¹ www.fao.org/fishery/statistics/tuna-catches/en, <http://www.fao.org/docrep/017/ap939e/ap939e.pdf>

² <http://www.iotc.org/files/CMM/Resolution%2010-11.pdf>

³ www.liberiafisheries.net

⁴ <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-Scale>



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