



COMHAFAT/ATLAFCO

CONFERENCE MINISTERIELLE SUR LA COOPERATION HALIEUTIQUE ENTRE LES ETATS AFRICAINS
RIVERAINS DE L'OCEAN ATLANTIQUE

MINISTERIAL CONFERENCE ON FISHERIES COOPERATION AMONG AFRICAN STATES BORDERING THE
ATLANTIC OCEAN

Workshop 1: the Monitoring, Control and Surveillance (MCS), effective tools for combating Illegal, Unreported, and Unregulated (IUU) Fishing

Concept note

1. Understanding the objectives of the workshop

1.1 Reminder of the contextual environment

Illegal, unreported and unregulated (IUU) fishing is an endemic scourge to artisanal and industrial fisheries in all regions and more particularly that of Africa. Illegal artisanal fishing is characterized by the implementation of non-compliant fishing gear and fishing without a license in the neighboring countries waters (mainly Senegalese and Ghanaian). Illegal industrial fishing is characterized, in turn, by the activity of foreign vessels operating without fishing license. They catch very large quantities of fish without regard to national regulations (zoning, meshes of gillnet, period, etc.). The economic losses induced by the illegal fishing of industrial origin are estimated at nearly one billion dollars for the whole of African countries bordering the Atlantic Ocean member of ATLAFCO.

The initiatives for combating IUU fishing and improving capacities for monitoring, control and surveillance (MCS), have multiplied over the past twenty years and intensify currently. However, countries of ATLAFCO area remain lagging even though several countries have introduced or updated legal and institutional arrangements to implement the requirements of Regulation of fighting against IUU.

The fight against IUU fishing can be technically carried out on four levels that are the coastal State, the port State, the flag State and the State of the market. The importance of the latter is increasing, as mentioned in the new INN/EU regulation that uses possible trade sanctions to encourage particularly the interested States to export their products to the EU to ensure to be recognized as being in compliance.

These levels - coastal, port, flag and market - are all covered by the FAO IPOA - IUU (2001). The FAO Agreement on measures within the jurisdiction of the State port (entered into force in 2009) to prevent, deter and eliminate IUU fishing is a way for ATLAFCO members to establish international action to reduce IUU fishing while contributing, consequently, to strengthen the management and governance of fisheries at all levels. These two instruments encouraged countries to implement measures that could prevent IUU fishing vessels access

to ports as well as to take measures to strengthen MCS in real-time and to educate the public on the long term impact of IUU fishing.

The 31st FAO's Fisheries Committee held in Rome from 9 to 13 June 2014 adopted voluntary guidelines on securing sustainable small-scale fisheries, as well as voluntary guidelines on flag State performance criteria. However, to be effective, countries must develop an implementation strategy for these guidelines supported by public policy frameworks and legal and institutional frameworks as well as operational mechanisms with adequate human and financial resources. Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate IUU fishing, is an essential element of the mechanism of exchanges between European Union and third countries and in particular ATLAFCO members. A recent study entitled «Traceability, Legal Provenance and the EU IUU Regulation» (traceability, legal provenance and EU IUU Regulation),-supported by the Stop Illegal Fishing Program, recommends that the IUU/EU regulation continues to be the main instrument determining the legal origin of fish.

The implementation of the provisions of regulation 1005/2008 is a challenge for ATLAFCO member countries whose institutional, human and material capacities include, for some, are limited to the level of the measures for conservation and management, the specificity of the artisanal fisheries as well as constraints with respect to the extension of the powers (punishment, injunction, declaration of non-cooperating States, establishment of IUU vessels list...) to third countries that are not parties of an agreement.

The obligations of the EU towards third countries non-cooperating are mainly contained in chapters VI and VII of regulation INN. Pursuant to Article 31 of the IUU Regulation, the Commission is to identify third countries that it considers as non-cooperating countries in fighting IUU fishing. A third country is to be identified as non-cooperating if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.. The IUU regulation becomes then an instrument for ACP countries wishing to export fishing products in the EU so that they are implementing national provisions for the implementation, control and enforcement of the fishing legislation of their fishing vessels, including the establishment of an appropriate mechanism to allow the issuance of certificates of capture in the format specified in annex II to the IUU Regulation. In this respect, the European Commission adopted two decisions in November 2013 against IUU fishing. It has thus appointed, at the side of the Belize and Cambodia, Guinea as countries not cooperating in the fight against illegal fishing. It also announced a second series of "yellow cards" addressed for Ghana (as well as South Korea and Curacao).

Alongside these important announcements, the Commission also **added 5** countries including Togo (alongside Fiji, Panama, Sri Lanka and Vanuatu) who received yellow cards in November 2012.

Several ATLAFCO Member countries, including Cameroon, Benin, Gabon, Guinea, Liberia, Mauritania and Namibia have developed and adopted the national action plan to combat IUU (IPOA - IUU). The implementation of this IPOA - IUU, however, remains partial or not yet effective due to technical and financial constraints. Other countries, such as Côte d'Ivoire, have not yet developed an IPOA - IUU. Without prejudice to the role of the flag State, the voluntary guidelines developed by 2013 in the framework of this agreement, for the conduct of the flag State offer a valuable tool for the flag States to better fulfill their obligations and international duties for the allocation of their flag to fishing vessels and control thereof. States can also impose trade measures, such as the ban on imports, provided that the measures in question are consistent with the obligations of the WTO and make rules under which the sale of catches of vessels engaged in IUU fishing constitutes an offence.

1.2 Objectives and challenges of the workshop

The primary objective of the workshop is to present and discuss the MCS measures and their effectiveness in the fight against IUU fishing in the 22 ATLAFCO Member States. The achievement of this objective is based on a review of the existing in the development and implementation of the national action plans against IUU fishing, initiatives of the regional fisheries organizations (ATLAFCO, SRFC, FCWC and COREP essentially) in the matters of capacity-building and training. It will also consider the current performance program of observers aboard tuna vessels of the EU in the ICCAT area.

The second objective of the workshop is to develop an ATLAFCO's action plan to enhance the capacity of the Organization in the fight against IUU fishing. This action plan will be based on an effective information system (from collection to dissemination), a regional observation program recognized by ICCAT as well as a system of inspection in ports. The challenge is therefore to have available, at a reasonable time horizon, an adequate means to combat, at the regional level of ATLAFCO, against IUU fishing.

2. Expected results

The expected results are twofold.

The first concerns the delivery of a number of documents which here the headings are:

- A presentation of a document related to the measures currently being taken by each of the 22 ATLAFCO's Member State to combat IUU fishing, capacity-building and training programs and of the observer program. This document will be finalized and distributed to participants two weeks prior to the workshop.
- A summary document of the workshop including the main interventions and guidance for the realization of the action plan of ATLAFCO in the fight against IUU fishing.

The second corresponds to the facilitation of workshop and the formulation of tracks of work to develop appropriate mechanisms to combat IUU fishing.