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Combating IUU and the Development of International Fisheries Law

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A decorative graphic on the left side of the slide, consisting of a blue, textured, abstract shape that resembles a map of the European Union or a similar geographical region. The shape is filled with various shades of blue, from light to dark, and has a slightly irregular, organic edge.

OUTLINE

1. IUU and Its Impacts
2. Who Conducts IUU
3. Legal Measures to Prevent, Deter and Combat IUU
4. Policies to Prevent, Deter and Combat IUU
5. Regional Practices: EU
6. Conclusion

1 IUU and Its Impacts

Illegal

(1) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;

(2) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

(3) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

Unreported Unregulated

(1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

(2) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

(1) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

(2) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

IMPACTS of IUU Fishing Activities

- Illegal fishing in the Pacific Ocean is costing more than \$600m a year and is mainly being carried out by legally licensed fishing vessels.

~The Guardian

- Illegal fishing is still rampant in the western Indian Ocean coast, occasioning a \$ 400 million loss per year in landings or nearly \$1 billion in processed products.

~IUU Watch

- 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 production.

~SeaFish

IMPACTS of IUU Fishing Activities

- IUU fishing has several negative impacts, such as **unfair competition, loss of biodiversity, loss of income, even loss of human lives**. Moreover, there are **social and juridical implications** made by such consequences. It is obvious that fish stocks has been depleted and in many areas in the world oceans and seas due to various reasons, namely poaching, smuggling, overfishing and violation of the local, regional and international laws.
- The **INTERPOL** launched the Project Scale in 2013 as a global initiative to detect, suppress and combat **fisheries crime** which threatens **food security and livelihoods**, and can destabilize vulnerable coastal ecosystems.

IMPACTS of IUU Fishing Activities

- IUU fishing is also considered to be a major obstacle to the conservation and sustainable use of marine biodiversity in ABNJ, requiring an integrated and accelerated approach across all relevant fora to address this issue through measures such enhanced flag State responsibility, port State measures, and more collaborative monitoring and enforcement with fisheries conservation and management measures.

2 Who Conducts IUU



Who conducts IUU fishing?

- **IUU activities by local and small scale vessels**
- **Incidental IUU activities**
- **Regular IUU activities under the cover of legal fishing operations**
- **Industrialized fishing operations and no attempt to legitimize their enterprise**



Drivers behind IUU fishing

- Existence of excess fishing capacities
- Incompleteness of the international legal frameworks
- Insufficient law enforcement
- Lasting unhealthy and inappropriate subsidies
- Poor local economy
- Demands existed in the market



3 Legal Measures to Prevent, Deter and Combat IUU

Legal Measures to Prevent, Deter and Combat IUU

1982
UNCLOS

1992
Agenda 21

1993
Compliance
Agreement

- 1995**
- Code of Conduct on Responsible Fisheries
 - UNFSA

- 1999**
- IPOA-Seabirds
 - IPOA-Sharks
 - IPOA-Fishing Capacity

Legal Measures to Prevent, Deter and Combat IUU





4 Policies to Prevent, Deter and Combat IUU

Policies to Prevent, Deter and Combat IUU

Quota
Allocation

No
Transshipment

Vessel
Monitoring
System

Fishing
Ban: Area

Port State
Measures

Boarding
and
Inspection
on the High
Seas
(WCPFC)

Fishing
Licence/
Permit

On-Board
Observer

Fishing
Ban:
Season

A stylized, abstract map of Europe rendered in various shades of blue, from light cyan to deep navy. The map is positioned in the background, with the title text overlaid on it. The map shows the outline of the European continent, including major landmasses like the British Isles, Scandinavia, and the Mediterranean region.

5 Regional Practices: EU

If a third country has problems fulfilling international rules:

Pre-identification



The European Commission opens a formal dialogue during minimum 6 months.

If the country improves its situation, the 6 month period can be prolonged and ultimately the **pre-identification can be removed.**

Delisting



Continued dialogue can lead to restore the import of legally caught fishery products.

If the country does not address the problems, it will be **identified** by the European Commission as non-cooperating.

Identification

A ban of all products for which the catch certificate is validated after the Decision enters into force.



Listing by the EU

Fisheries products caught by fishing vessels flying the flag of these countries cannot be imported into the EU while the countries remain listed.



The Decision triggers further measures, including a fishing ban for EU vessels in these countries' waters.

- 
- Since November 2012 the Commission has been in formal dialogue with several third countries (pre-identification or "yellow card"), which have been warned of the need to take strong action to fight IUU fishing. When significant progress is observed, the Commission can end the dialogue (lifting the pre-identification status or "green card").
 - **Fiji, Panama, Togo and Vanuatu** since October 2014.
 - **Korea and the Philippines** since April 2015.



Delisting



- Formal dialogue is ongoing with Curaçao (since November 2013), the **Solomon Islands, Tuvalu, Saint Kitts and Nevis, Saint Vincent and the Grenadines** (since December 2014), **Thailand** (since April 2015), and **Taiwan** (since October 2015).
- A few countries have not shown the necessary commitment to reforms. As a result fisheries products caught by vessels from **Sri Lanka** (since October 2014), **Guinea** and **Cambodia** (since November 2013) are banned from being imported into the EU (identification and listing or "red card").



6 Conclusion



Conclusion

- IUU fishing is an economic activity driven by the fishermen expect net benefit.
- People engaged in IUU fishing are looking for legal or management measures gaps.
- Legal measures are always behind the IUU activities evolution.
- Therefore, it is important to identify policy tools to reduce the income stream or increase the costs of the IUU.



Illegal, unreported, and unregulated (IUU) fishing in the area is widespread. Common methods such as dynamite fishing, cyanide poisoning, and bottom trawling have wreaked havoc in regional ecosystems and threaten the future of the regional fishing market. 40 percent of the South China Sea's fish stocks have already disappeared and 70 percent of the South China Sea's coral reefs are rated to be in fair or poor condition.

Nina Hachigian, "The Other Problem in the South China Sea", *The Diplomat*, 08 April 2015.

THANK YOU



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