

Illegal, unregulated and unreported fishing research paper example

[Law](#), [Criminal Justice](#)



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Introduction

East African countries such as Kenya, Somalia, and Tanzania, among other countries along the Indian Ocean are constantly and increasingly under the threat of Illegal, Unreported and Unregulated fishing (IUU) by foreign ship fleets. IUU fishing leads to the overexploitation of fish populations and hinders the recovery of fish stocks and ecosystems. In addition, it leads to unfair competition for fishers who use legal practices and procedures and also affects the socioeconomic well-being of communities engaged in fishing (MRAG 5). In addition, resources of the Small Developing States (SDSs) are depleted. This compromises income and food Security while undermining the fisheries management and conservative measures. Global losses as a result of IUU are estimated to range between annual figures of US\$ 9 billion to US\$ 24 billion. This represents between 10 and 22% of the total fisheries production (Samoilys et al 10). Developing countries along the Indian Ocean are some of the worst hit nations with regards to illegal fishing (MRAG 5). Concerted efforts should be applied to tackle IUU fishing through the

improvement of management and governance. In addition, developing countries along coastlines of the Indian Ocean should be supported to enable them implement appropriate systems which monitor and control fishing in their waters effectively. This paper provides an investigative account of Illegal, Unreported and Unregulated Fishing (IUU) in the Indian Ocean in terms of its effects and the mitigation measures that may be applied to stop it.

The international community describes IUU fishing as the activity which is not compliant with regional, national or global fisheries management and conservation obligations (Samoilys et al 10). Illegal fishing is the set of activities that are undertaken by national or foreign fishing vessels without permission from the state and in contravention with the state laws and regulations. It is also the set of activities that are undertaken while violating international obligations or national laws (Samoilys et al 10). Unreported fishing activities are the set of fishing activities that are either not reported or misreported to a relevant national authority. Unregulated fishing is the set of fishing activities carried out by vessels which do not have a nationality or by an entity in a way that is inconsistent with or in contravention to management and conservation measures.

IUU is an international problem. Because of this it is recognized by FAO as shown by several initiatives such as the High Seas task Force against IUU fishing (HSTF) as well as other NGO-led initiatives. The key fisheries include tuna-like-fish and tuna (large pelagic), sharks, groundfish and abalone. In the East African portion of the Indian Ocean, illegal fishing has increased

(Samoilys et al 10). However, this statistic may mask some of the efforts that the coastal states in this region have implemented. Fishing is an important mainstay of African countries along the Indian Ocean. Coupled with the fact that over 40-50% of the citizens in these countries live below the poverty line, it is imperative that measures are taken to stop IUU fishing. Pelagic fisheries consist of very valuable tuna stocks and many other species like demersal snappers, mollusks and crustaceans. Management of fisheries in this region is very weak as a result of inadequate resources and capacity to undertake any combative measures against IUU fishing. In Kenya, IUU is regarded as being significant although exact estimation is difficult to ascertain. Through the EU's Monitoring Control and Surveillance programme (MCS) launched in Tanzania in 2003 reveals that between 2003 and 2006, only 5 percent of the vessels which were fishing in the EEZ waters of the country had been licensed before the MCS programme was initiated (Samoilys 14). In Somalia, the degree of IUU fishing is high as a result of civil war which has ravaged the country since 1991. According to global estimates, the world's highest rates of IUU fishing occur in Kenya, Somalia and Tanzania (Sumaila and Alder 12). In addition to revenue losses for these countries, IUU undermines the efforts of the East African countries in engagement for the management of productive offshore fisheries. The World Bank has supported the PROFISH partnership in making a list of vessels which have participated in or aided illegal fishing activity. The purpose of the international PROFISH list is to give a database tool to enable administrators in national fisheries, especially those from developing countries, to check the compliance status of any vessels, foreign or local, seeking licenses for

fishing. The list also serves as a market mechanism which reduces the resale of vessels found culpable in this regard. Cooperative efforts to combat IUU will also be based on this list to help coastal states that are affected by this vice.

Impacts of illegal fishing

Illegal fishing has a number of impacts. These include direct and indirect economic losses, socio-economic and environmental impacts. Direct economic losses come from the total value of catches that could have been obtained from the licensed fishing by the coastal state if the illegal fishing was not happening these losses reflect on the Gross National Product (GNP) of the coastal country as well as the additional losses in revenue from the landing fees, taxes and license fees which are received by the coastal state from legal fishing operators. Such losses may be severe, particularly in developing countries which rely heavily on fisheries for export earnings and domestic consumption. Indirect economic losses comprise of those losses resulting from loss of unemployment and income in the fishing industry as well as other industries which are upstream or downstream beneficiaries of the industry. On the upstream, IUU fishing decreases the demand for boats, fishing gear and equipment while downstream, losses are associated with fish processing and packaging as well as marketing. Any reduction in fishing incomes may have an effect on demand for consumption by fishing families. IUU also has some environmental impacts. This is because if the methods used are unsustainable, they affect marine species and surrounding ecosystems. The impacts most widely seen include damage to fish stocks as

a result of overfishing. Vulnerable habitats are also damaged when prohibited gear and fishing are used. The capture of species such as turtles, albatrosses, marine mammals and sharks while discarding non-target fish has an impact. This is because the practices tamper with the ecosystem and biodiversity. The income of legal operators is drastically reduced. The disadvantage that conservation efforts are faced with is that the illegal operators do not have any incentive to follow the set conservation regulations.

In addition, socio-economic impacts comprise of the environmental impacts and reduction in productivity leads to food security and reduction in livelihood. This is important because small scale farmers who are dependent on fish as a source of protein. This mostly includes the coastal families. In some coastal countries, there is conflict between the illegal operators and the legal operators often leading to deaths and injuries. This is common in countries such as Angola and Mozambique. IUU fishing vessels have poor working conditions for the crew.

Ending Illegal fishing in the Indian Ocean

There are underlying causes of illegal fishing. These include the demand for fish and uncontrolled fishing. Some measures may be taken to help fight illegal fishing. The first measure is to strengthen monitoring, surveillance and control. The flag states need to raise their level of surveillance, monitoring and control. The key to effective surveillance, control and monitoring is to exploit existing cost and utility resources to the maximum. Enforcement officers should be afforded with effective training so as to improve the legal

system in terms of prosecution and considerable fines. There should be an efficient licensing system installed for foreign as well as national vessels. This will ensure a high degree of control for fisheries. In addition, misreporting of the amounts of catches of migratory species of fish such as tuna which do not reside in the waters of the coastal state can present problems especially when the fishing vessels do not have port contact. All countries should establish port state control strategies. Vessel Monitoring Systems (VMS) can provide long-term value. Well-trained and dedicated fisheries observers can reduce underreporting and help to evaluate the extent of the problem. Observers record what they see and are not directly involved in enforcing the fishing rules. This information may act as a guide for surveillance systems. These observers can provide information for ascertainment of transshipments of fish and landings. Profiles of offenders can be created to reduce the trade in IUU fish such as tuna.

Improvement of fleet registers can also help combat illegal fishing. A database of information regarding catching, refrigeration in transit and supply vessels in the high seas may help to address the lack of information on the manner in which illegal fishing is carried out. Better governance can also help in the combating of fisheries. This can be achieved through the participation of all those who are party to the fisheries management initiative. According to Agnew and Pitcher (23), there is a clear relationship between the extent of IUU fishing and governance indices. This implies that countries with poor governance structures, such as developing countries in the coastal regions of Africa are more likely to be affected by illegal fishing activities (whether conducted by local fishers or foreign fishers). For

example, most of the coastal countries provide licenses to foreign vessels even with the significant number of reported IUU fishing in these areas. This shows a control failure of the local state. Fisheries agreements should be maintained in a transparent as well as equitable manner. There should be specific reporting requirements. Participating coastal states should have stiff penalties which ensure that foreign fleets traversing their waters seek fishing licenses. There should be workable linkages between coastal states so that perpetrator and management information can be shared. Control of foreign fishing vessels should be implemented using national ports. This helps to verify that the fishing activities comply with the set requirements. Port states should also deny the use of port facilities by vessels which engage in IUU fishing. This is supported by domestic legislations and mechanisms which allow the coordination of combating strategies with neighboring coastal states. The FAO has contributed to sensitization and capacity building for port states to help fight IUU fishing.

In addition, more effective utilization of market measures may be used as a combating method. Catch documentation efforts may be imposed for trade in endangered or high value fish. These restrictions are aimed at limiting the entry of IUU fish into markets through documentation that stipulates that only the fish which has been caught legally can be sold or bought. Custody schemes have also been implemented in the past under eco-labeling strategies such as marine Stewardship Council (MSC). This is where all fish which has the MSC label may be traced back to its original legal fishery.

Conclusion

The international community describes IUU fishing as the activity which is not compliant with regional, national or global fisheries management and conservation obligations. Coastal states along the Indian Ocean area are the most affected by IUU in the world. These countries include, Kenya, Somalia and Tanzania. In these coastal states, measures for combating IUU are not strong as a result of poor capacity and lack of the right resources. Some of the ways in which IUU fishing may be combated in these regions include improvement of fleet registers, surveillance, control and monitoring of fishing vessels especially the foreign ones and market-based strategies. Governance structures from within these states, however, are seen as the most effective way of combating IUU fishing. Cooperation between neighboring nations can also help in this endeavor through the sharing of vital information on vessels that engage in illegal fishing.

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