

PRESENTATION TO THE IUU SEMINAR AT THE EUROPEAN PARLIAMENT, 2ND JULY 2007, BY AMBASSADOR BARRY FAURE, SPOKESPERSON FOR THE ACP

Madame President,
Ladies and Gentlemen,

It gives me much pleasure to participate in this very important Seminar on IUU fishing at the invitation of the Greens in the European Parliament, particularly because it poses a major problem for ACP countries and it gives us another opportunity for our views to be heard in the context of the European Commission's current deliberations on legislative proposals to revise its IUU action plan.

I would like first to congratulate Madame Marie-Helene Aubert for her excellent report "On the implementation of the EU action plan against illegal, unreported and unregulated fishing", which was adopted by the European Parliament on 29th January 2007. It is a report that comes up with a number of useful ideas and suggestions for action by the European Commission and which should inspire us to make a useful debate and to assist the Seminar organizers to develop a detailed set of proposals that could be of help to the European Commission.

It is indeed a privilege and an honour for Seychelles, the smallest country in Africa and the Indian Ocean, but with probably the biggest fisheries, and in particular the industrial tuna fishery, to speak on behalf of the ACP Group. But, I must also say that whilst I will make an attempt at reflecting the views of many countries in the ACP, anything that I say here, cannot be legal binding on the ACP, especially because the ACP, as far as I know, has not so far adopted an official position on IUU Fishing, which does not mean, however, that the fisheries countries that form part of this Group have not used the opportunity of various international fora to condemn in the strongest terms IUU Fishing.

I have been invited in particular to talk about the ACP perspective on the newly announced measures by the EC to greatly strengthen the requirements for traceability of fish entering the EU market, so that its legal origin can be verified.

There is no doubt that a huge amount of fish from the ACP enters into the EU market every year. I do not know what EU trade statistics would say exactly, but judging from the list of Fisheries Partnership Agreements that the EU has signed with ACP countries it is clear that the ACP represent an important fish-trading partner for the EU. On the other hand, judging from a 2005 study carried out by Marine Resources Assessment Group Ltd for the UK Government, the average annual value of IUU catch across sub-Saharan Africa alone is 16% of current total catch (which is equal to 19% of current landed value) or about \$ 0.9 bn. Not only does this illustrate the damage caused to fish stocks and national economies by IUU fishing, but also brings proof of the significant untapped opportunities that is escaping ACP legal fishers and exporters to improve food security, increase their foreign earnings and to manage and better control their own stocks.

Hence, tougher IUU measures, including traceability, are important. But, it is also important that the right development approach is put in place to assist developing countries like the ACP to comply with these new measures and to implement their own at home for IUU does not only affect foreign fleets.

In our view, we need to tackle the problem of IUU both at the “ship” level, i.e. where the fish is caught, as well as at the “landing site” level to ensure the legal origin of a fish product. Thus, efficient monitoring, control and surveillance (MCS) are essential in fighting IUU fishing, not just traceability mechanisms. However, ACP countries suffer from huge capacity problems in implementing measures in both areas.

In the case of MCS, even where high tech solutions exist to assist ACP countries in their MCS programmes, IUU offenders still find ways to circumvent these. Thus, a more balance approach is recommended with the involvements of scientists, trained and well-remunerated observers and inspection staff as well as close co-operation with artisanal fishermen.

True, there is less IUU when there are Fisheries Partnership Agreements that are signed between the EU and ACP countries, but the reality on the ground is that there is evidence of “misreporting” which the European Commission,

unfortunately, has not properly tackled in its new measures. The Commission, in response to this problem, so far, has tended to put the onus on third countries to prove that flag states are indeed engaged in unreported fisheries through the use of observers. This is shifting the responsibility of the fishing flag state to the third countries where they are fishing. Note that not only do scientists have little faith in observers on ships (because of the high propensity for collusion between ship masters and observers), but, if my informers are correct, evidence derived from observer reports cannot stand as evidence in court.

As far as traceability is concerned, it is clear that it will go a long way to combating not only IUU fishing, but also Sanitary and Phytosanitary Standards issues, the rules of origin and tariff questions.

The Aubert Report refers in its paragraph 22, and rightly so, to this question and I quote:

“Calls on the Commission to carry out and present a study on tariffs and rules of origin, containing an examination of the ways in which these tools may be used in order to encourage third countries to ensure that their vessels abide by the relevant international management measures ...”

There is increasing evidence that the bulk of IUU in the tuna fishery comes from long-liners that supply the Asian industry. The compliance to SPS of these vessels have been largely questioned. It is thus hoped that the Commission does take up this action by the EP seriously as it will go a long way to tackle not only IUU, but also increasing competition from Asian non-ACP countries whose fishery products are increasing benefiting from lower EU tariffs.

Similarly, today, you can import into the E.U. all the fish you want through the use of a Cold Store Sanitary Agreement instead of asking the reference of the fishing vessel that has really caught the fish. The reefer cargo or the container contains fish coming from a cold store having an EU Sanitary Agreement. The fish could have been caught by a fishing vessel without a flag or without a fishing license and this is not a problem. **The European Commission must impose that all imports of fish into EU must make a reference to the fishing vessel.** This is one major point that is missing in the Commission's new proposals.

On the other hand, a different approach must be taken vis-à-vis ACP small scale fishing communities. According to a report dated June 2007 by the Coalition for Fair Fisheries Arrangements (CFFA), I quote:

“ACP small scale fishing communities agree that the trade in IUU caught fish must be halted, and that traceability could help to stop fish coming from IUU sources.

However, it is important that fishery products from the ACP fisheries sector are not prevented from accessing markets like the EU because they are not able to comply with the administrative requirements of traceability, as used to combat IUU fishing.

ACP artisanal fishing organizations have proposed that efforts are made to find ways in which traceability can be applied to fish products originating from small scale fisheries, where small quantities of fish are collected from many vessels, often from several, widespread locations. This could be achieved through the development of a model, based on pilot projects that directly involve the artisanal fishing sector stakeholders, towards establishing traceability of fishery products appropriate for the sector.

Artisanal fishing sector also want to consolidate their capacities, through information and training, so that they develop a good knowledge of the existing regulation, and are able to implement them.

As conclusion, if EU traceability norms are imposed to ACP countries, they can, in the long term, be beneficial for the artisanal fishing sector, provided the conditions for their implementation allow the sector to adjust.”

The ACP would agree with this position and would call for appropriate development assistance in order to upgrade ACP states' capacity to comply with traceability first and during this period certain types of fisheries, including but not limited to small scale fisheries, should be exempted from the full application of the new traceability measures.

I would also like to refer to the MRAG report of 2005 which does come up with a number of serious recommendations concerning where aid funds should be directed as a strategy to combat IUU in developing country waters, and in high sea waters.

With the permission of the Chair, I would like to read from their report:

“As a strategy to combat IUU in developing country waters, and in high seas waters, we recommend that aid funds should be directed at the following:

a) Creating the institutional, management and technical MCS capacity for developing countries to effectively control their own vessels throughout the world and foreign fishing vessels fishing in their waters, including in specific cases of targeted offshore patrol facility and effective licensing schemes;

b) Fostering the active cooperation of developing countries with regional management and surveillance organisations and membership of international fisheries management agreements (including providing funds and assistance for membership of RFMOs), at the same time as addressing specific country issues to avoid simply pushing the IUU problem elsewhere;

c) Funding and encouraging cooperative activities between licensed industry and artisanal fishermen to identify and target IUU fishing operations;

d) Requiring ratification of UNFSA, the Compliance Agreement and a real enforcement of control on high seas vessels;

e) Funding observers on foreign vessels, and ensuring that access agreements include real-time submission of catch and effort data from these vessels;

f) Funding training programmes for observers and inspectors and providing training and support to negotiators and legislators;

g) Development of satellite based survey activities, including support for VMS particularly on shrimp and offshore vessels;

h) Assistance with quick and dirty stock assessments to assist licensing process followed by more sustained capacity building;

In the worst affected countries, relatively modest inputs of aid could make significant contributions, but only if governance issues, especially the rule of law and corruption within the fisheries management system, are addressed.

Significant long-term benefit will only derive from investment in the whole fisheries management system, including assessment as well as MCS.

An investigation of the potential for enacting US Lacey-style legislation in all developed countries should be initiated, together with an analysis of the support required by developing countries to enable them to cooperate with developed countries to bring successful prosecutions for attempted import of illegally caught fisheries products.”

Madame President, we find these ideas to be valid, and can only endorse these recommendations as their proper implementation will go a long way to resolving the increasingly alarming problem of IUU fishing. We hope that they form part of the conclusions of this Seminar for consideration by the EC.

In referring to the question of underreporting in Fisheries Partnership Agreements, which it recognizes as a problem in the Indian Ocean although not as widespread as in the Atlantic, the same MRAG report recommends that *“all agreements be strengthened to enforce electronic catch reporting and to allow joint inspections by the DWFN and coastal state inspectors at the port of landing, to ensure that all data from catches caught within the EEZ of a developing country are reported directly and in near-real time to that country, irrespective of whether there are observers on the vessel or not.”*

Again, this is a matter of major concern for the ACP and we fully agree with this recommendation, and hope that they could for part of the conclusions of our meeting.

In conclusion, I would like to thank you, Madame President, for having given us the opportunity to address this seminar. I also take the opportunity to express our appreciation to the CFFA and the CTA who have provided us with the relevant information to prepare this presentation.

Thank you.