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Review of illegal fishing in APFIC region Launch

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A review of illegal, unreported and unregulated fishing issues and progress in the Asia Pacific Fisheries Commission region

Executive summary

Illegal, unreported and unregulated (IUU) fishing constitutes a persistent and pressing problem estimated to account for up to USD 23 billion annually in the APFIC area of competence. The effects of IUU fishing can be severe, particularly for small-island and coastal developing states heavily dependent on fisheries, and include adverse impacts on peoples' livelihoods, food security, national economies and the environment. Countries unable to fulfil international obligations for fisheries management and governance risk incurring trade sanctions on their fisheries exports, an increasing issue as export markets tighten their permitting. Furthermore, IUU fishing is increasingly associated with national and transnational organised criminal activities, although the evidence remains mixed.

FAO commissioned this report two years ago to produce an independent update to an unpublished 2015 study on IUU fishing in the APFIC area of competence, which was presented to the APFIC as an information paper in 2016 (FAO 2016a). The 2015 study used a mixture of media reports, literature review, and interviews to build a picture of hotspots of illegal fishing across the APFIC area of competence. This report builds on the previous work, incorporating additional analysis methods to predict illegal fishing in a transparent manner. Based on discussions with the APFIC Secretariat, it was decided to limit the study to the illegal component of IUU fishing. A key difference with the 2015 study is the extension of the estimation of illegal fishing from the 33 hotspots covered in the 2015 study to the entire APFIC area of competence in this study.

This report provides the following key outputs:

- (i) development and implementation of an agreed methodology for estimating illegal fishing levels and progress;
- (ii) information from case studies in three Asia-Pacific countries; and
- (iii) analysis of results from the agreed method estimating the incidence of illegal fishing and implication of efforts to reduce it.

The approach taken to achieve these goals included a structured online survey of fisheries officials in APFIC countries, semi-structured interviews of key informants knowledgeable about illegal fishing in the APFIC region, and analysis of articles on illegal fishing from public media data across the APFIC area of competence.

The methods developed and applied herein provide an appropriate design for a repeatable, transparent, and cost-effective set of approaches for estimating illegal fishing in the APFIC area of competence, including responses to illegal fishing and changes since 2015. These methods align with the draft design guidelines under development by FAO for estimating IUU fishing and improve on the

methods developed in the 2015 APFIC study (FAO, 2016a). The hotspot case studies from the Asia-Pacific countries explore specific contexts and aspects of illegal fishing problems in the region, while illuminating potential responses and associated recommendations.

Key findings of the review include:

- Generally, hotspots for illegal fishing identified in 2015 were still found to be hotspots.
- Additional hotspot areas of illegal fishing activities include the southeast Bay of Bengal, the region at the border of Viet Nam's exclusive economic zone and the South China Sea, and the region between the Philippines and Indonesia in the Celebes Sea.
- Estimated illegal fishing landings across the APFIC area of competence, excluding the South China Sea, totalled 6.6 million tonnes in 2019, with a value of USD 23.3 billion.
- In both small-scale and industrial sectors, encroachment and breach of license conditions were the most common infractions; followed by non-compliant gear, illegal transshipment, and other premeditated activities.
- Surveys suggested that illegal landings generally comprise less than half of the total landings, across the 25 species evaluated in this study.
- Species, sectors and entities vary significantly in the level of illegal fishing associated with them, with some predictable patterns. For instance, illegal shark catch reached 50percent or more of the total landings in some cases. The proportion of illegal catch for tunas was small; however, the combined value exceeds USD 1.6 billion.
- Illegal fishing by domestic fleets represented less than 25 percent of the total reported illegal fishing (by value), suggesting illegal fishing is undertaken mostly by foreign vessels operating illegally.
- However, for five of the countries examined, between 50percent and 75percent of IUU fishing (by value) was undertaken by domestic vessels, and for another four countries, illegal fishing activities were fully undertaken by the domestic fleets.
- The median value of the catch from an IUU trip was relatively small. Reported incidents with values exceeding USD 1m were seen in only eight locations, with the maximum incident having an estimated value of around USD 14.3m.

Based on the data sources examined and the analysis, six issues were identified that are linked to illegal fishing. These issues are:

1. High levels of illegal fishing near borders, in shared zones, and disputed waters;
2. Frequent violation of bilateral agreements, particularly where there is asymmetry between parties;
3. The prominence of fish buyers or purchasers in illegal fishing;
4. The likelihood that many of the violations documented were related to stock depletion and profitability;
5. The lack of alignment in regulatory systems and industry structure as a key factor leading to illegal fishing; and
6. The role of international management regimes in reducing illegal fishing.

Nine recommendations are made that the Commission and its member states might consider, which could support efforts to reduce illegal fishing in the region. They are:

1. Continued focus by APFIC and its members on illegal fishing in the region;
2. Establishment of a transparent, repeatable, and cost-effective approach to benchmarking illegal fishing and the effects of interventions in the region;
3. Development of guidance for countries in legal and regulatory reform, particularly addressing structural alignment between industry and regulation;
4. Capacity building for enforcement agencies, aimed at increasing knowledge of fisheries regulations and embedding the view that violations of fishery law merit action;
5. Information sharing to support cost-effective technological innovation in monitoring and surveillance by members;
6. Development of a platform for sharing monitoring information near borders that facilitates cooperation and reduces barriers to information sharing;
7. Focused effort to increase monitoring, surveillance, and enforcement activities aimed at fish buyers;
8. Efforts to support members in addressing stock depletion and profitability of their fishing industry; and
9. Highlighting the role of norms and other informal structures in increasing regulatory compliance.

Overall the study validates the majority of the findings of the 2015 APFIC study, including underlying drivers, many of the areas of high illegal fishing activity, and the key species and gears involved. The hotspots identified in 2015 appear to remain areas of concern today. The current study differs from the 2015 study in the volume and value of illegal activity. This difference is likely largely due to an extension of the area of coverage from the 33 hotspots evaluated in 2015 to the entire APFIC area of competence in the current study.

Two key recommendations emerging from the 2015 study, which were not highlighted based on the current study results, but which remain relevant include: 1) the value of a risk assessment to identify areas with relatively high levels of illegality which could be usefully addressed incorporating the risks related to corruption, and 2) the importance of training officials involved in IUU related activities on fisheries regulations in their jurisdictions, along with investigative techniques and procedures for handling evidence.