

Illegal, Unreported and Unregulated Fishing and the European Green Deal

Advancing the EU Biodiversity Strategy for 2030

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Nature is being eroded at rates unprecedented in human history. With one million species currently at risk of extinction,¹ swift and ambitious action to reverse biodiversity loss has never been more critical.

This planetary crisis is largely attributed to the increasing footprint of human behaviours across the globe: it is estimated that approximately three quarters of terrestrial environments and two thirds of ocean environments have been significantly altered by human influence.²

The European Green Deal is the European Union's (EU) roadmap for making the EU's economy sustainable and climate neutral by 2050. One of its key pillars is the 'EU Biodiversity Strategy for 2030',³ which lays out Commission President von der Leyen's plans to set nature on the path to recovery. In the marine realm, fishing is a key driver of biodiversity loss globally,⁴ and this brief examines one component of this human activity: illegal, unreported and unregulated (IUU) fishing. It describes how ending IUU fishing would be one of the most impactful and cost-effective ways for the Commission to advance its broader biodiversity agenda.

The technologies and governance measures required to tackle IUU fishing are already in place and have proven to be effective deterrents where implemented. Furthermore, uniform and robust implementation EU-wide and internationally of these measures would help restore the natural infrastructure on which our economies, livelihoods, food security, health and quality of life worldwide depend.

The EU has demonstrated real leadership in the global fight against IUU fishing. As the world's largest trader of fishery products, with imports from non-EU countries valued at over €25 billion in 2017,⁵ it plays a pivotal role in the sector. Using its diplomatic capacity and leverage as the largest seafood market in the world, the Commission could exert a greater positive influence to significantly reduce the footprint of the global fishing industry by prioritising its "zero tolerance" approach to IUU fishing in its forthcoming action plans. This would present an opportunity to position the EU at the forefront of global efforts to combat biodiversity loss through the United Nations (UN) Global Biodiversity Framework, which will be negotiated at the 15th Conference of the Parties to the Convention on Biological Diversity in 2021.



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1 IPBES Global Assessment Report on Biodiversity and Ecosystem Services (2019). Available at: <https://ipbes.net/global-assessment>

2 Ibid.

3 https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/actions-being-taken-eu/eu-biodiversity-strategy-2030_en

4 Díaz et al. (2019). Pervasive human-driven decline of life on Earth points to the need for transformative change. *Science*. 366 (6471). Available at: <https://science.sciencemag.org/content/366/6471/eaax3100>

5 The EU Fish Market 2018 Edition. Available at: https://www.eumofa.eu/documents/20178/132648/EN_The+EU+fish+market+2018.pdf

IUU fishing and biodiversity: an overview

The growth of the global industrial fishing fleet over the past half century, and the associated over-exploitation of fisheries, has been one of the most damaging human influences on oceans.⁶ It is a major threat to marine ecosystems and biodiversity, with estimates indicating that over one third of world fisheries are currently overfished.⁷ IUU fishing plays a central role in this over-exploitation and is an important driver of biodiversity decline, such as for apex predators including sharks, and it needs to be a key part of the solution, as also highlighted in the Biodiversity Strategy. It is a serious, widespread problem that threatens the sustainability of global fisheries in national coastal waters and on the high seas⁸ and has grave impacts on the whole ocean ecosystem.

“[IUU fishing is]... one of the greatest threats to marine ecosystems due to its potent ability to undermine national and regional efforts to manage fisheries sustainably as well as endeavours to conserve marine biodiversity”.⁹

UN Food and Agriculture Organization (FAO)

IUU fishing operations are usually highly organised and global in scale. While estimating the magnitude of IUU fishing is complex and depends on many factors such as the type of fishery and the availability of information, its contribution to the degradation of ocean health should not be understated. The problem is so acute that it frustrates efforts to conserve and sustainably manage fish stocks, puts law-abiding fishers at an unfair disadvantage, poses a serious threat to food security and represents a significant obstacle in the transition towards sustainable food systems. It also compromises the attainment of the UN Sustainable Development Goals. In particular, it hinders attempts to accomplish Goal 14 which aims to conserve and sustainably use the oceans, seas and marine resources and includes Goal 14.4 to end IUU fishing.

Ending IUU fishing would bolster fish abundance and improve marine biodiversity and ocean health, thereby enhancing food security. It would remove a key obstacle to the advancement of other marine conservation and management efforts and to the transition towards sustainable food systems.

IUU fishing and the business case for biodiversity

The EU Biodiversity Strategy includes an estimate that conserving marine stocks could increase annual profits of the seafood industry by more than €49 billion.¹⁰ Ending IUU fishing would be a relatively low-cost approach to protect marine resources and boost profit for governments, legal operators and local communities, while underpinning food security both in the EU and globally. While up to date estimates are lacking, past research could provide an indication of the magnitude of losses expressed in value terms due to IUU fishing. For example, a widely-cited study puts annual global losses associated with the IUU fishing in 2006 at up to €21 billion globally, representing 26 million tonnes of fish or an aggregate one in five wild-caught fish.¹¹

Ending IUU fishing would benefit the economy and help secure the food sector, which is at risk from biodiversity loss. It would be a relatively low-cost approach to support growth by saving billions in lost revenue every year, while creating a level playing field for law-abiding fishers who are competing for the same stock within the EU and beyond.

6 IPBES Global Assessment Report on Biodiversity and Ecosystem Services (2019). Available at: <https://ipbes.net/global-assessment>

7 UNFAO State of World Fisheries and Aquaculture 2020. Available at: <http://www.fao.org/documents/card/en/c/ca9229en>

8 SEAFDEC 2015: <https://www.asean.org/wp-content/uploads/images/2015/November/AMAF/App%209%20-%20ASEAN%20Guidelines%20IUU%20SSOM36th%20AMAF%20final.pdf>

9 UNFAO. Illegal, Unreported and Unregulated (IUU) Fishing. Available at: <http://www.fao.org/iuu-fishing/en/>

10 https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/actions-being-taken-eu-biodiversity-strategy-2030_en

11 Agnew, D.J., Pearce, J., Pramod, G., Peatman, T., Watson, R., Beddington, J.R. and Pitcher, T.J. (2009) 'Estimating the worldwide extent of illegal fishing', PLoS ONE 4(2).

IUU fishing in Marine Protected Areas

Concerted efforts to improve global governance and transparency in commercial fisheries will help deter IUU fishing and benefit ocean biodiversity. The design, implementation and effective policing of Marine Protected Areas (MPAs) would serve as an important first step to counteracting the harmful effects of industrial fisheries on marine biodiversity. MPAs should be designed with the protection of biodiversity as a priority, focussing on areas at which high density of industrial fishing intersect with biodiversity hotspots. A targeted approach of this nature should enable a more effective monitoring regime, reducing the difficulties inherent in policing large swathes of ocean.

Failure to prevent illegal fishing activities in MPAs, such as poaching, will negate their desired effects and ultimately undermine the Commission's ambition to protect important habitats and allow fish populations to recover and flourish. The success of any MPA, therefore, rests on significant improvements being made to management and, particularly, to enforcement in these protected areas by Member States, which have been insufficient or entirely absent in the past.¹² A 2018 study of over 700 European MPAs found that intensive trawling was still rife within these "protected" areas, and that overall they failed both in reducing fishing pressure and in protecting vulnerable species such as sharks and rays.¹³ Similarly, a 2019 analysis of EU MPAs showed that about 85% of them did not have any management in place, making them merely "paper-parks".¹⁴

Ending IUU fishing would support the Commission's ambition to restore seas to "good environmental status" by helping to facilitate the effective management of MPAs.



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¹² WWF. The case for MPAs. Available at: https://wwf.panda.org/our_work/oceans/solutions/protection/protected_areas/

¹³ Dureuil et al (2018). Elevated trawling inside protected areas undermines conservation outcomes in a global fishing hot spot. *Science*. 1403-1407.

¹⁴ <https://www.wwf.eu/?uNewsID=352796>

IUU fishing, destructive gear and bycatch

The accidental capture of non-target species, or bycatch, is an unfortunate and ecologically costly consequence of the fishing industry. Estimates suggest that bycatch makes up 40% of the global catch,¹⁵ often impacting species of seabirds, sharks, turtles and cetaceans considered to be vulnerable to extinction.

IUU fishing exacerbates this problem. Operating under the radar, these activities often cause serious environmental damage, especially when vessels use prohibited gear that catches non-target species or damages vulnerable marine ecosystems. Commonly used illegal fishing methods include pair trawling (in which two trawlers string a net between them and drag it through the water often causing indiscriminate destruction),^{16/17} monofilament nets (below regulation sized nets that have high rates of bycatch) and driftnets (non-selective nets that hang vertically in the water). The Mediterranean sperm whale is an example of a subpopulation that has been drastically impacted by the use of driftnets, with their continued use, despite them being banned in 2001, still inadvertently capturing a species whose numbers are thought to now be in the low to mid hundreds.¹⁸ Another example of the devastating effects of these methods can be seen in Ghana, where the use of monofilament nets by trawlers has seen large quantities of juvenile fish being illegally caught, with dire implications for the country's fish populations and, therefore, for its food and livelihood security.¹⁹

Illegal fishing methods can also have negative impacts on the marine habitats where wildlife feeds, breeds and shelters. The use of dynamite and noxious chemicals to stun and capture fish is still prominent in some regions of the world and causes grave damage in the vicinity of their use. Examples of this can be seen in Europe and further afield. Reports from Greece, the Philippines and Sri Lanka all suggest that dynamite fishing is still in use, and indiscriminately killing both target and non-target fish and rupturing the vital coral habitats that support countless marine species.^{20/21/22}

Ending IUU fishing would contribute towards reinforcing the EU's political commitments to address bycatch and reduce overfishing.

IUU fishing for protected and endangered species

Whilst the incidental capture of protected and endangered species is common in world fisheries, many are also illegally hunted for profit. The persistent practice of 'shark-finning' is a case in point. Shark-finning involves the capture of sharks, the removal of their fins (sold primarily to markets in East Asia to be used in shark-fin soup) and the discarding of their bodies overboard due to the meat's relatively low financial value. The sharks are often still alive when thrown overboard, condemning them to a slow and cruel death by drowning or consumption by other animals. It is estimated that, of the 73 million sharks killed to feed this market, more than 50% are species threatened with extinction.^{23/24} A recent seizure of shark-fins in Hong Kong²⁵ exposed the extent of this illicit industry, which is thought to generate approximately one billion US dollars in illegal trade annually.²⁶ Customs in the country uncovered 26 tonnes of fins, a substantial amount of which came from vulnerable species, such as silky and thresher sharks.

15 Davies et al (2019). Defining and estimating global marine fisheries bycatch. *Marine Policy*. 33(4). 661-672.

16 <https://ejfoundation.org/films/pair-trawling-frontline-view>

17 <https://stopillegalfishing.com/press-links/fishery-livelihoods-dwindling-pair-trawling-activities/>

18 <https://iucn-csg.org/alert-on-the-mediterranean-sperm-whale-subpopulation/>

19 EJF (2020). The "people's" fishery on the brink of collapse. Small pelagics in landings of Ghana's industrial trawl fleet. Available at: <https://ejfoundation.org/resources/downloads/EJF-report-small-pelagics-2020-final.pdf>

20 <https://www.ekathimerini.com/237936/article/ekathimerini/news/two-arrested-for-blast-fishing-in-central-greece>

21 Jennifer et al (2018). Shifting gears: Diversification, intensification, and effort increases in small-scale fisheries (1950-2010). *PLOS ONE*. 13 (3).

22 Mongabay (2019). Crackdowns after Sri Lanka bombings may help in fight against blast fishing. Available at: <https://news.mongabay.com/2019/06/crackdown-after-sri-lanka-bombings-may-help-in-fight-against-blast-fishing/>

23 Wildaid (2018). Sharks in Crisis: Evidence of positive behavioural change in China as new threats emerge. Available at: <https://wildaid.org/wp-content/uploads/2018/02/WildAid-Sharks-in-Crisis-2018.pdf>

24 Dulvy et al (2014). Extinction risk and conservation of the world's sharks and rays. *eLife*. 1-34.

25 South China Morning Post (2020). Available at: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3083184/biggest-shark-fin-seizure-hong-kong-history-recovers>

26 UNFAO (2015). State of the global market for shark products. Available at: <http://www.fao.org/3/a-i4795e.pdf>

A number of other marine species find themselves deliberately targeted by illegal fishers for various reasons. A 2018 study found there to be a widespread practice of capturing aquatic mammals, including dolphins and whales, solely for use as bait to entice other species.²⁷ This practice was found to be most common amongst the longline shark fisheries of Latin America and Asia, yet it occurs in a number of other geographical locations. Similarly, sea turtles are widely poached for their eggs, meat, shells and skins and seals for their skin, blubber and meat.²⁸

Ending IUU fishing would reduce the economic incentive and increase the risks of hunting protected and endangered species by tightening fisheries laws or regulations.

Opportunities for positive action

The four enabling factors that make IUU fishing a low-risk, high-profit activity are: weak governance that fails to enact or live up to fisheries management regulations; barriers to enforcement of fishing regulations caused by lack of political will; a lack of enforcement capacity, and sometimes corruption.²⁹ In order to reap the multitude of social, ecological and economic benefits that would arise from addressing these enabling factors, including the protection and restoration of marine biodiversity, the EU IUU Coalition urges the Commission to prioritise IUU fishing within the forthcoming action plans devised under the EU Biodiversity Strategy for 2030. As highlighted throughout this brief, not only does IUU fishing have perilous impacts on marine biodiversity, but the good governance and transparency measures needed to address it are relatively low-cost and readily available.



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²⁷ Mintzer et al. (2018). The use of aquatic mammals for bait in global fisheries. *Front. Mar. Sci.*

²⁸ Nunny et al. (2018). A review of seal killing practices in Europe: Implications for animal welfare. *Marine Policy*.

²⁹ S. Widjaja, T. Long, H. Wirajuda, et al. 2019. *Illegal, Unreported and Unregulated Fishing and Associated Drivers*. Washington, DC: World Resources Institute. Available at: www.oceanpanel.org/iuu-fishing-and-associated-drivers.

The EU IUU Coalition recommends that EU decision makers:

- Recognise that ending IUU fishing is a critical component in setting nature on the path to recovery;
- Build upon their commitment to take a “zero-tolerance” approach to IUU fishing by including ambitious, concrete and enforceable measures to tackle IUU fishing in the Biodiversity Strategy for 2030 action plans, in particular the action plan to “conserve fisheries resources and protect marine ecosystems”. These measures are already available, are often of relative low-cost and most are ready to deploy (for example, the issuing of IMO numbers as a unique vessel identifier, increased vessel monitoring polling rates, publishing of fishing authorisations and other relevant fisheries documentation such as laws and implementation reports). Many of these measures have already been implemented by EU Member States, flag States and Regional Fisheries Management Organisations (RFMOs) worldwide.

Within the EU:

- Implement relevant good governance and transparency measures³⁰ across the European fleet;
- Ensure that the EU and its Member States make sufficient resources available to monitor and manage MPAs, as well as to enforce penalties where issued, in order to effectively deter and stop IUU fishing from happening in these areas;
- Take sanctions against EU flagged vessels when they violate the rules, such as persistently turning off their AIS systems without sufficient reason;
- Make it harder for illegally caught fishery products to enter the EU by continuing to roll out the CATCH digitised import database system and other traceability measures;
- Incentivise EU Member States to implement Remote Electronic Monitoring (REM) throughout their fleets, so they can effectively monitor bycatch;
- Actively drive innovation to reduce the harm caused by ‘ghost’ fishing gear, including making nets biodegradable;
- Create an easily accessible and user-friendly public database of fishing authorisations without delay;
- Encourage and further work with Member States to promote and improve the poor ratification record of key international instruments such as the IMO 2012 Cape Town Agreement on Fishing Vessels Safety and the IMO Work in Fishing Convention (C188).

Internationally:

- Implement the external aspect of the EU IUU Regulation ambitiously and consistently;
- Encourage non-EU States to implement good governance and transparency measures³¹ through bilateral dialogues such as those that arise through the EU Carding Scheme;³²
- Use their considerable presence and influence within RFMOs to propose and, by working closely with non-EU countries, secure the adoption at RFMO level of essential measures to increase transparency and tackle IUU fishing in their waters.³³

³⁰ http://www.iuuwatch.eu/wp-content/uploads/2019/10/Transparency-good-governance-criteria_EU-IUU-Coalition.pdf

³¹ Ibid.

³² The EU Carding scheme was introduced in 2010 as part of the EU IUU Regulations, more details can be found here: <http://www.iuuwatch.eu/new-background-to-the-iuu-regulation/>

³³ EU IUU Coalition (2019). Achieving transparency and combating IUU fishing in RFMOs. Available at: http://www.iuuwatch.eu/wp-content/uploads/2019/05/RFMO-report_EN_May-2019_FINAL.pdf

The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF – the EU IUU Coalition – are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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