

# Support to capacity building in African countries towards the implementation of the PSMA in context of fighting IUU fishing

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# African fisheries

- At least **1 out of every 4** fish caught in Africa is caught illegally;
- Estimates suggest Africa loses over **USD 1 billion** a year;
- Related crime – or fisheries crime is rampant on the continent – **probably exceeding the 1 billion** loss from fisheries;
- Coastal fisheries are **largely unmanaged** – and non-compliant - **increasing effort and declining stocks.**

# United Nations, population predictions

- Africa's population is expected to increase from **1.2 billion now to 2.5 billion in 2050**
- Africa is the fastest growing area with **more than 50 % of the expected global population growth to 2050 occurring in Africa.**
- **Nigeria** has one of the fastest growing populations in the world and **its population is expected to surpass that of the United States by 2050.**
- Other fast growing populations in African include
  - **Angola** - 25 million currently to 65 million by 2050
  - **DRC** - 77 million currently to 195 million by 2050
  - **Somalia** - 11 million currently to 27 million by 2050
  - **Tanzania** - 53 million currently to 137 million by 2050





# Stop Illegal Fishing (SIF)

- SIF started out in 2007 to assist in the development of a **SADC Statement of Commitment on Illegal fishing**
- In **2009** it expanded to become a **pan-African Working Group to combat illegal fishing** under the auspices of the AU's NEPAD Planning and Coordinating Agency (NPCA).
- In **2013**, SIF became a permanent **non-profit organisation** to strengthen its ability to facilitate stronger international partnerships.
- In **2015** SIF was appointed the **Chair of the MCS Working Group** of the **African Reform Mechanism** under the leadership of the AU
- **SIF** is governed by an **executive committee** with continental representation









# Trends in Illegal Fishing

## Experiences from FISH-i Africa and the WATF



*How to be smarter - and improve  
capacity and capabilities within  
existing government budgets*



# Avoidance of regulatory systems...

...by not complying with fishing, transshipment/offloading or maritime/shipping regulations, or by employing practises such as flag hopping.





# Fraud/forged documents...

...such as vessel registration certificates, fishing licences or catch certificates

License Number: **B12**

THE UNITED REPUBLIC OF TANZANIA  
THE DEEP SEA FISHING AUTHORITY ACT  
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

**FISHING LICENCE -**  
(Made under Regulation 6(1))

1. Name of licensee: **AMER HUSEIN ALI AL-SHAHIN**

2. Permanent address of licensee: **P.O. BOX 1617 ZAMBIA**

3. Name and permanent address of owner of vessel if different from above: **MAINA MARINE LIMITED 26 EASTERN EXHIBIT**

4. Name and address of local representative: **DEESEA P.O. BOX 1617 ZAMBIA**

5. Name and address of captain of vessel: **MR. MOHAMED YUSUF ALI**

6. Name of vessel: **MAINA MARINE**

7. Type of vessel: **TUNA LONG LINE**

8. Species of fish to be caught: **TUNA & TUNA LIKE SPP**

9. Tonnage of fish allowed: **1000 MT**

10. Length of vessel: **18.02m, Gross Tonnage 320.3, Engine 111 HP**

11. Country and port of registry: **SENEGAL, Dakar**

12. Registration number: **52061**

13. Identification mark number: **5250**

14. Date of issue: **08/10/2012**

15. Validity of license: **08/10/2012 to 08/10/2013**

16. Date issued: **08/10/2012**

Under Regulation 10 of the Deep Sea Fishing Authority Regulations, 2009, a licensee has to comply with the following conditions:

1. A licensed fishing vessel:

- (i) is brought either to Dar-es-Salaam, Zanzibar, Mtwara or Tanga ports for inspection and verification of fishery resources destined for export market;
- (ii) is not discarding any by-catch at sea;

THE PUNTLAND STATE OF SOMALIA

Issued by the Ministry of Fisheries and Marine Resource

**Fishing Department**

The Ministry of Fisheries and Marine Resource have issued for the Fishing Vessel (Notification No. ) to fish within the EEZ fishing waters as described in the regulations of the Puntland State of Somalia and subject to the terms and conditions of this License.

Vessel is licensed for ( **One Year** ) only.

DATE OF THE VALIDITY OF THE LICENSE: **FROM: 08/10/2014**

VESSEL COMMUNICATION AND ELECTRONICS		SCHEDULE	
RADIO COMMUNICATION		Vessel Name	
International Call sign		Official No.	
Radio transmitting frequencies		Nationality	
TELEPHONE COMMUNICATION		Port of registry / Year	
Telephone number		Length Breadth Depth	
EQUIPMENT		Tonnage GRT / NRT	
Engine Type & Power		Cold Storage Capacity	
POSITION DETERMINING EQUIPMENT		Other craft on board	
Other equipment		FISHING	
Other equipment		Species to be Fished	
Other equipment		Quota/ies permitted	
Other equipment		Reporting details	
Other equipment		LEGAL PERSONA	
Other equipment		Owner	
Other equipment		Address	
Other equipment		Tel	
Other equipment		Fax	
Other equipment		Email	
Other equipment		AGENT	
Other equipment		Address	
Other equipment		Tel	

Abdour Elmi Mohamed

REPUBLIC OF LIBERIA  
MINISTRY OF AGRICULTURE  
P.O. BOX 10-00100  
1000 MONROVIA 10, LIBERIA

BUREAU OF NATIONAL FISHERIES

January 28, 2012

Mr. Woolin Jun  
Deputy Director for Distant Water Fisheries Division  
Ministry of Food, Agriculture, Forestry and Fisheries  
Government of the Republic of Korea

Dear Mr. Jun:

**CONFIRMATION OF F/V PREMIER FISHING LICENSE**

As a result of research and investigations conducted to determine the legality of F/V Premier fishing vessel which was engaged in tuna fishing within the territorial waters of Liberia, we herewith confirm that the vessel was duly licensed during those periods mentioned in our previous communication to engage in tuna fishing by the Bureau of National Fisheries, Ministry of Agriculture.

It is very expedient to indicate here that the vessel's name was not recorded on the list of registered vessels published on the Bureau of National Fisheries' official website due to the fact that at the time of the construction and subsequent launch of the website, the vessel's license was nearing expiration and therefore could not be listed among the registered vessels whose licenses were extended for another one year. Furthermore, the owners of the vessel at the time of the website development did not express interest in extending its current license thus leaving authorities of the Bureau of National Fisheries with an option of deleting the vessel's name from its vessel's register.

In view of the above mentioned and in keeping with international best practice, F/V Premier is no longer considered an IUU fishing vessel under the Fisheries Regulations of the Republic of Liberia.

We hope that this communication clarifies all previous misunderstandings surrounding the legality of F/V Premier and supersedes all information provided in the past.

Sir, let this letter constitutes your legal authority for further actions intended to be taken.

Kindly  
Sincerely,  
BUREAU OF NATIONAL FISHERIES  
COORDINATOR



# Vessel identity issues...

...including one vessel illegally using several names or flags or several vessels using the same name.





# Whitewashing of illegal fish...

...through the mixing of illegally caught fish with legally caught fish, most often through unauthorized and unmonitored at-sea transshipments.







# Associated crimes

A strong link between serious illegal fishing violations and other associated crimes:

- Tax evasion
- Human trafficking
- Fraud and forgeries
- Wildlife trafficking
- Arms smuggling
- Corruption





# *How does this link to the PSMA*

- The PSMA is a **cost-effective and efficient tool to combat IUU fishing** if used actively in regional cooperation
- The PSMA is **simple to understand** and relatively easy to implement compared to many other agreements
- The PSMA is **not really adding any new dimension to your legal framework** as it **utilises the right of a sovereign State** in terms of granting or denying port access or port services
- The agreement is very much **focused on information exchange and regional / international cooperation**





# F/V Premier





- F/V Premier, a South Korean purse seine vessel was identified fishing illegally in the Liberian EEZ in 2012;
- It changed operations to East Africa in late 2012 to avoid any intervention from West African States;
- She arrived in December 2012 in Mauritius where illegal fishing were confirmed through inspection of the logbook;
- **FISH-i Africa countries refused the vessel license and further denied her to offload catch or port services in any of the countries** forcing her to return to Asia to sell the fish;
- High media profile resulted in reduced price for the fish when sold as well as a name change from FV Premier to FV Adria; and
- Fine of 2 million USD paid to Liberia. Owner had to settle this fine to regain access to African waters.



# F/V Greko 1





- Greko 1 fished illegally in Somali waters for several months in 2016 (inc forged documentation);
- Vessel drifted outside Kenya for more than 30 days **after being denied port access;**
- Greko 1 returned to Somalia for inspection on the 5<sup>th</sup> October 2016. Evidence secured from logbook;
- Greko 1 escape Mogadishu 13<sup>th</sup> of October 2017.
- Tanzania denies port access to the vessel;
- The vessel claims “Force Majeure” and arrives in Mombasa, Kenya 18th of October 2017;
- Kenya detains and denies the vessel port services on behalf of Somalia. Belize removes fishing authorization until case is resolved; and
- Fine paid 28<sup>th</sup> November 2017



## A few concerns...

- All cases investigated over 3 years (more than 20) **include "other violations or crimes"** not considered when vessels were penalised or fined;
- If vessels were charged, they were **all settled "out of court"**; and
- In terms of PSM, **denial of port access was used extensively**, but allowing port access for the purpose of collecting information through an inspection was avoided.





# Why?

## **The risk (or cost) of enforcement and prosecution:**

- The risk of losing the case generally (and being counter sued);
- The risk of no political support;
- The risk of political interference by flag State;
- The risk of lack of cooperation from other government offices and agencies;
- The risk of failing to do a proper investigation;
- The risk of being left with the crew (accommodation and repatriation) and ship; and
- The risk of corruption



# PSMA capacity building

- Focus has been on countries becoming a party to the agreement – as well as awareness about what the PSMA mean in practise.
- Focus shift towards how to reduce the risks associated with law enforcement mentioned in the previous slide:
  - Improved **knowledge about powers and legal system**;
  - **Practical PSM procedures and inspection training**;
  - **Technology training** (vessel instruments and extracting information);
  - **Investigative training** – chain of custody;
  - Facilitation and awareness building towards **Inter-agency cooperation**;
  - **IUU risk assessment**;
  - Implementation and capacity building in relation to **fisheries intelligence, information sharing and the benefits of regional cooperation**

# Risk assessment FISH-i countries



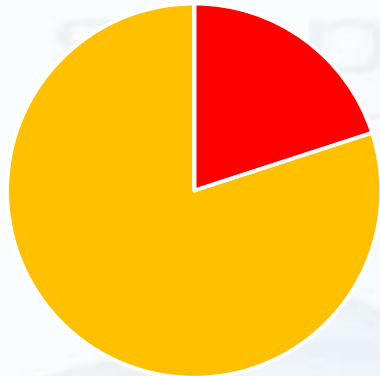




# Case study Kenya

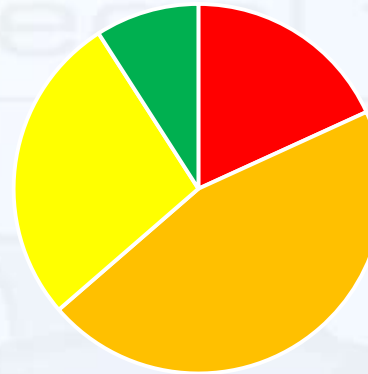
## *Tuna off-shore Long Line fishery:*

Excess capacity



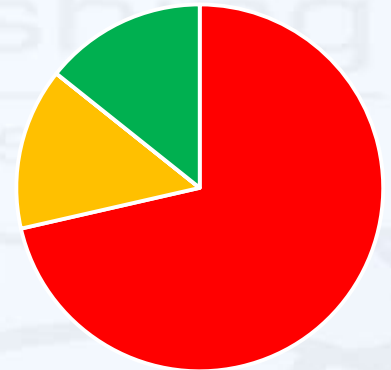
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Non-compliance catching sector



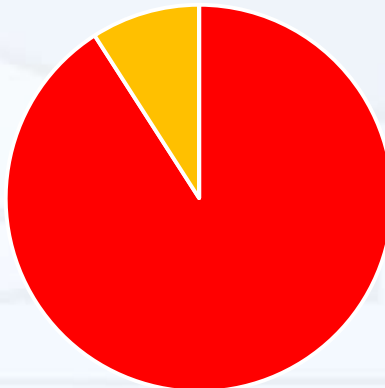
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Non-compliance post harvest sector



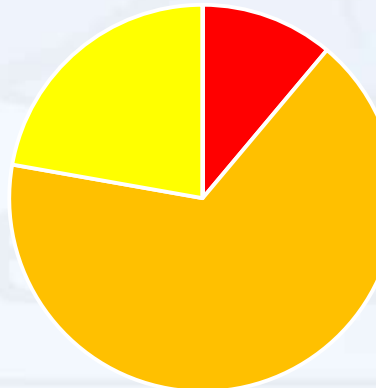
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Management



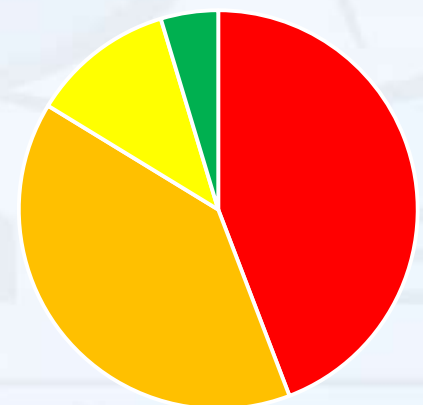
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Ecological and environmental



■ severe ■ high ■ moderate ■ low

Total risk long line fishery



■ severe ■ high ■ moderate ■ low

# Legal and MCS training Sierra Leone







# Prosecution and legal training FISH-i countries (with NOAA)





# Inter Agency Cooperation Workshop WAFT







# Practical training in port inspection and investigation WATF





# Future focus on capacity

- Focus on how to improve inter-agency cooperation;
- Build capacity in relation to a fisheries inspection and investigation – and the grey area in-between;
- More practical training and less PowerPoints;
- Legal training to build a relationship and trust between fisheries officers, police, port authorities etc. and prosecuting authorities; and
- Establishment and facilitation of a African Port State Task Force to strengthen the implementation and effect of the PSMA and wider issues related to crime in ports (wildlife, tax evasion, human trafficking, drugs, arms smuggling etc.).





*Capacity building will not be effective without considering **governance** as a crucial part of development. Capacity development is not only building knowledge and skills of individuals. Capacity development depends fundamentally on the governance of the organisations people serve.*





Food and Agriculture  
Organization of the  
United Nations

FAO AWARDS  
working for ZERO HUNGER

Margarita Lizárraga Medal Award  
2014-2015

**Stop Illegal Fishing Working Group**

