



**REGIONAL PLAN OF ACTION AIMED AT PREVENTING, DETERRING AND ELIMINATING  
ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE MARITIME ZONE OF FCWC  
MEMBER COUNTRIES**



This Regional Plan of Action aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing in FCWC member countries, is a tool meant for all these countries, departments, institutions, communities, world, regional and national government and nongovernmental organisations.

## Abbreviations and Acronyms

CIDA:	Canadian International Development Agency
AIS:	Automatic Identification System
APS:	African Partnership Stations
ADB:	African Development Bank
BMA:	Bureau of Maritime Affairs
BNF:	Bureau of National Fisheries
IWC:	International Whaling Commission
CBRST:	Benin Centre for Scientific and Technical Research
ECOWAS:	Economic Commission of West African States
ICCAT:	International Commission for the Conservation of Atlantic Tunas
COFI:	FAO Committee on Fisheries
IOC:	International Oceanographic Commission
ATLAFCO:	International Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean
CECAF:	Fishery Committee for the Eastern Central Atlantic
CIFA:	Committee for Inland Fisheries and Aquaculture
CRHOB:	Centre for Fishery and Oceanographic Research of Benin
COR:	Centre for Oceanographic Research
EJF:	Environment Justice Foundation
EU:	European Union
FCFA:	Francs CFA
IFAD:	International Fund for Agricultural Development
ILO	International Labour Organization
IUU:	Illegal, Unreported and Unregulated
IRD:	French Research Institute for Development;
IRIN	Integrated Regional Information Network
JICA:	Japanese International Cooperation Agency
LCHAI:	Central Laboratory for Food Hygiene and Food Processing
MARPOL:	International Convention for the Prevention of Pollution from Ships (Marine Pollution)
MCS:	Monitoring Control and Surveillance System
MRAG:	Marine Resources Assessment Group
MSY:	Maximum Sustainable Yield
NGOs:	Non-Governmental Organisations,
NIMASA:	Nigerian Maritime Administration and Safety Agency
NITOA:	Nigerian Trawler Owners Association
N:	Naira
IMO:	International Maritime Organisation;
WTO:	World Trade Organisation
ORSTOM:	Organization for Scientific and Technical Research Overseas
GDP	Gross Domestic Product;
GPS	Global Positioning System
GRT	Gross Rate Tonnage
IPAI/IUU:	International Plan of Action
RPA:	Regional Plan of Action
RPA/FCWC-INDNR:	Regional Plan of Action of the Fisheries Committee for the West Central Gulf of Guinea
IPOA-INDNR:	International Plan of Action for Combatting Illegal, Unreported and Unregulated Fishing
PANB AIS:	National Plan of Action of Benin
IUU Fishing:	Illegal, Unreported and Unregulated Fishing
GDP:	Gross Domestic Product
SFLP:	Sustainable Fisheries Livelihood Programme
PROPAO:	Regional Physical Oceanography of West Africa
RAMSAR:	Convention relating to Wetlands of International Importance;
SOLAS:	International Convention for Safeguarding Human Lives at Sea
UNCLOS:	United Nations Convention on the Law of the Sea
UNICOPEMA:	Union of Marine Fisheries Cooperative (Benin)
VHF:	Very High Frequency
VMS:	Vessel Monitoring System
EEZ:	Economic Exclusion Zone

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## **REGIONAL PLAN OF ACTION AIMED AT PREVENTING, DETERRING AND ELIMINATING ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE MARITIME ZONE OF FCWC MEMBER COUNTRIES**

### **SUMMARY**

The Regional Plan of Action aimed at preventing, deterring and eliminating Illegal, Unreported and Unregulated Fishing (RPOA-IUU) is an instrument that all the FAO Member States and Organisations were requested to develop in line with the framework of the International Plan of Action adopted in 2001 by the FAO Committee on Fisheries (COFI), after long technical consultations in which many member countries including FCWC countries participated.

According to the recommendations of the International Plan of Action aimed at preventing, deterring and eliminating Illegal, Unreported and Unregulated Fishing, all the National Plans should have been developed and implemented not later than March 2004.

In response to this call, reiterated in Accra in 2005 at the Regional Workshop, organised by FAO devoted to promoting awareness and strengthening capabilities as regards the formulation of National Plans, only one country: Benin, has responded to this call and with the support of the FAO has developed and adopted its national plan national, while Ghana with its own resources, has also drawn up a draft plan but which has not been followed up.

Aware of this state of affairs, the Fisheries Committee for the West Central Gulf of Guinea took the initiative to prepare a Regional Plan aimed at preventing, deterring and eliminating the Illegal, Unreported and Unregulated Fishing in its zone of influence. The objective of this plan is to give an assessment of the scope of the illegal, unreported and unregulated fishing in the waters under the jurisdiction of FCWC member countries and consequently, to evaluate the existing mechanisms and additional measures needed to combat this practice.

The plan was developed from 26 **July 2009 to 3 August 2009** through the provision by the FAO, of an international expert who carried out an analysis of the fisheries situation and, in particular, the various aspects of illegal, unreported and unregulated fishing as well as the operational measures that need to be implemented to combat this phenomenon.

The expert visited the six member countries and held discussions with the various departments concerned of the Ministries, Agencies, Organisations, Autonomous Institutions and Non Governmental Organisations, Socio-Professional Organisations of Fishers and Wholesale Fish Merchants (**see national reports attached**).

A diagnosis of the status of IUU fishing in each country has been made and communicated to the FCWC and the States for adoption. These diagnoses were used to validate the basic information necessary for the development of the Regional IUU Plan of Action of the FCWC.

The Assessment reveals that there is a very large disparity in institutional levels and a large potential in marine resources as well as great and increasing pressure on these resources by both national and foreign vessels. This same assessment shows that all these countries need to take common regional action to combat this fishing activity which is carried out freely, in the waters under their jurisdiction, in many forms, especially as these countries have limited financial and human resources.

Indeed, the lack of a Monitoring, Control and Surveillance System (MCSS), and appropriate and highly deterrent regulations vis-à-vis this fishing practice, control at sea and on landing, the presence of a system of free access to artisanal and coastal fishing irrespective of nationality, denotes the complexity of the situation and importance of material and technical resources needed to ensure effective surveillance.

Among the immediate solutions, is first, the need to adopt the present Regional Plan which will serve as a federative platform for all the member States to have, soon, an operational and effective strategy to combat IUU fishing activities.

The priority actions of this plan concern, in particular, the development of the monitoring, control, and surveillance system, acquisition of patrol boats, harmonization and updating of legislation, access regulation, development of ships registers and strengthening of cooperation in the areas of research, exchange of information and export control measures.

To facilitate their use, as a log and reference book, by the decision-makers and those in charge of the management and monitoring of fisheries in the FCWC countries, the measures of the Plan are grouped under **Part III** of the Plan and at the end of the said Plan.

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In line with the same methodology of the International Plan, the Regional Plan of Action of the FCWC **contains 72** measures which cover the following aspects:

1. Ratification of international instruments;
2. Completion, adoption and harmonization of national laws;
3. Measures relating to ships without nationality and non-cooperating States;
4. Development of the monitoring, control and surveillance system at national and regional levels;
5. Cooperation between the FCWC and other States and regional organisations;
6. Registration of ships, small boats and marking of gear;
7. Registers of ships and small boats;
8. Issuance of licences (marine fishing) and fishing permits for inland fishing;
9. Port State Control;
10. International trade in products from Illegal, Unreported and Unregulated fishing;
11. Cooperation within Regional Fisheries Organisations;
12. Technical and financial needs;
13. And finally, the necessary mechanisms for implementing the regional plan.

Among these measures **41** of them are considered priority and have been repeated in **Table (4)**: Platform of priority measures, presented at the end of the document.

## **Introduction**

Established in November 2007 by a convention, the Fisheries Committee for the West Central Gulf of Guinea<sup>1</sup> is a regional advisory body comprising: Benin, Cote d'Ivoire, Ghana, Liberia, Nigeria, and Togo.

The organs of the Committee are:

- The Conference of Ministers: the policy and decision-making organ made up of the Ministers in charge of Fisheries;
- The Advisory Committee: a technical advisory body made up of the Directors responsible for Fisheries, and
- The Executive Secretariat: the coordinating organ whose headquarters is in Tema, Ghana.

The maritime resources of this zone are subject to enormous pressure due mainly to the population density, food needs, poverty, and irrational methods of exploitation including the illegal, unreported and unregulated fishing undertaken by the local communities, national and foreign fleets or by ships flying flags of convenience or ships without nationality.

But the most significant and widespread threat at national, regional and international levels remains primarily, the illegal fishing practice which can be compared to a growing scourge which ruins the economies of countries and aggravates their poverty and undernourishment of their populations, in particular, those of developing countries.

In order to combat this phenomenon, the entire international community, launched an initiative in 2001 which consists in strengthening cooperation so as to combat the illegal, unreported and unregulated fishing phenomenon. All the States were requested to develop and implement plans of action to combat IUU fishing not later than 2004 in accordance with the directives of the International Plan of Action for combatting IUU Fishing of the FAO adopted in (2001) in Rome, Italy.

To date, not all the States have complied with this recommendation, mainly due to institutional weaknesses, particularly in Africa and Asia.

The present consultation commissioned by the FCWC and financed by the FAO, is aimed at contributing to this effort, through the development of a Regional Plan to combat IUU Fishing in the FCWC zone of which only Benin has a national plan.

The countries covered by this consultation are: Benin, Côte d'Ivoire, Ghana, Liberia, Nigeria and Togo. These are actually countries with a very large disparity in terms of natural potentials, material and institutional resources which indirectly contributes to the difficulty in devising a programme and or a common strategy among these countries while being assured of effective coordination and clear commitment from the public and private parties concerned.

The difficulties created by this disparity of scale between the countries are relatively compensated by the fact that these countries are all vulnerable to this phenomenon and suffer on a daily basis its aftereffects, almost in the same manner. That makes it necessary for all the member countries to develop common strategies to curb the rising incidence of this practice and protect the living natural resources of the maritime areas under their jurisdiction.

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<sup>1</sup> It will be known throughout the document as the Fisheries Committee for the Gulf of Guinea with the acronym (FCWC) and or the Committee in short.



**PART I: Physical, Economic and Social Environment of Fisheries in FCWC countries**

**I. Physical, economic and social environment of fisheries**

**I.1 Geographical and physical environment**

The project zone contains substantial hydrographical, biological and economic potentials. More than **2,500 km** of coastline and large fresh water bodies providing over 1,293,000 tonnes of fishery products a year, constituting a vital source for more than **200 million** persons.

**I.2 Profile of the fisheries sector in FCWC countries**

The importance of the fisheries sector both in terms of resources and exploitation is quite different from one country to another. Ghana and Nigeria easily stand out from the lot by the amount of fishery resources and importance of the national activity in the fisheries sector. Then comes Côte d'Ivoire which has roughly **86 industrial fishing vessels** most of which belong to foreigners in the form of free licence, chartering or under an agreement with the European Union. Benin, Togo and Liberia are positioning themselves as countries where the fishery resources and fishing activities are less important in terms of earnings but contribute significantly to the survival of the coastal populations.

In almost all these countries, fishing is steeped in tradition and represents in actual fact, a serious alternative for reducing malnourishment, combatting poverty and unemployment. Table 1 below illustrates this diversity:

**Table.1: Potentials of the Fisheries Sector in FCWC countries**

Physical indicator	Cote d'Ivoire	Benin	Ghana	Liberia	Nigeria	Togo
Coordinates	40°20, 10°50 N	6 <sup>th</sup> and 12 <sup>th</sup> and the 1 <sup>st</sup> and 4 <sup>th</sup> meridian		6°30N and 9° 30W	4° et 14° North of the equator and 3rd and 14° east of the meridian	6 <sup>th</sup> and 11 <sup>th</sup> North and Meridian 0° and 1°40 East
Continental shelf	10,200 sq km	3,100 sq km	24300 sq km	34 km wide	46,300 sq km	2,800 sq km
Economic zone (in miles)	200 miles	200 miles	200 miles	200 miles	200 miles	200 miles
Length of coasts	550 km	121 km		579 km	835 km.	50 km
Annual production	Almost 52,000 t	40.000 tonnes	556,000 tonnes	7000 t	600,000 tonnes a year in addition to 100,000 tonnes produced per year by aquaculture	40,000 tonnes
Consumption/head/year	15% kg/head/year	10 Kg/head/an	Between 23 and 29 kg/head/year.	ID	10.7kg/head/year	13 kg /head/year.
Contribution to GDP	1.5%	35.7%	4.5 % of National GDP	3.2% of Agricultural GDP	1.4%	4%
Employment	70,000 persons	35,000 persons	201,000. But it supports 1.5 million persons or 10% of	18,000 persons 31 000	600,000 families in artisanal fishing industry and 520	22,000 persons work in the fishing industry and related



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			the population	persons	seamen and processors in industrial fisheries.	activities.
Industrial vessels	95 vessels	10 to 12 vessels	330 vessels	Between 12 and 40 vessels	252 vessels	No industrial vessels officially licensed
Artisanal vessels	ID	35,850 small boats	MF: 11,213 vessels and 24,000 dinghies in IF	3,500 small boats	858,000 small boats	3500

**NB:** Roughly, in figures, fisheries in these countries accounts for about 700 industrial vessels, a catch of 1 ½ million tonnes and nearly 1 million artisanal vessels and about 1 and a half million direct and indirect jobs.

### **I.3 Production system**

The fisheries production system in the FCWC countries is characterized by a domination of maritime and continental artisanal fisheries which represents an important source of animal protein, employment and income for a large number of persons which in certain cases can attain 10% of the population in Ghana and over 600,000 families in Nigeria.

Industrial fisheries contributes significantly to the economies of these countries through mainly, export earnings, access rights and employment at sea and in the processing factories in particular, in Ghana, Nigeria and Côte d'Ivoire.

Aquaculture generally remains very limited with the exception of Nigeria where this largely exceeds the entire fisheries sector in Benin, Togo and Liberia all combined.

### **I.4 Legal and regulatory framework of fisheries**

It is possible to conclude on examining the regulations in member countries that the legal and institutional framework of the artisanal and industrial fisheries is particularly inadequate and outmoded. The regulations concerning the vessels, flags, management and exploitation of resources and fleets and management of the marine environment are short-lived and obsolete. The provisions relating to sanctions in the event of IUU fishing, if they exist, are insignificant and rather encourage this practice.

To conclude, the legal and regulatory framework of fisheries in FCWC countries needs to be reviewed and adapted to the context of sustainable management and more specifically to the fight against illegal, unauthorized and unregulated fishing.

#### **I.4.1 Management and development plans**

Management and development plans are not common in member countries of the Fisheries Committee for the Gulf of Guinea.

Apart from attempts by Benin and Ghana which started a few years ago and which have remained at the stage of draft management plans, not all the States have management and development plans for marine or inland fisheries.

One of the fundamental reasons for the lack of these plans is the inadequate fisheries and oceanographic research capabilities which should naturally provide on a regular basis, basic information required for the elaboration and monitoring and evaluation of these plans. Indeed, even States like Nigeria and Côte d'Ivoire which have long-standing scientific infrastructure (institutes and universities), are presently not able to provide decision-makers with the necessary information for the elaboration of good fisheries management policies.

The lack of laboratory equipment, research vessels, financial resources and competent personnel are the main constraints which hamper the development of research and formulation of development and management plans in these countries.

#### **I.4.2 Fisheries policy**

Fisheries policies are in general, the framework for the orientation and planning of sustainable management and development of fisheries and their maritime environment. The assessment in the various member countries of the Fisheries Committee for the Gulf of Guinea indicates the absence of updated and coherent planning instruments. The country reports

attached to this plan show that most of the countries do not have effective and relevant fisheries policies regarding access regulation and the fight against IUU fishing. However, attempts that remain confined to the classical approach which are far removed from the regional and global fisheries context are already perceptible which reflects the beginning of a sense of awareness and which needs to be supported by international institutions and organisations.

In conclusion, the fight against illegal, unreported and unregulated fishing does not receive, in these policies, the necessary attention, or the appropriate resources. Regional cooperation in this area is not addressed in most, if not all these policies.

#### **I.4.3 Fisheries administration**

Fisheries organisation is not the same in all these countries. In all the member States, fisheries is attached to the agriculture and livestock sector which are the main priorities.

Even within the countries, it is not always easy to determine the delimitations of ministerial responsibilities which gives rise to conflicts in the missions and waste of time and resources. If indeed, the management of fishery resources is the responsibility of ministries in charge of fisheries, that is not the case for the status of vessels, flags, surveillance and control at sea, the management and control of the marine environment, which are the responsibility of the departments of transport, defence and environment respectively.

At institutional level, all the countries have a fisheries administration which is important to prepare, have adopted, implement and monitor and evaluate the management plans and policies. But, in these administrations<sup>2</sup>, it is noted that the MCS mission is not adequately defined or entrusted to autonomous structures, adequately equipped to meet the multiple requirements of such a mission.

The lack of interministerial and interinstitutional coordination in the exchange of data and information, harmonization of approaches, organisation of consultative meetings, limits the effectiveness of actions by the governments and contributes to the irrationality of public expenditure vis-à-vis the objectives of IUU fishing.

#### **I.4.4 Status of the monitoring and control system**

The fisheries monitoring and control system in the FCWC zone, is generally not operational and inappropriate. Each country has its own programmes, and facilities most of which are old and have broken down for many reasons, primarily the lack of financial resources.

All the MCS systems in the countries lack the means to carry out monitoring and control operations in their internal waters, not to talk about the waters of the Exclusive Economic Zones which they have the responsibility to control.

The institutions of the same country also have different programmes, different approaches and ineffective coordination? Indeed, the MCS mission is assigned to various structures and Ministries according to the country. In certain countries, or almost the majority, the monitoring, control and surveillance operations are directed by the marine and/or naval forces as the case may be.

In general, the common factor between all these countries is dominated by two realities:

- The absence of coherent MCS strategies and operational means to combat IUU fishing
- The very high vulnerability of maritime areas to IUU fishing which overexploits the resources of these countries damages their maritime and continental habitat and violates their sovereignty.

#### **I.5 Impacts of illegal, unreported and unregulated (IUU) fishing**

IUU fishing which is presented as a tacit form of objection to the international system of exploitation of waters provided for by the United Nations Convention on the Law of the Sea is a real plague which hampers efforts by coastal countries for the sustainable management and fight against poverty, malnourishment and unemployment. It costs these countries enormous losses in volume and returns. For example, the losses due to IUU fishing in Liberia are estimated at more than 10 million dollars each year (***Environmental Justice Foundation (EJF)***). The MRAG reports of 2003 concerning the state and consequences of IUU fishing speak for themselves and show without ambiguity the high incidence of this illegal fishing activity.

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<sup>2</sup> Divisions in charge of MCS already exist in Nigeria to quite a large extent and in Ghana and Côte d'Ivoire

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This fishing practice develops in general where the means of surveillance are weak, where the legal and institutional provisions are unclear and non binding, and where fraudsters can easily evade penalties.

In the FCWC member countries, the diagnosis leaves no doubt about the presence in all forms, of IUU fishing. It occurs permanently and freely in the internal waters, the Economic Exclusion Zone and on the high seas, particularly in the following forms:

- Piracy;
- Ship without licence (authorization);
- Fishing in unauthorized zones;
- Fishing in restricted zones;
- Fishing of undersized and underweight species;
- Prohibited fishing gear;
- Forbidden nets;
- Unlawful transshipment;
- Unreported fishing;
- Destruction of gear;
- Discards at sea;
- Dumping at sea;
- Doubling of nets;
- Ex...

The most dangerous types on this list are piracy and fishing without licence which affect in particular, the conflict zones and areas. The other frequent types of IUU fishing, in all member countries, are facilitated by the geographic and socio-cultural environment of the African society and the dynamics of the movement of persons and means (capital) across the borders.

The absence of relevant and deterrent measures throughout the maritime and inland area of the FCWC and the high incidence of poverty and unemployment favour this practice and make its impact on the future of natural resources and living conditions of the communities more appalling.

**PARTII: Regional Plan of Action of the GCCP aimed at Preventing, Deterring and Eliminating Illegal, Unreported and Unregulated Fishing**

## **II.1 Presentation of the International Plan of Action**

The International Plan of Action aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing IPOA-IUU is an optional international instrument, developed by the FAO in 1999 and approved by the COFI at its 21<sup>st</sup> ordinary session in 2001 in Rome. The plan, within the framework of the Code of Conduct for Responsible Fisheries (CCRF, 1995), specifies the measures to be implemented to combat IUU fishing in the States, Regional Organisations for Economic Integration and Fisheries Management. The IPOA-IUU clearly establishes that national, regional and international collaboration and coordination are key elements in the implementation of strategies to combat this practice.

Though optional, the principal clauses of the IPOA-IUU are based on the compulsory international conventions and agreements in force particularly, the United Nations Convention on the Law of the Sea (UNCLOS, 1982), the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993), the United Nations Agreement on Straddling Fish Stocks of 1995 and the Convention of the International Maritime Organisation (IMO).

Due to the gravity of IUU Fishing, the countries are more and more inclined to implement measures of the plan as a solution for curbing this practice which threatens the sustainability of resources and economies of countries, particularly those where fisheries constitutes an important source of livelihood and income.

### **II.1.1 Definition of Illegal, Unreported and Unregulated Fishing**

Paragraph 3 of the IPOA-IUU and its sub-paragraphs define illegal, unreported and unregulated fishing using the following approach:

#### **Illegal fishing refers to fishing activities:**

- i) Undertaken by national or foreign vessels in waters under the jurisdiction of a State, without its authorization, or in contravention of its laws and regulations;*
- ii) Undertaken by vessels flying the flags of States which belong to a relevant regional fisheries management organisation, but which contravene the conservation and management measures adopted by this organisation and are restricting for the States or the relevant provisions of the applicable international law; or*
- iii) Contravening the national laws or international obligations, including those contracted by the States cooperating with a relevant regional fisheries management organisation.*

#### **Unreported fishing refers to fishing activities:**

- i) Which are unreported, or have been done in a false manner, to a relevant national authority, thus contravening the national laws and regulations; or*
- ii) Undertaken in the area of competence of a relevant regional fisheries management organisation, which have not been reported or have been done in a false manner, thus contravening the reporting procedures of this organisation.*

#### **Unregulated fishing refers to fishing activities:**

- i) That are undertaken in the area of competence of a relevant regional fisheries management organisation by vessels without nationality, or by vessels flying the flag of a State not belonging to this organisation, or by a fishing entity, in a manner not conform or contrary to the conservation and management measures of this organisation; or*
- ii) Which are carried out in zones, or aimed at stocks for which there are no applicable conservation or management measures, and in a manner not in accordance with the responsibilities of the State as regards the conservation of marine biological resources under international law.*

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2.1.4 Notwithstanding paragraph 3.3, it is possible that unregulated fishing activities may take place without contravening the international law applicable and that it may therefore not be necessary to take measures envisaged in the International Plan of Action (IPOA) against them.

These same definitions govern the Regional Plan of Action of the Fisheries Committee for the Gulf of Guinea, aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing in the maritime area of FCWC member countries.

## **II. 2 Situation of FCWC countries as regards the provisions of the International Plan**

### **II.2.1. Responsibilities of the States**

#### **II.2.1.1. International instruments**

Through its articles 10, 11, 12, 13, 14 and 15, the IPOA-IUU encourages all the States to give full effect to the appropriate standards under international law, particularly those expressed in the United Nations convention and in the Agreements of 1995 and 1993. All the States are thus requested to ratify and take into account the UNCLOS (1982), the United Nations Agreement on Straddling Stocks of 1995, and the FAO Agreement of 1993, aimed at promoting compliance with international conservation measures.

The Code of Conduct for Responsible Fisheries adopted by the FAO General Assembly, to which all these countries are party, requests all the States to undertake sustainable management and take all necessary measures to achieve this, including those relating to the fight against IUU fishing.

The diagnosis indicates that not all FCWC member countries have ratified Agreements 95 and 93 and have considerably delayed in fulfilling their obligation vis-à-vis the provisions of the IPOA-IUU even those that are binding.

In respect of these obligations, Table.2, below indicates the level of adherence of FCWC countries to the international instruments (Agreements and Conventions).

**Table.2: Level of Adherence of FCWC countries to the International Instruments**

<b>Year</b>	<b>Conventions and Agreements</b>	<b>Benin</b>	<b>Côte d'Ivoire</b>	<b>Ghana</b>	<b>Liberia</b>	<b>Nigeria</b>	<b>Togo</b>
<b>1973</b>	Convention on the Trade in Endangered Species	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>1982</b>	United Nations Convention on the Law of the Sea	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>1993</b>	FAO Agreement of 1993 to Promote Compliance Conservation Measures on the High Seas	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>1995</b>	United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>1974</b>	International Convention for the Safety of Human Live at Sea (SOLAS)	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>1971</b>	Convention relating to Wet Zones of International Importance particularly like those of Water	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

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	Birds (known as the RAMSAR Convention)						
<b>1993</b>	Convention on Biological Diversity	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>1984</b>	Abidjan Convention relating to Cooperation in the Protection and Development of Marine Areas and Coastal Zones in West and Central Africa	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>1958</b>	International Maritime Organisation (IMO)	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

Note: Updating of information during the meeting of the Conference of Ministers

### II.2.1. 2. National Laws

All States are requested under articles 16 and 17 of the IPOA-IUU, to develop and promote a national legislation which will effectively take into account, all aspects of illegal, unreported and unregulated fishing activities. This law should focus, in particular, on convincing value standards and admissibility, including, if possible, the use of electronic evidence and new technologies.

It emerges from the state of affairs discussed in the attached national reports of this plan that the laws of the six FCWC countries, though many are inappropriate and encourage the IUU fishing practice because, even with the on-board facilities, the institutions in charge of marine surveillance are unable to mete out appropriate penalties or sanctions to the shipping agents because of the lack of sound legal grounds that the legislation in these countries is taking a long time to develop.

In the FCWC member countries, fisheries activities are governed by laws grouped in Table.3 below.

**Table.3: Legislative and regulatory texts governing the fisheries sector in FCWC countries**

	<b>Law and Ordinances</b>	<b>Decree and Orders</b>
<b>Benin</b>	<ul style="list-style-type: none"> <li>-Ordinance N°68-38/PR/MTPTPT of 18 June 1968, ordinance N°69/49 of 9 December 1968, Ordinance N° 73-40 of 5 May 1973,</li> <li>-Ordinance N° 76-92 of 2 April 1976,</li> <li>-Ordinance N° 20/PR/MDRC/SP of 25 April 1996,</li> <li>-Outline law N° 98-030 of 12 February 1999, establishing the outline law on the environment in the Republic of Benin;</li> <li>-Decree N° 66 183/PR/MDRC of 26 April 1966</li> <li>-Decree N° 2005 192 of 14 April 2005</li> </ul>	<ul style="list-style-type: none"> <li>-Order N° 1242/MAEP/D CAB/SGM/DA/CSRH/SA of 23 December 2002</li> <li>-Order N° 339/MDR/DC/CC/CP of 16 September 1996,</li> <li>-Interministerial Order N° 694 MDR/MTPT/DC/SG/DA/DP/DMM of 19 November 1999,</li> <li>-Order N° 3537/MAEP/D-CAB/SGM/DRH/DP/SA of 29 November 2005,</li> <li>-Order N° 1903/MAEP/D CAB/SGM/DRH/SA of 12 June 2006,</li> <li>-Order N°518/MAEP/D CAB/SGM/DRH/DP/SA,</li> </ul>
<b>Côte D'Ivoire</b>	<ul style="list-style-type: none"> <li>-N°68-38/PR/MTPTPT of 18 June 1968, establishing the Merchant Navy Code, modified by decree N°69/49 of 9 December 1968.</li> <li>-Law N° 2005-556 of 2 December 2005 instituting the free enterprise system for the processing of fishery products</li> <li>-Law N° 2003-208 of 7 July 2003 ensuring the transfer and apportionment of the State's competences to the autonomous regions</li> <li>-Law N°98-755 of 23 December 1998 establishing the water code</li> <li>-Law N° 97-766 of 3 October 1996 establishing the environmental code</li> <li>-Law N° 86-478 of 1<sup>st</sup> July 1986 establishing the fisheries regulations</li> </ul>	<ul style="list-style-type: none"> <li>-Decree 2006/35 establishing the Ministry for Fishery Production</li> <li>-Order N°064/MIPARH/31 October 2006,</li> <li>-4 circulars of 1983 (CIR 1, 2, 3, and 4/MPA/DPML of 23 April 1983) whose objective is the fixing of quotas on the common lagoon fishing gear, prohibition of explosives and toxic or intoxicating products in fishing, the banning of trawling less than one mile from the coast and modalities for the use of certain fishing gear within the first mile along the coast and in the lagoons.</li> <li>-Ministerial order 31-MPA/DPML of 16 September 1983 banning trawling less than one mile from the coast.</li> </ul>



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	<p>-Law N° 77-926 of 17 November 1977 on the delimitation of marine zones placed under the national jurisdiction of the Republic of Côte d'Ivoire</p> <p>-Law N°61-349 of 9 November 1967 establishing the merchant navy</p> <p>-Law N° 60-343 of 28 October 1960 relating to the naturalization and registration of ships</p>	<p>-Decision SP 13/SP-TIAP of 3 June 1997 and SP 13/SP-AD of 20 June 1997 establishing the fishing regulations on the Aby lagoon</p> <p>-Ministerial order 602/MPA-Cab of 22 August 1961 fixing the new modalities for sale of fish at the Abidjan fishing harbour.</p> <p>-Decision n°1796 TP/MM of 25 October 1968 establishing the regulations for control of the hull and shipping equipment of Ivorian fishing vessels.</p> <p>-Ministerial order n°1639 TP/MM of 26 November 1966 relating to the installation of radiotelephone equipment on board fishing vessels.</p>
<b>Ghana</b>	-Fisheries law N° 625 of 2002	.
<b>Nigeria</b>	<p>-Bill N° 71 of 1992, relating to fisheries and its enforcement provisions</p> <p>-Bill relating to the Economic Exclusive Zone, 1978</p> <p>-Bill 2007, relating to the Merchant Navy</p> <p>-Bill 108 Amended 1992, relating to fishing operations in fresh waters (rivers, lakes...) and its enforcement provisions;</p>	<p>-Decree N° 72, relating to agriculture</p> <p>-Decree N° 73 amending the constitution</p> <p>-Decree N° 74 relating to the coordination of on-board marine operations</p> <p>-Decree N° 75 relating to the Nigerian Communication Commission</p> <p>-Decree N° 76 instituting a tax for chartering of ships</p> <p>-Provision on the approval of fishing licences</p> <p>-Provision on access regulations</p> <p>-Order relating to fishing gear for shrimps, 1992</p>
<b>Liberia</b>	<p>-The law on marine fisheries specifically title 24 relating to natural resources</p> <p>-Amendment act (1992) of Title 22 of the law approving chapter 11 specifically relating to the control and registration of fishing vessels below 500 GT operating within or beyond the territorial waters of Liberia</p>	<p>-Regulation instrument of 1973, relating to the enforcement of the amended marine fisheries law of 1973</p> <p>-Regulation instrument of 1972</p>
<b>Togo</b>	<p>-Fisheries Law 98/012 of 11 June 1998 establishing fisheries regulations and its enforcement provisions, especially the decree N° 018/MAEP/CAB/SG/DEP,</p> <p>-Law N° 99/002 of 12 FEB 1999, relating to the animal health police on the territory of the Republic of Togo and its enforcement provisions, especially the decree 2001/067/PR of 9 March 2001 and order N° 043/MAEP/SG/DEP;</p> <p>-The merchant navy law responsible for (add reference)</p> <p>-The Outline Law on the Environment sections 2,3 and 4 of the law and its enforcement provisions especially the decree 2006/058/PR, the orders N° 013/MERF and N°018/MERF;</p>	<p>-Decree N° 2008/09/PR establishing the ministerial departments and which creates for the first time a special department responsible for fisheries and aquaculture within the Ministry of Agriculture, Livestock and Fisheries.</p> <p>-Enforcement order of the law 97/108/PR on the functions and organisation of the Ministry of Agriculture, Livestock and Fisheries. This order is under review.</p>

In some FCWC countries, the laws and decrees deal with management measures particularly the aspects relating to:

- Fishing zones and seasons ;
- Fishing gear and methods;
- Purchase, sale and transportation of species;
- Authorized size, prohibited baits and substances;
- Hygiene and trade in fishery products;



- Obligation of installation of monitoring, control and surveillance devices;
- Use of electronic data as evidence (Radars and VMS) ;
- Harmful practices associated with the marine environment ;
- Registration and flag conditions;
- On-board safety conditions;

Etc.

But in general, the legal regime of FCWC countries, are inappropriate for dealing with the challenges of fishery resources.

#### **II.2.1.3. Control exercised by the FCWC States over their nationals**

Articles 18 and 19 of the IPOA-IUU encourage the States to exercise control over their nationals, in order to prevent them from undertaking or participating in IUU fishing activities and/or changing flags to avoid the enforcement of agreed management measures (complacency).

The legal texts in almost all the FCWC countries are silent on these issues even if the merchant navy laws of these countries mention the obligation of informing the authorities in the event of the sale of the vessel.

With regard to penalties, the texts in force do not provide for special measures concerning these aspects apart from what is summarily contained in the draft laws developed by Côte d'Ivoire and Benin .....

Presently, none of the member countries is in a position to confirm the absence of ships flying its flag and carrying out this fishing practice or to monitor and appropriately penalize the perpetrators.

That should not be the case for some countries which have ships registers like Nigeria but it should be noted that ships flying the Nigerian and Ghana flags are regularly seen in the waters of Benin, Togo without legal action being taken against them.

According to the Nigerian and Ghanaian authorities these ships can be penalized on condition that specific charges are made against these ships or information is exchanged at the appropriate time. That confirms the lack of coordination and exchange of information between the countries concerning vessels engaged in this illegal fishing activity.

#### **II.2.1.4. Ships without nationality operating in the EEZ of FCWC countries**

Article 20 of the IPOA-IUU urges all the States to take the necessary measures under international law against ships without nationality engaged in illegal, unreported and unregulated fishing in the MEEZ and on the high seas.

The status of the regulations and actions at the level of FCWC member States makes it possible to conclude that all these countries do not exercise any operational and effective control on the high seas.

The absence of means of identification, monitoring and interception of pirate and IUU fishing vessels even in the internal waters of the countries explains the lack of control on the high seas which requires more sizeable means.

Besides, due especially to the free access which is usual in these countries, all the waters and fishing ports of the countries receive the small artisanal and inland fishing boats without any particular restrictions. These small boats fly all sorts of flags, produced by their crew according to their taste.

Some of these small boats engage in practices associated with IUU fishing like the trafficking of prohibited products and transshipment on the high seas or the sale on the domestic market of fishery products from industrial vessels without nationality.

The lack of a register maintained and computerized for these small boats facilitates these practices and hampers the effectiveness of management measures, in particular those concerning capacity management.

The FCWC countries except Togo<sup>3</sup> provide for the mandatory registration of artisanal fishing vessels and maintenance of their register. For political and social considerations, these provisions remain ineffective in all the FCWC countries.

#### **II.2.1.5. Sanctions**

Article 21 of the international plan of action aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing encourages the States to have a range of penalties sufficiently deterrent to combat illegal fishing in order to discourage the perpetrators of illegal fishing activities and reduce their chances of making economic profits.

The laws and regulations of all the member States are very lenient and do not provide enough deterrent penalties. The most substantial penalty for foreign vessels without licence is that of Nigerian decree 71 which makes provision for an amount of 250,000 dollars with the possibility of imposing smaller fines and penalties at the discretion of the decision-maker. If this illegal fishing is undertaken by nationals, the amount is reduced to an insignificant level of N 50,000.

In a management system open to foreign vessels operating under fictitious partnership arrangements, these provisions are simply an excellent cover to consolidate IUU fishing.

The other regulations of the countries are less restricting. Article 288 of the fisheries law in Benin provides, in the event of illegal fishing strictly speaking (piracy), for a fine of FCFA 200,000 to 4,000,000 and imprisonment of ten days to six months or either of these two sentences, against the captain and the crew of foreign boats caught fishing in the territorial and contiguous waters. The offences and penalties are doubled in the event of a subsequent offence and the gear and vessels can be seized after due deliberation by the court.

In practical terms, over the last five years, no illegal fishing vessel in the zone has been seized or obliged to pay the amounts specified in the texts although some vessels have been rerouted.

In some countries like Ghana, Benin, and Côte d'Ivoire, the environmental regulations are more deterrent (one billion CFA Francs and 24 months in prison in Benin<sup>4</sup>) and have more relevant provisions.

#### **II.2.1.6. Non-cooperating States**

The provisions of the IPOA-IUU relating to article 22, request the States to take all the measures at their disposal to prevent the activities of States which do not cooperate with a competent regional fisheries management organisation, and which engage in illegal, unreported and unregulated fishing.

The FCWC countries are now members of a regional organisation within which they can adopt binding measures in order to ensure sustainable management of their fishery resources and combat, in a rational and less expensive manner, irresponsible fishing activities such as IUU fishing regardless of its forms or the nationality of the vessels that engage in this practice.

Compared to the organisations having binding measures, not all the countries are up to date vis-à-vis the agreements of 1995 and 1993 or active members of regional fisheries organisations. Only Côte d'Ivoire is a member of the ICCAT.

Although there are considerable possibilities for tuna fishing on their high seas, these countries do not issue licences to national vessels or sub-licences targeting tuna which seems to explain their lack of interest in the membership of the ICCAT knowing that this membership is not free and requires the member State to fulfil a number of conditions and measures which they are not always able to meet.

The countries of the Fisheries Committee for the Gulf of Guinea are however, all members of the FAO, ATLAFCO, CEEAF, IMO and CIFA.

#### **II.2.1.7. Economic incentives**

The economic incentives subject of article 23 of the IPOA-IUU which requests the States to abstain from providing direct or indirect economic support to persons, ships or companies engaged in illegal, unreported and unregulated fishing are mainly limited to the free access to marine and inland artisanal fishing by all the member countries.

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<sup>3</sup> Togo does not make provision in its regulations for the registration of artisanal fishing ships (boats) which facilitates overcapacity.

<sup>4</sup> 2 million US dollars.

Since the economic and financial conditions do not enable these countries, with limited financial resources, to assist their national fleets, it would be wrong to think that they are able to offer similar assistance to other foreign vessels engaged in IUU fishing.

That being so, it is even known that national industrial vessels and artisanal fisheries benefit from considerable comparative advantages despite the practice of certain types of IUU fishing, in particular, fishing of juveniles, fishing in prohibited zones and or during prohibited seasons, fishing with unauthorized gear or methods, fishing, transportation and trade in protected species.

The vessels operating within the framework of joint companies, some of which are false, are also engaged in IUU fishing and benefit from reduced penalties which can be compared to a tacit economic incentive but not necessarily deliberate on the part of the decision-maker (**see s/chapter II.2.1.5**).

#### **II.2.1.8. Control, monitoring and surveillance**

The monitoring, control and surveillance commonly known as MCS is the centre of interest of the International Plan of Action to combat Illegal, Unreported and Unregulated Fishing in that it is the most appropriate system to combat this practice.

Article 24 of the plan requests the States to institute relevant and operational measures to monitor and control the resources under their jurisdiction. These are:

1. *Regulation of access to resources ;*
2. *Maintenance of a register of ships and their owners;*
3. *Provision of ships with beacon systems compatible with the ground communication centres;*
4. *Conduct of on-board observation;*
5. *Training of control officers;*
6. *Planning and adequate funding of the MCS<sup>5</sup> system;*
7. *Sensitization of operators to adhere to the MCS system;*
8. *Legal training on MCS issues;*
9. *Creation of a system of acquisition, sharing and filing of MCS data;*
10. *Effective application of inspection and boarding schemes at national and international levels.*

In general, none of the countries has an appropriate system even if some have some important aspects which can be considered as advanced stages towards monitoring, control and surveillance. Ghana, Nigeria, Togo and Benin can be mentioned as examples of countries whose naval forces have communication centres equipped with AIS and radars<sup>6</sup>.

The expenses associated with the operation of the centres, particularly the costs relating to the satellite, the maintenance of beacons and other instruments as well as the non adherence of the professionals to the systems considerably limits the effectiveness of these centres especially in Ghana and Côte d'Ivoire<sup>7</sup>.

Benin is the second country after Ghana which will benefit before the end of the year from two patrol boats to strengthen the existing surveillance facilities. This equipment is being acquired as part of the APS<sup>8</sup> programme financed by the United Nations.

Nigeria has some patrol boats used mainly to control piracy and for the protection of oil companies. These vessels considered very slow and overused are not able to meet the surveillance requirements of fishing operations in the waters of Nigeria.

The aerial surveillance and use of radar stations covering all the strategic points is almost absent throughout the FCWC zone. Cooperation between these countries in this area is nonexistent.

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<sup>5</sup> Monitoring Control and Surveillance, equivalent of MCS

<sup>6</sup> The radars do not cover the needs of these countries

<sup>7</sup> In Ghana and Cote d'Ivoire the centres are not operational because of delays in payment of subscriptions to the satellite. The beacons are not widespread in all the vessels which has affected the principle of equity and has reduced support for these programmes

<sup>8</sup> African Partnership Section

The on-board observation programmes are not conducted in the countries of the Committee, despite the few attempts including those of Benin<sup>9</sup>. The controls on landing are not organised and carried out regularly according to a precise programme, and the quantities and species are not recorded.

In terms of prospects there are several attempts and programmes underway in the various countries and particularly in Côte d'Ivoire, while ambitious programmes are envisaged in Côte d'Ivoire, Ghana and Liberia.

In short, the Monitoring Control and Surveillance (MCS) of fisheries activities in the countries of the Committee is still at the embryonic stage and lacks appropriate regional cooperation to optimize the already very limited human and financial resources.

#### **II.2.1.9. National Plans of Action**

Articles 25 and 27 of the International Plan of Action aimed at preventing, deterring and eliminating Illegal, Unreported and Unregulated Fishing (IUU-IPOA), encourages the States to elaborate, budget and enforce IPOA-IUUs in close collaboration with all the stakeholders of the sector, including the fishers' communities, nongovernmental organisations and regional fisheries management organisations. The States are then expected to regularly evaluate (**every four or five years**), the implementation of their national plans with the objective of improving their effectiveness, fulfilling their obligations relating to the preparation of periodic reports intended for the FAO, in accordance with the provisions of **section .VII** of the International Plan of Action.

The only member of the Committee having already elaborated and adopted its national plan at the Council of Ministers is Benin. Ghana also has a draft plan which can be rapidly improved and updated.

All the countries are however aware of the usefulness of these plans and intend to respond to these calls from the international community if the financial and technical resources are provided to them. Indeed, these plans elaborated in line with the regional plan will promote, at national level, the conduct and effectiveness of the fight against IUU fishing.

The annexes of the present regional plan relating to the national reports can already be used by the countries to carry out their national plans in a consistent and harmonious manner and in a relatively short time. No doubt, the FCWC and FAO and the COMHAFAT will be called upon to provide the necessary assistance.

Nevertheless, the elaboration of this regional plan and its adoption by the Conference of Ministers of the COMHAFAT, will certainly contribute to the sense of awareness of the countries of the huge risk posed by this phenomenon for the sustainability of their living marine resources and the sustainable livelihoods of their populations and will encourage them to accelerate the elaboration, adoption and implementation of their national plans.

#### **II.2.1.10. Cooperation among the States**

Articles 28, 29, 30 and 31 of the International Plan to combat Illegal, Unreported and Unregulated Fishing emphasizes the need to coordinate activities and maintain direct cooperation between the countries through the regional fisheries management organisations. This cooperation must also prevail between the flag States and the international and regional organisations concerned with sustainable fisheries management so as to provide these organisations with information on the vessels removed from their register or whose authorization or licence, as the case may be, has been withdrawn, by highlighting the conditions in which these changes took place.

The International Plan of Action encourages the States, and the competent Regional and International Organisations to appoint focal points in order to facilitate cooperation and exchange of information on IUU fishing. It urges the flag States to enter into agreements or arrangements with third States so as to enforce the relevant conservation and management laws at national, regional or global levels.

Vis-à-vis these arrangements, the cooperation between these States in these areas is relatively quite recent. Beyond the meetings with the CECAF, COFI and COMHAFAT which constitute very general frameworks for discussion, the enthusiasm noted by the Fisheries Committee for the Gulf of Guinea and its technical committees one of which is dedicated to the surveillance of the fisheries operations, is indeed a positive sign to be encouraged.

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<sup>9</sup> Benin has already conducted a programme of observers which resulted in failure due to the lack of means and the methodology and data collection agreements.

Indeed, the FCWC already represents a highly appropriate framework for consultation and cooperation but still lacks the human and financial resources to be able to devise and implement sustainable operational management strategies to combat illegal fishing in its zone of influence.

#### **II.2.1.11. Publicity**

The exchange of data and information recommended by article 32 of the IPOA-IUU lacks basic and reliable and updated data in the countries of the Committee or official publication of measures and decisions relating to the fight against illegal fishing activities.

Indeed, all these countries have not developed appropriate web sites to store the necessary information concerning fisheries, the management plans, the fisheries policy and regulations in force. It is quite easy to design these sites but their regular maintenance and provision of reliable information can pose material and institutional problems that must be envisaged in the national plans and the regional plan.

These instruments must not be the only sources of information because in countries made up of multicultural societies, with of a high rate of illiteracy, the most appropriate channels of communication and dissemination are not necessarily technological but traditional. These traditional means of communication arising from the social and community organisation can provide credible results in terms of the promotion of responsible management of natural resources and their environment. Thus, the use of community and village participatory methods is thus most appropriate and effective in this particular area.

#### **II.2.1.12. Technical capabilities and resources**

Article.33 of the IPOA-IUU encourages the States to strengthen their technical and financial capabilities necessary for implementing the National Plans. There is no choice but to accept that the majority of the States, if not all, have serious institutional weaknesses in planning and implementation as well as human resources.

The financial resources allocated to the departments in charge of fisheries are small and can in no way meet the challenges facing the fishery resources and the threat of IUU fishing.

Apart from the APS programme which the naval forces of the countries benefit from and which help to train, each year, a number of officers in aspects of surveillance and control at sea, the countries do not have scientific programmes to strengthen their human capabilities despite the fact that all the fisheries policy documents in these countries have the objective of strengthening capacity and particularly the departments responsible for the management and surveillance of fishing operations.

To conclude, the weakness of the institutional and human capabilities constitutes a major obstacle for all the FCWC countries that needs to be addressed in order to reduce the IUU fishing practice upstream and downstream from the fishing sector throughout the Zone.

### **II.3. Responsibility of the Flag States**

#### **II.3.1. Registration of fishing vessels**

Articles 34 to 41 of the International Plan of Action request the States to exercise the necessary control over all the vessels flying their flags, in order to minimize their illegal activities. The States are also requested to refrain from granting their flags to vessels that, in the past; have engaged in IUU fishing activities. The States, in line with the previous articles, should not encourage flag changes for convenience sake and should make the registration decision dependent on the granting of the licence or authorization to fish in waters under their jurisdiction or on the high seas.

The States do not sufficiently control the movement of their national vessels or those to which they have issued flag licences. This situation is more serious in some countries than others. For example, Nigeria and Ghana are those most concerned with the need for this control insofar as they regularly have vessels which fish in waters beyond their jurisdiction.

Not having industrial vessels engaged in fishing within the zones or in international waters, Togo, Liberia and Benin are less affected by this provision even if Togo had previously issued flags that it did not control and which since the adoption of the European standards, no longer returned to renew the flag.



In the specific case of industrial fishing, all the FCWC countries make the validity of registration and seaworthiness, a condition for obtaining a fishing licence. This registration is issued by the merchant navy in accordance with the conventional provisions of the merchant navy code more or less similar in all the countries. The registration is issued for newly acquired vessels as part of partnership agreements where the nationals hold the majority of the capital.

However, this registration is not issued on the basis of a monitoring of resources which would inevitably have led to the overexploitation of resources incompatible with the relevant provisions of articles 38 and 39 of the IPOA-IUU.

Concerning the procedures, all the countries require the vessels to present records containing all the necessary documents for naturalization. The authenticity of the documents and information provided must be submitted for international or diplomatic certification, because nowadays, using technological means it is possible to easily evade the usual control.

Apart from Nigeria, the verifications concerning the background of the ship and its direct or indirect owners are not adequately done such that the vessels having engaged in this illegal fishing elsewhere can well be registered in these countries.

Thus the obligation to provide an authentic certificate of removal for vessels that were registered in other ports before any new registration and granting of the flag must necessarily be imposed on all vessels.

The boats of maritime and inland artisanal fisheries, in all the States of the Committee are not subjected to any of the above obligations.

### **II.3.2 Register of fishing vessels**

Compared to articles 42 and 43 of the International Plan of Action for combatting illegal fishing activities which encourages the flag States to keep a register of fishing vessels authorized to fly their flag and fishing within or beyond waters under national jurisdiction, the situation in the States is highly variable. In Nigeria, Benin, Côte d'Ivoire and Ghana, computerized registers exist and indicate the number of vessels authorized to fish. These registers are not maintained on databases making it possible to check the background of the vessels which is a problem that must be addressed. The registers maintained in the departments responsible for the merchant navy are not always consistent with those for fisheries. According to the officials in charge, that is because some vessels change owners and/or leave the waters completely without informing the maritime authorities.

In Nigeria and Cote d'Ivoire, the registers of the fisheries departments are maintained in duplicate in the manual registers with distinct forms (Côte d'Ivoire) or specifications (case of Nigeria and other countries) making it possible to easily recognize the type of licence (national, under charter and licence, **Artisanal fisheries**),

In general, the registers of industrial fishing vessels contain the following information: Name of Vessel, Former Name, Type of Ship, Surname and First Name and Address of the Shipper, Surname, First Name and Address of the Owner, Age of the Vessel, Length H.T, Breadth, Depth of Keel, Fishing Method, Nationality, Place of Construction, Former Flag, Registration Number, Power, Preservation Method, Gross Registered Tonnage and port of registry.

The headings of registers of the member countries are consistent with the prescriptions of the IPOA-IUU except for the obligations concerning the photos of the vessel, the certification of the authenticity of documents, the IMO code and the attestation of removal from other registers. However, the filling of the various sections is not always done which is a weakness in the monitoring and updating system.

The major inconsistencies in the approach and regulations have to do with artisanal fisheries which in spite of its obligations under the provisions, continues to benefit from favourable treatment exempting it from all access conditions even for prohibited zones, unavailable resources and illegal fishing gear.

The only registers concerning artisanal fisheries exist at the level of the artisanal fisheries Associations and Groups which have manual files containing the list of their members and the fishing boats declared. These groups issue professional membership cards and receive dues from their members.

### **II.3.3. Authorization to fish**

In articles 44 to 50, the IPOA-IUU encourages the flag States to ensure that each of the vessels authorized to fly their flag and fishing in waters beyond its sovereignty have a valid fishing licence, issued by the said flag State, listing the information which must be provided in the licence, and the conditions to which this licence must be subjected.

Finally, the IPOA-IUU encourages the flag States to ensure that the data in the reports relating to captures and transshipment, grouped by zone and by species is communicated regularly to the relevant organisations or institutions.

This provision in the international plan to combat IUU fishing is not fulfilled in most cases. Several flag ships access the international zone or the zone under the jurisdiction of neighbouring countries without possessing a licence issued by the flag State or port State.

All these vessels do not also communicate to either the flag State or the port State the data on captures or fishing zones and the States do not have the means to impose these rules. Other parts of the regulations in force do not cover this subject and do not impose on the vessels particular measures relating to the data except in the case where these vessels fish and land in the country.

Even in these cases, the declarations are most often very different from the reality and the countries do not have the means of checking the truth of the information provided which therefore leads to a serious flaw in the management plans and programme.

Among the FCWC countries<sup>10</sup>, some of them have already initiated plans to take into account particular provisions relating to the obligation to have authorization to fish on the high seas and to provide information on this fishing activity: the example of Benin, Côte d'Ivoire and Nigeria.

#### **II.3.4. Measures by Coastal States**

The IPOA-IUU requests the coastal States in the exercise of their sovereign rights over the waters under their jurisdiction, in accordance with the United Nations Convention of 1982 and other international instruments, to apply the necessary measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in their Economic Exclusion Zone based, notably, on the following measures:

- To establish an effective monitoring, control and surveillance system for fishing activities in the Economic Exclusion Zone;
- Promote cooperation and exchange of information with other states, if necessary, especially with the neighbouring coastal States and with regional fisheries management organisations;
- Enforce the obligation to hold a valid licence issued by the coastal State for any vessel which engages in fishing in waters under its jurisdiction;
- Subordinate the fishing licence to registration on a recognized and approved ships register;
- Update a logbook stating the fishing activities of the said vessel;
- Ensure that the transshipments and other on-board operations, undertaken by the vessel, are authorized by the State or are done in accordance with the appropriate management regulations;
- Regulate the access of fishing vessels to its waters according to an approach making it possible to prevent, deter and eliminate illegal, unreported and unregulated fishing activities;
- Not to grant a fishing licence to vessels having already been identified as vessels engaged in illegal, unreported and unregulated fishing activities in accordance with the provisions of paragraph 36 of the IPOA-IUU.

It is however noted that all the States have embarked upon the process for the acquisition of means for the MCS through national or international projects and programmes. These plans to strengthen their MCS capabilities are not based on a regional and complementary approach. Indeed, the coordination, exchange of data and harmonization of measures are not yet widespread in the region. That requires the inclusion of particular provisions in the political and legislative instruments which encourage the States to fulfil these conditions in the interest of all parties. A specific regional framework agreement relating to these different aspects would be essential and a priority for FCWC countries.

The provisions in article 51 of the IPOA/IUU are important and form the basis of the most decisive platforms in combatting IUU fishing activities. If some of these measures require substantial resources which the countries do not have, other measures only depend on the public will to act in favour of a policy of good governance.

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<sup>10</sup> The mandate of the FCWC does not cover inland fishing and fishing on the high seas. That constitutes a weakness insofar as the fight against illegal fishing involves a practice that uses the three zones as part of its escape strategies to avoid control.



In anticipation of the Ministerial Conference of the FCWC, the willingness of the States to ensure the sustainable management of their national resources and combat IUU fishing activities should result in the adoption of the regional IUU plan of the FCWC and immediate implementation of the platform of measures in Table 4.

Some of these measures like the right of hot pursuit, and the regional register of fishing vessels require special conventions that must necessarily be concluded between the FCWC countries. Such actions will enable the pooling of operational methods of monitoring, control and surveillance for greater economy of scale in respect of both human and financial resources.

In short, a regional **MCS** coordination centre, joint surveillance conventions and operations, a regional register, a training programme and harmonization and strengthening of regulations establishing penalties for illegal fishing practices are the most urgent and convincing actions that the coastal States are requested to take to achieve a practical strategy for combatting IUU fishing in the FCWC's maritime zone of influence.

### **II.3.5 Measures by Port States**

Articles 52 to 64 of the IPOA-IUU encourages the port States to put in place an equitable, transparent and non discriminatory control system at the ports and related facilities. The access to the port is granted in accordance with international standards and procedures without prejudice, however, to the rights and sovereignty of the coastal State in accordance with its national legislation and provisions of **Article.25.2 of the United Nations Convention of 1982** and the related texts.

The measures and conditions that the port State is required to comply with are, notably:

- The prior authorization request to enter a port;
- The refusal of entry to the port, to any vessel whose IUU activities are established by confirmed sources;
- The publication of ports accessible to foreign vessels, the availability and functionality of port services responsible for inspection operations;
- The communication of inspection results (State, name, nationality of crew, gear seized on board ...) to the flag State, coastal States and Regional Fisheries Organisations concerned;
- The adoption of necessary measures under international law and information of the flag State and, if necessary, the coastal States or competent Organisations, in the event of strong suspicion that the vessel has been engaged in illegal fishing activities beyond the zone under the jurisdiction of the port State;
- The publication of the national strategy and procedures governing the control by the port State, and the training of State officials concerned;
- Collaboration in the establishment of mechanisms to control, penalize and share information between members of the Regional Fisheries Management Organisations - RFMOs;
- The exchange of useful information with the States and the Regional Management Organisations which are the ATLAFCO, FCWC and the ICCAT concerning the control operations carried out by the port States.

The regulations of the FCWC countries provide for:

- The obligation of all vessels operating in waters under jurisdiction regardless of their flag to undergo the usual port controls;
- The vessels are also compelled, according to the regulations, to inform the port's harbour master's office in accordance with the usual port regulations **48** hours in advance and to confirm entry **24** hours before entry into the port ;
- The transshipments are subject to prior authorization, and must take place under the control of the inspectors and customs officials;

Although that is provided for, in practice it is often very different. For example, the following cases are very frequent:

- The vessels tranship most of their catches and some of them do not even frequent the ports;
- The boats land products from transshipments;
- The artisanal fishing vessels (maritime and inland) are not subjected to the obligation to report their departure or entry into the port and their landings take place freely and without any control;
- Before the entry into the port, the vessels are not made to communicate their catch and its composition and do not often provide a logbook;

With regard to the list of measures to be taken by the coastal State, all the states have serious weaknesses and are not up to date except when it concerns the entry and departure of registered vessels that some countries are able to insist on.

Considering the importance of these measures, it is highly recommended that the FCWC Ministerial Conference should decide, as part of a platform of urgent measures, on compliance with this list which is as important as that of the previous chapter relating to measures by the flag State (see platform of priority measures).

### **II.3.6 Measures relating to International Trade**

Articles 65 to 76 of the IPOA-IUU request the States to take the necessary measures to prevent the trade in fish obtained illegally. These measures should come as a last resort after unsuccessfully applying the other measures envisaged. By resorting to trade measures, the States must comply with the rights and obligations set out in the WTO's agreements.

Such measures include, among others, the ban on the importation of products from ships engaged in IUU fishing activities, compliance with the transparency of measures applied which must necessarily be based on scientific and non discriminatory principles, the use of a documentation and certification system that guarantees the traceability of products....;

In general, the movement of products from industrial, artisanal and inland fishing is not controlled and determined. The certificates of origin and or catches are not applied (except in certain cases in Nigeria), although some countries exporting to Europe are engaged in a standardization process requiring them to ensure compliance with the certificates of origin and catch.

As regards political laws and instruments, the provisions specific to these issues are rare and the authorities lack information and strategies to deal with this matter.

Most of the States do not yet have an Authority in charge of exports and/or a registered Laboratory (RL) capable of guaranteeing the quality and wholesomeness of the products (except Nigeria, Ghana and Côte d'Ivoire). The fishing vessels are very old and unregistered. Landing controls are not undertaken in most cases and the origin of the products is not always established.

### **II.3.7 Research**

Article 77 of the IPOA-IUU encourages the States to carry out scientific research on methods to identify the species of fish based on samples of processed products.

Although some countries are supposed to have the institutional and human capabilities in these areas, it must be noted that in Côte d'Ivoire, Ghana, Togo, Benin, Liberia and Nigeria, the scientific and technical knowledge on fish stocks, catches, techniques, zones, ....is inadequate and fragmented.

Regional research programmes carried out by Fridtjof Nansen and some surveys conducted from time to time are the only option.

The lack of boats to carry out research activities and lack of laboratory equipment as well as the lack of training of research officials are real obstacles to fishery and oceanographic research in the FCWC marine area.

A special effort is thus essential to strengthen the capabilities of countries in fishery and oceanographic research. A regional strategy would be more appropriate to address these inadequacies.

### **II.3.8 Regional Fisheries Management Organisations**

Articles 78 to 84 of the IPOA-IUU amply requests the States to ensure compliance with and enforcement of measures relating to IUU fishing which are adopted by any competent regional fisheries management organisation in which they are or not members.

The International Plan of Action requests the States to support the existing Organisations and cooperate for the establishment of other Organisations in regions where there are none available.

The FCWC countries are thus members of several organisations including in particular the Ministerial Conference on Fisheries Cooperation among coastal African States of the Atlantic Ocean (ATLAFCO), and the Fisheries Committee for Central East Atlantic (CECAF).

Some FCWC countries are also members of the ICCAT like Côte d'Ivoire and Nigeria. Despite its recent membership of this Organisation, Nigeria has not yet developed a management and exploitation strategy for tunas for which vessels fish freely and illegally in the waters of its EEC.

In this context, it is recommended to define within the FCWC, common strategies and conventions on responsible measures and practices opposable to each country and each vessel operating in the maritime area under its jurisdiction. Likewise, the member countries should commit themselves and honour their membership of the ICCAT and impose the international rules in force on vessels fishing in their economic exclusion zones.

To provoke a deterrent effect on the IUU fishing practices by both foreign and national vessels in the member countries, the solidarity of the countries must be expressed through decisions or resolutions supported by practical actions within a common and coherent strategy.

### **II.3.9 Particular needs of developing countries**

The International Plan of Action aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing provides in articles 85 and 86, support for developing States, particularly in the formulation and implementation of their National Plans, so that they can be able to appropriately fulfil their obligations in accordance international law (UNCLOS of 1982, FAO Agreement of 1993, agreement of 1995, IMO and WTO...)<sup>11</sup> and the commitments they have made under the code of conduct for responsible fisheries and the IPOA-IUU.

Indeed, the countries of the Fisheries Committee for the Gulf of Guinea constitute an environment very suitable for the development of the IUU fishing undertaken day and night by foreign and national vessels within and beyond the internal waters of the States. That is due, among others, to the lack of means for monitoring, control and surveillance, absence of an adequate legal and institutional framework, the strong and dynamic strategies employed by the regulars of IUU fishing activities, the lack of a regional cooperation and coordination strategy for FCWC countries.

Although it is necessary for the countries themselves to make urgent efforts both at national and regional levels, it is however evident that these countries need the support of the international community to combat this phenomenon which is growing from day to day and which is severely affecting the communities in what is their most original and noble asset: their dignity, in the form of poverty and malnourishment.

Thus the support requested should be focused on the elaboration of national plans for combatting the illegal fishing, a plan for the sustainable management of fishery resources, strengthening of institutional structures and the legal framework and the provision of means for monitoring, control and surveillance as well as the training of officials.

In view of the financial difficulties and the costs likely to be incurred by combatting IUU fishing activities, a sub-regional strategy would be more appropriate at least concerning certain measures (see Platform of priority measures)

### **II.3.10 Implementation of the IPOA-IUU**

The regional plan will no doubt serve as a federative tool for all the measures and means necessary for combatting this scourge at regional level. It will further emphasize the need for the member countries that have not yet established national plans to develop one as soon as possible. This plan which will identify a host of measures necessary for combatting IUU fishing will also serve as an instrument of communication with all the participants and partners in the region to facilitate its adherence and the implementation of the platform of measures envisaged.

The following chapter devoted to the implementation of the regional plan of the FCWC summarizes the measures for combatting IUU fishing activities which henceforth constitutes the framework for direction and action on a regional basis for all FCWC member countries.

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<sup>11</sup> UNCLOS (English abbreviation for the United Nations Convention on the Law of the Sea); IMO (International Maritime Organisation) and WTO (World Trade Organisation).

**PART III: Operational Measures of the Regional Plan of Action aimed at Preventing, Deterring and Eliminating Illegal, Unreported and Unregulated Fishing Activities in the Maritime Area of Counties of the Fisheries Committee for the Gulf of Guinea**

### **III.1 OBJECTIVE OF THE REGIONAL PLAN**

After giving an assessment and the scope of the illegal fishing practice in the maritime and inland zones of FCWC member countries, this part will be entirely devoted to the identification of measures whose application is likely to reduce or even eliminate this practice in the FCWC's zone of influence.

The Regional Plan of Action is based on the principles and provisions governing the IPOA-IUU, and on a relatively objective analysis of existing actions, efforts and mechanisms both at national and regional levels in the zone of the countries of the Fisheries Committee for the Gulf of Guinea.

The operational part of the plan presents, in order of importance, the necessary measures to be taken as part of a regional strategy to combat IUU fishing activities in the FCWC zone. The plan takes into account the absence of national plans and the inadequate institutional and financial capacity of individual member States.

The plan identifies 72 measures whose implementation according to the degree of urgency expressed by the number of asterisk is considered necessary or indispensable in certain cases.

To facilitate the reading and implementation of the plan, a platform of **41** urgent short term measures is classified by theme and clearly represented in **Table (4) below**.

### **III.2 MEASURES OF THE REGIONAL PLAN OF ACTION**

#### **III. 2.1. RESPONSIBILITY OF ALL STATES**

##### ***III.2.1.1 International instruments***

**Measure.1\*:** All the states are strongly urged to sign and ratify the United Nations agreement of 1995 and that of the FAO of 1993 relating to straddling stocks and compliance with international management measures respectively;

**Measure.2\*:** All the FCWC member States are urged to include the relevant standards and principles of these agreements in their national laws and ensure their application;

**Measure 3\* :** All the States are urged to be party to the international conventions relating to safety at sea, compensation in case of pollution and the protection of endangered species.

##### ***III.2.1.2. National laws***

**Measure.4\*:** All States are urged to review and adopt deterrent enforcement laws and provisions that can facilitate control operations and reduce IUU fishing activities in the Committee's zone. These laws must cover fishing on the high seas, flags of convenience, the right of pursuit and responsible fisheries practices applicable to all legal personalities or entities.

**Measure 5\*:** All States are urged to harmonize their national and regional regulations especially concerning the status of the vessel, registration, flags of convenience and to envisage special provisions relating to the exercise of the right of pursuit.

### **III.2.1.3. Control of the State over their nationals**

**Measure.6\*:** The States are urged to include in their national legislation (*law and enforcement measures*) specific provisions to help control and monitor and to judge in need be, the nationals and (persons and vessels) operating in other zones beyond their sub-jurisdictions if it turns out that these persons or vessels have committed illegal fishing acts including the use of flags of convenience

**Measures.7\* :** The States are urged to sign regional agreements and conventions among FCWC States, helping to subject to control and trial any person or vessels having committed serious offenses in the waters of one of more of the member countries.

### **III.2.1.4. Vessels without nationality**

**Measure.8\*:** Organize, and develop national registries of vessels and include in the sections any data necessary to establish the traceability of fishing vessels in the waters of each country. The registers must be maintained in duplicate and initialled on electronic cards developed on a database software to facilitate the search for and analysis of data and their exchange with the Regional Register of the FCWC.

**Measure.9\*\*:** Organize, computerize and update, under the same conditions as those for industrial fisheries, registers specific to artisanal and inland fisheries and register all artisanal and inland fishing vessels by adopting a participatory approach involving the local authorities, fishers' communities and local authorities.

**Measure 10\*\*\*:** Envisage a provisional registration or number certification system (in Liberia) for boats of FCWC countries which wish to continue flying their original flag knowing that during their stay in the country, these boats are subjected to the regulations of the port country. For these boats we can think of a registration which reflects the fact that the boats belong to the FCWC countries.

**Measure.11\*:** Ban access to the waters of FCWC member countries to all vessels whose flag origin has not been established.

### **III.2.1.5. Sanctions**

**Measure.12\*:** Prepare at regional level, a set of sufficiently deterrent penalties for each offense according to the gravity of the act and likely benefits to be obtained by the offenders. Integrate these penalties in a harmonized manner into the national laws to take care of conflicts of jurisdictions.

**Measure.13\* :** Consider fishing by foreign vessels<sup>12</sup> without licence, and the access of vessels without nationality as very serious offenses giving countries to right to stop and inspect the vessel, equipment, captures and to take legal action in the competent courts against the captain, crew and shipper for violation of sovereignty.

**Measure.14\* :** For vessels of FCWC countries which commit the same offences mentioned in the previous paragraph, envisage severe penalties and a term of imprisonment from 12 to 36 months for the captain, crew and shipper in the event of a subsequent offence.

**Measure.15\*\*:** Create at regional level (under the FCWC) an arbitration committee to deal with offences committed by vessels of a member country in the waters of another member country and or foreign vessels having committed serious offences in several FCWC countries;

**Measure.16\*:** Introduce specific clauses against physical persons or legal entities directly or indirectly engaged in the commission of an offence upstream or downstream from the IUU fishing sector;

**Measure.17\*:** Adapt the system of penalties to the realities of artisanal fishing in the zone of the Committee using seizure and penal sanctions, ban on operating for an appropriate period;

**Measure.18\* :** Develop and undertake a regional management and awareness programme on the harmful effects of irresponsible fishing practices on the member countries for the benefit of the perpetrators of these actions;

**Measure.19\*:** List in a regional file and at national level, the vessels which commit illegal fishing acts that are duly established and exclude them from any possibility of operating in the waters of FCWC member countries;

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<sup>12</sup> In this regional plan the notion of foreign vessels or persons refers to persons or vessels not belonging to the FCWC zone.



### **III.2.1.6. Non cooperating States**

**Measure.20\*\*** : Urge the FCWC States which are not yet members of the ICCAT to join and ensure compliance with the ICCAT measures including the non issuance of licences to non member countries and the refusal to market tuna products from vessels of non member countries

### **III.2.1.7. Economic Incentives**

**Measure.21\*** : Suspend all support in kind or in administrative facilities to the vessels, boats or organisations and persons involved in IUU fishing and envisage appropriate provisions to deprive them of administrative or financial facilities (*loans and funding*) in all countries of the Committee.

### **III.2.1.8. Monitoring, Control and Surveillance**

**Measure.22\***: Assist the countries at national level to obtain the necessary and minimum resources to carry out the MCS mission and in particular the procurement of equipment for the Surveillance Centre and its installation, fast launches (patrol boats) for the coastal interception, by the ground mobile teams, of radar stations.

**Measure. 23\***: Generalize the obligatory installation of beacons for the transmission of data to national and regional surveillance centres on board industrial fishing vessels and ensure that the equipment is compatible.

**Measure.24\*\*** : For the marine artisan fishers, disseminate the use of VHF and the obligation to record all fishing departures and entries in a register regularly maintained and agreed upon between the professional administrations and organisations.

**Measure.25\***: Develop a regional surveillance centre whose role is to ensure coordination with the national centres and other centres at international level to exchange information concerning illegal fishing vessels found in the zone of FCWC countries;

**Measure 26\***: Support the adoption of regional conventions in favour of joint surveillance operations between the countries and mobilize from development partners, the necessary resources to strengthen the capabilities of the countries in this area.

**Measure.27\*\***: Set up a regional observation programme at sea and at the markets to deter the capture and sale of illegal fishery products. Envisage a training component in this programme to strengthen the capabilities of the observers and upgrade their knowledge with regard to regional approaches;

**Measure.28\*\*** : Introduce in the national laws and regional protocols and agreements, the obligation for the transmission of electronic data and the possibility of using beacons on board industrial vessels and the use of electronic evidence for establishing the offence;

**Measure.29\***: Coordinate, design, adopt and disseminate the fisheries logbook and its transmission at the end of the operation. Send every six months a summary report to the Fisheries Committee on fishing activities based on a model that the Committee should prepare and distribute;

**Measure.30\*\*\*** : Develop a regional programme of meetings, awareness campaigns and training of socio-professional organisations in order to ensure their involvement in the strategy to combat IUU fishing activities;

**Measure.31\*\*** : Prepare a regional inspection programme whose role is to support the exercise through annual audit reports on the development of regulations and illegal fishing practices in the member countries and urge them to adopt and apply measures against IUU fishing;

**Measure.32\***: Propose to the countries a unique licence model for each type of fishing so as to have consistent information capable of being used in the analysis and monitoring and control of IUU fishing; such a model would considerably facilitate the management of a regional file.

### **III.2.1.9. Cooperation among the States**

**Measure.33\***: Establish multilateral protocols and conventions among the surveillances structures in the various countries for carrying out joint operations and exchange of data and information likely to help arrest the perpetrators of IUU fishing.

**Measure.34\*\***: Establish and develop a communication network between the countries and the FCWC surveillance and coordination centre (proposal) to share information and provide a monitoring system against IUU fishing practices;

**Measure.35\*\***: Ensure the inventory and annual communication of the state of IUU fishing in the region to regional and international organisations and development partners. That could be done through the publication of a magazine every six months. The magazine will publish the list of vessels flying flags of convenience, the vessels having committed serious and

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very serious offences, the list of illegal fishing vessels considered on the black list that all countries are urged to exclude from all fishing activities in their waters, the list of shippers of countries having committed IUU offences.

**Measure. 36\*:** Develop support programmes for member countries for strengthening their capacity to combat illegal fishing: acquisition of motorboats, a national centre for communication, computerization of licence registers, formulation of deterrent and coherent legal and political instruments;

### ***III.2.1.10. Publicity***

**Measure.37\*:** Develop a web site at regional level (FCWC) and keep it updated. Put on this site the main and necessary information including laws, regulations, fisheries policies, IUU fishing control plans, and regional conventions and agreements linking the 6 countries including in particular the FCWC convention;

**Measure 38\*\*:** Organize commercials, notices, meetings and reports on IUU fishing in FCWC countries and its economic and social consequences;

### ***III.2.1.11. Technical capacity and resources***

**Measure.39\*\*:** Encourage the strengthening of national capabilities in research, fisheries management and marine surveillance and training through the search for funding of regional programmes, especially the procurement of a research vessel which would be at the disposal of the 6 countries for undertaking stock evaluation campaigns;

**Measure.40\*\*:** Develop community awareness programmes for a better awareness of the need for sustainable management and participation in the fight against IUU fishing;

## **III.2.2. RESPONSIBILITY OF FLAG STATES**

### ***III.2.2.1 Registration of fishing vessels***

**Measure.41\*:** Harmonize the procedures and conditions for the registration of fishing vessels in the FCWC zone and establish the obligation for certification of documents necessary for the registration of vessels. Before the registration of a vessel all the competent Administrations should get information and ensure from their counterparts and in relation with the FCWC that the vessel seeking registration is not on the black list and is not the subject of legal proceedings in court;

**Measure.42\*\*:** Assist and encourage the States to adopt a harmonized system of registration of artisanal and inland boats and to develop databases to monitor the activities of these small fishing boats. The example of the identity card or the electronic card can be extended to artisanal fisheries;

### ***III.2.2.2. Register of fishing vessels***

**Measure.43\*\*:** Develop computerized application for a national register of fishing vessels with a related register of the black list of vessels engaged in IUU fishing and excluded from national registers and the regional register in a manner compatible with those to be used by national registers;

### ***III.2.2.3. Fishing authorization***

**Measure.44\*:** Standardize fishing licences by introducing all the headings necessary for the effective control of fishing capacity and the monitoring and control of IUU fishing practices;

**Measure.45\*\* :** Harmonize the procedures and conditions of access to tuna fishing on the high seas by taking into account the relevant provisions of the FAO Agreement of 1993, aimed at promoting compliance with international measures, and the Agreement of 1995, of the United Nations relating to major migratory and straddling stocks;

**Measure.46\*\*:** Ensure regular monitoring of the list of vessels fishing straddling stocks in the high seas authorized by the member countries.

## **III.2.3. RESPONSIBILITY OF COASTAL STATES**

**Measure.47\*:** Promote and coordinate the conclusion of agreements between the member countries for strengthening multilateral cooperation and exchange of necessary data and information (VMS);



**Measure.48\***: Institute the right of hot pursuit (*Article 111 UNCLOS*) and mutually delegate the power of establishing, reporting petty offences and penalizing IUU fishing vessels in the port country where the vessel is found at the time of the establishment of the offence;

**Measure.49\*\***: Encourage the member countries to put in place plans to manage their domestic resources and promote the emergence and coordinate the search for financing to carry out the regional plans for shared stocks;

#### **III.2.4. RESPONSIBILITY OF FCWC PORT STATES**

**Measure.50\***: Harmonize the regulations relating to the entry, departure and stay, landing and transshipment of vessels in the ports of member countries;

**Measure .51\*\***: Organize training sessions and exchange visits for strengthening the capabilities of port control officers and provide them with a manual of practical, transparent, coherent and harmonized procedures;

**Measure.52\***: Prepare and adopt regional regulations in relation with the port authorities in the various countries to prevent access to the ports of vessels flying flags of convenience or whose identity is not well established and prevent the landing or transshipment of their products in the ports of member countries;

**Measure.53\***: Introduce in accordance with international regulations the obligation to include the IMO code in the licences of fishing vessels authorized to fish in the waters of member countries;

#### **III.2.5. INTERNATIONAL TRADE**

**Measure.54\*\***: Prepare and have adopted by the FCWC Conference of Ministers measures and regulations for the certification of origin of captures of products unloaded in the ports of the States and/or those that pass through there;

**Measure. 55\*\***: Promote the emergence, at national and regional levels, of organisations of wholesale fish merchants and strengthen their capabilities for a better participation in the fight against illegal fishing practices through the control of products on the market;

**Measure.56\***: Integrate into the national regulations harmonized clauses instituting 'serious to very serious' penalties in the event of the sale, transportation, processing or marketing of products from illegal fishing;

**Measure.57\*\***: Harmonize and have adopted by the Conference of Ministers the international system of description and codification of fishery products and by-products.

#### **III.2.6. FISHERY AND OCEANOGRAPHIC RESEARCH**

**Measure.58\*\*\***: Initiate a medium and long term strategy to strengthen the research capabilities of FCWC countries by taking into account the urgency for the sub-region to have a research vessel for the evaluation of marine resources, as well as the strengthening of human capacities through training, short-term courses and joint missions. The use of regional expertise better adapted to the reality of the countries is strongly recommended (see Measures 39 and 49).

**Measure.59\*\*** : Initiate and have adopted and coordinate the studies and programmes on fishing techniques in the sub-region by using existing capacities of the technology laboratory of the Institute for Oceanographic and Fisheries Research of Nigeria.

**Measure.60\*\***: Disseminate the research results to the operators by using simple and easily assimilated methods. That could be done by holding, every two years, a meeting with the presidents and Secretaries-General of marine fisheries federations in one of the member countries. The contribution of the operators to the expenses of these meetings is strongly recommended in order to increase their involvement and responsibility vis-à-vis the recommendations.

#### **III.2.7 REGIONAL MANAGEMENT ORGANISATION**

**Measure.61\***: Strengthen the organisation of the Fisheries Committee for the Gulf of Guinea by creating within this Committee departments in charge of the regulation, and fight against illegal fishing and the development of approaches and strategies for regional fisheries development. Envisage even its transformation into a commission and broaden its mission relating to high seas activities and inland fisheries.

**Measure.62\***: Provide the Committee with a communication and surveillance centre and a regional register of fishing vessels authorized to fish in the waters of the Committee.

**Measure.63\*\*\*:** Strengthen the Cooperation of the Committee with the Regional and International Organisations of the FAO, COFI, ICCAT, COMHAFAT, and the ALM Programme;

**Measure.64\*\*\*:** Prepare a directory of the institutional and human capacities in the sub-region of the Committee in order to better evaluate and establish future strategies;

**Measure.65\*:** Encourage the countries to introduce in their laws and policy documents, the obligation to ensure close cooperation for the sustainable management of shared resources in accordance with the provisions of the United Nations convention and its relevant agreements;

**Measure.66\*\*:** Ensure that all the States of the Committee, after ratification of the ICCA convention, give full effect to the collaborative mechanisms provided for by the said convention;

**Measure.67\*\*\*:** Ensure with the competent Regional Organisations, a wide dissemination and regular exchange of data and information on sustainable management and illegal fishing in the countries of the Committee;

### III.2.8 IMPLEMENTATION OF THE RPOA-IUU

**Measure.68\*:** Ensure a wide dissemination of the proposed plan for study and comments;

**Measure.69\*:** Submit the proposal to the FCWC Conference of Ministers for adoption;

**Measure .70\*:** Ensure that the resolution for the adoption of the plan is effective and immediate and binding;

**Measure.71\*:** Print the plan in sufficient copies (*in collaboration with the FAO*) and organize a round table meeting for its presentation to the partners by preparing specifications for the principal projects.

**Measure .72\*\*:** Produce a regular annual report on the status of the implementation of measures of the plan which will be presented at each meeting of the FCWC Conference of Ministers;

### III.3 PLATFORM DES OF PRIORITY MEASURES OF THE REGIONAL PLAN

#### Table.4: Platform of priority measures of the Plan of Action

**Measure.1\*:** All states are strongly encouraged to sign and ratify the United Nations agreement of 1995 and that of the FAO of 1993 relating to straddling stocks and compliance with international management measures respectively.

**Measure.2\*:** All member States of the FCWC are urged to integrate the relevant standards and principles of these agreements into their national laws and ensure their application.

**Measure 3\* :** All States are urged to be party to the international conventions relating to safety at sea, compensation in the event of pollution and the protection of endangered species.

**Measure.4\*:** All States are requested to review and adopt deterrent laws and provisions to facilitate control operations and reduce IUU fishing activities in the Committee's zone. These laws must cover fishing on the high seas, flags of convenience, the right of hot pursuit and responsible fisheries practices applicable to legal personalities or entities.

**Measure 5\*:** All the States are urged to harmonize their national and regional regulations particularly concerning the status of the vessel, registration, flags of convenience and to envisage special provisions relating to the exercise of the right of hot pursuit.

**Measure.6\* :** The States are urged to integrate into their national laws (*law and enforcement measures*) specific provisions to control, monitor and judge if need be, their nationals and (persons and vessels) operating in other zones beyond their sub-jurisdictions if it turns out that these persons or vessels have committed illegal fishing acts including the use of flags of convenience.

**Measure.7\* :** The States are urged to sign regional agreements and conventions between the states of the FCWC, making it possible to subject to control and judgment any person or ships having committed serious offences in the waters of one or more of the member countries.

**Measure.8\*:** Organize, and develop national registers of vessels and integrate into the headings all the data necessary to establish the traceability of fishing vessels in the waters of each country. The registers must be maintained in duplicate and

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initialled on an electronic file developed on database software to facilitate the search for and analysis of data and their exchange with the FCWC Regional Register.

**Measure.11\*:** Ban access to the waters of FCWC member countries to all vessels whose flag origin cannot be established.

**Measure.12\*:** Prepare at regional level, a set of sufficiently deterrent sanctions for each offence according to the gravity of the act and benefits likely to be obtained by the perpetrators. Integrate these penalties in a harmonized manner into the national laws to take care of conflicts of jurisdictions.

**Measure.13\* :** Consider the fishing practices of foreign vessels<sup>13</sup> with no licence, and access of vessels without nationality as very serious offences giving countries the right to stop and examine the vessel, equipment, captures and to institute legal proceedings in the competent courts against the captain, crew and shipper for violation of sovereignty.

**Measure.14\* :** For vessels of FCWC countries which commit the same offences mentioned in the previous paragraph, envisage severe penalties and a prison sentence of 12 to 36 months for the captain, crew and shipper in the event of a subsequent offence.

**Measure.16\*:** Introduce specific clauses against persons or legal entities engaged directly or indirectly in the commission of an offence upstream or downstream from the IUU fishing sector.

**Measure.17\*:** Adapt the sanctions regime to the realities of artisanal fisheries in the zone of the Committee by using the seizure and penal sanctions, ban on operating for an appropriate period.

**Measure.18\* :** Develop and undertake a regional management and awareness programme on the harmful effects of irresponsible fishing practices on member countries for the benefit of the perpetrators in the sector.

**Measure.19\*:** List in a regional file and at national level, the vessels that engage in illegal fishing that is duly established and exclude them from any possibility of operating in the waters of FCWC member countries;

**Measure.21\* :** Suspend all support in kind or in administrative facilities for vessels, boats or organisations and persons involved in IUU fishing and envisage the necessary provisions to deprive them of administrative or financial facilities (*loans and funding*) in all member countries of the Committee.

**Measure.22\*:** Assist the countries at national level to obtain the necessary and minimum resources to carry out the MCS mission and particularly the acquisition of equipment for the Surveillance Centre and its installation, fast motorboats (patrol boats) for the coastal interception, by ground mobile units and radar stations.

**Measure. 23\*:** Generalize the obligation to install beacons for the transmission of data to national and regional surveillance centres on board industrial fishing vessels and ensure that the equipment is compatible.

**Measure.25\*:** Develop a regional surveillance centre whose role is to ensure coordination with the national centres and other international centres for the exchange of information related to illegal fishing vessels found in the zone of FCWC countries;

**Measure 26\*:** Support the adoption of regional conventions in favour of joint surveillances operations between the countries and mobilize from development partners the necessary resources to strengthen the capabilities of the countries in this area.

**Measure.29\*:** Coordinate, design, have adopted and disseminate the fisheries logbook and its transmission at the end of the operation. Send every six months a summary report to the Fisheries Committee on the fishing activities based on a model that the Committee should prepare and distribute.

**Measure.32\*:** **Propose to the countries** a unique licence model for each type of fishing so as to have coherent information capable of being used for the analysis, monitoring and control of IUU fishing activities. Such a model would considerably facilitate the management of a regional file.

**Measure.33\*:** Establish multilateral protocols and conventions between the surveillance structures in the various countries for the conduct of joint operations and the exchange of data and information capable of helping to arrest the perpetrators of IUU fishing activities.

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<sup>13</sup> In this regional plan the notion of foreign vessels or persons refers to persons or vessels not belonging to the FCWC zone.

**Regional Plan of Action aimed at Preventing, Deterring and Eliminating Illegal, Unreported and Unregulated Fishing in the FCWC Zone.**

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**Measure.36\*:** Develop support programmes for the member countries to strengthen their capacity to combat illegal fishing activities: acquisition of motorboats, national communication centre, computerization of licence registers, formulation of deterrent and coherent legal and political instruments.

**Measure.37\*:** Develop at regional level (FCWC) a web site and keep it updated. Put on this site the main and necessary information including laws, regulations, fisheries policies, IUU fishing control plans, and the national conventions and agreements linking the 6 countries, particularly the FCWC convention;

**Measure.41\*:** Harmonize the registration procedures and conditions for fishing vessels in the FCWC zone and institute the obligation of certification of documents necessary for this registration of vessels. Before the registration of a vessel all the competent Administrations should get information and ensure from the counterparts and in relation with the FCWC that the vessel seeking registration is not on a black list and not the subject of any court proceedings;

**Measure.44\*:** Standardize the fishing licence by introducing headings necessary for the effective control of the fishing capacity and the control and monitoring of IUU fishing practices.

**Measure.47\*:** Promote and coordinate the conclusion of agreements between the member countries to strengthen multilateral cooperation and the exchange of necessary data and information (VMS);

**Measure.48\*:** Institute the right of hot pursuit (*Article 111 UNCLOS*) and mutually delegate the power of establishing, reporting petty offences and sanctions on IUU fishing vessels in the port country where the vessel is found at the time of the establishment of the offence.

**Measure.50\*:** Harmonize the regulations relating to the entry, departure and stay, landing and transshipment of vessels in the ports of member countries.

**Measure.52\*:** Prepare and adopt a set of regional regulations in relation with the port authorities in the various countries to prevent the access to ports of vessels flying flags of convenience or whose identity cannot be sufficiently established and prevent the unloading or transshipment of their products in the ports of member countries.

**Measure.53\*:** Introduce in accordance with international regulations the obligation to include the IMO code in the licences of fishing vessels authorized to fish in the waters of member countries.

**Measure.56\*:** Include in national regulations harmonized clauses instituting 'serious to very serious' sanctions in the event of the sale, transportation, transshipment, processing or marketing of products from illegal fishing activities;

**Measure.61\*:** Strengthen the organisation of the Fisheries Committee for the Gulf of Guinea by creating within this Committee departments in charge of the regulation, illegal fishing control and development of approaches and strategies for regional fisheries management. Envisage even its transformation into a commission and broaden its mission to aspects relating to the high seas and inland fisheries.

**Measure.62\*:** Provide the Committee with a communication and surveillance centre and a regional register of fishing vessels authorized to fish in the waters of the Committee.

**Measure.65\*:** Urge the countries to introduce in their laws and policy documents, the obligation to ensure close cooperation for the sustainable management of shared resources in accordance with the provisions of the United Nations convention and its relevant agreements.

**Measure.68\*:** Ensure an extensive dissemination of the proposed plan for study and comments;

**Measure.69\*:** Submit the Proposal to the FCWC Conference of Ministers for adoption;

**Measure .70\*:** Ensure that the resolution for the adoption of the plan is effective and immediate and binding.

**Measure.71\*:** Print the plan in sufficient copies (*in collaboration with the FAO*) and organize a round table meeting for its presentation to the partners by preparing specifications for the principal projects.