IN COMBATING AND DETERRING IUU FISHING: DO RFMOs WORK?

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INTRODUCTION

Marine fisheries represent a vital component of the world’s diet, economy, and biodiversity. However, overwhelming evidence shows that these valuable marine assets are in danger. Under such circumstances, the depletion of fishery resources is not only a crisis in terms of food security, but also a crisis with respect to marine ecology and the environment.

Recognising the damage caused by illegal, unreported and unregulated (IUU) fishing activities in recent years, the international community has been trying to address the problem in a variety of ways aimed at combating or deterring the expansion of IUU fishing. Such measures include quota allocation for registered fishing vessels, prohibitions on the transshipment of fish on the high seas, restrictions in terms fishing areas or seasons, limitations on fishing efforts, provision of on board observers, port State measures, and so on.

The lack of an effective and centralized authority in dealing with fishing issues is a key challenge in this context. As an alternative, the establishment of certain regional fishery management organizations or arrangements may offer a way out, such that the goal of sustainable conservation and management of trans-boundary marine resources can be achieved.

Given the situation that combating IUU fishing has become an urgent issue in managing living resources on the high seas, this chapter reviews the achievements of regional fisheries management organizations (RFMOs), especially as the management of fishery resources is one of the main functions they are established for. Recent developments on Port State Measures are also discussed and assessed.

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The Current Situation Concerning IUU Fishing

Fishing on the high seas is much more dangerous in operation as well as requiring significant investments. However, it can also deliver larger rewards from fishing activities, mainly because the target species, such as tuna, are highly valued in the markets. Maintaining good fishing governance in marine areas so that human society could enjoy the maximum sustainable yield of the fishery resources is one of the main goals for the present management of the sea. IUU fishing activities in recent years pose significant threats in this context and tend to impair the effectiveness of the said management mechanisms.

IUU fishing is not a new or unknown phenomenon in capture fisheries nor is it confined to fishing activities conducted on the high seas. In practice, such illegal fishing activities also occur in the exclusive economic zones and territorial seas of coastal States on the part of both national and foreign vessels and even in river and inland fisheries. It is believed that for those coastal States which are unobservant in addressing IUU fishing are those States which do not have the enforcement capabilities, capital or political will to deal with the problem. As Warren Evans, Director of the World Bank’s Environment Department, noted: “[t]he poor governance, the lack of regulations, the lack of enforcement of regulations presents almost a barrier to effective fisheries management.”

IUU fishing substantially reduces the operating costs for vessel owners who avoid applying fishing regulations and paying for licenses fees, as well as the expenses associated with onboard observers, installing vessel monitoring systems devices or filling catch documentation. For a better catch result, in many areas IUU fishing fleets specifically target commercially high value species, such as tuna or tuna-like species. This would create more problems concerning resources conservation and management.

Under the situation that the demand for fish is growing globally at the same time as the constraints on legal fishing are increasing—there exists a strong

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5 See, IOTC Resolution 00/01 which indicates its concerns that there are significant fishing activities carried out by non-Contracting Parties in the IOTC Area and that, in particular, 70 per cent of data from longline operations are still not reported to the IOTC. http://www.iotc.org/files/proceedings/2000/s/IO TC-2000-S05-R%5BEN%5D.pdf.