



## ILLEGAL ACTIVITIES AND POOR GOVERNANCE IN THE FISHERIES SECTOR: The Impediments to Livelihoods of Coastal Communities in the Gulf of Guinea

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A CEMLAWS AFRICA POLICY BRIEF led by Stephanie Lolk Larsen & Godfred Sowah Khartey

### Editor's note

As we celebrate World Oceans Day 2021 under the theme "The Ocean: Life and Livelihoods", this policy brief addresses concerns of illegal activities and malpractices within the fisheries sector and their effects on the welfare and livelihoods of coastal communities, specifically in the Gulf of Guinea region. In furtherance of our commitment to ending the challenges that undermine fisheries sustainability and the livelihoods of coastal communities, CEMLAWS Africa has launched its awareness campaign [#FisherfolkFirst](#), for the month of June 2021.

Read more on [www.cemlawsafrica.com](http://www.cemlawsafrica.com) and our various online platforms.



## Executive Summary

The oceans' vastness in natural resources and biodiversity offers a plethora of socio-economic opportunities for both coastal communities and the fisheries sector. While its expanse conveys the immensity of space available to navigate and explore its socio-economic benefits, coastal States, and in particular coastal communities, have fallen prey to activities that inhibit sustainability in the fisheries sector. From illegal, unreported and unregulated (IUU) fishing to inadequate or skewed fishing agreements, and seemingly fragmented institutional frameworks, catch levels are reducing to the point of depletion. This indisputably poses a hindrance to the activities of artisanal fisherfolks, their families and their welfare. With a particular emphasis on the Gulf of Guinea, which is witnessing an array of activities that all contribute to the deterioration of fish stocks, the deplorable living standard of coastal communities, and the general state of insecurity in the region, this policy brief highlights some of the dark spots within the fisheries sector and makes recommendations for improving aspects of fisheries governance, especially regarding transparency and accountability.

## IUU and the larger transnational organised crime network

Alongside IUU fishing lies an array of crimes taking place at sea, including piracy and armed robbery, thefts, drug and arms smuggling, human trafficking, as well as the wider problems of perceived corruption,

## RECOMMENDATIONS

- There is an overall need for better and improved transparency and accountability within the fisheries sector, which starts with raising awareness on ongoing practices
- Governments should adopt measures to regulate the fisheries sector within their territorial boundaries, including ownership and licensing regime provisions, as well as VMS regulations
- Governments should initiate the domestication and implementation process of existing international legal frameworks into their national legislation including best practices on fisheries transparency and accountability.
- Politicians across the region, specifically those with constituencies in coastal areas, should express their commitment to tackle crimes and malpractices within the fisheries sector
- CSOs and Communities should remain engaged in fighting IUU and other unsustainable activities through research, advocacy and awareness programmes

bribery and fraud. IUU fishing is specifically defined by the Food and Agriculture Organization of the United Nations (FAO) as follows<sup>1</sup>:

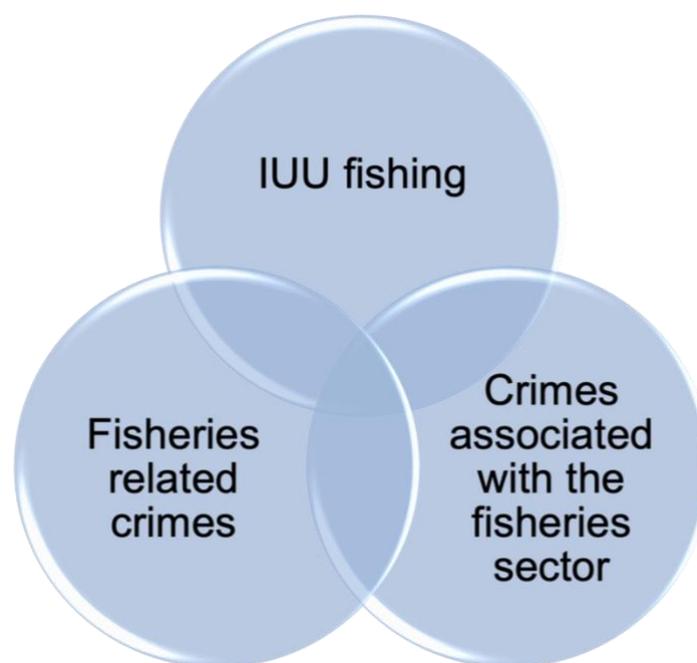
<sup>1</sup> FAO. 2020. *What is IUU Fishing?* Available at: <http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>

- *Illegal fishing* – conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- *Unreported fishing* – which have not been reported, or have been misreported, to the relevant authority, in contravention of national laws and regulations;
- *Unregulated fishing* – are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization.

While the normative framework that is meant to contain IUU fishing practices is well-established through different instruments including the 1995 New York Agreement, the 1998 FAO Agreement and more recently, the Agreement on Port State Measures (PSMA), which entered into force in 2016, IUU fishing remains a widespread activity within the Gulf of Guinea. Most worryingly is the possible connection between IUU fishing and the wider transnational organised crime network, although it remains an under-explored subject. Emerging incidents in the Gulf of Guinea are revelatory of the wider threats IUU fishing poses to the welfare and livelihoods of coastal communities. The youth of coastal communities are generally likely to be

vulnerable to, or receptive of crimes, including armed robbery at sea, piracy and drug trafficking, as a means of survival, simply because their source of livelihood is either gone or substantially under threat. There have also been cases involving human smuggling and human rights violations on fishing vessels, worrying trends that need greater attention.

Parallel to the illegal activities committed by engrained criminal groups are the “legitimate” corporations, who also overstep agreements and do not comply with local regulations. As such, criminal activities within the fisheries sector can both be defined in terms of those closely linked to fishing activities, i.e., fisheries-related crimes, and those merely associated with the sector (cf.



*Figure 1. Fisheries and the larger network of transnational crimes*

Figure 1<sup>2</sup>). As it will be discussed in the next section, while crimes associated with the fisheries sector benefit from the weaknesses of the sector, governance lapses within the fisheries sector create crevices and opportunities where lawful companies within the sector might skirt the laws and regulatory processes using such administrative schemes as a cover. In as much as IUU fishing is thus connected to a multitude of different illicit activities, it is imperative to unravel IUU fishing from these crimes to develop viable and comprehensive governance solutions for the fisheries sector and thus safeguard local fishing communities.

### Transparency, accountability and sustainable fisheries

The lack of transparency and accountability in the sector has contributed to strings of events that pose an existential threat to fisheries in the Gulf of Guinea region, as well as to the livelihoods of those who ply their trade in the fishing industry. Information-sharing is most often non-existent and when it is, scanty, with a serious lack in the implementation of mitigating mechanisms and programmes. These lapses have equally created a regime where IUU fishing has become

normalcy and the rate at which it is being conducted, very alarming. IUU fishing has never really been categorised as a security issue or threat, but with depleting fish stocks and the loss of livelihood of fisherfolks, it is imperative for countries that find themselves within the ocean space of the Gulf of Guinea to develop a framework, binding and enforceable, in order to combat the growing menace of IUU fishing.

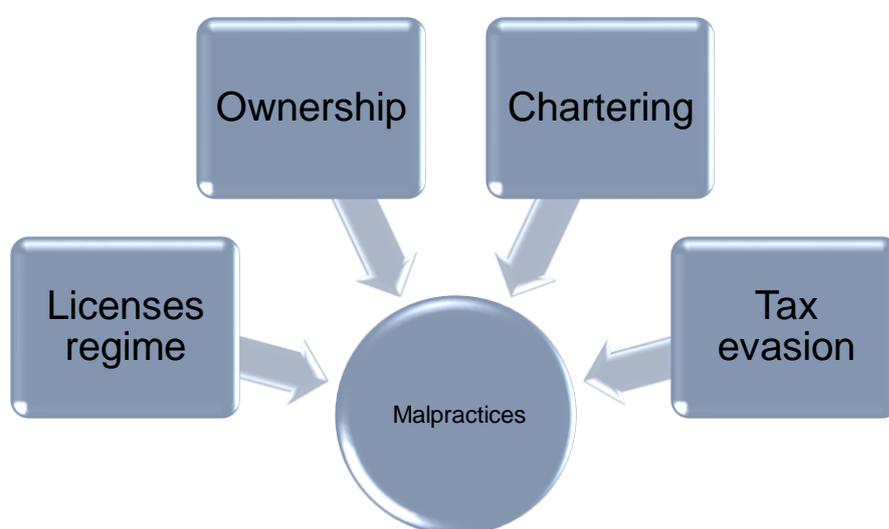


Figure 2. Malpractices in the fisheries sector

As indicated, legal arrangements and regimes are negatively exploited to undermine sustainable fisheries governance – ranging from the licenses regime to ownership, chartering and tax evasion (cf. Figure 2). Yet, these represent only one level of concern, as the root causes are rather hinged upon the lack of adequate legal regulations, the inadequate implementation of

<sup>2</sup> FAO. 2020. *Links between IUU Fishing and other crimes*. Available at: <http://www.fao.org/iuu-fishing/background/links-between-iuu-fishing-and-other-crimes/en/>

international conventions into domestic legislation, as well as the lack of proper monitoring of activities in the sector. Notoriously among these are issues with beneficial ownership and fronting companies that operate off the Gulf of Guinea coastline. In addition, license falsification, obscure chartering arrangements, issues of fraud and corruption are gradually gaining notoriety in the sector.

Transparency, accountability and information-sharing deficits among local authorities and agencies engaged in the sector undergird these challenges. It is thus imperative that these matters be treated with the greatest of urgency to enable the proper mitigation of IUU fishing.

In dealing with the challenges outlined above, a number of actions are required. This includes the revision of national legal frameworks and the domestication of international norms, as well as the inclusion of accountability principles in fisheries governance. Additionally, more resources should be voted towards research and development to help bring about better and more effective monitoring, evaluation, control and surveillance systems. States along the Gulf of Guinea should enforce the use of Vessel Monitoring Systems (VMS) to track and provide real-time activities of vessels.

### **External partnership and agreements**

Added to the challenges of illegal activities and administrative

malpractices, are those indirectly emerging from partnership agreements, both with individual countries and companies, as well as with regional fisheries management organisations/arrangements (RFMOs/As). Several countries in the Gulf of Guinea region have signed such agreements, which are having adverse impacts on gross domestic product (GDP), as well as on the welfare and livelihoods of coastal communities.

These complications may be illustrated by a case study of Mauritania. While Mauritania, which is the largest beneficiary of the partnership agreement scheme with the European Union (EU), is suffering from depleted fish stocks and reduced market prices, it has simultaneously launched its first report to the Fisheries Transparency Initiative (FITI), of which it is a member. In this report, the attempt is to provide an accurate account of the fishing fleet navigating the Mauritanian waters, as well as to assess the level of transparency. The results are rather scanty and say little about how foreign vessels are conducting illicit activities, such as IUU and overfishing, or how the EU subsidies represent only about 8% of the value of fish. Efforts need to be made to address inconsistencies and the lack of transparency of such practices if the livelihoods of coastal communities are to replenish, concurrently to the fish stocks themselves.

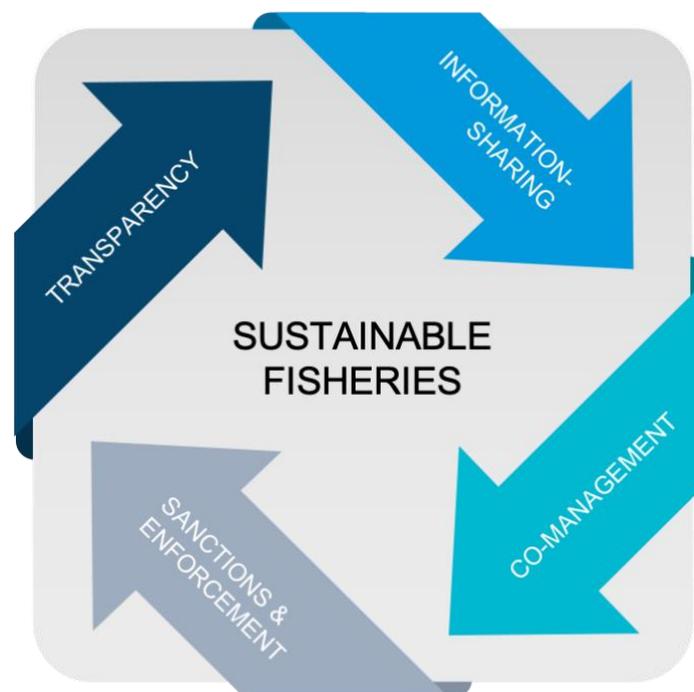
Overall, there is a need for mutual understanding between coastal communities, external partners and RFMOs to acknowledge the responsibility they all carry to promote sustainable fishing, condemn IUU fishing, ensure that regulations are met by all parties and thus ultimately protect the livelihoods of coastal communities. This starts with increasing awareness on major challenges within the sector and hence urging political commitment to address these difficulties. Sound fisheries governance demands the establishment of a good system of co-management or participatory decision-making. Where access arrangements are entered into by governments, such information should be shared with coastal communities and their views or concerns factored into the decision-making process.

### Conclusion

IUU fishing is more than just an isolated criminal activity. It involves a plethora of illicit offences conducted by a variety of actors, both criminal and legitimate.

The consequences of IUU fishing and its related crimes are enormous, with coastal communities being the prime victim. The fisheries sector in many Gulf of Guinea countries is no doubt a sure path to socio-economic development and empowerment and as such, critical steps must be taken to mitigate the growing trend of IUU fishing.

In addressing this issue, greater responsibility is expected from Gulf of Guinea states. Key in this regard is their ability to enforce legal regulations, whether these are domestic or international frameworks, as well as to monitor activities within the region. Information-sharing and transparency practices should also be major pillars of sustainable fisheries governance, along with co-management, sanctions and enforcement (cf. Figure 3).



*Figure 3. Major pillars for attaining sustainability in the fisheries sector*

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