

# FISH-i AFRICA

OUR FUTURE



FISH-i AFRICA IS A STOP ILLEGAL  
FISHING INITIATIVE SUPPORTED  
BY THE PEW CHARITABLE TRUSTS

**FISH-i Africa unites eight East African coastal countries along the Western Indian Ocean, an alliance which is showing that regional cooperation, coupled with dedicated analysis and technical expertise can stop illegal catch getting to market, and prevent illegal operators pursuing their lucrative business unhindered.**

**FISH-i Africa is a Stop Illegal Fishing initiative supported by The Pew Charitable Trusts and a Coordination Team made up of Stop Illegal Fishing, NFDS and TMT.**



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# 01

## ACRONYMS

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<b>AIS</b>	Automatic identification system
<b>EEZ</b>	Exclusive economic zone
<b>EU</b>	European Union
<b>FAO</b>	Food and Agriculture Organization
<b>IMO</b>	International Maritime Organization
<b>IOC</b>	Indian Ocean Commission
<b>IOTC</b>	Indian Ocean Tuna Commission
<b>IUU</b>	Illegal, unreported and unregulated fishing
<b>MCS</b>	Monitoring, control and surveillance
<b>NFDS</b>	Nordenfjeldske Development Services
<b>NGO</b>	Non-governmental organisation
<b>RFMO</b>	Regional fisheries management organisation
<b>SADC</b>	Southern African Development Community
<b>TMT</b>	Trygg Mat Tracking
<b>UN</b>	United Nations
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>UNFSA</b>	United Nations Fish Stocks Agreement
<b>USA</b>	United States of America
<b>VMS</b>	Vessel monitoring system
<b>WIO</b>	Western Indian Ocean

# 02 FOREWORD

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PETER SINON

In 2012, five countries of the Western Indian Ocean joined forces to form the FISH-i Africa Task Force in the Republic of Seychelles. As the former Minister with portfolio responsibilities for fisheries, I was excited to launch this Task Force. As island and coastal States with substantial exclusive economic zones, for which we are the judicious custodians, we had spent a lot of time working together negotiating relevant agreements, one such being the 2008 Southern African Development Community Statement of Commitment on Illegal, Unreported and Unregulated Fishing. However, at that point, our actions were not as strong as our words. Our efforts were fragmented and we rarely shared what we knew or asked questions about what we wanted and needed to know. Without a united platform to fight illegal fishing, our individual efforts were at best ineffective with no, or very sparse results.

In recognition and appreciation of this and with the apparent increases in illegal fishing, our collective vision was to bring together national enforcement agencies, regional organisations and experts, to share what they knew so that together we would be stronger and more able to strike a blow at illegal operators in the fishing industry. We did this based on the successful and affordable information-sharing tools and methods developed by Stop Illegal Fishing. We created a unique network of governments working together with intergovernmental organisations, non-governmental organisations and the private sector as trusted partners in a modern approach to improving ocean surveillance and governance.

FISH-i Africa has exceeded my expectations – through our investigations, vessels such as PREMIER, NAHAM-4, LUCKY STAR and GREKO 1 to name a few, have all become examples, illustrating that we mean business in detecting and apprehending illegal fishing infringements and following through with concrete actions. Arrests have been made, illegal operators brought to justice and fines have been issued. The growth of the Task Force to eight countries is a further testament to our success.

I commend and congratulate all involved in the FISH-i Africa Task Force. I thank those that have supported our work and I whole-heartedly hope that this example of regional cooperation can develop further, to better implement the next steps portrayed within this publication.

The Task Force has shed a light on the shocking level of deliberate illegality and crime taking place in the Western Indian Ocean. These findings are disturbing, but I believe that if we continue to work together, and step-up to our responsibilities as States and the private sector, we can clean up our ocean and face a brighter future within the context of a more sustainable, transparent, legitimate and thriving 'blue economy'.

**PETER SINON**  
**FISH-i AFRICA CHAMPION**  
**FORMER MINISTER OF AGRICULTURE AND FISHERIES, REPUBLIC OF SEYCHELLES**





# 03

## WELCOME

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ELSA DA GLORIA PÁTRIA

It is my pleasure to welcome you to *FISH-i Africa: Our Future*. Building on the two preceding publications *FISH-i Africa: Issues, Investigations and Impacts* and *Illegal Fishing? Evidence and Analysis*, this report provides a summary of the state of play within the fisheries sector of the Western Indian Ocean, as revealed through the work of FISH-i Africa, and guides on what we need to do next.

It provides a new insight into how illegal operators are working within the fisheries sector: how their intentional crimes of fraud, forgery, corruption, and modern slavery are used to increase their profits, while undermining our ability to secure much needed social and economic development and to protect the future of our fisheries and ocean.

In response, the east Africa region has united in their commitment to take the lead and to challenge this entrenched problem of illegal fishing. As a result, our fisheries officers have become more confident, braver and bolder, they are no longer turning a blind-eye or being overwhelmed by the complexity of the challenge. But as this publication and our cases show, the scale and global reach of the problem means that we cannot do this alone; we need international cooperation and support if these transnational, and devastating crimes are to be stopped. Ultimately it is not only our region that suffers, or even those who depend on the fishery for food or income, but the whole world.

Stop Illegal Fishing has been instrumental in moulding this change, and I am very encouraged by the recognition that our flagship initiative, the FISH-i Africa Task Force, has received for its contribution to sustainable seafood, through the 2017 Seafood Champion for Innovation Award. Contributing towards a sustainable seafood sector is at the core of our work and is integral to promoting successful blue economies. I also wish to acknowledge the contribution that FISH-i Africa is making towards the achievement of the United Nations' Sustainable Development Goals, especially goal 14 to improve the sustainable use of our oceans and goal one and two to end poverty and hunger – I believe the contribution is significant and we must work to make it even greater in the coming years.

When reading this publication, may I ask you to hold in your mind how you can work with us in the future, how you, your country, company or organisation can join forces with our network to help bring about the changes needed to restore law and order to the Western Indian Ocean and beyond.

**ELSA DA GLORIA PÁTRIA**  
**CHAIRPERSON OF STOP ILLEGAL FISHING**



# 04

## INTRODUCTION

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The Western Indian Ocean (WIO) has rich marine resources that attract about 500 commercial fishing vessels from around the world, mainly to catch tuna to be consumed in Europe, the USA or Asia. The coastal States of the region are mainly Least Developed Countries and some are Small Island Developing States with enormous social and economic development needs. Illegal fishing has long been identified as one of the major challenges to this development, resulting in lost social and economic damage that potentially undermines the sustainable future of the fishery.

For many years various projects and initiatives, often channelled through regional intergovernmental processes, such as the South African Development Community or the Indian Ocean Commission, have worked to improve capacity and monitoring of fisheries in East Africa. The success of these initiatives has been recognised and has provided a solid foundation for further action.

Seeing a need and an opportunity to build on existing connections and expertise a group of individuals, drawn from governments and NGOs, decided to act; this led to the formation of the FISH-i Africa Task Force in 2012. As an informal intergovernmental network, the Task Force defined its own objectives and set about its business by doing three things:







## CREATING A NEW WAY OF WORKING

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**MOMENTUM** – there was a readiness among political leaders and monitoring, control and surveillance (MCS) practitioners to do more and to act against illegal fishing. This drove the Task Force. The success of FISH-i has added to this momentum and inspired more countries to become a part of FISH-i.

**INFORMAL** – government officials, mainly MCS Directors and Officers form the Task Force, making it an informal intergovernmental mechanism, guided by some terms of reference but not bound by the procedures of a formal integration body.

**OPERATIONAL** – the Task Force works practically, supporting MCS officers to do their jobs, and therefore implement policies and strategies already agreed by their countries.

**FUNDING** – FISH-i is a low-cost model, linking to and supporting existing activities and budgets.

**EXPERTISE** – a known and trusted Technical Team of experts, drawn from inter-governmental organisations, NGOs and the private sector support the Task Force and are always available to answer questions and provide assistance and support as needed.

**SHARING** – information, such as fishing licence lists and photographs of fishing vessels, is systematically shared between Task Force members and compiled to increase usefulness and accessibility.

**TRANSPARENCY** – improved through open communication between Task Force members. An observer mechanism enables organisations and individuals to attend Task Force meetings and communicate and share information with the Task Force.

**TRUST** – Task Force members share their challenges and collaborate to find new approaches to overcome them; this strengthens their resolve and confidence and helps them to make the right choices.



## SUPPORTING INVESTIGATIONS AND ACTIONS

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**INVESTIGATIONS** – FISH-i, often with other countries or partners, has worked on over 35 investigations, including 15 that have been documented to demonstrate the scale and complexity of illegal operations.

**DUE DILIGENCE** – being able to cross-check information with other countries and organisations has led to investigations and enforcement actions.

**INSPECTIONS** – inspectors have inspected fishing vessels and shared information and photographs. This information is cross-checked with other sources to identify irregularities.

**TECHNOLOGY** – the use of technology, such as automatic identification system (AIS), has enabled the Task Force to identify illegal fishing and has supported further investigation into cases.

**TOOLS** – templates, manuals and guides are developed and available to the Task Force to assist them in their work.

**INTELLIGENCE REPORTS** – compiling information from many sources on fishing vessels, companies and other operators has assisted in identifying high risk operators and fishing vessels.

**ACTIONS** – the support and cooperation with investigations has enabled MCS officers to take enforcement action resulting in penalties in cases that would otherwise have fallen aside.

**MEDIA** – making selected information about cases public has, at times, helped to create pressure for action to be taken against the culprits.



## PROVIDING ANALYSIS AND REFLECTION

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**ANALYSIS** – some investigations do not result in a successful penalty or prosecution but the lessons learned about where and when the system fails is vital for deciding how to improve.

**RESEARCH** – questions, either emerging from cases or being asked by the Task Force, often lead to research being undertaken that helps to improve understanding and catalyse debate.

**INSIGHT** – discussions about what constitutes illegal fishing and fisheries crime, and how best to address them, are ongoing. FISH-i has shed light on the scale and complexity of illegal activities that is useful to inform regional and global processes and thinking.

**AWARENESS** – making our findings public increases transparency and awareness and motivates action.

**FUTURE** – real change is needed to ensure all fishing in the Western Indian Ocean is conducted according to the rules. By learning from success and failure, and through evidence based analysis we are able to determine the steps needed to create a better future.



TAI SHENG FU

泰 生 福



# 05

## THE SCALE AND EXTENT OF ILLEGAL FISHING IN THE WESTERN INDIAN OCEAN

FISH-i investigations usually begin because an irregularity is observed during due diligence cross-checking of information, a fishing vessel inspection, or while electronically monitoring activities of vessels. Through these investigations, three main categories of illegality and crimes have been identified:



### **OPPORTUNISTIC ILLEGAL FISHING: 13%**

Opportunistic illegal fishing is when the fishing or related operations violate the rules set out for fishing, such as fishing without a licence or fishing in violation of licence conditions including targeting non-permitted species, using the wrong gear or fishing in closed areas. Illegal fishing of this type was observed in 13 per cent of the cases, and in these cases, it appeared that the illegal fishing was opportunistic as no other illegality or crime was found.



### **DELIBERATE ILLEGAL FISHING: 80%**

In these cases, enabling crimes were committed, generally related to deception, with the intention of facilitating illegal access to fishing, subsidies, markets or other aspects of the fisheries value chain – or to avoid costs and sanctions. These enabling crimes, result in the fishing being illegal. These types of violations occurred in almost all of the investigations, and included: document forgery and fraud; vessel identity and registration deception; corrupt business practices; modern slavery and absconding from penalties and arrest. These violations were transnational and organised, and in most of the cases systematic law breaking was evident across the fisheries value chain, resulting in further crimes such as avoidance of import and export taxes.



### **SINISTER CRIMES IN THE FISHERIES**

**SECTOR: 26%** Sinister crimes were suspected or found in 26 per cent of the cases investigated, including crimes such as smuggling and/or trafficking of people and transporting of illicit cargo under the disguise of fishing or within the fisheries value chain and one case of murder. FISH-i generally works on illegal fishing so these crimes were inadvertently stumbled upon. Wider research indicated that many thousands of people are smuggled annually in fishing vessels and that 14-large scale drug and three illicit wildlife seizures have taken place involving fishing vessels and dhows in the last five years in the Western Indian Ocean.

# 06

## RE-THINKING ILLEGAL FISHING IN THE WESTERN INDIAN OCEAN

The evidence amassed shows that illegal fishing is rarely an isolated, opportunistic offence but is far more often linked to a range of enabling crimes that have been systematically and deliberately undertaken by the vessel owner to increase profit, while causing losses and destruction in the Western Indian Ocean and beyond.



**THE OWNERS AND OPERATORS**



**OF FISHING VESSELS**



**THIS MAY LINK OR LEAD TO SINISTER CRIMES**



- Arms smuggling
- Drugs smuggling
- Human trafficking
- Wildlife trafficking
- Murder and violence



## COMMIT DELIBERATE ENABLING CRIMES



## WHICH CAUSE SIGNIFICANT LOSS AND DAMAGE TO THE WESTERN INDIAN OCEAN AND BEYOND



## WHILST PROFITING THE ILLEGAL OPERATORS



Vessel identity fraud



Document forgery



Corruption



Modern day slavery

Undermines and damages fisheries management, governance and sustainability

Wealth is generated to the few, and they are not held accountable or responsible for the resource

### IN ORDER TO Illegally access

- Fish
- Subsidies
- Markets
- Quotas

### AND

### Illegally avoid

- Sanctions
- Taxes
- Costs
- Oversight

- Damages fish stocks and ecosystems
- Damages livelihoods
- Disadvantages legal operators
- Cheats consumers

- Creates a governance void
- Denies developing countries the opportunity to prosper
- Deprives governments of income

- Short term gains from overfishing
- Gain access to lucrative markets

- Benefit from the lack of enforcement control
- Operate with impunity
- Reduce operating costs



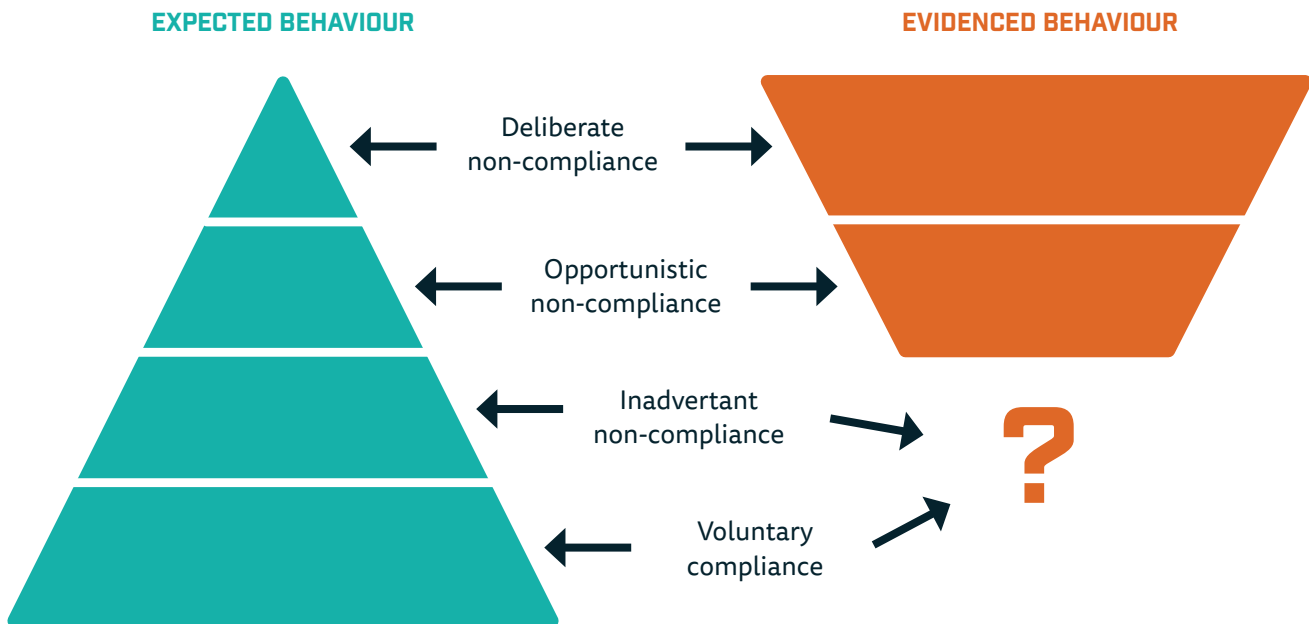


# A PARADIGM SHIFT

Risk assessment forms a key part of MCS activity; decisions on which vessels to inspect, licence, flag or allow port access to, are based on the likelihood of non-compliance from available information.

Established approaches to compliance risk assessment and responses characterise the high risk, deliberate offenders as the few, with a further small number of offenders who commit offences opportunistically. This is not what FISH-i has found in our analysis of illegal fishing in the Western Indian Ocean where the illegal acts identified were mostly part of a complex, systematic and planned web of crimes designed to increase profits from the fisheries sector.

## OUR FINDINGS TURN THE COMPLIANCE PYRAMID ON ITS HEAD



# WHY HAS THIS OCCURRED?

The change from opportunistic illegal fishing to intentional illegal fishing is likely to have occurred over time. Owners have realised that there is a very limited enforcement capacity and therefore no serious deterrence is in place, making fishing illegally a low risk business. It is likely that this situation has escalated as owners and operators see that they and others can get away with not playing by the rules, encouraging them to engage in more criminal activity, and encouraging a 'race to the bottom' attitude.

This challenge is made greater because most of the fishing vessels operating in the Western Indian Ocean are foreign owned and often part of a distant water fishing fleet. Therefore, the long-term damage and destruction they are causing is of little consequence to the foreign owners, whose concern is to increase their short-term profit, profit that accumulates far away from where the damage is done.

Various national, regional and global contexts may have impacted on the development of this situation or they may, even inadvertently, be acting to maintain the status quo:



## NATIONAL FACTORS

### NO DETERRENCE

#### RESULTING FROM

- Sector specific enforcement, such as dedicated fisheries patrols, that focus on illegal fishing not enabling crimes
- Limited platforms such as patrol vessels and aircraft to enable monitoring and inspections
- Focus on achieving and reporting the quantity rather than the quality of inspections at sea and in port
- Loop holes in legal systems or legal capacity gaps resulting in cases not concluding or being settled out of court
- Corruption interfering with the successful conclusion of cases
- Fines or penalties, if issued, being low and cases not being publicised

#### LEADING TO

Lack of enforcement that encourages non-compliance

### WEAK GOVERNANCE

#### RESULTING FROM

- Lack of inter-agency cooperation, resulting in fisheries focus and non-identification of enabling crimes and inadequate cooperation with e.g. Police, Coastguard, Maritime Authorities or Navy/Coastguard
- Corruption interfering with implementing procedures
- Lack of participation by the private sector and NGOs in management processes and therefore poor transparency and understanding of the systems
- Repeat offenders becoming even more delinquent
- Fragmented legal systems focusing only on fisheries violations

#### LEADING TO

Poorly designed and implemented management systems

## INADEQUATE CAPACITY

### RESULTING FROM

- Pressing development issues that detract resources from the ocean and fisheries sectors
- Inadequate institutional capacity for MCS, often with inadequate links to licensing, flagging and other processes within fisheries management
- Lack of human capacity and often inadequate training and recognition of the challenges faced by MCS officers, often working in a dangerous environment
- Limited awareness about the importance of MCS among senior managers and politicians

### LEADING TO

Reduced effectiveness of MCS activity



## REGIONAL FACTORS

### LIMITED VOLUNTARY COMPLIANCE

#### RESULTING FROM

- Foreign ownership and operation of the majority of fishing vessels have resulted in little interest to manage the fishery sustainably
- The fisheries are mainly based on shared migratory resources that can encourage a 'race to the bottom' approach

#### LEADING TO

The demise of expected compliance behaviour

### DRIVE FOR A BLUE ECONOMY

#### RESULTING FROM

- Concerns to secure a historical quota within the IOTC have resulted in some countries flagging foreign owned vessels without the capacity to adequately implement their flag State responsibilities
- Population growth within the region increases the demand for fish for nutrition
- Port and fisheries development offers hopes of increased income from the fisheries sector but the funding of this development can have strings attached if it is provided by countries active in the fishery sector

#### LEADING TO

Sustainability becoming a low priority

### FRAGMENTATION OF REGIONAL INTEGRATION

#### RESULTING FROM

- Challenges exist as countries in the region may simultaneously be coastal, flag, port and market States with different, and at times competing, interests and agendas
- Membership to overlapping regional integration bodies such as the SADC and IOC can create competition for funding, that distracts and detracts from regional cooperation and development
- Resistance to new approaches and partners, such as working with NGOs and private sector, can delay progress and the ability to stay ahead of the illegal operators
- A non-inclusive approach by donors can result in competing interests slowing down potential development and synergy that could potentially enhance regional development

#### LEADING TO

Power games that undermine progress

## PIRACY AND MARITIME INSECURITY

### RESULTING FROM

- Although generally reduced in the last five years, the legacy of piracy attacks in the region has created a bigger space for non-compliance by e.g. turning off electronic monitoring and using armed guards
- The response to piracy directed resources to security surveillance rather than fisheries, although this is currently a changing trend

### LEADING TO

A destabilised region



## GLOBAL FACTORS

### DISPLACEMENT OF FISHING FLEETS

#### RESULTING FROM

- Overcapacity has resulted in fleet reduction plans and decommissioning of fishing vessels, for example by the EU, Japan and Indonesia. These vessels may simply relocate instead of being scrapped
- An enforcement imbalance, when stronger controls in one area result in illegal operators moving to a location where monitoring and enforcement is weaker to avoid control
- A tightening of controls (legislation) in one location resulting in operators moving to another area where the controls will not apply, such as recent increased regulations by Thailand causing vessels to reflag elsewhere
- Government subsidies, such as those received by Chinese fishing vessels
- Reduction in fish stock in other fishing grounds encouraging owners to relocate their vessels to target the relatively healthy stocks in the WIO

#### LEADING TO

Increase in fishing effort in the WIO

### MARKET ACCESS, TRACEABILITY AND CERTIFICATION

#### RESULTING FROM

- At-sea transshipment provides a black hole in securing traceability of fish from the catching sector to the market
- Tracing fish from the fishing vessel to the market is meaningless if the fishing vessels themselves are not operating legally
- Voluntary certification tends to favour the high end or already sustainable and legal fisheries and provides little help for the rest
- Demands for market access can create a reason to cheat and to white wash fish to appear to have come from another fishing vessel
- The complexity of the value chain presents many opportunities for illegalities to occur and a great challenge for traceability

#### LEADING TO

A two-tier system and exploitation of loop holes and gaps



## SECURITY AROUND ACCESS AGREEMENTS

### RESULTING FROM

- Generally, access agreements are secretive and negotiated with significant diplomatic influence sometimes associated with development assistance
- Only the EU access agreements are made public
- Political influence linked to access agreements being used to remove or reduce the penalty in cases of illegal fishing is not uncommon

### LEADING TO

Political influence and negotiating power

## FISHING VESSELS WITH OWNERSHIP LINKS OR FLAGGED TO TAIWAN

### RESULTING FROM

- Over 200 fishing vessels licensed to fish in FISH-i countries are flagged to Taiwan and around 50 Taiwan owned vessels are registered to other flags and licensed to fish in the region. This is about half of the WIO fishing fleet
- Taiwan is not widely recognised as a State and therefore is not bound by UNCLOS, UNFSA or the resolutions and conservation measures of the IOTC where it is represented by individual experts as 'an observer'
- Cross-checking information on fishing vessels flagged to Taiwan is near impossible, as there is a real lack of information available on the list of vessels authorised by Taiwan to fish in the IOTC area. The list identifies 306 longline fishing vessels but provides no useful information for validation
- There is also great secrecy about the ownership and business practices of fishing vessels and companies in Taiwan, with information heavily protected making cross-checking near impossible

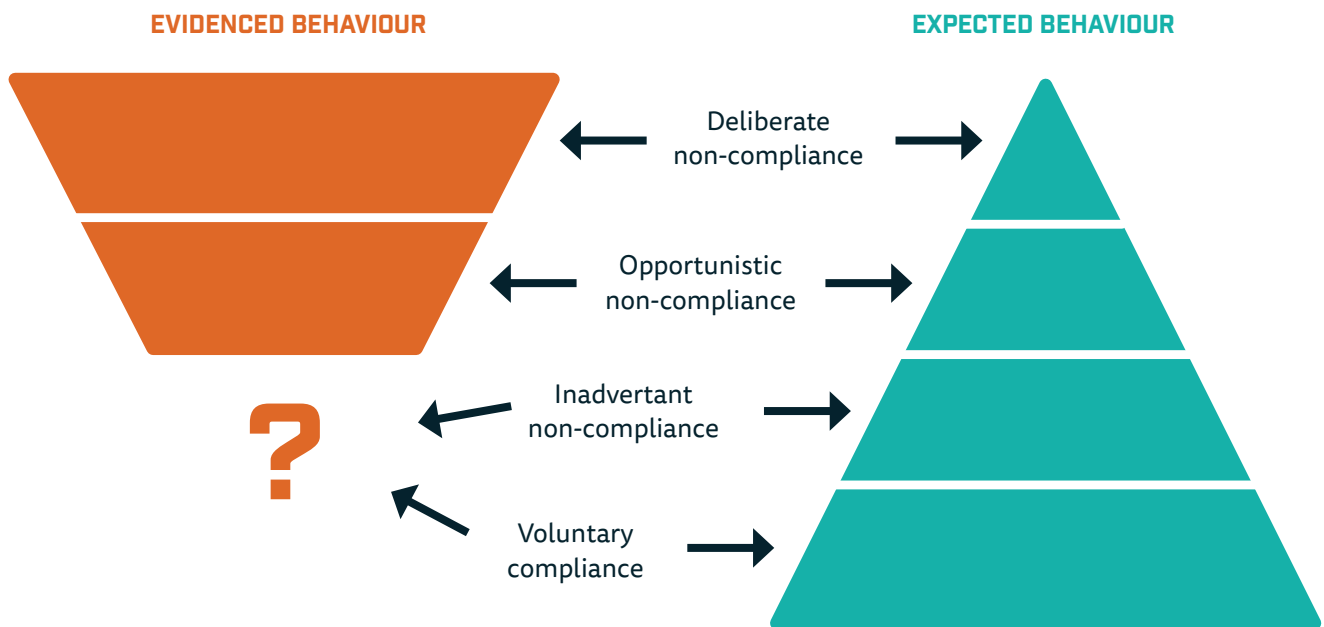
### LEADING TO

Wasted effort involved in attempts to control the uncontrolled

# A CHANGING RESPONSE

This understanding has created a paradigm shift that requires a further shift in our response to tackling illegal fishing. It requires a shift in approach to how we assess the risk of owners, operators and vessels. Compliance tools utilised will also need to be reconsidered. Random checks and inspections are effective in identifying illegalities, but the suspected scale and extent of illegal operations requires a more systematic approach to compliance, with all vessels deemed to be high risk until proven otherwise.

To save our fisheries and the future of the Western Indian Ocean we must identify the illegal fishing vessels, their owners and operators, and we must get them to comply, or stop them operating. It is only through tackling systematic non-compliance with systematic responses that we can turn the compliance pyramid back up the right, or expected, way.



# 07

## TAKING RESPONSIBILITY

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Whilst it is generally acknowledged that stopping illegal fishing requires action from a range of stakeholders coastal States have historically been tasked with ending the illegal fishing that takes place within their waters. This expectation puts greater pressure on those who are also suffering the greatest losses.

Different types of States have different responsibilities in respect to fisheries and these are especially important if the value chain is complex and falls over many jurisdictions, as it does for the fisheries of the Western Indian Ocean.

International standards require:



**COASTAL STATES** to apply conservation and management measures to whoever fishes within their waters



**PORT STATES** to control and monitor fishing vessels entering and using their ports and fish being moved through their ports



**FLAG STATES** to regulate and monitor the management and operations of their fishing vessels, wherever they fish



**MARKET STATES** to ensure that imported fish has been caught legally

Various players will have a role in driving this change but undoubtedly, without States fulfilling their obligations, change will be hard to achieve.



## COASTAL STATES

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Coastal States are those with a coastline adjoining the Western Indian Ocean fishing area and issuing licences to permit access for fishing and related operations in their exclusive economic zone (EEZ).

A coastal State may monitor fishing and fishing related activities by various means, including: compiling and checking information and documents about the fishing vessel, owners and operators; inspection of fishing vessels; tracking fishing vessel movements; the use and compiling of fishing logbooks; or the placing of observers or cameras on fishing vessels. They may control whom they allow to fish, at what price and by which rules and they may conduct surveillance of fishing activities either physically or remotely. These MCS activities assist coastal States to keep track of licensed fishing vessels and their activities and to identify illegal activity.

Although it varies annually, the coastal States of the Western Indian Ocean licensed around 500 commercial fishing vessels in 2016 to fish in their EEZs – approximately 380 longliners, 50 purse seiners, 20 supply vessels and 50 trawlers which are mainly smaller shrimp trawlers.



### COASTAL STATES OF THE WESTERN INDIAN OCEAN MUST TAKE RESPONSIBILITY

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#### WHY?

- The hardest hit by the negative impacts of illegal fishing – demonstrating responsible action is essential to lead the call to change
- Responsible under international law to manage the resources and the exploitation thereof, within their EEZs
- Obligated to implement certain conservation and management measures as members of the IOTC

#### HOW?

- Build inter-agency cooperation to enable: the sharing, cross-checking and verification of information, sharing of resources and cooperation on cases of illegal fishing
- Exercise multi-agency due diligence for vessels and owners applying for a fishing licence, with transparency in results and refusal of licence if high risks identified including not licencing stateless vessels
- Promote multi-agency engagement in joint exercises and fishing vessel inspections to increase awareness and ensure compliance with all legislation, including fisheries, maritime, labour and criminal legal frameworks
- Cross-check and verify information with other States
- Require mandatory IMO numbers, VMS, AIS and logbook use for all licensed fishing vessels



- Follow cases through to penalties and sanctions against illegal operators that are severe enough to be a significant deterrence
- Develop standard guidelines for agents to ensure their professional conduct
- Apply non-fisheries national and international legal frameworks in the fisheries sector e.g. maritime safety, to strengthen action against enabling crimes
- Develop partnership with NGOs, civil society and the private sector
- Implement regionally harmonized minimum terms and conditions for access to shared resources

### **BENEFITS**

- Achievement of national priorities – nutritional, social and economic
- Foreign engagement in the fisheries sector will be for the benefit of the country
- Sustainable fisheries will provide long-term benefits for blue growth

### **NEXT STEPS**

- Identify champions to advocate for awareness and change
- Increase the recognition of and resources for MCS and fisheries inspectors
- Increase awareness among prosecutors and judges to be able to use the full force of the law against illegal operators
- Establish or strengthen mechanisms and processes for inter-agency cooperation
- Increase systematic cooperation with flag, port and market States
- Make public information on fishing licences and fisheries access agreements
- If already a member, encourage countries to join or work with the FISH-i Africa Task Force, or if not a member join the Task Force or work closely with them



## FLAG STATES

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All fishing vessels operating internationally must be registered to a country, the flag State, and fly their flag. The ministry responsible for maritime affairs or transport will usually have the responsibility to register fishing vessels along with other commercial vessels. Countries may operate a national registry or an open registry or both and flag States enjoy almost exclusive jurisdiction over their vessels, playing a key role in ensuring compliance.

Of the coastal countries in the Western Indian Ocean, the Seychelles has the largest industrial fishing fleet with over 60 purse seine, longline or supply fishing vessels. Mauritius has about five longline and purse seine vessels and some smaller trawlers, while Mozambique has around 11 longline fishing vessels and over 50 small local shrimp trawlers.

Most of the vessels fishing in the region are foreign flagged. About 200 of these are longline fishing vessels flagged to Taiwan. France and Spain have around 30 vessels each and South Korea around 20 vessels; these fleets include longliners, purse seine and supply vessels. China has just over 50 longliners and Japan 15 longliners. Other flag States with smaller numbers of vessels are: Italy, Malaysia, Portugal, Thailand and South Africa.



### FLAG STATES WITH FISHING VESSELS OPERATING IN THE WESTERN INDIAN OCEAN MUST TAKE RESPONSIBILITY:

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#### WHY?

- The failure of some flag States is a major international challenge – demonstrating responsible behaviour is essential to maintain a stake in the future of the fisheries
- Responsible under international law to regulate and monitor the management and operations of their fishing vessels, wherever they fish and to ensure their fleets are compliant
- Members of the IOTC are obliged to implement certain conservation and management measures

#### HOW?

- Comply with international and national law with respect to flag State duties e.g. fisheries, maritime and safety, labour and other
- Exercise effective jurisdiction and control over flagged vessels
- Respect coastal State rights and the special interests of developing States
- Apply multi-agency due diligence for fishing vessels applying for registration, including cooperation between fisheries authority and authority in charge of vessel registration, including refusal of registration if the vessel or owner is deemed high risk
- Provide information, documents, photographs and movement tracks to coastal, port and market States to support cross-checking and verification

- Require mandatory IMO numbers, VMS and AIS on all flagged fishing vessels
- Ensure owners, operators and crew of fishing vessels do not engage in IUU fishing or fishing related activities in support of such fishing and take effective action against non-compliance
- Exchange information with other States and provision of mutual legal assistance in investigations and judicial proceedings
- Ensure compliance with conservation and management measures, including under relevant RFMOs
- Ensure beneficial owners are identified and that action can be taken against them in the case of any violations by their fishing vessels

### **BENEFITS**

- Avoidance of sanctions, such as by the EU and the USA for market access
- Ensure that flagged vessels will continue to be welcome and gain access in the region to coastal and port States
- Sustainable fisheries will underpin long-term engagement in the region and the associated benefits to flag States
- Positive relations in the region that may have benefits beyond fisheries

### **NEXT STEPS**

- Improve the awareness of the roles and responsibilities of flag States as set out in the FAO Voluntary Guidelines on flag States Performance
- Establish systematic communications and information sharing mechanisms between coastal/port States and flag States
- Increase due diligence thorough pre-registration inspections or inspections of registered vessels involving fisheries authorities
- Develop and enforce legislation requiring all eligible registered fishing vessels to have IMO numbers



## PORT STATES

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Port States can deny port access to vessels that they suspect or know have been involved in illegal, unreported and unregulated (IUU) fishing or other violations or they can allow the vessel to enter their port to enable them to inspect the vessel and take further action, including preventing the offloading of catch or denying other services.

To do so, certain systems need to be in place. Requiring early requests for port access gives authorities time to gather information on a vessel and make an informed decision to grant or deny port access and/or to prioritise the vessel for an inspection. Once in port, inspections are important to identify an array of violations including illegal fishing, forgery and fraud, and forced labour.

In the Western Indian Ocean, the Seychelles, Mauritius, Madagascar and Kenya are all FISH-i countries that are important operational port States receiving fishing vessels for off-loading and services. Other important ports to the region include those relatively close by, such as ports in South Africa and Namibia and market or home ports of the fishing vessels such as those in Asia and Europe.



### PORT STATES RECEIVING FISHING VESSELS OR FISH FROM THE WESTERN INDIAN OCEAN MUST TAKE RESPONSIBILITY:

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#### WHY?

- Port States have an opportunity to stop illegal fishing from going unpunished – and securing themselves an international reputation as a compliant and professional State
- Responsible under international law to control and monitor fishing vessels entering and using their ports and fish being moved through their ports
- All members of the IOTC are bound by the IOTC Ports State Measures Resolution (PSMR) and many States are also party to the FAO Port State Measures Agreement (PSMA) uniquely placing the region to control fishing vessels and their catch

#### HOW?

- Implement international and national law regarding port State measures, including the IOTC PSMR and the FAO PSMA, integrating fisheries related port State measures with broader port State controls
- Apply multi-agency due diligence for fishing vessels applying to enter port, including between fisheries authority and port authority to identify high risk vessels for systematic inspections or refusal for entry or services
- Conduct random and systematic multi-agency inspections of fishing vessels to identify if the fishing vessels or their crews have been engaged in IUU fishing or fishing related activities in support of IUU fishing
- Take, share and store photographs to support cross-checking of fishing vessel identity
- Cooperate bilaterally, multilaterally and with relevant RFMOs

- Require IMO numbers on all fishing vessels using port facilities
- Take effective action against non-compliance by fishing vessels, supported by information exchange with other States and the provision of mutual legal assistance in investigation and judicial proceedings
- Identify and respond to human trafficking

### **BENEFITS**

- An international reputation of a professional port will attract investment and compliant fishing vessels
- For ports in the region and home ports of fishing vessels, sustainable fisheries will underpin long-term associated benefits and blue growth far beyond fishing
- Preventing illegal catches from being landed at the first point of landing is important as it becomes more difficult to detect illegalities afterwards

### **NEXT STEPS**

- All countries and fishing entities should become parties to and/or implement the provisions of the FAO PSMA and improve the awareness of the roles and responsibilities of port States
- Establish systematic communications and information sharing mechanisms between coastal/port States and flag States
- Improve the quality, not quantity, of inspections – poor inspections are damaging as the industry can be presented as being compliant when it may be riddled with illegalities
- Ensure effective communication between the inspectors and the master or senior members of the crew and if necessary have an interpreter assist the inspection team
- Develop and enforce legislation that requires all eligible fishing vessels to have IMO numbers as a condition of port usage
- Establish or strengthen mechanisms and processes for inter-agency cooperation
- Assess the capacity needed to implement PSM in all important port States and provide support to build the required capacity
- Increase security routines at ports to avoid vessels absconding





## MARKET STATES

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The fishing industry from harvest to consumption is global, with some markets importing fish from all around the world. Key markets for fish caught in the Western Indian Ocean include countries of the EU, the USA, Japan and China. There are also States that import fish, process it and re-export it, such as Indonesia.

Markets create demand that define fish value and therefore drives supply. When this demand is harnessed it can influence the sourcing of fish that could, theoretically have an impact on the management of the resources. This demand, for example for legal fish, needs to be coupled with a system which verifies that imports were caught in compliance with legislation in place: ensuring this traceability of fish can be very difficult. A danger with such systems is that illegal fish can enter the supply chain and be sold as fish that is labelled as legal – a step further than simply being assumed to be legal.



### MARKET STATES IMPORTING FISH SOURCED FROM THE WESTERN INDIAN OCEAN MUST TAKE RESPONSIBILITY:

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#### WHY?

- To ensure that illegal fish does not reach consumers who then unknowingly support illegal fishing – if the demand for illegally sourced product ends so will illegal fishing
- Responsible to ensure that the fish imported to them has been caught legally under international best practice guidelines
- To ensure that no imports are blocked at entry point into a country, thus potentially incurring costs and reputation damage
- Products produced by modern slavery entering the market will severely damage a States reputation – illegal fishing and modern slavery go together

#### HOW?

- Encourage positive consumer awareness so that the market forces or buying power promote a compliant industry
- Cooperate to ensure that traceability schemes, including catch documentation schemes, are applied with coastal, flag and port States especially in respect to information sharing, due diligence and risk assessment
- Increase the transparency around processing and the publication of information to enable cross-checking of catch entering market or processing States with catch information from coastal states

#### BENEFITS

- Illegal fishing undermines sustainability of fish supply to market States
- Consumers are given security that goods are not illegal and human rights have not been violated in their production which will support ongoing client demand

- Building of a good reputation as a market State will increase consumer faith in brand names

#### **NEXT STEPS**

- Find ways to work with the legitimate fishing industry, to share information and to have more eyes and ears in port and at sea to help stop illegal operations
- Increase traceability requirements – only accepting fish from vessels with VMS, AIS and IMO numbers and support regional efforts to ‘check’ all fishing vessels
- Industry commitments in sourcing – legal, sustainable and modern slavery free goods
- Processing industries, especially those active in the Western Indian Ocean to work closely with FISH-i and coastal States to find mechanisms for information sharing



# 08

## WHAT WILL FISH-i AFRICA DO?

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The FISH-i Africa Task Force includes the coastal States of: Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and the United Republic of Tanzania. By cooperating in their MCS efforts they have demonstrated how much more effective they can be and how much more they can achieve.

FISH-i will continue as an operational regional task force supporting MCS officers to increase compliance and to enforce laws and regulations. Cooperation in, and support to: monitoring and surveillance of fishing activities, inspections and investigations and awareness and research will continue to be core to the work of FISH-i. The value of a flexible, reactive, responsive and pragmatic coalition has created real and tangible impacts. Whilst the lessons learned and processes developed find suitable and effective homes.

FISH-i also sees that a larger and more coordinated response is required if the spiralling demise in the fisheries sector is to be stopped. To tackle this head on, FISH-i will build on the mechanisms and partnerships it has developed to undertake a programme of 'VIGILANCE' checking and verifying the identity of all 500 licensed and flagged fishing vessels as well as their owners and operators. This is designed to increase compliance and identify vessels that are operating illegally, by sharing licences or identities and avoiding oversight by providing false information on their size and activities.



## VIGILANCE

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VIGILANCE is an achievable and practical response to the deliberate non-compliance and crimes that have been witnessed in the past few years. To do this the FISH-i Africa Task Force will join forces with other responsible players and, with a common sense of purpose, systematically go about making the change required.

VIGILANCE will require fisheries authorities to work hand in hand with many other agencies: creating strong inter-agency cooperation between maritime, navy, coastguard, port, police, labour and environmental agencies. It will require systematic cooperation between coastal, flag, port and market States, industry and other organisations.

VIGILANCE focuses on fishing vessels. Most of the fishing vessels operating in the Western Indian Ocean are far from home, and we have seen that the fishing vessels operating and fishing illegally are usually badly managed by their owners and operators. Systematically checking all fishing vessels operating in the Western Indian Ocean is a practical way for the coastal States, through FISH-i, to take control of the situation in a transparent manner. Multi-agency due diligence including: examinations of documents; cross checking of details with IOTC lists, other coastal and flag States and international vessel registers; and physical inspections of vessels to verify physical characteristics, to take photographs and to check for irregularities in the vessel or its crew will all take place.

By working with willing partners, and sharing information widely, we will be able to identify and verify the compliant and low risk fishing vessels and therefore turn our focus and resources to high risk fishing vessels, their owners and operators.

There are three key processes required to enable VIGILANCE to work:



**NATIONAL INTER-AGENCY COOPERATION**



**REGIONAL COASTAL STATE COOPERATION**



**GLOBAL INFORMATION EXCHANGE**





**NATIONAL  
INTER-AGENCY  
COOPERATION  
BETWEEN AGENCIES**

- Fisheries
- Maritime
- Navy
- Coastguard
- Police
- Ports
- Labour
- Health and safety



**REGIONAL  
FISH-i TASK FORCE  
COASTAL STATES**



**GLOBAL  
INFORMATION  
EXCHANGE WITH**

- Flag States
- Ports
- Certification and traceability schemes
- Industry
- IGOs
- NGOs



**VIGILANCE  
MULTI-AGENCY DUE DILIGENCE  
AND CHECKS ON FISHING VESSELS,  
WILL INCLUDE:**

**Examination of documents to:**

- Cross check details with IOTC lists, other coastal States and international vessel registers
- Check companies and owners history
- Verify information with flag States

**Physical inspections of vessels to:**

- Verify physical characteristics
- Obtain photographs
- Check for irregularities in the vessel or its crew







## NATIONAL INTER-AGENCY COOPERATION

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### WHY?

- Systematic cooperation between fisheries officers and officers in other agencies is vital if all illegalities and crimes in the fisheries sector are to be dealt with: 80 percent of FISH-i cases included related or enabling crimes
- Strengthening the ability to prosecute illegal operators for all illegalities and crimes conducted in the fisheries sector will directly increase deterrence and reduce illegal fishing
- Cleaning up the fisheries sector of all illegalities and crimes is essential for the strategic use of renewable fisheries resources for blue growth and national security: fisheries officers cannot do this alone

### HOW?

- Identify and prioritise other agencies that fisheries need to work with, building on existing inter-agency cooperation
- Make information and material of best practices available and use existing multi-agency task teams as an example
- Spread awareness of the benefits of cooperation
- Apply simple mechanisms for information sharing and reporting including sharing access to VMS and AIS
- Provide on-the-ground support for multi-agency investigations to ensure that cases related to illegalities are prosecuted
- Build confidence nationally in the professional and effective work of multi-agency task teams

### BENEFITS

- Increase transparency to reduce corruption – more eyes and ears monitoring the sector
- Greater opportunity to remove illegal operators from the fisheries sector
- Opportunity to apply wider legislation and achieve deterrence through successful prosecutions

### NEXT STEPS

- Build awareness of the complexity and impact of illegal fishing to gain engagement from maritime authorities, parliamentarians, political champions, the public and the media
- Strengthen action on the ground by fully utilising legal and policy frameworks that establish government responsibilities
- Develop MoUs or Protocols between agencies setting out roles and responsibilities
- Prepare guidelines and templates for use by multi-agency task teams
- Set up communications mechanisms and tools between agencies, including physical meetings
- Promote regional mutual assistance agreements to increase cooperation and the ability to act



## REGIONAL INFORMATION SHARING AND COOPERATION

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### WHY?

- To build on the success of FISH-i for coastal States to be better informed and able to verify information from owners and operators
- Illegal operators provide different information to different States and hide their illegalities behind fraud and forgery. By sharing information and intelligence between coastal States in a timely manner, these illegalities come to light

### HOW?

- Continue to routinely share information on fishing vessels, licences and inspections on the FISH-i communications portal
- Promote the availability of public electronic information on flagging and licences, this information needs to be in the hands of all to prevent the use of fake and forged documents
- Conduct due diligence before decisions on flagging, licensing and access to port
- Joint investigations into illegal fishing and high risk vessel and companies to feed into VIGILANCE
- Analysis to identify high risk vessels, operators and owners
- Building awareness to encourage greater regional cooperation and support for information sharing
- Network building through meetings and routine communications
- Continuing to investigate and follow through on cases – these are important to feed examples and analysis, to publicise and for lesson learning
- Use technology effectively, including sharing VMS information regionally

### BENEFITS

- Coherence in regional approaches and saving of resources
- Develop processes and systems that increase transparency, reduce corruption and build better governance within the region
- By digging deeper into investigations, the kingpins can be targeted, and disruption to the illegal operators can be maximised
- Sustainable growth of the blue economy with the benefits being felt by the many rather than the few

### NEXT STEPS

- On-going support for FISH-i Africa to enable the growth of the Task Force to include other key regional coastal States
- Provision of 'on-call' operational support, both remotely and on the ground by the FISH-i technical team
- Development of the FISH-i VISIBLE database of vessels active in the Western Indian Ocean to provide crucial information to identify risk vessels, operators and agents
- Actively engage MCS officers and others in using VISIBLE database to ensure ownership and provide the foundation for improved information sharing and increased transparency within the region



## GLOBAL INFORMATION EXCHANGE

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### WHY?

- Systematic information sharing with other States will improve transparency and reduce the opportunities for illegal operators to continue fishing
- Global systematic exchange of timely information will quickly enable illegal operators to be identified and help to reduce corruption
- To ensure that all States can fulfil their responsibilities
- Engaging with private sector and NGOs will strengthen the ability to quickly pool resources and achieve results

### HOW?

- Take advantage of the status of FISH-i Africa as an informal network that can provide support where it is most needed
- Increase the levels of integration of FISH-i mechanisms into existing regional organisations and programmes (IOC, IOTC, SWIOFC, SADC)
- Cooperate widely with the key actors in the field, to ensure the mechanism of, and lessons learned from FISH-i can be incorporated where appropriate to provide sustainable, workable and scalable solutions
- Understand the breadth of legal frameworks that may be applicable, including international agreements that may apply to the fisheries sector but be directed at e.g. maritime affairs, safety at sea
- Develop a communications system for coastal States to routinely share information with flag States of importance to the WIO
- Provide best practice to other Task Forces and build links to them in order to strengthen information sharing and cooperation
- Cooperate with the industry, particularly the processing industry in the WIO to find ways to engage them in VIGILANCE
- Cooperate with the FAO on implementation of international processes of importance such as the PSMA and voluntary guidelines for flag States

### BENEFITS

- Support intergovernmental mandates and legal frameworks, including global policies on fisheries, blue economy and ocean management
- Make stronger and more robust connections with other regional initiatives to ensure a complementary approach that brings maximum benefits to the Western Indian Ocean and beyond

### NEXT STEPS

- Map out the overarching frameworks of interest to the region in respect to ocean governance and develop multi-agency approaches to gaining political support to ratifying and implementing these
- Pilot with flag states interested in VIGILANCE
- Pilot with industry interested in VIGILANCE
- Prepare MoUs for cooperation with regional and international organisations



# 09

## FROM THE TASK FORCE

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### **BOINA SAID, COMOROS**

In the Comoros, we are very conscious of our responsibilities to ensure a compliant fisheries sector. We have experienced difficulties in flagging foreign fishing vessels and the registration process, and are working to overcome these. FISH-i will provide valuable support to the Comoros to improve the legitimacy of fisheries activities in our waters.

### **BENEDICT KILLU, KENYA**

The port of Mombasa plays a critical role in the Western Indian Ocean; we look forward to introducing ever more effective port State controls and playing an active role in VIGILANCE. The support of FISH-i in identifying high-risk vessels and operators has strengthened our ability to deal with illegal fishing and has also highlighted the extent of the problem – this is what we will deal with next.

### **TIANA RANDRIANBOLA, MADAGASCAR**

FISH-i Africa, with its members drawn from the coastal and island States of the Western Indian Ocean, is making a difference in the fight against IUU fishing yesterday, today and tomorrow.

### **SUBHAS BAULJEEWON, MAURITIUS**

The blue economy and the fishing industry are vital to the future success and prosperity of Mauritius. Our focus as we move forward is on making sure that fish are caught legally and sustainably so that future generations can continue to benefit. Port Louis is a busy fishing port with vessels supplying our processing sector and with fishing boats visiting to use our port services. We want to be sure that these vessels are legal and compliant; through FISH-i and the programme of VIGILANCE we can be sure that the deliberate repeat offenders are identified and routed out of our region.

### **VICENTE COSSA, MOZAMBIQUE**

Mozambique has approximately 2708 nautical miles of coastline and of course faces significant challenges for fisheries monitoring and enforcement. We have been proud to play an active role in FISH-i- Africa, supporting calls to close ports, sharing information and taking action when needed. As a result vessels such as the NESSA 7 and TXORI ARG1 were stopped from operating and heavy fines were applied, we are conscious that this is the way to protect our resources and people.

**RODDY ALLISOP, SEYCHELLES**

The security and sustainability of the Indian Ocean is vital for Seychelles. We have been a key supporter of FISH-i Africa and our support has borne fruit: successful investigations, fines paid, and illegal tactics exposed. There are still significant challenges in tackling the illegalities that are taking place in our ocean, but as a major flag, port, marketing and coastal State in the region Seychelles can play a critical role in the systematic checking of fishing vessels and operators.

**SAID JAMA MOHAMED, FORMER MINISTER FOR FISHERIES  
AND MARINE RESOURCES, SOMALIA**

As the newest member of FISH-i, Somalia has rapidly seen benefits to being part of this regional cooperation. With the support of the Task Force we have been able to act against the GREKO 1, a trawler that had been fishing illegally in our waters for many years. We hope that illegal operators have taken note; we are working with our neighbours, we are sharing information, we can end illegal fishing.

**DANIEL KAWICHE, TANZANIA**

The systematic approach of FISH-i has delivered real results in Tanzania with a corrupt licensing network exposed and several illegal operators identified. Our vision is for a compliant fisheries sector where operators respect the laws and regulations that have been designed to protect both people and the environment.

# 10

## CALL FOR COLLABORATION

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**NICHOLAS NTHEKETHA**

We are proud of what has been achieved by FISH-i Africa over the last five years – we have found ways of working together that are clearly beneficial to us all. We hope that the systems and mechanisms that have been adopted by our members will find more formal and permanent homes within regional bodies such as the SADC, who are planning a Regional MCS Coordination Centre, and the IOC who are have provided a hub for initiatives such as the WIO regional patrols.

Internationally we see substantial agreement on the means of ending illegal fishing; stronger port State measures, mandatory IMO numbers and use of AIS and VMS as well as the sharing of information – both regionally and publicly. These are all important activities that we are working to implement: but at FISH-i we have also identified disturbing trends where systematic and organised operators, who are exploiting our natural resources, dominate illegal fishing.

To deal with these criminals we need a new approach, a systematic means of checking that the vessels operating in our region are legal. As we launch our proactive programme of VIGILANCE – checking the true identity and compliance of all the operational vessels active in our region – we ask all those involved in the fight against illegal fishing to consider how they can support this effort.

This is an ambitious plan that will call on cooperation from players nationally, regionally and internationally. We look to flag, port and market States to assist our coastal State Task Force in this work – to work with us to validate information and confirm the legality of fishing vessels as quickly as possible, so that our efforts can focus on the illegal fishing vessels and their operators. We will also be looking to forge stronger links with the catching and processing sector as they too have a responsibility and can play an important part in making the changes we need.

We are also seeking additional funding partners to implement these plans and to ensure FISH-i's long-term sustainability in the region. VIGILANCE offers a simple tool for the region that in addition to our work on joint monitoring of fishing activities, shared investigations and collaborative actions will enable us to clean up the fisheries sector and return the benefits to the region rather than small pockets of criminal operators.

Ending IUU fishing is one of the early targets of the Sustainable Development Goals of Agenda 2030. The ambition is to eradicate IUU fishing and unsustainable fishing practices by the year 2020. At FISH-i, although we see the value of our work to date, we know that without a considerable change in our approach we will not even be close to achieving this target. VIGILANCE is our proposed change, and a means to accelerate the eradication of IUU fishing.

We look forward to working on this next phase of FISH-i and to forging new and strong collaborations to stop illegal fishing.

**NICHOLAS NTHEKETHA**  
**CHAIRPERSON**  
**FISH-i AFRICA**







FISH-i Africa is an initiative by eight East African countries and Stop Illegal Fishing supported by The Pew Charitable Trusts and a Coordination Team made up of NFDS, Stop Illegal Fishing and TMT.

Find out more about FISH-i Africa at [www.fish-i-africa.org](http://www.fish-i-africa.org)