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Research Report

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Challenges in the Black Sea Region and the
Risks Posed by Russia's Military Build-up

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Introduction

Illegal, unreported, and unregulated (IUU) fishing is seen as a major issue by many responsible agencies, including the World Wildlife Fund, several government departments, and the UN Food and Agriculture Organization (FAO). IUU fishing poses both inherent threats, e.g. to ecosystems, biodiversity and global food security, and instrumental threats, e.g. facilitating organised crime and links to human rights violations. While its inherent nature makes it difficult to estimate the full extent of the activity, studies have been carried out to that end and have yielded results that allow us to estimate the causes and effects of IUU fishing. The remainder of this report will dive into the practice of IUU fishing and highlight the different causes and drivers of it, as well as measuring its effects. Furthermore, attempts at solutions that can and have been taken will also be highlighted.

Definition of Key Terms

Ecosystem

The Oxford Dictionary (n.d.) defines an ecosystem as “[a] biological system composed of all the organisms found in a particular physical environment, interacting with it and each other or a complex resembling this”. This conceptual definition, which focuses more on ecosystems’ inherent qualities as opposed to their actual operations, will be used throughout the rest of the text.

IUU fishing

IUU fishing has 3 components that the FAO (n.d.) addresses separately . Firstly, illegal fishing includes fishing in territorial waters that circumvents national and international law according to treaties and conventions to which ships flying the flag of a country are bound. Secondly, unreported fishing refers to any fishing that is not or misreported, but required adequate reporting to either a national or regional fishing authorities. Lastly, unregulated fishing refers to either fishing undertaken by in an area by non-parties to a fishing agreement that applies to that area and goes against the regulations of that agreement, or fishing that is inconsistent with general conservation principles but has not been regulated specifically.



High seas

Seas that are not governed by a specific national authority and fall outside any country's jurisdiction.

Exclusive economic zone (EEZ)

Defined by the 1982 UN Convention on the Law of the Sea (UNCLOS) as the area within 200 nautical miles of the outer territorial sea border, which itself is 12 nautical miles outside the coast, in which a country has exclusive rights to exploration, exploitation and opportunity for jurisdiction.

General Overview

The extent to which IUU fishing takes place can only be estimated, but scientists and relevant organisations have undertaken studies to that end. The FAO (2021) estimates that IUU fishing globally yields up to 23 billion USD each year. Agnew et al. (2009) restrict themselves to solely illegal and unreported fishing until 2003 and do not take all bodies of water into account and are therefore more conservative in their estimation of the monetary value of illegal fishing, coming to a figure of up to 10 billion USD. Their research also shows that there are differences in time period and region for the extent of IUU fishing, but that it comprises around 20% of all fishing globally across most time periods. Nonetheless, all research available indicates that IUU fishing is a practice that takes place and is detected globally.

The causes of IUU fishing are mostly economic. Researchers consider IUU fishing a primarily economic activity, motivated by risk-benefit analyses. This approach is supported by criminology, which states that crime is more influenced by situational factors that make it so that fishers consider illegal fishing a net benefit, calculating that the benefits outweigh potential costs (Sumaila, Alder & Keith, 2005; Petrossian, 2015). The factors that influence this calculation are interconnected and can be characterised as both economic and institutional causes in some cases. Firstly, fishing overcapacity is expected to drive IUU fishing, because if fisheries are unable to meet this capacity due to fishing limitations, IUU fishing can mitigate the costs associated with maintaining an overcapacity. Secondly, multiple economic drivers can also be identified as issues with fishing management and oversight, including the extent of surveillance, sanctions against IUU fishing, international legal frameworks, and domestic profits of fishing. The OECD also identifies other economic



factors, including the international price of fish and fisheries' economic conditions. Associated with management and fisheries' conditions are also the provision of subsidies, a lack of which might also influence IUU fishing (Gallic & Cox, 2006). The existence of these facilitating factors is not to suggest that these causes are to be interpreted entirely deterministic. In short terms, this means that while these causes may increase the probability of IUU fishing taking place, they do not necessarily lead to it in each case. A lot of agency is still in the hands of fishers and fisheries, who maintain at all times the possibility to stick to legal fishing.

The FAO considers IUU fishing a major issue mostly due to its effects on ecosystems. This is mostly because domestic and regional fishing managements undertake efforts to maintain a healthy ecosystem and biodiversity, but IUU fishing subverts this and therefore endangers the efforts by these organisations to sustain the necessary fish stock for good biodiversity. IUU fishing especially causes harm to fish species that are already in high demand and sea life that is a part of their food chains (Liddick, 2014). Moreover, Liddick also identifies economic effects, considering that IUU fishing is untaxable. This results in a loss of national income both by the lost taxes of IUU fishing, and the lost taxes and GDP contribution of legitimate fisheries who are unable to fish because of a depleted fish stock (Liddick 2014). Tied to this are social effects, especially in areas that have a high consumption of fish, as IUU fishing causes a lower domestic supply of fish, contributing to poverty and hunger. There are also other criminal ties to IUU fishing, which ties combatting this to other crimes, including drug trafficking, human trafficking, and money laundering. There are signals that organised crime, alongside fisheries, is also involved in IUU fishing for the economic benefit and the opportunity to involve it with their other operations, including drug trafficking and illegal export of high-value products (FAO, n.d.; Liddick, 2014).

This overview has provided the general extent, main causes, and main effects of IUU fishing. Other factors could be imagined, but the factors identified here can be considered of comprising the main problems with IUU fishing.



Major Parties Involved

FAO

The FAO is the main international organisation involved with combatting IUU fishing. It has instituted the first framework to that end in 1997 in the name of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). This IPOA is meant to provide an initial framework to which fishers are supposed to adhere, though it is voluntary but legally binding. This IPOA-IUU was the first treaty to explicitly address IUU fishing. Due to IUU fishing's links to organised crime, the FAO also collaborates with other UN organisations such as the International Labour Organisation (ILO) and UN Office on Drugs and Crime (UNODC) to combat it.

Nation states

A lot of nation states are also involved in efforts to combat IUU fishing, which will not be elaborated upon in this section due to the sheer length of policies undertaken by domestic governments. The list of countries with active measures include many EU member states, the EU itself, Australia, Canada, Japan, Korea, New Zealand, the UK, and the USA, among other nations. Measures taken by these countries have been summarised by the OECD (2005) as follows: (a) Fishing activities by national and foreign vessels in other and their own EEZs and high seas, (b) registration of vessels, (c) rules regarding investments, trade, landing, shipments, and marketing, and (d) restrictions to government foreign transfers, alongside some country-specific measures.

Previous attempts to solve the issue

Multiple international frameworks exist to prevent and combat IUU fishing. Among these are the aforementioned IPOA-IUU and UNCLOS, but other treaties that govern the high seas include the 1995 Fish Stock Agreement, and the 1993 FAO Compliance Agreement. National countries, as mentioned in the previous section, work alongside and within international organisations to establish both international frameworks to combat IUU fishing.

Possible Solutions

Other solutions have also been proposed by researchers to develop alongside the pre-existing measures and will be summed up here.



- Soyer, Leloudas and Miller (2017) suggest that domestic legislation is the way to provide opportunities to prosecute IUU fishers, mostly through combatting providing liability insurance to these fishers.
- Measures that involve international law could include establishing a dedicated court to maritime and marine issues, governed by the existing treaties governing the seas. This court could function similar to the World Trade Organisation's (WTO) arbitration court, which settles trade issues between nation states. Moreover, it could also function as an arbiter over the high seas by imposing fines on perpetrators. An important caveat is that, in order to establish this court, countries would need to find the necessary support within this Council to ensure near-universal ratification for it to work effectively.
- A different, but simple way to combat IUU fishing would be to remove the economic incentive. Countries could work together on bilateral, multilateral, or even global trade agreements that ensures cooperation on detecting and punishing export of the yields of IUU fishing, so that revenues are lost for these fisheries. They could also work on universal fines and punishments to ensure no fishery escapes punishment for IUU fishing and increased surveillance, making the potential cost of IUU fishing higher. This would alter the cost-benefit analysis of fishers and decreases the possibilities of IUU fishing taking place.
- It is important to note that the existing laws already should be enough to combat IUU fishing, but that the main gains to be made are in enforcement and international cooperation.

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