

# ***A MINISTERIALLY-LED TASK FORCE ON ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING ON THE HIGH SEAS***

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## **Background – The Problem of IUU Fishing**

As concerns have grown about the sustainability of the global fishery resource, the rise of illegal, unreported and unregulated (IUU) fishing, especially on the high seas, has become a problem of international significance. Fish production from the world's oceans has reached a plateau and there appears to be little likelihood of significant new resource discoveries. In an era of overfished fish stocks and substantial excess fishing capacity, IUU fishing is recognized as a major threat to the long term sustainability of the world's oceans.

Governments and policy advisers have been aware of this for some time and at both national and international levels significant work has been undertaken to improve management regimes and close known loopholes. The past decade in particular has produced a large number of measures, including a number of international legal instruments adopted through the United Nations and its specialized agencies as well as at the regional level through regional fishery management organizations, aimed at combating IUU fishing. Despite these measures, IUU fishing does not appear to have been significantly reduced. Indeed, the prominence of IUU fishing coincides with significant increases in high seas fishery capture rates in recent years and significant expansion in high seas fishing capacity. As one problem is identified and fixed the problem reappears in another form elsewhere. It is evident that their flexible operating structures and highly mobile fishing fleets enable IUU operators to move rapidly from areas of depletion to target other fish stocks, a phenomenon which is currently visible in relation to Patagonian toothfish and tuna stocks.

One of the key difficulties, which is also recognized in the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), has been to ensure *political leadership* in support of internationally agreed targets and other initiatives similar to those contained in the Johannesburg Plan of Implementation and the IPOA-IUU. The

importance of securing the *political will* to tackle the problem of IUU fishing on the high seas was one of the aspects underlined by ministers and other participants who attended the Eleventh Meeting of the Round Table on Sustainable Development held at the OECD on 6 June 2003.<sup>1</sup>

As a result of that meeting, on 1 December 2003, the United Kingdom Minister for the Environment, Elliot Morley MP, announced the formation of a ministerially-led task force to address the problem of IUU fishing on the high seas in order to produce a crisp analysis of the IUU fishing problem together with recommended and prioritized actions that can be both implemented by members of the task force and advocated as the best course for others to follow.

## **The Composition of the Ministerially-led Task Force**

The composition of the Ministerially-led Task Force will be a model of the multi-stakeholder spirit inspired by Agenda 21 and the Johannesburg Plan of Action. Ministerial membership of the Task Force to date, in addition to Mr Morley of the United Kingdom, includes fisheries ministers from Australia, Chile, Namibia, and New Zealand. It is highly likely that other Ministers will seek to participate in the Task Force. Minister Morley has welcomed the participation of like-minded Ministers who share a common commitment to progress. All participating countries will be expected to make a financial contribution to the running of the Task Force secretariat.

In addition to Ministers, the Task Force will invite other key stake-holders from NGOs, philanthropic foundations, institutes and business to join the Task Force. All participating members of the Task Force will

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<sup>1</sup> The Round Table on Sustainable Development at the OECD was established in 1999 to promote, on the basis of rigorous analysis, greater international cooperation on sustainable development issues and provide an authoritative view of the best means of prioritizing and advancing the global sustainable development agenda. The specific focus of the meeting on 6 June 2003 was on how to minimize IUU fishing on the high seas and provide for orderly management.

be asked to contribute to its running costs. The Task Force will ensure that all of the key inter-governmental organizations (IGOs) will be kept closely informed of the Task Force's work.

The Task Force is being established under the auspices of the Round Table on Sustainable Development at the OECD and a small secretariat for the Task Force will be hosted at the OECD's Paris headquarters.

#### *The Role of the Round Table on Sustainable Development*

The Round Table on Sustainable Development will act as the sponsor of this initiative, and the Chairman of the Round Table will act as the Director of the Task Force, responsible for the overall management of the process and ensuring that the Task Force members are kept abreast of the substantive work. The advantage of using the Round Table in this way is that it is already embedded in the OECD as an *independent body* which enjoys OECD Ministerial endorsement as well as strong buy-in from an established core of stake holders including non-OECD Ministers, leading international NGOs, business and IGOs. Ensuring independence from the OECD by attaching the Task Force to the Round Table is important, not least because developing country Ministers, NGO and business representatives on the Task Force can be assured that they will be treated as equals in formal discussions.

*It is important to note that the work of the Task Force, which is broad-based and not constrained by institutional or disciplinary boundaries, is **not** institutionally linked to the work of the OECD Committee on Fisheries which, under its 2003–2005 programme of work, is considering the environmental, economic and social arguments in support of measures in relation to IUU fishing as well as the economic and social impacts of IUU fishing. Nevertheless, it is expected that the Task Force will work closely with and draw upon the work of the OECD Committee on Fisheries to aid it in its analysis and that the Task Force secretariat will establish a close working relationship with the Committee in order to avoid any duplication of work.*

#### **The Mission of the Ministerially-Led Task Force**

The mission of the Task Force, which is envisaged to take between eighteen to twenty-four months to accomplish, is to spell out a

way forward at global, regional and national levels and propose a full menu of prioritized actions that keeps the 'big picture' to the fore. A key outcome must be an authoritative, pragmatic and prioritized action plan that is both analytically sound and politically saleable. The aim will be to put the members of the Task Force in a position where they can state confidently: "We've covered the field, there's nothing left out; we've identified the priorities and, what's more they're priorities we're prepared to implement. We invite others to read our analysis and join us."

The intention is that the completed action plan will be placed by ministerial members of the Task Force directly in the hands of *other ministers* who will then be asked for their views on the main findings and recommendations. Assuming that the analysis is persuasive, ministerial members of the Task Force will be in a strong position to press their colleagues on why, given the consensus on the analysis of the problem, implementation of the recommendations at national, regional and global levels should not be possible.

In conjunction with the bilateral ministerial-level approaches, the Task Force's broad business and NGO membership is expected to help mobilize wider public support for the report's main findings with a view to generating further momentum for change.

Importantly too, the Task Force will present its report and recommendations to, *inter alia*, the FAO Committee for Fisheries, as well as relevant bodies of the UN, UNEP, OECD, the IMO and the UN Commission for Sustainable Development and regional fishery management organizations. The purpose of these ministerially-led presentations will be to seek agreement on the analysis and to press for the implementation of the action plan in a coordinated manner through the respective mandates of such bodies.

In contrast to the way in which measures designed to combat IUU fishing have been developed to date, the Task Force, with its strategic-level brief not limited by institutional or disciplinary boundaries, provides a unique opportunity to make a concerted attack on a form of organized crime which is largely going undetected by the broader community and which requires a coordinated, concerted and comprehensive approach by governments and the international community to ensure sustainable resource use and protection of the marine environment.

## The Strategies of the Task Force

The core membership of the Task Force (that is, the Ministers, NGOs, the private sector interests, institutes and philanthropic foundations) will be the commissioning agent for the Task Force's report. A small, but highly expert, secretariat has been established which will be responsible for drafting the report of the Task Force and managing the Task Force's interface with governments, IGOs and key interest groups.

An important element in ensuring the credibility of any Task Force report will be to discuss with key stakeholders the contents of the report and to canvass the widest possible views about the extent of the problem and possible solutions. To do this, four thematic panels (working groups) will be established to investigate legal, economic and trade, science, and technical enforcement aspects of the IUU fishing problem. Each thematic panel would be led by an appropriately skilled Task Force member or internationally-recognized expert. The membership of each panel will be drawn from specialists in the field and provide a means of gathering a wide array of expertise, including from those countries not yet represented on the Task Force.

The outcomes of the discussions within the thematic panels, analyzed and refined through a continuous process of outreach and consultation, will form the basic framework for the Task Force report. Subject to the availability of funding, and utilizing as far as possible the opportunities offered by the existing calendar of international meetings, it is proposed to convene a limited number of stakeholder consultations in different regions to thoroughly review and analyze the work of the thematic panels and provide a mechanism for introducing new ideas and perspectives to the debate. Each ministerial member of the Task Force will be asked to personally attend at least one consultative meeting in his or her region.

At the end of the consultative process, the Task Force secretariat would engage in an intensive re-writing and consolidation of the draft report with a view to a meeting of the Task Force to review the draft and settle on final recommendations and future action.

## Measuring Success

There will be three key measures of success for the Task Force. It is expected that:

1. The Task Force's report will become *the* point of reference for anyone wanting to enter the debate on IUU fishing in the future.
2. Ministers on the Task Force will implement its recommendations. Given that the Ministerial membership comprises some of the major fishing nations of the world this is significant in itself and likely to have a substantive impact on IUU activity with positive conservation effects.
3. Ministerial members of the Task Force will directly and personally engage their political counterparts to encourage them to also implement the Task Force's recommended policies. In this way it is hoped that through direct political peer pressure change may be effected.

This approach is something which has never been done in a concerted and focused manner before on this issue. The aim will be to create a critical mass in favour of the report's recommendations resulting in a significant decline in overall global IUU activity and a positive outcome for global fish stocks.

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