

April 10, 2006

The Binar 4 – A Case Study of the Pirate Fishing Links between West Africa and Europe

BACKGROUND

Greenpeace and the Environmental Justice Foundation have undertaken a joint expedition to expose illegal fishing activities in the waters of Guinea Conakry, one of the countries with the highest level of pirate fishing worldwide. It included three weeks work in the waters of Guinea, during which time fishing activities by foreign fleets in the area were observed and monitored.

Globally, pirate fishing accounts for 20% of the total catch – worth up to US\$9 billion a year, thus being one of the main threats to marine biodiversity worldwide. In Sub Saharan Africa it accounts for US\$1 billion.

The expedition included five days of joint work with fisheries authorities from Guinea, during which we patrolled the Guinean waters with the objective of providing them with the means to arrest illegal fishing boats in the area. This led to the arrest of the Lian Run 14, which was found fishing in Guinean waters without a license.

In the course of this expedition Greenpeace and the Environmental Justice Foundation have sighted 104 fishing boats in the waters of Guinea Conakry. Preliminary analysis of our observations suggest that some 50% of the vessels observed were engaged or linked to illegal fishing activities including fishing without a license, fishing inside the 12 nautical mile zone reserved for artisanal fishermen, operating with no name or hiding their identity or linked to activities that are illegal under Guinean law, such as transshipping. Greenpeace and the Environmental Justice Foundation observations have also clearly witnessed the environmental and social impacts of pirate fishing in an area where there is no control over fishing activities

International agreements such as the United Nations Food and Agriculture Organisation (FAO) compliance agreement, the UN fish stocks agreement, the FAO model scheme for port control and the FAO international plan of action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing would provide comprehensive and effective measures if properly implemented by all states.

Greenpeace and the Environmental Justice Foundation will be producing a detailed report compiling all the data gathered during the expedition in the coming weeks.

THE PROBLEM OF TRANSSHIPMENTS

In many areas, it has been demonstrated that one of the main ways vessels are able to land illegally caught fish is by transshipping their catch at sea rather than directly offloading them in ports. This is particularly true when transshipments take place in the absence of a strict regulatory framework and in areas where surveillance is almost non-

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existent, such as the waters of developing countries that do not have the means to patrol their Exclusive Economic Zone (EEZ) or on the high seas.

For this reason under Guinean fisheries legislation (2006) it is a **requirement** that vessels licensed to fish either land their catch in port or transship in the port of Conakry only.

Despite this, a number of transshipments were documented in the area in breach of the Guinean legislation. Many of the vessels have also been regularly observed in the port of Las Palmas, as is the case of *Binar 4*.

OBSERVATIONS

On the 6th of April 2006 at 0740am, in position 9°20N and 17°40W (outside the Guinean EEZ) Greenpeace sighted the refrigerated cargo vessel *Binar 4* in the process of transshipping with two fishing boats. The *Binar 4* had been already observed on 1st of April in the waters of Guinea at 9°42N and 15°18W. At this time the reefer was not engaged in transshipping but was clearly well within the EEZ of Guinea.

The two boats tied to the *Binar 4* were the *Lian Run 24* and *Lian Run 27* and a further two boats the *Lian Run 28* and *Lian Run 29* were in the immediate area presumably waiting to tranship.

All four Lian Run boats are licensed to fish in the waters of Guinea and the Greenpeace/ Environmental Justice Foundation surveillance had sighted and documented three of the four fishing. The *Lian Run 24* had been observed fishing in the waters of Guinea on the 17th March and the 4th April. The *Lian Run 27* had been observed fishing on the 4th April. Of the two boats that were waiting the *Lian Run 28* had been observed fishing on three occasions 17th March, 26th March and 4th April.

When the vessels noticed they were being monitored during the transshipment on 6th April, the crew covered over the hatches to the hold, released the lines and within 30 minutes the reefer was steaming to the north, the fishing boats steamed in the direction of the fishing grounds in the Guinean EEZ.

Radio contact was made with the *Binar 4* from the bridge of the *Esperanza*. The reefer's officer confirmed that it was now heading to Las Palmas and stated that they had been in international waters to transship, as they were worried about the army in Guinea Conakry.

REGULAR MOVEMENTS TO LAS PALMAS

The *Binar 4* has been regularly visiting the port of Las Palmas, as it can be seen in the table below. The evidence presented in this dossier by Greenpeace and the Environmental Justice Foundation is just an example of what very well may have been happening every time the *Binar 4* has unloaded fish in Las Palmas.

Movements of Binar 4 to the Port of Las Palmas			
Arrived	Sailed	Arrived	Sailed
23-Jan-2006	09-Feb-2006	27-Dec-2004	02-Jan-2005
13-Dec-2005	24-Dec-2005	15-Nov-2004	20-Nov-2004
04-Oct-2005	06-Oct-2005	13-Sep-2004	08-Oct-2004
04-Aug-2005	11-Aug-2005	01-Aug-2004	07-Aug-2004
After 02-Jun-2005	22-Jun-2005	03-Jun-2004	11-Jun-2004
05-May-2005	12-May-2005	13-Apr-2004	20-Apr-2004
11-Mar-2005	30-Mar-2005	03-Feb-2004	11-Feb-2004
05-Feb-2005	10-Feb-2005	23-Dec-2003	31-Dec-2003
Source: Lloyd's Seasearcher.			

CONCLUSIONS

Greenpeace and the Environmental Justice Foundation believe that the observations reported above and the provisions on transshipments contained in the Guinean law gives a clear basis for the *Binar 4* to be denied access to Las Palmas. This is consistent with the FAO Model scheme on port control adopted last year by the FAO members, including the European Union, on behalf of its member states. The model scheme provides for states to refuse pirate vessels access to ports.

The Spanish Plan of Action purports to "prohibit the admission into or departure from port, the access to port services or the landing or transshipping of catches, whenever there are indications of engagement in activities of illegal fishing and to develop a rapid response system for authorizing or refusing landings, simple mechanisms for the authorization of landing, adequate and efficient systems of inspection and procedures designed to prohibit, where appropriate, landing or transshipping".

Greenpeace and the Environmental Justice Foundation expect Spain to honour these agreements and act to prevent the illegal catch being landed in Las Palmas. Both the EU and Spain have stated that they are committed to eliminating IUU fishing because of the impacts on both the sustainability of fish stocks and the people that depend on them. Taking action against the *Binar 4* will send a strong signal to IUU fleets and companies that Las Palmas does not welcome pirate fishing vessels. We also request that illegally transhipped fish be confiscated and returned to Guinea.