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PIRATE BOOTY: How ICCAT is failing to curb IUU fishing



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The Esperanza documenting the activity of the Turkish fishing fleet in June 2006.

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1. INTRODUCTION

The International Commission for the Conservation of Atlantic Tunas (ICCAT) is charged with the management of fisheries for tuna and tuna-like species –including albacore (*Thunnus alalunga*), bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), skipjack tuna (*Katsuwonus pelamis*) and swordfish (*Xiphias gladius*)– throughout the Atlantic Ocean and Mediterranean Sea¹. Every year ICCAT Contracting Parties² meet to discuss the rules governing these fisheries, such as quotas, time and area closures and other technical measures, limits on fishing capacity and effort, or trade sanctions³.

This report exposes the weakness of current regulations governing tuna fisheries and the widespread occurrence of illegal, unreported and unregulated (IUU) fishing activities in the ICCAT Convention Area. Building on work conducted by Greenpeace over the past several years, it provides numerous examples of such IUU activities, including those which Greenpeace has observed directly.

For example, in 2000 the Greenpeace vessel *MV Greenpeace* documented the Japanese reefer *Hatsukari* transshipping tuna from both legal and IUU longline fishing vessels, thus exposing one of the main ways in which IUU catches are laundered in the Atlantic Ocean⁴. Other documentation of IUU fishing activities in the Atlantic region was carried out by Greenpeace ships in 2001 and 2006, although not focused on tuna fisheries⁵.

In 2006 and 2007, Greenpeace extensively documented overfishing and depletion of the East Atlantic bluefin tuna population in the Mediterranean Sea.

Bluefin tuna is believed to be on the brink of collapse, mainly threatened by excessive fishing pressure and illegal fishing practices.

The purse seine fleet operating in the Mediterranean Sea is considered responsible for the bulk of illegal catches of bluefin in recent years⁶. ICCAT's failure to halt the decline of the East Atlantic bluefin population – despite warnings provided by the collapse of the West Atlantic population⁷ and the alarm bells rung both by the scientific community and NGOs – is a damning indictment of the organization and of the failure of Contracting Parties to fulfil their responsibilities. Nor is it just bluefin: other tuna populations managed by ICCAT, including bigeye, are also in decline.

At the time of writing, in September 2007, reported 2007 bluefin tuna catches by European Union (EU) fleets are over 20,000 t, exceeding by at least 20% the quota allocated to the EU by ICCAT. The EU quota allocation is more than 50% the total for all ICCAT Contracting Parties fishing on this stock. Despite years of warnings by NGOs and the international community about the need to act with urgency to avoid the collapse of one of the most important species in the Mediterranean Sea ecosystem, lessons do not seem to have been learned, the behaviour of ICCAT Contracting Parties does not seem to be changing, and the future survival in the region of key species such as bluefin and bigeye tuna is increasingly uncertain and will remain so unless urgent action is taken.

1.1. RFMOS: REGULARLY FAILING TO MANAGE OUR OCEANS

Greenpeace believes the present system of high seas oceans management is fundamentally flawed. Instead of working to ensure conservation of marine biodiversity, the current high seas governance regime allows the fishing industry to operate with very few restrictions and to put its short term interests before the long term conservation of functional marine ecosystems⁸.

¹ According to ICCAT, some thirty fish species are of concern to this tuna Commission. See <http://iccat.es/introduction.htm>.

² A full list of the current 43 Contracting Parties to ICCAT can be found at <http://iccat.es/contracting.htm>.

³ A list of Recommendations and Resolutions in force can be found at www.iccat.es/RecsRegs.asp.

⁴ Bours H., Gianni M., Mather D., 'Pirate Fishing Plundering the Oceans'. Greenpeace International, February 2001.

⁵ See 'Witnessing the Plunder', Greenpeace, November 2001 and 'Witnessing the Plunder 2006. How Illegal Fish from West African Waters Finds its Way to EU Ports and Markets', Greenpeace, March 2007, available at <http://oceans.greenpeace.org/en/documents-reports/plunder2006>.

⁶ See 'Where Have all the Tuna Gone? How illegal fishing and tuna ranching are wiping out Mediterranean bluefin tuna'. Greenpeace, May 2006. Available at <http://www.greenpeace.org/international/press/reports/where-have-all-the-tuna-gone-3>.

⁷ In the 1970s a serious decline was observed in the fishery targeting bluefin tuna in the Western Atlantic and in 1997, the biomass of breeders was only 14-17% of what it was estimated to have been in 1975. The poor state of the Western stock forced ICCAT to adopt a so-called 'rebuilding program' in 1998.

⁸ See Greenpeace International. *Freedom for the Seas, for Now & for the Future. Greenpeace proposals to revolutionise oceans governance*. May 2005.



The Rainbow Warrior documented the activities of fishing fleets targeting bluefin tuna and swordfish during the summers of 2006 and 2007.

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Regional Fisheries Management Organisations (RFMOs) – such as ICCAT – are the international bodies charged with the management of fishing activities targeting fish stocks on the high seas, as well as fish stocks which migrate through the waters of more than one state.

The United Nations Fish Stocks Agreement (UNFSA)⁹, probably the most advanced piece of international fisheries law in existence, was

⁹ The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. See http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm for an overview of the agreement.

On the opposite side of precaution : the bluefin tuna 'non-recovery' plan

Even when relying on models that are excessively optimistic about the status of tuna stocks, RFMOs and the Governments that are party to them fail to take the advice of their own scientific committees. In few cases has this been clearer than at the 15th annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) that took place in Dubrovnik (Croatia), 17- 26 November 2006.

In 2006 the ICCAT *Scientific Committee on Research and Statistics* (SCRS) carried out an assessment of the bluefin tuna population. The advice they provided to the Commission left no doubt about the risks being faced by the eastern stock of bluefin tuna: according to the ICCAT SCRS, current catches were more than three times the sustainable level, a rapid decline in the spawning biomass was occurring and the population was facing a high risk of collapse. As a result, scientists recommended a maximum total catch of around 15,000 tonnes, a minimum catch size of 30 kg, and a closure of the fishery that should include June, when most of the spawning occurs.

In November 2006 a new 'recovery plan' for bluefin tuna was approved by ICCAT Contracting Parties. This management plan, which is currently in force, established a total quota of 29,500 t for 2007, almost double the scientifically recommended level; contained a seasonal closure excluding the peak of the spawning season in June; and set a 30 kg catch limit subject to many exemptions.

adopted in 1995. It mandated RFMOs as the primary mechanism for managing the exploitation of high seas straddling and highly migratory fish stocks, such as tuna stocks. UNFSA articles 5 and 6 are the legal cornerstones for applying the ecosystem approach and the precautionary principle to fisheries management. Despite this legal obligation, very rarely have RFMOs taken decisions consistent with a precautionary approach¹⁰.

¹⁰ Ironically, the precautionary approach is so far from the current practices of ICCAT Contracting parties that they have been able to approve a management plan for bluefin tuna in 2006 that establishes a quota which is double the size advised by scientists and still call it a 'recovery plan'.

This was recognised recently when the UN Fish Stocks Agreement Review Conference, held in New York in May 2006, agreed that 'most RFMOs are not performing impressively in their core duty, which is to achieve the long-term sustainability of fish stocks'¹¹.

Twelve years after the adoption of the UNFSA, RFMOs still lack the will to say 'enough is enough' and impose strict controls on the fisheries they manage. Tuna RFMOs have a track record of toothless consensus decision making, allowing countries with the biggest interest in the fisheries to prevent implementation of the measures required to not only maintain sustainable fish stocks and profitable fisheries, but also to protect and preserve the rich marine biodiversity of our oceans¹².

1.2. OVERCAPACITY AND IUU FISHING IN THE ICCAT CONVENTION AREA

ICCAT Contracting Parties have shown little will to limit the capacity of their fishing fleets. No good estimates of fishing capacity exist for most of the fisheries managed by ICCAT. The size of the fleets targeting fish stocks managed by this tuna convention has been shaped, not by biological or environmental considerations, but by the economic decisions of fishing industry investors.



¹¹ A summary of the UN Fish Stocks Agreement Review Conference is available online at <http://www.iisd.ca/vol07/enb0761e.html>.

¹² See 'Opening the Can: How Tuna Fishery Management Organisations Regularly Fail to Manage our Oceans', Greenpeace briefing to the Joint Tuna RFMO Meeting in Kobe, Japan, 22-26 January 2007.



Bluefin tuna being hauled on board the Italian fishing vessel Beatrice on June 17 2007 in the fishing grounds south of Malta. Overcapacity is particularly blatant in the Mediterranean purse seine fleet targeting bluefin tuna.

The link between overcapacity and IUU fishing is well established, particularly in a context where resources are diminishing and competition in the industry is fierce. Many companies fishing for tuna in the Atlantic Ocean are facing an economic crisis as a result of overcapacity and decreasing fish resources. Fisheries in the convention area have been managed primarily through quotas and technical measures and hardly any ICCAT Recommendation contains limits on fishing effort and/or capacity. In a context of poor control and monitoring of fishing activities, particularly on the high seas, this results in high levels of illegal fishing and massive underreporting.

IUU fishing in the bigeye and bluefin tuna fisheries

In 1999, there were 345 ships on the ICCAT List of Vessels Presumed to Have Carried Out IUU Fishing Activities in the ICCAT Convention Area, also known as the ICCAT Blacklist. Today, there are just 17. This would be good news, if it reflected a sharp decrease in IUU fishing activities.

However the reality may be quite different. Has IUU fishing decreased in the ICCAT Convention Area? Or have unscrupulous companies and operators found ways to prevent action being taken against them? In fact, where are the rest of those 345 vessels now? Has a majority of them been scrapped? Or are they now owned by responsible operators?

Maybe it is just ICCAT's efforts against these pirates that are weakening. A paper presented by the Fisheries Agency of Japan estimated that '15,000-19,000 metric tons of Atlantic bigeye tuna were imported to Japan in 2003 under the name of Indian Ocean products'. For the last few years over 20,000 t of bluefin tuna have been caught illegally each year in the ICCAT Convention Area, pushing the species to the brink of collapse.

ICCAT even lacks the tools to ascertain the number of vessels operating in the Convention Area. As we will see in Section 2, the ICCAT Record of Fishing Vessels does not reflect accurately the current level of fishing capacity in many fisheries in the Atlantic and Mediterranean. Furthermore, it lacks crucial data, making it impossible to follow the movements of unscrupulous operators that reflag and rename their vessels to avoid controls.

Not until this summer did ICCAT Contracting Parties hold a meeting to discuss the issue of overcapacity: the first such meeting, 40 years after the convention came into existence.

1.3. ARE OUR GOVERNMENTS HOPELESS?

A 2005 study found that the abundance of large, predatory, open-ocean fish such as tuna, swordfish and marlin had declined by an estimated 90% since 1952¹³. It has also been estimated that tuna and billfish have shown a loss in species diversity of 10 to 50% in all oceans¹⁴.

¹³ R.A. Myers and B. Worm, 'Rapid worldwide depletion of predatory fish communities', *Nature*, vol 423 (2003), pp. 1-24.

¹⁴ B. Worm et al. 'Global patterns of predator diversity in the open oceans', *Science*, vol 309 (2005), pp. 1365-69.



A tuna cage being tugged from fishing grounds in Libya to tuna farms in Sicily.



An amnesty for IUU fishing

On 25 November 2006, during the discussions of Panel 2 in the 15th ICCAT annual meeting, the US delegation suggested the creation of a Working Group to identify those Contracting Parties responsible for illegal catches of bluefin tuna in previous years, with a view to applying a payback plan from 2008 onwards.

This suggestion was immediately contested by the EU delegate, who took the floor to express the view that there were already too many working groups. This was in contrast to the EU's own action plan, which states that *'The Community will encourage the regional fisheries organisations to implement procedures for collecting data on quantities taken illegally (information about trade, sampling organized at ports, information about catches and landings) and identifying the origin of these catches so that action can be taken against the flag States.'*

International bodies such as ICCAT have the power to take decisions that could reverse these trends. So far, however, they have failed to do so.

The most recent annual meeting of the ICCAT Commission provided an illustration of such failings. Scientific advice on bluefin tuna fishery catch quotas and restrictions was completely ignored; Contracting Parties failed to approve a total ban on at-sea transshipments despite the wealth of evidence highlighting their role in the laundering of illegal catches; and an amnesty was declared for fleets that have been proven responsible for the illegal catch of thousands of tons of bluefin tuna.

In 2006 fishing vessels continued to be reflagged to countries that are not fulfilling their responsibilities as flag states; and ICCAT Contracting Parties continued to fail in their reporting requirements, making it very difficult for scientists to provide accurate advice. Taiwan, a country whose fishing vessels are probably among the most responsible for the poor state of the bigeye tuna population in the Atlantic, has had sanctions lifted despite evidence that it again exceeded its quota in 2006 (see section 4.1).

1.4. SUBSTANTIAL CHANGES ARE NEEDED

Regional Fisheries Management Organisations must be fundamentally reformed so that they can effectively implement the ecosystem approach as mandated by the UNFSA. Reformulated as *Regional Ecosystem Management Organisations* (REMOs), they must be given, not just the mandate, but also the functional ability and capacity to address the broader ecological impacts of human activities on the world's oceans¹⁵.

ICCAT Contracting Parties must act urgently to guarantee the conservation of the fish populations they manage in the Atlantic Ocean and the Mediterranean Sea. To that end, fighting IUU fishing in the convention area must be a priority. Contracting Parties must also agree to an immediate and substantial decrease in the capacity of their fleets, in line with that needed to harvest precautionary quotas. These actions must be taken urgently—before species such as the bluefin tuna finally collapse.

¹⁵ Greenpeace International. *Freedom for the Seas, for Now & for the Future. Greenpeace proposals to revolutionise oceans governance*. May 2005.



Captive bluefin tuna inside a transport cage. The cage was being towed by a tug from fishing grounds in Libya to tuna farms in Sicily.

2. REFLAGGING OF FISHING VESSELS NOT REPORTED TO THE ICCAT SECRETARIAT

One of the many ways illegal operators avoid compliance with fisheries management rules is through what is known as 'flags of convenience' (FOCs) or 'open registries'. A number of flag states lack the will and sometimes the ability to properly fulfill their international obligations, including the control of fishing activities and the implementation of measures agreed by the international bodies to which they are party or cooperate with. These flag states are jeopardising the conservation of marine ecosystems¹⁶.

It has long been common practice for some ships to change flags and names frequently in order to avoid sanctions and prosecution, through what is known as 'flag hopping'. In 1992 the Agenda 21 declaration and its program of action highlighted the problems resulting from unregulated fishing, including 'vessels reflagging to escape controls'¹⁷. This has also been the case with fishing vessels operating in the ICCAT Convention area, particularly when countries have been subject to trade sanctions¹⁸.

At present, the International Transport Federation¹⁹ lists 32 flags of convenience²⁰, among them Belize, Cambodia, Panama and Vanuatu. Ship owners whose vessels appear in the ICCAT Record as flagged to countries

such as Japan or Korea continue to change the flags and names of their vessels. Moreover, their previous flag states have frequently failed to communicate these changes to the ICCAT Secretariat, even when such changes took place more than two years previously.

2.1. THE ICCAT RECORD OF FISHING VESSELS

The establishment of a list or record of fishing vessels authorised to fish is common in many Regional Fisheries Management Organisations. Such registries serve the purpose of regulating fishing activities, managing fishing effort or fighting IUU fishing.

*ICCAT Recommendations [00-17] and [02-22] and ICCAT Resolution [05-07]*²¹, established the requirements for ICCAT Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to submit information regarding fishing vessels over 24 metres overall length, which are licensed to fish for tuna and tuna-like species in the Atlantic Ocean and Mediterranean Sea. Flag states have the obligation to ensure that the vessels they flag do not have a record of IUU fishing, and that vessels not included on the ICCAT Record do not fish for such species in the ICCAT Convention area.

ICCAT members also have an obligation to keep their entries in the ICCAT Record up-to-date. CPCs are asked to 'promptly notify, after the establishment of the initial ICCAT record, the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record at any time such changes occur'²².

2.2. AUTHORISED VESSELS VERSUS OPERATIVE VESSELS

As noted in the introduction, very little attention has been paid to the problems of overcapacity in the ICCAT Convention area. This is in contrast to the concerns that have been expressed over the occurrence of IUU fishing activities in tuna fisheries managed by ICCAT. And yet, it is widely accepted that the two issues go hand in hand: a reduction in capacity will ultimately be required, or current attempts to fight IUU fishing will be doomed to fail. That being the case, it is surprising that, although ICCAT is over forty years old, its first discussion of overcapacity was last July²³.

²¹ *ICCAT Recommendations [00-17] Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area, [02-22] Concerning the Establishment of an ICCAT Record of Vessels over 24m Authorized to Operate in the Convention Area and ICCAT Resolution [05-07] Concerning the Change in the Registry and Flagging of Vessels*

²² Paragraph 3 of Recommendation [02-22].

²³ Doc.No.CAP-013B/2007. Report of the 1st ICCAT Working Group on Fishing Capacity. 20 July 2007.

¹⁶ However, the impacts of flags of convenience are not limited to undermining management and conservation measures for the exploitation of fisheries resources. As the International Transport Federation states 'Seafarers who are employed on FOC ships are often denied their basic human and trade union rights since FOC registers do not enforce minimum social standards. This is what makes the flag so attractive to ship owners [...] In nearly 55 years of campaigning against FOCs the ITF has developed a network of inspectors to investigate suspect ships. Their reports reveal a catalogue of abuse of seafarers: very low wages; poor on-board conditions; inadequate food and clean drinking water; long periods of work without proper rest leading to stress and fatigue'. See <http://www.itfglobal.org/flags-convenience/index.cfm>.

¹⁷ Joint NGO Statement to the 6th Session of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

¹⁸ In 2000 Greenpeace expressed criticism and concern when the government of Panama deleted some of the longline vessels from its registry and became a member of ICCAT. This resulted in a move by pirate fishing companies towards other, even more convenient flags, such as Belize and Honduras. In 1998, ICCAT members adopted a resolution, which noted that a considerable number of longliners had reflagged from Belize, Honduras and Panama to other states, both ICCAT members and non-members, to avoid the trade restriction measures. To our knowledge, no comprehensive study has been carried out on the link between trade measures and the flagging out of vessels flying the flags of countries subject to these trade measures.

¹⁹ See <http://www.itfglobal.org/about-us/moreabout.cfm>.

²⁰ See <http://www.itfglobal.org/flags-convenience/flags-convenien-183.cfm>.



Turkish purse seiners fishing for bluefin tuna in the Gulf of Iskenderun, in June 2006.

Measuring capacity in ICCAT fisheries

According to the report of the 1st ICCAT Working Group on Capacity, there are more than 3,400 vessels over 24 m authorized to fish legally in the Convention area. The total gross registered tonnage for these is over 860,000 t, and the carrying capacity for large scale longliners, purse seiners and baitboats combined is about 561,000 t. Some 6,600 vessels between 15 to 24 m would raise this potential if taken into account. *'Total potential carrying capacity is therefore likely to substantially exceed the recent level of catches for ICCAT species'*.

But how reliable are these estimates if countries such as Japan or Korea have included in the ICCAT Record a high number of vessels which are actually not operating in the Convention Area? Or if countries continue to fail to report their catch and effort data in a timely manner? According to ICCAT, *'available information in ICCAT databases relating catch by flag and gear to the effort expended to realize that catch is sparse, and the diversity of units used in reporting effort make it difficult to estimate capacity in a comprehensive manner'*.

The ICCAT Record of Fishing Vessels should provide a clear picture of the fishing capacity deployed by different countries in different ICCAT fisheries²⁴. However, the vessels that are listed do not always correspond to those which are fishing. The difference between registered vessels and those actually active has been found to be particularly high in the case of some large scale longline fleets from Asia. Establishing accurate figures for vessels from this region is especially important because Japan, Taiwan and China together were responsible for some 50% of the reported bigeye catches in the ICCAT Convention Area in 2005, and over 25% of the albacore catches that same year. They are also important players in other fisheries such as for bluefin tuna, where Japan and Taiwan accounted for 17% of the reported catches in 2005.

²⁴ In fact, controlling fishing capacity was one of the reasons behind the establishment of the ICCAT Record of Fishing Vessels. The preamble to *ICCAT Recommendation [00-17] Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area*, notes *'that the FAO International Plan of Action for the Management of Fishing Capacity states in its Objective and Principles that States and regional fisheries organisations [...] should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries'*.



Bluefin tuna being offloaded from the Japanese longliner Chokyu Maru 11 last April 23 2007 in the Port of Las Palmas.



Some of the most powerful purse seiners in the Mediterranean have been built in recent years to target bluefin tuna. The Spanish Nuevo Panchilleta is amongst them.

Korea is a much smaller player in these fisheries according to their reported catches, but one cannot help but notice that 202 Korean vessels are included in the ICCAT Record (See table 2.1).

Table 2.1. Number of active fishing vessels in the ICCAT Convention Area in selected fleets according to different sources.

	ICCAT Record of fishing vessels	Flag state's national reports	Difference (%)
Japan	505	220	43,56
Korea	202	13	6,43
Taiwan	109	–	–
China	37	26	70,27

The report from the first ICCAT Working Group on Fishing Capacity which took place in August 2007 in North Carolina (United States) noted that the difference between latent capacity and active capacity needs to be clarified: 'Reference was made to the Indian Ocean Tuna Commission (IOTC) where two separate vessel lists are produced indicating overall number of vessels authorized to fish and the number of vessels actively fishing. It was suggested that a similar approach be taken for ICCAT fisheries regarding the specification of active vessels. In addition, the Working Group noted that refinements to existing vessel and fleet data would be beneficial in determining capacity'²⁵.

²⁵ Doc.No.CAP-013B/2007. Report of the 1st ICCAT Working Group on Fishing Capacity. 20 July 2007.

Overcapacity in the bluefin tuna fishery

Experts on capacity who met at the FAO Technical Consultation on the Measurement of Fishing Capacity, on December 1999 in Mexico City, defined fishing capacity as 'the amount of fish (or fishing effort) that can be produced over a period of time (e.g. a year or a fishing season) by a vessel or a fleet if fully utilized and for a given resource condition', where 'full utilization in this context means normal but unrestricted use, rather than some physical or engineering maximum.' In other words: the maximum amount of fish over a period of time (year) that a fishing fleet could have reasonably expected to harvest (land) under normal and realistic operating conditions, fully utilizing the machinery and equipment in place, and given the technology, the availability and skill of skippers and crews, the abundance of the stocks of fish, some or all fishery regulations, and other relevant constraints.

Applying this definition to the bluefin tuna fishery will immediately result in the conclusion that overcapacity in the fishery likely exceeds three times the level that results in a sustainable bluefin tuna catch at the moment, as catches have exceeded 50,000 t in recent years while scientists are recommending that no more than 15,000 t are taken from this stock if its collapse is to be avoided.

A very detailed analysis of the capacity of BFT fleets is contained in WWF, 2006. The plunder of bluefin tuna in the Mediterranean and East Atlantic in 2004 and 2005. Uncovering the real story.



The Korean longliner Dae Sung 11 leaving the Port of Dakar, Senegal, last 12 April 2007. According to the ICCAT Record of Fishing Vessels, the Dae Sung 11 was only authorized to fish from September 1998 to August 2003.

This difference between authorised and operative vessels has obvious implications, not only in attempts to estimate capacity or measure overcapacity in Atlantic tuna fisheries, but potentially on future programs aimed to reduce fishing capacity to sustainable levels. The results of any future negotiations among ICCAT Contracting Parties to decrease the capacity of fishing fleets could be meaningless if the discussions are based on the data contained in an inaccurate ICCAT Record of Fishing Vessels. Worse, they might benefit those countries for whom the register does not reflect their true level of fishing activity²⁶.

The case of the Japanese and Korean fleets

According to the ICCAT Record of Fishing Vessels²⁷, 505 Japanese long-line fishing vessels are authorised to fish for tuna and tuna-like species in the ICCAT Convention area. The difference, however, between the number of fishing vessels authorised to fish and those actually operating in the area can be quite substantial. According to the ICCAT Scientific Committee on Research and Statistics (SCRS): "*Longline is the only tuna fishing gear deployed by Japan at present in the Atlantic Ocean. The number of the Japanese longliners which operated in the Atlantic in 2004 was estimated to be 222*"²⁸. Other sources have

²⁶ If countries agreed on a 25% capacity reduction in the ICCAT Convention Area in the future, would Japan for instance apply this percentage to the 505 Japanese vessels listed on the ICCAT Record or to the 220 vessels that were said to be operating in the Atlantic in 2004?

²⁷ ICCAT's Record of Vessels over 24m Authorized to Operate in the Convention Area, as in its version of 12 July 2007. The last version of the Record can be visited online at <http://iccat.es/vessels.asp>.

²⁸ Report of the Standing Committee on Research and Statistics (SCRS). Madrid, Spain, October 2 to 6, 2006. ICCAT Report for Biennial Period, 2006-07. Part I (2006) – Vol 1.

pointed to quite different figures. According to Prof. Makoto Miyake, some 370 large scale Japanese long line fishing vessels were operative in 2001 inside the ICCAT Convention Area²⁹. The Japanese Government reported to ICCAT that the fleet consisted of just 199 operative vessels that year³⁰.

A vast majority of the Japanese-flagged large scale longline fishing vessels registered with ICCAT are also registered with IOTC, IATTC and the Western and Central Pacific Commission, and therefore may be active part of the year in one ocean or sea, and another part of the year in a different fishing ground under a separate RFMO's jurisdiction. This creates a number of problems in terms of control of fishing activities, as there have been well known cases of misreporting in which a catch by a given vessel was declared as having been caught in a different ocean that was in fact the case³¹.

The ICCAT Record of Fishing Vessels contains 202 longline fishing vessels flagged to Korea. However, Korea's 2006 national report to ICCAT states that in 2004 and 2005 there were 13 Korean longliners fishing for tuna and tuna-like species in the Atlantic Ocean, catching a total of 2,607 and 2,895 t of fish in 2004 and 2005. According to the Korean authorities, '*since the 1980s the annual catches of tunas and tuna like species in the Atlantic have gradually declined. Since the mid-1990s 54 longliners were registered in the IOTC Area but shifted between the Indian and the Atlantic Ocean, depending on fishing conditions. Korean fishing licenses are managed based on gear types, not by fishing grounds*'³².

²⁹ A review of the fishing capacity of the longline fleets of the world, by Peter Makoto Miyake, Scientific Adviser, Federation of Japan Tuna Fisheries Cooperative Associations (Japan Tuna). Second meeting of the Technical Advisory Committee of the FAO project Management of tuna fishing capacity: conservation and socio-economics. 15-18 March 2004. Madrid, Spain.

³⁰ Annual Report of Japan. ICCAT Report for Biennial Period, 2006-07. Part I (2006) – Vol 3.

³¹ In 2004, the reefer vessels *Lung Yuin* and *Suruga 1* were accused by the Japanese Fisheries Agency of 'laundering' illegally caught tuna. In the case of the *Suruga 1* it was demonstrated that bigeye tuna transported on board was falsely declared as having been caught in the Indian and/or Pacific Oceans, when it had been fished inside the ICCAT Convention Area.

³² Seon-jae Hwang et al. Annual Report of Korea. ICCAT Report for Biennial Period, 2006-07. Part I (2006) – Vol 3.

Some differences in capacity reported by the Japanese fleet

When reviewing data for this report we noted that the tonnages of Japanese longline fishing vessels declared to ICCAT and the Gross Tonnages of those same vessels declared to the Organisation for the Promotion of Responsible Tuna Fisheries (OPRT) were very different. A cross-check of Gross Registered Tonnages for 405 Japanese longliners registered with ICCAT against the gross tonnages for those same 405 Japanese longliners registered on the OPRT's Positive List of Vessels indicated a 33.71% difference (156,784 GRT declared to ICCAT compared to 236,666 GT declared to OPRT).

We also noted that in the case of Korean, Chinese and Taiwanese vessels, GTs reported to OPRT matched almost exactly the GRTs declared by such Contracting Parties to ICCAT for those same authorised vessels.

2.3. RECENT CHANGES IN THE JAPANESE AND KOREAN FLEETS

As noted above, among the responsibilities of Contracting Parties to ICCAT is to maintain an accurate record of the fishing vessels operating in the ICCAT Convention Area. *Recommendation [02-22]* asks CPCs to "promptly notify, after the establishment of the initial ICCAT record, the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record at any time such changes occur". ICCAT Contracting Parties should also prevent reflagging practices³³.

The information below has been gathered using information contained in the Lloyd's Marine Intelligence Unit and Lloyd's Register Fairplay databases³⁴. The number of vessels found, as a result of this research, to be wrongly registered to ICCAT is almost certainly an underestimate, as these databases do not contain information on many of the fishing vessels in the ICCAT Record. We have also chosen to exclude from this list some vessels about whose identity we had doubts. Additionally, there are almost certainly more ships which have been reflagged and escaped notice.

Japan has been vocal in expressing concerns about the impacts of increased control over fishing activities, or programmes aimed to reduce fishing capacity in one country, unless all loopholes are effectively closed. In the past, many companies have avoided increased control by RFMOs and the flag state of their ships by simply reflagging them to a different country that would not exert as much control on their activities. This has

³³ Paragraph 5 of Recommendation [02-22].

³⁴ Accessible at <http://www.lloydsmiu.com/lmiu/index.htm> and <http://www.sea-web.com>.

Tracking changes in the fishing fleet

An overview of the ICCAT Record of Fishing Vessels shows many gaps in the information available from many countries, particularly concerning ownership of the vessels included in the register, and periods for which fishing licenses are granted. A vessel's IMO number, which is of paramount importance for the prevention of reflagging and for tracking fishing vessels over their lifetime, does not have to be submitted to the ICCAT Secretariat.

As we show in this section, reflagging of fishing vessels, specially to countries that are clearly undermining ICCAT's attempts to preserve fish stocks, is a cause for great concern. But tracking these vessels can be extremely difficult, and in many cases it is impossible to be certain of the previous identity of a particular vessel now flying a flag of convenience.

ICCAT is finally embarking on a procedure to fill this gap. At the Joint Meeting of Tuna RFMOs that took place last January in Kobe (Japan), it was suggested that RFMOs should work towards the creation of a harmonized list of tuna vessels using a unique identifier. ICCAT has already requested its Contracting Parties to provide IMO numbers of their flagged vessels and explain how this issue is dealt with at domestic level (See ICCAT Circular #202/07.)



Tracking fishing vessels can be extremely difficult. Tuna RFMOs should work towards the creation of a harmonized list of tuna vessels using a unique identifier such as the IMO number.

been a common practice to avoid sanctions, overcome stricter controls, or simply escape from taxes and benefit from lower operating costs. As a result, the ability of Governments to enforce internationally agreed fisheries regulations is seriously undermined.

The *AI-Entisar*, ex-*Shinei Maru No 8*

The *AI-Entisar* is a Libyan longliner which is not registered to ICCAT and therefore not authorised to fish for tuna and tuna-like species in the ICCAT Convention Area. Despite this, the *AI-Entisar* was operating in the Mediterranean in 2007 during the bluefin tuna fishing season. The ship was photographed in the port of Valetta (Malta) on several occasions during that summer.

According to information provided to Advanced Tuna-Ranching Technologies (ATRT), the *AI Entisar's* IMO number, reported to the Port Authority in Valetta, was 8904044, the same of the Panamanian-flagged longliner *Oasis 7*. According to the Lloyd's database the Japanese flagged vessel *Shinei Maru 8*, which is still on the ICCAT Record of Fishing Vessels under that name, was reflagged to Panama as the *Oasis 7* in August 2006, then to St Kitts & Nevis in December 2006. Since April 2007 the ship's flag is registered as unknown. We believe that the *Oasis 7* is now the Libyan *AI-Entisar*.

The Japanese and Libyan authorities are presumably in a position to confirm if the *Shinei Maru No 8* has effectively left the Japanese fishing register and is now flagged to Libya.



Formerly Japanese flagged tuna longliner *Shinei Maru 8*, currently flagged to Libya under the name *AI-Entisar* entering the Port of Valetta, Malta on 30 May 2007. The ship was not on the ICCAT Record of Fishing vessels.

The *Yara* and its flags

The *Yara* is a large scale longliner, flagged to Panama and seen in the Port of Vigo (Spain), on 31 May 2007. The ship is perfectly capable of fishing for tuna species but is not registered with ICCAT.

Photographic evidence suggests that this vessel is the ex-*Hoyo Maru 21*, flagged to Japan. However, the *Hoyo Maru 21* is still listed on the ICCAT Record of Fishing Vessels as a Japanese flagged vessel.

What was this vessel fishing for and what was it doing in a port, Vigo, at the heart of the ICCAT Convention Area when it does not seem to be licensed to fish on the high seas by any RFMO? On 4 October 2007, while this report was being finalised, the *Yara* called in at the port of Valetta, Malta, where it spent just two hours. It was now flying a Libyan flag. The ship communicated to the Port Authority that it had come from Tripoli, and left with the same destination.

The same question again applies: what is this longliner doing, operating in the Mediterranean Sea without having been registered to ICCAT and four months after the longline fishing season has closed?

Japan claims to have banned the export of its longliners, to prevent them being reflagged. Japan states in its last national report to ICCAT, 'The export and lease of Japanese longliners and purse seiners are strictly and closely controlled by the Fisheries Agency of Japan to avoid their use in operations which may diminish the effectiveness of international conservation measures. When Japan implemented its fleet reduction program, the Federation of Japan Tuna Fisheries Co-operative Association resolved that the exporting of Japanese longline vessels be prohibited in 1999'³⁵.

If true, this would be consistent with the FAO International Plan of Action on IUU fishing³⁶. Paragraph 19 of the Plan demands that 'States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities'.

³⁵ Annual Report of Japan. ICCAT Report for Biennial Period, 2006-07. Part I (2006) – Vol 3.

³⁶ The FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing is available at <http://www.fao.org/DOCREP/003/y1224e/y1224e00.HTM>.



Formerly Japanese flagged tuna longliner Hoyo Maru 21, seen in the Port of Vigo, Spain, May 31 2007 under the name of Yara, flagged to Panama.

However, at least 14 Japanese vessels currently listed on the ICCAT Record have changed flag (and in many cases name and/or ownership) and are therefore not Japanese vessels at present. This figure is almost certainly an underestimate as the Lloyds database is incomplete when it comes to fishing vessels. Nine of these vessels left the Japanese register more than a year ago, which seems enough time for Japan to have communicated these changes to ICCAT.

Furthermore, five of these 14 vessels are now flagged to Cambodia. The *Koei Maru 2*, the *Tenyu Maru 38*, the *Shoei Maru 52*, and the *Tenyu Maru 68*, still listed today in the ICCAT Record of Fishing Vessels, seem to have been directly reflagged to Cambodia (their current names being *Koei Maru 2*, *Floreal*, *Shoei Maru 52* and *Florentina*, respectively). The *Choko Maru 1*, whose last known name is *Forrester*, was flagged to Belize in October 2006 and only two months later, in December 2006, was reflagged to Cambodia. Another three ex-Japanese vessels still in the ICCAT Record are now flagged to Russia, two to Libya, two to Panama, and one to Korea. **Table 2.2** provides the details of these vessels, including their names and flag history, to the extent these are known.

It is clearly a matter of great concern that Japanese vessels are being directly reflagged to Cambodia, and therefore contributing to increased fishing capacity in a country that has been identified by ICCAT as undermining conservation measures established by a convention of which Japan is an active Contracting Party.

The ICCAT Record of Fishing Vessels currently lists 202 Korean longliners over 24 metres overall length which are authorised to fish in the Convention Area. We estimate that at least nine of these vessels have changed flag (and in many cases name and/or ownership) and are therefore not Korean vessels at present (see details in **table 2.2**).

Cambodia threatened with trade sanctions

ICCAT has been active in using trade measures against countries that have been found to be undermining its conservation measures. Before the imposition of such trade measures, ICCAT's Compliance Committee (COC) or its Permanent Working Group (PWG) identifies which countries have failed to fulfill their obligations under ICCAT regulations. The Commission then asks any country so identified to comment on the alleged violations. This response is in turn evaluated by COC or PWG, which then decide whether to revoke the identification of the country, whether to maintain it, or whether to impose non-discriminatory trade restrictive measures.

Trade sanctions have been imposed in the past against such well known open registers as Belize, St Vincent and the Grenadines, Equatorial Guinea, Honduras, Bolivia, Cambodia, Sierra Leone, and Georgia.

On 16 December 2005, the ICCAT Secretariat wrote to Cambodia, asking for information on its monitoring, surveillance and control regime and its vessel registration rules and procedures, and seeking confirmation that Cambodian-flagged vessels fishing on the high seas had been reported to the FAO. At last year's ICCAT annual meeting in Dubrovnik, the PWG reported that no response had been received, and no catch data had been reported by Cambodia. Therefore the decision was taken to re-identify Cambodia with a letter, a first step toward the imposition of trade sanctions.

Three of these nine vessels have been flagged to Cambodia, four to Panama, one to Sierra Leone and one to Equatorial Guinea, countries which have a very dubious record in terms of control over the activities of their fishing vessels.

Formerly Japanese flagged tuna longliner Hoyo Maru 21, seen in Valetta, Malta, last October 8 2007 under the name of Yara, this time flagged to Libya.



Table 2.2. Large scale longliners currently in the ICCAT Record of Fishing Vessels that have been reflagged. Elaborated from Lloyds databases and direct observations.

ICCAT Registry Number	Name according to the ICCAT Record	Flag according to the ICCAT Record	Current Name	IMO Number	Flag History	Date of reflagging	Comments
AT000JPN00002	CHOKO MARU 1	Japan	FORESTER	8713263	Cambodia Belize Japan	Dec 2006 October 2006	Owned by Floreal Marine Co. Ltd., which owns the Floreal, the Forester and the Florentina (see below). Also owns the Nord and the Taisei, both flagged to Cambodia. The latter was the Taisei Maru n° 18 until January 2002. East Shine Shipping is the parent company.
AT000JPN00076	MIYAURA MARU 15	Japan	LILU	8609826	Panama Rep. Korea Japan	Sept 2007 May 2006	Has just changed flag and name again, from being the Taelim Lily flagged to Korea, to the Lilu, flagged to Panama. Owners are unknown at present.
AT000JPN00125	KAIKO MARU 2	Japan	EXPLORER	8821357	Dominica Japan	January 2006	Belongs to International Fishing Group, owner of the Reefer Sapphire (last seen Gibraltar - Portugal)
AT000JPN00127	KOEI MARU 2	Japan		8421274	Cambodia Japan	Dec 2005	
AT000JPN00148	SHOEI MARU 23	Japan	DENEBOLA	8706818	Panama Belize Japan	August 2007 Nov 2005	Changed name again on 14 August 2007. Was previously named Mirinae.
AT000JPN00258	TENYU MARU 38	Japan	FLOREAL	8708000	Cambodia Japan	Jan 2006	Owned by Loreal, which owns the Floreal, the Forester and the Florentina (see below). Also owns the Nord, and the Taisei both flagged to Cambodia; the latter was the Taisei Maru n° 18 until January 2002.
AT000JPN00296	SHOEI MARU 52	Japan		8916011	Cambodia Japan	March 2006	
AT000JPN00331	GYOKUHO MARU 6	Japan	UGULAN	8804074	Russia Japan	March 2007	Owned by Fish-Marin Co., which also owns the Suntar, which was previously the Daikoku Maru N° 8 and has been flagged to Russia since January 2006.
AT000JPN00368	TENYU MARU 68	Japan	FLORENTINA	8421107	Cambodia Japan	Jan 2006	See above under Floreal. Was in Den Helder (HOL) on 30 June 2006, having already been reflagged.
AT000JPN00373	CHOKO MARU 7	Japan	TALAN	9141194	Russia Japan	February 2007	
AT000JPN00396	SHOTOKU MARU 075	Japan	Taelim JASMINE	8708191	South Korea Tuvalu	June 2007 October 2006	Owned by Taelim Shipping Co. Before it was named Sun Jazz and flagged to Tuvalu.
AT000JPN00420	DAIKOKU MARU N° 8	Japan	SUNTAR	8810504	Russia Japan		Owned by Fish-Marin Co.
AT000JPN00373	SHINEI MARU 8	Japan	AL ENTISAR	8904044	Libya St Kitts&Nevis Panama Japan		Moved to the Panama register as Oasis 7, in August 2006, then to St Kitts & Nevis in December 2006 and since April 2007 the flag has been registered as unknown.

Table 2.2. Large scale longliners currently in the ICCAT Record of Fishing Vessels that have been reflagged. Elaborated from Lloyds databases and direct observations (*continued*).

ICCAT Registry Number	Name according to the ICCAT Record	Flag according to the ICCAT Record	Current Name	IMO Number	Flag History	Date of reflagging	Comments
AT000JPN00396	HOYO MARU 21	Japan	YARA	?	Libya Panama Japan	?	Not on Lloyds. A Japanese type large scale longline fishing vessel by the name of YARA and flagged to Panama, formerly HOYO MARU 21 was seen at the Port of Vigo, Spain on May 31st 2007. Observed 5 October 2007 in Valetta under a Libyan flag.
AT000KOR00004	HONG JIN 55	Korea	AJAX	7643162	Cambodia	April 2005	Previous names include In Sung No.55 and O Ryong No.55. Owned by Oltrans Marine SA, owner of the Ajax, the Alaid and the Koyo Maru. The parent company of the three ships is Rosmarin, with address in Tokyo.
AT000KOR00014	DAE SUNG 16	Korea	NORD 1	8808654	Cambodia Korea Honduras	Sept 2006 Sept 2000	Unknown owners at present although it was own by Ji Sung Shipping Co. that also owns the Ji Sung No 5 (in the ICCAT Register). Before it was own by Inter-Burgo Co. Ltd also previous owner of the Dae Sung 17.
AT000KOR00015	DAE SUNG 17	Korea	DAKS	8808666	Panama	April 2006	Registered in ICCAT as Dea Sung 17, we understand that's a spelling mistake as the call sign confirms it is the vessel now called Daks and flagged to Panama. Unknown owners at present, although it used to be owned by Inter-burgo Co.
AT000KOR00076	ORION 3	Korea	AIDAR	8028802	Panama	July 2004	Owned by Olves Co. LTD.
AT000KOR00079	CHANCE 303	Korea	KOYO MARU	8518261	Cambodia	April 2006	Previous names include In Sung No.55 and O Ryong No.55. Owned by Oltrans Marine SA, owner of the Ajax, the Alaid and the Koyo Maru. The parent company of the three ships is Rosmarin, with address in Tokyo.
AT000KOR00160	O RYONG 78	Korea	O RYONG 078	8031548	Panama	March 2006	Owned by East Shine Shipping Co. Ltd. , which is also the parent company for the Floreal, the Forester, the Florentinaand the Taisei all flagged to Cambodia and still under their original names in the ICCAT Register.
AT000KOR00161	O RYONG 82	Korea	AURIS	8007561	Panama	August 2005	Owners unknown at present.
AT000KOR00017	DAE HYUN 205	Korea	GREVILLE	7815600	Sierra Leone	May 2007	Has been the Dae Hyun only since 2005, although it had been flying the Korean flag since it was built. Owners unknown at present.
AT000TAI00194	CHIN CHENG WEN	Taiwan	CHIN CHENG WEN	7407520	Equatorial Guinea Unknown Belize	2005 2001 1997	Gross Tonnage as in ICCAT, LOA very similar. Owner matches with Seaweb info, Chin Cheng Wen Fishery. Not on Lloyds.

3. PRESENCE OF UNREGISTERED LONGLINERS IN THE ICCAT CONVENTION AREA

Illegal, unreported and unregulated (IUU) fishing is recognised as a major problem in the ICCAT Convention Area³⁷. The activities of unregulated fishing vessels are a particular cause for concern. At present, hundreds of fishing vessels operate on the high seas despite the fact that they are not listed by any RFMO as licensed to fish. A 2005 study listed 1,267 large-scale fishing vessels that were identified as being flagged to the 14 most significant open registries: 'A detailed analysis of the lists of authorised fishing vessels maintained by ICCAT, IATTC, the South Pacific Forum Fisheries Agency, IOTC and CCAMLR revealed that (assuming there was not duplication in the lists) 188 of these vessels were authorised to fish for toothfish, tunas and other highly migratory fish stocks in the Atlantic Ocean (including the Mediterranean and Caribbean Seas), Indian Ocean, South Pacific, Eastern Pacific and Southern Ocean'³⁸. The study's authors pose the question of where the other 1,079 vessels are fishing.

Definition of IUU fishing*

Illegal fishing refers to activities:

- conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
- in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

Unreported fishing refers to fishing activities:

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

- undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

Unregulated fishing refers to fishing activities:

- in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

* As defined in the UN FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing. FAO, Rome 2001.

3.1. PRESENCE OF UNREGISTERED LONGLINERS IN THE ICCAT CONVENTION AREA

Table 3.1 lists 28 tuna fishing vessels that we have been able to positively identify inside the ICCAT Convention area since January 2004 by means of official Maritime Traffic and Port data, and/or through direct sightings backed with photographic evidence. It is

Formerly Korean flagged longliner Topaz, currently flagged to Jamaica, leaving the port of Dakar on April 12 2007. The Topaz is not included in the ICCAT Record of Fishing Vessels.



³⁷ See box on page 7.

³⁸ High Seas Task Force (2006). *Closing the Net: Stopping illegal fishing on the high seas*. Governments of Australia, Canada, Chile, Namibia, New Zealand, and the United Kingdom, WWF, IUCN and the Earth Institute at Columbia University.

Table 3.1. Large scale longliners not registered to ICCAT that have been observed in the ICCAT Convention Area from January 2004 to July 2007.

Name of Vessel	ICCAT Reg. Nr.	Flag	IMO Ner.	IRCS	Date	Time	Description	Port or nearest Port	Purpose	Agent, Consignee or owner at Port
CHOKYU MARU 22	Not Registered	Japan			14/09/2006 14/09/2006		Arrival Departure	Las Palmas Las Palmas		
CHOKYU MARU 23	Not Registered	Japan	8974611	JH3483	23/06/2006	23:14:00	Arrival	Gibraltar		
CHOKYU MARU 24	Not Registered	Japan			23/06/2006 10/04/2006 13/04/2006	23:14:00	Departure Arrival Departure	Gibraltar Las Palmas Las Palmas		
CHOKYU MARU 25	Not Registered	Japan			14/09/2005 16/09/2005		Arrival Departure	Las Palmas Las Palmas		
CHOKYU MARU 26	Not Registered	Japan			30/06/2005		Arrival	Las Palmas		
CHOKYU MARU 29	Not Registered	Japan			29/11/2004 29/11/2004		Arrival Departure	Panama Canal Panama Canal		
CHOKYU MARU 33	Not Registered	Japan			22/07/2004 22/07/2004		Arrival Departure	Egypt, Suez Egypt, Suez		
CHOKYU MARU 34	Not Registered	Japan			17/07/2004		Arrival	Malta, Valetta		
CHOKYU MARU 36	Not Registered	Japan			05/04/2004 07/04/2004		Arrival Departure	Las Palmas Las Palmas		
FUKUTOKU MARU 78	Not Registered	Japan	8708050	JKYA	17/07/2004		Arrival	Malta, Valetta		
FUKUYOSHI MARU 26	Not Registered	Japan	8708165	7LOY	29/06/2004 29/06/2004	08:00:00 18:00:00	Arrival Departure	Las Palmas Las Palmas	Bunkers Fishing	Fransari, SA.
KINEI MARU 28	Not Registered	Japan	8713249	JE2831	01/07/2005	16:28:00	Arrival	Gibraltar	Bunkers; Unloading; Crew change	Sorek Shipping Limited
KINEI MARU 51	Not Registered	Japan	8717013	8KGM	27/03/2005 04/08/2005 10/08/2005 16/08/2005 16/09/2005	08:01:00 18:01:00	Arrival Arrival Departure Arrival Departure	Las Palmas Las Palmas Las Palmas Las Palmas Las Palmas	Bunkers Fishing	Fransari, SA. Fransari, SA. Fransari, SA. Fransari, SA. Fransari, SA.
KINPO MARU 58	Not Registered	Japan	8603896	JFXB	31/05/2007	10:42:00	Arrival	Walvis Bay		
SHINSEI MARU 3	Not Registered	Japan	8520094	JAAL	05/05/2005		Arrival	Cape Town		
SHOEI MARU 5	Not Registered	Japan	8916097	JKKB	23/02/2004		Departure	Las Palmas		
SURIYOSHI MARU 75	Not Registered	Japan			09/08/2006	15:37:00	Stopped	Cape Town	Repairs	
TAIKO MARU 78	Not Registered	Japan	8614900	JGQJ	27/01/2003 04/02/2004	18:01:00 08:01:00	Departure Arrival	Las Palmas Las Palmas	Fishing Unloading	Fransari, SA. Fransari, SA.
TOKUJU MARU 38	Not Registered	Japan	9057927	JPUE	11/05/2004 13/05/2004 27/06/2004 23/08/2004 01/07/2005 01/07/2005 24/06/2007 25/06/2007		Arrival Departure Arrival Departure Arrival Departure Arrival Departure	Las Palmas Las Palmas Las Palmas Las Palmas Las Palmas Las Palmas St. Vincent St. Vincent		
ZUIHO MARU 88	Not Registered	Japan		JMSA	07/11/2004 03/07/2005 04/07/2005 20/09/2005 18/11/2005 23/11/2005 17/06/2007		Departure Arrival Departure Departure Arrival Departure Arrival	St. John's St. John's St. John's St. John's Las Palmas Las Palmas St. John's		Atlantsea Consignatarios, SL. Atlantsea Consignatarios, SL.

Table 3.1. Large scale longliners not registered to ICCAT that have been observed in the ICCAT Convention Area from January 2004 to July 2007.

Name of Vessel	ICCAT Reg. Nr.	Flag	IMO Ner.	IRCS	Date	Time	Description	Port or nearest Port	Purpose	Agent, Consignee or owner at Port
ZUIHO MARU 88	Not Registered	Japan		JMSA	29/09/2004	08:01:00	Arrival	Las Palmas	Unloading	Atlantsea Consignatarios, S.L. Atlantsea Consignatarios, S.L. Atlantsea Consignatarios, S.L. Atlantsea Consignatarios, S.L. Atlantsea Consignatarios, S.L.
					26/01/2004	18:01:00	Departure	Las Palmas	Fishing	
					18/11/2005	13:01:00	Arrival	Las Palmas	Unloading	
					23/11/2005	20:01:00	Departure	Las Palmas	Fishing	
					13/10/2006	04:01:00	Arrival	Las Palmas	Unloading	
					15/11/2006	20:01:00	Departure	Las Palmas	Fishing	
CHIEN CHING 212	Not Registered	Taiwan		BYYP	04/11/04	10:01:00	Arrival	Las Palmas	Repairs	Intertransport Canary Operations, S.L. Intertransport Canary Operations, S.L.
					30/11/04	20:01:00	Departure	Las Palmas	Fishing	
CHIN FU 1	Not Registered	Taiwan		BH2747	02/08/04	08:01:00	Arrival	Las Palmas	Repairs	Canary Inter Tuna, S.L. Canary Inter Tuna, S.L.
					31/08/04	20:01:00	Departure	Las Palmas	Fishing	
SHIN SHUN FA 111	Not Registered	Taiwan		BH3053	10/04/04	08:01:00	Arrival	Las Palmas	Unloading	Canary Inter Tuna, S.L. Canary Inter Tuna, S.L. Canary Inter Tuna, S.L. Canary Inter Tuna, S.L. Canary Inter Tuna, S.L. Canary Inter Tuna, S.L.
					30/04/04	20:01:00	Departure	Las Palmas	Fishing	
					19/05/04	08:01:00	Arrival	Las Palmas	Unloading	
					26/05/04	22:01:00	Departure	Las Palmas	Fishing	
					23/04/05	08:01:00	Arrival	Las Palmas	Bunkers	
					30/04/05	22:01:00	Departure	Las Palmas	Fishing	
FU YUAN YU 4	Not Registered	China		BZUQ7	30/09/04	08:01:00	Arrival	Las Palmas	Repairs	Canary Inter Tuna, S.L. Canary Inter Tuna, S.L.
					30/11/04	20:01:00	Departure	Las Palmas	Fishing	
FU YUAN YU 6	Not Registered	China		BZUR2	13/03/05	08:01:00	Arrival	Las Palmas	Repairs	Canary Inter Tuna, S.L. Canary Inter Tuna, S.L.
					30/04/05	20:01:00	Departure	Las Palmas	Fishing	
FU YUAN YU 9	Not Registered	China		BZUR5	03/07/04	07:01:00	Arrival	Las Palmas	Repairs	Semimaritima, S.L. Semimaritima, S.L.
					30/08/04	20:01:00	Departure	Las Palmas	Fishing	
LIAO JIN LUN 107	Not Registered	China		BZZB5	03/07/04	07:01:00	Arrival	Las Palmas	Repairs	Semimaritima, S.L. Semimaritima, S.L.
					30/08/04	20:01:00	Departure	Las Palmas	Fishing	
QING YUAN YU 5	Not Registered	China		BZZP5	09/05/05	12:01:00	Arrival	Las Palmas	Repairs	Canary Inter Tuna, S.L. Canary Inter Tuna, S.L.
					30/06/05	20:01:00	Departure	Las Palmas	Fishing	
DAE SUNG 11	Not Registered	Korea				12/4/2007	Departure	Dakar		
TOPAZ	Not Registered	Jamaica				12/4/2007	Departure	Dakar		
AL ENTISSAR	Not Registered	Libya				30/5/2007	Arrival	Valletta		
YARA	Not Registered	Libya				4/10/2007	Arrival	Valletta		



The Japanese flagged vessel Kinpo Maru 58 entered the port of Walvis Bay, Namibia, on May 31 2007. The ship is not registered with ICCAT.

obviously a fraction of the number of unregistered tuna longliners operating in the Atlantic and Mediterranean, as we have limited monitoring capacity and sources of information about these vessels are not always accurate or even available.

The table lists 20 Japanese, five Chinese, three Taiwanese, two Libyan, one Korean and one Jamaican tuna fishing vessels. In some of the cases, they are regular visitors of the Atlantic, such as the Japanese *Tokuho Maru 38* and *Zuhio Maru 88*, or the Taiwanese *Shin Shun Fa 111*. The *Zuhio Maru 88* has been detected 13 times since 2004, and its declared purpose, as reflected in the movements database of the Port of Las Palmas, has been either unloading or fishing.

The monitoring, control and surveillance capabilities of many ICCAT Contracting Parties are far from acceptable. For instance, Chinese monitoring of their fishing vessels' activities can be considered very poor. Only since October 1 2006 have all large scale Chinese tuna longliners been required to carry Vessel Monitoring System (VMS) equipment³⁹.

The continued presence of unregistered tuna longliners in ports in the ICCAT Convention Area raises the question of how their flag states can guarantee that they will not be involved in unreported and unregulated fishing operations. In many cases these vessels declare their catches as having been caught in a different ocean or region, where they are entitled to fish. But increasingly, fishing vessels do not offload at port and they spend most of their time at sea, only going to port for repairs, bunkers or to exchange crew members.

³⁹ Zhou Yingqi et al. Annual Report of the People's Republic of China. ICCAT Report for Biennial Period, 2006-07. Part I (2006) – Vol 3.

3.2. PORT CONTROL IN THE ICCAT CONVENTION AREA

As noted above, hundreds of fishing vessels are probably fishing on the high seas in a completely unregulated manner. A quick survey of large scale longliners, flying the flag of well known open registries, that were found in Spanish ports over the last 12 months, yielded the list of vessels on **Table 3.2**. This is by no means an exhaustive list.

Greenpeace contacted the Spanish Fisheries Administration to request information about the activities of these vessels. They responded that they had information about just two of them, the *Weddel* and the *Bouzon*, which unloaded fish declared as having been caught in the Indian Ocean. Additionally, the *Perseverance* had been fined and left port after paying that fine. The rest of the vessels were unknown to the administration as they had not been granted the authorisation to offload fish. If these vessels did not offload fish in Spanish ports, where did they do so? What species were they fishing for?

The fact that fishing vessels are less and less dependent on port activities also calls for new legal tools so that port states can act against these unregulated fishing vessels. In cases such as the *Perseverance* in Vigo or the *Amor Inn* in Las Palmas (see **table 3.2**), blacklisted by the Convention for the Conservation of Marine Living Antarctic Resources, the legal basis exists to deny them access into port. Since the *Perseverance* paid its fine and left port, its whereabouts are unknown.

Table 3.2. Large scale longliners found in Spanish ports over the last 12 months flying the flag of well known open registries.

Name of Vessel	Flag	Port of Sighting	Date
Furabolos	Mauritius	Vigo	26/10/06
Cruz del Sur	Panama	Vigo	18/01/07
Yara	Panama	Vigo	31/05/07
Badminton	Togo	Vigo	29/07/07
Perseverance	Eq. Guinea	Vigo	04/08/07
Nuevo Atún	Vanuatu	Vigo	09/08/07
Ecoatun	Panama	Vigo	30/08/07
Weddel	Mauritius	Vigo	at port
Centauro I	Panama	Marín	16/05/07
Masai	Togo	Marín	11/06/07
Lolo	Panama	Marín	19/06/07
Bouzon	Seychelles	Marín	3-14/07/07
Amazonas Reefer	Unknown	Ribeira	2006
Antillas Reefer	Unknown	Ribeira	2006
Triton	Unknown	Ribeira	09/12/06
Enxembre	St Kitts&Nevis	Algeciras	14/05/07
Amor Inn	Togo	Las Palmas	03/2007

Port controls must be strengthened and new rules put in place to effectively track the origin of landed fish. However, until the loophole of at-sea transshipments is closed, and refrigerated cargo vessels which

are trading with tuna and tuna-like species are obliged to carry independent on-board observers, it will be very difficult to prevent the activities of unregulated fishing vessels on the high seas.



1.- Amor Inn. The large scale longliner Amor Inn, flagged to Togo, seen at Las Palmas, Spain, on March 11 2007. The vessel is blacklisted by the Commission for the Conservation of Antarctic Marine Living Resources. **2.- Badminton.** The large scale longliner Badminton, flagged to Togo, seen at Vigo, Spain, on July 29 2007. **3.- Bouzon.** Seychelles flagged large scale longliner Bouzon seen in Marín, Spain, on July 3 2007. **4.- Centauro I.** Panama flagged large scale longliner Centauro I seen in Marín, Spain, on May 16 2007. **5.- Enxembre.** Panama flagged large scale longliner Enxembre seen in Algeciras, Spain, on May 14 2007. **6. and 7.- Gloria Brasil.** Namibia flagged large scale longliner Gloria Brasil seen in Vigo, Spain, on July 1 2007. **8.- Lolo.** Panama flagged large scale longliner Lolo seen in Marín, Spain, on June 19 2007. **9.- Masai.** The large scale longliner Masai, flagged to Togo, seen at Marín, Spain, on June 11 2007. **10.- Nuevo Atun.** The large scale longliner Nuevo Atun, flagged to Vanuatu, seen at Vigo, Spain, on August 9 2007. **11. and 12.- Perseverance.** Equatorial Guinea flagged large scale longliner Perseverance, seen in Vigo, Spain, on August 4 2007. According to the Spanish authorities the ship, blacklisted by the Commission for the Conservation of Antarctic Marine Living Resources, was fined. Since it paid its fine and left port its whereabouts are unknown. **13.- Tolirova.** The large scale longliner Tolirova, flagged to Panama, seen at Vigo, Spain, on October 10 2007. **14.- Triton.** The large scale longliner Triton, seen at the Port of Ribeira, Spain, on December 9 2006. The flag is unknown to Greenpeace. **15.- The Yara, ex-Hoyo Maru 21.** Formerly Japanese flagged tuna longliner Hoyo Maru 21, seen in the Port of Vigo, Spain, last May 31 2007 under the name of Yara, flagged to Panama. **16.- Rio Congo.** Sao Tome e Principe flagged large scale longliner Rio Congo, seen in Marín, Spain, on June 11 2007. All pictures courtesy of ATRT, SL, except number 14, ©J.B. Muñiz.

4. FIGURES DO NOT MATCH: MISREPORTING OF CATCHES TO ICCAT

Although the level of IUU fishing is believed to be high in many ICCAT-managed fisheries—bigeye and bluefin tuna being the best-documented examples—its full extent is difficult to measure. The very nature of IUU fishing, after all, is that it is not recorded anywhere.

Obtaining indisputable evidence of IUU fishing can be extremely difficult, as very little control exists over fishing activities on the high seas. IUU activities generally take place far from public scrutiny and the surveillance capacity of states on the high seas is very limited. Greenpeace, however, has been able to obtain such evidence thanks to the documentation work conducted by our ships⁴⁰.

Comparing recorded catches for a given country with reported imports from that flag state by a third country has, however, been an extremely fruitful means of quantifying IUU catches, as trade is more easily traceable than fishing activities.

4.1. TAIWAN FISHING ILLEGALLY WHILE BEING SUBJECT TO SANCTIONS?

The activities of Taiwanese tuna fishing vessels in the ICCAT Convention Area have been a major issue of concern in the last few years, particularly in the bigeye tuna fishery⁴¹. *ICCAT Recommendation [04-01] on a Multiyear Conservation and Management Program for Bigeye Tuna*, approved in 2004, established a limit of 98 Taiwanese vessels allowed to fish 16,500 t of bigeye tuna each year from 2005 to 2008. Taiwan had exceeded its 2003 bigeye quota by 8,000 t⁴². Taiwan reported bigeye tuna catches of 21,908 t that year, and, 17,566 t in 2004.

At their 2005 annual meeting, ICCAT Contracting Parties agreed that Taiwan had *taken "insufficient action to rectify the situation"* and continued *"to operate in a manner that diminishes the effectiveness of ICCAT conservation and management measures."*⁴³ As a result, they adopted *Recommendation [05-02] Regarding the Control of Chinese*

Taipei's Atlantic Bigeye Tuna Fishery. In response to widespread illegal fishing activities by Taiwanese fishing vessels, this recommendation slashed Taiwan's bigeye quota from 14,900 t to 4,600 t in 2006 and approved a number of control measures. Furthermore, ICCAT threatened Taiwan with trade sanctions if it did not demonstrate compliance with these conditions⁴⁴.

In order to comply with the above requirements and adjust the size of its fleet to available fishing opportunities, in 2005 and 2006 Taiwan allocated more than US\$ 220 million towards the implementation of Recommendation [05-02], with the launch of a vessel reduction programme to buy back and scrap 160 vessels in two years⁴⁵.

Taiwanese catch and trade data in 2006

Recommendation [05-02] established a maximum bigeye catch limit of 4,600 t for Taiwan in 2006. This quota was divided between 15 vessels which were allowed to conduct a direct fishery targeting bigeye tuna and could catch up to 3,300 t⁴⁶; and 60 vessels targeting albacore, which were allowed to retain on board a bigeye by-catch *'up to a maximum annual catch of 1,300 t of bigeye'*. All bigeye fishing by Taiwanese vessels in the ICCAT Convention Area is restricted to these 75 vessels under the conditions established by this recommendation.

In compliance with Recommendation [05-02], Taiwan submits quarterly reports to the ICCAT Secretariat, detailing catch data for the 15 vessels directly targeting bigeye⁴⁷. Total reported catches by these 15 vessels in 2006 (summarised in [table 4.1](#)) amounted to 4,858 t of fish, of which 2,519 t was bigeye tuna⁴⁸. Combined with the maximum permissible bigeye bycatch of 1,300 t., this suggests the total amount of bigeye tuna caught by Taiwan in 2006 should be in the order of 3,800 t.

⁴⁴ Paragraph 3 of Recommendation [05-02].

⁴⁵ A full report of this program and its implementation can be found in ICCAT Circular #1879/06.

⁴⁶ The Recommendation also establishes a number of monitoring and enforcement measures for the 15 vessels targeting bigeye tuna, including prohibition of transshipments at sea, offloading at only two designated ports (Cape Town and Las Palmas), daily catch reports to the Taiwanese government, obligations for the Taiwanese Government to submit quarterly catch reports to ICCAT, and 100% observer coverage, amongst others.

⁴⁷ ICCAT Circular #1000/06, ICCAT Circular #839/06, ICCAT Circular #1282/06, ICCAT Circular 1879/06 and ICCAT Circular #0105/07.

⁴⁸ This also means that these vessels have not been able to fish the 3,300 t of bigeye tuna allocated to this fleet.

⁴⁰ See some examples in section 7.

⁴¹ A paper presented by the Fisheries Agency of Japan estimated that *'15,000-19,000 metric tons of Atlantic bigeye tuna were imported to Japan in 2003 under the name of Indian ocean products'*. See ICCAT SCRS/2004/185.

⁴² Paragraph 5 of ICCAT Recommendation [04-01].

⁴³ The preamble to ICCAT Recommendation [05-02], accuses Taiwan of *"inter alia, the continuation of excessive catch and laundering activities in bigeye fisheries, failing to control effectively the large scale longline vessels registered to Chinese Taipei and continuous involvement of Chinese Taipei vessels in illegal, unreported and unregulated fishing"*.



The Taiwanese longliner Yu Feng 67 offloading tuna at the port of Las Palmas, Spain, on June 5 2007.

Table 4.1. Quarterly catch reports by 15 Taiwanese vessels targeting bigeye tuna in 2006. Figures in t.

Quarter	North albacore	South albacore	Yellowfin tuna	Bluefin tuna	North Swordfish	South Swordfish	Bigeye tuna
Q1	4.01	4.97	154.82	2.85	28.73	82.39	992.16
Q2	0.40	0.50	129.70	6.90	26.40	17.50	686.50
Q3	0.60	3.70	181.20	0.00	20.40	41.00	496.70
Q4	0.20	0.60	126.30	0.00	36.70	42.90	343.80
2006 Total	5.21	9.77	592.02	9.75	112.23	183.79	2,519.16

ICCAT Circulars #1847-06 and ICCAT Circular #627-06⁴⁹ document Japanese-reported imports of bluefin tuna, bigeye tuna and swordfish in 2006. They offer extremely valuable information including exporting

⁴⁹ ICCAT Circular #1847-06 (Bi-Annual Reports Statistical Document Program-Japan) and ICCAT Circular #627-06 (Bi-Annual Reports of data collected under ICCAT Statistical Document Programs-Second half year 2006 – Japan + Annex).

countries and the point of export (See table 4.2). The Japanese data show imports of 4,836.98 t of bigeye tuna from Taiwan in 2006. This figure is for processed product; once converted to round weight,⁵⁰ this corresponds to 5,610 t which is almost 1,800 t, or 47%, over Taiwan's legal catch.

⁵⁰ All these imports are declared as gilled and gutted (GG). The conversion factor from GG to round weight is 1.16.

Table 4.2. Taiwanese exports of bigeye tuna to Japan in 2006, as reported by Japan to ICCAT. Figures in kg.

Point of Export	Country of Export	Country of Import	Import/Export Reference	Caught in	Gear	Origin	Product type	Product weight	Round weigh equivalent
Abidjan	Ivory Coast	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	2,344,225.00	2,719,301.00
Cape Town	South Africa	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	576,337.00	668,550.92
Cristobal	Panama	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	78,300.00	90,828.00
Kaohsiung	Taiwan	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	251,662.00	291,927.92
Las Palmas	Spain	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	419,393.00	486,495.88
Port of Spain	Trinidad & Tobago	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	37,000.00	42,920.00
Walvis Bay	Namibia	Japan	ICCAT1847-06	Atlantic	LL	Wild	FR GG	39,330.00	45,622.80
Cape Town	South Africa	Japan	GL95S40937	Atlantic	LL	Wild	FR GG	1,757.00	2,038.12
Cape Town	South Africa	Japan	GL95S40991	Atlantic	LL	Wild	FR GG	60,922.00	70,669.52
Cape Town	South Africa	Japan	GL95S41000	Atlantic	LL	Wild	FR GG	95,908.00	111,253.28
Cape Town	South Africa	Japan	GL95S40984	Atlantic	LL	Wild	FR GG	85,387.00	99,048.92
Cape Town	South Africa	Japan	GL95S41040	Atlantic	LL	Wild	FR GG	33,267.00	38,589.72
Cape Town	South Africa	Japan	GL95S40983	Atlantic	LL	Wild	FR GG	48,915.00	56,741.40
Cape Town	South Africa	Japan	GL95S41041	Atlantic	LL	Wild	FR GG	71,000.00	82,360.00
Cape Town	South Africa	Japan	GL95S41060	Atlantic	LL	Wild	FR GG	436.30	506.11
Cape Town	South Africa	Japan	GL95S40970	Atlantic	LL	Wild	FR GG	76,624.00	88,883.84
Cape Town	South Africa	Japan	GL95S41013	Atlantic	LL	Wild	FR GG	60,000.00	69,600.00
Cape Town	South Africa	Japan	GL95S41204	Atlantic	LL	Wild	FR GG	1,715.20	1,989.63
Cape Town	South Africa	Japan	GL95S41219	Atlantic	LL	Wild	FR GG	1,941.00	2,251.56
Cape Town	South Africa	Japan	GL95S41230	Atlantic	LL	Wild	FR GG	8,000.00	9,280.00
Cape Town	South Africa	Japan	GL95S41327	Atlantic	LL	Wild	FR GG	9,400.00	10,904.00
Cape Town	South Africa	Japan	GL95S41236	Atlantic	LL	Wild	FR GG	14,542.00	16,868.72
Cape Town	South Africa	Japan	GL95S41215	Atlantic	LL	Wild	FR GG	30,907.00	35,852.12
Cape Town	South Africa	Japan	GL95S41212	Atlantic	LL	Wild	FR GG	38,300.00	44,428.00
Cape Town	South Africa	Japan	GL95S41221	Atlantic	LL	Wild	FR GG	45,333.00	52,586.28
Cape Town	South Africa	Japan	GL95S41214	Atlantic	LL	Wild	FR GG	21,028.00	24,392.48
Cape Town	South Africa	Japan	GL95S41239	Atlantic	LL	Wild	FR GG	540.00	626.40
Cape Town	South Africa	Japan	GL95S41237	Atlantic	LL	Wild	FR GG	541.00	627.56
Cape Town	South Africa	Japan	GL95S41238	Atlantic	LL	Wild	FR GG	556.00	644.96
Cape Town	South Africa	Japan	GL95S41240	Atlantic	LL	Wild	FR GG	158.00	183.28
Cape Town	South Africa	Japan	GL95S40780	Atlantic	LL	Wild	FR GG	53,500.00	62,060.00

Table 4.2. Taiwanese exports of bigeye tuna to Japan in 2006, as reported by Japan to ICCAT. Figures in kg. (continued)

Point of Export	Country of Export	Country of Import	Import/Export Reference	Caught in	Gear	Origin	Product type	Product weight	Round weigh equivalent
Cape Town	South Africa	Japan	GL95S41211	Atlantic	LL	Wild	FR GG	36,333.00	42,146.28
Las Palmas	Spain	Japan	GL95S41023	Atlantic	LL	Wild	FR GG	32,025.00	37,149.00
Las Palmas	Spain	Japan	GL95S41025	Atlantic	LL	Wild	FR GG	24,170.00	28,037.20
Las Palmas	Spain	Japan	GL95S41024	Atlantic	LL	Wild	FR GG	28,250.00	32,770.00
Las Palmas	Spain	Japan	GL95S41012	Atlantic	LL	Wild	FR GG	15,151.00	17,575.16
Las Palmas	Spain	Japan	GL95S41010	Atlantic	LL	Wild	FR GG	29,357.00	34,054.12
Las Palmas	Spain	Japan	GL95S41188	Atlantic	LL	Wild	FR GG	309.00	358.44
Las Palmas	Spain	Japan	GL95S41192	Atlantic	LL	Wild	FR GG	19.40	22.50
Las Palmas	Spain	Japan	GL95S41241	Atlantic	LL	Wild	FR GG	21,420.00	24,847.20
Las Palmas	Spain	Japan	GL95S41227	Atlantic	LL	Wild	FR GG	13,350.00	15,486.00
Las Palmas	Spain	Japan	GL95S41228	Atlantic	LL	Wild	FR GG	24,000.00	27,840.00
Las Palmas	Spain	Japan	GL95S41278	Atlantic	LL	Wild	FR GG	229.60	266.34
Las Palmas	Spain	Japan	GL95S41198	Atlantic	LL	Wild	FR GG	16,782.00	19,467.12
Las Palmas	Spain	Japan	GL95S41202	Atlantic	LL	Wild	FR GG	33,500.00	38,860.00
Las Palmas	Spain	Japan	GL95S41201	Atlantic	LL	Wild	FR GG	30,000.00	34,800.00
Las Palmas	Spain	Japan	GL95S41011	Atlantic	LL	Wild	FR GG	25,176.00	29,204.16
Total								4,836,996.50	5,610,915.94

These figures do not account for any possible Taiwanese exports to countries other than Japan in 2006, or offloads in Taiwan for local consumption.

It is also worth noting that 2,750 t of processed bigeye tuna –equivalent to 3,190 t of round product– were exported from ports other than Las Palmas or Cape Town. This is more than double the allowed maximum bigeye tuna catch that could have been fished by Taiwanese fishing vessels other than the 15 fishing vessels targeting bigeye tuna.

If these figures are correct, it is difficult to justify the adoption last year of *ICCAT Recommendation [06-01] regarding Chinese Taipei*, which reinstated the Taiwanese quota, 'acknowledging with satisfaction that Chinese Taipei has met the conditions set out in *Recommendation 05-02 to cooperate with ICCAT in the conservation and management of tuna and tuna like species*'. This new recommendation, which replaces *Recommendation [05-02]*, requires only 10% observer coverage, and calls for an 'appropriate' port inspection and sampling program to verify compliance with quotas and other rules, in addition to containing other generic requests to fight IUU fishing.

4.2. DID LIBYA MISREPORT CATCHES IN 2005 AND 2006?

The ICCAT Compliance Committee (COC) has paid increasing attention in recent years to Libya, due to the rapid development of this country's fleet, the poor quality of the reports it submits to ICCAT, and its shortcomings in terms of monitoring, control and surveillance of its fishing vessels.

The arguments used by Libya last January 2007 in filing a formal objection to *Recommendation [06-05] on a Multi-Year Recovery Plan for Bluefin Tuna* seem to underline the need for concern. Libya expressed dissatisfaction with the quota allocation criteria, argued against the utility of VMS systems, and claimed that observers would obstruct the work of the captains on board fishing vessels. Libya even questioned ICCAT's authority to make the presence of observers on refrigerated cargo vessels mandatory⁵¹. Libya finally withdrew its objection on 6 May 2007 after international pressure⁵².

⁵¹ ICCAT Circular #191/07.

⁵² ICCAT Circular #785/07.



The Libyan flagged large scale longliner Al Najma Al Baidha seen in Malta on May 2007.

Libyan catch and trade data in 2005

Catches reported by the Libyan longline fleet during 2005, as shown in the ICCAT Task I database⁵³, amounted to 318 t of bluefin tuna caught in the Mediterranean Sea, and 73 t of yellowfin tuna caught in the Atlantic Ocean.

Japanese trade data reported to ICCAT for the second half of 2005 show that Japan directly purchased and imported 234 t of bluefin tuna that had been caught in the Mediterranean Sea by Libyan longliners, all of it frozen, gilled and gutted product⁵⁴. This was equivalent to 271.44 t of bluefin tuna in round weight. Additionally, Korea imported 83.82 t of bluefin tuna caught by Libyan longliners in the Mediterranean Sea, equivalent to 113.68 t of bluefin tuna in round weight. This data is summarised in table 4.3.

It is very difficult to give credence to these data. They would mean that all Libyan exports of bluefin tuna in 2005 came from the Mediterranean. Therefore, according to these figures, either Libyan

longliners did not operate in the East Atlantic, or their catches were zero.

In the Las Palmas traffic database, we have only been able to track down two tuna offloads by Libyan longliners during 2005: by the *Al Manara* and the *Al Yam*, on 22 August 2005 and 27 August 2005, respectively. Between them, they offloaded a reported 58 t.

It would be very difficult to justify two tuna offloads, corresponding to an average 29 t per ship, as that would certainly not cover the costs of an almost five day journey from Tripoli to Las Palmas⁵⁵. Furthermore, a legitimate question is why two Libyan longliners, having officially ended their Mediterranean fishing season on 15 July, would sail all the way to Las Palmas to offload 58 t of Mediterranean bluefin tuna catch that was more than 40 days old.

According to ATRT, Libya operated nine large scale longline fishing vessels during 2005. Apart from the fact that Libya did not report a single bigeye tuna or swordfish catch during 2005, it is very difficult to believe that any of these vessels could cover their operating costs with an average catch per vessel in 2005 of 35.33 t of bluefin tuna and 8.11 t of yellowfin tuna⁵⁶.



The Libyan flagged large scale longliner Al Nagn Al Sata at the port of Tripoli, Libya, on March 21 2007.

⁵³ Last updated on February 2007, available at <http://iccat.es/t1.asp>.

⁵⁴ Of which 58 t would have been exported through the Port of Las Palmas, 176 t would have been exported through a Libyan port, and 29.52 t would have been exported through the port of Pusan, Korea. See ICCAT Circular #760/06.

⁵⁵ No bluefin tuna has been reported as having been caught in the East Atlantic by Libyan vessels in 2005.

⁵⁶ According to ATRT personnel who have worked in Libya, the average bluefin tuna catches in the Libyan fishing ground, per Korean and Japanese large scale longliners operative during 2002 and 2003, were well in excess of 100 T.

Table 4.3. Libyan exports of tuna species to Japan in 2005, as reported to ICCAT. Figures in kg.

Point of Export	Country of Export	Country of Import	Import/Export Reference	Caught in	Gear	Origin	Product type	Product weight	Round weigh equivalent
Las Palmas	Libya	Japan	ICCAT CR 760/06	Mediterranean	LL	Wild	FR GG	58,000.00	67,280.00
Libya	Libya	Japan	ICCAT CR 760/06	Mediterranean	LL	Wild	FR GG	176,000.00	204,160.00
Marsaxlokk	Libya	Korea	ICCAT CR 684/06	Mediterranean	LL	Wild	FR OT	3,900.00	7,800.00
Marsaxlokk	Libya	Korea	ICCAT CR 684/06	Mediterranean	LL	Wild	FR OT	15,386.00	30,772.00
Marsaxlokk	Libya	Korea	ICCAT CR 684/06	Mediterranean	LL	Wild	FR OT	294.00	588.00
Marsaxlokk	Libya	Korea	ICCAT CR 684/06	Mediterranean	LL	Wild	FR GG	18,709.00	21,702.44
Marsaxlokk	Libya	Korea	ICCAT CR 684/06	Mediterranean	LL	Wild	FR GG	19,329.00	22,421.64
Marsaxlokk	Libya	Korea	ICCAT CR 684/06	Mediterranean	LL	Wild	FR GG	26,205.00	30,397.80
Total								317,823.00	385,121.88



The Libyan flagged large scale longliner Al Shafq entering the port of Valetta, Malta, on July 14 2007.

© Courtesy of AIRT, S.L.

Libyan trade data in 2006

Catches reported by Libya to the ICCAT Task I database for 2006 are not yet available, although according to Japanese trade data reported to ICCAT, Japan directly purchased and imported 167 t of bluefin tuna that had been caught in the Mediterranean Sea and the East Atlantic by Libyan longliners, all corresponding to frozen, gilled and gutted product. 47 t were reported during the first half of the year as being caught in the East Atlantic and exported through the Port of Cartagena and 120 t were caught in the Mediterranean in the second half of the year (55 exported through Valletta, Malta, and 65 through Las Palmas)⁵⁷. This is equivalent to 193.72 t of bluefin tuna in round weight. No other fresh and/or frozen bluefin tuna, bigeye

tuna or swordfish imports have been reported by any of the ICCAT Contracting Parties for 2006 as having been caught by Libyan longliners.

Is Libya becoming a flag of convenience?

As seen in this section, Libyan reported catches and trade data merit serious discussion, given the current size of the Libyan fleet and the low catches communicated to ICCAT.

Some of the Libyan vessels that called at the port of Las Palmas in 2006 attracted our attention, as they had been mentioned in Greenpeace reports before. As far back as 2000, Greenpeace was denouncing the practice of 'flag hopping' in order to avoid trade sanctions by ICCAT. Vessels previously flagged to Panama had moved their flag to Belize and were known to be operating from the Port of Las Palmas. These included the *Al Shafq*, *Al Nassim* and *Al Najma Al Baidha*, which, according to Lloyds, belonged at that time to Sea Horizons Co. of Las Palmas.

The three of them are now flagged to Libya. The *Al Nassim* is now believed to be owned by Saraya Maritime, also based in Las Palmas. The *Al Shafq* and the *Al Najma Al Baidha* operated out of Las Palmas in 2006.

In 2000 these vessels were changing flags to avoid control measures. Their owners and operators were hidden behind these flags and did not have any link with their flag country. Libya should clarify if these companies are using the Libyan flag to continue underreporting catches.

⁵⁷ See ICCAT Circulars #1847/06 and #627/07.

In the Port of Las Palmas movements database we have not found any tuna offloads by any Libyan longliner in 2006. The only movements by Libyan vessels we found on the Las Palmas database were those of the *Alfajr Almunir*⁵⁸, *Al Shafq*⁵⁹, and *Al Najma Al Baidha*⁶⁰.

Unless significant quantities of tuna species were consumed locally in Libya and not exported, then total catches by the country can not be substantially higher than the export figures. If these trade data are to be believed, therefore, catches of bluefin tuna, bigeye tuna and swordfish by Libyan longliners in the Atlantic Ocean totalled only 47 t.

According to ATRT, Libya operated ten large scale longline fishing vessels during 2006. Based on the Japanese import statistics, the amount of tuna exported per longliner (which should be approximately the amount of tuna caught by these vessels) would have been only

⁵⁸ Arrived at port on 27/07/2006 from international high seas waters for repairs and departed on 04/08/2006, to fishing grounds; arrived on 18/09/2006 from orders for bunkers and departed on 23/09/2006, to fishing grounds.

⁵⁹ Arrived on 20/11/2006 from Malta for bunkers and departed on 21/11/2006 to fishing grounds.

⁶⁰ Arrived on 01/10/2006 from Tripoli for repairs and departed on 30/10/2006 to fishing grounds.



19.37 t. This figure is simply not credible, as it defies any business profitability logic.

The only explanation we can find for such figures is massive tuna trade underreporting, be it through at-sea transshipments onto reefer vessels, through transshipments at Mediterranean and Atlantic ports and/or illegal/unreported tuna offloads at Mediterranean and Atlantic ports.



5. SELECTED CASES OF IUU ACTIVITIES

From May to July 2006, two Greenpeace ships, the *Rainbow Warrior* and the *Esperanza*, traversed the Mediterranean Sea documenting the activities of tuna fleets, mainly in the fishing grounds off Egypt, Cyprus and Turkey. In May and June 2007, the *Rainbow Warrior* returned to the Mediterranean, this time focusing on the fishing grounds south of Malta. Some of this documentation have been presented in previous publications⁶¹.

The cases in this section are detailed in chronological order. In our view they show a lack of controls over tuna fishing activities on the high seas in the area managed by ICCAT. Together with evidence of misreporting of catches by the Taiwanese fleet in the Central Atlantic, they paint an extremely disappointing picture, and demonstrate the need for radical change in the approach of ICCAT Contracting Parties to the management of these fisheries.

As noted in the introduction, reported bluefin tuna catches by the European Union fleets in 2007 are in excess of 20,000 t, exceeding by at least 20% the quota allocated by ICCAT. The EU holds over 50% of the total quota shared by all ICCAT Contracting Parties for this stock.

Every country seems to be cheating in this fishery, and such figures serve only to endorse what we have observed over the previous two years of at-sea work.

5.1. JAPANESE LONGLINERS FISHING ILLEGALLY IN THE MEDITERRANEAN SEA

In the early morning of 11 June 2006, the Greenpeace ship *Rainbow Warrior* was south of the Italian island of Sicily, approximately at location 37° 22 N and 17° 11 E. The Greenpeace crew sighted nine longliners. The vessels were setting their gear in a north-south direction. Minutes later, one of the longliners was identified as the Japanese flagged *Koryo Maru N° 1*⁶². Although the *Rainbow Warrior* managed to approach close enough to three of the vessels to confirm they were classic Japanese-type longliners, the crew could not identify their names. After the Greenpeace ship passed astern of the last vessel of the



The Japanese longliner *Koryo Maru 1* seen at the Port of Las Palmas, Spain, on November 27 2006. On June 11 2006, the *Rainbow Warrior* sighted the *Koryo Maru 1* fishing illegally south of the Italian island of Sicily.

group, the *Chokyu Maru N° 12*⁶³ was identified and her fishing operations were photographed and documented.

Greenpeace informed the Japanese Government of the presence and activities of these vessels. The footage available from the fishing operation of the *Chokyu Maru N° 12* was made available to the Japanese Fisheries Agency. Later correspondence with Japanese authorities confirmed those vessels were fishing illegally, in violation of a ministerial order that forbids the catching of bluefin in the Mediterranean during the month of June. The vessels were ordered to return to Japan and stay in a designated port for 50 days. According to the Japanese Fisheries Agency, this penalty would result in an economic loss over one hundred million yen for the companies involved.

The Japanese Government stated that in 2006 they had reconstructed their vessel monitoring system, and that the implementation phase of the new system caused difficulties in the control of fishing activities. As a consequence, it is impossible to know if more cases than the ones described in this section took place.

⁶¹ See 'The mismanagement of the bluefin tuna fishery in the Mediterranean. Observations from the Greenpeace ships *MY Esperanza* and *MY Rainbow Warrior* during 2006'. Greenpeace submission to the 15th Special Meeting of the ICCAT Commission Dubrovnik (Croatia), November 17-26, 2006; or Losada, S. 'Greenpeace contribution to the hearing on bluefin tuna of the Fisheries Committee of the EU Parliament', 28 June 2007.

⁶² ICCAT register AT000JPN00536, call sign JJWU, registration number TY1-185.

⁶³ ICCAT register AT000JPN00065, call sign JIHM, registration number ME1-865.



The Japanese longliner Koryo Maru 1 seen at the Port of Las Palmas, Spain, on November 27 2006. On June 11 2006, the Rainbow Warrior sighted the Koryo Maru 1 fishing illegally south of the Italian island of Sicily.

5.2. THE MELILLA 206, NOW TUNA PRO 1: 'FLAG HOPPERS' IN THE TUNA FARMING INDUSTRY

On 17 June 2006, the Greenpeace ship *Esperanza* was sailing along the channel between Turkey and the island of Cyprus, travelling from the Gulf of Antalya to the Gulf of Iskenderun, when it sighted what seemed to be a large scale longline fishing vessel, the Guinean-flagged *Melilla*



The Tuna Pro 1 on November 26 2004, at the time it was called Focus 101, photographed at the Port of Valetta, Malta.



The Tuna Pro 1 on June 17 2006, at the time it was called 206 Melilla. It was found in the channel between Turkey and Cyprus by the Greenpeace ship *Esperanza* and was found to be transshipping bluefin tuna from Turkish fishing vessels.

206. No information or record about her was found in the available Lloyds databases. However, the ship seemed to be the former *Focus 101*, flagged to Panama, as this name could still be read on its hull. Greenpeace members approached the ship and had the opportunity to talk to its crew, mainly Korean, who confirmed they were not fishing but buying bluefin tuna from fishing boats in the area. The crew indicated that the ship regularly unloaded its cargo in Turkey and from there the



The Korean flagged large scale longliner Kyung Yang 1 entering the Port of Valetta, Malta, on July 15 2007. The vessel is not registered with ICCAT.

bluefin was exported to Japan⁶⁴. *Melilla 206* was therefore operating as a refrigerated cargo vessel, regularly transshipping bluefin tuna from Turkish fishing vessels⁶⁵.

Greenpeace distributed its information about the activities of the *Melilla 206* at the 15th Annual Meeting of the Commission in Dubrovnik, in November 2006. To our knowledge, no action was taken against this vessel or its owners or operators. Since then, *Melilla 206* has yet again changed her name. She is now called *Tuna Pro 1*, still flagged to Conakry, and was operating in the Mediterranean during the 2007 bluefin tuna fishing season using the Port of Valletta, Malta, as her home port. *Tuna Pro 1* is not included in any ICCAT Record⁶⁶ and currently its registered owner as recorded in Lloyds is a company called Malta Fishfarming.

According to ATRT, *Tuna Pro 1* has been fully operational inside the Libyan 62nm Fisheries Protection Zone during the entire 2007 summer bluefin tuna fishing season. Her operator or agent in Malta is, according to the Port Authority in Valetta, Salina Aquaculture/Aquaculture Development, Ltd. a Libyan-Maltese tuna fishery and aquaculture joint venture.

Tuna Pro 1 is now used as an offshore tuna ranch support vessel at the Ta' Mattew Tuna Ranch off Marsaxlokk, Malta⁶⁷. The 2007 production of this tuna ranch is thought to belong to Korean concerns, which would explain the almost constant presence at the ranch and at the Port of Valetta of the Korean-flagged large-scale longline fishing vessel *Kyung*



The Guinea flagged Tuna Pro 1 at the Port of Valetta, Malta, on March 18 2007.

Yang 1, which is not registered with ICCAT. The *Tuna Pro 1* has been observed operating with the reefer vessels *Remora I* and *Kurikoma*, both flagged to Panama. The *Remora I* is not included in any ICCAT Register.

It appears that there is still, despite new management measures approved by ICCAT, a whole fleet of support vessels, well vessels, tug boats, trawlers and ex-longliners sailing across the Mediterranean Sea supporting tuna fattening operations without being subject to proper controls (see also section 5.7).

⁶⁴ Information gathered later through conversations with the crew of Turkish boats confirmed what the crew of the *Melilla 206* had explained. The captain of the Turkish vessel *Haa Ogullari II* explained that tuna was shipped to Korea from Turkey and from there to Japan. Sources from Turkish vessels also indicated that the Turkish Government had warned them that they would be fined if they traded tuna with this vessel. It is quite clear that Turkey did not enforce such a measure, as the *Melilla 206* seemed to be operating regularly between the fishing ground and Turkish ports.

⁶⁵ ICCAT Recommendation [97-11] on Transshipments and Vessels Sightings in force at that time required that transshipments are reported annually to the Commission.

⁶⁶ Including the ICCAT Record of bluefin tuna farming vessels established by ICCAT Recommendation [05-04] to amend the Recommendation on Bluefin Tuna Farming [Rec.04-06]. This list of vessels can be consulted at <http://iccat.es/vesselsfar.asp>.

⁶⁷ She is used for holding frozen bait in her cold stores and is normally used for on-site tuna harvesting and freezing purposes.



The Guinea flagged longliner Tuna Pro 1 seen on August 18 2007 alongside with the Panamanian reefer vessels *Remora I* and *Kurikoma*, at anchor at Ta' Mattew Tuna Ranch off Marsaxlokk, Malta.

5.3. DRIFTNETS STILL IN USE BY THE ITALIAN FLEET

From 17 June to 15 July 2006, Greenpeace documented the activities of the Italian driftnet fleet targeting swordfish in the Thyrrenian and Ionian Seas. Five Italian vessels were found to be fishing for swordfish using driftnets. Table 5.1 provides the details and positions of these

vessels. The continued use of driftnets despite its prohibition is a cause for great concern in the Mediterranean.

ICCAT Recommendation [03-04] relating to Mediterranean swordfish prohibits the use of driftnets for fisheries of large pelagics in the



Driftnetter in the Italian harbor of Giardini Naxos in April 2007.



Greenpeace crew in inflatable rescue a turtle from an illegal Italian driftnet in the summer of 2006. All the species of marine turtles in the Mediterranean are classified as endangered.

Table 5.1. Italian driftnetters observed by the Rainbow Warrior operating in the Mediterranean Sea in 2006.

Name of the vessel	National Registry	Date	Position	Location	Net length	Mesh size	Notes
Bagio Anna	3CS822	23 June 2006	40° 14.4' N 12° 54.7' E	About 35 nm south of Ponza Island	6 to 8 km	100 mm	Granted € 9,861.57 for 'reconversion'. A sea turtle was rescued from her net. Media reported that swordfish catch was later found on this vessel.
Athena	5RC868	25 June 2006	39° 23.8' N 14° 36.2' E	About 43 nm off Capo Palinuro	15 to 20 km	210 mm	Granted € 28,682.07 for 'reconversion'
Odissea	5RC1076	25 June 2006	39° 26.2' N 14° 44.7' E	Close to the Athena	15 to 20 km	200 mm	No lights were found to mark the net
Maria Grazia Genovese	4CT1056	29 June 2006	37° 32.5' N 15° 17.5' E	About 5 nm off Capo Mulini	Net not fully set. Possible more than 2.5 km on board	100 mm	The Coast Guard first confirmed the statement by the fishermen that an 'additional' net of 2.5 km was on board, and later stated that this was in fact a 'seized' (and sealed) net.
Orsa Maggiore	14ME619	29 June 2006	37° 33.4' N 15° 27.8' E	About 12.7 nm off Acireale	6 to 8 km	80 mm	Tried to hide the number when approached by Greenpeace



Illegal driftnetter retrieving its net and a swordfish. Greenpeace has reported the continued use of driftnets by the Italian fleet from 2004 to 2007.

Mediterranean Sea. It is the responsibility of all ICCAT Contracting Parties to enforce this Recommendation and adopt a specific management plan in order to protect the stock of swordfish in the Mediterranean Sea and sustain this fishery.

Until 1998, more than 600 Italian vessels were using driftnets in violation of UNGA resolutions. This was probably the largest illegal driftnet fleet in the world at that time, and resulted in the deaths of some 8,000 cetaceans each year. This continued illegal activity should have come to an end when the European Union banned the use of driftnets for catching a wide range of pelagic fishes⁶⁸. As part of a reconversion programme, several million euros were provided for the existing EU fleets using this gear, including the Italian fleet. At that time Greenpeace strongly advocated that the nets should be confiscated and destroyed. In Italy, not only were they not confiscated, but some of them were reportedly sold to fishermen from other Mediterranean countries, and clearly many are still used by Italian vessels.



Dead swordfish entangled in an illegal driftnet confiscated off southern Italy by the Greenpeace ship Rainbow Warrior in the summer of 2006. Despite being illegal, driftnetting continues and threatens the future of the Mediterranean Sea.

⁶⁸ EC Regulation EC/1239/98, that entered into force on January 2002.

Greenpeace reported the use of driftnets in Italy in 2004 and 2005. In 2005, seven years after the adoption of the EU regulation and three years since it came into force, Italian authorities stated that they had seized 800 kilometers of driftnets. In June 2006, the Italian government declared that in the first half of 2006 an additional 400 km of illegal driftnets had been seized.

Recent information suggests that there are presently 90-100 Italian vessels fishing with driftnets. However, this figure may be an underestimate, given claims by the Italian authorities to have seized a total of 1,200 km of driftnets in 2005-2006. Assuming an average net length of 10-12 kilometers, this would imply that 100-120 vessels have been indicted by the authorities. Such a high rate of control seems unlikely, and contrasts with the findings by Greenpeace, other NGOs and Italian authorities of illegal driftnet fishing activities also during the summer of 2007. Greenpeace therefore believes that the number of Italian vessels could be even larger.

5.4. GREENPEACE FINDS A TUNISIAN DRIFTNET FLEET

On the morning of 20 June 2007, a dozen vessels were spotted from the Rainbow Warrior, among them six Tunisian driftnet vessels which were identified as fishing on the high seas. The details of the vessels are provided in Table 5.2. The continued use of driftnets is still a reality of many fleets in the Mediterranean Sea.



The Tunisian driftnetter Sadik sighted in international waters of the Central Mediterranean on May 20 2007.



The Tunisian driftnetter Ahmed Khalil sighted in international waters of the Central Mediterranean on May 20 2007.



The Tunisian driftnetter El Jazira sighted in international waters of the Central Mediterranean on May 20 2007.

Table 5.2. Tunisian driftnetters observed by the Rainbow Warrior operating in the Mediterranean Sea in 2007

Name of the vessel	National Registry Ner	Date	Position of the Rainbow Warrior
Ahmed Khalil		20 June 2007	34° 23.24 N 12° 55.50 E
Ahmed Helmi		20 June 2007	34° 23.24 N 12° 55.50 E
Aladin	MO 800	20 June 2007	34° 23.24 N 12° 55.50 E
El Jazira	MO 818	20 June 2007	34° 23.24 N 12° 55.50 E
Molka	MO 801	20 June 2007	34° 23.24 N 12° 55.50 E
Sadik	MO 827	20 June 2007	34° 23.24 N 12° 55.50 E



The Tunisian driftnetter Aladin sighted in international waters of the Central Mediterranean on May 20 2007.

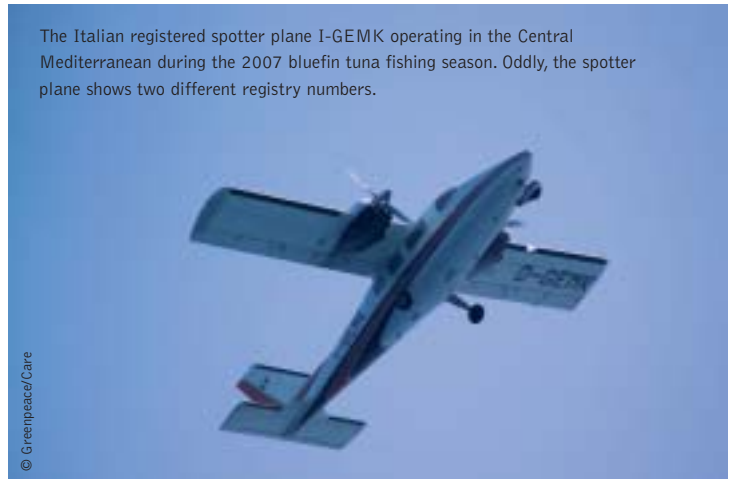
5.5. TUNA COMPANIES OWN THEIR OWN FLEET OF SPOTTER PLANES?

During the documentation work carried out by Greenpeace ships over the last two fishing seasons we have regularly witnessed the use of spotter planes to find tuna schools in the Mediterranean bluefin tuna fishing grounds. These flights are banned under the new bluefin tuna recovery plan agreed by ICCAT⁶⁹.

On 14 June 2007, only one day into the new ICCAT management plan, Greenpeace witnessed and documented the fishing activities of three Italian purse seine fishing vessels, the *Ligny Primo*, the *Maria Antonietta* and the *Luca Maria*⁷⁰. One of those vessels, the *Luca Maria*, is not included on the ICCAT Register of Fishing Vessels licensed to fish for bluefin tuna. The Italian fleet was surrounded by spotter planes during the entire fishing operation.

⁶⁹ Art.18 of Recommendation [06-05]. "CPCs shall take necessary measures to prohibit the use of airplanes or helicopters for searching for bluefin tuna in the Convention Area.". Recommendation [96-02] already prohibited the use of spotter planes during the month of June before the new management plan entered into force.

⁷⁰ The three vessels were operating around position 34° 32.57' N, 013° 43.33' E.



The Italian registered spotter plane I-GEMK operating in the Central Mediterranean during the 2007 bluefin tuna fishing season. Oddly, the spotter plane shows two different registry numbers.



The US registered spotter plane N6318F operating in the Central Mediterranean during the 2007 bluefin tuna fishing season.



The US registered spotter plane N337SM operating in the Central Mediterranean during the 2007 bluefin tuna fishing season.



The US registered spotter plane N415D operating in the Central Mediterranean during the 2007 bluefin tuna fishing season.



The Italian purse seiners Ligny Primo and Luca Maria overflown by a spotter plane on June 14 2007.

During that same day Greenpeace identified four spotter planes, three American and one Italian⁷¹. A fifth spotter plane was identified on 20 June⁷². The activity of spotter planes had been observed regularly since the start of our work in the region on 16 May 2007⁷³.

Greenpeace has obtained evidence of the use of the Italian airport of Lampedusa by a fleet of at least 11 airplanes during June 2007. Six of

⁷¹ The registry numbers of the airplanes were N415D, N6318F, N3375M and I-GEMK. They were Cessna 337 and Partenavias P68, the typical models used for spotting tuna schools.

⁷² The registry number of this American airplane was N 5441S.

⁷³ On 27 June 2006, a US spotter plane with registry number N415D was identified and photographed flying ahead of a small fleet of Italian purse seiners.



The Italian purse seiners Maria Antonietta and Luca Maria overflown by a spotter plane on June 14 2007.



The Italian purse seiner Maria Antonietta with its purse seine net in the water on June 14 2007.



The Italian purse seiner Ligny Primo with its skiff in the water on June 14 2007.

the aircraft were Italian, four of them were registered to the US, and one was Spanish⁷⁴. The involvement of five of those aircraft in tuna spotting activities had already been witnessed on the fishing grounds by the Rainbow Warrior⁷⁵.

⁷⁴ The registry numbers of the airplanes were I-RRPG, I-AGSD, I-FINA, I-IEAG, I-GEMK, I-OBSW, N451D, N5441S, N6318, N337SM and EC-IFX.

⁷⁵ I-GEMK, N415D, N337SM, N6318F were observed on 14 June 2007. N5441S was observed on 20 June 2007.

Atto Direzione Circondaria Aeronautica - Palermo Punta Raisi
Ufficio Controllo Traffico di Lampedusa

Nominativo: I-OBSW Albr. N° _____
 Num. Esp. _____ Numero Volo _____
 Peso Max al Decollo (tonni): 2 Identif. EPR: OR
 Max. Velocità (km/h): _____ Identif. EPR: _____
 Scadenza Certificato di Navigazione: OR Scadenza Assicurazione: OR
 Scadenza Certificato Acustico: OR Scadenza Lic. Stan. Radio: OR
 Assicurazione: ASS. PROD. TIRRENO Aut. Radio: _____
 Indirizzo Proprietario: SEVERINO - GALLI Tipo di volo (jet-cum-poc-amb): PVT

Arriva da: <u>LICD</u> Data: <u>14/06/07</u> PILOTA: _____ CO-PILOTA: _____ Generalità: <u>ITALIANA</u> Servizi: <u>CAI/20</u> Scadenza: <u>OR</u> Passaporto n°: <u>2</u> Esigibilità n°: <u>1</u>	Partenza per: <u>LICR</u> Data: <u>14/06/07</u> PILOTA: _____ CO-PILOTA: _____ Generalità: <u>ITALIANA</u> Servizi: <u>CAI/20</u> Scadenza: <u>OR</u> Passaporto n°: <u>1</u> Esigibilità n°: <u>1</u>
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DICHIARO CHE I DATI SOPRAINDICATI SONO ESATTI E VERTI
 IL COMANDANTE: _____

Si prega di restituire questo "FOGLIO DI CONTROLLO" all'Ufficio Controllo Traffico prima della partenza.
 Per maggiori informazioni, consultare il sito internet dell'Ente di riferimento.

Greenpeace has obtained evidence of the use of the Italian airport of Lampedusa by a fleet of at least 11 airplanes in June 2007. In this sheet it can be seen that the Italian airplane IOBSW is owned by an Italian tuna producers association. Despite such a clear link the airplane was allowed to fly.

It is striking that at least in the case of three Italian airplanes their registered owner seems to be the "Associazione Produttori Tonniari del Tirreno" (Tuna Producers Association of Tirreno)⁷⁶. The Italian authorities allowed these airplanes to fly over the bluefin fishing grounds during the 2007 season, despite their clear connection with the tuna fishing industry and the newly enacted ban on spotter planes in the fishery.

⁷⁶ I-RRPG, I-AGSD and I-OBSW.

Ala Direzione Circoscrizione Aeroportuale - Palermo Paolo Rinaldi
Ufficio Controllo Traffico di Lampedusa

Nome/Azienda: IAGSD Albr. N° _____
Aut. Registro: _____ Numero Volo: _____

Peso Max al Decollo (max): _____ Idoneità EPR: NO
Data: _____ @ Certificato: _____

Scadenza Certificato di Navigazione: OK Scadenza Assicurazione: OK
Altre certificazioni: _____

Scadenza Certificato Acustico: _____ Scadenza Lic. Sema. Radio: OK
Altre certificazioni: _____

Espresso/Proprietario: AGI. PROD. TUN. OLI. THROUGH OK LAMPEDUSA Tipo di volo: PRG-REM-POR-AMB

Arrivo da: <u>PANTELLERIA</u>	Partenza per: <u>PANTELLERIA</u>
Data: <u>25-09-2011</u> ATA: <u>ATA</u>	Data: <u>25-09-2011</u> ATD: <u>ATA</u>
PILOTA: <u>DE BIASIO</u>	PILOTA: <u>DE MARTINO</u>
CO-PILOTA: _____	CO-PILOTA: _____
Comando: <u>CPL</u>	Comando: <u>ATA</u>
Scadenza: _____	Scadenza: <u>OK</u>
Passaggio n°: _____	Passaggio n°: <u>1</u>

IL COMANDANTE
[Signature]

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Ala Direzione Circoscrizione Aeroportuale - Palermo Paolo Rinaldi
Ufficio Controllo Traffico di Lampedusa

Nome/Azienda: IRRPG Albr. N° _____
Aut. Registro: _____ Numero Volo: _____

Peso Max al Decollo (max): 2 Idoneità EPR: NO
Data: _____ @ Certificato: _____

Scadenza Certificato di Navigazione: OK Scadenza Assicurazione: OK
Altre certificazioni: _____

Scadenza Certificato Acustico: _____ Scadenza Lic. Sema. Radio: OK
Altre certificazioni: _____

Espresso/Proprietario: AGI. PROD. TUN. OLI. THROUGH OK LAMPEDUSA Tipo di volo: PUR

Arrivo da: <u>LICD</u>	Partenza per: <u>LICD</u>
Data: <u>25-09-2011</u> ATA: <u>ATA</u>	Data: <u>25-09-2011</u> ATD: <u>ATA</u>
PILOTA: <u>BARO CASI</u>	PILOTA: <u>BARO CASI</u>
CO-PILOTA: _____	CO-PILOTA: _____
Comando: <u>1-CPL-AMB20116</u>	Comando: <u>1-CPL-AMB20116</u>
Scadenza: <u>25-09-2011</u>	Scadenza: <u>25-09-2011</u>
Passaggio n°: <u>1</u>	Passaggio n°: <u>1</u>

IL COMANDANTE
[Signature]

Si prega di restituire questo "FOGLIO DI CONTROLLO" all'Ufficio Controllo Traffico prima della partenza.

Greenpeace has obtained evidence of the use of the Italian airport of Lampedusa by a fleet of at least 11 airplanes in June 2007. In this sheet it can be seen that the Italian airplanes IAGSD and IRRPG are owned by an Italian tuna producers association. Despite such a clear link the airplane was allowed to fly.

Greenpeace believes that further research needs to be carried out to identify the vessels that belong to this tuna producers association, how much tuna these vessels have caught, and what tuna farms they are working with. Their catches and the output of the fattening process should be considered IUU fish and their marketing therefore prohibited.

5.6. WHO REGULATES TRANSSHIPMENTS?

Last year ICCAT approved *ICCAT Recommendation [06-11] Establishing a Programme for Transshipment*, banning at-sea transshipments with the exception of large-scale longline fishing vessels, which are authorised to tranship their catches at sea provided certain

conditions are met⁷⁷. Transshipment activities are known to be one of the main ways in which IUU catches are laundered. However, this recommendation – indeed the whole new bluefin tuna recovery plan – entered into force only on 13 June 2007, a mere 17 days before the

⁷⁷ From 13 June 2007, ICCAT Recommendation [06-11] requires that 'except under the special conditions outlined below in Section 2 for transshipment operations at sea, all transshipments operations for tuna and tuna-like species in the ICCAT Convention must take place in port'. The special conditions in Section 2 relate only to large scale longliners, so the recommendation effectively prohibits purse seiners from carrying out transshipments at sea.



The Italian purse seiner Vergine del Rosario alongside with the Panamanian reefer Daniela on June 11 2007.



The Italian purse seiner Vergine del Rosario transshipping bluefin tuna to the Panamanian reefer Daniela on June 11 2007.



The Panamanian reefer Graciela approaches the Vergine del Rosario and the Daniela on June 11 2007. Both the Daniela and the Graciela are operated by the Spanish farming group Ricardo Fuentes.



Greenpeace activists approaching the reefer Daniela on June 20 2007. As can be seen in the picture, she had her Yokohama fenders deployed on the starboard side as if another ship was to come alongside.

bulk of the fishing season came to an end. Greenpeace documented transshipment activities at sea just minutes before the ban came into force. The continued presence of reefers in the fishing ground was verified subsequently, even after the ban on at-sea transshipments entered into force.

On 11 June 2007 Greenpeace gathered photographic evidence of the transshipment of bluefin tuna between the Italian fishing vessel *Vergine del Rosario* and the refrigerated cargo vessel *Daniela*, flagged to Panama⁷⁸. In the afternoon of 12 June 2007 Greenpeace also documented the French fishing vessel *Jean Marie Christian VI* catching bluefin tuna and later transferring its catch to the Panamanian flagged reefer *Astraea 102*, at around 22:30 that same day⁷⁹. The transfer finished only five minutes before midnight, when transshipments at sea became illegal under the new management plan. Part of the catch being transhipped was clearly below the 30 kg minimum landing size for bluefin, agreed at the ICCAT meeting in 2006⁸⁰.

⁷⁸ The transshipment took place at 12:40 in position 34° 26.15 N, 013°47.51 E.

⁷⁹ The *Astraea 102* is a refrigerated cargo vessel flagged to Panama, and according to the ICCAT Register, Japan is the country responsible for reporting its catches. The reefer is operated by the Japanese company Kanemoto Co. Ltd. The transshipment took place in position 34° 06.77 N, 014° 15.18 E.

⁸⁰ Although this resolution was adopted at the last ICCAT meeting, on 11 June 2007 the European Council of Ministers delayed the adoption of this new minimum landing size until 30 June, which means that the European purse seine fleets were allowed to continue fishing for juveniles as small as 10 kg throughout the 2007 fishing season.



The French purse seiners Jean Marie Christian VI and III fishing together on June 12 2007.

From 18 June 2007 to 20 June 2007, when Recommendation [06-11] was already in force, Greenpeace again observed the *Daniela*, in the fishing grounds SW of Malta⁸¹. On 20 June 2007 Greenpeace activists went onboard the vessel and spoke with its captain, who refused to give any information about the activities of the vessel in the area. The reefer had its Yokohama fenders deployed on the starboard side as would be the case if another ship was to come alongside. It was clear that no observer was onboard the refrigerated cargo vessel⁸².

The presence of the *Daniela* indicates that reefers continued to carry out at-sea operations after the current ban on transshipments at sea entered into force. The *Daniela* is believed to be operated by Spanish tuna farming company Grupo Fuentes. Greenpeace believes

⁸¹ The position at the time of sighting was 35° 27.01 N, 013°34.41 E.

⁸² As required by paragraph 15 of Recommendation [06-11].



The Astraea 102 entering the Port of Valetta, Malta, on November 26 2005.



The French purse seiner Jean Marie Christian VI transshipping bluefin tuna to the Panamanian reefer Astraea 102 on the night of June 12 2007, a few minutes before Recommendation [06-05] entered into force.



that the ICCAT Secretariat should be in a position to verify whether the *Daniela* had observers on board, and whether the transshipments between the *Vergine del Rosario* and the *Daniela* and between the *Jean Marie Christian VI* and the *Astraea 102* have been reported in a timely manner to the Commission as required by ICCAT regulations.

vessels, ex-longliners, and bottom trawlers, which were operating in support of bluefin tuna farming activities. For example, Greenpeace found bottom trawlers from Malta, Spain and Tunisia, towing tuna cages in the fishing grounds and taking part in transfer operations.

5.7. WHERE IS THIS TUNA BEING TUGGED TO?

Over the course of the 2007 bluefin tuna fishing season, Greenpeace bore witness to a veritable armada of tugboats, well vessels, support

ICCAT Recommendation [05-04] amending recommendation [04-06] on bluefin tuna farming requires all fishing vessels that take part in bluefin tuna transfer operations to be properly registered in a special ICCAT record and to have an operational satellite tracking (VMS) device on board. Presumably the flag states of these vessels are in a



A tug towing a tuna cage between fishing grounds in Libya and tuna farms in Sicily.



The Slebech, a longliner flagged to Sierra Leone, in the Port of Valetta, Malta.



The Slebech, a longliner flagged to Sierra Leone, towing two tuna cages some 60 miles south of Malta on June 17 2007. Is the Sierra Leone government following this vessel's operations?

position to clarify whether the boats did in fact have an operative VMS system on board, and whether they monitored the vessels' tuna fishing activities this year.

For example, in the afternoon of 17 June 2007 the *Rainbow Warrior* came across the *Slebech*, an ex-Irish longliner reflagged to Sierra Leone in 2006 that now belongs to the Cyprus-based company Redcastle Shipping Ltd. This vessel was towing south two tuna cages at that time, some 60 miles south of Malta. Is the Sierra Leone fisheries administration following this vessel and guaranteeing that the transfer operations in which it takes part are promptly communicated, the amount of tuna it tows is accurately declared, and the farming facility to which it is taking the tuna is properly reported?



A Tunisian bottom trawler towing a tuna transport cage in the fishing grounds South of Malta during the 2007 bluefin tuna fishing season.



The Spanish bottom trawler Puig Campana was towing tuna cages in the Central Mediterranean during the 2007 bluefin tuna fishing season.

5.8. THE AL DAFNIA: A REEFER OR A LONGLINER?

On 4 September 2007, the Libyan-flagged vessel *Al Dafnia*⁸³ entered the port of Valetta at 11:45. The vessel docked at Magazine Wharf and almost immediately started offloading 96 t of frozen bluefin, 60 t of which were caught by *Al Dafnia* itself, and 36 t of which were caught by the *Lebdah*⁸⁴, also flagged to Libya.

⁸³ ICCAT Register: AT000LIB00008.

⁸⁴ ICCAT Register: AT000LIB00007.



The hold of the *Al Dafnia* as photographed in the Port of Valetta, Malta, on 4 September 2007.



Tuna being offloaded from the *Al Dafnia* at the Port of Valetta, on September 4 2007.

ICCAT Recommendation [06-05] establishes that 'Bluefin tuna fishing shall be prohibited in the East Atlantic and Mediterranean by large-scale pelagic long line vessels over 24 metres during the period from 1 June to 31 December'. The fact that this cargo was unloaded more than three months after the end of the tuna longline season in the Mediterranean (which ends on 1 June) and the colour of the frozen bluefin flesh⁸⁵ makes it unlikely that this tuna was caught during the fishing season.

⁸⁵ According to sources consulted by ATRT, the colour of the flesh also indicates recent deep freezing.



The Libyan longliner Al Dafnia entering the port of Valletta, Malta, on September 4 2007 to offload 96 t of bluefin tuna.

We note with concern that there is no way such recommendations can be implemented if longliners are allowed to operate in the Mediterranean so late in the year. But other important provisions of Recommendation [06-05] also seem not to have been respected. For instance, vessels targeting bluefin tuna should be entered into a special register of authorised vessels. According to our information, the *Al Dafnia* and the *Lebda* were not in that register as per its versions dated 2 July 2007 and 6 July 2007⁸⁶. To our knowledge it was not until 18 July that these two vessels were added to the list: this is, after the 2007 bluefin tuna season had come to an end for large scale longliners.

⁸⁶ ICCAT Recommendation [06-05], paragraph 30, establishes that 'The Commission shall establish and maintain an ICCAT record of all fishing vessels authorised to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea. For the purposes of this recommendation fishing vessels not entered into the record are deemed not to be authorized to fish for, retain on board, tranship, transport, transfer or land bluefin tuna in the eastern Atlantic and Mediterranean Sea'.

The above would suggest that the two vessels caught the tuna illegally: before 1 June when these vessels were not authorised under ICCAT to fish for tuna; between 1 June and 18 July when they were not registered to fish and the season was closed anyway; or after July 18 when they were registered but it was illegal because the season was closed.

Following the information provided by ATRT we believe that a transhipment of bluefin tuna from the *Lebda* to the *Al Dafnia* took place in the Port of Tripoli, Libya. However, Tripoli is not one of the ports where bluefin tuna transshipments are authorised by ICCAT⁸⁷.

⁸⁷ ICCAT Recommendation [06-05], paragraph 35, requires that 'Authorized vessels may only tranship bluefin tuna catches in designated ports. To this end, each CPC shall designate ports in which transhipping of bluefin tuna is authorized and communicate a list of these ports to the ICCAT Secretariat by 1 June 2007'. The list of designated ports can be visited on line at <http://iccat.es/Ports.asp>.

Furthermore, the *Al-Dafnia* itself does not appear on the ICCAT register of vessels authorised to receive transshipments of tuna⁸⁸.

We find it difficult to understand how representatives from the Maltese Rural Affairs and Environment Ministry felt able to declare that it 'had carried out its own investigation into the matter and found the landing had formed part of a perfectly legal transshipment of tuna. Both vessels involved in the transshipment were, in fact, in possession of original transshipment certificates from the International Commission for the

*Conservation of Atlantic Tunas (ICCAT), issued by an authorised Libyan official. The certificates were also issued before the season had closed. The government has contacted both the European Commission as well as ICCAT so as to clarify the matter, but, as far as the Maltese authorities are concerned, the transshipment is on the up and up*⁸⁹.

Although Greenpeace asked the Maltese authorities to take action against the *Al Dafnia*, the vessel sailed from Valletta, bound for the Libyan port of Khoms, on 8 September 2007 at 06:53.



The Libyan longliner *Al Dafnia* at the port of Valletta, Malta, on September 5 2007. Black stains on her hull correspond to marks left by Yokohama fenders, and seem clear evidence of this vessels having taken part in a transshipment recently.

⁸⁸ See <http://www.iccat.es/Vesselscar.asp>.

⁸⁹ Source: The Independent, Malta, 7 September 2007.



The Libyan longliner *Alfajr Almunir*, seen at Las Palmas on March 11 2007.

5.9. WHERE IS THE ALFAJR ALMUNIR OFFLOADING ITS TUNA?

Greenpeace has studied with interest the data submitted by the Government of Japan, providing information about fishing vessels operating in contravention of ICCAT conservation measures⁹⁰. Amongst these vessels, which are proposed for inclusion in the ICCAT blacklist, is the Libyan longliner *Alfajar Almunir*, which was sighted by a Japanese patrol vessel in the western bluefin tuna fishing grounds. The Libyan government recently sent information to the ICCAT Secretariat⁹¹, explaining that the *Alfajar Almunir* was not fishing at the time of sighting, even though it seems clear from the photographic evidence provided by the Government of Japan that the vessel had its longline in the water at the time of sighting.

According to our information, the first time that the *Alfajar Almunir* entered into port after 22 January 2007 (date of the sighting communicated by Japan) was 11 March 2007, when the vessel entered the port of Las Palmas. It is obvious that the *Alfajar Almunir* must have

been fishing between the date of the sighting and 11 March, as there are almost two months between the dates.

According to our information the *Alfajar Almunir* appeared to enter the port empty and no offloading or transshipment at port took place during the time the Libyan longliner stayed in Las Palmas. This can presumably be confirmed by the Port Authority in Las Palmas, which would have registered any offload or transshipment. The *Alfajar Almunir* returned to Las Palmas on 12 April 2007. Once again, according to our information the ship left without having offloaded or transshipped any cargo. We therefore assume that this Libyan vessel had to transfer its fish cargo at sea before entering the port.

If this was the case, the ICCAT Secretariat should have a record of such a transshipment. Paragraph 13 of *ICCAT Recommendation [06-11] establishing a programme for transshipments*, requests that 'the master of the receiving carrier vessel shall complete and transmit the ICCAT transshipment declaration to the ICCAT Secretariat [...] within 24 hours of the completion of the transshipment'. The ICCAT Secretariat should be in a position to clarify whether any transshipment from the *Alfajar Almunir* has been communicated by any cargo vessel.

⁹⁰ See ICCAT Circular #1421/07 on a Draft 2007 IUU vessel list.

⁹¹ See ICCAT Circular #1567/07.

6. CONCLUSIONS



Documenting tuna boats in 2006. Greenpeace crew from the Esperanza interviews the captain of the French purse seiner Jean Marie Christian III during the summer of 2006.

The current level of IUU fishing activities in the area managed by the ICCAT Commission is a matter of grave concern. It is all the more discouraging given that in the past ICCAT has been at the forefront of fighting IUU fishing. It was, for instance, one of the first RFMOs to adopt non-discriminatory trade measures against countries found to be undermining regional conservation efforts. However, in the last few years it has become more and more evident that illegal operations are still widespread and that ICCAT Contracting Parties are failing in their response to the problem.

At this rate, the bluefin and bigeye tuna fisheries will become two more case studies on how an RFMO has failed both to adopt measures to manage fish stocks in line with available scientific knowledge and to guarantee compliance with rules approved at the international level.

Section 2 of this report underlined some of the problems linked with measuring overcapacity in ICCAT fisheries, including gaps in the information contained in the ICCAT Record of Fishing Vessels. It also exposed the fact that this record does not reflect accurately the number of vessels operating in the convention area and provided examples of reflagging practices by vessels currently included in the ICCAT record, even to states that are identified as undermining ICCAT's conservation efforts. It further underlined the difficulties that the gaps in the current

record pose in tracking these 'flag-hoppers'. ICCAT Contracting Parties need to act now to comply with their obligation to maintain an updated and accurate register of fishing vessels.

ICCAT Contracting Parties must acknowledge that excess fishing capacity leads to overfishing and an increase in IUU fishing activities. The elimination of excess capacity is an essential component of, if not a pre-requisite toward, successfully fighting IUU fishing. The current levels of capacity in different ICCAT fisheries need to be immediately clarified.

- Countries party to ICCAT must urgently agree on a binding agreement to eliminate overcapacity in the tuna fisheries they manage, in line with sustainable fishing opportunities. Such agreement must prevent the industry from using loopholes such as reflagging of fishing vessels and migration of fishing capacity to other areas.
- Contracting Parties must give a mandate to the ICCAT Secretariat to create a comprehensive record of fishing vessels, including refrigerated transport vessels, that contains available information on beneficial ownership and a unique vessel identifier system, along the lines of the IMO Ship Identification Number Scheme adopted by the SOLAS Convention. Greenpeace urges that the system also contain information about the history of vessels' compliance (or non-

compliance) with fisheries regulations, previous vessel name(s) and flag(s), previous owner(s) and beneficial owner(s). Providing all the required data should be mandatory for a vessel to be granted a fishing license to target species managed by the Commission. This information must be made transparent and shared with the public and other RFMOs and Fisheries Enforcement agencies.

– Flag states must be encouraged to reform their national legislation to require that prior to any vessel being granted their flag, information is obtained from its previous flag state and RFMOs to guarantee that the vessel, its owners and operators, have not contravened any international or national regulations. This information should be examined by the ICCAT Secretariat before a vessel is accepted for its inclusion in the ICCAT record.

Section 3 examined the activities of unregistered longliners in the ICCAT convention area. Many of the vessels mentioned in this section have a history of fishing for tuna and tuna-like species; however the fact that they do not regularly offload tuna catches in ports in the convention area makes it very difficult for port states to act against them. These vessels still depend on port facilities for repairs, bunkers and other supplies.

– Port control regulations must be strengthened to allow for much stricter controls by ICCAT Contracting Parties. Measures should include but not be limited to the adoption of binding regulations along the lines of the FAO Port Control Scheme. More inspection means are also needed and inspections should, in addition prioritise vessels flying flags of non-cooperating Non-Contracting Parties or vessels believed to have engaged in IUU fishing.

– The burden of proof must be reversed so that such vessels have to prove that the fish they transport has been caught legally. Port use must be refused for landing, transshipping, refuelling or resupplying where clear grounds exist for believing that a fishing vessel has engaged in or supported IUU fishing.

– All fishing and support vessels entering port must be marked according to FAO specifications on vessel markings

Massive laundering of IUU catches is widely recognised to be taking place in the ICCAT Convention Area. **Section 4** of this report pointed to two cases in which trade data and reported catches indicate that wide underreporting of catches may have taken place. In particular, the role that reefer vessels and at-sea transshipments may be playing in the laundering of tuna catches is widely recognised but not quantified. This

at-sea transshipment loophole must be immediately closed if fighting IUU fishing is to be successful. **Section 5** exposed cases of IUU practices in the bluefin tuna fisheries uncovered by Greenpeace over the last two years.

– All industrial fishing vessels in the ICCAT Convention Area must be equipped with a tamper-proof vessel monitoring system (VMS). ICCAT must approve a Recommendation requiring this system to be coordinated by a central monitoring, control and compliance authority in ICCAT, which should have real-time access to this information. This compliance authority should be funded by dues paid by Contracting Parties according to the number of vessels authorised to undertake extractive activities on the high seas. The authority should be coordinated with other RFMOs.

– ICCAT should immediately outlaw at-sea transshipment, with no exceptions. Transshipments should only be allowed to occur in specifically designated ports, with real time reporting to the Secretariat. VMS requirements should also be compulsory for any reefers and supply vessels transporting Atlantic tuna and tuna-like species.

– ICCAT needs to develop an independent body of observers. A regional and independent observer scheme should be put in place urgently, starting with a 100 percent independent observer coverage on board refrigerated cargo vessels. All industrial vessels permitted to fish in the ICCAT convention area must be required to carry an independent observer on board who reports directly to the Commission. This management measure must be agreed at this meeting of the Commission.

The strict application of current ICCAT regulations is equally important. No exceptions should be made to existing rules and those relating to the payback of excesses in catches by ICCAT contracting parties in previous years must be applied. The ICCAT Compliance Committee and Permanent Working Group must be charged with identifying those countries that have exceeded their quotas in the bluefin and bigeye fisheries with a view to deducting this overfishing from future quota allocations. Countries responsible for overfishing practices have to be penalised, or else ICCAT will be sending an extremely poor signal – of weakness, and of a lack of conviction – to unscrupulous operators in these fisheries.

Ultimately, only the comprehensive implementation of the ecosystem approach and precautionary principle to fishing in the ICCAT area will prevent the further depletion of fisheries resources and allow the fight against IUU fishing to be successful.



Tuna being offloaded from the Al Dafnia at the port of Valletta, Malta, on September 4 2007.



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PIRATE BOOTY: How ICCAT is failing to curb IUU fishing

Greenpeace is an independent global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace

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