



STOP PIRATE FISHING!



© Greenpeace/Haentzschel/nordlicht

Greenpeace Case Study on IUU fishing # 3

Caught, RED-handed:
Daylight Robbery on the High Seas



GREENPEACE



Greenpeace Case Study on IUU fishing # 3

Caught, RED-handed:

Daylight Robbery on the High Seas



Like Pearls on a string

Friday, May 12th 2006 -- 64 ships fishing for redfish on the Reykjanes Ridge of the North Atlantic immediately adjacent to the Icelandic Exclusive Economic Zone. Eight were pirate vessels on the NEAFC blacklist. In this picture you can see how the trawlers, with the well-known pirate vessel EVA in front, are lined up. The other blacklisted vessels in the area were the Rosita, Isabella, Juanita, Carmen, Dolphin, Pavlovsk and Ulla.



© Greenpeace /Lizzy Barber

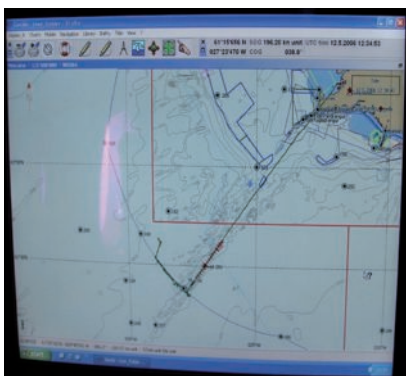
Illegal, Unreported and Unregulated (IUU) fishing is a global problem that needs global solutions. While many states around the planet have paid attention to the issue on a national and regional level, they have not been able to solve the problem of a highly mobile global pirate fishing fleet ready to flout the laws and exploit its gaps whenever and wherever they see fit. Local and regional solutions are simply not sufficient if the international community is to deal effectively with fishing pirates, stealing marine life from honest fishermen, and future generations.

This paper will focus on redfish, five IUU trawlers, the Irminger Sea and the North East Atlantic Fisheries Commission (NEAFC) -- to expose the daylight robbery taking place across our seas and to outline why regional management is not sufficient to deal with the challenges posed by pirate fishing ¹.

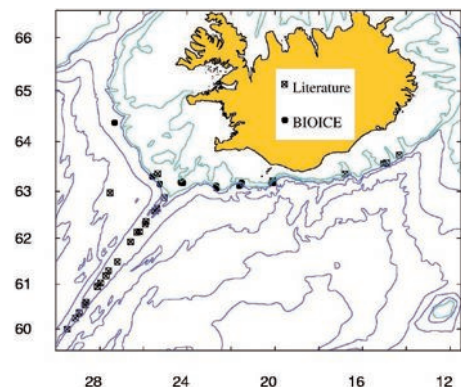


One fish, two fish, REDFISH!

The Irminger Sea lies in the North Atlantic Ocean. It can roughly be said to lie between the west coast of Iceland and the east coast of Greenland, as well as Southwest of Iceland. The Reykjanes Ridge - where vulnerable cold-water coral lophelia reefs abound - lies in this area (figure 1), and it is in the waters above this submarine ridge that the five IUU trawlers were last seen.



© Greenpeace /Martin Norman



© Icelandic Institute of Marine Research 2003

Figure 1: Radar screen on Icelandic coastguard overflight showing the location of the trawlers at the Reykjanes Ridge in the vicinity of Iceland's EEZ and known distribution of cold water corals in the Icelandic waters and the Reykjanes Ridge in the North Atlantic.

¹ All Internet references are as at May 12, 2006.

Redfish is a straddling stock that swims both inside the boundary of the Icelandic Exclusive Economic Zone (EEZ) and in the international waters of the North Atlantic high seas. Through a regional agreement establishing the North East Atlantic Fisheries Commission (NEAFC), fishing and coastal states have agreed to jointly regulate fisheries in this area. The NEAFC member states ², which include the European Union, are all signatories to the United Nations Fish Stocks Agreement ³ (UNFSA) and have thus agreed to manage this stock co-operatively in Icelandic as well as International waters according to the precautionary principle and the ecosystem approach ⁴.

Redfish is among the most economically important fish stocks for Iceland, which in turn is highly dependent on its fisheries sector ⁵. According to Icelandic authorities, the current illegal catch of redfish is two times higher (30 000 tons) than the legal quota (16 000 tons) for 2005 ⁶. The main markets for redfish exported from Iceland are Japan, Germany, France and China.

There are three species of redfish in the North Atlantic, however, only two of them are of commercial importance. These are *Sebastes marinus* and *Sebastes mentella*. *S. marinus* is normally found closer to the coast and in shallower waters whereas *S. mentella* is often found in deeper waters. Both species of redfish are being targeted in the Irminger Sea with higher catches of *S. mentella*. Both stocks are under intensive fishing pressure. They are also known to have a low reproductive rate. As a straddling, deep-sea species that is slow to reproduce, it is clear that these stocks requires highly precautionary management approach that adheres strictly to the ecosystem approach ⁷.

REDbeard: Pirates of the North Atlantic

Greenpeace has been documenting the activities of five fishing trawlers since September 2005 as they have fished for redfish in the Irminger Sea, over-wintered in European ports, and then returned to their old fishing grounds in the North Atlantic. This has happened despite the fact that all five vessels have been blacklisted by the European Union ⁸, Iceland and NEAFC itself.

² NEAFC member states are the European Union, The Faroe Islands*, Greenland*, Iceland, Norway and the Russian Federation. *The foreign policy of Faroe Islands and Greenland is handled by Denmark, which in turn ratified the UNFSA in 2003.

³ 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 1995 (in force as from 11 December 2001).

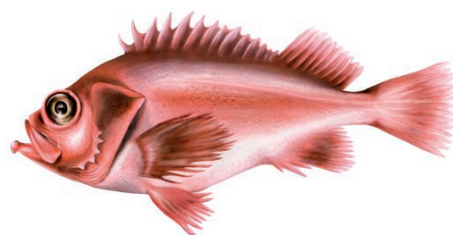
⁴ See UNFSA Articles 5 and 6.

⁵ See "The information centre of the Icelandic Ministry of Fisheries", <http://www.fisheries.is/stocks/redfish.htm>.

⁶ <http://www.fiskaren.no/incoming/article100308.ece>

⁷ See footnote 4.

⁸ EC Council Regulation 51/2006.



Between September 2005 and March 2006, while over-wintering in the German port of Rostock, the blacklisted vessels changed their names. According to the Lloyd's Vessel Registers⁹, the registered owner of the vessels now called Rosita (formerly Okhotino)¹⁰, Carmen (formerly Ostrovets)¹¹, Eva (formerly Oyra)¹², Juanita (formerly Ostroe)¹³ and Isabella (formerly Olchan)¹⁴ is A B Bocyp Fishing¹⁵, based in Cyprus. The vessels are operated and managed by Northern Fishers Co. (Severnaya Rybolovetskaya Kompaniya) based in Murmansk in the Russian Federation. A previous registered owner, Pionerskaya Ocean Fishing Marine Centre of Kaliningrad, Russia¹⁶ is still listed by the Lloyds Fairplay Register as being the beneficial owner of these vessels, and is listed as the manager and operator of two of A B Bocyp's other vessels.



Fishing vessel Eva (ex-Oyra) in the Irminger Sea, May 2006. Pelagic trawl doors hang off the rear of the vessel. A second set of doors that could be bottom trawl doors are stored on deck with net piled on top.

At the time these vessels were blacklisted, they were all flagged to Dominica. By March 2006 all had been reflagged to Georgia. Neither Dominica nor Georgia is a party to either NEAFC or the United Nations Fish Stocks Agreement.

⁹ Lloyd's Register Fairplay, available online via subscription at <http://www.ships-register.com>; Lloyd's Marine Intelligence Unit, available online via subscription at <http://www.seasearcher.com>, both accessed 18 May 2006

¹⁰ IMO no. 8522169 and call sign 4LSL.

¹¹ IMO no. 8522030 and call sign 4LFK.

¹² IMO no. 8522119 and call sign 4LPH.

¹³ IMO no. 8522042 and call sign 4LSM.

¹⁴ IMO no. 8422838 and call sign 4LSY.

¹⁵ AB BOCYP FISHING LTD., Fortuna Court, 248 Arch. Makarios III Ave., CY- Limassol, Cyprus former address was Fischerweg 408, 18069 Rostock. Lloyd's Register Fairplay records A B Bocyp sharing a Murmansk office address with Northern Fishers Co.

¹⁶ ПИОНЕРСКАЯ БАЗА ОКЕАНИЧЕСКОГО РЫБОЛОВНОГО ФЛОТА

(Пионерская База Океанического рыболовного Флота, Pionerskiy Ocean Fishing Marine Center)

Pionerskiy Ocean Fishing Marine Center), 1 Portovaja Street, 238540 Pionerskiy Kaliningradskiy Oblast, Russian Federation; Tel: +7 011 5321257 or +7 01155 21257, Fax: +7 011 5321987 or +701155 22550, telex 262124, pborf@online.ru, <http://www.pborf.kaliningrad.ru/>.

Seen and photographed on May 12, 2006 by Greenpeace and the Icelandic Coastguard on a NEAFC surveillance overflight.

All five vessels are currently ¹⁹ back catching redfish just outside the Icelandic Exclusive Economic Zone, in the Irminger Sea. Greenpeace has photographic evidence, taken by the Icelandic Coastguard of all five vessels. They were photographed on May 12, 2006 and their positions were likened to "pearls on a string" aligning with Iceland's EEZ boundary.

Several states have argued that Regional Fisheries Management Organisations such as NEAFC, which have the legal competency to regulate such fisheries should be left to do so. The case of the five redfish trawlers proves otherwise.

Red herring: RFMOs can solve the problem?!

One of the ways that the international community is dealing with the need to co-operate in the conservation and utilisation of high seas marine living resources is through the establishment of Regional Fisheries Management Organisations (RFMOs). NEAFC is one of just five RFMOs that has the legal competence to regulate deep-sea fisheries in its area of competence. Under the UNFSA, RFMOs are the bodies that are supposed to implement the terms of the Agreement for straddling stocks such as the redfish stock in the Irminger Sea. But the five vessels at issue are flagged to states that are not parties to NEAFC or the UNFSA, and thus not subject to their rules ²⁰.

RFMOs differ widely in their scope and approach to the management of marine resources. Some are focused on specific target species ²¹, while others have chosen a broader ecosystem based management approach ²². NEAFC has a mandate to manage fisheries within its area of competence with a view to ensuring the 'conservation and optimum utilisation' of fish stocks in the Convention Area ²³. It has to take account of scientific advice from ICES, the International Council for the Exploration of the Sea, in making decisions on catch allocations ²⁴. However, NEAFC's member states can decide to 'opt out' of decisions made by the Commission on how such stocks should be managed ²⁵.

To try and tackle the problem of IUU fishing, NEAFC has generated a vessel blacklist. The rules set by NEAFC and the UNFSA are binding on those states that have agreed to abide by them, this includes all those countries of the European Union. The latter are also bound by EC Regulation 51/2006, which prohibits Member States from equipping IUU vessels with provisions, fuel and other services ²⁶. Iceland reported the five IUU trawlers under discussion to NEAFC. Despite this, these vessels are still trawling in the North Atlantic.

While all five trawlers were tied up in Rostock harbour, Germany, Greenpeace brought them to the attention of the German authorities. The German authorities in turn asserted that they would not resupply the vessels ²⁷. Nonetheless, the vessels reflagged while in Rostock and managed to secure enough fuel to leave the harbour in March 2006.

²⁰ NEAFC Convention art. 1 (2), Internet version of the convention can be found at <http://www.neafc.org/about/docs/convention.pdf>.

²¹ E.g. CCSBT, ICCAT and IOTC which focus on the management of tuna.

²² E.g. the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) (see http://www.ccamlr.org/pu/E/e_pubs/am/toc.htm) and SEAF0 (see the Convention on the Conservation And Management Of Fishery Resources In The South East Atlantic Ocean art. 3).

²³ See art.4(1) of the NEAFC Convention

²⁴ See art. 4(2) of the NEAFC Convention

²⁵ See art. 12 of the NEAFC Convention

²⁶ See EC Regulation 1300/2005 and 51/2006.

²⁷ Greenpeace Germany correspondence with German authorities.

Caught, RED-handed

One of the trawlers, Carmen, went to the Polish harbour of Swinoujscie. Greenpeace alerted the Polish authorities to the presence of this ship to once more inform the authorities that she was blacklisted by the EU as an IUU vessel. The Polish government responded, claiming that the "Regional Inspector of Marine Fishing in Szczecin can't detain the vessel Carmen in port. However, not providing the vessel with any service, including gear and pilots will help detain Carmen in Swinoujscie" ²⁸. Yet the vessel was serviced - including a spell in dry dock - and left port with a Polish pilot on the 31st of March. The other four vessels left Rostock harbour, arriving in the Lithuanian port of Klaipeda on the 20th of March 2006. Once again, Greenpeace alerted the authorities to these vessels, requesting that they abide by EU law and refuse to resupply or refuel these vessels. The Lithuanian government responded by letter on the 12th of April 2006 that,

"Vessels "Eva", "Isabella", "Juanita" and "Rosita" listed in NEAFC list of vessels engaged in IUU fishery and presently flying Georgia flag after arriving to Klaipeda port were inspected by inspectors of Fisheries Department Fishery Control Division. During these inspections were determined that above mentioned vessels arrived **without fish and fishing gear** (emphasis added) on board. Vessels "Eva", "Isabella", "Juanita" and "Rosita" left Klaipeda port 5 April. In accordance with Council Regulation (EC) No. 51/2006 above mentioned vessels were not supplied with provisions, fuel and other services during their stay in Klaipeda port. ²⁹"

However, approximately a week after leaving Lithuania on the 5th and 6th of April 2006 these vessels arrived fully equipped to fish in the Irminger Sea. The Icelandic Coastguard recorded them fishing there on the 15th of April 2006. As of May 12th, 2006 they remain in the fishing grounds.

²⁸ Meeting between Greenpeace and the Polish Ministry of Fisheries on the 23rd of March 2006. As a result of the meeting the Ministry of Fisheries sent a letter to the Ministry of Transport that contains the quote.

²⁹ See letter from the Ministry of Agriculture of the Republic of Lithuania to Greenpeace, called "Fishing vessels involved in IUU fishery" and dated 12th of April 2006.

Global Commons: global problem, global solution!

With regard to the common responsibilities of the international community towards the marine environment beyond areas of national jurisdiction, the Icelandic government once asserted that,

*"... In this connection it should also be noted that even if the international community were to accept the concept of a relatively wide, up to 200 miles, economic zone over which the coastal state were to have exclusive economic jurisdiction, there remains, beyond that zone, an area which corresponds to about 60% of the earth's surface. This is the area which might be defined as the common heritage of mankind. It should be the responsibility of the international community to implement conservation measures and administer rational utilisation of the natural resources of this vast area, bearing always in mind the great need for preventing the destructive effects of indiscriminate overfishing, irresponsible exploitation and the ill-effects of pollution, most often caused by activities based on short-sighted desire for commercial gain."*³⁰.

Yet since this 1973 assertion, Iceland has joined with several other states, including Canada and the Member States of the European Union, to argue that Regional Fisheries Management Organisations are the key means by which the international community can tackle IUU fishing as well as the problem of destructive fishing practices such as high seas bottom trawling.

IUU fishing and destructive fishing practices were identified as two of the most urgent issues the international community has to deal with at an informal meeting convened by the UN General Assembly to discuss marine biodiversity in areas beyond national jurisdiction in February of 2006.³¹

In January 2006, the Icelandic Ministry of Fisheries urged stronger measures to combat IUU fishing in the area of the Irminger Sea. These measures included stepping up surveillance, increased reporting on illegal activities and vessels, a prohibition on supplies and services to IUU vessels, and a prohibition on the landing of illegally caught fish. At the time, Iceland explicitly reported the five vessels. Furthermore, Iceland also suggested greater co-operation in the blacklisting of known pirate vessels and that all companies engaged in trade and distribution of seafood products take actions against illegally caught redfish³².

Iceland has often advocated the view that the responsibility for the conservation and utilisation of marine ecosystems is best placed in the hands of those states directly affected by the decisions taken and with the greatest interests at stake. However, as we have seen, this approach does not necessarily provide the best possible solution when a state is not a party to the UNFSA or to the relevant RFMO. For all of Iceland's hard work to tackle IUU fishing, all it can legally do is look on, frustrated, while the stocks are fished out and the destruction continues.

³⁰ "Iceland's 50 Miles and the reasons why", Published by the government of Iceland, Reykjavik 1973, page 4.

³¹ "IUU Fishing - Contrary to Sustainable Fishery - Don't trade in illegally caught redfish", Icelandic Ministry of Fisheries, January 2006, Reykjavik, Iceland.

³² See UNGA Report on the work of the United Nations Ad Hoc Open-ended Informal Working Group to study issues relating to conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (13-17 February 2006), Annex 1, paragraph 7 and 8.

RED ALERT: moratorium on high seas bottom trawling now!

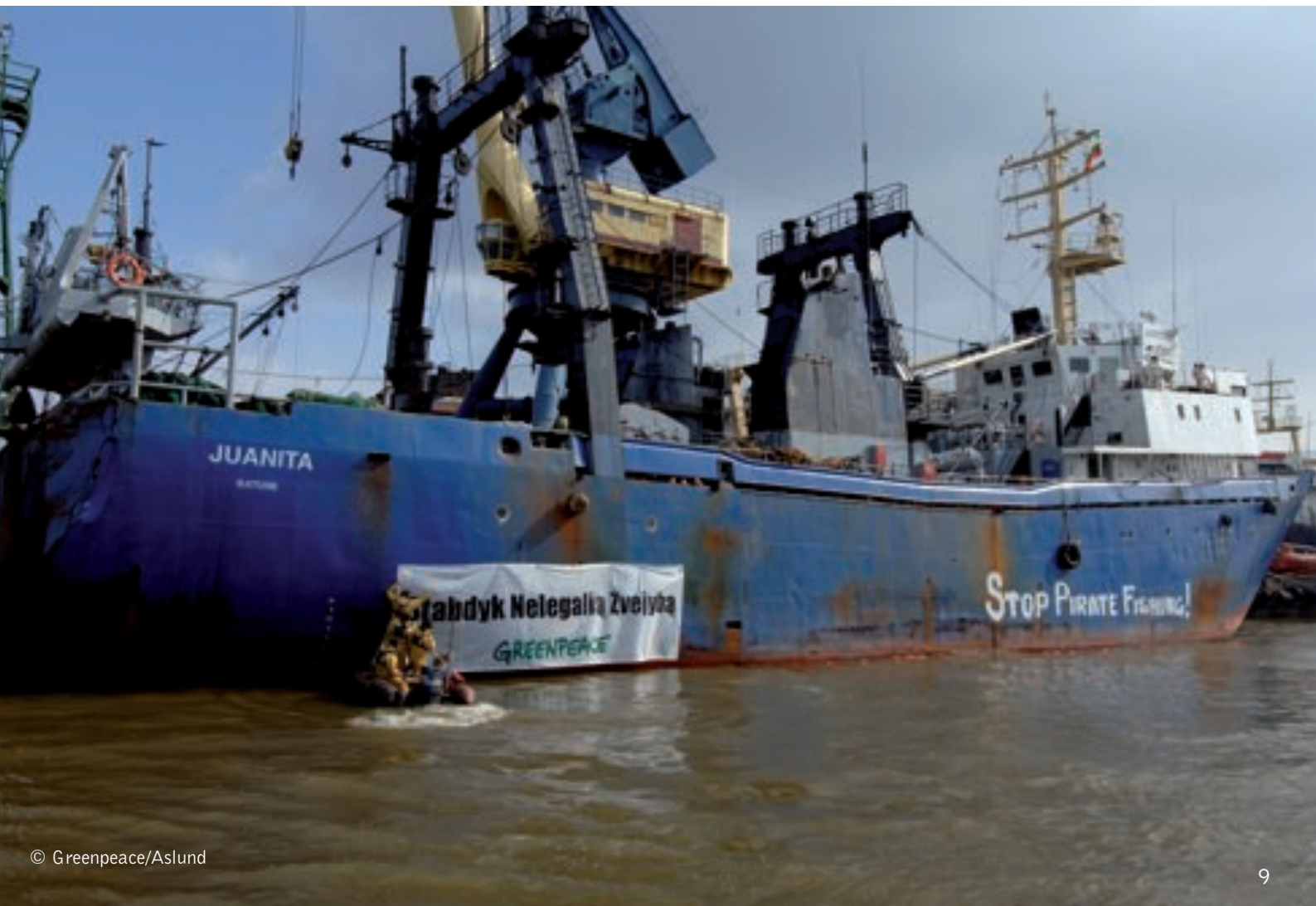
It is clear that the current regional fisheries management model for the sustainable use and conservation of marine life on the high seas has failed. **IUU fishing is a global problem, which requires a global solution. A global solution, such as a new UNCLOS implementing agreement which requires the implementation of measures based on the precautionary principle, the ecosystem approach, prior environmental impact assessment, and an agency to co-ordinate international action to combat IUU fishing, is essential.** However, negotiating such an agreement will take many years. **A UN General Assembly moratorium on high seas bottom trawling is the only feasible short-term measure that can ensure that States meet their obligations under international law to effectively conserve the marine environment and in particular the sensitive and diverse ecosystems of the deep-sea.** This must be coupled with immediate measures to combat IUU fishing including the definition of the 'genuine link' between flag states and fishing vessels. The elaboration of the 'genuine link' would mean that vessels such as the Rosita ³⁴, Carmen ³⁵, Eva ³⁶, Juanita ³⁷ and Isabella ³⁸ cannot not hide behind a flag of convenience to evade the rules that do exist.

35 IMO no. 8522030 and call sign 4LFK.

36 IMO no. 8522119 and call sign 4LPH.

37 IMO no. 8522042 and call sign 4LSM.

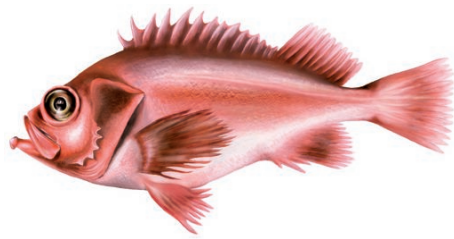
38 IMO no. 8422838 and call sign 4LSY.



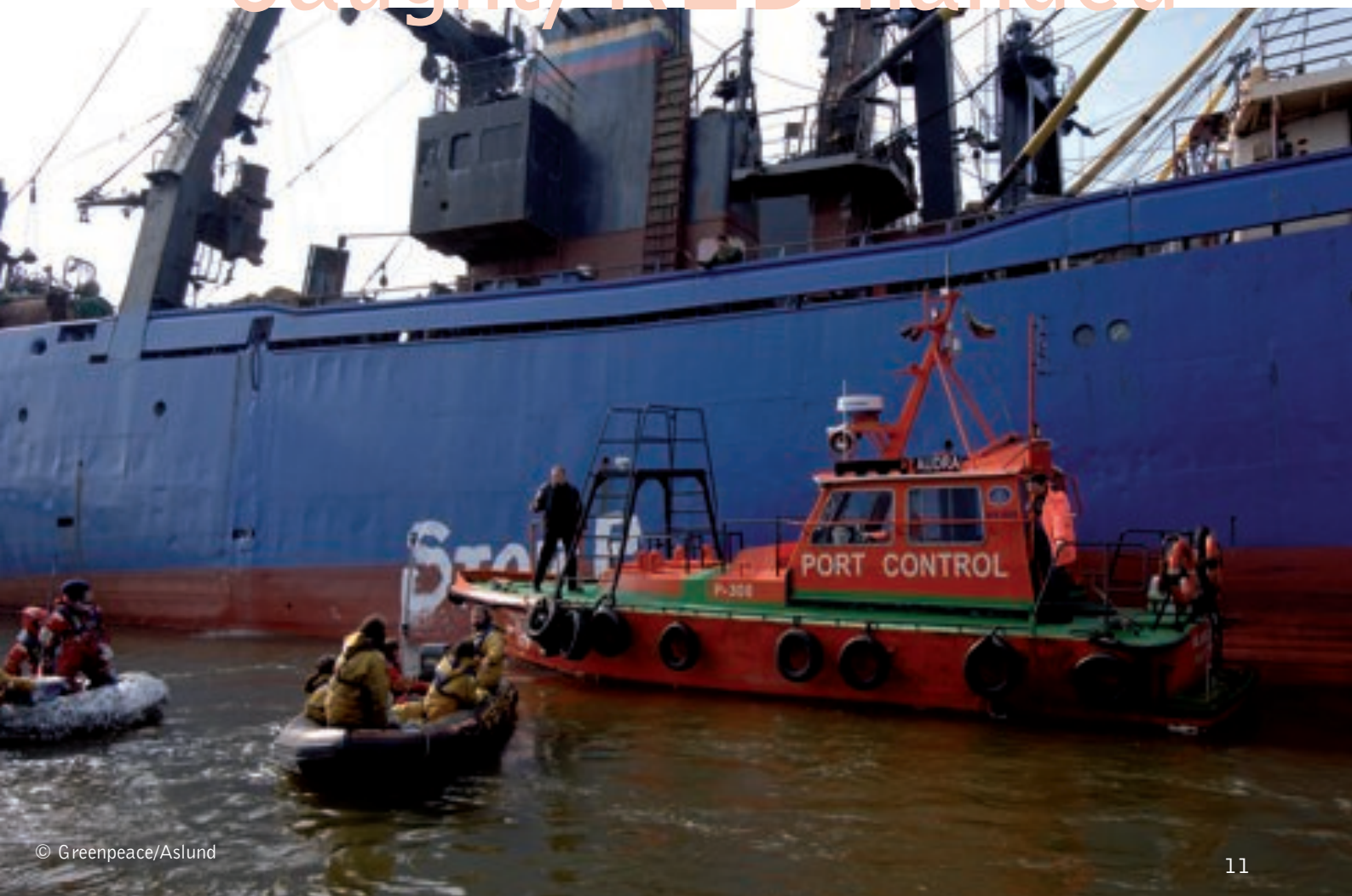
Among the measures that must be adopted to effectively combat IUU fishing, the international community must:

- Establish a central monitoring, control and compliance authority for all vessels active on the high seas. Such a central authority could be funded by dues paid by States - such dues set by the number of vessels authorised to undertake extractive activities on the high seas by each State. Such a system could be copied in specific regional areas. In national areas, compliance, monitoring and enforcement could be funded by dues paid by vessels licensed to fish in such waters. This would deter such vessels from 'turning a blind eye' to their IUU counterparts, as they would actually be costing them money.
- Require centralised, tamper-proof VMS systems for all vessels licensed to fish on the high seas to enable states to distinguish between vessels fishing on the high seas from those fishing in an EEZ. Such a system would be operated by the centralised compliance authority (see above) and report to all states and relevant regional organisations on infractions by any vessels in their system, and permit any states participating in the system to take punitive actions against such vessels in their respective jurisdictions.
- Deny fishing authorisation to vessels (and their owner/operators) breaching conservation measures on the high seas or within regional arrangements. Denial will extend to any method and for any species, on the high seas, in waters governed by regional arrangements, as well as in EEZs (e.g. 'redlist' the vessels, companies, beneficial owners, captains and operators)
- Adopt legislation making it illegal for nationals to reflag vessels to avoid compliance.
- Close ports to non-complying fishing vessels and to vessels flying the flag of non-complying states.
- Conduct intensive in-port inspections of fishing vessels including negotiation of intergovernmental port state enforcement agreements.
- Outlaw transshipment at sea of any species that could be caught on the high seas.
- Close markets to fish and fish products which do not carry credible certification that establishes that the fish and fish products were derived from licensed fishing operations, and use established international trade regulations (such as CITES) to regulate trade in species that are already under threat. Pass, as necessary, new laws and regulations to ensure effective control over nationals engaged in fishing, especially in areas beyond national jurisdiction;
- Exchange, pool and publicise information on vessels and companies involved in high seas fishing (including the operators, captains and beneficial owners of such vessels, and those providing banking, insurance and other services to them) allowing appropriate action to be taken by states.
- Require that information on vessels and companies interested in engaging in high seas fishing be provided to the central monitoring, compliance and enforcement authority, in a standard international format, before it is authorised to fish in national or international waters or flagged by a state. Where such vessels, companies, operators or beneficial owners have been 'redlisted' by the authority, such authority to fish shall not be granted.

- Require under domestic law, that prior to any vessel being granted the flag of a state, the information stated above is submitted to such a central compliance authority. A prerequisite for such 'flagging' should be that this central authority find that such a vessel has been in compliance with all international and national regulations.
- Cooperate with coastal states and those participating in relevant regional management arrangements to ensure that all states have sufficient capacity to manage and control their coastal and EEZ fisheries to ensure compliance with national regulations and international obligations.



Caught, RED-handed





© Greenpeace/Newman

Greenpeace Case Study on IUU fishing # 3

Caught, RED-handed: Daylight Robbery on the High Seas

Greenpeace is an independent, campaigning organisation which uses non-violent, creative confrontation to expose global environmental problems and to force solutions essential to a green and peaceful future.

Greenpeace International Ottho Heldringstraat 5, 1066 AZ Amsterdam, Netherlands
T+31 20 718 2000 F+31 20 514 8156 www.oceans.greenpeace.org

Printed on 100% Post Consumer Recycled,
chlorine free paper

Design: www.nicolepostdesign.nl

GREENPEACE

