

PIRATE FISHING EXPOSED

**The Fight Against Illegal Fishing
in West Africa and the EU**





Protecting People and Planet

The Environmental Justice Foundation is a UK-based environmental and human rights charity registered in England and Wales (1088128).

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LIST OF ABBREVIATIONS:

AIS:	Automatic Identification System
DG Mare:	Directorate-General for Maritime Affairs and Fisheries (European Commission)
DG Sanco:	Directorate-General for Health and Consumers (European Commission)
EJF:	Environmental Justice Foundation
EU:	European Union
FAO:	United Nations Food and Agriculture Organisation
FoC:	Flags of Convenience
FoNC:	Flags of Non-Compliance
IEZ:	Inshore Exclusion Zone
EEZ:	Exclusive Economic Zone
IMO:	International Maritime Organisation
IUU:	Illegal, Unreported and Unregulated (fishing)
MARM:	Spain's Ministry of Environment, Rural and Marine Affairs (subsequently renamed Ministry of Agriculture, Food and Environment [MAGRAMA])
MCS:	Monitoring, Control and Surveillance
MFMR:	Sierra Leone Ministry of Fisheries and Marine Resources
RFMO:	Regional Fisheries Management Organisation
RSLAF:	Republic of Sierra Leone Armed Forces
SFC:	Sierra Fishing Company
UNCLOS:	United Nations Convention on the Law of the Sea
UVI:	Unique Vessel Identifier
VMS:	Vessel Monitoring System

EJF's **SAVE THE SEA CAMPAIGN** HAS BEEN GENEROUSLY SUPPORTED BY:



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Executive summary

Global losses due to Illegal, Unreported and Unregulated (IUU) or “pirate fishing” are estimated to be between US\$10 billion and US\$23.5 billion per year. West African waters are estimated to have the highest levels of IUU fishing in the world, representing up to 37 percent of the region’s catch.

Along with the economic losses, pirate fishing in West Africa severely compromises the food security and livelihoods of coastal communities. In Sierra Leone, fish represents 64 percent of total animal protein consumed in the country, and an estimated 230,000 people are directly employed in fisheries.

IUU vessels compromise the health of fish stocks and the marine environment. Ninety percent of vessels documented by EJF in West Africa are bottom trawlers, which drag heavy trawl equipment along the seabed, resulting in damage to the bottom habitat and high levels of by-catch, including vulnerable marine life such as sharks and turtles.

Pirate fishing vessels also benefit from lower costs, thereby severely undermining legitimate fishing operators. By fishing in inshore areas reserved for local fishers, they also displace artisanal fishers into riverine areas where fish breed, resulting in further damage to the marine environment and the depletion of fish stocks.

Between 1st January 2010 and 31st July 2012, EJF’s community surveillance project in southern Sierra Leone received 252 reports of pirate fishing by industrial vessels in inshore areas. EJF’s local staff filmed and photographed 10 different vessels operating illegally, transmitting the evidence to the Sierra Leone Government and European authorities. Nine out of 10 of the vessels are accredited to export their catches to Europe.

Under the United Nations Convention on the Law of the Sea (UNCLOS), nations are required to monitor and control fishing vessels flying their flag. EJF investigations show that many industrial fishing vessels are out of control: fishing well inside exclusion zones, attacking local fishers, refusing to pay fines, covering their identification markings, using banned fishing equipment, transshipping fish illegally at sea, refusing to stop for fisheries patrols, bribing enforcement officers, fleeing to neighbouring countries to avoid sanctions, and committing labour violations.

EJF has documented the extensive use of Flags of Convenience (FoC), whereby a fishing operator buys a flag from a State that lacks the ability or willingness to monitor its activities. This report demonstrates how flag brokers actively assist unscrupulous fishing operators to “flag hop” between FoC registries and hide their ownership of vessels. Twelve percent of large-scale fisheries vessels flagged to the top 13 FoC registries are owned by European Union (EU) companies, while no information is available on the owners of a further 17 percent of FoC vessels. The consequent inability to identify the true owners of fishing vessels is hampering attempts to hold those profiting from pirate fishing to account.

The EU Regulation to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (No. 1005/2008), which came into force on 1st January 2010, attempts to deter pirate fishing by requiring all consignments of fish imported into Europe to be accompanied by a catch certificate, validated by the vessel’s flag State. The Regulation threatens to impose import restrictions on fishing vessels that operate illegally and on countries that fail to effectively monitor and control their fishing fleets.

This report contends that despite the Regulation’s implementation across the EU, millions of euros worth of illegally-caught fish entered Europe through the Spanish port of Las Palmas in 2011. Following the submission of evidence gathered at sea by EJF, 1,100 tonnes of fish was seized in March 2011 in Las Palmas and held for four months whilst an unprecedented international investigation was carried out. Crucially, the seafood in question was eventually released when the flag States involved declared the catches were legal, highlighting a fundamental short-coming in the regulation which relies on flag States to verify the legality of the catch, despite some flag States clearly being unable or unwilling to monitor the location or activities of their flagged vessels.

A lack of communication and coordination between the EU and coastal States in West Africa further compromises the process of verifying fishing licences and catch certificates. Ninety percent of global seafood catches occur in coastal State waters, however there are still few mechanisms for these States to feed in information and respond to enquiries in cases of suspected IUU fishing.

In addition to fish destined for the EU market, EJF has documented increasing volumes of illegal catches that are transhipped at sea onto large refrigerated cargo vessels destined for East Asia. In one incident, EJF infiltrated an illegal transshipment in the Guinea and Sierra Leone border area but was unable to prevent the fish from being imported into South Korea (referred to as “Korea” in this report) due to the lack of international cooperation and inadequate port State controls.

Evidence presented in this report clearly demonstrates that both flag States and port States must do more to combat IUU fishing, and notes that coastal States are also an important actor in this.

An Al Jazeera investigation, in collaboration with EJF, documented attempts by IUU vessel operators to bribe local officials in order to carry on IUU activities and avoid punishments. All vessels identified by EJF operating illegally in Sierra Leone had fisheries observers on board, but in every case they were unable to stop the vessels breaking the law and were sometimes forcibly prevented from communicating with coastal State authorities.

Investigations show that compliance with Vessel Monitoring Systems (VMS) rules across the region is inadequate. This is also facilitating IUU fishing. For example, Guinea does not currently have a functioning VMS. This lack of Monitoring, Control and Surveillance (MCS) in Guinea, combined with a recent crackdown on illegal fishing in Sierra Leone, has led many vessels to relocate there. Crew on board an illegal fishing vessel interviewed by EJF in June 2012 described Guinea as the easiest place in the region to fish illegally.

The lack of a Unique Vessel Identifier (UVI) enables unscrupulous operators to change their vessels names or “flag hop” to avoid detection and sanctions, making it difficult for coastal countries to ascertain whether vessels have histories of IUU fishing and whether vessels are managed by legitimate operators. For example, Kummyeong 2, documented by EJF as fishing illegally in Sierra Leone in December 2011, was identified three months later in Guinea operating under a new identity.

This report contends that the rights and responsibilities of local communities and stakeholders are too often ignored and that their full engagement in sustainable fisheries management can have important results. For example, EJF’s community surveillance programme and the subsequent investigations have led to over US\$500,000 in fines and a dramatic reduction in illegal fishing activity in Sierra Leone’s Inshore Exclusion Zone (IEZ). Investigations are ongoing by the EU to determine possible sanctions for vessels identified fishing illegally by EJF. Korea has agreed to implement new monitoring procedures for its fishing boats, as well as investigating the illegal activities identified by EJF.

As pirate fishing continues to destroy marine environments and blight the lives of coastal communities in West Africa, there is an urgent need for governments, international organisations, and the seafood industry to address this issue.

Successes in combating IUU fishing in West Africa

- All vessels known to have been illegally targeting the IEZ had left Sierra Leone by the end of January 2012
- Sierra Leone has imposed US\$300,000 in fines on fishing vessels discovered fishing illegally by EJF
- Korea is considering sanctions for 14 vessels involved in IUU fishing as a result of EJF’s investigations
- Korea is in the process of imposing new rules on vessels operating in West Africa, requiring them to carry VMS
- Panama has fined Seta 73, a reefer documented by EJF transshipping illegally, US\$200,000
- The Spanish port of Las Palmas has tightened controls on the import of fisheries products and recently rejected a 28 tonne consignment of fish following EJF investigations
- Artisanal fishing communities in all coastal areas of Sierra Leone and Liberia are reporting an increased ability to fish due to the reduction in trawler incursions into the IEZ

RECOMMENDATIONS (in full on page 32)



Improved implementation of the EU IUU Regulation



The development of a Global Record of fishing vessels



Binding standards for flag State performance and an end to Flags of Convenience



Effective control on imports of fish by port and market States



Improved coastal State Monitoring, Control and Surveillance

Losses due to IUU fishing are estimated to be between US\$10 billion and US\$23.5 billion per year, representing between 11 and 26 million tonnes of fish



Introduction

Losses due to IUU fishing are estimated to be between US\$10 billion and US\$23.5 billion per year, representing between 11 and 26 million tonnes of fish. West African waters are estimated to have the highest levels of IUU fishing in the world as a proportion of the region's total catch, with the illegal catch in the wider Eastern Central Atlantic estimated to be worth between US\$828 million and US\$1.6 billion per year, or 37 percent of seafood catches.¹

During a two year investigation, EJF has documented rampant pirate fishing in Sierra Leone and the laundering of illegal catch into the European seafood market. This is despite the new EU IUU Regulation, which requires all fish imported into the EU to be accompanied by a catch certificate.

In Sierra Leone, where EJF works with coastal communities to document and combat IUU fishing, losses are estimated to be US\$29 million each year. This includes the direct value of the catch that could be landed by local fishers as well as unpaid licences and losses for the domestic processing and ancillary sectors.²

Pirate fishing has a devastating impact on coastal fishing communities. By destroying artisanal fishing gears, fishing destructively in inshore areas, and even attacking local fishers, pirate fishing vessels jeopardise the lives and livelihoods of coastal communities that have few alternative sources of food and income.

Across West Africa, fish is a vital source of protein. It provides a wide range of essential micro-nutrients, protein, vitamins and minerals that are often lacking in the carbohydrate-rich staples that form the bulk of the diet of people in developing countries. In Sierra Leone, fish provides 64 percent of animal protein consumed and in remote coastal communities almost all animal protein comes from fish.⁴

Currently 70 percent of the population of Sierra Leone lives below the national poverty line and 46 percent are undernourished.⁵ Iron and Vitamin A deficiencies are widespread and believed to contribute to the high level of maternal and child mortality.⁶ In Sierra Leone, one in 21 women die of pregnancy-related causes.⁷ Nearly one in five children die before reaching the age of five.⁸

Ninety percent of the pirate fishing vessels documented by EJF fishing illegally in Sierra Leone during 2011 and 2012 are bottom trawlers – vessels that drag heavy trawl equipment along the seabed, catching all marine life in their path. Up to 75 percent of the catch of these vessels is dumped back into the sea, dead or dying. Much of this discarded fish are species relied on by local communities, juveniles of commercial species and sharks (once their fins have been removed).⁹ Bottom trawl by-catch also often includes sea turtles and other vulnerable marine wildlife.

By fishing in inshore areas reserved for local fishers, pirate fishing vessels displace artisanal fishers into the riverine areas where fish breed, driving them to fish illegally and further affecting the ability of fish stocks to regenerate.

Definition of IUU fishing³:

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.



The deck on board a bottom trawling vessel © EJF

90 percent of the pirate fishing vessels documented by EJF fishing illegally in Sierra Leone during 2011 and 2012 are bottom trawlers – vessels that drag heavy trawl equipment along the seabed, catching all marine life in their path



Marampa 803 operating illegally in Sierra Leone waters © EJF

Figure 1: Illustration of bottom trawling



Bottom trawlers drag heavy doors along the seabed and regularly catch non-target species and vulnerable marine life
© Olivier Kugler for EJF

EJF's Community Surveillance Project in Sierra Leone

Since 2009, EJF has worked with fishing communities in the Sherbro River area of Sierra Leone to document pirate fishing by foreign industrial vessels. EJF's community surveillance boat responds to calls from fishers and other community members who witness pirate fishing or have their fishing equipment destroyed by industrial trawlers operating illegally in the IEZ.

EJF's local staff in Sierra Leone take photos, video and GPS coordinates of offending vessels and submit evidence to the Sierra Leone Government and European authorities to ensure that the vessels are sanctioned and their catch is not exported to the world's valuable seafood markets. The information is also sent to the vessel's flag State.

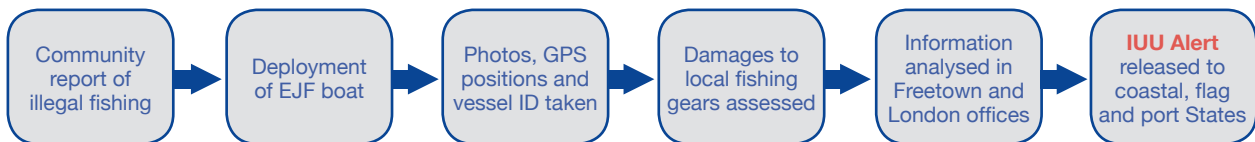
Since January 2010, EJF has documented 252 pirate fishing incidents reported by over 23 different communities in the Sherbro River area. Ninety percent of the vessels that EJF filmed and photographed fishing illegally during 2011 and 2012 are certified to export their catch to the EU. EJF is now in the process of expanding the community surveillance model to other areas of West Africa.



The EJF community surveillance boat © EJF



Figure 2: The EJF community surveillance process



The EU IUU Regulation

In order to address IUU fishing, the EU passed the Regulation to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (the EU IUU Regulation).¹⁰ The EU IUU Regulation, which implements the UN International Plan of Action on IUU Fishing, came into force on 1st January 2010.¹¹ By requiring all fish entering the EU to be accompanied by a catch certificate and by requiring States to provide assurance that fishing vessels flying their flag operate in compliance with national, regional and international rules, the regulation aims to stop the import of illegally-caught fish.¹²

The Regulation is backed up by a system of sanctions for vessels that engage in IUU fishing, for countries that do not cooperate in tackling IUU fishing and for EU nationals that carry out or support IUU fishing. The Regulation authorised the European Commission to draw up two blacklists, one for vessels engaged in IUU fishing and one for countries that do not cooperate in preventing IUU fishing. Vessels or countries featured on these lists will be banned from exporting fisheries products to the EU.¹³

The Regulation provides for a verification process for situations where suspected IUU fish is identified at a European port.¹⁴ The verification process involves the EU Member State requesting information about the origin of the fish from the fishing vessel's flag State. The verification process also allows for the EU Member State to contact coastal States or a Regional Fisheries Management Organisation (RFMO) in order to establish whether fish was caught in compliance with all applicable laws. Where it is found that the fish has not been caught in compliance with relevant laws, the consignment should be refused entry to the European market.¹⁵

Evidence used to stop the import of illegal fish into Europe

Between January and March 2011, EJF documented four vessels fishing illegally in the inshore areas near Sherbro Island in Sierra Leone: Medra, Marcia 707, 515 Amapola and Seta 70. All of the vessels are Korean-flagged and accredited to export their fish to the EU, though Medra has also been listed as flagged to Honduras.¹⁶ The vessels were responsible for causing extensive damage to local fishing equipment in the IEZ. Crew on board one of the vessels, Medra, attacked a local fisher, who was knocked unconscious with an iron bar when he tried to retrieve his fish hooks that had been taken up in the trawler's nets. The fisher fell into the sea and was rescued by other fishers before being transported to hospital in the EJF boat. Medra's agent is understood to have paid a small compensation to the fisher but no further action was taken against the vessel.

Another of the vessels, Marcia 707, is a "canoe-support vessel" which is a converted long-line vessel, or bottom trawler, that picks up approximately 200 artisanal fishers and their canoes in Senegal before transporting them down the coast of West Africa and deploying them to fish illegally in the inshore areas reserved for local fishers. EJF interviewed the crew on board the canoes and documented that at least three of the crew members were 14 years old. The crew told EJF that they had been picked up by the Korean-flagged vessel in Senegal and that they were at sea for 90 days at a time. A source provided EJF with the contact details of the owner of the vessel, based in the Canary Islands.

Posing as European fish traders, EJF initiated a dialogue with a man who confirmed himself to be the owner of Marcia 707. Through these communications, EJF was able to obtain the crucial piece of information that could enable the fish to be seized at a European port – the details of the refrigerated cargo vessel or "reefer" that Marcia 707 used to transport its illegal catch to port. During telephone conversations, the owner of Marcia 707 informed EJF investigators that Marcia 707 transferred its catch to the Panama-flagged Seta 73, a reefer that regularly makes the journey between Angola and Las Palmas, picking up fish at sea on its way, before offloading it into the European market.



In March 2011, Seta 70 was photographed using boat grease to obscure its name © EJF



The head injury of the artisanal fisher attacked by crew on board Medra © EJF

Crew on board one of the vessels, Medra, attacked a local fisher, who was knocked unconscious with an iron bar when he tried to retrieve his fish hooks from the trawler's nets

IUU Alert



Vessel name: MEDRA
Previous name: Unknown
Flag: Republic of Korea/Honduras
IMO number: 8837526
Call sign: HQCH5
Tonnage: 349(GT)
Length: 50.73 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: KORF 190
Owner: Intermiso S.A.
Date observed: 14.02.2011
Location observed: N07° 22.993',
W012° 39.491'
Status: Known to be operating
in Republic of Guinea
IUU Offences: Fishing in the IEZ,
attacking a fisher.



IUU Alert



Vessel name: SETA 70
Previous name: Unknown
Flag: Republic of Korea
(previously Belize and Angola)
IMO number: 9249001
Call sign: DTBE9
Tonnage: 338(DW)
Length: 46 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: KORF 242
Owner: Inter-Burgo Co. Ltd.
Date observed: 03.03.2011
Location observed: N07° 23.147',
W012° 36.197'
Status: Believed to be operating
in Republic of Guinea
IUU Offences: 03.03.2011: Obscuring
markings, operating in IEZ with gears
at the ready, possible lack of valid
licence. July 2011: Fishing in the IEZ
and evading arrest in Liberia.



IUU Alert



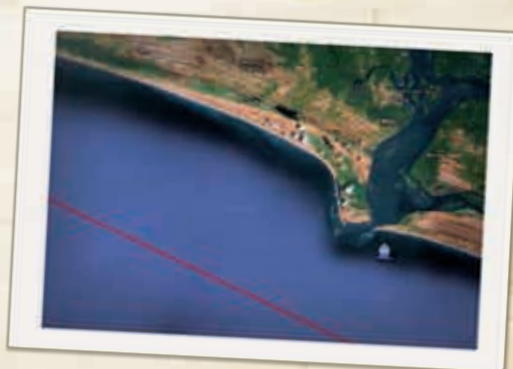
Vessel name: 515 AMAPOLA
Previous name: Unknown
Flag: Republic of Korea
IMO number: 7355492
Call sign: DTAP3
Tonnage: 514(DW)
Length: 56.6 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: KORF 209
Owner: Dong Yang Fisheries Co. Ltd.
Date observed: 18.02.2011
Location observed: N07° 23.813',
W012° 36.734'
Status: Believed to be operating
in Republic of Guinea
IUU Offences: Obscuring markings,
fishing within the IEZ.



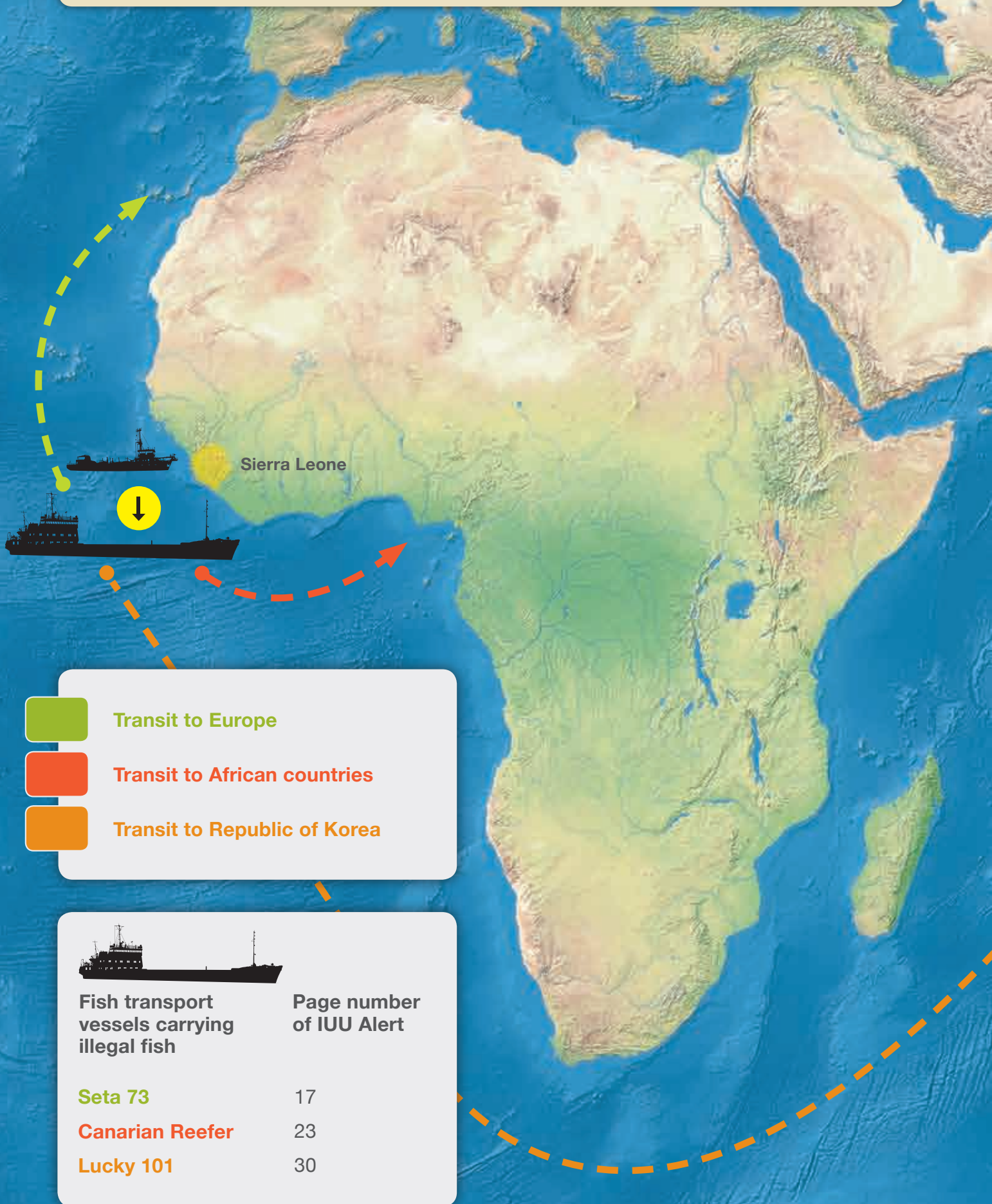
IUU Alert



Vessel name: MARCIA 707
Previous name: Unknown
Flag: Republic of Korea
IMO number: Unknown
Call sign: Unknown
Tonnage: Unknown
Length: Unknown
Type of vessel: Canoe Support Vessel
EU DG SANCO number: KORF 115
Owner: Bugang International Co. Ltd.
Date observed: 29.01.2011
Location observed: N07° 20.913',
W012° 30.746'
Status: Believed to be operating
in Republic of Guinea
IUU Offences: Used canoes to fish
within the IEZ.



The route of IUU fish to the world's seafood markets





Republic of Korea

As well as exporting to the EU, EJF has documented IUU vessels exporting high-value fish to Korea. One of these species is yellow croaker (part of the *Sciaenidae* family), a fish which is a prized delicacy when salted and dried. Known as Gulbi, it sells for US\$100 for a small bunch in the Korean market. As one of the main target species for artisanal fishers in Sierra Leone, the fish is an important source of protein for local communities. Yellow Croaker populations in East Asia collapsed in the 1970s, leading fishing fleets to target stocks further afield.



Illegal fishing vessels documented by EJF **Page number of IUU Alert**

Medra	12
Seta 70	12
515 Amapola	13
Marcia 707	13
Ocean 3	20
Marampa 803	21
Five Star	22
Marcia 777	22
Kummyeong 2	24
Kwang II	25

EJF investigator:

We have been asked by our clients whether the transshipment happens on the high seas?

Owner of Marcia 707:

Yes, yes, directly.

EJF investigator:

So it goes directly from the Marcia 707 to the Seta 73?

Owner of Marcia 707:

The boat fishes in Guinea Conakry and Sierra Leone, and this refrigerated cargo vessel from this group, the Seta 73, transports it to Las Palmas.

EJF investigator:

And where does the Seta get the fish? On the high seas or in the ports?

Owner of Marcia 707:

No, on the high seas, on the high seas.

EJF investigator:

On the high seas?

Owner of Marcia 707:

Yes, not in port, on the high seas. Direct from the transport to here, Las Palmas.

Phone conversation between EJF and Marcia 707 owner

To track the illegally-caught fish to the European seafood market, EJF continued its communications with fish importers in Las Palmas, confirming with agents and companies based there that Seta 73 was carrying fish from the vessels observed by EJF in Sierra Leone. EJF investigators were invited to the auction of some of the fish from Seta 73, which took place three days ahead of the vessel's arrival in Las Palmas.

Whilst Seta 73 was still on its way to port, EJF sent an IUU Alert to the Sierra Leone Government and the European Commission's Directorate General for Maritime Affairs and Fisheries (DG Mare). DG Mare sent an investigation team to Las Palmas to await the vessel's arrival. When Seta 73 entered port, the vessel was prevented from unloading whilst investigators ascertained whether fish from the vessels EJF had observed fishing illegally in Sierra Leone was on board. On Seta 73, authorities discovered boxes and catch certificates confirming that the vessel was carrying an estimated 300 tonnes of fish from Seta 70, Marcia 707, 515 Amapola and Medra. The whole of Seta 73's cargo was seized, pending an investigation.

Following the seizure, Spain started a verification process under the EU IUU Regulation.¹⁷ This process involved Spain contacting Korea as the flag State that had validated the catch certificates of the fishing vessels and Panama as the flag State of Seta 73. Requests were also sent to West African coastal States to find out if they were aware of any illegal fishing in their waters by the vessels under investigation. Liberia, Guinea and Guinea Bissau all indicated that infringements to their national fisheries laws had taken place by the vessels concerned. Sierra Leone also confirmed some weeks later that their laws had been broken by the fishing vessels.

2 martes, 14 de abril de 2010 LA PROVINCIA LAS PALMAS DE GRAN CANARIA

Las Palmas de Gran Canaria

NUEVO ATASCO DE PESCADO EN LOS MUELLES EL CONFLICTO BUROCRÁTICO SE ETERNIZA

El bloqueo de 1.100 toneladas de pesca en La Luz vacía de cherne la Semana Santa

Los importadores afirman que el largo papeleo ministerial está vaciando los frigoríficos de congelados en los días de más demanda Las empresas preparan una manifestación en defensa de sus 800 empleos

Javier Bolaños
EL SECTOR DE LA PESQUERA

La paralización de casi 1.100 toneladas de pescado congelado en el puerto de Las Palmas de Gran Canaria amenaza con desahuciar de pescado salado a los mercados, hoteles y restaurantes en Semana Santa. Los importadores, consignatarios y empresas transformadoras aseguran que el Ministerio del Medio Rural y Marino está atornillando la actividad por un "enormizado" burocrático en el periodo de mayor venta del año. El sector prepara una manifestación para denunciar la situación y la falta de apoyo político, en una actividad que da empleo directo a unos 800 trabajadores y miles indirectos.

"Va a ser ya imposible que se pueda atender ya la fuerte demanda que se produce en Semana Santa, en el que se duplican las ventas y que para nosotros supone como las navidades para los supermercados". José Nicolás es uno de los mayores importadores de pescado, y uno de los más afectados por el bloqueo de la pesca de trescientos países del puerto de La Luz. Su caso no es el único, ya que la su situación afecta a numerosas empresas más, que temen tener que recurrir a los despidos ante la falta de producto.

La carga de los barcos asiáticos Fairleg 823, Seta 73 y Eian da a los armadores. La paralización de esta carga coincide con el periodo de Semana Santa, en el que los afectados aseguran que se duplican las ventas. Y es que entre la carga se incluían casi 175 toneladas de cherne.

Las cifras
16
Cada barco que descarga en La Luz gasta el año unos 16 millones en compras e

Las trabas burocráticas incitan a la flota asiática a abandonar la ciudad



El barco asiático 'Seta 73', con su carga de pescado congelado paralizado en los frigoríficos del puerto de Las Palmas. (AGENCIAS)

Local media in the Canary Islands highlighted shortages of fish because of the seizure of fish on board Seta 73

IUU Alert



Vessel name: SETA 73
Previous name: Unknown
Flag: Panama (previously Japan)
IMO number: 8217130
Call sign: 3FJU8
Tonnage: 2146 (DW)
Length: 83 metres
Type of vessel: Reefer
EU DG SANCO number: Unknown
Owner: Inter-Burgo S.A.
Date observed: 12.03.2011
Location observed: Unknown
Status: Continues to travel quarterly between Luanda (Angola) and Las Palmas
IUU Offences: Brought IUU fish from Marcia 707, Seta 70, 515 Amapola and Medra to the EU. Failed to register with Panama as a fish carrier.
Total fine of US\$200,000.



A local news channel showed seized fish in warehouses

The seizure of Seta 73's consignment provoked an angry reaction from foreign fishing fleets based in Las Palmas and from the local fish processing industry

The seizure of Seta 73's consignment provoked an angry reaction from many in Las Palmas. According to Spanish media articles, Korean, Japanese and Chinese fleets threatened to leave the port permanently if controls on landings of fish were not loosened. Fish-processing companies also gathered together and lobbied for the Ministry of Agriculture and Rural and Marine Affairs (MARM) to release the fish immediately. Local news warned that there would be shortages of fish in Spain during Easter, showing footage of empty conveyor belts in fish processing plants and detained fish boxes stacked high in a freezer warehouse. Little or no comment was made about the alleged illegal activities of the vessels that caught the fish. An article in a local newspaper, *La Provincia*, reported that the consignment had been seized following "a complaint by environmental groups to Brussels".¹⁸

Whilst the verification process was still ongoing, parts of the consignment not caught by the vessels under investigation were gradually released. On 11th July 2011, four months after the IUU Alert was sent by EJF, the remaining fish that had been seized was released to the market. The release was heralded as a victory for the distant-water fishing fleets based in the Canary Islands.¹⁹

Under the EU IUU Regulation, the importation of fisheries products suspected to have been caught illegally has to be suspended if the EU Member State “has received a reply according to which the products do not comply with the conservation and management measures”.²⁰ In this case, the European Commission and Spain received information from West African coastal States confirming that their fisheries laws had been breached by the vessels involved. However Spain is understood to have acted on assurances made by Korea that the catches were legal, despite its boats not having VMS on board.

Following the seizure of the consignment in Las Palmas, EJF investigators met the owner of Marcia 707 in London to further discuss the purchase of fisheries products from his vessels operating in West Africa. The owner confirmed that there were delays in getting hold of the fisheries products because controls in Las Palmas had increased and a large quantity of fish had been detained. The owner told EJF investigators that Korean vessels had previously been able to break the law on transshipments but that things had suddenly changed following the intervention of an environmental organisation.

Soon after the release of the consignment by Spanish authorities, one of the vessels whose fish had been

confiscated in Las Palmas was again found to be operating illegally, this time in Liberia’s IEZ. The detention of the vessel was the Liberian Coastguard’s first at-sea arrest and took place following a dramatic chase during which Seta 70 steered erratically and turned off its lights to avoid capture. The pursuit came to an end when Liberian authorities fired warning shots before boarding the vessel and bringing it to the country’s capital Monrovia. A Liberian Government fisheries observer, recently trained by the United States Government, was on board but was reportedly stopped from using communication equipment by the vessel’s captain. He was only able to raise the alarm by making a call on his mobile phone while hidden in a toilet.²¹

Beneficially owned by Korean multinational Inter-Burgo Company Limited, Seta 70 was documented by EJF fishing illegally in neighbouring Sierra Leone in May 2008 and then again in March 2011. The fines for Seta 70’s illegal activities in Liberia totalled US\$36 million, and legal proceedings were initiated against the vessel’s operators. However, the vessel ended up paying just US\$150,000 in an out-of-court settlement, following interventions by the Managing Director of Inter-Burgo and alleged interventions by the Korean Embassy in Liberia. The case highlights the need for a robust legal system that enables IUU operators to be tried impartially and at arm’s length from inappropriate political influence.

Seta 70 hauls a net of illegal fish in May 2008 © EJF



The crackdown on IUU fishing

In the summer of 2011, EJF's first surveillance vessel went out of service. Trawler activity, which had declined following the Seta 73 seizure, surged. On 21st October, however, a new EJF vessel arrived in the Sherbro river. The following day, the Korean-flagged Ocean 3 was observed during a joint investigation by EJF, Al Jazeera and a senior fisheries officer from Sierra Leone's Ministry of Fisheries and Marine Resources (MFMR). When observed fishing illegally in the IEZ, Ocean 3 had all its markings covered and refused to stop when contacted on the radio and flagged down by the Government fisheries officer. The EJF boat had to end the chase when the vessel began travelling out to sea but the team were able to subsequently identify it as Ocean 3 using photos taken in Las Palmas and by matching the previous name of the vessel visible on the hull and cross-referencing photos taken of the crew.

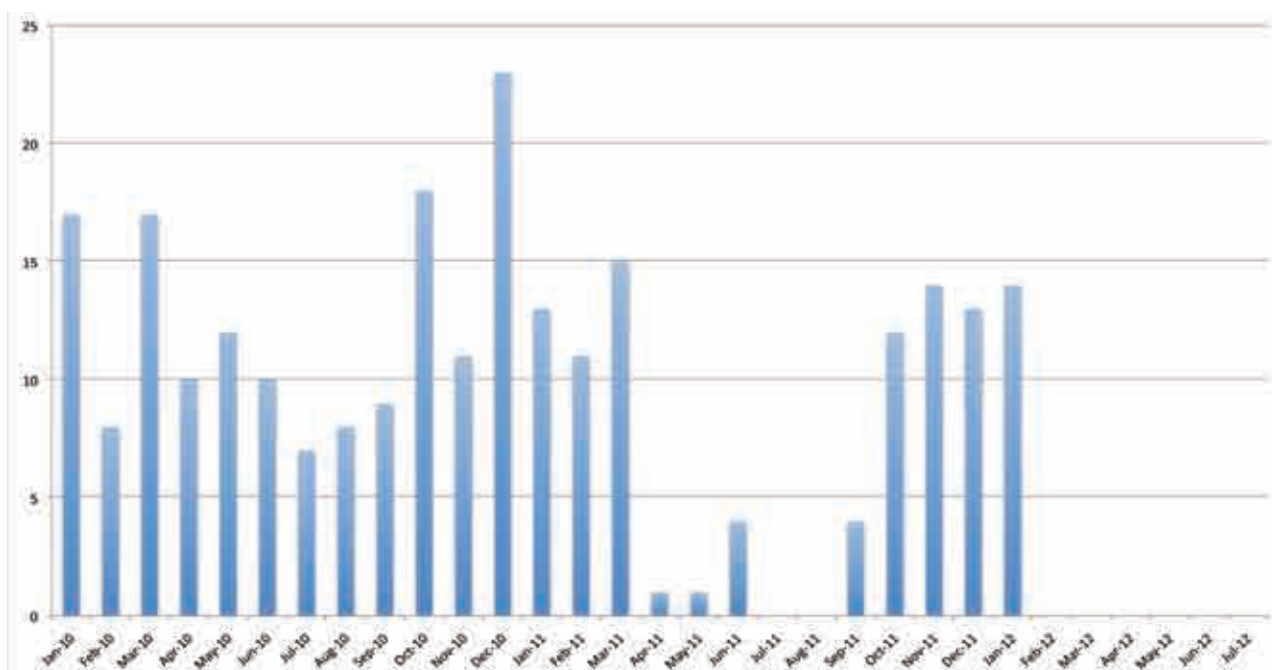
EJF staff investigating Ocean 3 © EJF



The vessel was called to port by the MFMR on 29th October, arrested and fined US\$150,000, including the value of its catch. Ocean 3 paid to recover its catch but failed to pay an outstanding US\$30,000 before fleeing to neighbouring Guinea.

Between 1st January 2010 and 31st July 2012, EJF's community surveillance project in southern Sierra Leone received 252 reports of pirate fishing by industrial vessels in inshore areas. EJF's local staff filmed and photographed 10 different vessels operating illegally, transmitting the evidence to the Sierra Leone Government and European authorities. Nine out of 10 of the vessels are accredited to export their catches to Europe

Figure 4: Graph showing the number of trawler reports received by EJF in the Sherbro River Area, Sierra Leone, between 1st January 2010 and 31st July 2012



Source: EJF

IUU Alert



Vessel name: OCEAN 3
Previous name: Sea Queen 1
Flag: Republic of Korea
IMO number: 7381336
Call sign: DTBG2
Tonnage: 378 (DW)
Length: 56.6 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: KORF 107
Owner: Dae Hyun Fisheries Co. Ltd.
Date observed: 29.03.2012
Location observed: N09° 28.645',
W013° 43.068' Republic of Guinea
Status: Located in Conakry harbour in
March 2012. Currently believed to be
anchored in Conakry undergoing repairs
IUU Offences: 22.10.2011:
Obscuring markings, failing to stop for fisheries officer, fishing in IEZ.
Total fine of US\$154,000. Dec 2011: fleeing Sierra Leone with unpaid fines.
OUTSTANDING FINE IN SIERRA LEONE.



EJF staff filming Marampa 803 operating illegally © EJF



A second vessel was observed operating illegally close to Ocean 3 on 22nd October but could not initially be identified. The vessel also had all of its markings covered. The second vessel also refused to stop when the Government fisheries officer on board the EJV boat requested the vessel to do so.

Through a process of elimination using a recently published Sierra Leone licence list, EJV believed the vessel to be the Marampa 803 but could not confirm this until three months later when the company, after frequent requests, finally provided photos that enabled a forensic vessel comparison to be carried out and the boat to be correctly identified as the Marampa 803. The vessel is owned by Sierra Fishing Company (SFC) – a beneficiary of UK Government development funding through investment company Manocap. During the time it took to confirm the identity of the vessel, there were further reports of it fishing illegally and EJV documented the boat operating in the IEZ on 8th January 2012.

IUU Alert

UNKNOWN FLAG

Vessel name: MARAMPA 803
Previous name: Golden Lake 803, Hae Jeong 3
Flag: Unknown
IMO number: 7353767
Call sign: HLBA
Tonnage: 444 (DW)
Length: 58.23 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: None, though had boxes from KORF 106
Owner: Sierra Fishing Company
Dates observed: 08.01.2012, 22.10.2011
Locations observed: 08.01.2012 N07° 54.977', W013° 08.329', 22.10.2011 N07° 25.128', W012° 53.743'
Status: Current location unknown.

In June 2012, fish suspected to originate from the vessel was seized in Las Palmas mislabelled as having been caught by the Hae Jeong 1.

IUU Offences: 22.10.2011: Obscuring markings, failing to stop for fisheries officer, fishing in IEZ; 08.01.2012: Obscuring markings, fishing in IEZ. Total fine of US\$154,000.




The boat was finally arrested on 18th January 2012, whilst on its way to carry out an illegal transshipment at sea with the Panama-flagged Canarian Reefer despite being previously called to port by MFMR. When arrested, officials found fish boxes belonging to another vessel, Hae Jeong 1, on board. Unlike the Marampa 803, the Hae Jeong 1 is accredited to export its catch to the EU, indicating that the vessel may be “laundering” its fish in order to export it to Europe. Taerim Corporation, based in Las Palmas, confirmed to EJV that it had been contracted to manage both of the vessels. Manocap has claimed that Sierra Fishing Company had sold the Marampa 803 following its illegal activity. However, at the time of writing the management of Manocap have been unable to confirm who the vessel has been sold to or the flag under which it operated during its period of SFC ownership.

European authorities acted on EJV’s intelligence to seize 28 tonnes of fish that arrived in the port of Las Palmas in Hae Jeong 1 boxes. Korea was asked to provide evidence to confirm that the catches were from the Hae Jeong 1 rather than Marampa 803, but were unable to do so. The fish was therefore rejected and is understood to have been sent to the Korean market by the fishing operators concerned.

The foiled illegal transshipment of fish by the Marampa 803 was uncovered by EJV following the monitoring of cargo vessel and fishing vessel movements over a period of three months in the West African region. In recorded telephone conversations with the Captain of the Canarian reefer via satellite phone, EJV was able to confirm two further unauthorised transshipments by Five Star and Marcia 777, both of which subsequently fled Sierra Leone.

IUU Alert



Vessel name: FIVE STAR
Previous name: Unknown
Flag: Republic of Korea
IMO number: 7123772
Call sign: 6KUE
Tonnage: 375(DW)
Length: 55 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: KORF 131
Owner: Seokyoung Corporation
Date observed: 18.01.2012
Location observed: N08° 35.650',
W014° 24.717'
Status: Believed to be operating
in Republic of Guinea
IUU Offences: 18.01.2012: Transshipping
without authorisation to the Canarian
Reefer. Jan 2012: Fleeing Sierra Leone.
OUTSTANDING FINE IN SIERRA LEONE.

In the second half of 2011 EJF received numerous unsubstantiated reports of the vessel operating in the IEZ off Bonthe, Sierra Leone and Robertsport, Liberia.



IUU Alert



Vessel name: MARCIA 777
Previous name: Global 101
Flag: Republic of Korea
IMO number: 9036624
Call sign: DTBS7
Tonnage: 379(GT)
Length: 55 metres
Type of vessel: Canoe Support Vessel
EU DG SANCO number: KORF 274
Owner: Bugang International Co. Ltd.
Date observed: 18.01.2012
Location observed: N08° 35.650',
W014° 24.717'
Status: Believed to be operating
in Republic of Guinea
IUU Offences: 18.01.2012: Transshipping
without authorisation to the Canarian
Reefer. Jan 2012: Fleeing Sierra Leone.
OUTSTANDING FINE IN SIERRA LEONE.



EJF Investigator: *Hi Captain.*
Captain, Canarian Reefer (CR): *Hello Sir... There are only two vessels.*
EJF Investigator: *Only two?*
Captain, CR: *The Medra, the Marcia 777, it is only two vessels...*
EJF Investigator: *Okay, so... the Five Star, the Medra and the Marcia 777 have completed their transhipments?*
Captain, CR: *No, no, no, no... It is only Five Star completed. Medra and Marcia still not.*
EJF Investigator: *Okay. Medra and Marcia are still taking place.*
Captain, CR: *Yeah, yeah. There is more the two vessels: Medra and Marcia.*
EJF Investigator: *Okay, Medra and Marcia 777 are currently completing their transhipments. And, you are the Captain of the Canarian Reefer, correct?*
Captain, CR: *Yes, this is correct, I am the Captain.*
EJF Investigator: *Okay, and Captain..?*
Captain, CR: *Yes, yes, this is Captain.*
EJF Investigator: *Do you have authorisation to tranship in the location you are transhipping?*
 [The Captain remains silent]
EJF Investigator: *Which government has authorised the transhipment?*
Captain, CR: *Sir? The two vessels will be finished in 15 minutes.*
EJF Investigator: *Okay, so the two vessels will be finished, but who authorised you to tranship?*
 [The Captain hangs up the phone]

Conversation between EJF and the Captain of the Canarian Reefer via satellite phone on 18th January

IUU Alert



Vessel name: CANARIAN REEFER
Previous name: Unknown
Flag: Panama
IMO number: 9081655
Call sign: 3FCC7
Tonnage: 6720 (DW)
Length: 133.95 metres
Type of vessel: Reefer
EU DG SANCO number: unknown
Owner: Seatrade Holding B.V.
Date observed: 18.01.2012
Location observed: N08° 35.650',
 W014° 24.717'
Status: Continues to travel regularly between West Africa and East Asia. Can carry an estimated 2,700 tonnes of fish
IUU Offences: Awaiting confirmation of offences. Carried fish from IUU vessels Marcia 777 and Five Star from Sierra Leone to the Republic of Korea.



IUU Alert



Vessel name: KUMMYEONG 2
Previous name: Now operating as Conosu. Previously named Bellesol-2
Flag: Republic of Korea
IMO number: 6802981
Call sign: DTBG9
Tonnage: 341(DW)
Length: 48.35 metres
Type of vessel: Bottom Trawler
EU DG SANCO number: KORF 086
Owner: Kummyeong Fisheries Co. Ltd
Date observed: 07.12.2011
Location observed: N07° 23.923', W012° 35.098'
Status: Known to be operating in Republic of Guinea under name of Conosu
IUU Offences: 07.12.2011: Obscuring markings, fishing within the IEZ. Dec 2012: Fleeing Sierra Leone when called to port. OUTSTANDING FINE IN SIERRA LEONE.



Following the transshipments, EJF worked with Sierra Leone to highlight the expected arrival of the illegal fish on board the Canarian Reefer in the Korean port of Busan. However, no action was taken by Korean authorities and the fish is believed to have been sold into the Korean seafood market.

On 7th December 2011 EJF documented another vessel trawling one mile from the shore in waters less than 10 metres deep. The vessel was operating over seven miles inside the IEZ and is believed to have destroyed the fishing equipment of a number of fishers. EJF subsequently identified the vessel as Kummyeong 2, a Korean-flagged vessel with accreditation to export its catch to the EU. After EJF sent an IUU Alert to the Sierra Leone Government, authorities ordered the vessel to port in order to investigate its activities. However, instead of coming to port, the vessel fled the country, leaving its Sierra Leone crew and fisheries observer stranded in Guinea.

EJF travelled to Guinea in March where they identified Kummyeong 2 anchored at sea, one mile from the port of Conakry. The vessel had erased its name and painted a new name, "Conosu", on its hull. It had also changed its call sign. Subsequently, EJF has received reports of the newly-named Conosu operating inside the IEZ in Guinea, and it is believed the vessel is responsible for further destruction of the fishing nets of artisanal fishers in inshore areas.

In Guinea, EJF also identified another fugitive from Sierra Leone, Ocean 3, anchored near to Kummyeong 2. Ocean 3 is wanted by the Sierra Leone Government for escaping

the country without paying US\$30,000 penalties for IUU fishing. Neither Ocean 3 nor its sister vessel Ocean 2 appear on the Guinean licence list despite reports that they fish in the country. The Government of Sierra Leone has notified Guinea of the fugitive status of the vessels, but at the time of writing no action has been taken to return them to Sierra Leone to face justice.

In another IUU incident in Sierra Leone, the Korean-flagged Kwang Il, a canoe-support vessel, was documented illegally deploying canoes into the IEZ on 28th November 2011. The vessel was under investigation by the Government of Sierra Leone and has since left the country.

In March 2012 an EJF investigator travelled to Conakry where he identified a fugitive vessel, the Kummyeong 2, anchored at sea one mile from shore. It had erased its name and painted a new name, "Conosu", on its hull

Figure 5: An EJF comparison showing Kummyeong 2 and Conosu to be the same vessel



Conosu
Conakry, 2012



Kummyeong 2
Sierra Leone, 2011



Kummyeong 2
Las Palmas, 2009

© EJF

IUU Alert 

Vessel name: KWANG IL
Previous name: Unknown
Flag: Republic of Korea
IMO number: 7213008
Call sign: DTBW7
Tonnage: Unknown
Length: Unknown
Type of vessel: Canoe Support Vessel
EU DG SANCO number: KORF 332
Owner: Kwang Il Fisheries Co. Ltd.
Date observed: 28.11.2011
Location observed: N07° 59.241', W013° 11.904' (canoe deployed by Kwang Il was observed fishing at N07° 59.416', W013° 12.130')
Status: Departed Sierra Leone
IUU Offences: Used canoes to fish within the IEZ.




International action as a result of EJF's investigations

Following the European Commission's investigations, a representative from the Korean Government confirmed to EJF in July 2012 that authorities are considering possible sanctions for 14 vessels involved in illegal fishing. Operators in West Africa have also reported that as a result of EJF's work, Korean operators are being required by the Government to install VMS in a process that started in July 2012. Furthermore, Panama has reportedly fined Seta 73 US\$200,000 for failing to have a licence to carry fish. Despite this important progress, there are still grave concerns about the ability of Korea and Panama to properly monitor and control their fleets. There are 267 large-scale, Korean-flagged fishing vessels, factory vessels and reefers with accreditation to export their catch to EU.²⁴ There are 55 large-scale, Panama-flagged reefers, factory vessels and fishing vessels with accreditation to export fish to the EU.²⁵ There are many more vessels, such as the above mentioned Canarian Reefer, that are not accredited to export fisheries products to the EU but transport fisheries products to non-EU markets. In addition, vessels with ownership links to the EU and East Asia are increasingly exporting large parts of their catch to the growing West African market.

The European Commission is believed to be continuing its investigations into all vessels documented operating illegally by EJF with the potential that they will be blacklisted and banned from exporting fish to the EU.

Vessels fishing for Europe linked to corruption in Sierra Leone



The Kwang II observed in Freetown harbour © Grain Media for EJF

During the investigation by Al Jazeera in Sierra Leone, there were disturbing allegations of corruption made by a member of the Sierra Leone Navy and a fisheries observer.²² The navy insider explained how he had been given five days of extra duties by his superiors for reporting illegal fishing by an industrial vessel, and said that bribes were frequently made to navy patrols so that they do not detain vessels operating illegally. Further evidence of these practices in West Africa were obtained by EJF in Las Palmas, where crew of an IUU vessel previously documented by EJF explained how fishing vessel captains frequently give boxes of fish and money to enforcement authorities in Guinea in order to avoid arrest. They also explained the process by which a vessel captain orders crew to conceal the vessel's name with fishing nets whilst they fish in the IEZ.

Meanwhile, a fisheries observer in Sierra Leone described being removed from a vessel when he raised the alarm that the vessel was operating illegally in the IEZ. He explained that there had been a significant amount of collusion between agents and authorities, and that the independence of observers was heavily compromised due to their wages being paid by fishing companies rather

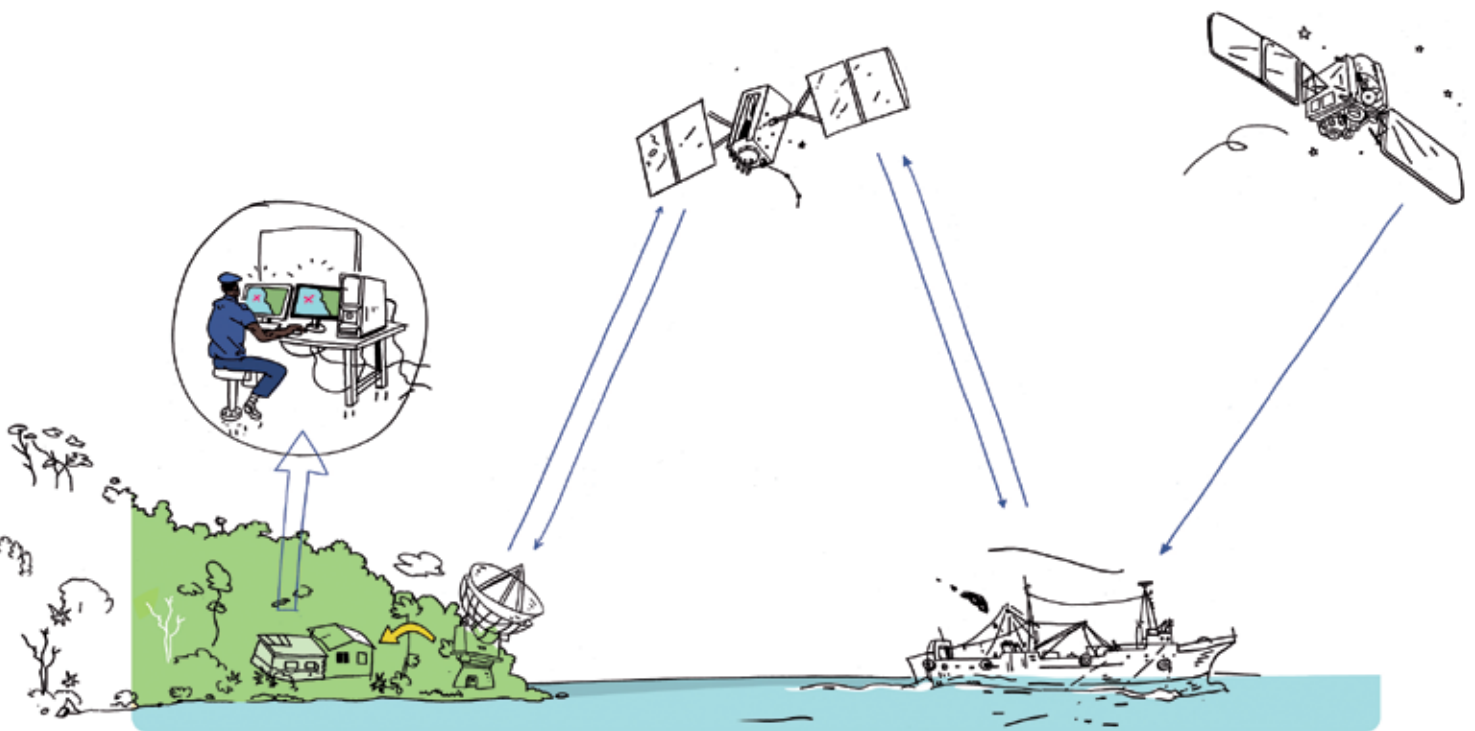
than the government. All fishing vessels documented operating illegally by EJF in 2011 and 2012 had government fisheries observers on board. In one of these cases, an observer on board an IUU vessel informed EJF that he had been confined to his cabin while IUU fishing took place and had been prevented from accessing communications equipment. The Sierra Leone Minister of Fisheries and Marine Resources has acknowledged weaknesses in the observer programme and plans radical reforms and changes in the way observers are paid. In recent months, the Sierra Leone Navy has participated in several successful arrest missions, sometimes at serious personal risk.

Crew of an IUU vessel previously documented by EJF explained how fishing vessel captains frequently give boxes of fish and money to enforcement authorities in Guinea in order to avoid arrest

Vessel Monitoring Systems and pirate fishing in Sierra Leone

Vessel Monitoring Systems (VMS) are an integral part of effective fisheries Monitoring, Control and Surveillance (MCS). A satellite-based VMS enables authorities to monitor a vessel's location through the receipt of hourly electronic reports on a vessel's location, course, and speed. Since Council Regulation (EC) No. 2371/2002 came into force, all large-scale fishing vessels flagged to EU Member States are prohibited from engaging in fishing unless they have a VMS installed.²³ However, there is not the same requirement for non-European vessels that export their catch to the EU.

Figure 6: Illustration of the operation of a Vessel Monitoring System



A satellite-based VMS enables authorities to monitor a vessel's location from a shore-based fisheries monitoring centre
© Olivier Kugler for EJF

It is now a legal requirement for vessels fishing in Sierra Leone to carry a VMS but it has been common for vessels to switch their VMS off for up to five days at a time. This allows vessels to fish illegally in the IEZ, carry out unreported transshipments, and engage in banned fishing practices such as pair-trawling.

Ocean 3, documented fishing illegally by EJF on 22nd October 2011, did not have a VMS installed. Kummyeong 2, documented on 7th December 2011, had its VMS switched off while it operated illegally in the IEZ. Kwang II, documented fishing illegally on 28th November 2011, regularly switches its VMS off for long periods of time. A number of other vessels operating in Sierra Leone, including Apsari 3, Five Star and Marampa 803, also regularly switched their VMS off for up to 90 hours at a time. Although VMS rules have recently been tightened significantly in Sierra Leone, there

have so far been no sanctions for vessels that abuse the VMS and it has been reported to EJF that shrimp trawlers still regularly switch their VMS off during the night whilst operating around the IEZ. The complete lack of a VMS in Guinea is of even greater concern.

It has been reported that the Korean Government has not been monitoring its vessels operating in West Africa through VMS. Whilst Korean-flagged and foreign vessels operating in Korean waters are required to operate VMS, those fishing in distant waters are not. Similarly, EJF has discovered that the Panama Government also failed to monitor the location and the activities of Seta 73 during its transshipment activities in West Africa. EJF has been informed that Panamanian authorities were not even aware that the vessel was carrying fish, despite requiring a licence to do so under Panama's regulations.

Human rights abuses and pirate fishing

On 12th September 2010, EJF staff in Sierra Leone documented Marcia 707, a Korean-flagged canoe-support vessel, illegally deploying canoes into the IEZ near Sherbro Island. When EJF interviewed the crews of the canoes, EJF learned that they were from Senegal and that at least three of the crew were 14 years old. The young boys recounted how they had been picked up by the Korean vessel in Senegal and that they were at sea for three months at a time, deployed to sea each day in their canoes before returning to the mother ship at night to unload fish destined for the EU. EJF staff boarded Marcia 707, where they observed the makeshift structure that was used to house up to 200 people, including the 14-year-old boys, in cramped and unsanitary conditions.

In November 2008, EJF assisted the Republic of Sierra Leone Armed Forces (RSLAF) Maritime Wing in arresting the Korean-flagged Apsari 3. The vessel had 36 crew members on board from Korea, China, Vietnam, Indonesia and Sierra Leone. Asian crew members had been recruited in their home countries and flown to the port of Las Palmas in the Canary Islands to meet the vessel as it unloaded its catch. Contracts were set for two years with no chance of a visit home – one man had not yet met his 18-month-old son. For sleeping quarters, eight men shared a small area of the hold with four “bunks” made up of planks and cardboard. Four would sleep in the windowless space that led directly into the fish hold, while the other four worked their long shift. Sierra Leonean crew members on board Apsari 3 had been picked up in Freetown and taken on without contracts, and were not given cash payment. Instead they were paid in boxes of frozen “trash fish” (caught as by-catch), which they would then have to sell locally. Although they were aware that the vessel they were working on was depleting local fish stocks and destroying other fishers’ livelihoods, these men felt they had little choice but to take the employment. Crew members reported to EJF that any protest to the captain of the vessel about conditions, pay or treatment would result in immediate termination of the work, and abandonment on the nearest beach.

The bad treatment of crew on board IUU fishing vessels operating in West Africa is not limited to Marcia 707 and Apsari 3. EJF investigations on board IUU vessels in Sierra Leone and Las Palmas have demonstrated further examples of poor or non-existent safety equipment, inadequate hygiene standards and extremely poor food and accommodation standards.



As well as documenting attacks on local artisanal fishers by pirate fishing vessels operating in West Africa, EJF has documented conditions that meet the International Labour Organisation’s definitions of child labour and forced labour²⁶



A 14-year-old boy fishing for the Korean-flagged Marcia 707 © EJF



Hygiene standards and pirate fishing

Nine out of 10 vessels identified by EJF operating illegally in Sierra Leone during 2011 have accreditation numbers from the European Commission's Directorate General of Health and Consumers (DG Sanco). This certification should signify that the vessels have met supposedly strict EU hygiene standards that authorise them to export their catch to the EU. However, EJF's investigations on board pirate fishing vessels reveal that fish is very often handled and packed in extremely unhygienic conditions, therefore posing a risk to consumers and the workers on board.

It is not the EU authorities that judge whether a vessel meets hygiene standards and is suitable to export to the EU. Instead, this decision is devolved to the vessel's flag State, which is then responsible for the inspection of vessels and for monitoring their compliance with hygiene rules. This is particularly problematic when it comes to distant-water fishing fleets that rarely enter port, especially those of poor-performing flag States that lack the will or ability to monitor their vessels.

EJF has documented flagrant breaches of EU hygiene rules on board pirate fishing vessels, including filthy conditions in areas where fish is handled, oil contamination, lack of separation between crew quarters and fish processing areas, and faulty freezing equipment. In October 2011, a crew member on board Ocean 3 was observed naked, showering in the fish processing area soon after the vessel had been

arrested for illegal fishing. A dead dog was also seen in the fish processing area. In addition to the non-certified Marampa 803 apparently using the certified Hae Jeong 1 to export fish to the EU, EJF has also received reports of vessels in Liberia laundering fish from vessels without certification to certified vessels within the same company. DG Sanco is aware of these issues and is reviewing the certification process ahead of new regulations that will be consulted on in 2013. EJF will be advocating for a more direct inspection process that does not rely on third country assurances.



The kitchen of a vessel operating in Sierra Leone © EJF

Failures in flag State responsibility and Flags of Convenience

As well as the so-called Flags of Non-Compliance such as Korea that do not comply with their international responsibilities to regulate their fishing vessels, of equal concern are those States with open registries that sell their flag to foreign fishing vessels but lack the will or capacity to regulate their activities. These Flags of Convenience (FoC) make a business from granting flags to foreign-owned vessels but undermine sustainable fisheries management by not exercising control over them. Just as vessels can hop from Sierra Leone to Guinea to avoid coastal State sanctions, they can also exchange flags if facing fines or other sanctions. This has the prospect of undermining reforms to distant water licensing proposed by Korea discussed above, enabling operators to “flag out” to the weakest regulators.

EJF investigations exposed how Panama failed to regulate the activities of Seta 73, which conducted unauthorised transshipments at sea in West Africa and transported fish caught illegally in Sierra Leone to port in Las Palmas. With 65 vessels accredited by DG Sanco to export their catch to the EU, Panama-flagged vessels play an important role in global fisheries. According to figures given to EJF by the Spanish Government, over half of all fish landed in Spain by non-EU vessels is landed by Panama-flagged vessels, a significant 105,904 tonnes of fish.²⁷

Panama-flagged vessels are also prominent in the transport of fish to East Asia and within West Africa. The Canarian Reefer uses the Panama flag and transports fish to Korea,

despite registered ownership in the EU. Another Panama-flagged vessel, Binar 4, was documented, in a joint EJF and Greenpeace mission, carrying out an illegal transshipment and transporting illegally caught fish off the coast of West Africa in 2006. Having previously been flagged to Belize (also an FoC registry), Binar 4 subsequently changed its name to Lucky 101 and “flag-hopped” again to yet another FoC registry, Sierra Leone. The Sierra Leone International Ship Registry (SLISR) was previously based in New Orleans but is now based in Singapore. The Lucky 101 is operated by Lucky Trading, which has offices in Spain.

In 2010, the SLISR was instructed by the Government of Sierra Leone to stop flagging foreign-owned fisheries vessels. Whilst all foreign-owned fishing vessels have since been de-flagged, there are a number of foreign-owned refrigerated cargo vessels such as Lucky 101 that continue to operate under the Sierra Leone flag. Of significant concern, Lucky 101 is supporting the activities of vessels with outstanding offences in Sierra Leone by collecting their fish at sea and transporting it to ports where it can be sold. Following desk-based investigations, EJF discovered that a transshipment occurred between Five Star (mentioned above) and the Sierra Leonean-flagged Lucky 101, on 5th May 2012. Five Star reportedly transhipped 3,346 cartons of frozen fish to the Sierra-Leonean flagged Lucky 101, despite being wanted for IUU fishing offences in Sierra Leone. This represents a worrying lack of coordination between Sierra Leone’s vessel registry and its fisheries authorities.

IUU Alert



Vessel name: LUCKY 101
Previous name: Binar 4
(until Sept. 2009)
Flag: Sierra Leone
(previously Panama, Belize and China)
IMO number: 8831431
Call sign: 9LD2244
Tonnage: 850 (DW)
Length: 66 metres
Type of vessel: Reefer
EU DG SANCO number: Unknown
Owner: Lucky Trading Co.
Date observed: 05.05.2012
Status: Lucky Trading Co.
have offices in Las Palmas, Spain.
IUU Offences: Receiving fish from
known fugitive IUU vessel (Five Star).



The role of flag brokers

Flag-hopping, such as that carried out by Lucky 101, is facilitated by brokers that help fishing operators acquire a flag that is suitable for their activities. In order to investigate the role of flag brokers, EJF went undercover in 2011, posing as the owner of a fishing vessel looking for a Flag of Convenience (FoC) with weak enforcement of its international legal obligations.

EJF investigators presented themselves as the owner of a 30-metre long-line fishing vessel that “operates widely throughout the Atlantic”. EJF investigators emphasised to brokers that they did not want to submit reports and fishing authorizations, and that they wanted to avoid using VMS.

Based on EJF’s request, the first flag broker recommended that they consider flagging to Panama, Togo, Sierra Leone, Belize or Tanzania. Further to EJF investigators reiterating that they did not want to install a VMS device, the broker specifically cited Togo as a “cheap registry” that did not require a VMS.

A second broker informed EJF investigators that FoC are less available than they used to be, saying: “Many ship registries that in the past were offering registration services to fishing vessels are no longer doing this these days, so we have to choose from a limited number of such registries to do this.” Whilst the reduction in the number of registries selling FoC to fishing vessels is a positive development, the broker still offered Panama as the best option.

EJF’s own investigations using international shipping databases have shown that 12 percent (100 vessels) of 841 large-scale fisheries vessels flagged to the top 13 FoC registries in 2011 are owned by EU companies. Of equal concern are the 18 percent (143 vessels) under the top 13 FoC registries that are listed as “owner unknown”.

In January 2011, the European Maritime Affairs and Fisheries Commissioner, Maria Damanaki, acknowledged that the issue of open registries and Flags of Convenience is “of great concern” and confirmed that, in accordance with Article 40 of the EU IUU Regulation, the Commission had requested Member States to carry out enquiries to identify European beneficial owners of vessels flagged to FoC.²⁸ EJF has been informed that Member States have so far not submitted any information to the Commission on nationals with interests in FoC vessels.

The number of EU beneficial owners of FoC vessels may be far higher as many of the beneficial owners listed in shipping databases are “shell companies” in tax havens. Furthermore, EJF’s research did not factor in the significant number of reefers that carry fish, as it is often impossible to differentiate fish-carrying reefers from those that carry other perishable goods. Previous research by EJF has shown that a very high proportion of all reefers operate under FoC.

12 percent (100 vessels) of 841 large-scale fisheries vessels flagged to the top 13 FoC registries in 2011 are owned by EU companies

Figure 7: Graph showing the listed location of owners of fishing vessels registered under the top 13 FoC registries



Source: Lloyds Intelligence

Conclusions and recommendations

EJF IS CALLING FOR URGENT ACTION TO ADDRESS THE CONTINUING HIGH LEVELS OF IUU FISHING IN WEST AFRICA:



Improved implementation of the EU IUU Regulation

As the world's largest importer of fish, the EU has a crucial responsibility to combat IUU fishing around the world and to ensure that European demand for seafood does not fuel pirate fishing, particularly in vulnerable countries where fish is a vital source of food security, employment, and income.

The EU IUU Regulation is an important step forward, however a lack of control by flag States and a lack of MCS in West African waters mean that validated catch certificates from this region cannot be relied upon.

The release of the fish caught by Medra, Seta 70, 515 Amapola and Marcia 707 demonstrates that despite the EU IUU Regulation, illegal fish can still be laundered into the European seafood market, even when it is subject to inspections and verifications.

The lack of communication and coordination between the EU and coastal States in West Africa means that there is a vacuum of information on what is happening in the area with the highest levels of IUU fishing in the world.

The EU IUU Regulation has now been in force for over two and a half years but no new vessels have yet been added to the EU IUU Blacklist and no countries have had their seafood exports to the EU restricted due to IUU fishing.

RECOMMENDATION:

To ensure that the EU IUU Regulation and similar legislation is successful, it is strongly recommended that flag State assurances that fish has been caught legally be backed up by robust VMS and electronic logbook data. The EU and Member States must also work to substantially improve communications with coastal States across the world as a means of verifying catch certificates, fishing licences and other flag State assurances.

The EU must urgently use the tools available within the EU IUU Regulation to blacklist vessels identified fishing illegally, including those identified by EJF operating illegally in West Africa.

The EU should also blacklist companies that are shown to have repeatedly fished illegally and countries that fail to cooperate in the fight against IUU fishing.



Binding standards for flag State performance and an end to the exploitation of Flags of Convenience

This report particularly highlights the failings of Korea and Panama, but many other flag States are also not fulfilling their international legal obligations to effectively control the activities of fishing vessels flying their flag. In particular, the lack of effective VMS on board fishing vessels means that authorities are unable to monitor compliance with applicable laws or verify information contained within catch certificates. It is of serious concern that some European operators are avoiding supervision and control of their fishing activities by "flagging out" to weak registries. They (and non-EU operators) are being assisted by flag brokers that make a business out of procuring FoC for vessel owners.



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RECOMMENDATION:

The UN FAO must speed up the development of binding standards for flag State performance and consider the application of sanctions for non-compliance with international obligations. Those countries that fail to uphold their responsibilities should be denied access to seafood markets and port facilities.

States must be required to identify their nationals that beneficially own FoC vessels. Vessel operators should acquire flags directly from the competent authorities in a flag State rather than through brokers.



Improved coastal State Monitoring, Control and Surveillance and regional cooperation

Despite some improvements, MCS in many West African countries remains weak. There is little capacity to conduct at-sea operations. VMS is often either broken or is abused by vessel operators and there is a lack of transboundary and regional cooperation. Of particular concern, success in displacing illegal vessels from Sierra Leone is compromised by the ability of operators to continue their activities in other countries in the region, such as Guinea and Guinea-Bissau, both of which are recent victims of military coup.



RECOMMENDATION:

Sanctions for failure to comply with VMS rules must be strengthened so that IUU vessels cannot turn their VMS off in order to carry out pirate fishing. To ensure that West African countries act in concert to address IUU fishing, the development of a regional VMS should be explored.

In addition, West African coastal States should be assisted in developing the seagoing capacity that enables them to carry out surveillance operations and, where necessary, at-sea arrests. Regional Fisheries Management Organisations and other regional organisations should bring countries together to develop regional solutions to IUU fishing.

Coastal States should ensure that there is full transparency in fishing vessel licensing and enforcement activities in order to mitigate the risks of fraud and corruption.



The development of a Global Record of fishing vessels

EJF's work clearly highlights that attempts to address pirate fishing are being frustrated by a lack of information about vessels' identities and vessel ownership. Vessel owners rename and reflag vessels in order to escape sanctions and many beneficial owners remain obscured behind "shell companies". The lack of a widely used Unique Vessel Identifier (UVI) and supporting information on vessels' histories means that authorities are often not able to make informed decisions about which vessels should and should not be granted licences, and which fisheries products come from IUU vessels.



RECOMMENDATION:

The UN FAO should urgently proceed with work to develop a comprehensive Global Record of fishing vessels that will assign each industrial fishing vessel a UVI, contain information on any sanctions for IUU fishing and details about where vessels are licensed to fish.

Given that the International Maritime Organisation (IMO) number is being suggested as the preferred option for the Global Record UVI, an initial step for the EU would be to require all large-scale industrial vessels exporting to the EU to obtain an IMO number, which is available free of charge. The IMO should work with the FAO to proactively engage with the fishing industry to promote the use of the IMO number and raise awareness of its importance in combatting IUU fishing. In addition, developing countries should be assisted in implementing the Global Record and using it as a tool to support effective fisheries management.



Effective control on imports of fish by port and market States

EJF's work tracking illegally-caught fish to the European seafood market has shown the potential impact of depriving market access to vessels that operate in breach of coastal State laws.

However, the growing market for fisheries products in East Asia and West Africa means that enhanced port and market State controls in the EU will only go some way to deterring IUU fishing.

EJF tracked illegal fish to the Korean port of Busan, but was unable to get meaningful action from authorities due to inadequate port State controls and a lack of coordination between Korea and coastal States in West Africa.



Similarly, there are currently very few controls on landings of fish in West African ports – EJF documented fish caught by "fugitive vessels" from Sierra Leone being transhipped at sea and transported to other West African markets unhindered.

Progress gathering the signatories and ratifications required for the Port State Measures Agreement to enter into force has been slow, with ratification by a further 21 countries still needed for the agreement to enter into force. Meanwhile, many developing countries currently lack the capacity to implement the provisions of the agreement.

RECOMMENDATION:

All states should be strongly encouraged to ratify the Port State Measures Agreement and implement effective port controls. Developing coastal States should be assisted in implementing port controls, including through the development of information sharing networks that will enable States to identify high-risk consignments and operators.

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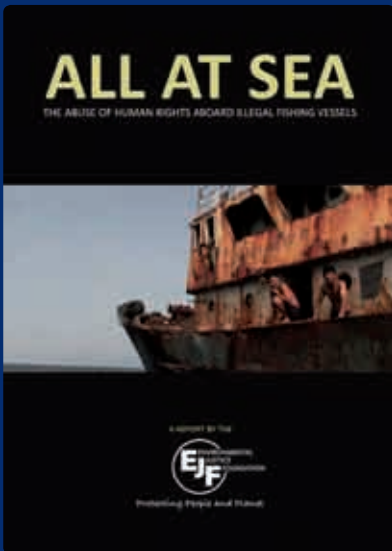
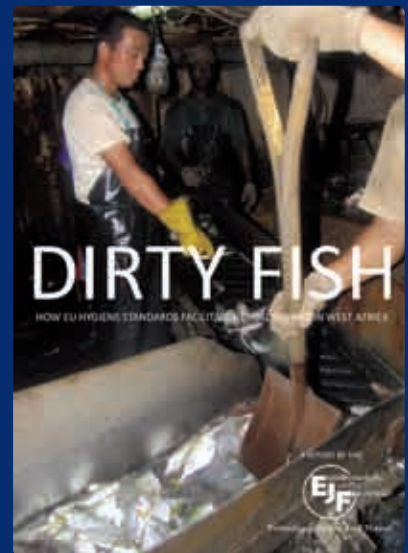
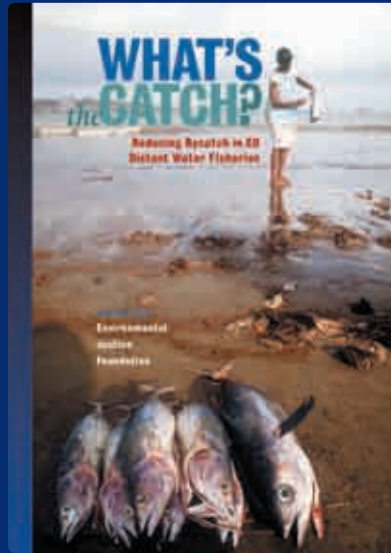
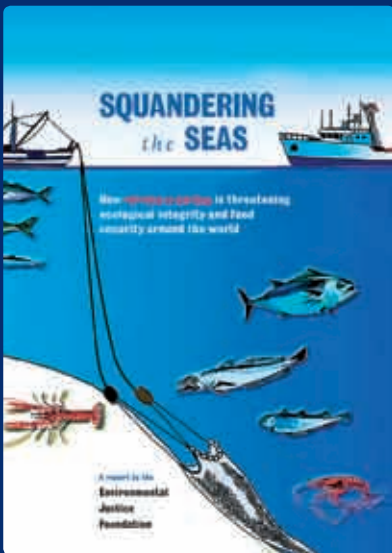
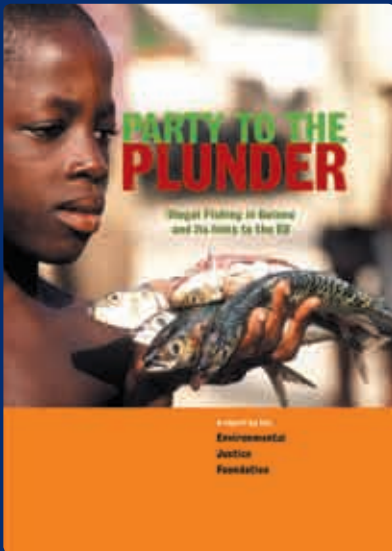
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Vessels involved in IUU fishing documented by EJF during 2011 and 2012

Vessel name/ Other known names	Flag	IMO	Owner	Call sign	Type	EU DG Sanco	IUU offences
Ocean 3/ Sea Queen 1	Republic of Korea	7381336	Dae Hyun Fisheries Co. Ltd.	DTBG2	BT	KORF 107	22.10.2011: Obscuring markings, failing to stop for fisheries officer, fishing in IEZ. Total fine of \$154,000. Dec 2011: Fleeing SL with unpaid fines.
Marcia 707	Republic of Korea	unknown	Bugang International Co. Ltd.	Unknown	CSV	KORF 115	29.01.2011: Used canoes to fish within the IEZ.
Seta 70	Republic of Korea	9249001	Inter-Burgo Co. Ltd.	DTBE9	BT	KORF 242	03.03.2011: Obscuring markings, operating in IEZ with gears at the ready, possible lack of valid licence. July 2011: Fishing in the IEZ and evading arrest in Liberia.
515 Amapola	Republic of Korea	7355492	Dong Yang Fisheries Co. Ltd.	DTAP3	BT	KORF 209	18.02.2011: Obscuring markings, fishing within the IEZ.
Medra	Republic of Korea/ Honduras	8837526	Intermiso S.A.		BT	KORF 190	14.02.2011: Fishing in the IEZ, attacking a fisher.
Seta 73	Panama	8217130	Inter-Burgo S.A.	3FJU8	RCV	448-ZV	12.03.2011: Brought IUU fish from Marcia 707, Seta 70, 515 Amapola and Medra to the EU. Failed to register with Panama as a fish carrier, fined \$200,000.
Marampa 803/ Golden Lake 803, Hae Jeong 3	Unknown	7353767	Sierra Fisheries Co. (unconfirmed reports it has been sold)	HLBA	BT	None	22.10.2011: Obscuring markings, failing to stop for fisheries officer, fishing in IEZ. 08.01.2012: Obscuring markings, fishing in IEZ. Total fine of \$154,000.
Kwang II	Republic of Korea	7213008	Kwang II Fisheries Co. Ltd.	DTBW7	CSV	KORF 332	28.11.2011: Used canoes to fish within the IEZ.
Kumyeong 2/ Now Conosu. Prev. Bellesol-2	Republic of Korea	6802981	Kumyeong Fisheries Co. Ltd.	DTBG9	BT	KORF 086	07.12.2011: Obscuring markings, fishing within the IEZ. Dec 2012: Fleeing Sierra Leone when called to port. OUTSTANDING FINE IN SL.
Five Star	Republic of Korea	7123772	Seokyoung Corp.	6KUE	BT	KORF 131	18.01.2012: Transshipping without authorisation to Canarian Reefer. Jan 2012: Fleeing Sierra Leone. OUTSTANDING FINE IN SL. EJF has received numerous unsubstantiated reports of the vessel operating in the IEZ off Bonthe, Sierra Leone and Robertsport, Liberia in the second half of 2011.
Marcia 777/ Global 101	Republic of Korea	9036624	Bugang International Co. Ltd.	DTBS7	CSV	KORF 274	18.01.2012: Transshipping without authorisation to the Canarian Reefer. Jan 2012: Fleeing Sierra Leone. OUTSTANDING FINE IN SL.
Lucky 101/ Binar 4	Sierra Leone	8831431	Lucky Trading Co.	9LD2244	RCV	None	05.05.2012: Receiving fish from known fugitive IUU vessel (Five Star).
Canarian Reefer	Panama	9081655	Seatrade Holding B.V.	3FCC7	RCV	None	Awaiting confirmation of offences. Carried fish from IUU vessels Marcia 777 and Five Star from Sierra Leone to the Republic of Korea.

LEGEND

BT	Bottom Trawler	CSV	Canoe Support Vessel	RCV	Refrigerated Cargo Vessel
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