

PARTY TO THE PLUNDER

Illegal Fishing in Guinea
and its links to the EU

A report by the
**Environmental
Justice
Foundation**



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Cover photo: Boy and fish, Ghana. Illegal fishing in African waters is depleting fish stocks and undermining food security and livelihoods. © FAO / P. Cenini / 18306

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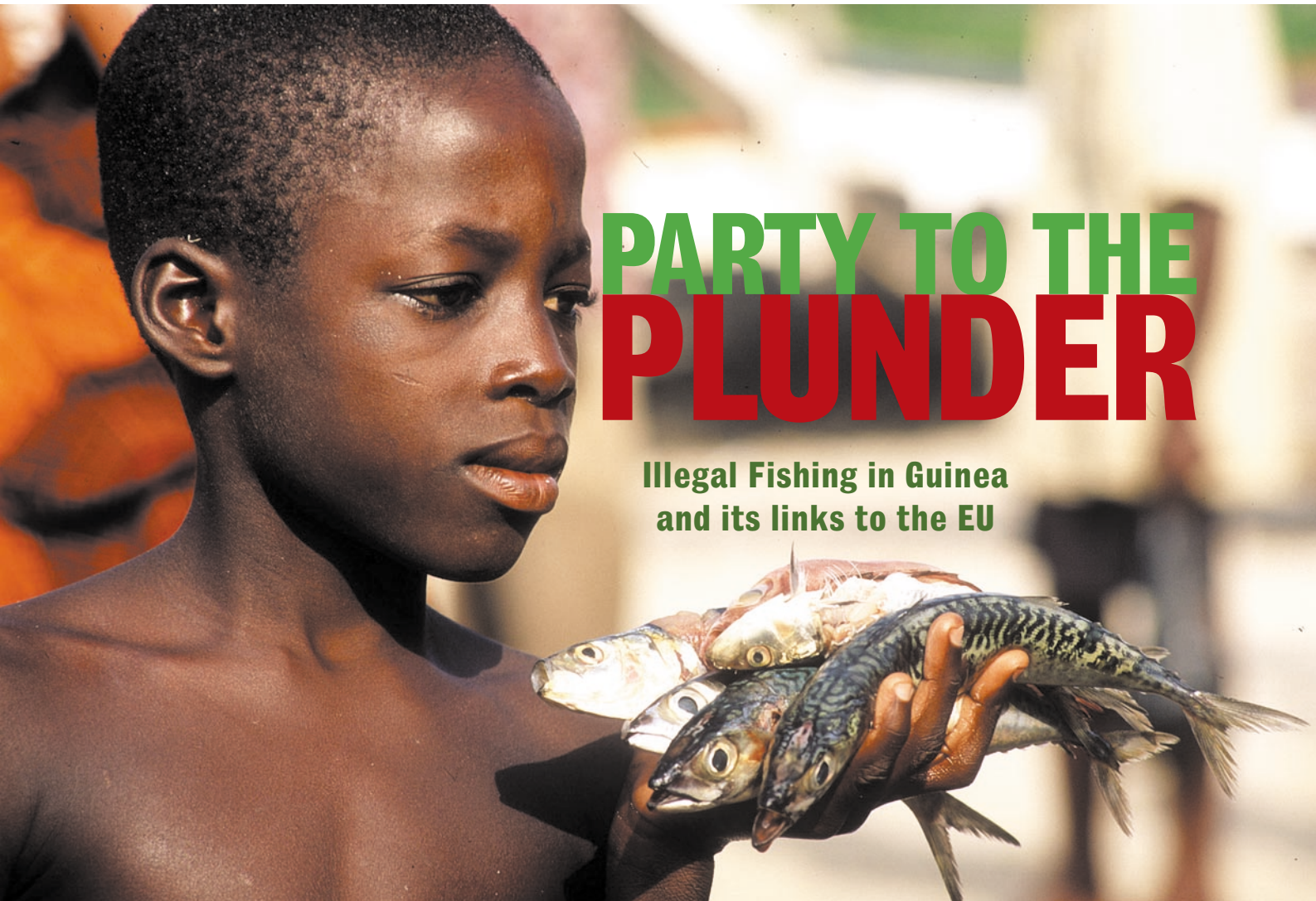
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EXECUTIVE SUMMARY



- Illegal fishing by foreign trawlers in Guinea's coastal zone is widespread and increasing, despite the attention that has been focussed on illegal fishing by the international community in recent years.
- Marine resources and the coastal communities that depend upon them are suffering from unsustainable fishing activities, including massive bycatch and discards, problems that are being significantly compounded by the presence of illegal fishing vessels.
- Illegal fishing is aided by the widespread use of flags of convenience that are used to conceal the identity of the true beneficial vessel owners. Various tactics are used to confuse the identity of fishing vessels, including multiple vessel names and frequent changes in name and registry. Penalising wrongdoers can therefore be very difficult, and penalties do not in many cases serve as sufficient deterrent given the lucrative gains to be made from illegal fishing.
- Some of the vessels arrested by Guinean authorities have been seen in Las Palmas, Spain, suggesting that illegal fish is being marketed in the European Community. Once the fish has been landed in Las Palmas, it is extremely difficult to track it to its final market destination. There are significant problems in the traceability of fish within the EU to ensure that illegally-caught fish does not enter the marketplace.
- Guinea has serious problems in keeping these illegally operating vessels at bay, given their lack of logistical and financial resources. A unique and novel experimental method has been tried in recent years by integrating artisanal fishermen in the surveillance system. Despite its promising beginning, the programme is currently facing difficulties and international support is decreasing.
- Regional efforts and cooperation need to be enhanced in order to ensure that enforcement efforts in one area do not result in displacement of illegal activity to more remote areas where surveillance is lacking.
- The European Union, as a major market for Guinean fish and an important partner through its bilateral fisheries agreement, has an important role to play. Crucially, the EU must take steps to ensure that it does not facilitate or promote IUU fishing in Guinea, by examining traceability from the sea to the marketplace; ensuring that fishing agreements promote sustainable and legal fisheries; remedying the role of Las Palmas in IUU fishing; and the involvement of EU nationals and associated companies in undertaking IUU fishing in Guinea and elsewhere in the region.

In addition to a plethora of earlier international commitments, in November 2005, the UN General Assembly called on States to prohibit their vessels to engage in fishing on the high seas or in areas under the national jurisdiction of other States unless authorized by those States and to deter their nationals from reflagging their ships. The Assembly also called on flag and port States to prevent the operation of substandard vessels and illegal, unreported and unregulated fishing activities and ensure that vessels flying their flags did not engage in transshipping fish caught illegally (www.un.org).

INTRODUCTION

Illegal, unreported and unregulated (IUU) fishing has been implicated as one of the most serious threats to effective fisheries management and the sustainability of fish stocks. Despite myriad meetings, negotiations and plans of action over the past few years, most of the progress achieved in combating this problem has been limited to those developed countries which have the means to put efficient monitoring, control and surveillance (MCS) programmes in place. In many developing countries, the situation has not noticeably improved; in others, the situation has deteriorated even further.

Guinea Conakry is an unfortunate but very telling example of how IUU fishing continues to affect marine resources and the coastal communities dependent upon them. In both 2004 and 2005, field investigations and interviews with Guinean authorities, fishermen and women confirmed that IUU fishing has become a major problem. This prevalence is not new, however, with evidence clearly showing that illegal fishing was rampant in Guinean coastal waters as early as 2001.

A recent report found that Guinea is losing in excess of 34,000 tonnes of fish every year to illegal fishing, worth an estimated US\$110 million¹. Clearly for one of the world's poorest nations, the plunder of coastal resources by IUU fishing vessels bears an enormous economic and social cost.

Given the dependence of coastal communities on fisheries, Guinea cannot afford to let IUU fishing continue unabated. Yet unfortunately, and despite the dire situation, the support being provided by certain States and institutions to combat the problem is decreasing.

As can be seen by some of the vessels arrested in Guinea this year, fishing vessel owners play with names and flags to facilitate their illegal activities and avoid trade and control measures. But it is not only flag of convenience (FOC) States that these ship-owners take advantage of. Certain States facilitate IUU fishing by a range of activities, including:

- failing to prevent fishing companies registered under their jurisdiction from owning or operating FOC fishing vessels (States of beneficial ownership);
- failing to properly inspect FOC vessels that come to port to either land their catch or resupply (port States);
- acting as the final market for fish caught by FOC fleets (market States).

The FAO plan of action on IUU fishing provides for a series of measures which, if properly implemented not only by flag States but also coastal States and port States, would go a long way in curtailing such IUU activities.

Moreover, more transparency is certainly needed in identification of fishing vessels. They should be registered in publicly available, up-to-date and reliable databases where the basic information would appear: current and previous vessel names and flags, owners and beneficial owners, country of ownership, call sign, tonnage, etc.

Regardless of the ambiguity surrounding the identity of these vessels, however, there is undisputable evidence that Las Palmas de Gran Canaria (Spain) serves as a hub for their illegal operations: permitting them to land their catches, and providing them with essential services, without adequate scrutiny.

BELOW & OPPOSITE:
The livelihoods of 30,000 Guinean small-scale fishermen are dependent on marine resources, and fish is an extremely important food source, providing the population with 51% of all animal protein consumed.

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WHAT'S IN A NAME? ILLEGAL FISHING BOATS IN 2005

In May 2005, EJF/CFFA visited several ports and bases along the Guinea coast in order to evaluate the extent of illegal fishing and the surveillance programmes put in place by the Guinean authorities.

The findings revealed that, even with limited MCS capacity, the authorities had nevertheless arrested 19 fishing vessels during the first six months of 2005 (detailed in the table opposite). Eight of these vessels were charged with fishing without a licence; four for fishing in the 12 nautical mile zone reserved for artisanal fishermen; and six for using the wrong size mesh in their trawl².

A close examination of the ownership and registration of these vessels has shown that many have a history of illegal fishing in Guinean waters and are well known to surveillance authorities³. Multiple name and flag changes are common and some vessels even have dual identities – using one name or flag while fishing in Guinea and a different one when using port facilities⁴.

Two of these vessels were still in port in Conakry, including the **Zenab 3**, which had been arrested on 8 May 2005 for fishing a mere 4 miles from the Guinean coast, well within the coastal zone of 12 nautical miles that is reserved for artisanal fishing. Investigations revealed that the name on the vessel's life rings was not *Zenab 3* but the **Ocean 7**. Boxes of frozen fish being off-loaded from the *Zenab 3* also clearly bore the name of *Ocean 7*⁵. According to the Port Authorities of Las Palmas, a vessel named *Ocean 7* visited the port of Las Palmas (Gran Canaria, Spain) for repairs between 5 April and 7 June 2004⁶, at which time she was flagged in Korea with an owner in Seoul⁷. It is not known whether the *Zenab 3*/*Ocean 7* has offloaded fish in the EU, however it would appear so, as the *Ocean 7* was in Las Palmas from 7 July to 10 July 2005, arriving from and returning to Guinea⁸.

Another *Zenab*, the **Zenab 1**, was arrested on 30 May 2005 by the Guinean authorities for fishing without a licence. No data concerning this vessel are available on the usual databases. However, a vessel known as the **Ocean 5** has

BELOW: The impounded *Zenab 3* was arrested in May 2005 for fishing just four miles from the Guinean coast – well within the 12-mile zone reserved for artisanal fishing.

© EJF



Vessels Arrested in Guinea, 1 January to 4 June 2005

Vessel Name	Date of Arrest	Offence
ZENAB 1	30/01/05	Fishing without a licence
YUAN YU 630	03/02/05	Illegal mesh in the trawl
ITTI GUINEE 01	03/02/05	Fishing without a licence
ITTI GUINEE 02	03/02/05	Fishing without a licence
JUI JUAN 812	03/02/05	Illegal mesh in the trawl
LIAN RUN 26	03/02/05	Fishing without a licence
LIAN RUN 15	03/02/05	Fishing without a licence
LIAN RUN 14	03/02/05	Fishing without a licence
LIAN RUN 13	03/02/05	Fishing without a licence
ELENI-S	04/02/05	Fishing without a licence
MIN- YU 701	18/02/05	Illegal mesh in the trawl
AMAPOLA	30/04/05	Fishing in prohibited zone
BARAKA	30/04/05	Illegal mesh in the trawl
ZENAB 3	08/05/05	Fishing in prohibited zone
CHAICO 2	02/06/05	Fishing in prohibited zone
ATLANS	02/06/05	Fishing in prohibited zone
WOFAGUI 2	03/06/05	Illegal mesh in the trawl
LIAN RUN 16		
GUO-JI 806		Illegal mesh in the trawl

Source: Ministry for Fisheries and Aquaculture of Guinea

also appeared in Las Palmas, flying a Korean flag⁹. Given the dual identity that we have documented of the *Zenab 3/Ocean 7*, it is quite possible that the *Zenab 1* and the *Ocean 5* are the same vessel.

Even more confusing was the **Ittiginee II**, which was arrested under that name on 3 February 2005 for fishing in Guinean waters without a licence. At the time of arrest, she had an Italian captain was reportedly owned by a company based in Sicily, Italy named *Ittipesca*¹⁰. Lloyd's Sea Searcher shows that she changed her name and flag on 3 April 2005, from **Ittipesca quinto** under the Italian flag, to *Ittiginee II* under the Guinean flag. Her port of registry also changed to Conakry¹¹. Examination of the EU vessel register confirms that the *Ittipesca quinto* was registered in Italy until at least September 2004, but has since been deleted¹². The *Ittipesca quinto* had previously been observed fishing in Guinean waters on 20 July 2001 during a surveillance flight by the Surveillance Operations Coordination Unit (SOCU)*. This case illustrates the complicated nature of vessel identification and registry: if this vessel was registered as *Ittipesca quinto* until April 2005, how could she have been arrested in Guinea as *Ittiginee II* in February 2005? The Guinean authorities have her listed under the Senegalese flag¹³. A vessel named **Ittipesca** (number not known) has also been mentioned in one of the cases brought before the International Tribunal for the Law of the Sea. In Case Number 1999/2 between Guinea and St. Vincent & the Grenadines, the *Ittipesca* was described as being refuelled by the tanker M/V *Saiga* on 26 October 1997 in Guinean waters^{13a}.

Another *Ittiginee*, this time the **Ittiginee I**, was also arrested on 3 February 2005 for fishing without a licence. The vessel was captured by an Italian at the time of arrest¹⁴. She does not appear on any publicly available database on fishing vessels, so there is no information on her owner, her flag, or her activities. The Guinean authorities however have her listed under the Senegalese flag¹⁵.

Despite the evident confusion that exists about the *Ittiginee I* and *Ittiginee II* and the fact that they have both been caught fishing illegally, both appear on a list of vessels that are authorized by the European Commission Directorate General for Health and Consumer Protection (DG Sanco) to export fish to the EU – they are certified as meeting the sanitary standards of the Community¹⁶.

The Guineans arrested the **Chaico 2**, flying a Korean flag, on 2 June 2005 for fishing in the prohibited zone. She was observed in Las Palmas from 24 to 29

* SOCU is a decentralised institution of the Sub-Regional Fisheries Commission (SRFC) for West Africa. SRFC member States are: Cape Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone. It is based in Banjul, Gambia.



ABOVE: Boxes of frozen fish unloaded from *Zenab 3* following its arrest for illegal fishing. These boxes and equipment on the boat featured the name *Ocean 7*, illustrating the confusion over the identity of fishing vessels and their true ownership.

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BELOW: Life ring onboard the *Zenab 3* bearing the name *Ocean 7*.

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European subsidies support the squander?

On 11 February 2005, two fishing vessels, *Ittipesca Quinto* (now *Ittiginee II*) and *Ittipesca Quarto* were transferred from the Italian register to the Guinean register. Their owner received EU subsidies for the transfer^{16a}. This provides a clear example of the problems that can ensue when public funds are used to encourage vessel transfers from the EU register to those of developing countries with insufficient guarantees that the receiving country is willing and able to effectively control their activities. Yet the report of the European Parliament on the proposed new European Fisheries Fund seeks to re-instate financial aid for vessel transfers by means of joint enterprises^{16b}.



ABOVE: The Chinese vessel *Baraka*, docked in Conakry port after being arrested for having illegal mesh in the trawl on 30th April 2005.

© EJP

July 2005 declaring a Guinean registry¹⁷. She, along with her sister ship the **Chaico 7**, has a long history of fishing in Guinean waters, for they were both observed during a SOCU surveillance flight on 20 July 2001¹⁸, and both were also seen by Greenpeace on 12 September of the same year¹⁹. The *Chaico 7* was also arrested in Guinea, in 2004, and she appeared in Las Palmas from 26 April to 15 May 2004, arriving from Guinea²⁰. No information is available on Lloyd's for either vessel, but the *Chaico 7* is on the DG Sanco list of vessels authorized to export fish to the EU²¹.

The **Eleni 5** was arrested on 4 February 2005 for unauthorized fishing. The Guineans consider her to be Korean, while Lloyd's lists her flag as "unknown"²². Nonetheless, she, too, appears on the DG Sanco list of authorized vessels. The vessel was also mentioned in the ITLOS Case No. 1 as one of the vessels being bunkered by the *M/V Saiga*, on 27 October 1997, but in those days she was flying a Greek flag²³. It is not known whether her ownership has changed since that time.

China has a bilateral fisheries agreement with Guinea, and Chinese vessels have often been implicated with fishing offences in past surveillance operations²⁴. On 18 February 2005, the **Min Yu 701** was arrested for using illegal mesh in the trawl. She was a repeat offender, having been arrested by SOCU several years earlier, on 12 December 2002, for the same offence²⁵.

Another Chinese vessel, the **Guo-Ji 806**, was also arrested for using illegal mesh. However, the *Guo-Ji 806* is another example of confused registration: since 2003 this vessel has been registered in Lloyd's database not as the *Guo-Ji 806* but as the **Taising 806**, under a Chinese flag²⁶. Her registered owner, Taising Fishery (Singapore) Pte Ltd²⁷, also owns another vessel, the *Taising 805*.

Finally there are the **Lian Run 13** and **Lian Run 26**. Both vessels, considered to be Chinese by the Guinean authorities, were arrested on 3 February 2005 for unauthorized fishing. Though the *Lian Run 13* does not appear in the Lloyd's lists, the *Lian Run 26* was in Las Palmas from 2-5 January 2005²⁸. The *Lian Run 13* had been arrested previously in Guinean waters, on 19 October 2003, for fishing without a licence, according to SOCU²⁹. The *Lian Run* series of vessels are past masters at confusion. A Greenpeace expedition in September 2001 documented several vessels in the waters of Guinea and Sierra Leone bearing the name *Lian Run*, with various numbers, many of them also with the name *Long Way*³⁰. Another *Lian Run*, the **Lian Run 16**, has also been arrested this year in Guinea, but no information on her is available through Lloyd's.

None of the other vessels listed in the table appear in any publicly available database: nothing further can be determined about their ownership, registration or history.

Hidden owners – low penalties

What clearly emerges is that there is enormous confusion surrounding the identity of many fishing vessels. Different official sources such as the Guinean authorities, the regional surveillance programme (SOCU) or the Lloyd's databases provide sometimes conflicting information. However, whenever IUU vessels are identifiable, they are most frequently flagged to Korea or China, a finding that concurs with surveillance activities undertaken by SOCU³¹. For many vessels – 58% of those arrested in Guinea this year – there is no information whatsoever in the public domain. This means that it is very easy to disguise the identity and true beneficial owners of the vessels.

The least that can be said is that the markings of many fishing vessels do not conform to FAO guidelines³². These guidelines provide a standardized system for the identification of fishing vessels and reefers (transport vessels) operating, or likely to operate, in waters of States other than those of the flag State, the types of vessels to which the standards should apply, the proportions of the marks to be displayed, the placing of the marks and the colours to be used. It requires markings to be displayed "prominently at all times". Unfortunately, when these guidelines were adopted at the FAO, they were made strictly voluntary. However, several RFMOs have since made their implementation compulsory. Guinea has as well, for under the annual Fishing Plans, detailed rules are included for marking fishing vessels that are very similar to the FAO guidelines.

Even when arrested, penalties imposed by the authorities do not serve as a sufficient deterrent, given the low risk of being apprehended and the lucrative gains to be made from the illegal catch. For instance, the *Zenab 3* was fishing within the zone reserved for artisanal fishermen – in fact, she was caught a mere 4 nautical miles from the coast. She had her gear and catch confiscated. According to Mme Konaté, Chair of the Comité d'Arraînement of Guinea, the Code de la Pêche Maritime specifies that the vessel would be subject to a fine worth two or three times the cost of a one-year fishing licence. Assuming the *Zenab 3* is the same vessel as the *Ocean 7*, an annual licence would cost US\$186,300 (based on a tonnage of 810 GT) or approximately €155,250³³. Her fine would therefore be in the region of US\$372,600 to US\$558,900 (equivalent to €310,500 to €465,750). While this is not an insignificant amount of money, it must be seen relative to the value of the catch that these vessels normally make.

As the FAO Plan of Action for IUU Fishing says, sanctions should be "of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing". It is important that the coastal State, in this case Guinea, be uncompromising in its imposition of fines and that the offending vessel be kept in port until the fine is paid in full – as occurred with the 19 vessels arrested in the first six months of 2005. It is important to note that the imposition of a fine should not preclude any additional sanctions, such as withdrawal of the licence, depending on the nature and gravity of the offence, especially in the case of repeated offenders, which a number of the IUU vessels demonstrably are.



Transshipping

There are strong indications that vessels engaged in IUU fishing are increasingly transshipping their catches at sea, rather than directly offloading in ports. This serves to conceal any connection between the fish and the vessel by the time the fish arrives on the market and so the true origin of the fish becomes unknown. Transshipping and re-supplying at sea also allow IUU vessels to stay at sea and catch more fish rather than transit to port when their holds are full, where they could be confronted with port inspections or control of their activities.

Guinea currently authorizes three mother ships to operate in its EEZ. They provide various services to fishing vessels, including collecting the fish, which is then either taken to a port or further transhipped at sea. These transshipping operations at sea are not easy to control, especially in regions where MCS measures are limited.

If transshipping at sea is to be authorized, it must be strictly controlled through a variety of measures, including requiring vessel monitoring systems and observer coverage. Sanctions should be applied, such as denial of port access for vessels that transship IUU-caught fish, as such activities undermine conservation and management measures just as much as IUU fishing activities themselves.

At its last meeting (Seville, Spain, 14-20 November, 2005), the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a legally-binding recommendation which will impose strict control of transshipment operations. A record of vessels authorized to receive transshipment in the ICCAT area will be created, as well as a system of regional observers on the transport vessels. This is an important step in preventing the laundering of illegally-caught tuna^{33a}. Similar recommendations should be introduced to control transshipping in other fisheries and regions.

ABOVE: IUU vessels can elude port controls by transferring their catches at sea.

© Greenpeace



FLAGS OF CONVENIENCE



ABOVE: *Flag of convenience or convenient flag? Flags of convenience, like that of Panama (above), provide perfect cover for IUU fishing activities.*

© EJF

Former EU Fisheries Commissioner Franz Fischler once declared that vessels fishing under flags of convenience, ignoring all rules, exploiting the best fishing grounds and wreaking havoc in their wake are the “scourge” of the oceans “*Illegal fishing is a scourge which compromises our efforts to achieve sustainable fisheries and, if not curbed, even threatens to destroy entire fisheries.*”³⁴. Unscrupulous ship-owners have long used flags of convenience (FOC) to evade tax rules, licence regulations, safety standards and requirements for the treatment of crew. Registering under a flag of convenience is quick, easy and cheap, and can be performed over the internet. IUU vessels can therefore re-flag and change names several times in a season to confuse management and surveillance authorities, a practise known as “flag hopping”. Backed by shell companies, joint-ventures and hidden owners, FOC are therefore considerable constraints to combating IUU fishing as they make it extremely difficult to locate and penalise the real owners of FOC vessels that fish illegally.

As fleets increase and resource abundance plummets, flags of convenience are increasingly used as a means of avoiding measures taken by countries or regional fisheries organisations to manage fisheries and conserve stocks. The use of FOC by the fishing industry can be seen as an undesirable consequence of States at last attempting to improve the management of fishing and tightening the rules.

In international waters, measures to regulate fishing only apply to countries that are members of regional fisheries management organisations (RFMOs). Therefore, if a vessel re-flags to a State that is not a party to these agreements – and most FOC countries are not members of RFMOs or other fishing agreements – then it is free to fish with total disregard for regionally agreed management measures. FOC vessels are therefore generally considered to be beyond the reach of international law when operating in international waters.

Generally, a “flag of convenience” country is considered to be one with what is called an open registry. There are classic cases such as Panama, Belize, Honduras and St Vincent and the Grenadines, which make a business of granting their flags to all kinds of vessels, including fishing vessels³⁵. The definition of an FOC country can be extended to include any country granting the authorisation to a vessel to fly its flag as well as the authorization to fish, if that country does not have the intention of exercising its duties as a flag State.

For instance, Equatorial Guinea and Sierra Leone have been the subject of trade sanctions by the International Commission for the Conservation of Atlantic Tunas (ICCAT) because vessels flying the flags of these countries were fishing in contravention of ICCAT rules. Imports by ICCAT members of Atlantic bluefin tuna and bigeye tuna from Equatorial Guinea and Atlantic bluefin tuna, bigeye tuna and swordfish from Sierra Leone were prohibited. At its meeting in 2004, ICCAT decided to lift these sanctions as both Equatorial Guinea and Sierra Leone have taken steps to cancel the licences and flags attributed to those vessels identified as being involved in IUU activities³⁶.

Deleting these vessels from their registries was the only action Equatorial Guinea and Sierra Leone could take as they do not have the means to manage the activities of high seas tuna vessels. However, the EU delegation at ICCAT that year expressed concern that some of the vessels deleted from Equatorial Guinea’s registry were still claiming to be flagged to this country³⁷. In addition to the obvious inability of some flag States to keep track of vessels entitled to fly their flag, and despite the threat of trade sanctions by ICCAT, many of these vessels have probably been re-flagged to another country and will continue to fish with disregard to the rules. As one FOC country cleans up its act – sometimes temporarily until sanctions are lifted – another takes its place. Countries like Bolivia have become a new haven for vessels known to conduct IUU fishing activities³⁸.

THE EU AND ILLEGAL FISHING



Las Palmas – An open market to illegal fish?

ABOVE: *Las Palmas is an important hub for IUU operators, and serves as a gateway for fish stolen from West African waters to enter onto the EU market, without adequate control.*

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If illegal fishing is a result of a lack of deterrence on the oceans, deficient and ineffective controls in port States are the next weak link exploited by the IUU fishing industry. The absence of port controls in some coastal States is seen as one of the main reasons why IUU fishing continues to occur, despite the fact that the use of port controls does not necessarily entail significant resources.

The EU is one of the world's primary markets for fish and thus bears a large responsibility for ensuring that IUU-caught fish does not enter the marketplace and end up on the plates of European consumers. One major weak point in the supply chain is Las Palmas de Gran Canaria in Spain, which probably serves as the largest point of entry for fish from West Africa coming in to Europe.

Las Palmas, situated in the Atlantic Ocean just off the coast of West Africa, is one of the most important ports in the region for various fisheries-related activities, including landing, storing, processing and shipping of fish across the EU and to other markets. It is also an important centre for the maintenance, supply and refueling of fishing fleets. These services are provided to fishing, transport and re-supply vessels whether they are legal operators or not.

The role of Las Palmas as a haven for IUU fishing vessels and refrigerated transport vessels (also called reefers) has often been highlighted³⁹.

A number of fishing vessels were observed in Las Palmas in May 2005, some of which have a history of illegal fishing in the waters of Guinea and Sierra Leone. These provide a snapshot of the importance of Las Palmas to servicing pirate vessels:

- **Golden Lake 801** – suspected of poaching according to a list maintained by the government of Sierra Leone from September to December 2001;
- **Osito 89** – observed three times in Guinean waters during SOCU surveillance flights (30 March, 19 April, 2 June 2000), fishing without a licence;
- **Poonglim 11** – sighted repeatedly by SOCU surveillance flights for fishing in the prohibited zones of Guinea (24 August 2000), Sierra Leone (16 November 2000) and Guinea-Bissau (multiple flights in 2001).



These connections between illegal fishing in West Africa and the European marketplace are in addition to the information provided earlier in this report, on vessels arrested in Guinea:

- **Zenab 3 - Ocean 7** – a fishing vessel with the name *Zenab 3*, arrested in Guinea, was found to be offloading boxes of fish with the name *Ocean 7*, while a vessel with the latter name was in Las Palmas in July 2005, arriving from and returning to Guinea;
- **Zenab 1 - Ocean 5** – a fishing vessel with the name *Zenab 1* was arrested in Guinea in May 2005. It is thought that she may be the same vessel as *Ocean 5*, also observed in Las Palmas.
- **Chaico 2** – arrested in Guinea in June 2005 flying a Korean flag and also seen in Las Palmas in July 2005 flying a Guinean flag, arriving from and returning to Guinea;
- **Chaico 7** – arrested in Guinea in 2004 and also seen in Las Palmas that same year.

Once the fish has been landed in Las Palmas, it is extremely difficult to track it to its final market destination. An informal Greenpeace survey of fishing vessels present in the port of Las Palmas from June 1999 to February 2000 showed that only 42% of the fishing vessels coming into port during that period were landing fish. The next destination of the fish landed could not be determined as the data on fish in transit were not publicly accessible. The remaining 58% of fishing vessels used the port mainly for maintenance work, as their catch had probably been transhipped at sea onto transport vessels or reefers⁴⁰.

Las Palmas not only provides services to IUU vessels and permits landings of their illegal catch: it also serves as a base for companies that coordinate these operations. Cases tried before the International Tribunal of the Law of the Sea provide an intriguing glimpse into the functioning of this illicit network. In a case brought by Russia against Australia for the prompt release of the *Volga*, caught fishing illegally in Australian waters, one of the judges noted in a dissenting opinion that:

The Annexes to the Statement in Response, including documents found on board the *Volga*, contain several indications that the *Volga* was not fishing alone, but rather it was fishing in concert with a fleet of other vessels which gave it logistic support (bunkers and transshipment of catch, for example); and that **the entire fleet was coordinated from offices in Indonesia and Las Palmas**. Other vessels in the fleet could still be fishing in the area during the current Austral summer fishing season. There appears to be a clear risk of the *Volga* rejoining this fleet immediately or shortly after its release⁴¹. [emphasis added]

If companies based in Las Palmas are involved in coordinating illegal fishing activities many thousands of kilometres away in the southern hemisphere, there is every reason to believe that they may do so in the nearby waters off West Africa as well.

ABOVE LEFT: *Poonglim II*, seen here docked in Las Palmas, has been sighted repeatedly fishing in prohibited zones of Guinea and other West African countries.

ABOVE RIGHT: *Osito 89* docked in Las Palmas harbour. She has been spotted three times by surveillance flights fishing without a licence in Guinean waters.

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How would you like your fish? Clean or legal?

The EU establishes lists of fishing vessels and processing plants whose fisheries products are authorised for export to the EU for a number of countries, including Guinea⁴².

The list for Guinea which entered in force on 29 April 2005, comprises 25 freezer fishing vessels and 7 processing plants. And among the fishing vessels, there are three which were arrested in the first half of 2005: *Ittiguinee I*, *Ittiguinee II*, and *Eleni-S*. How can the EU justify authorizing the importation of supposedly healthy fish if it has been caught illegally? It would appear that despite much talk to the contrary, the EU currently values maintaining hygiene standards above importing illegally caught fish.

EU COMMITMENTS VS. REALITY IN GUINEA

Although the European Union has terminated, as of 31 December 2004, the subsidised transfer of fishing vessels to third countries, the Council Conclusions on Fisheries Partnership Agreements (FPAs) adopted in July 2004, seem to suggest that loopholes to allow transfers might be created elsewhere. They state that FPAs should promote 'European investments and the transfer of technology and vessels'⁴³. Certain Member States are also urging that vessel export subsidies be reinstated by means of joint enterprises⁴⁴.

But, as has been the case in the past, vessel transfers could also cause local over-capacity, and direct and unfair competition with local fleets, leading ultimately to the over-exploitation of resources. It is for this very reason that the subsidised transfers of EU boats to third countries was stopped. Moreover, some vessels are transferred to coastal developing States which do not always have the means to control fishing activities. Experience, as highlighted by the European Commission's DG Fish 'compliance scoreboard'⁴⁵, shows that EU vessels do not pay much attention to the rules established in the framework of fisheries agreements, and often take advantage of the lack of control capacity in ACP States in order to break the rules with impunity⁴⁶.

Ittiguinee II, one of the vessels arrested this year in Guinea, was fishing in Guinea under a Guinean flag. It is still owned by an Italian company and was reflagged from Italy to Guinea in April 2005. According to EU records, public funds were received by Ittipesca to subsidise the transfer of the *Ittiguinee II* and another vessel to the Guinean register. EU taxpayers' money has therefore been used to allow the *Ittiguinee II* to flout Guinean rules and most probably contribute to overfishing of Guinean resources.

BELOW: *Unloading fish in Las Palmas.*

© Greenpeace



Fisheries Partnership Agreements FPAs

A portion of the financial compensation provided for in many of the EU's bilateral fisheries agreements is allocated to "targeted actions", to fund such programmes as scientific research; monitoring, control and surveillance (MCS); aid for the artisanal sector and so forth. Although this money might have helped in some cases, the approach has some major drawbacks. First, the amount provided depends on the fishing opportunities made available to the EU rather than the real needs of the country concerned. Moreover, as it is a commercial compensation, there is no legal basis to verify whether this money is used to improve MCS (or other targeted actions beneficial to the recipient country's fisheries management).

In the case of Guinea, it is very clear that the EU financial aid for MCS provided for under the bilateral fisheries agreement has not resulted in any notable improvement. This is despite the fact that in the eight-year period from 1996 through 2003, a total of €2.750.000 was targeted at supporting control and surveillance activities in Guinean waters⁴⁷. This money has clearly not been effective in decreasing the incidence of illegal fishing.

Nonetheless, in the new protocol for the period 2004-2008, the EU will continue to provide €400.000 per year (possibly increasing to €557.115 if fishing possibilities for EU vessels are increased)⁴⁸. The wisdom of simply continuing this method of funding is highly questionable. Additional sums of €500.000 in 2004 and €300.000 in 2005 were to finance the purchase of two surveillance vessels. It appears that only one surveillance vessel is being built in Spain to be sent to Guinea. While additional surveillance vessels may be needed, it is vital that they be part of an overall control and surveillance structure, including annual operating budgets, strengthening regional surveillance activities, an effective judicial system and so forth.

Moreover, it is not currently possible for the Commission to verify the use of the so-called targeted measures. The Guinean government can spend the money in any way it wishes and the Commission is powerless to prevent it. Rather than continuing to designate money for targeted measures, a preferable approach would be to institute specific cooperation projects, in which the Commission has the legal power to ensure that the money allocated for targeted measures is properly spent and accounted for.

European Union action to eradicate IUU fishing?

Following the adoption of the UN FAO International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, the European Commission presented a proposal for a "Community action plan for the eradication of illegal, unreported and unregulated fishing". Although it contains many laudable initiatives, translation into concrete actions has been very limited, hence there has been slow progress on worthwhile measures that would help to eradicate IUU fishing, including:

- *discourage the use of flags of convenience (FOC) by EU boat owners*
- *prevent EU nationals from engaging in IUU fishing activities on foreign flagged vessels*
- *make trade of IUU fish / commercial relations with companies involved in IUU fishing an infraction under EU law*

The above measures would require new provisions to be inserted in the EU Control Regulation which - theoretically at least - provides a powerful tool for combating IUU fishing. It requires Member States to "ensure that the appropriate measures be taken, including administrative action or criminal proceedings according to their national law, against the natural or legal persons responsible where common fisheries policy have not been respected"⁴⁹. Measures must be sufficiently strong to deprive those responsible of any economic benefits and to discourage any further offences. It also allows for sanctions to be taken against Member States which do not act.

However, the Control Regulation only applies to vessels in EU waters and



to EU vessels on the high seas and in third country waters. It should be made to apply to EU nationals on non-EU vessels as well. That way, action could be taken against, for instance, an EU citizen who is captain of a fishing vessel involved in IUU fishing – as occurred with the Italian captains whose vessels were arrested in Guinea – or an EU company that owns a ship involved in IUU fishing. It might be suggested that such extra-territoriality could pose a problem for some countries, but Spain has amended its legislation to provide for a suspension of a captain’s certificate for a period of up to five years if he or she commits a serious offence aboard a vessel involved in IUU fishing.

ABOVE: Korean fishing vessels docked in Las Palmas.

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Traceability of Fish

An essential condition for combating IUU fishing is keeping the fish caught by these IUU vessels off the market. This requires traceability, reliable methods of following the path of the fish from the fishing vessel all the way to the marketplace. Since the entire function of IUU fishing is to avoid just this type of control, though, it is very difficult to put in place and there are many weak links in the chain that must be controlled.

The EU Control Regulation⁵⁰ provides some deterrence for foreign vessels wishing to land in its harbours but in concrete terms, it creates a loophole. When the catch is declared as having been taken on the high seas, “the competent authorities shall authorise landing only if it has been proved to their satisfaction by the master or his representative that:

– the species retained on board have been caught outside the regulatory areas of any competent international organisations of which the Community is a member, or

– the species retained on board have been caught in compliance with the conservation and management measures adopted by the relevant regional organisation of which the Community is a member.”

The loopholes in the Control Regulation should be closed by applying them to all relevant international organisations (not just those of which the EU is a member); and stipulating the requirement for more stringent proof than that currently relied upon, namely the logbooks, cargo manifests and declarations supplied by captains alone.

Port Measures and International Assistance

Concerning access to and controls effectuated in EU harbours, the EU plan of action against IUU fishing⁵¹ proposes “a Community diplomatic initiative to convene an international conference to negotiate an international agreement defining the rights and responsibilities of port States concerning access by fishing vessels to port facilities.” Although such an initiative could prove useful in the future, immediate actions should be taken by the EU to ensure its own ports are not used by IUU fishing vessels and vessels supporting their activities, by amending existing legislation.

The EU Plan of Action also proposes to:

- *provide technical and financial assistance to developing countries to put in place monitoring, control and surveillance systems in their waters.*

Several Monitoring, Control and Surveillance (MCS) projects have been developed over the years funded by various EU development agencies and donors; some more successful than others. In light of developmental needs, the EU and its member States must support the development of fisheries surveillance and control programmes through relevant co-operation programmes. Emphasis should be placed not only on financial and technical resources but also on human resources, including regular training, adequate status and financial support for law enforcement officers, observers and other participants in the MCS programme. Although technology is evolving fast and provides extremely sophisticated systems to monitor fishing activities at sea, the use of affordable and robust systems which could be more appropriate in the context of MCS programmes in developing countries should be put in place. These should also ensure the participation of all stakeholders.

BELOW: *Woman in Bongolon, Guinea, standing in front of inactive surveillance boat.*

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GUINEA CONAKRY'S PLAGUE: IUU FISHING

Guinea has the largest continental shelf area of Atlantic Africa (56,000 km²) and a coastline of 320 km. Marine fishing provides 70,000 direct and indirect jobs – of which 10,000 are fishermen – and is primarily carried out by the artisanal sector. Catches are mainly of small pelagic species taken by artisanal fishermen to supply both the local fresh fish markets and women fish smokers. Their smoked products are destined mainly for inland markets⁵².

The commercial catch has been recorded at 54,000 tonnes, shared between 200 licensed vessels, about 20 of which are flagged to Guinea. There are also bilateral fishing agreements with the EU and China, and there may in addition be private agreements with Korean operators⁵³.

Despite possessing a wealth of marine resources, there are insufficient supplies to meet the needs of the Guinean population. Consequently, a specific objective of the 2003 national fisheries policy is to improve the contribution to “*food security by increasing fish consumption from 13kg per person/year to 17kg per person/year by 2010*”.

The recurring obstacle that prevents this fishing policy from achieving its objectives is the proliferation of IUU fishing, primarily shrimp trawling in the coastal zone. In a recent report by the Marine Resources Assessment Group commissioned by the UK Department for International Development (DfID), it is estimated that the annual value of the loss due to IUU fishing in the Guinean EEZ is around US\$110 million, the worst case documented in Africa⁵⁴.

The report estimated that Guinea loses in excess of 34,000 tonnes of fish every year to illegal fishing, including around 10,000 tonnes of ‘discards’ – the unwanted portion of the catch thrown overboard, usually dead or dying. With Guinea’s annual commercial catch estimated at 54,000 tonnes, the IUU catch represents a further 64% over and above these legal recorded catches⁵⁵.

ABOVE: *Fish market in Boulbinet, Conakry. Guinea is estimated to lose in excess of 34,000 tonnes of fish every year to illegal fishing, worth US\$110 million.*

© EJF



Even without IUU catches of this enormity the evaluation of fish stocks and management of fisheries is extremely problematic. Catch and by-catch monitoring and reporting are often less than adequate in legal fisheries, but when high levels of IUU fishing occur, the situation becomes near impossible. Underreporting of catches by authorised fishers, and unreported illegal catches, mean that the catch data collected by fisheries managers is incomplete and likely to give a more optimistic assessment of fish stocks than is actually the case. In extreme circumstances this can lead to the collapse of a fishery, which in Guinea, where 51% of all animal protein consumed comes from fish, would be a humanitarian and environmental disaster. It is precisely for these reasons why IUU fishing is regarded by the international community as such a serious threat to the sustainability of world fisheries.

The absence of reliable catch data resulted in Guinea's fisheries plan for 2004 calling for a precautionary approach, enhanced protection of the coastal zone, and decreased pressure on demersal resources considered to be fully exploited⁵⁶. A trawl survey of the Guinean EEZ conducted in autumn 2002 found that in coastal waters of less than 20 metres, catch rates for many species had decreased since earlier surveys in 1985 and 1998. Furthermore, only juvenile individuals were caught for most species⁵⁷.

The survey concluded that many stocks were severely over-exploited in the coastal zone. This represents the principal fishing grounds for the Guinean artisanal fleets, and is also where many vessels are caught fishing illegally. In deeper waters, catch rates of certain stocks were also low (though appear to be more abundant than in coastal waters), but there were fewer data from earlier years for comparison⁵⁸.

Data collected by regional fisheries organisations paints a similarly pessimistic picture of Guinean fish stocks (and those of the West African region as a whole). At a meeting in February 2004, the Scientific Sub-Committee of CECAF (the Fishery Committee for the Eastern Central Atlantic) released a report that provided summary analyses of many stocks in Guinean waters. Most were classified as either "over-exploited" (catfish, grunts, sole, pink shrimp, cuttlefish, several species of Sparids or bream) or "fully exploited" and "in danger of over-exploitation" (croakers, petit capitaine). Reductions in fishing effort were recommended⁵⁹.

Illegal fishing by unlicensed vessels in Guinea has resulted in the fundamental problem of 'overcapacity' – too many boats catching too few fish – which inevitably results in overexploitation. However, matters are complicated by the fact that many boats, both licensed and unlicensed, use fishing gears or practises that are highly damaging to the marine environment and are therefore illegal. For example, common infractions in Guinean waters include the use of trawl nets with mesh of a smaller than permitted size, destructive bottom trawling, and fishing within the 12-mile coastal zone demarcated by the authorities exclusively for artisanal fishing, and which also contains vitally important spawning and nursery grounds of marine species. Anecdotal evidence from the area around Koukoude suggests that in the absence of enhanced protection for nursery grounds could result in a near-term crash of fish stocks⁶⁰.

The industrial trawlers that intrude into Guinea's coastal zone target cephalopods, shrimp and demersal fish. Guinea's licensed demersal fish trawl fishery is estimated to have a discard rate of 25%, the cephalopod fishery 27%, and the shrimp fishery 33%. Such levels of wastage in a country where over a quarter of the population are undernourished⁶¹ may seem abhorrent, but IUU trawlers operating in Guinean waters undoubtedly have higher bycatch and discard rates, as they use smaller mesh sizes and fish in shallow coastal waters. In a recent study by the FAO, trawl fisheries for shrimp and finfish were found to account for 50% of total global estimated discards, whilst accounting for only 22% of total landings⁶². In fact, tropical shrimp trawl fisheries are the most unselective and wasteful fisheries in the world, with the highest discard rate of any fishery, and bycatch to shrimp ratios averaging 10:1; meaning that 10kg of bycatch is caught to catch 1kg of shrimp⁶³.

ABOVE LEFT: *Issyaga Daffé, Chairman of the Guinean Artisanal Fishermen's Union.*

ABOVE MIDDLE: *Sekouna Sylla, a fisherman in Bongolon.*

ABOVE RIGHT: *Fatou Sene, Chairwoman of the Cooperative of Women Fish Smokers Bonfi (Conakry).*

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ABOVE: *Fish stocks in Guinean waters are in a perilous state. Rampant IUU fishing is preventing the sustainable management of a resource that millions of people depend upon for food and livelihoods.*

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Furthermore, trawling removes vast numbers of juvenile fish needed to sustain fish stocks and, by dragging heavy nets along the seabed, habitats that support marine life are damaged. One study has found that the pass of a single shrimp trawl can remove up to 25% of seabed life. In heavily trawled areas, habitats have little chance to recover and in some cases may be permanently damaged⁶⁴.

Marine resources in Guinea and the wider region are clearly in a perilous state. IUU fishing is responsible for further exacerbating the effects of decades of mismanagement and overexploitation by foreign and domestic fleets, and preventing any chance of the sustainable management of the fishery. Unless action is taken quickly to control the rampant IUU fishing occurring in the coastal waters of Guinea and other West Africa States, we will witness the crash of one of the world's most productive marine fisheries, and with it catastrophic impacts on local populations.

Deadly impacts

In Guinea, as in many developing countries, fishing is a crucial activity from an economic and social point of view. It contributes to food security and the survival of coastal communities, and specifically benefits women who process and commercialise the fish. An interview with Fatou Sene, Chair of a women's cooperative smoking fish in Bonfi (Conakry) underscored the vital importance of fishing to their cooperative. To put it simply, if the fishermen do not bring back fish, the women have no means of making a living, and cannot afford to feed or educate their children⁶⁵.

Many trawlers fish in Guinean waters but never land their catch in Guinea and it is impossible to know how much they really catch and how much they discard. According to Issyaga Daffé, Chairman of the Guinean artisanal fishermen union, trawlers use very unselective fishing methods resulting in high by-catch and discards. Some canoes even try to follow the trawlers to collect the unwanted catch before it is thrown back into the sea⁶⁶.

IUU fishing poses a serious threat to populations dependent on fish stocks and indeed to the very safety of artisanal fishermen. Among the most common infractions are incursions by trawlers into the zone reserved for artisanal fishermen and these tend to occur at night, regularly causing fishermen to lose their fishing gear and canoes, and has even resulted in the loss of lives (SEE BOX RIGHT – *Fatal encounter*). Issyaga Daffé revealed that such accidents are frequent. During the day, trawlers move further offshore where detection by local fishermen or surveillance patrols becomes harder. But at night they move closer to the shore to trawl the coastal waters, leaving again at dawn, which is when most of the collisions happen. Now that the participative surveillance programme (see below) is inactive, trawlers are returning, leading to the fear of a further demise in fish stocks and an increase in accidents⁶⁷.



ABOVE: Almamy Camara was wounded when his canoe was rammed by a trawler. His three fellow fishermen drowned.

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Fatal encounter

In spring 2005, Almamy Camara was fishing at night with three other fishermen when they spotted a fishing vessel heading towards them with its lights turned off. They hurriedly pulled up their fishing lines but were unable to start the engine and move away quickly enough. The boat hit their canoe, breaking it in half, and they were thrown into the water. Almamy managed to hang on to buoys floating in the water but although he could hear his friends shouting he could not see them through the darkness. He drifted for several days before being rescued by local fishermen. When we met Almamy two months later he was still recovering from the accident and was unable to fish and support his family. The three other fishermen were killed in the accident.

BELOW: Women smoke fish in Bonfi (Conakry); their livelihood is totally dependent on fisheries.

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PREVENTING THE PLUNDER

A Unique Approach to Surveillance in Guinea

Source: Sustainable Fisheries Livelihoods Programme <http://www.sflp.org/>

Conflicts and accidents caused by repeated illegal incursions into the artisanal fishing zone led to the organisation of a surveillance system that specifically recognized the right of fishing communities to participate in the surveillance of the coastal zone that provides them with food and employment. Staff from the national centre for fisheries surveillance and protection (CNSP) trained fishermen to use communication equipment, GPS and radios. They then took turns in patrolling the coastal zone, even paying their own fuel costs. When fishermen spotted trawlers in their zone, they would call one of the surveillance stations to send a patrol boat, which is necessary for the actual arrest.

The project was initially funded by the UK Department for International Development (DfID)⁶⁸ and covered two artisanal fishing zones: Koukoudé and Bongolon. In 2000, prior to the start of the project, industrial boats made 450 incursions, injuring 12 fishers in collisions. But despite limited capacity for interventions – the patrol boats cannot go out at night when most incursions occur – the project has had a significant dissuasive effect. Incursions and collisions, loss of life and equipment all notably decreased in the zones covered by the project. By 2002, illegal incursions by industrial trawlers into the inshore fishing grounds covered by the project dropped by 60%. The project also brought additional benefits, fostering more trust between the fishermen and the CNSP, and resulting in more efficient searches at sea – as the CNSP can only afford to make 6 or 7 patrols a month, this is highly significant.

The project has clearly derived success and proved effective⁶⁹ and in 2003, fishermen and the national centre for fisheries surveillance recommended that the project be:

- institutionalised by including it in the fisheries plan;
- extended to cover other areas (there is a problem of concentration of fishermen in zones with surveillance and displacement of IUU fishing to non-controlled zones);
- reinforced by providing appropriate patrol vessels.

OPPOSITE: Selected fishers use a satellite-positioning receiver and radio to report the position of illegal vessels to the coast guard.

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By cooperating with local fishermen, positive results have been achieved for a relatively small cost – the budget for the entire project was only US\$20,000. This kind of initiative could present an effective way for developing States to combat IUU fishing. Encouragingly, a new project is being prepared to expand the coverage of participative surveillance and management to 45 landing sites along the Guinean coast, but it is essential that adequate funding is found to support this work.

In Guinea, since the initial funding period has ended, surveillance activities have decreased and equipment is now not functioning properly. Some fishermen complain that trawlers are returning now that the project is less active. They know fishermen do not have the means to communicate with the coastal surveillance base and fishermen voice their fears of a decrease in fish resources available to local fishermen and an increased number of accidents⁷⁰.

Future emphasis should not only include the provision of equipment, but for maintenance and repairs. Furthermore, there is a critical need to train inspectors, observers, and fishermen involved in MCS and providing them with institutional and financial backing. Early in 2005, a patrol boat with five men on board put to sea in pursuit of an illegal fishing vessel. The sea was rough and the vessel capsized. While four of the inspectors were saved, a fifth was drowned. This demonstrates the necessity of having proper equipment, for if the vessel had been more seaworthy, it would not have capsized and the man would not have lost his life.

Current status of monitoring and surveillance facilities in Guinea

There are five CNSP surveillance bases along the coast of Guinea (Kamsar, Koukoudé, Bongolon, Koba/Taboriya, Kalaya (Kabak)) in addition to one in the capital, Conakry. The southernmost base, at Kalaya (Kabak), is reportedly not functioning, due to security problems posed by its proximity to the border with Sierra Leone.

There are 5 primarily inshore patrol vessels, the largest being 12.6m. Patrols are occasionally carried out by two naval vessels. Guinea does not have a patrol vessel capable of patrolling offshore waters by both day and night. A patrol vessel is being built in Vigo (Spain) with EU funding. This will complement the existing coastal surveillance capacity and will be able to stay out at sea for long periods, operate at night in areas further off-shore, and in difficult weather conditions.

Kamsar

The base is a few kilometres from the sea and there is an unavoidable time lag before the patrol boat can be launched. The boat is functional but there is currently no radar on board, and no means of communication to and from shore. Fishermen do not have radios to inform the patrol boat or base station of infractions they witness.

BELOW: Armed soldier aboard a surveillance boat launched from the northern base of Kamsar.

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ABOVE: Guinea relies on just five inshore vessels to police the country's 300-mile coastline. Several of these, like the one above in Koukoude, are inactive due to a severe lack of funds.

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Koukoudé

Patrol boats – that can include armed soldiers – are only sent out if specific information of an offence is received from a fishermen's patrol or a licensed fishing vessel. Despite successes in reducing incursions, this base suffers from a lack of equipment. A fast patrol boat is needed with the capacity for night patrols, when most incursions occur. Radar and communications equipment such as radios and walkie-talkies are in short supply and it is difficult to get fuel for the boats.

Bongolon

There are currently no fishermen involved in surveillance activities, a fact which is regretted by the CNSP staff, as the fishermen provide a very economical way for the base to get information and direct patrols to the appropriate spot, requiring much less fuel. There is a surveillance boat at Bongolon, but it is in a very poor state. Spare parts for the engine are expensive and not easy to find and it is difficult to get fuel, as the nearest station is 20 km away. Communication equipment has been damaged by seawater and the base has no functioning radar.

REGIONAL CO-OPERATION

Co-operation at regional and sub-regional level is crucial to address a phenomenon such as IUU fishing as well as to ensure coherent management and control of fishing activities. The same stocks, shared by many coastal States are pillaged by the same vessels, moving from one EEZ to another, escaping attempts to curtail their activities.

Coordination of surveillance and apprehension capabilities, exchange of information and enforcement rights such as the right of hot pursuit (chasing the perpetrators across national boundaries) are beginning to be implemented through the Sub-regional Fisheries Commission (SRFC). In West Africa, a group of coastal States (including Guinea) comprising the SRFC have created a Surveillance Operations Coordinating Unit (SOCU) to coordinate MCS activities. Protocols on hot pursuit have been developed and joint air and sea surveillance activities established between States.

However, additional measures are urgently needed, such as the creation of a sub-regional register of fishing vessels and support vessels authorized to operate in the region. A list of vessels and of companies owning vessels which commit offences in the region should also be compiled and kept up to date, and coastal States should refrain from granting fishing licences to those vessels. Black lists have already been created by various regional fisheries organisations, such as ICCAT, and constitute the basis for the identification of flag States whose vessels operate in contravention of conservation and management measures.

At the FAO Technical Consultation on IUU IPOA (Rome, June 2004), African States submitted a common statement that emphasized the problems encountered, which included:

- 1) Insufficient human, material and financial resources for MCS;
- 2) Lack of co-ordination and exchange of information ... concerning repeat offending vessels;
- 3) Over-exploitation of the fisheries resources due to over-capacity of fishing vessels;
- 4) Proliferation of vessels flying flags of convenience;
- 5) Lack of control by importing States as to the origin of fish discharged at their ports;
- 6) Absence of information on the geographical positions of vessels operating in the region.⁷¹

Nonetheless, despite many laudable statements and the obvious need for continued support, on 31 December 2003, funding for SOCU by the Grand Duchy of Luxembourg came to an end. The SRFC is currently negotiating with the EU for the provision of funds for a new project to allow regional surveillance operations to resume. The European Commission Directorate General for Development has committed to providing €15 million over four years, including €5 million for surveillance (€1.5 million for institutional support and €3.5 million for operations). There was an anticipation that regional surveillance operations could resume from January 2006, but this is not now thought likely. Meanwhile, IUU destruction continues unabated.

BELOW: *The West African Surveillance Operations Coordination Unit (SOCU) based in Banjul, Gambia.*

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RECOMMENDATIONS



1. International agreements

Over the past 15 years, certain international instruments have been negotiated in an attempt to combat both FOC and IUU fishing – namely, the FAO Compliance Agreement, the UN Fish Stocks Agreement and the FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing. Taken together, these three instruments provide very comprehensive and potentially effective measures which could, if properly implemented, make a major contribution to ensuring that IUU fishing is seriously curtailed and fishing conducted in a more sustainable manner. *Recommendation:*

- States must urgently implement the provisions of these three instruments.

2. The EU

Given that the EU is among the three largest fishing powers in the world, that it imports more fish than any other country and that its fishing fleets and related activities extend around the globe, including through its network of bilateral fisheries agreements, it is particularly important that the EU set a positive example. *Recommendation:*

- The EU must take concrete action to give rapid effect to its own plan of action, which was adopted in June 2002.

3. International assistance

The FAO IPOA on IUU fishing calls on States, with the support of FAO and relevant international financial institutions and mechanisms to cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries so that they can more fully meet their commitments under the IPOA and obligations under international law. The UN Fish Stocks Agreement actually has a legal requirement for States to contribute to such a fund.

The EU plan of action pledges to provide technical and financial assistance to developing countries to put in place monitoring, control and surveillance systems in their waters.

It is important that emphasis is not placed only on financial and technical resources and hi-tech systems, to the exclusion of the necessary human resources, including regular training and other support for law enforcement

ABOVE: The EU has pledged to provide technical and financial assistance to developing countries to put in place monitoring, control and surveillance systems in their waters.

© EJF

officers, observers and other participants in the MCS programme. Affordable and robust systems that are appropriate in developing countries are needed. They should also ensure the participation of all stakeholders.

The FAO IPOA on IUU fishing also calls for the institutional strengthening of regional and sub-regional organisations with a view to enhancing their capacity to prevent, deter and eliminate IUU fishing. *Recommendation:*

- The EU and its Member States must support the development and practical, sustained implementation of national and regional/sub-regional fisheries MCS programmes.

4. Vessel Identification

For many vessels (58% of those arrested in Guinea during the first half of 2005) there is no information whatsoever in the public domain. More transparency is certainly needed in identification of fishing vessels. *Recommendation:*

- Fishing and support vessels should be registered in publicly available, up-to-date and reliable databases where the basic information would appear: current and previous vessel names and flags, owners and beneficial owners, country of ownership, call sign, tonnage, etc.

5. Compulsory Vessel Markings

- All States, be they flag, coastal or port States, should make compulsory the FAO guidelines on vessel markings for fishing and support vessels.

6. Sanctions

The FAO IPOA on IUU fishing calls for sanctions to be of “sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing”.

- Coastal States must impose severe fines and keep the offending vessels in port until the fine is paid in full.
- Sanctions should be harmonized at regional level.





7. Regional Cooperation

- States should fully cooperate on a regional basis.
- Regional surveillance operations must receive appropriate financial and logistical support.
- A register should be created to include all fishing and support vessels authorized to operate the region.
- Black lists of offending vessels should be compiled at regional level and widely publicized.

8. Control of Nationals

States should:

- Discourage the use of flags of convenience by boat owners.
- Prevent their nationals, in particular captains, from engaging in IUU fishing activities on foreign flagged vessels.

9. Market and Trade-related Measures

States should:

- Ensure full traceability of fish and fish products entering their market.
- Make trade of IUU fish and other commercial relations with companies involved in IUU fishing an infraction.
- Impose multilaterally agreed import bans on fish and fish products from countries whose vessels operate in contravention of relevant conservation and management measures.



10. Port State Measures

States should:

- Close their ports to FOC vessels and vessels engaged in IUU fishing as well as to vessels transporting their catches.
- In particular, Spain and the EU need to act swiftly to ensure that Las Palmas also becomes out of bounds for these vessels.

11. Transshipping at Sea

If transshipping at sea is to be authorized, it must then be strictly controlled through a variety of measures, including:

- Compulsory vessel monitoring systems and observer coverage.

Sanctions should be applied, such as:

- Denial of port access for vessels that transship IUU-caught fish.

ABOVE: *Mother ship off the coast of Koukoude.*

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this comes from the DG Fish vessel register on their website, saved in Sept 2004.
- 13 list of arrested vessels communicated by the Guinean fisheries department
- 13a ITLoS Case No. 2, St. Vincent and the Grenadines vs. Guinea. http://www.itlos.org/start2_en.html
- 14 information from the Guinean fisheries department
- 15 list of arrested vessels communicated by the Guinean fisheries department
- 16 MODIFICATION OF ANNEX TO COMMISSION DECISION 2001/634/EC AS LAST AMENDED BY TELEFAX N° SANCO/533344 DU 08/12/2004 New consolidated list for GUINEA
<http://forum.europa.eu.int/irc/sanco/vets/info/data/listes/11gn.pdf>
- 16a Extract of Community Fleet Register data base - Export of fishing vessels from EU Member States (01.01.2000 - 01.09.2005)
- 16b Casa, David. Report of the European Parliament on the proposal for a Council regulation on the European Fisheries Fund. A6 217/2005 final. Amendment 72, Article 28c (new)
- 17 See site of Las Palmas Port Authorities <http://www.palmasport.es/00000/paginas/html/default.htm>
- 18 SOCU surveillance operations, unpublished data
- 19 Witnessing the plunder – Greenpeace November 2001
- 20 See site of Las Palmas Port Authorities <http://www.palmasport.es/00000/paginas/html/default.htm>
- 21 MODIFICATION OF ANNEX TO COMMISSION DECISION 2001/634/EC AS LAST AMENDED BY TELEFAX N° SANCO/533344 DU 08/12/2004 New consolidated list for GUINEA
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- 28 See site of Las Palmas Port Authorities <http://www.palmasport.es/00000/paginas/html/default.htm>
- 29 SOCU surveillance operations, unpublished data
- 30 Greenpeace Witnessing the Plunder – Nov 2001
- 31 SOCU surveillance operations, unpublished data
- 32 The Standard Specifications for the Marking and Identification of Fishing Vessels - endorsed by the FAO Committee on Fisheries in April 1989
- 33 Calculation based on licence fees given in the Guinean fishing plan, assuming tonnage of 810 GT, as included in the sites of both the Las Palmas Port Authorities and Lloyds Seasearcher
- 33a [05-06] Recommendation by ICCAT establishing a programme for transshipment by large-scale longline fishing vessels, Nov 2005
- 34 http://www.europa.eu.int/comm/fisheries/news_corner/press/inf01_14_en.htm
- 35 Gianni, M. & Simpson, W. 2005. *The Changing Nature of High Seas Fishing: how flags of convenience provide cover for illegal, unreported and unregulated fishing*. Australian Department of Agriculture, Fisheries and forestry, International Transport Worker's Federation, and WWF International.
- 36 ICCAT Report 2004-2005 (I) - Recommendation by ICCAT concerning the lifting of trade sanctions against Equatorial Guinea [Rec. 04-13] - Recommendation by ICCAT concerning the lifting of bigeye tuna, bluefin tuna, and swordfish trade restrictive measures against Sierra Leone [rec. 04-14]
- 37 ICCAT Biennial Report 2004-2005
- 38 ICCAT Biennial Report 2002-2003
- 39 Greenpeace Witnessing the Plunder – Nov 2001
- 40 Greenpeace survey from June 1999 to February 2000, unpublished data
- 41 The "Volga" case (Russian Federation v. Australia), Prompt Release. Paragraph 22b of the Dissenting Opinion of Judge Anderson. Available at http://www.itlos.org/start2_en.html
- 42 Commission decision of 16 august 2001 laying down special conditions governing imports of fishery products originating or proceeding from Guinea (notified under document number c(2001) 2525) (2001/634/EC) - modification of annex to Commission Decision 2001/634/EC as last amended by telefax n° Sanco/533344 du 08/12/2004
- 43 See the amended regulation on Community structural assistance in the fisheries sector http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_358/l_35820021231en00490056.pdf, in particular amendments to article 7, establishing that public aid for fleet renewal is to be permitted only until the end of 2004.
- 44 A publicly-available database of DG Fish of the European Commission, revealing the level of compliance of vessels with EU fisheries rules, including in the waters of foreign countries. http://europa.eu.int/comm/fisheries/scoreboard/index_en.htm
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- 47 See texts of various EU-Guinea fisheries agreements with dates of validity from 1 January 1996 through 31 December 2008
- 48 See article 3 of current protocol, available at http://europa.eu.int/comm/fisheries/doc_et_publ/factsheets/facts/en/pcp4_2s07.htm
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