

EU Illegal Unregulated and Unreported Fishing

Dragging the life out of the deep-sea: Pirate high seas bottom trawlers are destroying deep-sea life



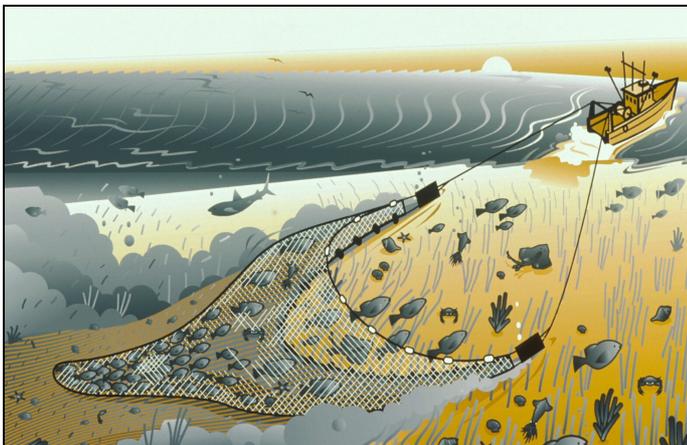
The deep-sea, which covers more than half of the Earth's surface, is the last remaining frontier on this planet. Until a short time ago, it was assumed that there was little life in its cold, dark waters. However, scientists are now beginning to understand the diversity, significance and vulnerability of deep-sea biodiversity and ecosystems. The deep has become recognised as a major global reservoir of life's diversity, comparable to that of tropical rainforests and shallow water coral reefs. Estimates of the numbers of species inhabiting the deep ocean range between 500,000 and 100 million.

High Seas Bottom Trawling

Bottom trawling for deep sea species, which involves towing a net and associated gear (trawl "doors", steel rollers, cables, etc) in direct contact with the sea floor for up to several hours at a time (see picture), has been described by scientists as the most destructive fishing method currently impacting deep-sea life. The history of deep sea bottom trawling is one of "serial depletion" of targeted fish stocks. It has been likened to mining - where fishermen move on to new fishing grounds once they have depleted the resources in existing ones.

Much of the deep sea lies beyond areas of national jurisdiction - in the vastness of the international waters known as the high seas. **Regional Fisheries Management Organisations** (RFMOs) are the recognised legal mechanism for exploiting fisheries on the high seas. However, most high seas areas are entirely unregulated insofar as deep-water fisheries are concerned. The FAO Committee on Fisheries in March 2005 stated "few *Regional Fisheries Management Organisations (RFMOs) have a mandate to manage deepwater species [...]. Given that usually these fisheries take place in the high seas, they may be commonly characterised as unregulated and unreported.*"¹

Moreover, there are currently no rules in place that protect deep-sea ecosystems and biodiversity from destructive fishing practices such as bottom trawling. This has been acknowledged not least by the United



Nation's Food and Agriculture Organisation (FAO), which in 2004 stated that:

"The rapid development of deep-sea fisheries has, in many cases, outpaced the acquisition of knowledge needed for successful resource management. [...] Moreover, because most deep-water fishing occurs on the high seas, an additional concern has been the ability (or inability) of

¹ (COFI/2005/6, paragraph 6)

*international legal regimes and instruments to provide a satisfactory framework for the effective management of these fisheries' resources."*²

Most high seas bottom trawling is thus unregulated.

Flags of non-compliance

One way of evading the rules, where they do exist, in the EU and elsewhere is to register a vessel in a country that has no rules, or where the rules are less stringent. A vessel that flies the flag of a country other than the country of ownership is known as a flag-of-convenience vessel. The most common factors motivating a vessel owner to 'flag out' are: rule evasion, cheap registration fees, low or no taxes and the freedom to employ cheap labour. In other words, ship owners are seeking flags of non-compliance.

The EU's Action Plan on IUU fishing acknowledges that 'the phenomenon of "flags of convenience" represents [...] a considerable threat to the survival of fisheries world wide. Their existence undermines the entire monitoring system both in relation to the drawing up of rules and their application.' The Action Plan concludes that 'the European Community has a duty to act [...] in its own interest and in that of the international community, to combat this phenomenon.'

To date this has remained an empty promise.

Destructive, unfair and irresponsible - the EU's plan of inaction?

In 2001, the United Nations Fisheries and Agriculture Organisation (FAO) adopted an international plan of action to combat illegal, unreported and unregulated fishing (IPOA-IUU). This is a voluntary agreement that asks states to tackle IUU fishing, otherwise known as pirate fishing. In 2002, world leaders, including those from the European Union (EU), reinforced their commitment at the World Summit on Sustainable Development (WSSD), pledging to eliminate pirate fishing by 2004. In the same year, the European Commission adopted the Community's Action Plan for the eradication of IUU fishing (COM(2002)180), listing 15 'new' areas of action which would require Community attention.

Despite this high-level attention, little, if any, effective measures have been taken to eliminate IUU fishing. Too often, the European Community - through its Member States - is implicated in the activities of pirate fishers.

Greenpeace has observed and documented - time and again - fishing vessels, nationals and companies from the European Community flouting international agreements where they exist, and fishing with impunity where they do not.

Box 1:

Defining Illegal, Unreported and Unregulated fishing according to the International Plan of Action:

Illegal fishing is defined as an activity conducted by vessels flying the flag of States that are parties to a relevant Regional Fisheries Management Organisation (RFMO) but operate in contravention of the conservation and management measures adopted by that RFMO and by which the States are bound, or relevant provisions of the applicable international law.

Unregulated fishing covers amongst others fishing activities 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.

² FAO SOFIA REPORT, 2004 - pp 26

Greenpeace believes that sufficient calls to action have been made.

CONCLUSIONS

Without the necessary international legal regulation and Community commitment, deep-sea biodiversity will continue to be destroyed and the deep-sea fisheries of the high seas will follow the same pattern into decline as the rest of the planet's fisheries.

Greenpeace calls for:

- **A temporary UN General Assembly moratorium on bottom trawl fishing across the high seas, which would serve two purposes:**
 - to provide a 'time out' for a thorough scientific assessment of deep-sea biodiversity; and
 - to provide the space for policy makers to develop the necessary legal and management regimes to effectively combat IUU fishing and ensure that future deep-sea fisheries are sustainably and equitably managed.
- **A central monitoring, control and compliance authority and use of vessel monitoring system (VMS) for all vessels active on the high seas.**
- **The denial of fishing authorisation to vessels (and their owner/operators), which breach conservation measures on the high seas or within regional arrangements.**
- **Legislation making it illegal for nationals to reflag vessels to avoid compliance.**
- **The closure of ports to non-complying fishing vessels and to vessels flying the flag of non-complying states.**
- **The strengthening of in-port inspections.**
- **Transshipment at sea of any species that could be caught on the high seas to be outlawed.**
- **The closure of markets to fish and fish products which do not carry credible certification that establishes that the fish and fish products were derived from licensed fishing operations, and using established international trade regulations (such as CITES) to regulate trade in species that are already under threat.**
- **Transparency and access to information on vessels and companies involved in high seas fishing (including the operators, captains and beneficial owners of such vessels, and those providing banking, insurance and other services to them), allowing appropriate action to be taken by states.**

Contact:

Saskia Richartz

EU Marine Policy Advisor

Tel. +32 (0)2 274 19 02

GSM. +32 (0)495 290 028

saskia.richartz@diala.greenpeace.org

For more detailed information please see the following case studies:

- * **FISHING FROM SOUTH TO NORTH - the story of the Kerguelen.**
- * **COLD ROBBERY - Spanish vessels stealing fish in the Barents Sea.**
- * **HARBOURING PIRATES: turning a blind eye in Rostock harbour; and**
- * **THE SECRET SHAME OF THE ANUVA.**