

**9<sup>TH</sup> MEETING OF THE SPRFMO COMMISSION**

*Held remotely, 25 January – 3 February 2021*

**COMM 9 – Obs 01**

**CALAMASUR Submission to SPRFMO to seek an investigation of potential IUU fishing activity**

*CALAMASUR*



Lima, 4th December 2020

## **A submission to the South Pacific Regional Fisheries Management Organisation to seek an investigation of potential illegal, unreported and unregulated (IUU) fishing activity.**

This information paper contains evidence that a number of vessels may be undertaking activities outside of the rules and management measures agreed by the Commission and implemented by Members and Cooperating Non-Contracting Parties (CNCs), and as such would be completely against the spirit and objectives of the Convention.

We request that the Commission and its Compliance and Technical Committee (CTC) review this document and the information it contains, undertake comprehensive investigations and implement appropriate, corrective management action as a matter of urgency.

### **Background**

There is a growing body of publicly available evidence consistent with individual and systematic illegal fishing operations in a number of transboundary fisheries. In the context of SPRFMO, a number of different activities have been documented that warrant further investigation.

### **Evidence**

Types of activity observed:

- Vessels apprehended fishing in areas where they are not permitted to fish.
- Vessels observed fishing in areas where they are not permitted to fish.
- Vessels suspected of fishing in areas where they are not permitted to fish.
- Various suspect activities including:
  - Vessels switching off AIS signals prior to crossing a jurisdictional boundary into an area where they are not permitted to fish.
  - Vessels having duplicate identity information, e.g. MMSI codes.

We have included evidence consistent with illegal, unreported and unregulated (IUU) activity in maritime areas outside of the SPRFMO Convention area, specifically in the southwest Atlantic Ocean. This is not in expectation that the Commission will conduct an investigation into any area outside of its jurisdiction, but to show that the vessels identified in this document are the same vessels, or are from same fleets, that fish in the SPRFMO Convention Area. This suggests that there is a greater likelihood of systemic IUU activity by some of these vessels or fleets.

The types of information that would provide unequivocal evidence of IUU activity by vessels subject to the management measures of the Commission and the domestic laws and regulations of Members and CNCs are not generally publicly available. The Commission does have access to such information, in particular the VMS data for the permitted fleets that operate within the SPRFMO Convention Area.

While we recognise that the presence of a fishing vessel in an area where it is not permitted to fish is not necessarily indicative of IUU activity (e.g. for a vessel in transit), such vessels would not normally be expected to turn off key safety systems such as AIS. That AIS systems are apparently switched-off

and vessels then cross jurisdictional boundaries, does raise questions about the legitimacy of their activities. Stronger evidence in from the use of lights or tracking RF signals also exists.

Various analyses and reports have linked identified vessels, with no AIS signal, operating within coastal state waters, others with night-time light emissions (a specific feature of squid jigging) and also linked to RF radio transmissions. All of these observations are consistent with illegal fishing activity. This includes global reports (e.g. Gutierrez et al., 2020) and area-specific activity such as in Ecuadorian waters (e.g. HawkEye<sup>360</sup>).

Vessels have been identified with duplicate Maritime Mobile Service Identity (MMSI) codes. The MMSI is a nine-digit code that identifies individual vessels and maritime stations when using radio frequency (RF) communications. Some vessels have been found to be using the same code (duplicates) as other vessels. This would be especially concerning for two vessels from the same fleet. The concern here is that this activity could potentially be intended to obscure and confuse the identify and location of individual vessels and thus make tracking and prosecution by the relevant authorities more difficult. As a specific precaution, having duplicate identity markers (names, callsigns, MMSI codes, etc.) could be made illegal within one of the overarching CMMs by the Commission.

A list of identified vessels with specific information consistent with illegal fishing operations appears as Annex A.

### **Recommendations and requests.**

In the light of the foregoing, we recommend and request that the Commission and its CTC takes, at a minimum, the following actions as a matter of urgency:

- 1) Investigates the activities of the vessels identified in Annex A, to determine whether any or all of the vessels have undertaken IUU activities in contravention of the Convention, using all available information and data.
- 2) Undertakes a comprehensive investigation of all SPRFMO registered vessels, active in the Convention Area in relation to improper or illegal transboundary activities, specifically including fishing or likely fishing incursions into the jurisdictional waters of the coastal states in the eastern Pacific.
- 3) Takes all appropriate actions in respect of any vessel identified as a suspect IUU vessel or proven to be an IUU vessel, including but not limited to actions related to CMM 04-2020 (IUU vessel list).
- 4) Considers and then implements appropriate strengthening of CMMs, including, for example, prohibiting vessels (i) using duplicate identity codes or (ii) switching off their AIS signals.
- 5) Develops and implements regular monitoring and reporting on all individual vessels and on fleet components where there is, or appears to be, any evidence of individual or systemic IUU activity.

## References


Gutierrez, M., Daniels, A, Jobbins, G., Almazor, G. and Montenegro, C. (2020). China's distant water fishing fleet: Scale, impact and governance. ODI Report, June 2020, 48p.

[https://www.odi.org/sites/odi.org.uk/files/resource-documents/chinesedistantwaterfishing\\_web\\_1.pdf](https://www.odi.org/sites/odi.org.uk/files/resource-documents/chinesedistantwaterfishing_web_1.pdf)

HawkEye<sup>360</sup> (2020). Chinese fishing fleet encroaches on the Galapagos Islands. Report July 2020.

<https://www.he360.com/insight/chinese-fishing-fleet-encroaches-on-the-galapagos-islands/>

Video (43 seconds) <https://youtu.be/Wc4uWiZIU-s>



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**Annex A: Individual, identified vessels authorised to fish in the SPRFMO Convention Area suspected of IUU activity.**

Dates	Vessel identity Name (IMO number)	Brief description of the observation or issue	Source
<b>SPRFMO authorised vessels in coastal state waters adjacent to the SPRFMO Convention Area</b>			
Aug 2020	Hua Li 8 (8779774)	Within Ecuadorian (Galapagos) jurisdictional waters. Suspected of illegal fishing.	<a href="https://es.mongabay.com/2020/08/1a-ruta-de-las-flotas-chinas-pesqueras-y-sus-antecedentes-ilegales/?fbclid=IwAR3400_TVK5x-rtB014aBmbVlVhJCh9jQPbCzC68GwD6VfZ2414dqanBg">https://es.mongabay.com/2020/08/1a-ruta-de-las-flotas-chinas-pesqueras-y-sus-antecedentes-ilegales/?fbclid=IwAR3400_TVK5x-rtB014aBmbVlVhJCh9jQPbCzC68GwD6VfZ2414dqanBg</a>
Aug 2020	Lu Rong Yuan Yu 668 (8775871)	Within Ecuadorian (Galapagos) jurisdictional waters. Suspected of illegal fishing.	<a href="https://es.mongabay.com/2020/08/1a-ruta-de-las-flotas-chinas-pesqueras-y-sus-antecedentes-ilegales/?fbclid=IwAR3400_TVK5x-rtB014aBmbVlVhJCh9jQPbCzC68GwD6VfZ2414dqanBg">https://es.mongabay.com/2020/08/1a-ruta-de-las-flotas-chinas-pesqueras-y-sus-antecedentes-ilegales/?fbclid=IwAR3400_TVK5x-rtB014aBmbVlVhJCh9jQPbCzC68GwD6VfZ2414dqanBg</a>
Oct 2018	Run Da 608 (8778770) Name changed to NING TAI 717 in June, 2020.	Within Peruvian jurisdictional waters. Suspected of illegal fishing for jumbo flying squid.	<a href="https://es.mongabay.com/2020/11/peru-aumenta-controles-a-la-flota-extranjera-que-utiliza-sus-puertos/?utm_medium=Social&amp;utm_source=Facebook&amp;fbclid=IwAR3yk6SzMhZYKODZUoYOO0pE4Y5KX05fOq3BzGUBzZHSjGAPk880UxtNBk#Echobox=1604340047">https://es.mongabay.com/2020/11/peru-aumenta-controles-a-la-flota-extranjera-que-utiliza-sus-puertos/?utm_medium=Social&amp;utm_source=Facebook&amp;fbclid=IwAR3yk6SzMhZYKODZUoYOO0pE4Y5KX05fOq3BzGUBzZHSjGAPk880UxtNBk#Echobox=1604340047</a>
Jun 2018	Lu Yan Yuan Yu 016	Within Chilean jurisdictional waters and a marine protected area. Suspected of illegal fishing.	<a href="https://www.ciperchile.cl/2020/10/06/parques-marinos-de-papel-flota-de-300-naves-chinas-sorprende-a-chile-sin-plan-para-controlar-in-situ-la-pesca-ilegal/?fbclid=IwAR3hgTBlmDv9zMYcnKERjRtDyJh4A104r-ph_6XAdTb9HGc30D58f6cCc">https://www.ciperchile.cl/2020/10/06/parques-marinos-de-papel-flota-de-300-naves-chinas-sorprende-a-chile-sin-plan-para-controlar-in-situ-la-pesca-ilegal/?fbclid=IwAR3hgTBlmDv9zMYcnKERjRtDyJh4A104r-ph_6XAdTb9HGc30D58f6cCc</a>

**SPRFMO authorised vessels in coastal state waters distant from the SPRFMO Convention Area**

May 2020	HONGPU16 (9890551)	Apprehended by the Argentine authorities within Argentine jurisdictional waters. Suspected of illegal fishing.	<a href="https://www.infobae.com/economia/2020/05/16/depredacion-icticola-la-historia-sin-fin-de-la-pesca-ilegal-de-buques-extranjeros-en-el-mar-argentino/">https://www.infobae.com/economia/2020/05/16/depredacion-icticola-la-historia-sin-fin-de-la-pesca-ilegal-de-buques-extranjeros-en-el-mar-argentino/</a>
May 2020	LU RONG YUAN YU 688 (8775883)	Within Argentine jurisdictional waters. No AIS signal.	<a href="https://fiskerforum.com/chinese-jigger-intercepted-by-argentine-navy/">https://fiskerforum.com/chinese-jigger-intercepted-by-argentine-navy/</a> <a href="https://www.pescaconciencia.com/2020/05/13/4803/">https://www.pescaconciencia.com/2020/05/13/4803/</a>

May 2020	LU RONG YUAN YU 881 (8775352)	Within Argentine jurisdictional waters. Suspected of illegal fishing for squid.	<a href="https://fis.com/fis/worldnews/worldnews.asp?monthyear=&amp;day=29&amp;id=107504&amp;l=s&amp;special=0&amp;ndb=0">https://fis.com/fis/worldnews/worldnews.asp?monthyear=&amp;day=29&amp;id=107504&amp;l=s&amp;special=0&amp;ndb=0</a>
Apr 2020	LU YAN YUAN YU 016	Within Argentine jurisdictional waters. Suspected of illegal fishing.	<a href="https://www.laopinion.com.co/zona-verde/sigue-la-pesca-illegal-en-plena-pandemia-196067">https://www.laopinion.com.co/zona-verde/sigue-la-pesca-illegal-en-plena-pandemia-196067</a>
Apr 2020	LU RONG YUAN YU 668 (8775871)	Within Argentine jurisdictional waters. Suspected of illegal fishing.	<a href="https://www.infobae.com/economia/2020/05/16/depredacion-icticola-la-historia-sin-fin-de-la-pesca-illegal-de-buques-extranjeros-en-el-mar-argentino/">https://www.infobae.com/economia/2020/05/16/depredacion-icticola-la-historia-sin-fin-de-la-pesca-illegal-de-buques-extranjeros-en-el-mar-argentino/</a>
Apr 2020	LU RONG YUAN YU 668 (8775871)	Homologous MMSI with LU YAN YUAN YU 016	<a href="https://www.laopinion.com.co/zona-verde/sigue-la-pesca-illegal-en-plena-pandemia-196067">https://www.laopinion.com.co/zona-verde/sigue-la-pesca-illegal-en-plena-pandemia-196067</a>
Apr 2020	LU RONG YUAN YU 606 (9847528)	Within Argentine jurisdictional waters. Suspected of illegal fishing for <i>Illex</i> squid.	<a href="https://fis.com/fis/worldnews/worldnews.asp?monthyear=&amp;day=29&amp;id=107504&amp;l=s&amp;special=0&amp;ndb=0">https://fis.com/fis/worldnews/worldnews.asp?monthyear=&amp;day=29&amp;id=107504&amp;l=s&amp;special=0&amp;ndb=0</a>
Mar 2019	HUA XIANG 801 (9822695)	Within Argentine jurisdictional waters. Suspected of illegal fishing.	<a href="https://www.bairdmaritime.com/work-boat-world/maritime-security-world/non-naval/feature-illegal-chinese-fishing-argentina-pushes-back/">https://www.bairdmaritime.com/work-boat-world/maritime-security-world/non-naval/feature-illegal-chinese-fishing-argentina-pushes-back/</a>
Feb 2018	Jing Yuan 626 (9784568)	Within Argentine jurisdictional waters. Suspected of illegal fishing.	<a href="https://www.clarin.com/sociedad/pesca-illegal-primera-vez-argentino-cobro-gastos-persecucion-buque-chino_0_rj91BOoAg.html">https://www.clarin.com/sociedad/pesca-illegal-primera-vez-argentino-cobro-gastos-persecucion-buque-chino_0_rj91BOoAg.html</a>