

GREENPEACE

Case Studies on IUU Vessels No.1

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The Secret Shame of the *Anuva*



Glass Squid.
(*Teuthowenia pellucida*)

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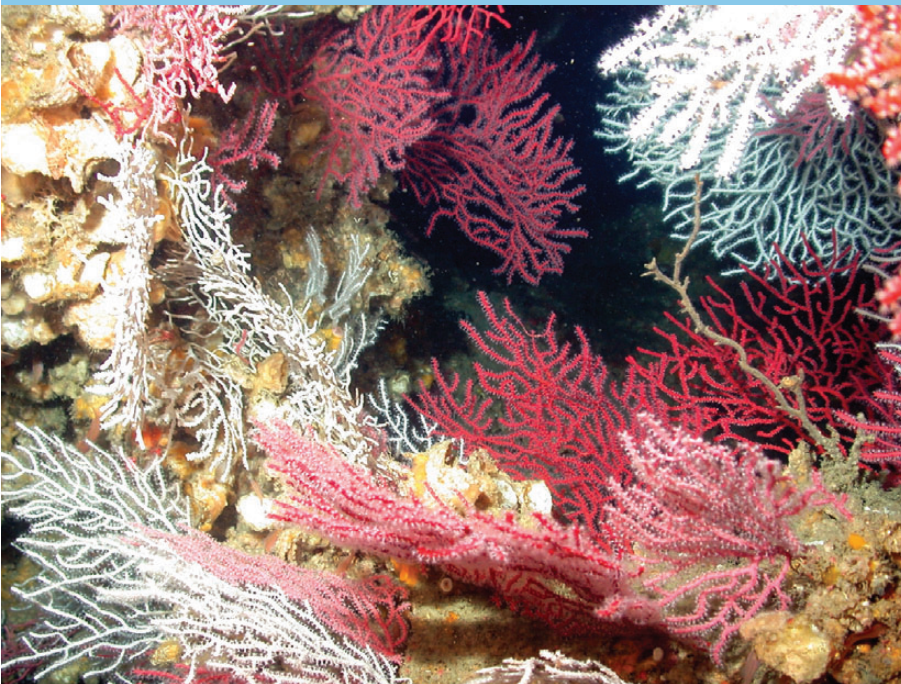
Taking action to conserve deep-sea biodiversity
sustainably and equitably now and for the future.

Introduction

One of the primary threats facing high seas biodiversity, are the impacts of illegal, unregulated and unreported (IUU) fishing. Some of the most destructive high seas fishing is unregulated, goes unreported and has major implications for marine biodiversity in international waters. Therefore, eliminating IUU fishing is not simply a fisheries management issue, it requires attention from a broad range of relevant international agencies and agreements that have an obligation to manage and protect the biological diversity of the High Seas.

In October 2004, the Greenpeace vessel *MV Esperanza* sailed to the North East Atlantic to focus global attention on the destruction caused to deep sea biodiversity by high seas bottom trawl fishing. Bottom trawling has been identified by scientists as the most destructive activity currently impacting deep sea life. Deep-sea features, such as seamounts, typically support slow-growing, long-lived species that are particularly sensitive to disturbance. Fish inhabiting such ecosystems can live for up to 150 years and coral structures may reach several thousands of years in age. A single bottom trawl across such a vulnerable area does not only destroy these coral structures, but alters the topography in such a way that they may never recover. And because many of the creatures – some of which have yet to be discovered – only occur in specific seamount ecosystems, they can be driven to extinction before they have even been identified.

Seamounts are homes to some of the most prolific displays of coral.



The *Esperanza* documented the high seas bottom trawling activities of the vessels that she encountered. One such vessel was the Lithuanian-flagged *Anuva*.

The ownership, flag and fishing history of the *Anuva* is provided to the OECD High Seas Task Force as an example of unregulated fishing on the high seas. It is hoped that the example of the activities of this one vessel spurs decision-makers to act to prevent the ongoing destruction of deep sea biodiversity by the many others like it.



Bycatch is commonplace when trawling for orange roughy.

Early History



The Anuva, a.k.a. Elly, Albri II and High Sierra

On March 9, 1963 in Scheveningen, the Netherlands, the trawler, **VL73 Elly**, (today called the **Anuva**) was launched. She was the first of a series of five trawlers. She was ordered and built for the fishing company W. Kwakkelstein based in Vlaardingen, in the Netherlands. She worked until 1979 when she was laid up as a result of a subsidized reduction in the Dutch fishing fleet.¹

In 1980 she changed owners to the Panama registered company Harford Shipping SA² and was re-flagged to Panama. Information on the vessel's activities between 1980 and 1987 is scant. Lloyds information on the vessel for this time period is also inconsistent. However, on January 1, 1987 the trawler was registered as operated by Julian Alvarez Gonzalez, a company registered in Vigo, Spain. On March 30, of the same year, the **Anuva** renamed **Elly**, sailed from Ijmuiden in the Netherlands

The **Anuva** is currently classified with Germanischer Lloyd. The records show she has had 2 major conversions: one in 1980 and another in 1988. In fact her whole superstructure is different with the bridge moved forward, a new top deck and a new stern gantry,³ as is clearly visible in the photograph above.

Owner, Flag and Operator History of the Anuva

The ownership, flag, name and operator of the **Anuva** has changed numerous times since 1963 (see table below). The only consistent factor appears to be, that after the vessel was sold in the Netherlands, the operators have all been based in the port of Vigo, Spain and she is flagged by known "flag of convenience" nations.

Date	Name	Flag	Owner	Operator	4
1963	VL74 Elly	Netherlands	Visserij Mij. W. Kwakkelstein	Visserij Mij. W. Kwakkelstein	
1980	Elly	Panama	Harford Shipping, Panama	Julian Alvarez Gonzalez, Spain	
1993	Albri II	Belize	Blue Tide Corp, Belize	Blue Tide S.L., Spain	
1995	Albri II	Unknown	Blue Tide Corp, Belize	Blue Tide S.L., Spain	
1997	High Sierra	Unknown	Blue Tide Corp, Belize	Blue Tide S.L., Spain	
1998	High Sierra	Sierra Leone	Blue Tide Corp, Belize	Blue Tide S.L., Spain	
1999	High Sierra	Sierra Leone	Blue Tide Corp, Belize	Pesquera Albri SA, Spain	
1999	Albri II	Belize	Blue Tide Corp, Belize	Pesquera Albri SA, Spain	
2000	Albri II	Sierra Leone	Blue Tide Corp, Belize	Pesquera Albri SA, Spain	
2000	Anuva	Lithuania	Blue Tide Corp, Belize	Pesquera Albri SA, Spain	
2001	Anuva	Lithuania	"JSC" Anuva, Lithuania	Pesquera Albri SA, Spain	

¹<http://members.lycos.nl/reus2002/VL73Elly.htm>

²https://www.seaweb.org/scripts/nd_ISAPL_50.dll/Seadata/pgStartPage.1101091117812

³<http://www.gl-group.com/registerbook/index.jsp>

⁴https://www.seaweb.org/scripts/nd_ISAPL_50.dll/Seadata/pgStartPage.1101170918968

Operating Area

Although it cannot be stated with absolute certainty it appears that the vessel has always worked in the North Atlantic and North Sea. While the ship was Dutch-owned she most likely worked the North Sea, but the conversion of the vessel would indicate that she was fitted out for more deep sea work and the harsh North Atlantic weather.

On April 28, 1995 the **Albri II** was deregistered in Belize after pressure from the Canadian authorities. The vessel was suspected of illegally fishing for Greenland halibut in the Northwest Atlantic Fisheries Organisation (NAFO) Regulatory Area.⁵ It is unknown which flag she was under between 1995 and 1999, but in 1999 according to Lloyd's, Sierra Leone became her flag state, although she had already been observed a year earlier flying the Sierra Leone flag.

Between January and April 1999, both "**High Sierra**" and "**Albri II**"- in fact the same ship - were observed in the NAFO regulatory area again flying the Belize flag. It was noted by NAFO that these vessels often change and re-register between a number of countries such as Belize, Honduras and Sao Tome e Principe.⁶

NAFO, in its report to FAO of 6 May 1999, states that as a practical outcome of their efforts to curb IUU fishing, the vessel "**Albri II**" of Belize, was identified in the port of Torshavn, the Faroes Islands (12 February 1999) by the Faroes Inspection Unit, and prohibited from discharging its fish product.⁷

During 1998 and 1999, NAFO diplomatic demarches regarding this vessel were delivered to Honduras and Panama (by Canada); to Belize (by USA) and to Sierra Leone (jointly by Canada and USA). In addition, Canada reported the delivery of a Canadian demarche to Sao Tomé e Príncipe.⁸

In 2001, the North East Atlantic Fishing Convention (NEAFC) began identifying IUU vessels fishing in their area of competence after it became apparent that vessels were moving between the NAFO and NEAFC areas. The NEAFC activity on IUU vessels is limited, as it only focuses on the activities of those vessels operating in the area that are flagged to Non-Contracting Parties (NCP). Since NCPs are not bound by NEAFC's Convention, their activities are unregulated.

The **Anuva** was observed as the **Albri II**, fishing in the NEAFC area in August 1999. She was noted as flagless after a search of the registries in Belize, Sierra Leone and Honduras showed no registration.⁹

The **Anuva** was observed bottom trawl fishing on the high seas of NE Atlantic in early November 2004 by the Greenpeace ship **Esperanza**. Greenpeace photographers also documented the contents of the **Anuva's** nets, which included pieces of coral. At the time the Norwegian Directorate of Fisheries confirmed that the vessel had been blacklisted in the Norwegian EEZ.



Bamboo coral.

⁵ http://www.dfompo.gc.ca/media/newsrel/1995/hq-ac41_e.htm

⁶ http://www.affa.gov.au/corporate_docs/publications/word/fisheries/eciouuf/IUU6.doc

⁷ Idem

⁸ www.nafo.int/publications/annrep/AR99.pdf

⁹ http://www.neafc.org/reports/docs/naefc_amreps/am2003_papers/2003_37.xls



A large rattail fish is dumped out the discards chute of a deep sea trawler.



© Steve Morgan / Greenpeace

13/11/04 North East Atlantic, MV Esperanza

Fragile deep sea coral retrieved from the nets of Lithuanian bottom trawler ANUVA in the NE Atlantic. Greenpeace activists occupied the ANUVA to protest deep sea bottom trawling on the high seas which is viewed by the international scientific community as one of the biggest threats to marine eco systems. Greenpeace is calling for a moratorium on high sea bottom trawling.

The **Anuva** is certainly not the only such boat that is conducting unregulated bottom trawling in the NEAFC area. Between 1999 and 2003, 66 sightings were made of vessels from Non-Contracting Parties fishing in the NEAFC area. The flag states of such vessels were identified as: Belize, Cyprus, Estonia, Honduras, Japan, Lithuania, Latvia, Sierra Leone, Saint Vincent and Grenadines, Sao Tome Principe, Togo and Dominica.¹⁰

The Dominican register of ships was established in 2000 and appears to offer a new opportunity for IUU vessels. Seven of their vessels are currently operating as bottom trawlers in the North East Atlantic. All of them are ex-Russian vessels that were first re-flagged to Belize and then to Dominica in 2003.

During the first 6 months of 2004 twelve NCP vessels were observed in the NEAFC area. Seven of these were from Dominica, one from Belize, three from Panama and one vessel from Togo. Most of these vessels were observed SW of Iceland and are now on the NEAFC IUU List A -2004.¹¹

One of these vessels was the **Sunny Lina**, a Belize registered reefer, which was observed by Swedish authorities transshipping at sea on June 9, 2004.¹² She sailed from Eemshaven in the Netherlands in September 2004 and arrived back in the same port on November 8, 2004 without calling into any other port. In other periods during 2004 she also called at ports in Russia, Canada, the Canary Islands and West Africa. Greenpeace believes that this reefer could be serving illegal fishing vessels in the North Atlantic. The vessel is operated by the Sunpian company/corporation based in Panama. She was previously flagged to Cyprus and Lithuania.

¹⁰ Idem

¹¹ http://www.neafc.org/reports/docs/neafc_amreps/am2004_papers/2004-09_ncp-list.htm

¹² http://www.neafc.org/reports/docs/neafc_peccoe/peccoe_oct-2004_final.pdf

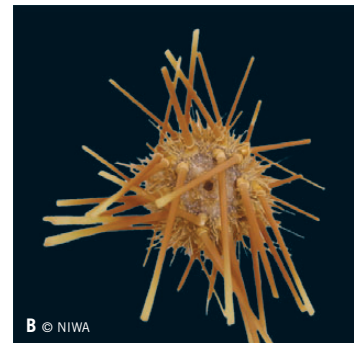
Recommendations

The *Anuva* provides a case study of a vessel with a chequered past which has most recently been observed fishing under the flag of a European Union member-state, operated by a company based in another EU member-state, and fishing in the waters of a Regional Fisheries Management Organisation to which the EU is a Party. It is incumbent upon the EU to address the actions of such a vessel based on its international obligations, regional agreements and the national law of at least one of the member-states involved with this vessel.

In addition, Greenpeace contends that among the measures that must be adopted in order to effectively combat IUU fishing, the international community must:

- Establish central monitoring, control and compliance authority for all vessels active on the high seas. Such a central authority could be funded by dues paid by States – such dues set by the number of vessels authorised to undertake extractive activities on the high seas by each State. Such a system could be copied in specific regional areas. In national areas, compliance, monitoring and enforcement could be funded by dues paid by vessels licensed to fish in such waters. This would deter such vessels from ‘turning a blind eye’ to their IUU counterparts, as they would actually be costing them money.
- Require centralised VMS system for all vessels licensed to fish on the high seas to enable states to distinguish between vessels fishing on the high seas from those fishing in an EEZ. Such a system would be operated by the centralised compliance authority (see above) and report to all states and relevant regional organisations on infractions by any vessels in their system, and permit any states participating in the system to take punitive actions against such vessels in their respective jurisdictions.
- Deny fishing authorisation to vessels (and their owner/operators) breaching conservation measures on the high seas or within regional arrangements. Denial will extend to any method and for any species, on the high seas, in waters governed by regional arrangements, as well as in EEZs (e.g. ‘redlist’ the vessels, companies, beneficial owners, captains and operators)

The Anuva



A. Crab - (*Lithodes longispina*)

B. Un-named seamount sea urchin

Recommendations

- Adopt legislation making it illegal for nationals to reflag vessels to avoid compliance.
- Close ports to non-complying fishing vessels and to vessels flying the flag of non-complying states.
- Conduct intensive in-port inspections of fishing vessels including negotiation of intergovernmental port state enforcement agreements.
- Outlaw transshipment at sea of any species that could be caught on the high seas.
- Close markets to fish and fish products which do not carry credible certification that establishes that the fish and fish products were derived from licensed fishing operations, and using established international trade regulations (such as CITES) to regulate trade in species that are already under threat. Pass, as necessary, new laws and regulations to ensure effective control over nationals engaged in fishing, especially in areas beyond national jurisdiction;
- Exchange, pool and publicise information on vessels and companies involved in high seas fishing (including the operators, captains and beneficial owners of such vessels, and those providing banking, insurance and other services to them) allowing appropriate action to be taken by states.
- Require that information on vessels and companies interested in engaging in high seas fishing be provided to the central monitoring, compliance and enforcement authority, in a standard international format, before it is authorised to fish in national or international waters or flagged by a state. Where such vessels, companies, operators or beneficial owners have been 'redlisted' by the authority, such authority to fish shall not be granted.
- Require under domestic law, that prior to any vessel being granted the flag of a state, the information stated above is submitted to such a central compliance authority. A prerequisite for such 'flagging' should be that this central authority find that such a vessel has been in compliance with all international and national regulations.
- Cooperate with coastal states and those participating in relevant regional management arrangements to ensure that all states have sufficient capacity to manage and control their coastal and EEZ fisheries to ensure compliance with national regulations and international obligations.

Gorgonian coral.



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Recommendations

For the past three years, the United Nations General Assembly has called for urgent action to conserve vulnerable high seas ecosystems. The World Summit has called for urgent action, and in February 2004, the Convention on Biological Diversity called for urgent short, medium and long term measures to be taken to conserve vulnerable deep-sea ecosystems.

The deep sea is one of the last frontiers on the planet and until a short time ago, it was assumed that there was little life in its cold, dark waters, which cover more than half the world's surface. Scientists are only now beginning to understand the diversity, significance and vulnerability of deep-sea biodiversity and ecosystems, and recognise it as a major global reservoir of the earth's biodiversity, comparable with tropical rainforests and shallow water coral reefs. Estimates of the numbers of species inhabiting the deep ocean range between 500,000 and 100 million.

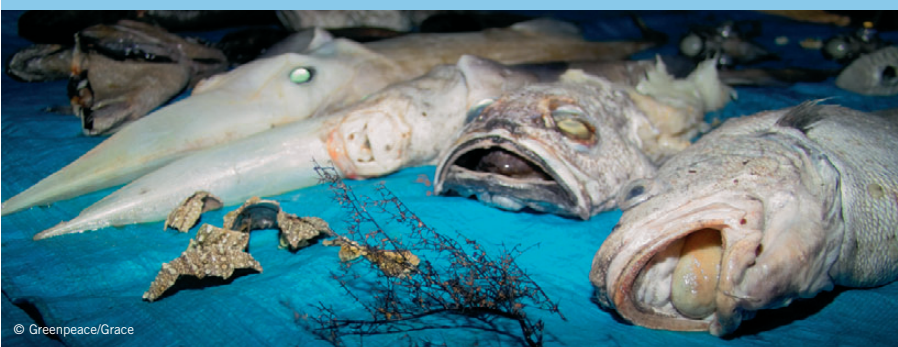
Over the last year, Greenpeace, with the Deep Sea Conservation Coalition (DSCC), a coalition of national and international non-governmental organisations,¹³ has been working with the international marine scientific community and a growing number of countries, calling for a United Nations moratorium on high seas bottom trawl fishing. Marine scientists now consider bottom trawling to be the most destructive activity impacting on deep-sea life¹⁴. Most high seas bottom trawling is unregulated fishing. According to a document on deep sea fisheries before the Committee on Fisheries of the UN Food and Agriculture Organisation this week, "few regional fisheries management organizations (RFMOs) have a mandate to manage deepwater species, which are generally found in the high seas situations. ... international Given that usually these fisheries take place in the high seas, they may be commonly characterized as unregulated and unreported. ... They may be considered illegal *stricto sensu* only where and when in breach of applicable measures adopted for instance by a competent RFMO and binding the flag State concerned under law."¹⁵ Only five RFMOs currently have the competency to regulate this type of fishing and currently only one has put effective measures in place to regulate this type of fishing.

A temporary moratorium on bottom trawl fishing across the high seas would provide a 'time out' for a thorough scientific assessment of deep-sea biodiversity. It would also 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.

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A bycatch sample



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Mystery Mollusc

¹³ Deep Sea Conservation Coalition (DSCC) members include: the Antarctic and Southern Ocean Coalition (ASOC), Birdlife International, CeDePesca, Center for International Environmental Law (CIEL), Centro de Conservacion Cetacea (CCC), Centro Ecoceanos, Centro Mexicano de Derecho Ambiental, Conservation International, Deepwave, Environment and Conservation Organisations of New Zealand, Inc. (ECO), Ecology Action Centre, Forest and Bird, Fundación Jutun Sacha, Greenpeace, International Collective of Fishworkers (ICSF), Living Oceans Society, Marine Biology Institute (MCBI), Marviva, Mundo Azul, National Fishworkers' Forum, Natural Resources Defense Council (NRDC), Oceana, Ocean Futures Society, Programa Restauración de Tortugas Marinas (PRETOMA), ProNaturaleza, The Royal Society for the Protection of Birds, Seas at Risk, The Pew Charitable Trusts, World Forum of Fisher People (WFFP) Website at <http://savethehighseas.org>.

¹⁴ In February 2004, 1,136 scientists from 69 countries released a statement expressing concern "that human activities, particularly bottom trawling, are causing unprecedented damage to the deep-sea I coral and sponge communities on continental plateaus and slopes, and on seamounts and mid-ocean ridges." The statement called on governments and the United Nations to establish an immediate moratorium on high seas bottom trawling. (Scientists statement www.mcbi.org).

¹⁵ (COFI/2005/6, paragraph 6)