

2007 – 2008

Another two years of wide spread IUU fishing in the Mediterranean

**More evidence of the complete failure of ICCAT
Contracting Parties to save bluefin tuna from collapse**

*Greenpeace submission to the 16th Special Meeting of the
International Commission for the Conservation of Atlantic Tunas*

Marrakech (Morocco), November 17 – 24, 2008

GREENPEACE

1.- THE 2006 ICCAT 'NON-RECOVERY' PLAN FOR BLUEFIN TUNA

- 1.1. Dubrovnik 2006: 'a travesty in fisheries management'
- 1.2. Antalya 2007: buying time for the tuna industry
- 1.3. The Independent Panel Review: ICCAT's credibility at stake
- 1.4. No intention to deal with the core problem: still building overcapacity
- 1.5. Marrakech: time to take immediate action

2.- THE 2008 BLUEFIN TUNA CRIME FILES

- 2.1. Introduction: the pirate booty continues
- 2.2. Unmanageable: EC attempts to control the fishery
- 2.3. EC–Malta: a haven for bluefin tuna operators
- 2.4. EC–Italy: are spotter planes the rule or the exception?
- 2.5. EC–France: a sustained history of overfishing
- 2.6. EC–Spain: continuous underreporting of catches
- 2.7. EC–Cyprus: a 40% conversion rate?
- 2.8. Turkey: huge overcapacity
- 2.9. Farming capacity and potential catches in 2008

3.- MARRAKECH: THE LAST CHANCE FOR ICCAT

- 3.1. If ICCAT fails, others will take the lead
- 3.2. Coming back on track to fight IUU fishing
- 3.3. The need for protection of the bluefin tuna spawning grounds
- 3.4. Greenpeace demands: do something and do it now

1.- THE 2006 ICCAT 'NON-RECOVERY PLAN' FOR BLUEFIN TUNA

The judgement of the international community will be based largely on how ICCAT manages fisheries on bluefin tuna. ICCAT CPCs' performance in managing fisheries on bluefin tuna particularly in the eastern Atlantic and Mediterranean Sea is widely regarded as an international disgrace.

G.D. Hurry, M. Hayashi and J.J. Maguire. Report of the Review. International Commission for the Conservation of Atlantic Tunas (ICCAT). September 2008.

1.1. Dubrovnik 2006: 'a travesty in fisheries management' ¹

As a result of bluefin tuna's high price in international markets, the Mediterranean fishery which targets this species holds one of the highest rates of illegal fishing in the world.² Greenpeace had raised early warnings on the depletion of the eastern stock of bluefin tuna already in the 90's, even before the tuna fattening business started to take off in the region.³ During the last ten years the bluefin tuna industry, strongly supported by many Governments which are Contracting Parties to the International Commission for the Conservation of Atlantic Tunas (ICCAT), invested millions of euros in building both fishing and farming capacity in the Mediterranean. This trend is unfortunately ongoing. The levels reached today are not only unsustainable from an environmental point of view, but also inefficient from a purely economic perspective.

The obvious consequence is that the Atlantic bluefin tuna population is currently at the worse state ever recorded. Traditional fishing grounds such as the one south of the Balearic Islands are now severely overfished. This has led industrial purse seiners to direct fishing effort towards previously unexploited spawning grounds to compensate for lower yields.⁴ Overexploitation of bluefin tuna, while mainly benefiting a few companies, has put at risk the livelihoods of thousands of fishermen in the region, particularly in the small-scale sector.

1 An independent review of the performance of ICCAT published in September 2008 stated that the bluefin tuna fishery was "seen by observers and by other CPCs as a travesty in fisheries management." See section 1.3 for more details.

2 The SCRS has estimated at its last annual meeting in September 2008, a probable catch for the eastern stock of bluefin tuna of 61,000 tons in 2007, over twice the current TAC for the stock.

3 Gual, Assumpta. 1999. *The bluefin tuna in the Eastern Atlantic and Mediterranean: Chronicle of a death foretold*. Greenpeace International.

4 Fisheries targeting bluefin tuna off the coasts of Libya or Syria, the North of Egypt or the South of Cyprus date back only a few years, a very new development in fishery that is thousands of years old.

In November 2006, the Contracting Parties of ICCAT attended the 15th Special Meeting of the Commission in Dubrovnik, Croatia. One of their main tasks at the meeting was the adoption of a new management plan for one of the most valuable and at the same time threatened tuna populations worldwide: the Northern bluefin tuna. In June 2006 the ICCAT Standing Committee on Research and Statistics (SCRS) had completed a new assessment of its status, which warned of a high risk of stock collapse and recommended the adoption of measures to avoid further depletion of the eastern stock.⁵

Recommendation [06-05] on a multiannual recovery plan for bluefin tuna in the East Atlantic and Mediterranean adopted by ICCAT in November 2006 was the very opposite to sound fisheries management and in complete contradiction with the scientific advice of the SCRS. Despite ICCAT's own scientists warning that only catches lower than 15,000 t would prevent further depletion of the eastern bluefin tuna stock, ICCAT approved a quota of almost double that figure, and failed both to protect the breeding population as well as to initiate actions to fight one of the root causes of the current situation: the huge overcapacity of both fishing fleets and farms in the Mediterranean Sea.

Recommendation [06-05] proved once more that most Governments decisions were driven by the short term interests of their fishing industries, trading companies and farming business, well before their responsibility to guarantee the conservation of bluefin tuna. However, its implications are wider. Such a response to the dire state of an endangered species constitutes a perfect example of the current structural weaknesses of many *Regional Fisheries Management Organisations* (RFMOs). ICCAT did show that, as an organisation, it is highly incompetent to succeed in its job of guaranteeing a sustainable exploitation of shared resources and lacks the teeth to effectively fight non-compliance by both its contracting and non-Contracting Parties.

1.2. Antalya 2007: buying time for the tuna industry

In November 2007, one year after the approval of the so-called '*bluefin tuna recovery plan*' by ICCAT Contracting Parties, the 20th Regular Meeting of the ICCAT Commission took place in Antalya, Turkey. Countries involved in the bluefin tuna fishery had to face once again enormous criticism arising from yet another year of business as usual. Following the first fishing season that saw the implementation of Recommendation [06-05], Greenpeace presented compelling evidence of non-compliance in the fishery and it became obvious that illegal fishing activities were once again the norm in the region.⁶ The fact that the ICCAT SCRS estimates a catch of 61,000 t of eastern bluefin tuna in the 2007 fishing season clearly supports Greenpeace's findings.⁷

As a result of the high levels of non compliance in the fishery, heated discussions took place in Antalya, including over a proposal to impose a temporary suspension of the fishery, put forward by the US Delegation.⁸ Despite these discussions, Recommendation [06-05] remained in place unamended. In turn delegates agreed on a proposal to host a "*Meeting of managers and stakeholders of Atlantic Bluefin Fishing*" in Japan before the 2008 Mediterranean bluefin tuna season started. The meeting finally took place in Tokyo, in March 2008 and brought together around 150 participants.⁹

The main outcome of the Tokyo meeting was a declaration in which managers and stakeholders – including the catching, farming and trading sectors – committed to, among others: "*fully comply with all the pertinent conservation and management measures adopted by ICCAT, and in particular, the provisions of the bluefin tuna recovery plan*"; "*prudently manage their fishing/caging/reefer capacity, fishing effort and market imports in such a manner that brings them into line with the decreasing levels of TAC foreseen in the bluefin tuna recovery plan*"; or "*participate actively in data collection so as to contribute to the assessment of stock status, providing the best available scientific advice for the review of the Recovery Plan.*"¹⁰

5 "*The available information indicates that the current fishing mortality rate (under the current overall fishing pattern) may be more than three times the level which would permit the stock to stabilize at the MSY levels. Current fishing is expected to drive the spawning biomass to a very low level. Those low levels are considered to give rise to a high risk of collapse of the fishery and stock collapse*". Report of the Standing Committee on Research and Statistics. Madrid, Spain – October 2 to 6, 2006.

6 Losada, Sebastian. *Pirate Booty: How ICCAT is failing to curb IUU fishing*. Greenpeace, September 2007.

7 Report of the Standing Committee on Research and Statistics. September 29 to October 3, 2008. Madrid, Spain.

8 PA2-604 /2007. *Proposal by the US for a Recommendation by ICCAT to suspend fishing for bluefin tuna in the Eastern Atlantic and the Mediterranean*.

9 At that time Greenpeace and WWF reacted strongly to this proposal which shifted the debate away from the responsibilities of Contracting Parties and made public a statement reminding Governments that real action by ICCAT was the only thing that would bring real benefits to the management of the fishery. "*Formally leaving in the hands of farmers and traders the responsibility of avoiding the collapse of East Atlantic bluefin tuna would be a desperate move by ICCAT Contracting Parties, arising from their realisation that they are powerless to manage the stock*". PA2-610/2007. *Joint Statement of WWF and Greenpeace to Panel 2*. Antalya, 15 November 2008.

10 ICCAT Circular # 612 / 08. *Report of the meeting of managers and stakeholders in Atlantic bluefin tuna*. 26 – 27 March 2008, Tokyo, Japan.

In summary, large amounts of money were spent to agree on the fact that the industry should abide by the law and not worsen the situation. Unsurprisingly, if we look at the three key commitments highlighted above, we see that none of them were honoured in 2008. The bluefin tuna recovery plan was not complied with; fishing and farming capacity have increased; and fisheries data were not available for scientists to complete the tasks they had been tasked with.

It is evident that governments' unwillingness to confront those who are responsible for the current situation has left the fishing industry free to satisfy its insatiable desire for bluefin tuna, depriving current and future generations of a healthy functioning marine ecosystem.

1.3. The Independent Panel Review¹¹: ICCAT's credibility at stake

At the *Joint Meeting of the Tuna Regional Fisheries Management Organisations* held in Kobe, Japan, in January 2007, it was agreed that tuna RFMOs should be subject to performance reviews, to ensure compliance with the relevant provisions of the UN Fish Stocks Agreement. ICCAT Contracting Parties agreed in November 2007 to commission such a review to a panel of experts.¹² Their report was made available to ICCAT Contracting Parties in September 2008. The panel examined the basic texts of the Commission, the status of the different stocks under the competence of ICCAT, the conservation and management measures approved, and produced recommendations to improve and strengthen its work.

The outcomes of the Independent Panel Review on the management of the bluefin tuna fishery were damning. The Panel recommended "*the suspension of fishing on bluefin tuna in the eastern Atlantic and Mediterranean until the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities (CPCs) fully comply with ICCAT recommendations on bluefin*".¹³ Some relevant quotes can be found below:

- *The Panel considers that this decision is the only way to stop the continuation of what is seen by observers and by other CPCs as a travesty in fisheries management.*
- *The management by ICCAT CPCs of this bluefin tuna fishery in the Mediterranean is widely seen as an international disgrace.*
- *The Panel found the management of fisheries on bluefin tuna in the eastern Atlantic and Mediterranean and the regulation of bluefin farming to be unacceptable and not consistent with the objectives of ICCAT.*
- *It is a fundamental failing of ICCAT processes, of CPCs commitment to compliance, good governance and adherence to international law.*
- *In what appears to be a wilful disregard for ICCAT process, only three (3) CPCs provided timely data on their 2007 bluefin catch and effort in time to be used by the SCRS for its assessment session in June-July 2008.*
- *Recommendation 06-05 is not an appropriate response to the scientific advice that was provided to the Commission. Since the adoption of this recommendation, during the 2008 fishing season CPCs in the Mediterranean Sea have again fished in disregard of this recommendation. CPCs of ICCAT have failed to abide by their legal obligations under international law, have failed to conserve bluefin tuna and have failed in the eyes of the international community.*
- *CPCs have consistently failed to provide timely and accurate data and to implement monitoring, control and surveillance (MCS) arrangements on nationals and national companies.*
- *ICCAT has not adjusted its management approaches nor reduced fishing pressure, particularly on sensitive resources such as bluefin tuna, in a timely manner. This does not reflect well on ICCAT CPCs and it also affects negatively other international fishery management organisations.*

Greenpeace strongly believes, contrary to what has been stated by some Contracting Parties, that the conclusions of the independent panel review in relation to the management of bluefin tuna reflect accurately the situation of the fishery, its language is appropriate, and such recommendations are a direct result of the failure of ICCAT Contracting Parties to fulfil their obligations to comply with international law. **Greenpeace expects this report, commissioned with the agreement of ICCAT members, to be taken very seriously and thoroughly discussed at this 16th Special Meeting of the Commission.**

11 G.D. Hurry, M. Hayashi and J.J. Maguire. *Report of the Review. International Commission for the Conservation of Atlantic Tunas (ICCAT)*. September 2008.

12 ICCAT appointed an independent panel consisting of Glenn Hurry, Chief Executive Officer of the Australian Fisheries Management Authority (AFMA) and Chairman of the WCPFC; Moritaka Hayashi, Professor (now emeritus) of International Law, Waseda University in Japan; and Jean-Jacques Maguire, a fisheries scientist from Canada.

13 Op. cit. 11.

1.4. No intention to deal with the core problem: still building overcapacity

Recommendation [06-05] is obviously not in line with the best available scientific advice in the fishery. However, it has been presented by many as the only way to gain time in order to rectify the situation and to take on one of the most needed tasks: the substantial decrease of fishing capacity, particularly in the Mediterranean. It is then fair to ask, two years after the approval of this recommendation, if fishing capacity has been reduced over this period. All the data available seems to indicate the contrary.

The most exhaustive review of fishing capacity in the fishery is contained in the WWF report '*Race for the last bluefin - Capacity of the purse seine fleet targeting bluefin tuna in the Mediterranean Sea and estimated capacity reduction needs*'. The report focuses on the Mediterranean purse seine fleet,¹⁴ which according to the authors is made of a total of 617 purse seine vessels with an estimated yearly catch potential of 54,783 t. The greatest purse seine overcapacity is found in the Turkish, Italian, Croatian and Libyan fleets.¹⁵ Such a figure is almost double the legal TAC available for all gears and is almost four times the catch levels recommended by scientists to avoid stock collapse. The capacity of this fleet segment is so great that the EC purse seine fleet is capable of catching 10% of the EC's total annual quota in just three days at the height of the season.¹⁶

This level of overcapacity was not reached overnight. Many ICCAT Contracting Parties have generously subsidised and encouraged the incorporation of new units into this fishery in spite of all existing warnings about the state of the stock. The WWF report estimates that "a total of 229 new high-tech tuna seiners were commissioned from 1997, including 25 vessels then under construction." In a recent update of this report, WWF gathered evidence on the ongoing building of ten new industrial bluefin tuna seiners in Croatia, where 18 new units were built in just the last two years.¹⁷ These problems are well known to Members of this Commission¹⁸ and provide a strong signal on how seriously some countries take their responsibilities in this fishery.

The situation with the farming capacity in the region is no more promising. With a total reported capacity of 69,482 t in 2008, over twice the total TAC for all gears, tuna farms represent a huge loophole and laundering mechanism for illegal catches.

Such huge overcapacities lead to systematic violations of the rules in the fishery and there is very little that improvements in control capacity in the region can do to counteract this. Moreover, the financial costs of trying to avoid facing and solving such an obvious problem are tremendous. The *European Fisheries Control Agency* launched in 2008 what is probably one of the biggest fisheries control deployments ever set up. This season joint inspection and control activities involved 13 large patrol vessels, 36 coastal patrol vessels and 16 aircrafts. In total, 14 campaigns at sea and 25 joint inspections took place at port involving 30 and 50 inspectors respectively.¹⁹

The financial costs of such a management failure are onerous. In the case of the EC, European tax payers have been paying for the construction of enormous fishing capacity during the last decade; today they have to pay for the control of a fleet which is simply impossible to control; and if substantial cuts are imposed to deal with overcapacity, public money will probably be used to compensate the very same companies that caused the problem.

As the EC admits "the political will does not exist among the ICCAT Contracting Parties to resolve the problem of overcapacity."²⁰ At the time of writing this submission no major ICCAT Contracting Party in the Mediterranean bluefin tuna fishery had taken meaningful steps to curb the capacity of its bluefin tuna fleet.²¹

14 The purse seine segment is only a subset of the total fleet catching Mediterranean bluefin but provides key information to understand the extent of the overcapacity levels in the fishery.

15 "Forty per cent of the 614 BFT purse seine vessels operating in 2008 in the Mediterranean Sea are Turkish-flagged, while 17 per cent are Italian-, 14 per cent are Croatian-, and 9 per cent are Libyan-flagged. These four countries thus make up 80 per cent of the total Mediterranean BFT purse seine fleet."

16 European Commission. *Bluefin tuna campaign: Commission announces closure of purse seine fishery*. 13 June 2008.

17 WWF. *Race for the last bluefin intensifies - 10 new vessels uncovered in Croatia*. Bluefin Tuna Bulletin #52.

18 "Of particular concern was an apparent increase in purse seiners targeting bluefin tuna in the Mediterranean between 2005 and 2007." PLE – 101/2008. *Report of the 2nd Meeting of the Working Group on Capacity*. 15 – 16 July 2008, Madrid, Spain.

19 European Commission. *Commission launches major control campaign to clamp down on overfishing of bluefin tuna*. 14 March 2008.

20 European Commission. *2008 Bluefin tuna campaign: zero tolerance by EC. What the European Commission is doing to prevent overfishing in the bluefin tuna fishery*. 13 June 2008.

21 The European Union did include a provision in its internal law mandating its Member States to submit fishing plans in advance of the opening of the season (Article 4 of Council Regulation (EC) No 1559/2007 of 17 December 2007). These fishing plans were aimed at guaranteeing that EU Member States would allow a limited number of vessels in the fishery which should be proportionate with its quota. However, the EC recognises that its own fleet has increased

In addition, the outcomes of the ICCAT Intersessional Working Groups on Fishing Capacity are discouraging, as no substantial progress seems to have been achieved. The report back from the last Working Group suggests that a freeze on capacity in the eastern Atlantic and Mediterranean bluefin tuna fishery is “a necessary first step”²² and recommends an agreement to limit the capacity at the 2007 and 2008 levels.^{23,24} Such a recommendation blatantly ignores the urgency of the situation. The proposals on the table to deal with the problem of overcapacity simply reinforce the calls for a complete closure of the fishery.

1.5. Marrakech: time to take immediate action

Although the bluefin tuna catch levels in the 2008 Mediterranean fishery are still to be known²⁵ we have had enough time to witness the widespread lack of compliance for yet another year. With no substantial changes in fishing capacity, this is not surprising. Decisions such as the one taken by the EC to close the fishery to its purse seine fleet before the mandatory closure to purse seine fishing on 1 July may have helped to partially contain catch levels,²⁶ but available data do not offer much hope. Numerous cases of illegal fishing have been documented and exposed during the 2008 fishing season. Some of these cases are summarised in section 2 of this document.

The SCRS bluefin tuna assessment session held in Madrid in June 2008 estimated a probable 2007 catch of 61,000 tons for the eastern stock.²⁷ The assessment concluded that “based on equilibrium projections, current measures are a step in the right direction but unlikely to achieve recovery in 15 years” and that “unless the plan is adjusted for greater controls, there is a high risk of collapse”.

Not only is part of the fishing and farming industry behaving irresponsibly in the fishery, but governments continue to fail to comply with their more basic responsibilities as signatories to an international convention. Last June 2008 ICCAT scientists were unable to complete their task to provide a new assessment of the bluefin tuna population because basic catch and size information had not been made available to the scientific committee. This resulted in a letter of complaint addressed to the ICCAT Chairman.²⁸

Time and tuna are running out. During the past two years of the new management plan for bluefin tuna there have been no meaningful changes in the management of the fishery. The Mediterranean bluefin tuna fishery is out-of-control and will remain so if no radical action is taken. Greenpeace calls all Contracting Parties to agree to a closure of the eastern bluefin tuna fishery until a new management plan is in place which is strictly compliant with the recommendations of the scientific committee and the ecosystem approach.

The 16th Special Meeting of the ICCAT Commission provides Contracting Parties with the last opportunity to save bluefin tuna from collapse. Article 2 of Recommendation [06-05] makes the review of the current recovery plan mandatory in 2008. This will also give ICCAT Contracting Parties a final chance to save this Commission from its very own collapse and retain some international credibility.

from 92 purse-seiners in 2007 to 134 in 2008, at a time when ICCAT has reduced the TAC in the fishery.

22 PLE – 101/2008. *Report of the 2nd Meeting of the Working Group WWF. Race for the last bluefin intensifies - 10 new vessels uncovered in Croatia. Bluefin Tuna Bulletin #52.on Capacity.* 15 – 16 July 2008, Madrid, Spain.

23 See paragraph 1 of PLE–113/2008. *Draft Proposal for a Recommendation by ICCAT on the Limitation of Capacity. “CPCs shall limit the number, and the corresponding gross registered tonnage, of their vessels participating in the eastern Atlantic and Mediterranean bluefin tuna fishery to the number and tonnage of their vessels that fished for, retained on board, transhipped, transported, or landed bluefin tuna during the period 1 January 2007 to 1 July 2008. This limit shall be applied by gear type for fishing vessels and by vessel type for other vessels.”*

24 The WWF report shows that to merely comply with legal quotas Libya should eliminate from the fishery 22 vessels (58% capacity reduction), Italy 17 vessels (36% reduction) and France 15 vessels (45%reduction), Turkey being a case apart, with an estimate need of capacity reduction between 94-97%.

25 Not even 2007 bluefin tuna catches were available to the SCRS bluefin tuna stock assessment in June 2008, despite all the provisions in Recommendation [06-05] for data submission in the fishery.

26 Op. cit. 16.

27 “The Committee’s evaluation in 2008 using the information from the ICCAT List of Bluefin Vessels and scientific knowledge of the fisheries led to a 2007 probable catch of 47,800 t for the Mediterranean and 13,200 t for the East Atlantic, leading to a total of about 61,100 t for the Eastern Atlantic bluefin tuna stock”. Op. cit. 7,

28 “Now, upon completion of the fourth day (of 10 days) of the assessment meeting, we only have Task I (total catch) and Task II (catch/effort and size samples) from three of CPCs that have quotas in the Eastern Atlantic and Mediterranean, which amount to less than 15% of the Total Allowable Catch [...] Consequently, we will not be able to evaluate the status of the eastern stock as of 2007, nor we will be able to carry out the review of the progress of the plan that has been requested from us” ICCAT CIRCULAR #1227/08. Letter from scientists participating at BFT stock assessment session to ICCAT chair. Madrid, 27 June 2008.

2.- THE 2008 BLUEFIN TUNA CRIME FILES

*It seems there is one law for the ordinary citizen,
and no law at all for tuna ranchers.*

Raphael Vassallo, Malta Today

2.1. Introduction: the pirate booty continues

At the 20th Regular Meeting of the ICCAT Commission, held in Antalya in November 2007, Greenpeace presented a report summarising the findings of two years of documentation and campaigning in the High Seas of the Mediterranean. The report was a scathing testimony of the extent of illegal activities and the high levels of non-compliance in the region and provided compelling evidence on the complete failure of Recommendation [06-05] during the first fishing season. The information made available to delegates by Greenpeace also highlighted wider compliance issues in the ICCAT Convention area.²⁹

The European Community admitted in 2007 its fleet overshot the quota by 4,400 t or 25%.³⁰ This figure seems to have been revised upwards.³¹ The ICCAT SCRS estimated a catch of 61,000 t of bluefin tuna in the 2007 fishing season.

It is therefore indisputable that Contracting Parties other than the European Community have failed to report accurately their catches to ICCAT. According to the tuna consulting company ATRT, SL other non-EC countries also substantially overshot its quota. For example, in 2007 Turkey most likely fished 2,695 t and Croatia over 3,000 t of bluefin tuna.³²

The sections below summarise Greenpeace's findings during the 2008 fishing season. This information has been compiled through all available sources, including our work in the field. Although the 2008 catch levels are still not known there are strong reasons to believe that catches will be again well above the legal quota. The amount of information on EC Member States is substantially higher than on other Contracting Parties. This reflects partially the fact that there are far more sources of information publicly available for this fleet than for others. On the other hand, the EC holds almost 60% of the total bluefin tuna quota for the eastern stock.

2.2. Unmanageable: EC attempts to control the fishery

After such a management failure in the control of its fleet in 2007, the EC deployed a very ambitious control plan in 2008, involving an increased amount of inspections at-sea, at-port and in the farms. Inspection and control activities have involved the use of 13 large patrol vessels, 36 coastal patrol vessels and 16 aircrafts. In total, 14 campaigns at sea involving 30 inspectors and 25 joint inspections at port involving 50 inspectors, have taken place.³³

The first draft report of the control plan made available to members of the European Parliament talks about another year of non-compliance in the fishery by the EC fleet.^{34,35} Out of 167 at-sea inspections in the Mediterranean Sea, in 47 cases there were apparent infringements (28%). In the case of tug boats, infringements were found in 40% of the inspections.³⁶ According to this report:

- *The level of apparent infringements detected in the tugs and the purse seiner fleet has been considerable. Most infringements concern catch documents and VMS;*
- *Moreover, the inspection activities carried by inspection vessels equipped with helicopters showed that the use of spotter planes for searching bluefin tuna concentrations is still wide spread;*

29 Op. cit. 6.

30 EU declared catches of 21,219 t in 2007, or 126,46 % of its quota of 16,779,6 t. This will result in the deduction of 1,480 t from the annual EU quota for the period 2009-2011, subject to ongoing investigations.

31 The draft 2008 Compliance Tables circulated by the ICCAT Secretariat (ICCAT CIRCULAR #2086/28) slightly increase EU bluefin tuna catches in 2007 up to 21,801.3 t, an overcatch of 5,021.75 t or 30%.

32 ATRT, SL. *The plunder of BlueFin tuna in the Mediterranean & East Atlantic during 2006 and 2007*. 26 October 2007.

33 Op. cit. 19.

34 *Specific Report regarding the implementation of the Joint Development Plan for bluefin tuna fishing activities in 2008 in the Mediterranean Sea and Atlantic – Preliminary version (updated to 15 October except where otherwise indicated)*.

35 A full report is expected to be made available by March 2009.

36 "54 apparent infringements have been detected and the corresponding procedures have been launched. Nearly all apparent infringements have been discovered in fishing vessels and tugs. In the specific case of tugs, more than 40% of the inspections have found an apparent infringement. The main apparent infringements discovered are related with catch documentation and VMS (76%)."

- *It can be concluded that despite all meetings with the stakeholders convened by the Commission and Member States before the start of the season, it has not been a priority of most operators in the fishery to comply with the ICCAT legal requirements. As regards the recording and reporting of bluefin tuna catches and the use of tugs and spotter planes the ICCAT rules have not been generally respected;*
- *Regarding the respect of the minimum landing sizes, some problems have been discovered at the beginning of the season in the Adriatic and Balears Islands, with some apparent infringements detected. Even it cannot be excluded that substantial landings of small size have been occurred, it is not expected to represent a high proportion of the quantities caught.*

The report recognises again that the underlying problem of excessive fishing capacity is at the core of the problems of control in this fishery.³⁷ The table below summarises the at-sea inspections and apparent infringements found by the EC:

Inspections and apparent infringements from 16 March to 15 October					
Areas	East Atlantic	West Med	Cent Med	East Med	Total
Inspections at-sea	28	104	58	5	193
Apparent Infringements	0	22	22	3	47

2.3. EC–Malta: a haven for bluefin tuna operators

Malta is today one of the biggest tuna farming countries in the Mediterranean with a total declared farming capacity of 12,350 t in 2008. Despite its small bluefin tuna quota and a very recent involvement in the fishery, it also plays a main role as a logistic centre for fleets operating in the Central Mediterranean, particularly in the triangle Malta – Lampedusa – Pantelleria and off the coasts of Libya.

Illegal double reflagging in Valetta

On 21 April 2008 Greenpeace and WWF obtained information pointing to the presence of two tuna purse seiners in the harbour of Valetta, Malta: the *Cevahir* and the *Abdi Baba I*. Both vessels showed Turkish names and plate numbers, although they were flying the flag of Bolivia. Bolivia is not a Contracting Party to ICCAT though the pictures available suggested both vessels were fully equipped and ready to engage in fishing for tuna.

On 2 May 2008, the two vessels, *Cevahir* and *Abdi Baba I*, still in the harbor of Valletta, had changed their names to *Manara I* and *Manara II* and switched their Bolivian flags by Libyan ones overnight. But the *Manara I* and *II* were two already existing vessels and according to the ICCAT Record of fishing vessels they were duly registered in advance. From the photographic evidence obtained it was evident that these two new “*Manaras*” were not the same vessels on the ICCAT Register. In turn, the real two Libyan vessels, *Manara I* and *Manara II*, were re-flagged under the Maltese register with the names *Sharon I* and *Gaia I*.

Greenpeace and WWF informed the ICCAT Secretariat urging it to clarify the identity of these four vessels and the legality of the reflagging operation. After investigations took place, the Bolivian authorities informed ICCAT that the ex-Turkish vessels had in fact been reflagged to Bolivia and that the owner was a French national. The ICCAT Chairman did confirm that any fishing activities by these two vessels would be considered as IUU fishing activities.³⁸

A report by the Maltese Ministry of Transport to the Maltese Attorney General³⁹ confirms that tuna farm owners Charles and Anthony Azzopardi and the French shipowners Serge Peres and Jean Louis Jalabert were involved in the case. Among the conclusions were that false information was tendered by the tuna farm owners to the Ministry of Resources and Rural Affairs, that they were “*economical with the truth*” and that “*the declarations which were false related to the year of build, engines and dimensions of the ships*”.⁴⁰

The case raises many questions as to whether any action would have been taken if the NGOs had not

37 “Taking into account the large number of vessels authorised for this fishery, the individual quota are really small and in many cases can be fished in a one or a few fishing trips.” Op. cit 34.

38 ICCAT Circular # 1226/08. Letter from ICCAT Chairman in relation to ICCAT activities of two vessels. 27 June 2008.

39 Report of the Board of Inquiry appointed by Minister Austin Gatt Minister for Infrastructure, Transport and Communications in the 19th May 2008.

40 The full report can be found at: <http://www.parliament.gov.mt/information/Papers/11thLeg/0248.pdf>.

reported the case. How is it possible that Turkish purse seiners are reflagged to Bolivia and stay in the Mediterranean to be again reflagged, at an EC port, under a Libyan flag to substitute two previously existing vessels has still yet to be explained.

Mismatches in trade data

Maltese media have reported important discrepancies in Maltese trade data which could indicate the caging of illegally caught bluefin tuna in this country's tuna farms.

Japanese trade records register over 11,000 t of imports from Malta between June 2007 and March 2008. This figure is in sharp contrast with independent estimates of the amount of tuna that had been introduced in Maltese tuna farms during the 2007 fishing season, ranging between a maximum of 6,800 t according to the Japanese newspaper Asahi Shinbun and a minimum of 4,900 t according to ATRT. SL.⁴¹ According to Maltese media "by inflating this figure and also by issuing re-export certificates for tuna which was only in transit, other countries' IUU tuna can be passed off as Maltese exports without ever having been physically present in Malta's ranches." Greenpeace urges these figures to be urgently clarified.

Breaking local environmental regulations

Maltese media report that the bluefin tuna fattening ranch off St Paul's Islands, which belongs to Azzopardi Fisheries, is in breach of a number of its original permit conditions, eight years after its controversial "re-approval" in 2001. The original permit allowed for four tuna cages of 42m in diameter. A year after the permit was granted, the ranch had already expanded its farm from four to eight cages, without any additional approved permit.⁴²

According to the European Commission this same farm has two different ICCAT Register numbers meanwhile two other Maltese farms have not declared any caging information. Additionally, in June 2008, a Commission inspection found out that the number and size of cages in Malta showed that the potential capacity for farming may be much greater than that reported to ICCAT.⁴³

This case can serve as a good reminder of the local environmental impacts of the expansion of tuna ranches all over the Mediterranean. This expansion has taken place in many cases with the same disregard for national environmental regulations that the very same industry has had for the rules governing the fishery.

2.4. EC–Italy: are spotter planes the rule or the exception?

With 69 purse seiners officially recognised⁴⁴ and a quota of 4,188 t of bluefin tuna Italy probably represents one of the worse cases of overcapacity and impossible compliance with current rules in the fishery.

The use of spotter planes

In 2006 and 2007 Greenpeace documented the use of spotter planes by the Italian fleet in the bluefin tuna fishery. In 2007, the Greenpeace vessels *Rainbow Warrior* identified five spotter planes at-sea,⁴⁵ three of them flying in support of the operations of the Italian fishing vessel Ligny Primo, Maria Antonietta and *Luca Maria*. Moreover, the documentation obtained by Greenpeace in 2007 left no doubt about the laxity of the Italian authorities at the time. In at least three of the cases, the registered owners of the spotter planes provided to the Italian airport authorities in Lampedusa were tuna producers associations. Despite this clear connection, those spotter planes had been allowed to fly during the fishing season.⁴⁶

On 5 June 2008 Greenpeace and WWF obtained new field evidences of two Italian spotter planes being used to provide illegal aerial assistance to industrial tuna fleets fishing in the central Mediterranean, in the waters between the islands of Malta, Pantelleria and Lampedusa, an area where at least 28 Italian industrial tuna fishing vessels were active.⁴⁷ One of them, the I-GEMK had been identified already on 14 June 2007

41 Malta Today. *Fishy is as fishy does*. 24 August 2008.

42 Malta Today. *Azzopardi's invisible moving tuna ranch*. 21 August 2008.

43 Letter from Fokion Fokiadis, General Director of the General Direction for Maritime Affairs and Fisheries to Arnold Cassola, Alternativa Demokratika – The Green Party, on investigations related to Maltese bluefin tuna farming activity. Brussels, 19 September 2008.

44 According to a WWF report the Italian fleet actually amounted to 283 units, of which 27 are longliners, 162 purse seiners, 73 trawlers and 21 tugboats, a sum much higher than official records showed.

45 Four American airplanes (N415D, N6318F, N3375 and N5441S) and one Italian (I-GEMK) were identified at-sea on 14 and 20 June 2007.

46 See page 37 of op. cit. 6.

47 Greenpeace and WWF obtained evidence proving that the spotter planes with Italian plate numbers I-GEMK and I-FINA were in the airport of Pantelleria on 1 June 2008. Official flight documents proved that I-FINA was engaged in spotting activities based on the island of Pantelleria (Italy) on 31 May, whereas I-GEMK was actively spotting tuna between the Italian islands of Pantelleria and Lampedusa on 1-2 June.

from the Greenpeace vessel Rainbow Warrior. Between 14 June 2008 and 21 July 2008 the Italian authorities identified three spotter planes, flying from two different Italian airports –Gela and Marina di Monica – in support of the activity of 13 vessels. On 21 July 2008 the Italian Guardia di Finanza made public that a fine of 670,000 euros had been imposed to these 13 fishing vessels.⁴⁸

According to media reports, the EU Fisheries Control Agency is following the cases of 28 spotter planes used during the 2008 season in support of the operations of the EC fishing fleet.

Illegal catches uncovered by WWF

More evidence of the involvement of Italian interests in IUU activities in the Mediterranean have been uncovered this year. WWF estimated a minimum bluefin tuna overcatch of 700 t for the Italian fleet in 2008.⁴⁹ Additionally, Italian catches were estimated at 40% over the quota in 2007, more than five times more than the officially admitted overcatch of just 327 t.⁵⁰ Italy is one of the worst culprits for bluefin tuna purse seine overcapacity, second only to Turkey. Italy alone is estimated to hold 14% of the total potential catch of the Mediterranean bluefin tuna purse seine fleet, some 7,538 Mt. This figure is exactly twice the quota allocated by the Italian Government to its national purse seine fleet for 2007.⁵¹

2.5. EC–France: a sustained history of overfishing

France has a sustained history of overfishing for bluefin tuna over the last few years. The EC overcatch in 2007, of almost 30%, was mainly based on the admission of overfishing by France.

In 2007, France declared a catch of over 10,000 t for this stock, over one third of the legal catch at the time for the whole fishery. With 36 purse seiners and other gears involved, France is another good example of the overcapacity in the fishery. But it is also a good example of how not to deal with the problem. Twelve of the purse seiners in the Libyan fleet are actually ex-French vessels which were exported to Libya and in many cases substituted by France with more modern units, therefore adding even more effort to the fishery.

For 2008 the tuna consulting company, ATRT SL, estimates a catch of 5,302 t for the French fleet, compared to a quota of 4,894.19 t almost a 8,5% overcatch. This would include 87 t caught with driftnets, a gear which is illegal in the region, but still permitted by the French Government.

2.6. EC–Spain: continuous underreporting of catches

With a quota of 5,678 t in 2008, EC-Spain holds the biggest bluefin tuna quota in the world. However much evidence points to the occurrence of IUU activities in the Spanish bluefin tuna fishery.

Legalising undersized tuna fishing in the Mediterranean

Article 19 of Recommendation [06-05] establishes the minimum landing size of bluefin tuna at 30 kg.⁵² Article 20 leaves, however, two exceptions to this rule: bluefin tuna caught by baitboats, trolling boats and pelagic trawlers in the eastern Atlantic, and bluefin tuna caught in the Adriatic Sea for farming purposes. These exceptions do not allow any ICCAT contracting party to authorise fishing of undersized tuna in the Mediterranean Sea, outside of the Adriatic.

On 25 July 2007, the Spanish General Directorate for Fisheries Resources circulated an official communication signed by the General Director authorising 68 vessels based in the Mediterranean Sea to catch undersized bluefin tuna. In 2008, Spanish order ARM/1244/2008, of 29 April 2008, regulating the bluefin tuna fishery in the eastern Atlantic and the Mediterranean, was approved. Article 9 (3) of this order, on minimum size, establishes the exceptions to the minimum landing size of 30 kg in the bluefin tuna fishery, specifically to angler and handline fishing in the Gibraltar Strait, and longliners and hand line fishers "independently of the waters of capture", this is, also in the Mediterranean Sea.

Despite statements by the EC that "*The European Community overall respects the minimum size for bluefin tuna in Mediterranean, in particular in relation to farming activities*"⁵³ Spain has allowed its Mediterranean fleet to fish for undersized tuna both in 2007 and 2008.

48 Guardia di Finanza, press release issued 21 July 2008.

49 According to the report this figure is likely to be highly conservative given that of all longline vessels only those operating in the Adriatic Sea were taken into account, whereas longline catches outside this area are known to be substantial.

50 WWF. *Lifting the lid on Italy's bluefin tuna fishery*. October 2008.

51 Op. cit. 17.

52 "*CPCs shall take the necessary measures to prohibit catching, retaining on board, transshipping, transferring, landing, transporting, storing, selling, displaying or offering for sale bluefin tuna weighing less than 30 kg.*"

53 Doc. No. COC-301 / 2008. *Annual Reports by Contracting Parties*. ANN – 011/2008. *Report of the EC 2007*.

Illegal landings of bluefin tuna

An internal document signed on 26 May 2008 by the Subdirector General of Fisheries Inspection recognised that illegal offloads of bluefin tuna took place during the months of April and May 2008. Such report states that this Department carried out “a study of the compliance observed [of the bluefin tuna control plan] with negative results”.⁵⁴

The report states that during April 2008 bluefin tuna offloads took place in several Spanish Mediterranean ports without the preceptive pre-warning that should guarantee that fisheries inspectors can plan their inspections to verify compliance with the rules. The document further states that offloads took place at ports which are not amongst the ICCAT Register of authorised port facilities.^{55,56}

This information seems to be consistent with what is stated in the EC National Report for 2007, which raises concerns about compliance at Spanish ports, as it shows that 35 infringements were detected in 88 inspections, almost in 40% of the cases.⁵⁷

Continuous underreporting of catches

Already at the 2007 ICCAT meeting in Antalya, both Greenpeace and WWF made public significant concerns about discrepancies in Spanish catch and trade data. Additionally, during 2008 Greenpeace collected new evidence of unreported catches by Spain in previous years. Spanish average catches between 2002 and 2006 according to an official document signed by the General Director of Fisheries Resources⁵⁸ are represented in the table below. We have compared those average catches with the average catches declared to the ICCAT Task I database.⁵⁹

Average catch 2002-2006 (except traps 1997-2006)	According to Spanish official data	Catches declared to ICCAT	Average difference	Total difference	
Traps		1.585.881	1.378.000	-207.881	-1.039.405
Purse seiners		2.672.558	1.921.000	-751.558	-3.757.790
East Atlantic pole and line		1.406.429	1.776.200	369.771	1.848.855
Other artisanal gears		863.098	668.400	-194.698	-973.490
Total average catch		6.527.966	5.743.600	-784.366	-3.921.830

According to these statistics in just five years (2002 - 2006), Spain appears to have underreported to ICCAT Task I almost 4,000 t of bluefin tuna. The greatest of these discrepancies are detected in the purse seine segment. Additionally, according again to its own data, Spain appears to have fished a total 32,640 t between 2002 and 2006. Such a figure when compared with the 29,807 t of available quota for Spain over that same period⁶⁰ yields a quota overshoot of 2,833 t over the period 2002 to 2006.

2.7. EC–Cyprus: a 40% conversion rate?

On 10th June 2008, Greenpeace requested information from the Cypriot Government on its tuna farming production for the period 2004 to 2007. The table below summarises the information received from the Cypriot Government on 8 September 2008. The columns on the right correspond to the gains in weight of bluefin tuna in Cypriot farms, calculated on the basis of this information. The conversion rates range from 0.80% to 40.15%.

At the same time Greenpeace called for investigations on the activities of two Spanish vessels which operate in the Eastern Mediterranean. These vessels are known to operate for the tuna farms in Cyprus but Cypriot

54 The full document is available at <http://www.greenpeace.org/espana/reports/plan-de-control-del-at-n-rojo>.

55 Article 38 of Recommendation [06-05] states that “Authorised vessels may only land bluefin tuna in designated ports [...] Each landing or caging shall be subject to an inspection by the relevant authorities of the port”. A list of authorised ports is available at <http://www.iccat.int/Ports.asp>.

56 “Bluefin tuna operations concentrated at the ports of Tarifa and Algeciras and, to a less extent, offloads took place at the ports of Almería, Roquetas, Cadiz, Castellon, Palamos, Villanova, Barcelona, San Feliu de G., l’Ametlla de Mar, Ciudadela and Palma. In this Subdirection no pre-warning call was received of any of these offloads and some of these ports were not even in the list of authorised ports at that time.”

57 Op. cit. 53.

58 Fax sent to the Spanish Industry representatives from the General Direction of Fisheries Resources, Communications Department on 2 February 2008. Subject: “Bluefin tuna quota share”.

59 The data provided by the Spanish Government is not available per year, but as an average for the period 2002 to 2006. However it is clear that the averages and total declared to ICCAT should match with these.

60 Spanish quotas in the period 2002-2006 have been: 6,317,000 (2002); 6,276,700 (2003); 6,266,000 (2004); 5,568,210 (2005); 5,378,760 (2006).

export data in previous years do not reflect any exports of farmed tuna with Spanish origin.⁶¹ Cyprus does not have a purse seiner fleet capable of catching the quantity of bluefin tuna exported by Cyprus in previous years. Additionally, it is very hard to believe that the two Spanish vessels operating in the Eastern Mediterranean had only introduced 19 t of bluefin tuna in Cypriot farms in 2007.

Given the lack of control in this business, the difficulties to find tuna of Spanish origin in official trade data from Eastern Mediterranean tuna farms coupled with such varying conversion rates, is a cause of big of concern.

Farmed tuna production in Cyprus (2004-2007)					
Year	Flag fishing vessel	Weight (caged) per flag	Weight (caged)	Weight (harvested)	Conversion rate
2004	France	375,000	375,000	410,533	9.48%
	Spain	178,000	741,000	957,892	29.27%
	France	563,000			
2005	Spain	948,000	1,468,000	1,479,693	0.80%
	France	520,000			
2006	France	390,117	390,117	434,545	11.39%
	Spain	193,000	424,050	594,308	40.15%
	France	210,050			
	Italy	21,000			
2007	France	378,800	513,526	513,526	29.09%
	Spain	19,000			
	France	313,600	426,004	426,004	35.84%

2.8. Turkey: huge overcapacity

According to the WWF report "Race for the last tuna", Turkey has a massive fleet capacity, with 240 purse seine vessels, consisting of 88 large, 90 medium and 62 multispecies vessels. 71 of them would have been commissioned since 1997. Such a fleet would account for 35% of the catch potential in the Mediterranean.⁶² With such a capacity the Turkish fleet would be able to fish the entire quota in this fishery if it was set up at the scientifically recommended level. From just 25 May to 10 June 2008 the Greenpeace vessel *Arctic Sunrise* documented the presence of 50 Turkish vessels in the fishery east of Cyprus.

According to the Turkish government, however, the total bluefin tuna catch in 2008 for the Turkish fleet would be 879 tons. This corresponds to 99% of the catch quota (887,19 t) allocated to Turkey. Almost all this amount caught by purse seiners and transferred into farming cages for fattening.⁶³ With Turkey admitting the licensing of 98 fishing vessels, the majority of which were purse seiners of 30-50 m length and 200-300 GRT, such a figure simply defies any economic logic.

Greenpeace Ship attacked by Turkish Tuna Fishermen

On 30 May 2008 three Turkish vessels surrounded the Greenpeace ship *Arctic Sunrise* and one of them, the

61 These two vessels are the *Nuevo Elorz* and the *Nuevo Panchilleta*.

62 Op. cit. 17.

63 ICCAT Circular # 2170 / 08. *Implementation of ICCAT Recommendation 06-05 – Turkey*. 5 November 2008.

Cinar Ibrahim, collided with the Greenpeace ship. The tuna ships' crews then started hurling lead fishing weights at the Greenpeace ship. Gunfire was also heard. Fortunately no one was injured although the Greenpeace helicopter was damaged and is now inoperable. The Greenpeace vessel was in the area to document the activities of the Turkish fleet, which is one of the main countries suspected of underreporting catches in this fishery. The vessels involved were the *Cinar Ibrahim*, the *Sursan 1* (owned by Sursan Suurunleri san.ve tic.aş) and the *Kul Balıkçılık* (owned by Kul balıkçılık Aş).

The Greenpeace ship's Captain notified the Turkish Iskenderun Gulf Port Authorities and reported the damage. This unprovoked attack against the *Arctic Sunrise*, a peaceful protest ship, endangered the safety of the Greenpeace crew and ship and is completely unacceptable. We urge the Turkish Government to revoke the licenses of these fishing vessels.

2.10. Farming capacity and potential catches in 2008

The first table below summarises the latest information available on 2008 bluefin tuna catches by ICCAT Contracting Parties, which has been circulated by the ICCAT Secretariat. Given the current level of overcapacity in the fishery and bearing in mind that the purse seining season was closed on 1 July, such a table is just another signal of the fact that compliance with reporting requirements in the fishery has remained unchanged. A quota consumption of 72% by 15 October is not to be believed. This has no justification, particularly given the provisions for the communication and reporting of catches in Recommendation [06-05].⁶⁴

Catch declarations by ICCAT Cps by 15 October 2008			
Country	Quota	Catch	% quota
Croatia	833,08	824,00	98,91%
EC	16.210,75	10.250,40	63,23%
Japan	2.430,54	998,32	41,07%
Korea	171,77	335,00	195,03%
Libya	1.236,74	1.305,77	105,58%
Morocco	2.728,56	2.382,52	87,32%
Tunisia	2.254,48	2.416,75	107,20%
Turkey	887,19	879,16	99,09%
Chinese T.	68,71	0,00	0,00%
Total	26.821,82	19.391,92	72,30%

With the only substantial change in the fishery in 2008 being the early closure imposed to the EC purse seiners, catch levels will probably again be well above the TAC. The table below confirms this prediction. It shows the amount of bluefin tuna that has been introduced in Mediterranean tuna ranches in 2007 and 2008 according to an estimation by ATRT, SL. If significant changes had occurred in purse seine catches in the region we would expect that the amount of tuna caged would have been reduced in 2008. However, according to the estimations by ATRT, the difference is only around 2,700 t. In that context, catch levels in 2008 may not differ much from those in 2007.

An interactive map with information on all the existing tuna farms in the Mediterranean can be viewed in www.greenpeace.org/tuna-map. The map contains pictures of most tuna farms as well as basic information, such as declared capacity of each farm, estimated real capacity and production. It also provides a clear picture of the irrational expansion of this activity all over the region.

64 Articles 40 to 43 of Recommendation [06-05].

All figures in tonnes	Declared Ranching Capacity 2007	Real Maximum Ranching Capacity 2007	Estimated input into tuna farms 2007	Declared Ranching Capacity 2008	Real Maximum Ranching Capacity 2008	Estimated input into tuna farms 2008
Malta	9.650	10.800	5.950	11.150	12.350	3.697
Croatia	11.780	9.330	1.350	8.380	12.430	3.860
Cyprus	6.000	1.550	1.100	3.000	2.100	688
Greece	3.190	800	912	1.190	1.800	920
Libya	2.800	1.200	350	1.000	1.000	0
Turkey	8.760	10.370	4.525	10.260	10.380	4.980
Spain	11.502	18.510	4.244	11.502	18.510	2.760
Italy	12.400	7.350	3.635	12.100	11.500	1.700
Tunisia	2.400	5.250	2.200	2.400	5.250	2.950
Total	68.482	65.160	24.266	60.982	75.320	21.555

3.- MARRAKECH: THE LAST CHANCE FOR ICCAT

This year is the very last chance for ICCAT – either it fixes the bluefin problem or it dies as a credible management organization.

Fabio Hazim, ICCAT Chairman

3.1. If ICCAT fails, others will take the lead

Two years under the current bluefin tuna 'non-recovery' plan – Recommendation [06-05]– the management of this fishery has not improved. Illegal fishing is still rampant and fishing capacity has increased.

Signs of concern coming from outside the Commission are mounting. As a result of its very own failure, ICCAT is under rising scrutiny. Not only the independent panel who reviewed ICCAT's performance asked for the closure of the eastern bluefin tuna fishery: *“travesty in fisheries management”* and *“international disgrace”* are very clear messages that delegates attending this meeting cannot choose to ignore.

The 4th Session of the World Conservation Congress, held in Barcelona from 5 to 14 October 2008, adopted a Resolution on *“action for recovery of the East Atlantic and Mediterranean population of Atlantic Bluefin Tuna”*. Following *“the dramatic ongoing overfishing”* of bluefin tuna, the Congress asked ICCAT to establish a new recovery plan based on science, adopt a mandatory fleet reduction scheme, suspend the fishery –to be resumed only on a country by country basis and conditioned to meeting certain requirements– and demanded the establishment of closed areas to protect the spawning grounds.

Delegates attending the ICCAT meeting in Marrakech are well aware that both the international community, other RFMOs as well as conventions whose mandate cover the protection of endangered living resources, such as CITES, are anticipating the outcomes of this meeting. This might well be the last chance for ICCAT Contracting Parties to prove they have the political will and determination to ensure a healthy stock and a sustainable bluefin tuna fishery in the future. If ICCAT fails once again to fulfil its mandate other institutions must take over.

3.2. Coming back on track to fight IUU fishing

In the past Greenpeace has recognized progress made by ICCAT in the fight against IUU fishing. This Commission was once at the forefront in the use of tools such as blacklists of fishing vessels that were identified as undermining conservation efforts, or the imposition of non-restrictive trade measures.

The increasing laxity of this Commission in relation to the problem of IUU fishing becomes evident just by looking into the number of ships on the ICCAT blacklist of vessels. In 1999, there were 345 ships on the blacklist. Today there are seventeen, and most Contracting Parties would definitely agree that this does not reflect a major change in the scale of illegal operations, but rather the fact that these fleets are finding ways to evade controls and keep on fishing.

Additionally, IUU activities in the ICCAT convention area can no longer be presented as a matter of pirates hiding behind flags of convenience. Pirate fishing for bluefin tuna is primarily carried out by respectable members of this Commission, who are responsible today for the disastrous situation of this tuna population.

Greenpeace has recently launched an online database of fishing vessels involved in IUU fishing and the companies who own them. Our IUU blacklist includes independent observations from the legal fishing industry, government authorities, and first-hand evidence from Greenpeace and other NGOs who have recorded the activities of these vessels and companies at sea and in ports around the world. This year Greenpeace added 17 fishing vessels identified engaging in illegal fishing activities for bluefin tuna in the Mediterranean in its blacklist.⁶⁵ Greenpeace asks Contracting Parties to submit these vessels as candidates to be incorporated into the ICCAT official blacklist.

In fighting IUU fishing, ICCAT Contracting Parties have an enormous task ahead. Amongst other issues, ICCAT's compliance committee work should be revised so that at this 16th Special Meeting of the Commission delegates put an end to the meaningless exercise of reviewing compliance tables that only show countries' compliance in a fishery where illegal activities are the rule and not the exception.

We hope that the infamous amnesty declared in 2006 to those Contracting Parties responsible for illegal activities in the bluefin tuna fishery is never repeated again in this Commission, and that ICCAT returns to the front line of fighting IUU fishing. However, unless the Commission members decide to act responsibly in the bluefin tuna fishery this will be an impossible task. Greenpeace urges delegates attending this meeting to agree that:

- *The ICCAT Compliance Committee (COC) must examine all alleged cases of IUU operations in the ICCAT Convention area submitted by all stakeholders, including NGOs.*
- *ICCAT Contracting Parties must initiate legal proceedings and apply available sanction mechanisms accordingly, including quota penalties, trade sanctions, the inclusion of the vessels involved in the ICCAT blacklist, and the withdrawal of the licenses of vessels involved in illegal operations in the fishery;*
- *ICCAT Contracting Parties must approve new measures to provide the Commission with a strong penalty and sanctions system that can serve as a deterrent to effectively fight IUU fishing activities.*

3.3. The need for protection of the bluefin tuna spawning grounds

The fact that the Commission is not in a position to manage the bluefin tuna fishery at present has been well demonstrated over the past few years. The prospects for a way out of this situation are not very high, especially given the lack of success in agreeing on a mechanism to substantially decrease overcapacity. The reports coming back from the two Working Groups on Capacity held to date are not very encouraging either.

In this context many of the provisions in Recommendation [06-05] are condemned to fail. Given the risk of imminent collapse of the eastern bluefin tuna stock, it is urgent that new management measures, consistent with the ecosystem approach, are applied. The high risk of collapse of this stock is mainly linked to the strong decline in the bluefin tuna spawning population, today at 40% of its highest estimated levels.⁶⁶ The ICCAT SCRS has not done a full assessment of the benefits of area closures, but believes that *“a time area closure could greatly facilitate the implementation and the monitoring of such rebuilding strategies.”*⁶⁷ To that effect it would be extremely useful that the SCRS makes available to Contracting Parties all the information it has on known bluefin tuna spawning grounds. In some cases, such as the one in the Balearic Islands, the information has already been compiled by NGOs and is accessible to all delegates.⁶⁸

65 The Greenpeace blacklist database aims to publicly expose irresponsible fishing operators and the companies behind them. The site contains two different blacklists of IUU vessels and companies. The first is an Official Blacklist from publicly available official registries of IUU vessels and companies, including RFMOs. The second is a Greenpeace Blacklist that contains information on vessels and companies that have been recorded engaging in IUU activities, but have not yet been blacklisted by an official body. Available at blacklist.greenpeace.org.

66 *“F is most likely at least 3 times that which would result in MSY and SSB is most likely to be about 36% or less than the level needed to support MSY. Even in the most optimistic evaluation of the Committee, assuming recruitment will not decrease if SSB continues to decline, substantial overfishing is occurring and spawning biomass is well below levels needed to sustain MSY.”* Op. cit. 7.

67 Op. cit. 7.

68 WWF. *Spatial management to support recovery of the Atlantic bluefin tuna in the Mediterranean. The case for*

The need to protect the bluefin tuna spawning population has been highlighted in recent documents and reports. For instance, the Independent Review Panel has recommended that “*ICCAT considers an immediate closure of all known bluefin tuna spawning grounds at least during known spawning periods*”. Equally, the resolution approved in the World Conservation Congress, referred to in section 3.1 has called on ICCAT members to “*set up protection zones for spawning grounds in the Mediterranean, including the waters within the Balearic Sea, Central Mediterranean, and Levant Sea*”.

Given the situation in the fishery and that the SCRS calls to protect the spawning population,⁶⁹ such new measures are the only realistic way to respond to the urgent deterioration of the eastern bluefin tuna stock. Keeping the fishing effort on the spawning population at the current levels will only increase the chances of stock collapse.

Measures such as a closure of Mediterranean bluefin tuna spawning grounds would potentially have many positive effects. In the case of the Balearic Sea, this is an outstanding area for the reproduction of virtually all tuna species occurring in the Mediterranean.⁷⁰ That is potentially the case with other areas in the Central and Eastern Mediterranean. Closing these areas to fishing supports the importance of increasing the use of marine reserves as conservation and management tools that are designed to apply an ecosystem approach to fisheries management.⁷¹

3.4. Greenpeace demands: close the fishery now!

The recovery plan for bluefin tuna in the east Atlantic and Mediterranean, agreed by ICCAT in November 2006, is a complete failure. It blatantly disregards the scientific advice of the Commission's own scientific committee, and it is simply not being enforced by ICCAT parties.

The fishery is totally out of control. For yet two more years, fishing fleets have taken completely unsustainable bluefin tuna catches in 2007 and 2008 - from a stock already on the verge of collapse. In light of this failure, and on the basis of the precautionary principle, Greenpeace calls on ICCAT parties at their meeting in November 2008, to **close the northern bluefin tuna fishery**.

The fishery should only be re-opened when the following criteria are met :

- The northern bluefin tuna population shows signs of a sustained population recovery;
- A binding agreement is adopted to decrease fishing capacity to a level in line with a sustainable tuna take;
- All known spawning grounds of northern bluefin tuna are closed to fishing to ensure protection to the breeding population;
- ICCAT Recommendation [06-05] is reviewed and reflects accurately the best available scientific advice provided by the SCRS;
- A minimum size limit, without exceptions, is established to ensure tuna are not caught before they have had a chance to breed;
- Observers, monitoring and enforcement procedures are in place throughout the tuna fishery, shipping and ranching industries;
- Countries commit to enforcing the rules of ICCAT, and a penalty system is agreed to deal with overfishing and illegal fishing ;
- Vessels engaged in illegal and unregulated fishing and associated activities are blacklisted and barred from future quota allocations.

Agreement of the above recommendations is the only way that ICCAT will be able to recover its credibility. This standing would be completely lost if such a precious and iconic species, such as bluefin tuna is added to the list of commercially extinct fish species. We call on Contracting Parties attending this meeting to approve a binding decision to close the fishery.

implementing a bluefin tuna sanctuary (or permanent fishing closure) in the Balearic Sea. May 2008.

69 “*The only management scenarios with potential to address the declines and initiate recovery are those which (in combination) close the Mediterranean to fishing during the spawning season and decrease mortality on small fish through minimum size regulations.*” NOAA Fisheries Service. 2008 Atlantic Bluefin Tuna Stock Assessment Results – Preliminary/Draft – 26 August 2008.

70 Op. cit 73.

71 See Greenpeace. *The Ecosystem Approach – protecting life in all its forms.* June 2007.