

Continued disregard for the driftnet bans: Italian driftnets in the Tyrrhenian and Ionian Sea

Observations from the Rainbow Warrior in June 2006



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1. Introduction

Driftnets have been extensively used in the Mediterranean Sea during the course of the past decades, to catch pelagic fish such as swordfish and tuna. Their use was quickly associated with high level of by-catch and serious concerns were raised regarding the unselective nature of the gear. Studies on the Italian swordfish fleet showed that swordfish (*Xiphias gladius*), the target species, represented only 18% of the catch in numbers and that thousands of vulnerable species such as dolphins and whales had been entangled and killed in driftnets¹². It soon became evident that driftnets had a tremendous effect on the biodiversity of the Mediterranean and the nets became known as “walls of death”.

Driven by the conservation impacts of driftnets, the United Nations General Assembly imposed a moratorium on the use of large scale pelagic driftnets in the high seas which came into force in 1992³. The continuous use of driftnets by European vessels lead to the European Union extending the ban to cover EU waters, EU vessels and EU citizens through Regulation EC 1239/98. This regulation came into force in 2002⁴ by which time EU countries should have completed their driftnet restructuring programmes.

Finally, in 2003 ICCAT put forward a Recommendation establishing that “Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall prohibit the use of driftnets for fisheries of large pelagics in the Mediterranean”⁵.

In theory and in Law, all driftnets are banned in the Mediterranean Sea. In reality, despite regulations at different levels and by different bodies driftnets are still deployed to catch swordfish.

In the summer of 2006 the Greenpeace ship **MY Rainbow Warrior** spent more than two months in the Mediterranean as part of a tour promoting the establishment of a regional network of marine reserves. As part of this tour, the *Rainbow Warrior* sailed across the Tyrrhenian and Ionian Seas to document the illegal use of driftnets. From 17 June to 30 June 2006, Greenpeace documented five Italian vessels using driftnets many kilometres long to catch swordfish. This submission reports the findings of the *Rainbow Warrior* in both Italian territorial waters and international Mediterranean waters.

For every kilometre of driftnet found by Greenpeace, hundreds of kilometres are still deployed in the Mediterranean Sea. The highly unselective nature of driftnets, their continued use even inside spawning grounds of swordfish during spawning season, the unreported catches from this illegal fishery and the consequent distortion of data, results in an increasing pressure on the stock of swordfish, which is already showing serious signs of strain.

It is the responsibility of all States parties to ICCAT to enforce Recommendation [03-04] banning the use of driftnets and adopt a specific management plan in order to protect the stock of swordfish in the Mediterranean Sea and sustain this fishery.

¹ Tudela, S. Ecosystem effects of fishing in the Mediterranean: an analysis of the major threats of fishing gear and practices to biodiversity and marine habitats. General Fisheries Commission for the Mediterranean. Studies and Reviews, Number 74, 2004.

² Di Natale, A. Driftnet impact on protected species: observers data from the Italian fleet and proposal for a model to assess the number of cetaceans in the by-catch. ICCAT Collective Volume of Scientific Papers 44, 1995.

³ UNGA Resolutions n. 44/255 e n. 46/215

⁴ EC Regulation EC/1239/98

⁵ ICCAT Recommendation [03-04]

2. Recent information on the illegal use of driftnets in Italy

Until 1998, more than 600 Italian vessels were using driftnets in violation of UNGA Resolutions. This was probably the largest illegal driftnet fleet of the world at that time, killing some 8,000 cetaceans each year⁶. According to official data by the Italian government, these vessels were using nets averaging around 12 Km, well above the 2.5 Km length beyond which the UN moratorium applies⁷.

This continued illegal activity should have come to an end when the EU banned the use of driftnets to catch a wide range of pelagic fishes⁸. As part of a reconversion programme, several million euros were provided for the existing EU fleets using driftnets, including the Italian fleet^{9,10}. At that time Greenpeace strongly advocated for the nets to be confiscated. In Italy, not only were they not confiscated, but some of them were reportedly sold to fishermen of other Mediterranean countries¹¹, and clearly many are still used by Italian vessels.

In June 2004 Greenpeace conducted a survey in two harbours, in Calasetta and S.

Antioco, South West Sardinia. The results indicate that:

1) Italian authorities were not enforcing the driftnets regulations. Illegal driftnets were frequently held or loaded on vessels a few hundred meters from the local Port Authority office¹².

2) Large quantities of swordfish were caught and unloaded by vessels fishing with driftnets.

The use of illegal driftnets was also reported in 2005. A group of sperm whales was freed from a driftnet off the coast of Naples.

In 2005, seven years after the adoption of the EU regulation and three years since it came into force, Italian authorities declared that 800 kilometers of driftnets were seized¹³. In June 2006, official reports to the media, as well as declarations from both the Minister for Agriculture and Fisheries and the Minister for the Environment in Italy, declared that in the first half of 2006 some 400 Km of illegal driftnets had been "seized"¹⁴.

However, in spite of this overdue reaction by the Italian authorities, both Greenpeace and other NGOs¹⁵ have found driftnets used at sea, both within and outside the Italian territorial waters.

It seems that the only consequence of the enforcement actions has probably been that driftnetters moved their operations to a

⁶ Di Natale, A. and Notarbartolo-di Sciara, G. A review of the passive fishing nets and trap fisheries in the Mediterranean Sea and of the cetacean bycatch. Special issue 15 of the International Whaling Commission, 1994.

⁷ Di Natale A., et al. Gli attrezzi pelagici derivanti utilizzati per la cattura del pesce spada (*Xiphias gladius*), 1993.

⁸ EC Regulation 1239/98 amending EC Regulation 894/97 laying down certain technical measures for the conservation of fishery resources. Annex VIII includes a list of fish species which cannot be fished by driftnets, which includes swordfish and a number of other species managed by ICCAT.

⁹ EC (1998). Accompanying measures for fishermen serving on board and the owners of fishing vessels affected by the ban on fishing with drift-nets. Press release 09/09/1998. European Commission Fisheries and Maritime Affairs.

¹⁰ EC (1997). Proposal for a Council Decision on a specific measure aiming to promote the replacement of some fisheries activities by amending Council Decision n°97/292/CE of 28/4/1997 - (Socio-economic measures on "drift gillnets"). Conclusions of the Fisheries Council Meeting of 22 October 1998. 23/10/1998

¹¹ Tudela, S. Ecosystem effects of fishing in the Mediterranean: an analysis of the major threats of fishing gear and practices to biodiversity and marine habitats. General Fisheries Commission for the Mediterranean. Studies and Reviews, Number 74, 2004.

¹² In one case, a Coast Guard vehicle passed by a driftnet crew loading a large quantity of net (estimated 12-15 Km or more) but did not take any action against the illegal activity. After the video was broadcasted on national television, the vessel was inspected and 17 Km of nets were reported to be onboard. The same vessel had been granted more than 20,000 euro by the "reconversion" plan in 2002.

¹³ Notiziario Della Guardia Costiera - N°4 Anno VIII - 2006 Agosto

<http://www.guardiacostiera.it/notiziario/articolo.cfm?id=514>

¹⁴ Press Release from the Ministry of Environment http://www2.minambiente.it/Sito/comunicati/2006/21_06_06_1.asp

¹⁵ Oceana. The Use of Driftnets: A Scandal for Europe, a Mockery of the United Nations, 2005.

greater distance from the coast (sometimes more than 40 nautical miles) and reduced warning signals on the nets (light buoys are now rare or absent) increasing the danger to navigation in the southern and central Tyrrhenian Sea.

It must be added that not all types of driftnets are considered illegal in Italy. Coastal driftnets, collectively named "ferrettare" are still allowed as they are supposed to catch only small pelagic fish at a short distance from the coast. However, after protests of local fishermen, in a period shortly before local elections, the Italian Minister for Agriculture and Fisheries changed the limits for these nets allowing them to be up to 2.5 Km long (instead of 2 Km) with a mesh size of 18 cm (instead of 10 cm) and fish up to 10 nautical miles from the coast (instead of 3 nautical miles)¹⁶.

Greenpeace warned the Authorities that previous experience clearly showed that the net length limit was difficult to implement and that this "de-regulation" of driftnets would create a loophole for IUU fisheries, as was later demonstrated.

2.1 Italy: a case study in failed enforcement

It is clear that Italy has failed to enforce ICCAT Recommendation [03-04] as well as EU Regulation EC/1239/1998.

This abject failure is brought about by a number of factors:

- **The lack of effective sanctions against driftnets and other illegal fishing gears when these are held onboard. Thus, enforcement only takes place when the fishing gears are in use - requiring surveillance at sea and by plane. Controls at harbours would be more effective and less costly.**
- **The "seizure" of driftnets does not necessarily mean the confiscation and destruction of those nets. In many cases they are returned or remain in the custody of the fishermen. The risk of continued use is high.**
- **Penalties for fishing illegally are not high enough to act as a deterrent (maximum around 3,000 euro) and the withdrawal of fishing licences for illegal fishing is not possible. Many vessels continue operating with only minor sanctions for many years.**

► Greenpeace asks ICCAT to demand that Italy complies with Recommendation [03-04].

¹⁶ Decreto 24 maggio 2006. Modalita' di impiego della «ferrettara» (piccola rete da posta derivante). Italian Official Journal n.129, June 6, 2006.

3. Observations from the Rainbow Warrior of driftnet fishing by the Italian fleet

3.1 Continued use of driftnets by Italian vessels

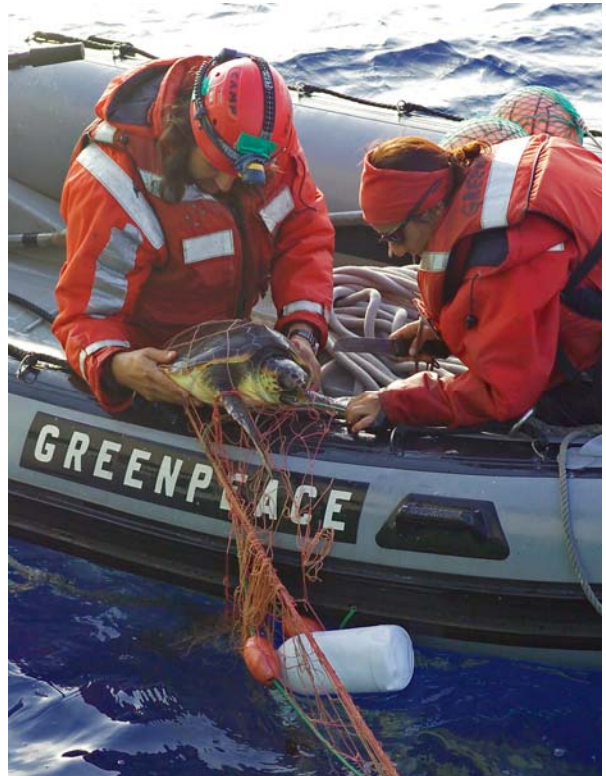
From 17 to 30 June 2006 the *Rainbow Warrior* sailed across the Tyrrhenian Sea and the western Ionian Sea to document the illegal use of driftnets by the Italian fleet. During that time, the *Rainbow Warrior* documented the following vessels using driftnets in clear violation of the law¹⁷:

***Athena* (5RC868) and *Odissea* (5RC1076).**

These vessels were fishing in the high seas targeting swordfish, using driftnets of lengths and mesh size well above the limits set by Italian domestic regulations included in the new Ministerial Decree for coastal driftnets¹⁸. At least two swordfish were documented in one of the nets. The catch of other large pelagic fishes (possibly bluefin tuna) was also witnessed by the *Rainbow Warrior* crew. The *Athena* received a grant of 28,682.07 euros as part of the “reconversion” plan for driftnets in 2002.

***Biagio Anna* (3CS822) and *Orsa Maggiore* (14ME619).**

These vessels were found fishing in international waters with nets much longer than is allowed by the Ministerial decree (around 6 kilometers). One of these vessels, the *Biagio Anna*, had received 9,861.57 euro during the “reconversion” plan for driftnets. A young sea turtle was found entangled in the driftnet of this vessel, and was freed by *Rainbow Warrior* crew. According to media reports, after Greenpeace’s intervention, the authorities confiscated the catches of the *Biagio Anna* and a second vessel, the confiscated catches amounting to 200kg of small tuna and swordfish¹⁹.



Picture 1: Greenpeace activists releasing a sea turtle from the illegal driftnet being used by Italian vessel *Biagio Anna*. ©Greenpeace/Roger Grace.

***Maria Grazia Genovese* (4CT1056)**

This vessel was encountered while setting its net. Both mesh size and location were within the limits of the new Ministerial Decree for coastal driftnets. However, as not all the net was yet set, Greenpeace crew noted that the amount of net onboard was too much for being within the limit of the Decree. The Coast Guard in Catania confirmed that the fishermen were allowed to keep onboard an extra net (an additional 2.5 kilometres of driftnet) and that this extra net was in fact confiscated and sealed. A fishing vessel already prosecuted for illegal fishing is clearly not the safest place to store an illegal, and “confiscated” net.

¹⁷ The details of these findings are reported in the Annex of this submission.

¹⁸ Decreto 24 maggio 2006. Modalita' di impiego della «ferrettara» (piccola rete da posta derivante). Italian Official Journal n.129, June 6, 2006.

¹⁹ IL MATTINO. June 24 2006.

<http://ilmattino.caltanet.it/mattino/view.php?data=2006062>

[4&ediz=CIRC_SU2&npag=42&file=FETT.xml&word=%20pesce%20spada%20&type=STANDARD](http://www.iccat.org/Default.aspx?ediz=CIRC_SU2&npag=42&file=FETT.xml&word=%20pesce%20spada%20&type=STANDARD)



Picture 2: A fisherman on an illegal Italian driftnet vessel attempts to hide the vessel's name and number.

©Greenpeace/Nick Cobbing

Driftnet vessels went to lengths to avoid detection or documentation of their activities, less or no lights were used on the driftnets that were used a decade ago²⁰ and when approached fishermen in some cases tried to hide their vessel number.

3.2 The use of driftnets inside swordfish spawning grounds during spawning season

Most of the above vessels were setting many kilometres of driftnets inside the swordfish spawning ground in the central Mediterranean²¹ during the peak of the spawning season.

According to the Mediterranean Swordfish Stock Assessment (ICCAT 2003) the known spawning grounds for Mediterranean swordfish are in the southern and central Tyrrhenian Sea, the Ionian Sea and the Strait of Messina²². Further research by Tserpes (2001) suggests the existence of spawning grounds in the Levantine basin²³.

The spawning period for Mediterranean swordfish peaks in the months of June and

July²⁴. The fishing season for driftnets extends from April until September, with the main activity concentrated in the period from May to August.

This means that one of the most unselective gears is being extensively used in the heart of the spawning grounds at exactly the time when swordfish spawn.

A very high percentage of the reported catches of swordfish in the Mediterranean consists of juveniles that have probably never spawned (50-70% of the total catches are comprised of fish less than 3 years old) while the numbers of large individuals is relatively low²⁵.

This illegal practice is clearly targeting the species at one of the most vulnerable stages of its lifecycle, and must be stopped immediately. The protection of the spawning and breeding grounds of swordfish is vital in order to safeguard the health of the stock.

Greenpeace has proposed a network of marine reserves in the international waters of the Mediterranean. The proposal also includes areas which are important for the life cycle of swordfish²⁶.

²⁰ See Annex for details

²¹ SCRS/2003/015

²² SCRS/2003/015

²³ G. Tserpes, P. Peristeraki and S. Somarakis On the Reproduction of swordfish (*Xiphias Gladius* L.) in the Eastern Mediterranean. ICCAT Collective Volume of Scientific Papers 52 (2), 2001

²⁴ SCRS/2003/015

²⁵ SCRS/2003/015

²⁶ Greenpeace Report. Marine Reserves in the Mediterranean Sea, 2006.

4. The use of driftnets in Mediterranean Countries

As mentioned above, the Italian driftnet fleet comprised of more than 600 vessels prior to the European ban on driftnets. Recent information suggests that currently the fleet numbers 90-100 vessels. However, this figure may be a low estimate, given claim by Italian authorities to have seized a total of 1,200 kilometers of driftnets in 2005-2006. Assuming an average net length of 10-12 kilometers, this would imply around 100 to 120 vessels have been controlled by the authorities. Such a high rate of control seems to be unlikely, and contrasts with the continuous findings by Greenpeace and other NGOs of illegal Italian driftnets during summer 2006. Greenpeace therefore believes that the number of Italian vessels could be larger than it is indicated in relevant literature.

Adding to this, it is now common knowledge that while some driftnet fleets were restructured during the political process following the EU ban on driftnets, others expanded rapidly. Some North African countries and Turkey are such examples, despite all legislation theoretically banning drift netting. The fleets in these countries continued to grow, also by obtaining gear from fleets that were restructuring their own operations.

The Turkish fleet for example comprises of 45-100 vessels, operating also in the Aegean Sea. In May 2005, one kilometre of driftnet containing an alarming amount of bycatch including 13 dolphins, was recovered by the Greek coast guard of Samothraki Island in the North Aegean.

Studies suggest that the Moroccan fleet consists of 177 vessels^{27,28}, although Morocco has admitted to operating 370 drift netting

vessels²⁹.

Another important fleet is the French one of between 45 and 75 boats. Moreover, evidence suggests that Algeria, among other North African countries, may hold an important driftnet fleet³⁰.

Driftnets are still extensively used by Mediterranean ICCAT members despite Recommendation [03-04].



Picture 3: Thirteen dead dolphins in one kilometre of driftnet in Samothraki island, North Aegean, 2005.

© Greek Fisheries Research Institute (F.R.I)

²⁷ Tudela, S. Ecosystem effects of fishing in the Mediterranean: an analysis of the major threats of fishing gear and practices to biodiversity and marine habitats. General Fisheries Commission for the Mediterranean. Studies and Reviews, Number 74, 2004.

²⁸ WWF. Biodiversity Impact of the Moroccan Driftnet Fleet In The Alboran Sea (SW Mediterranean). 2003

²⁹ ICCAT. SCRS/2003/015 – 2003 Mediterranean Swordfish Stock Assessment Session

³⁰ Tudela, S. Ecosystem effects of fishing in the Mediterranean: an analysis of the major threats of fishing gear and practices to biodiversity and marine habitats. General Fisheries Commission for the Mediterranean. Studies and Reviews, Number 74, 2004.

5. Conclusions

The continuous use of driftnets in the Mediterranean Sea is a clear example of the mismanagement of fisheries in the Mediterranean, and a violation of laws, decisions and measures from the EU, ICCAT, GFCM-FAO and FAO, as well as UNGA resolutions.

The lack of enforcement of these laws by Mediterranean States and the tolerance of such a catastrophic practice to the Mediterranean marine environment, not only nurtures further illegality but also encourages the expansion of such practices. Indeed, the cases of North African countries and Turkey but also the introduction of new vessels using driftnets in Italian regions that had previously never used such gears, as quoted in the literature, proves this point.

It is also quite obvious that illegality does not end in fishing but also continues in the misreporting of catches to the relevant authorities.

The fishing season for driftnets coincides with the peak of the spawning season for Mediterranean swordfish. From the activities documented by the *Rainbow Warrior*, it is clear that illegal driftnets are extensively used in the area of at least one swordfish spawning ground, in the central Mediterranean³¹. The impact of such an unselective gear being used inside the spawning grounds of swordfish throughout the spawning season is unquestionably detrimental to the population of Mediterranean swordfish.

Given the lack of historical data for swordfish in the Mediterranean and the absence of an assessment of the stock status³², the high percentage of juveniles that are caught in the Mediterranean Sea, the absence of reliable data from a number of countries and the complete lack of data from countries including

Israel, Lebanon, Syria and Egypt³³ and finally the widespread illegal driftnet fishing in the Mediterranean, specifically in swordfish spawning grounds, Greenpeace believes that it is vital that management measures are put forward by ICCAT to safeguard the stock of swordfish in the Mediterranean Sea.

Currently, in the absence of specific regulatory measures for swordfish in the Mediterranean Sea, the management of the species depends on a patchwork of national technical measures and regulations. It is common knowledge that such a fragmented approach produces variable results, if any at all. Moreover, due to competition and pressure by the fishing sector, which argues the unfairness of the diverse measures imposed on fleets of different countries, there is a tendency by Mediterranean states to water down existing measures that were once put in place to protect swordfish and sustain its fishery.

The uncertainty involved in the swordfish fishery is coupled with signs that the stock of swordfish is under immense pressure. Illegal fishing with driftnets is adding to the pressure on the stock, hides data and distorts the true state of the fishery.

The absence of a common management plan for the Mediterranean swordfish has led to a patchwork of national measures, with questionable results.

ICCAT needs to follow the precautionary principle – as noted in the 2001-SCRS report on juvenile swordfish in the Mediterranean – and take immediate action to protect the Mediterranean stock.

³¹ SCRS/2003/015

³² SCRS/2003/015

³³ SCRS/2003/015

6. Recommendations

We summarize below our recommendations, which are in line with the recommendations put forward at the 2001 SCRS report³⁴.

- The immediate enforcement of ICCAT Recommendation [03-04] which prohibits the use of driftnets for fisheries of large pelagics in the Mediterranean by all ICCAT parties.
- A minimum landing size that reflects the sexual maturity of the species (140cm for Mediterranean swordfish) must be adopted to prevent the catch of juveniles.
- A necessary seasonal closure to protect juvenile swordfish extending from October to January each year.
- The closure to fishing of the known Mediterranean swordfish spawning grounds.



*Picture 4: Swordfish caught in driftnet
©Greenpeace/Roger Grace.*

³⁴ ICCAT SCRS/2001. Protection of juvenile swordfish in the Mediterranean [Ref. 00-5]

7. ANNEX: Details of driftnets findings of Rainbow Warrior in June 2006

Name	Number	Date/hour	Position	Location	Net length ³⁵	Mesh size	Notes
Biagio Anna	3CS822	June 23 h 03:00 am	40° 15,4' N 12° 54,7' E	About 35 nM south of Ponza Island	6 to 8 Km	100 mm	Granted ³⁶ Euro 9,861.57 for "reconversion". A sea turtle was rescued from this net. Media reports that swordfish catch was later found on this vessel.
Athena	5RC868	June 25 h 11:00 pm	39° 23,8' N 14° 36,2' E	About 43 nM off Capo Palinuro (Campania)	15 to 20 Km	210 mm	Granted ³⁷ Euro 28,682.07 for "reconversion".
Odissea	5RC107 6	June 25 h 11.15 pm	39° 26,2' N 14° 44,7' E	Close to the previous one.	15 to 20 Km	200 mm	No lights were found to mark this net.
Maria Grazia Genovese	4CT105 6	June 29 h 7:30 pm	37° 32,5' N 15° 17,5' E	About 5 nM off Capo Mulini (Catania, Sicily)	Net not fully set. Possibly, more than 2.5 Km on board	100 mm	The Coast Guard first confirmed the statement by the fishermen that an "additional" net (of 2.5 Km) was on board, than stated that this was in fact a "seized" (and sealed) net.
Orsa Maggiore	14ME61 9	June 29 h 9:20 pm	37° 33,4' N 15° 27,8' E	About 12,7 nM off Acireale (Sicily)	6 to 8 Km	80 mm	Tried to hide the number when approached by Greenpeace.

³⁵ Net length was measured by radar; the "straight" length (from one end to the other) of the net has been multiplied by 1.5 and 2, which gives a reasonable range of values for the real net length: these data are reported here. This is due to the fact that a driftnet is set in a zigzag pattern, and not in a straight line.

³⁶ Annex A of the Italian Ministerial Decree of July 25, 2002.

³⁷ Annex A of the Italian Ministerial Decree of July 25, 2002.