

INDUSTRIAL FISHING ACTIVITIES OFF THE COAST OF THE FEDERAL REPUBLIC OF SOMALIA

As part of its efforts in fighting illegal, unreported and unregulated (IUU) fishing in the Indian Ocean region, the Directorate-General for Maritime Affairs and Fisheries (DG MARE) of the European Commission has long been paying attention to the fishing activities off the coast of the Federal Republic of Somalia (Somalia).

Its capacity to do so significantly increased with the adoption of Council Decision 2014/827/CFSP of 21 November 2014, which added the monitoring of fishing activities off the coast of Somalia to the mandate of EUNAVFOR ATALANTA.

This Council Decision established an information sharing mechanism: EUNAVFOR ATALANTA is to make available data relating to fishing activities it gathers off the coast of Somalia, through the relevant European Commission service –i.e. DG MARE–, to the Indian Ocean Tuna Commission (IOTC).

In practical terms, DG MARE receives and analyses the data gathered by EUNAVFOR ATALANTA and sends it to the IOTC Secretariat for further transmission to the States concerned.

This sharing of information aims to enable these States to further assess the data and, if necessary, take appropriate action, which may result in investigations and prosecutions for established IUU fishing activities.

Based on the analysis of data it received over the past 4 years, DG MARE has identified some patterns in relation to the nature and dynamics of industrial fishing activities in Somalia and notes that vessels listed on the IOTC IUU Vessel List are seemingly using the flag, waters and ports of Somalia.

The European Union wishes to share with the IOTC Compliance Committee (CoC) its concerns as regards this situation by submitting an explanatory note, which contains technical information on this matter.

In the spirit of the Agreement for the establishment of the IOTC by which Contracting Parties acknowledged the desirability of promoting the peaceful uses of the seas and oceans, and the equitable and efficient utilisation and conservation of their living resources, the European Union complemented this explanatory note with further information relating to the observed industrial fishing activities in the economic exclusive zone of Somalia between 22 May 2018 (CoC15) and beginning of March 2019.

The European Union looks forward to the response from Somalia on this matter and has confidence that this additional information will contribute to enabling this country to discharge its responsibilities as flag, coastal and port State.

EXPLANATORY NOTE

I. Presence of vessels listed on the IOTC IUU Vessel List amongst those sighted off the coast of Somalia

During the S22, the IOTC updated its IOTC IUU Vessel List upon recommendation of the CoC15 (cf. IOTC–2018–S22–R[E]).

This notably translated into the inclusion in the list of the following industrial fishing vessels: CHAICHANACHOKE 8, CHAINAVEE 54, CHAINAVEE 55 and SUPPHERMNAVEE 21.

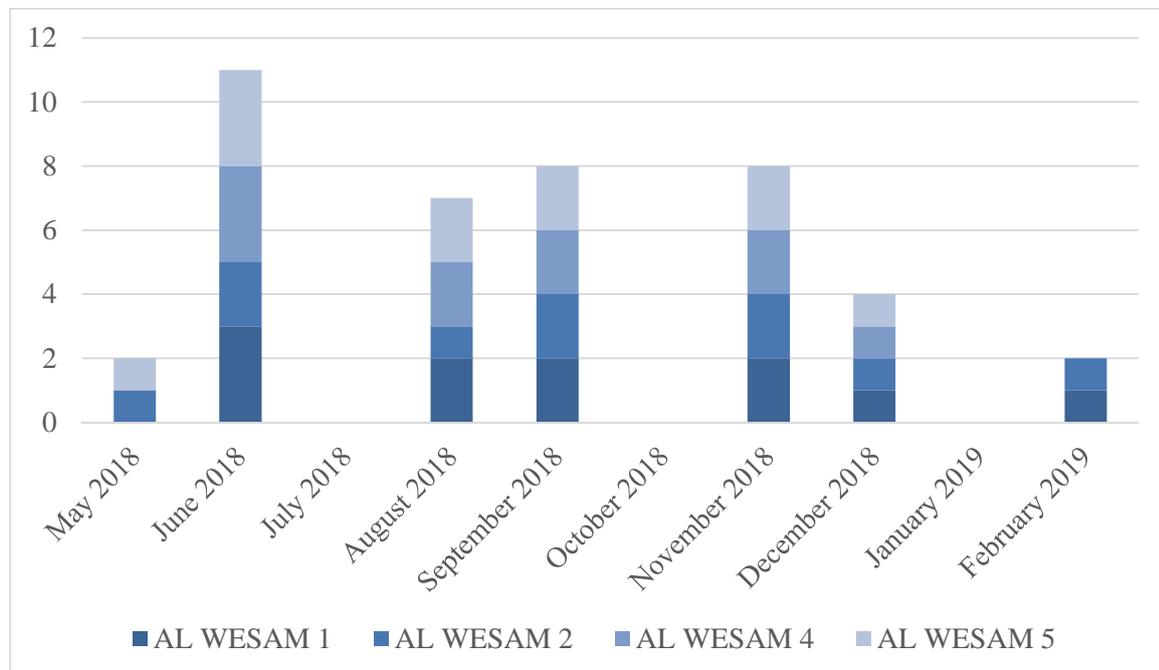
As reflected in the report of the S22, these vessels were considered ‘*flagless fishing vessels*’ at the time of their inclusion in the list.

The IOTC Circular 2018-34¹ of 27 July 2018 informed all CPCs that these four industrial fishing vessels would have changed vessels’ details prior to their listing (at least as from mid-April 2018), being renamed respectively AL WESAM 4, AL WESAM 5, AL WESAM 2 and AL WESAM 1 and reflagged to Somalia².

As from CoC15, DG MARE compiled 42 sightings of these four vessels (11 of the AL WESAM 1 and of the AL WESAM 5 as well as 10 of the AL WESAM 2 and of the AL WESAM 4).

For the sake of precision, these 42 sightings were made between 31 May 2018 and 26 February 2019.

This data includes sightings of the vessels actively engaged in fishing activities and in or in the vicinity of a Somalian port, namely Berbera.



¹ <https://www.iotc.org/documents/communication-european-union-regarding-possible-change-names-and-flags-four-vessels-listed>.

² The IOTC IUU Vessel List as published on the website of the IOTC does not reflect these changes yet.

Chart 4: number of sightings of the four industrial fishing vessels included in the IOTC IUU Vessel List per month and per vessel.

The situation described in this section should be considered in light of the provisions of Resolution 18/03 on establishing a list of vessels presumed to have carried out IUU fishing the IOTC area of competence, especially those under paragraph 21, a), b), c), f), g) and h) as well as paragraph 30.

II. The observed industrial fishing activities in broad outline

a. Number of sightings and industrial fishing vessels

For the period between 22 May 2018 (CoC15) and beginning of March 2019, DG MARE compiled 189 exploitable sightings related to industrial fishing activities in Somalia.

184 of these sightings were made in the exclusive economic zone (EEZ) of Somalia. The remaining five could not be placed within the EEZ of Somalia with certainty due to errors affecting the coordinates reported at the time of the observations or no coordinates being reported. Nonetheless, these remaining five observations are deemed relevant as they concern industrial fishing vessels regularly sighted within the EEZ of Somalia.

The 189 sightings compiled concerned 32 different industrial fishing vessels.

b. Nationality of the observed industrial fishing vessels

Out of these 32 industrial fishing vessels, 16 are believed to be flying the flag of China, 12 of Somalia (including two that have allegedly changed flag from China to Somalia during the period considered), and three of Yemen. The flag flown by the remaining one could not be identified.

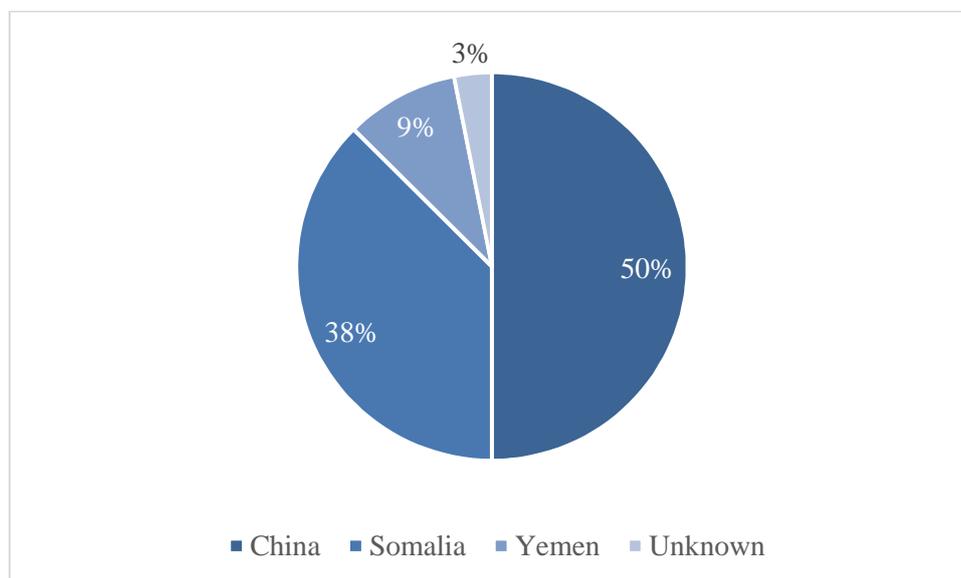


Chart 1: industrial fishing vessels observed by alleged flag State (in percentage).

c. Fishing methods

The 32 industrial fishing vessels have been identified to be engaged in or to be equipped to engage in longlining (16 vessels) or trawling (16 vessels, out of which two are assumed to have changed fishing method from squid jigging to trawling during the period) operations.

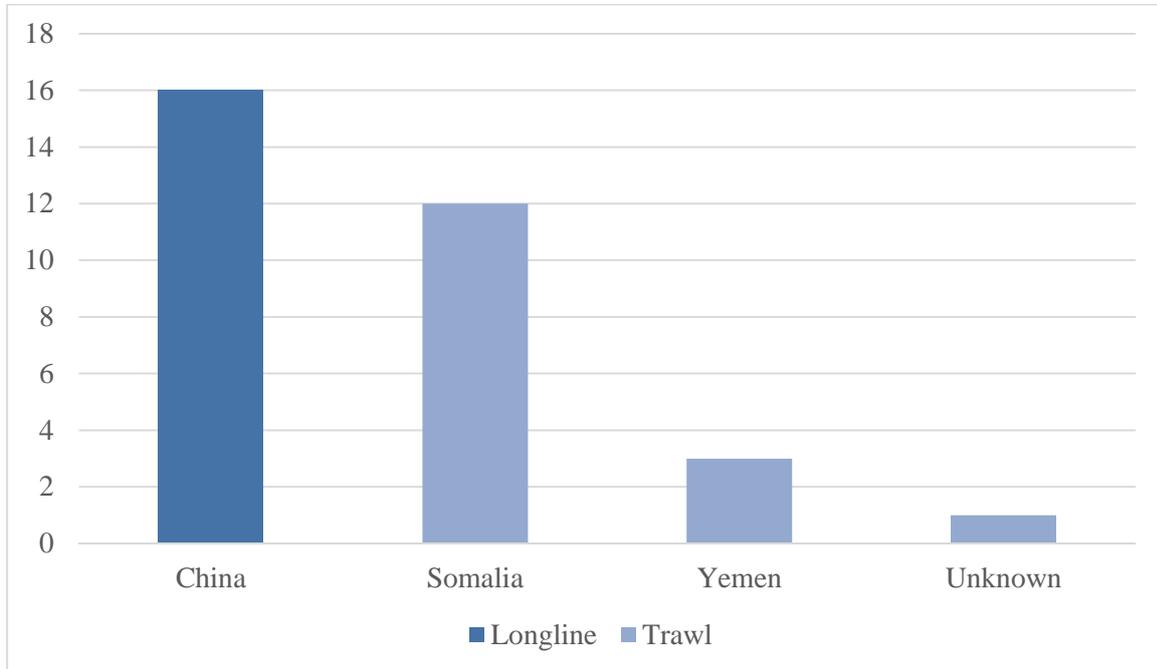


Chart 2: fishing methods per flag State.

d. Geographical repartition of the sightings

The geographical repartition of the sightings of the industrial fishing vessels known to be active in the EEZ of Somalia (be they, at the time of the sighting actively engaged in fishing operations, transiting to fishing grounds or to port, or at port) mainly varies depending on the fishing method.

On the one hand, the longliners were sighted in what could be described as the central and southern parts of Somalia (FAO 51.5).

On the other hand, the trawlers were sighted in the northern, central and southern parts of the country (FAO 51.3 and 51.5). This includes sightings in or in the vicinity of three Somalian ports namely, in alphabetical order, Berbera, Bosaso and Mogadishu.

Although trawlers were sighted in all parts of Somalia, most of the observations made were in the northern part of the country (i.e. roughly north of 6°15'N and around Cape Guardafui).

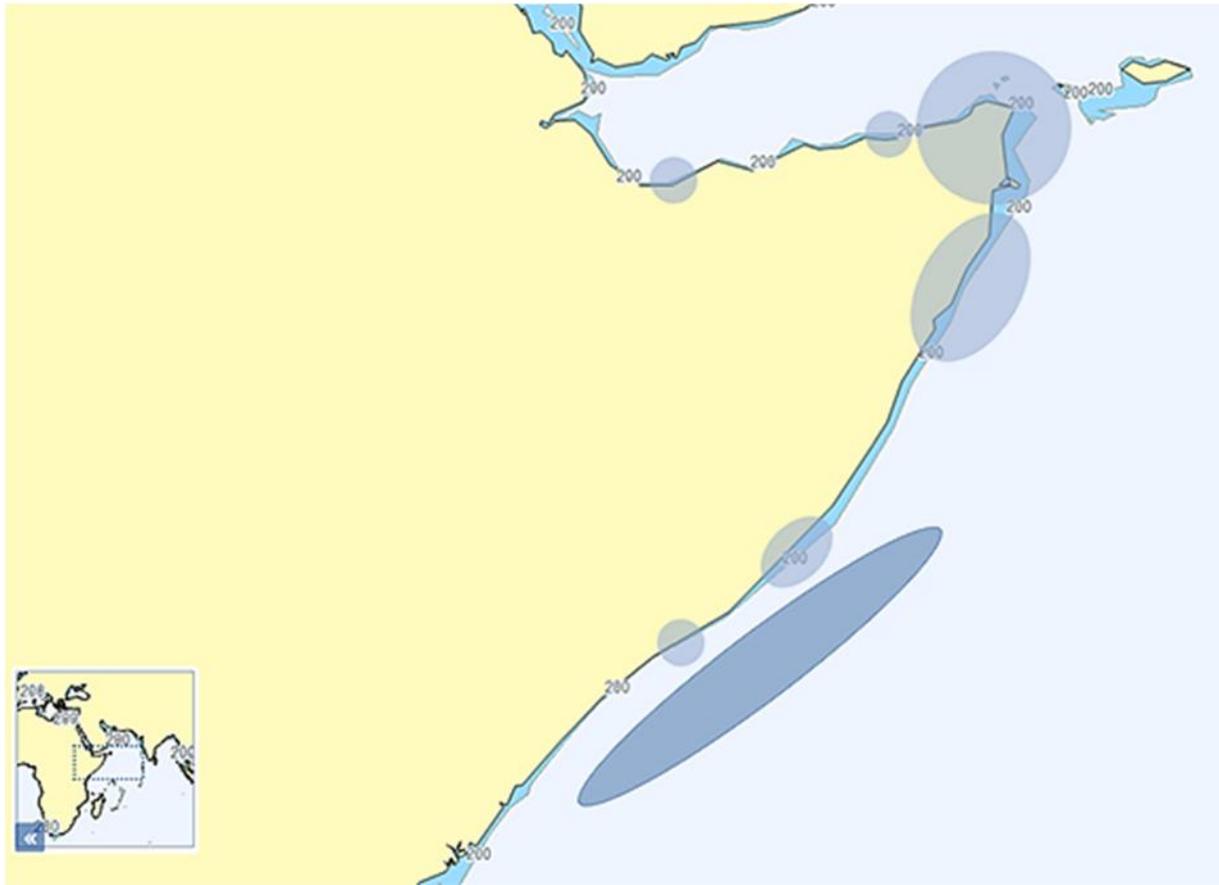


Chart 3: illustration of the geographical repartition of the sightings per fishing method (longline (dark blue), trawl (light blue)).

III. Brief analysis of the behaviour of each fleet against the applicable laws and regulations

a. List of vessels granted with a licence published by the MFMR

The list published by the MFMR consists of 31 industrial fishing vessels all flying the flag of China and operating longlines. Starting dates of licences are 15 November 2018, 18 November 2018, 1 December 2018 or 20 April 2019. Licences are valid for one year.

All the 16 longliners mentioned in the previous sections of this summary were in the list published by the MFMR. None of them was sighted prior to the starting date of its licence.

None of the other 16 industrial fishing vessels observed was identified as included in the list of vessels granted with a licence published by the MFMR. As inferred from the above, these 16 remaining vessels are trawlers.

b. Somali Fisheries Law

Three articles of the Somali Fisheries Law are of particular relevance when analysing the observed behaviour of industrial fishing vessels active in the EEZ of Somalia: the Article 3 (*'Length of Somali Coastline'*), the Article 12 (*'Registration of Fishing Vessels'*) and the Article 33 (*'Prohibited Fishing Methods'*).

Article 3 of the Somali Fisheries Law establishes: (i) a ‘*restricted zone reserved for Somali fishermen living on the coast*’ (up to 12 nautical miles); and (ii) a ‘*protection zone that protects coastal fishermen and in which fishing vessels are not permitted to enter*’ (up to 24 nautical miles).

Based on the above, it is inferred that industrial fishing vessels are to operate beyond 24 nautical miles.

As explained and depicted in section II.d. of this explanatory note, the geographical repartition of the sightings of the industrial fishing vessels known to be active in the EEZ of Somalia mainly varies depending on the fishing method.

While all sightings of longliners, with the exception of one³, were located beyond the limit of 24 nautical miles, all sightings of trawlers but three⁴ took place within 24 nautical miles.

Article 12(3) of the Somali Fisheries Law provides that ‘*no person shall use any vessel fishing in Somali waters without having a valid registered fishing license*’. As explained in the previous subsection, while the 16 longliners concerned by this summary appeared in the list of licences published by the MFMR, none of the other 16 trawlers observed was identified as included in the said list.

Article 33 provides that ‘*fishing vessels engaging trawl fishing methods are forbidden to fish in the waters of [the] Federal Republic of Somalia*’. As explained throughout this summary, 16 industrial fishing vessels have been identified engaged in or to be equipped to engage in fishing by means of this fishing gear.

³ Located approx. 21 nautical miles from shore (3°14'60.00"N, 47°19'0.00"E) and concerning a longliner reported not to be actively fishing at the time of the sighting.

⁴ Located approx. 26, 36 and 40 nautical miles from shore (12°11'60.00"N, 50°13'60.00"E; 11°50'60.00"N, 48°55'60.00"E; and 12°36'36.00"N, 51° 3'24.00"E) and concerning two trawlers reported not to be actively fishing at the time of the sightings.