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The Pew Charitable Trusts'
Statement to the Compliance Committee of the 21st Special Meeting of ICCAT
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Pew encourages the Compliance Committee to capitalize on its extra 2-day session to fully address the important matters on its agenda. We would like to highlight two issues for the COC's consideration: 1) the Europol investigation into illegal activity in the Mediterranean bluefin tuna industry and 2) infractions related to ICCAT's transshipment requirements.

In June, 80 t of bluefin tuna were seized and 79 bluefin industry affiliates were arrested in the European Union as a result of illegal activity unveiled by Europol. Allegations of fraudulent activity include falsified eBCD records and an estimated 2500 t of trafficked bluefin tuna annually. This amounts to greater than the entire western Atlantic quota and, to our knowledge, is the most egregious case of IUU fishing to face ICCAT in a decade. While the investigation is ongoing, clearly these are serious allegations that the COC should review with urgency in order to better understand the scope of the IUU and the monitoring, control and surveillance loopholes that have allowed an illegal operation on this scale.

With regard to transshipment, Pew urges the COC to review and consider the attached paper, which outlines numerous violations of reporting and operational (e.g., related to mandatory vessel monitoring systems) transshipping requirements. The document provides a brief outline and analysis of the information in ICCAT's publicly available transshipment records and is presented to the COC to supplement its review of compliance with transshipping rules.

A Review of Management and Reporting Trends Related to Transshipment Occurring within the ICCAT Convention Area

The International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted its current measure on transshipment, Recommendation 16-15, in 2016. The recommendation notes that *“...organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transshipped under the names of duly licensed fishing vessels...”*. Within this context, the most recent ICCAT Secretariat Biennial Report indicates that the number of reported high seas transshipments have increased between 2012 and 2016. This trend, coupled with the degree to which discrepancies, inconsistencies, and non-compliance with Recommendation 16-15 appear to be documented within ICCAT reports, raises concerns about whether this process in ICCAT is effectively regulated and reported. Moreover, overall robust analyses of ICCAT transshipment data have proven to be extremely challenging as information regarding transshipment occurring in the ICCAT Convention Area is diffuse, spread out amongst multiple reports, and inconsistent between ICCAT reporting sources.

This paper provides a brief outline and analysis of the publicly available information on transshipment operations occurring within ICCAT and is meant to stimulate thought and discussion regarding how transshipment is managed and reported by ICCAT. The data and trends clearly illustrate the need for additional ICCAT management regulations on transshipment and transshipment reporting to ensure full and effective control and monitoring of these activities by ICCAT and its CPCs that will effectively reduce opportunities for illegal fishing and the introduction of illegally caught fish into the seafood supply chain. The Pew Charitable Trusts urges ICCAT to consider the specific recommendations included at the end of this paper to secure more effective management of transshipments occurring within its waters.

Key Issues

1. Transshipment events increasing on the high seas.
2. Insufficient monitoring of transshipment activities and compliance with regulations.
3. Significant discrepancies in transshipment reporting between the ICCAT regional observer program (ROP) and Cooperating Non-Contracting Parties, Entity, or Fishing Entity (CPCs).
4. Standardized data submission forms needed to effectively report transshipment operations consistently between CPCs.

5. Loopholes in Recommendation 16-15 reduce the effectiveness of monitoring and tracking of transshipped products sourced from ICCAT waters.

1. Transshipping Events Increasing on the High Seas

The number of reported high seas transshipment events have increased by 28 percent over a recent four-year period from 403¹ (pg. 1216) reported events between September 2012 and August 2013 to 519² (pg. 1223) reported events between September 2016 and August 2017. During that same timeframe, there was a 24 percent increase in observer sea days from 727 to 903. The quantities of fish and fish products transshipped as reported by CPCs have also increased by 57 percent over the four-year period between calendar year 2012 (31,923.8 tons)¹ (pg. 1227-1234) and calendar year 2016 (50,163 tons)² (pg. 1240-1251), as documented in Table 1. There also appears to be a lack of transshipment data reporting by some CPCs.

Table 1: Total quantities transshipped reported by CPCs in calendar years 2012 and 2016.

CPC	2012 Total quantities transshipped (t) ¹	2016 Total quantities transshipped (t) ²
Belize	0.422	646.3
China	3012.8	4764.1
Korea	2635.6	1246.8
Liberia	N/A	18191.9
Japan	14519.8	10783.4
Chinese Taipei	11098.8	14046.8
Cote d'Ivoire	N/A	299.5
St. Vincent and Grenadines	N/A	N/A
Senegal	N/A	184
Philippines	656.2	N/A
Total	31,923.8	50,163

As high seas transshipment events continue to increase, proper vessel monitoring is essential to avoid illegally caught and transshipped catch from entering the seafood supply chain. It is critical that CPCs accurately report quantities transshipped in the high seas to include reporting "nil" for years where no high seas transshipments occurred.

2. Insufficient Monitoring of Transshipment Activities and Compliance with Regulations

As of 29 October 2018, there were 116 carrier vessels listed on the ICCAT Carrier list of Authorized Vessels³. Table 2 provides a breakdown of the carrier vessels by vessel flag. More than 20 percent of the carrier vessels on the ICCAT list are flagged to non-CPCs (24 carrier vessels). ICCAT has limited ability to hold non-CPCs accountable for non-compliance by their flagged vessels and there is very little transparency or reporting on transshipment events conducted by non-CPC flagged carrier vessels in the ICCAT Convention Area. Recommendation 16-15 currently provides no requirement for non-CPCs to submit transshipment reports on the activities of their flagged carrier vessels as required of CPCs. ICCAT reports documenting 2016 activities of carrier vessels also appear to provide no information relevant to the carrier vessels of the two non-CPCs which could be used to verify the activities of these vessels.

Table 2: Number of Carrier Vessels by Flag Country³

Flag Country	Belize	Curacao	EU	Ghana	Japan	Korea	Liberia	Panama	Non-members	Bahamas	Singapore	Total
# carrier vessels	1	5	4	2	4	4	27	45		23	1	116

There are also concerns with carrier vessels flagged to CPCs. The 2017 Compliance summary tables (COC – 308C) noted that the Commission was uncertain of one CPC's “...ability to effectively control its carrier vessels to ensure respect of ICCAT requirements, including ability to impose sanctions for violations of ICCAT requirements that are adequate in severity to be effective in securing compliance and to discourage violations wherever they occur...”⁴ (pg. 26).

To ensure that all transshipments occurring in the ICCAT Convention Area are properly monitored and regulated, only carrier vessels flagged to CPCs should be authorized and allowed to transship in ICCAT waters. The ICCAT Compliance Committee should also regularly evaluate each CPC's ability to effectively monitor and control its own flagged carrier vessels.

Under Recommendation 16-15, Vessel Monitoring Systems (VMS) are required for carrier vessels to transship in the Convention Area⁵. Yet, as documented on Table 3, seven of the vessels on the ICCAT list of active carrier vessels do not list having an installed VMS onboard³.

Carrier vessels intending to transship should be required to notify the Secretariat when entering the ICCAT Convention Area, confirm the presence of an ICCAT assigned observer, and certify that all vessels involved in high seas transshipment have an operational VMS installed onboard.

Table 3: Authorized Carrier Vessels without VMS listed³

ICCAT Serial Number (AT000)	CUW00006	CUW00007	CUW00014	CUW00009	CUW00020	PAN00229	PAN00214
Flag CPC	Curacao	Curacao	Curacao	Curacao	Curacao	Panama	Panama

Finally, it appears that not every CPC is operating in full compliance with reporting requirements. A review of the 2017 Compliance Summary tables⁴, condensed in Table 4, highlights that some CPCs have submitted their transshipment reports late or incomplete, while others did not submit their transshipment reports at all. Specific compliance issues involving transshipping have also been reported by CPCs with no apparent follow-up action considered by ICCAT. In June 2016, Senegal notified the ICCAT Secretariat that 11 Chinese Taipei-flagged fishing vessels allegedly conducted unauthorized transshipment with the Liberian-flagged carrier vessel “New Bai I No. 168” in the ICCAT Convention Area⁴ (pg. 53). The COC – 308C report also contained an EU report of Tunisian vessels, which were not included in the ICCAT record of vessels, transshipping at sea substantial quantities of bluefin tuna. Despite these very specific issues, the report of the meeting of the PWG for the improvement of ICCAT statistics and Conservation measures indicated that these potential transshipment non-compliance issues as reported by CPCs were not discussed due to lack of time. It appears further action investigating these potential cases of illegal activity have not been contemplated by either the ICCAT Secretariat or the relevant CPCs.

CPCs should commit to holding discussions regarding transshipment compliance issues annually in the Compliance Committee meeting and consider developing penalties for serious and/or persistent non-compliance.

Table 4: Summary of Transshipment Compliance for 2017⁴

CPC	Potential Issues of Non-Compliance
Panama (pg. 35)	No in port transshipment reports submitted
Vanuatu (pg. 50)	2015 carrier vessels transshipment report not submitted
Chinese Taipei (pg. 53)	Incomplete list of fishing vessels authorized to transship was submitted
St. Vincent and the Grenadines (pg. 42)	Transshipment report submitted late
Liberia (pg. 26)	Transshipment report submitted late

3. Significant Discrepancies in Transshipment Reporting Between the ROP and CPCs

ICCAT Recommendation 16-15 states: “...Each CPC shall ensure that all carrier vessels transshipping at sea have on board an ICCAT observer in accordance with the ICCAT regional observer program...”⁵.

Hence, it is reasonable to expect that every high sea transshipment event is recorded by an authorized ROP observer. As such, high seas transshipment reporting data received from CPCs and ICCAT observers should be consistent with one another. However, the ICCAT reports for 2016-17 reveal significant discrepancies in the number and tonnage of high seas transshipment events as reported by flag CPCs² (pg. 1240-1251) and the high seas transshipment events as reported by ROP observers² (pg. 1218-1219). Some of these discrepancies are summarized in Table 5. The MRAG and CapFish (the Consortium) carrier service provider report on the implementation of the ROP cites 854 high seas transshipment events occurred in calendar year 2016 by 247 large-scale pelagic longline vessels (LSPLVs), yet CPCs reported only 387 high seas transshipment events, with only 160 vessels conducting high seas transshipments in calendar year 2016. The CPC report² (pg. 1240-1251) also does not clearly delineate between carrier vessel or LVSLP transshipments. As such, in analyzing the data provided, it was assumed that each line item in the reporting table referred to one specific transshipment event.

Only two CPCs included a total number of documented high seas transshipments in reports directed at CPC assessments of the content and conclusions of ICCAT observer reports. In these reports² (pg. 1235-1239), one CPC stated there were only 128 high seas transshipment events that occurred in 2016, while the ROP reported 238² (pg. 1219) at-sea transshipment events for that CPC over the same period. Similarly, another CPC reported 251 high seas transshipment events in 2016, while the ROP reported

384 high seas transshipments for the same CPC. As well, data of one CPC with authorized carrier vessels active in the ICCAT Convention Area was not provided by the Consortium in the ROP annual report although the same CPC reported high seas transshipment events to have occurred.

Table 5: Summary of 2016 Transshipment Data Reported by CPCs and ROP in the Secretariat's Report

Country	2016 At-Sea Transshipments			
	Reported by CPCs ² (pg. 1240-1251)		Report on the implementation of the ROP ² (1219)	
	Transshipments events	Vessels that transshipped	Transshipments events	Vessels that transshipped
Belize	14	2	12	2
China	132	32	177	97
Chinese Taipei	52	52	384	58
Cote d'Ivoire	2	2	10	2
Japan	60	60	238	72
Senegal	3	1	3	1
Korea	55	6	19	12
Liberia	69	5	N/A	N/A
St. Vincent and Grenadines	N/A	N/A	11	3
Total	387	160	854	247

To allow the Secretariat to have a clear overall picture of all transshipping events occurring within the Convention Area, all transshipment events should be reported by both carrier vessels and LSVLPs to the relevant flag State, coastal State, and/or port State, including the ICCAT Secretariat, regardless of the transshipment event location or origin of catch being transshipped. These reports should clearly delineate between CPC carrier vessel and LSVLP reporting and the Secretariat should consistently evaluate CPC and observer report submissions to adequately address significant reporting inconsistencies.

4. Standardized Data Submission Forms Needed to Effectively Report Transshipment Operations Consistently Between CPCs

The 2018 Secretariat's report to the PWG on the ROP breaks down transshipment events and quantities from calendar year 2016. This two-year delay is compounded by the fact that the various transshipment reports over the years tend to cover different time periods, making it especially difficult for effective compliance reviews. The report also provides very limited information regarding carrier vessels that transshipped in the Convention Area during the period.

When reviewing the Annual Reports submitted by each CPC⁶, it is important to note that each CPC's response varies in specificity. Under the column "Transshipment declarations (at sea)" some CPCs provide a date, some provide the total number of transshipment declarations submitted, while others simply responded "yes" or "ditto". There are also no distinct cross-references made for each transshipment declaration and the total number of transshipments reported. Differing reporting periods for information provided by CPC's, the Consortium managing the ROP and ICCAT also make it especially difficult to cross-reference the data provided in these reports. A clear template documenting the key information required would help improve the standardization and effectiveness of these reports.

ICCAT should develop a template that includes data fields clearly outlining the number of offloading and receiving vessels involved in transshipping in the Convention Area as well as the number and quantities of fish transshipped for each event by location. To verify the information received by the Secretariat, this template should also include a column to document the number and date of transshipment declarations submitted. To enable cross verification of all these reports, each CPC, as well as the ROP Consortium, should report all transshipment data and information summaries by calendar year. A draft template is provided below for consideration by ICCAT.

Transshipment information to be provided annually to ICCAT by CPCs

As required by paragraph 22 of Recommendation 16-15⁵: The flag CPCs of LSPLVs which have transshipped during the previous year and the flag CPCs of carrier vessels accepting transshipments shall submit annually before 15 September to the Executive Secretary the following reports. These reports shall be made available to the Commission and relevant subsidiary bodies for review and consideration. The Secretariat shall post these reports to the ICCAT website.

Submission Date: 9/10/2020

A. Transshipments Events by Species and Location for Calendar Year 2019

Species	Received or offloaded	Quantities transshipped in Port in metric tonnes (t)	Quantities transshipped within EEZs	Quantities transshipped at the High seas
SBF	Offloaded	5,123	0	4,321

B. List of Vessels that Transshipped Within the Calendar Year 2019

Vessel Name and IMO number	Received or offloaded	Number of transshipments	Total quantities transshipped in metric tonnes (t)	Number of transshipment declarations submitted to ICCAT
Tuna Jack/ 987654	Received	184	11,325	184

5. Loopholes in Recommendation 16-15 Reduce the Effectiveness of Monitoring and Tracking of Transshipped Products Sourced from ICCAT Waters.

Recommendation 16-15 on transshipment states that transshipments landed in or **imported into the area or territory of CPCs** shall be accompanied by the transshipment declaration until the first point of sale⁵(pg. 4). This leaves a critical loophole; illegally caught fish can be transshipped and then landed in ports of non-CPCs without documentation, thereby creating the opportunity to launder catches sourced from the ICCAT Convention Area.

Recommendation 16-15 language should be revised to require that transshipped products sourced from ICCAT waters but landed outside the Convention Area be accompanied by transshipment declarations until the first point of sale. All transshipment authorizations and declarations should be sent to all relevant authorities in near-real time.

Paragraph 8 of Recommendation 16-15 allows non-CPCs to include their flagged carrier vessels in the ICCAT list of authorized carrier vessels and that: “...*In order for its carrier vessels to be included on the ICCAT Record List of Carrier Vessels, a flag CPC or flag non-Contracting Party (NCP) shall submit each calendar year, electronically, and in the format specified by the ICCAT Executive Secretary, a list of the carrier vessels that are authorized to receive transshipments in the Convention area...*”. Recommendation 16-15, however, does not include any requirements for these non-CPCs to report on the transshipment activities of their carrier vessels. This is a critical loophole that creates opportunities for illicit activities, such as misreporting or non-reporting of catches.

Until clear and consistent monitoring schemes are put in place, Recommendation 16-15 should be updated to exclude non-CPCs from having the ability to include their flagged carrier vessels on the ICCAT authorized carrier vessel list.

Paragraphs 4.1 and 18 of Recommendation 16-15 state that transshipment declarations must be sent to “*competent authorities,*” but these authorities are not clearly defined. In addition, the Recommendation does not include any requirements for observers to record transshipments occurring in port. As of 13 October 2017, only 11 CPCs (out of the 56 ICCAT CPCs) had submitted to ICCAT an in-port transshipment report for 2016 ²(pg. 1222). The report also noted that 41 countries reported no in-port transshipments

had taken place in 2016 and that “...other reports indicate possible transshipment activity in port” for those same 41 countries² (pg. 1222). Given the total catch for 2016 reported by ICCAT SCRS was approximately 717,680 tons⁷ and that there was only 1,297.7 tons² (pg. 1256) of ICCAT species reportedly transshipped in port in all of calendar year 2016, it is critical that the ICCAT clarify that all CPCs must report the amount transshipped in port.

In order to provide a full accounting of all the activities of carrier vessels that operate in the ICCAT Convention Area, 100 percent of all in-port transshipments must be observed, and all transshipment reports and declarations be sent to the Secretariat, to include ‘nil’ reports if no transshipment took place in port during the reporting period.

A 2017 summary of the ICCAT ROP² (pg. 1228) states “...With prior agreement from ICCAT, IOTC and CCSBT, observers trained under any of the programmes will be available as observers for all three and will remain on the vessel if it crosses between RFMO areas...” However, there are no reports that clearly illustrate transshipment data collected from neighboring RFMOs, including nil reports. Additionally, there is no reference to this agreement in Recommendation 16-15.

Transshipments that occur with IOTC or CCSBT observers onboard should be included in the ROP annual reports with a clear delineation of the additional number and flag of offloading and receiving vessels involved in transshipping in the ICCAT Convention Area and the amount of product transshipped. The ROP annual report should also clarify and document when no transshipments occurred involving non-ICCAT observers.

Recommendations:

This analysis clearly demonstrates the need for management reform of transshipment in the ICCAT Convention Area. The Pew Charitable Trusts has developed best practices related to transshipment management aimed towards maximizing transparency and minimizing the potential for illegally caught fish to be laundered into the market. Oversight of transshipment can be improved in ICCAT by implementing the following best practices in three main areas:

Reporting

- Require all transshipment events to be reported to the relevant flag State, coastal State, port State, and ICCAT Secretariat, regardless of the transshipment event location or origin of catch being

transshipped. The Secretariat should then evaluate the CPC and observer reports to detect any inconsistencies.

- All transshipment authorizations and declarations should be sent to all relevant authorities in near-real time.
- Templates for CPC annual reports should be developed by the Secretariat to ensure standardized data submission per calendar year and enable cross-verification of vessel transshipment reporting.
- Upon entering the Convention Area, carrier vessels must notify the Secretariat of their intent to transship and confirm that an assigned ICCAT observer is on board and that their VMS is operational.

Monitoring

- Only carrier vessels flagged to CPCs should be allowed to transship within the ICCAT Convention Area and ICCAT should regularly evaluate each CPC's ability to effectively monitor and control its carrier vessels.
- 100 percent observer coverage of in-port transshipments must be required, and all transshipment reports and declarations be sent to the Secretariat including a 'nil' report if no transshipments took place in port during the reporting period.
- Recommendation 16-15 language should be revised to require that transshipped products sourced from ICCAT waters but landed outside the Convention Area be accompanied by transshipment declarations until the first point of sale.

Data Sharing

- To ensure sharing of data by relevant authorities, ICCAT should establish and harmonize transshipping data-sharing procedures among relevant flag State, coastal State, port State authorities, and RFMO Secretariats.
- Transshipments that occur with IOTC or CCSBT observers onboard should be included in the ROP annual reports with a clear delineation of the additional number and flag of offloading and receiving vessels involved in transshipping in the ICCAT Convention Area and the amount of product transshipped.
- Members should commit to holding discussions regarding transshipment compliance issues annually in the Compliance Committee and consider developing penalties for serious and/or persistent non-compliance.

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