INVESTIGATION NO. 22
COBIJA EXPLOITS WEAK STATES TO ESCAPE SANCTIONS

A known toothfish poacher CAPE FLOWER continued to fish illegally after it was listed as an illegal, unreported and unregulated (IUU) fishing vessel. By changing names and operating as a stateless vessel it offloaded high value toothfish using fake registration documents. Targeting ports in states with low capacity or weak governance and producing a series of faked and forged documents, COBIJA has shown itself to be a persistent and systematic offender.

KEY EVENTS

APRIL 2016 Bolivian flagged CAPE FLOWER was inspected by the Ecuadorian authorities as it transferred its catch of approximately 100 tonnes of toothfish to a container vessel in the port of Manta, Ecuador for onward consignment to Kaohsiung, Taiwan. Documents provided show that CAPE FLOWER had engaged in unregulated fishing activities in the South East Atlantic Fisheries Organisation (SEAFO) Convention Area.

2017 CAPE FLOWER is added to the SEAFO IUU fishing vessel list.

JANUARY 2018 Bolivia notes that the CAPE FLOWER has offloaded in Ecuador despite its IUU status.

JANUARY 2019 CAPE FLOWER is deregistered by Bolivia.

DECEMBER 2019 Now named COBIJA, CAPE FLOWER is identified through automatic identification system (AIS) tracking as departing Yangon, Myanmar.

JANUARY 2020 COBIJA continues to broadcast on AIS as it heads south. INTERPOL Global Fisheries Enforcement alert the Australian Fisheries Management Authority (AFMA) that COBIJA is heading south through the Indian Ocean towards the Southern Ocean. The vessel is believed to be stateless and has no authorisation from the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) or the Southern Indian Ocean Fisheries Agreement (SIOFA) to fish in their respective management areas.

JUNE 2020 Following an aerial surveillance sighting Australian authorities board and inspect COBIJA on the high seas in the Indian Ocean. The inspection was conducted for the purpose of flag state verification in accordance with Article 110 of UNCLOS and a full fisheries inspection was not undertaken.

The vessel was not displaying any flag, or registration marks on the hull but the Master claimed the vessel was registered to the Plurinational State of Bolivia and presented associated documentation. Bolivian authorities confirm that COBIJA is not registered in Bolivia and that the documents should be regarded as forgeries.

The vessel also had a number of flags stored in the bridge: Angola, Bolivia, Colombia, Dominican Republic, Ecuador, Equatorial Guinea, Indonesia, Italy, Malaysia, Mozambique, Myanmar, Namibia, Panama, Peru, Singapore, South Africa and Spain.

JUNE 2020 Whilst the COBIJA is at berth in Myanmar a forged Puntland licence is issued, and it is claimed that the vessel has been sold to a Somali company called Precision Shipping Services for USD 300,000.
In working together on over thirty investigations, FISH-i Africa has shed light on the scale and complexity of illegal activities in the fisheries sector and highlighted the challenges that coastal State enforcement officer face to act against perpetrators.

FISH-i investigations demonstrate a range of complexity in illegalities – ranging from illegal fishing to fisheries related illegality to fisheries associated crime to lawlessness.

In this case evidence of illegal fishing and fisheries related illegalities were found.

What FISH-i Africa do?
- Alerted the task force.
- Assisted with confirmation that Somali documents were forgeries.
- Publicised the case using the media and Stop Illegal Fishing website.
- Worked with Somali authorities to identify the source of forged documents.

What worked?
- Air patrols by Australia located COBIJA so that a high-seas inspection could take place.
- Alerts issued by INTERPOL put port States on high alert for the vessel.
- Bolivia provided clear and rapid confirmation of the registration status of COBIJA.
- Information sharing through FISH-i identified the use of fake and forged documents.

What needs to change?
- Port States may need expert support and resources in order to take action against IUU fishing vessels.
- Increased exposure for known IUU fishing vessels and more systematic international information sharing on fishing activity and vessels.
- Photographs of fishing vessels, particularly those involved in illegal practices, need to be made accessible/publicly available.
- Ownership information is critical to making lasting change. Vessel ownership information must be a requirement for vessel registration.
- Improved interagency cooperation linking approval of fishing vessel registration to the fisheries authority.
- Develop anti-corruption mechanisms to limit registration of known IUU fishing vessels by establishing inter-ministerial committees approving registration certificates.
- Basic fisheries management training for maritime and port officials to increase awareness of sustainable management of fisheries resources.

How?

The evidence uncovered during FISH-i investigations demonstrates different methods or approaches that illegal operators use to either commit or cover-up their illegality and to avoid prosecution.

**Vessel Identity** Name change was made to obscure the illegal history of the vessel.

**Flagging** False claims of registration in Bolivia. Flags found on board the vessel indicate persistent attempts to hide their status as a stateless vessel.

**Document Forgery** Numerous forged documents were used to provide authorization to fish and offload. States with weak governance were targeted.

**Business Practices** The ownership of the vessel has been obscured by the use of a Panamanian shell company, and subsequent claims of sale to a Somali registered company.

**Avoidance of Penalties** After being IUU listed by SEAFO in 2017 the CAPE FLOWER changed names to COBIJA to hide its status and history.