



ILLEGAL FISHING



FISHERIES RELATED ILLEGALITY



FISHERIES ASSOCIATED CRIME



LAWLESSNESS



VESSEL IDENTITY



FLAGGING ISSUES



BUSINESS PRACTICES



AVOIDANCE OF PENALTIES



DOCUMENT FORGERY (SUSPECTED)

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.

VESSEL INVOLVED

COBIJA
IMO 7330399

PREVIOUS NAMES

CAPE FLOWER
CAPE WRATH

NUMBER OF FLAGS

5

VESSEL TYPE

Gillnet

FLAG STATE

Stateless, Bolivia

PENALTY/SANCTIONS

IUU listed by SEAFO and cross listed by other RFMOs.

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.

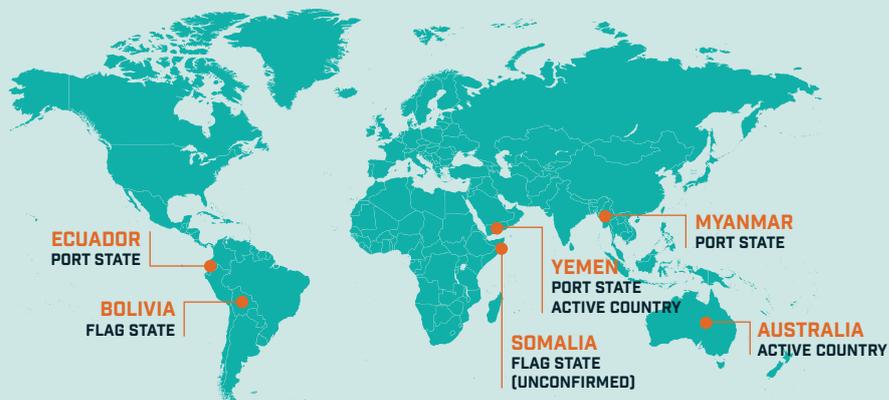
The vessel also had a number of flags stored in the bridge: Angola, Bolivia, Colombia, Dominican Republic, Ecuador, Equatorial Guinea, Indonesia, Italy, Malaysia, Mozambique, Myanmar, Namibia, Panama, Peru, Singapore, South Africa and Spain.

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. ►

► **AUGUST 2020** An INTERPOL alert is issued.

SEPTEMBER 2020 COBIJA is identified by Sea Shepherd at port in Mukalla, Yemen. It is detained and prevented from discharging 228 tonnes of frozen toothfish with a value of approximately USD 4.5 million. The Spanish Captain claims the fish has been caught in Puntland and provides copies of a licence as well as logbook and vessel monitoring system (VMS) data to support this.

OCTOBER 2020 Puntland authorities state the licence is a forgery. The legitimacy of a letter stating that COBIJA is owned by a Somali citizen and requesting the release of COBIJA so that it can sail to Bossaso for further investigation is unconfirmed. There were also papers presented indicating that the vessel had flagged to Somalia and a temporary registration by the Federal Government of Somalia signed by the ship registrar officer was presented. The Director of Somalia Maritime Authority confirms that claims of Somali registration and ownership are invalid.



WHAT DID 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.

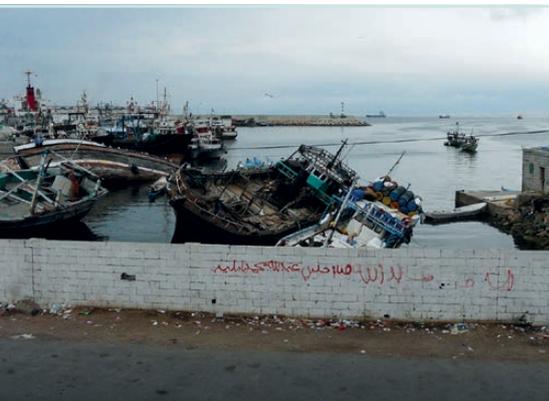
VESSEL IDENTITY Name change was made to obscure the illegal history of the vessel.

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.



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 officers 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.