

INVESTIGATION NO. 19

INFAMOUS IUU-LISTED VESSEL IS DE-FLAGGED



Despite being IUU listed since 2004 the ATLANTIC WIND has continued to operate illegally, targeting threatened species, defying enforcement efforts and failing to comply with international law. Repeated flag and name changes combined with the use of flags of non-compliance and shell companies have been used to avoid oversight and sanctions. In 2017, with FISH-i Africa support, the Zanzibar Maritime Authority uncovered the history of ATLANTIC WIND and took action to de-flag the vessel.

VESSEL TYPE

Gill netter

FLAG STATE

Tanzania
Curacao

PENALTY/SANCTIONS

De-flagged

KEY EVENTS

JAN 2015 A New Zealand Naval Patrol spotted the vessel YONGDING – along with the KUNLUN and SONGHUA – hauling gill nets with toothfish in an area regulated by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) where fishing with such gear is prohibited.

All three vessels refused boarding, in contravention of the United Nations Convention on the Law of the Sea, and evaded detention by the New Zealand authorities. Vessel markings and information provided by the Master indicated the vessels were flagged to Equatorial Guinea.

Investigation by New Zealand authorities revealed that YONGDING, KUNLUN and SONGHUA had all changed their names, national registration and other identifying characteristics on multiple occasions to try and avoid detection. The YONGDING had operated under at least 11 different names and nine flags since 2001, and had

been on the CCAMLR IUU list since 2004. All three vessels had links to the Vidal Armadores syndicate.

At the request of New Zealand, INTERPOL Purple Notices were issued to seek information on the individuals and networks behind the three vessels fishing illegally in the Southern Ocean.

FEB 2015 YONGDING and KUNLUN are intercepted by Sea Shepherd’s patrol vessel SAM SIMON, with fishing gear on their decks indicating recent or intended fishing activity, only 50 miles offshore from Australia’s Antarctic Mawson Research Station, in waters claimed by Australia. In an aggressive move the YONGDING sailed directly at the SAM SIMON.

MAY 2015 Sea Shepherd identifies the YONGDING and SONGHUA in Mindelo, Cape Verde. The YONGDING is using the name LUAMPA and flagged to Sierra Leone. Sea Shepherd alerts

the New Zealand Ministry of Primary Industries and the Cape Verde Judicial Police and other relevant authorities. The vessel is subsequently inspected and detained by the Cape Verde authorities.

2015 The YONGDING is added to the IUU lists of both the Indian Ocean Tuna Commission and International Commission for the Conservation of Atlantic Tunas.

JULY 2017 YONGDING again changed name, now called ATLANTIC WIND, it re-flagged to Zanzibar, Tanzania. This name change is confirmed through observation in port, vessel documents, and the Inmarsat Ships Directory. On 8 July 2017 the vessel started to transmit on AIS from Cape Verde, with the new identity details, along with the IMO number 9042001, connecting the new identity to the historical details of the vessel.



WHAT NEEDS TO CHANGE?

- The consequences of IUU listing of vessels need to be more effective in stopping illegal fishing.
- Flag States need to act when there is evidence of non-compliance in their fleet; public access to vessel registrations and de-registration would make cross checking faster and more effective.
- Mandatory AIS is needed for all commercial fishing vessels to ensure their activity can be tracked and monitored at all times.

- The owner listed in the new registration of the vessel, High Mountain Overseas Ltd, is the same as the previous owners. This Panamanian company has also been listed as owner of another CCAMLR IUU-listed and INTERPOL Purple Notice vessel, the ASIAN WARRIOR (previously KUNLUN), which has been under detention in Senegal since 2016.

SEPT 2017 In response to information supplied by FISH-i Africa, the Zanzibar Maritime Authority de-flags ATLANTIC WIND. FISH-i members are alerted to the high-risk nature of the vessel and the case is publicised internationally to warn

potential flag States of the IUU activity of the ATLANTIC WIND.

FEB 2018 The ATLANTIC WIND changes flag to Curacao and ownership to the Curacao registered company Bright Future Invest NV.

DEC 2018 ATLANTIC WIND, still in Cape Verde, is de-flagged from Curacao with new flag status unknown.

WHAT DID FISH-i AFRICA DO?

- Alerted Tanzanian authorities to the IUU activity of the ATLANTIC WIND.
- Undertook document verification and due diligence checking to inform advice to de-register from the Zanzibar flag.
- Alerted FISH-i members to potential flagging requests from high-risk vessels.
- Shared information with FISH-i members and through public websites to create awareness of the IUU history of the ATLANTIC WIND and of the modus operandi used by this and other vessels to avoid sanctions.
- Monitored, and publicised, the vessel's identity changes throughout this period.

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 The YONGDING has used multiple identity changes to hide the history of IUU fishing and to enable the vessel to obtain new flags.

FLAGGING Repeated flag hopping is a well known technique used to hide the identity and IUU history of fishing vessels. ATLANTIC WIND has been registered to 13 countries since it was initially IUU listed in 2004, and most of these are considered to be flags of non-compliance.

AVOIDANCE OF PENALTIES Refusal of boarding and inspection by New Zealand authorities and aggressive action towards the SAM SIMON are significant actions to avoid enforcement action and sanctions. Repeated identity and flag changes are often used to hide IUU history and avoid sanctions.

DOCUMENT FORGERY (suspected) Documents presented to New Zealand claimed the vessel was registered in Equatorial Guinea, but authorities there denied this

BUSINESS PRACTICES (suspected) The change of company ownership in 2017 is believed to be a further attempt by the beneficial owners to distance the vessel from its history and thereby obtain a new flag.



In working together on over forty 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 the perpetrators. These illegal acts produce increased profit for those behind them, but they undermine the sustainability of the fisheries sector and reduce the nutritional, social and economic benefits derived from the regions' blue economy.

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 illegality** was found.

WHAT WORKED?

- INTERPOL Purple Notices alerted authorities globally to the illegal activities of the group of vessels. A public version of the notice meant that NGO Sea Shepherd was also aware and able to act on the information.
- At-sea patrols of New Zealand and Sea Shepherd disrupted the suspected illegal toothfish poaching.
- Photographs of the ATLANTIC WIND and monitoring of the vessel in port enabled identification of the vessel despite repeated name and flag changes.