

**MAGAP-VMAP-2016-0488-OF**  
**Quito, D.M., 16 November 2016**

**RE:** Investigation by Ecuador regarding an alleged case of IUU fishing

Mr Andrew Wright  
**Executive Secretary of CCAMLR**  
**COMMISSION FOR THE CONSERVATION OF**  
**ANTARCTIC MARINE LIVING RESOURCES**

Dear Sir:

Ecuador, a fishing country par excellence committed to cooperation with Regional Fisheries Management Organizations for the sustainable management of bio-resources, reaffirms its commitment with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for the regulation of the harvesting and trade of *Dissostichus* spp and other species covered by the Convention.

Ecuador is concerned about a case identified some days ago by the staff of the Vice-Ministry of Aquaculture and Fisheries. As the Convention Members know, Ecuador was recently accepted as a non-Member Cooperating Party by the Commission, and is in the process of implementing the protocols for the certification of catch (taken in the Ecuador Exclusive Economic Zone by vessels flagged to Ecuador) and trade in *Dissostichus* spp. The training of officials and inspectors has not yet been completed. However, a possible case of IUU fishing was identified and the investigation was initiated:

#### **CASE OF THE CAPE FLOWER**

The **Bolivian F/V Cape Flower** submitted a document signed by the **Company BOW S.A.** to the Vice-secretary of Fisheries Resources, requested to the Ecuadorian Fisheries Authority to inspect the vessel in the Port of Manta on **April 12, 2016** with the aim of facilitating the transshipment of the final product destined for the Port of Kaoshiung. The document was sent for analysis to the Compliance Department of the Fisheries Authority and a port inspector was assigned to the case.

The port inspection of the **F/V Cape Flower** was carried out from **April 14 to 15, 2016**, and it confirmed that the catch to be transhipped was four (4) containers with frozen fish / fillets / headed ***Dissostichus* spp.** Then, and in compliance with the commitments made by Ecuador as a Non-contracting party cooperating with CCAMLR in the implementation of conservation measures regarding fisheries resources it requested the CCAMLR catch certificate from the Bolivian Authority. The investigation led to the following findings:

**Name of fishing vessel:** Cape Flower

**OMI:** 7330399

**Flag:** Bolivia

**Type:** Deep water nets/Trawler

**Company Shipowner:** Express Financial Ventures Group Inc

**Authorization Document:** Special Fishing Permit for Exploration and Fisheries in the Antarctic Continent No. 001/2015 issued by the General Directorate of Maritime, Fluvial, Lake and Maritime Interests of the Bolivian Maritime Fisheries Unit of the Maritime Authority of the Plurinational State of Bolivia effective as of April 16, 2016

**Fishing zone:** according to the catch certificate FAO Areas 41 and 47

**Certificate of capture:** No. 001/16 issued by the General Directorate of Maritime, Fluvial, Lake and Maritime Interests of the Bolivian Maritime Fisheries Unit of the Maritime Authority of the Plurinational State of Bolivia

**Declared species:** *Dissotichus* spp.

**Condition:** frozen / headed / fillet

**Quantity:** 101 330 kg (4 containers)

**Destination:** Port of Kaoshiung

**Target company:** Yu Young Ocean Co Ltd

On October 27, 2016, the Industrial Fisheries Department of the Undersecretary of Fishing Resources of the Government of Ecuador requests information from the National Maritime Department of the Plurinational State of Bolivia regarding compliance with CCAMLR's provisions, for which a response was received on 1 November 2016: document DGIMFLMM-UBPM.No 108/16, enclosed herewith.

Also, the Vice Ministry of Aquaculture and Fisheries requested from the Vice-secretary of Ports and Maritime Transport all information and antecedents of the Flag State and companies owning the F / V Cape Flower, and this information is attached to this communication.

Ecuador, as a Cooperating Party, reaffirms its commitment to cooperate with the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for the regulation of the catch and trade in *Dissotichus* spp and other species regulated by the Convention, and also asks the Commission for instructions and the protocol to be followed in this case.

I should be grateful if you would inform the Members of the Commission as appropriate.

Kind regards,

*e-signature*

Abg. Pilar Del Rocío Proaño Villarreal

**VICE-MINISTER FOR AQUACULTURE AND FISHERIES**

Annexed documents:

- ship\_details.pdf
- backup\_documents\_case\_cape\_flower.pdf
- oficio\_dgimflmm-ubpm\_108-16\_bolivia\_auth\_rsp.pdf



DOC/CC/06/2017 -Correspondence Cape Flower

Puerto Pesquero Artesanal de San Mateo

Telf.: 52-666109

[www.agricultura.gob.ec](http://www.agricultura.gob.ec)

Manabí - Ecuador

Cc:

Señora Doctora  
Dora De Las Mercedes Suasnavas Flores  
**Asesora**

Señorita  
Rebeca Espinoza Bernal  
**Analista**

Señor Ingeniero  
Andres Antonio Jarre Iglesias  
**Analista**

## GISIS: Ship and Company Particulars

Public User: luiedaya

Public Area &gt; Ship and Company Particulars &gt; Ship details

Updated: 2016-11-14

## Ship Particulars / IMO 7330399

### CAPE FLOWER

|             |  |
|-------------|--|
| Name:       | CAPE FLOWER ( <i>effective 1994-03</i> )<br>Cape Wrath II ( <i>effective 1973-11</i> )   |
| IMO Number: | IMO 7330399  |
| Flag:       | Bolivia (Plurinational State of) ( <i>effective 2014-04</i> )<br>Sao Tome and Principe ( <i>effective 2014-01</i> )<br>Unknown ( <i>effective 2013-06</i> )<br>South Africa ( <i>effective 1998-04</i> )<br>Panama ( <i>effective 1994-03</i> )<br>Canada ( <i>effective 1973-11</i> ) |
| Call sign:  | CPB3000  |
| MMSI:       |  |

### Characteristics

|                |                                      |
|----------------|--------------------------------------|
| Type:          | Stern Trawler<br>Lengthened - 198600 |
| Date of build: | 1973-11                              |
| Gross tonnage: | 873                                  |

### Companies

|                   |   |
|-------------------|---|
| Registered owner: | Express Financial Ventures ( <i>effective 2014-04-10</i> )<br><i>IMO Company Number</i> <a href="#">5801600</a><br><i>Nationality of registration</i> Panama<br><i>Address</i> Panama City, Panama.<br><i>Company status</i> Active |
|-------------------|---|

Information on ship and company particulars is made available under the terms of the Shipping Information Agreement between IHS Maritime and the IMO Secretariat.



*Ministerio de Defensa*

La Paz, Noviembre 01 de 2016  
**DGIMFLMM-UBPM. N° 108/16**

Señora Ec.

Fernanda Marriott Bravo  
**DIRECTORA DE PESCA INDUSTRIAL  
PUERTO PESQUERO ARTESANAL DE SAN MATEO**

Manta - Ecuador

Señora Directora:

Tengo a bien dirigirme a Usted, en atención a su correo electrónico de fecha 27 de octubre, en la que hace conocer que el **Certificado de Capturas del Estado Plurinacional de Bolivia** no guarda relación con el formato oficial establecido por la Convención para la Conservación de los Recursos vivos de la Antártida (CCAMLR), además pide información que, si se notificó a la Convención; sobre el particular, pongo en su conocimiento lo siguiente:

1. Que, el Certificado de Capturas N°. 001/16 emitido al buque de pesca "CAPE FLOWER" de Bandera y Licencia Boliviana mantiene el formato oficial del Estado Plurinacional de Bolivia y no guarda relación porque no es de la CCAMLR.
2. Que, las capturas fueron realizadas en las zonas FAO 41 y 47, cumpliendo con todas las normas establecidas a nivel internacional y nacional, en cuanto a la pesca Marítima del Estado Plurinacional de Bolivia, en concordancia con la Convención de las Naciones Unidas sobre el Derecho del Mar (CONVEMAR) y no se comunicó debido a que no se realizó la pesca en el área de la CCAMLR.
3. Que, las Autoridades de Pesca y de Puertos de la ciudad de Manta – Ecuador, realizaron las inspecciones correspondientes de acuerdo a Normas y Procedimientos durante la maniobra de atraque, durante la descarga y antes del zarpe del buque de pesca "CAPE FLOWER", cumpliendo con todas las normas establecidas por el Estado Rector de Puerto.

Sin otro particular quiero brindar mi compromiso de apoyo a las Autoridades de Pesca del Ecuador y felicitar por su próximo logro de ser **NO PARTE COOPERANTE** de la CCAMLR.

Con este motivo saludo a la señora Directora, con la seguridad de mi atenta y distinguida consideración.



*Mirco Vargas Condori*  
CC.DEMN. Mirco Danilo Vargas Condori  
**JEFE DE LA UNIDAD BOLIVIANA DE PESCA MARÍTIMA  
ESTADO PLURINACIONAL DE BOLIVIA**





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**Date:** 19 September 2017

Estado Plurinacional de Bolivia  
Ministry of Defence  
BOLIVIA  
[pescamar@mindef.gob.bo](mailto:pescamar@mindef.gob.bo);  
[intermar@mindef.gob.bo](mailto:intermar@mindef.gob.bo);  
[diremar@mindef.gob.bo](mailto:diremar@mindef.gob.bo))

**SUBJECT: Notification of listing of R/V Cape Flower on the DRAFT IUU list - SEAFO**

Dear Sir/Madam,

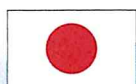
Hereby I want to inform you the RV/Cape Flower with OMI number 7330399 which has been registered under the Bolivian flag on 10 April 2015 has been added to the DRAFT IUU vessel list of SEAFO.

During the annual meeting in November 2017, the SEAFO commission will decide whether to put the vessel on the official IUU list.

Will you be so kind to inform the owner of the vessel of this development.

According to the SEAFO System, the following actions will be taken against an IUU listed vessel:

1. Contracting Parties shall take all necessary measures under their applicable legislation and pursuant to paragraphs 56 and 66 of the IPOA-IUU, to:
  - (a) ensure that its vessels do not participate in any transshipment with, support or re-supply vessels on the IUU Vessel List;
  - (b) ensure that vessels on the IUU Vessel List that enter ports voluntarily are not authorized to land, tranship, refuel or re-supply therein but are inspected upon entry;
  - (c) prohibit the chartering of a vessel on the IUU Vessel List;
  - (d) refuse to grant their flag to vessels on the IUU Vessel List;
  - (e) prohibit commercial transactions, imports, landings and/or transshipment of fisheries



resources covered by the Convention from vessels on the IUU Vessel List;

- (f) encourage traders, importers, transporters and others involved, to refrain from transactions in, and transshipment of, fishery resources covered by the SEAFO Convention caught by vessels on the IUU Vessel List; and
- (g) collect, and exchange with other Contracting Parties, any appropriate information with the aim of searching for, controlling and preventing false import/export certificates for fishery resources covered by the Convention from vessels on the IUU Vessel List.

You can forward any comments to me regarding the issue before the 16<sup>th</sup> October 2017.

Sincerely Yours,



Dr. Elizabeth Voges  
EXECUTIVE SECRETARY





*Ministerio de Defensa*

La Paz September 21<sup>st</sup> 2017  
**DGIMFLMM-UBPM. N° 071/17**

Mrs.  
Dr. Elizabeth Voges  
**EXECUTIVE SECRETARY OF SEAFO**  
**Swakopmund - Namibia**

**Ref:** With reference your official letter dated September 19<sup>th</sup>, We express our surprise at the moment to know that your organization pretend include to Bolivian fishing vessel "CAPE FLOWER" to **INDNR** list of SEAFO, without any fault or contravention.

Dear Mrs.

I inform you that the Plurinational State of Bolivia as sovereign country has in its registries to Bolivian fishing vessel "CAPE FLOWER", with OMI number 7330399 and Bolivian Registry number 001/2017, the same one fulfill all regulation and rules of navigation and maritime fishing, in addition has all licenses and permissions issued by the Plurinational State of Bolivia, AS SIGNATORY STATE OF CONVEMAR in accordance with Articles 87, 91 y 94, where Bolivia and its Bolivian Flagged fishing are entitled to prospect, carry out scientific biological studies, logistics and sea fishing on the seas, respecting the 200 miles of the coastal countries, as well as in correspondence to Art. 118 of the UN, as member State and full Country by Right and member not contracting party (NPC) of ICCAT, (attached photocopied copies of the above mentioned documents).

Bolivia and its Maritime and Fishing Authorities respect your Regional Fishing Organization, as well as all existing ones, in this sense We are at your disposal to compare fishing information in the field of maritime biology, meteorological and oceanic that our fishing vessels carry out on the seas, within the legality that protect the Right to free navigation, maritime studies, explorations reasonable fishing sustainable and respectful of the marine environment.

In this sense **I am surprised as a Sovereign State, that is to consider Bolivian fishing vessel in the draft list INDR of your Organization**, being that this ship complies with all laws, regulations, sea fishing license, registration and respective legal permits for the relevant activities.

**I would be very grateful if you would inform me what is the origin of your information that supports this initiative of inclusion and the nature of the facts that originate this initiative or which State inform SEAFO about any misconduct and if it has reliable and legitimate evidence to established international conventions.**





*Ministerio de Defensa*

**I also Urge and Demand as Sovereign State and Member of "CONVEMAR" to be excluded from the draft list of SEAFO INDR, the Bolivian Fishing Vessel "CAPE FLOWER" because it did not commit any offense or contravention to "CONVEMAR" rules.**

**If this were not the case, an Arbitrariness and Infringement was being committed with the designs of "CONVEMAR", and to Sovereign Right that has the Plurinational State of Bolivia to Free Navigation, Biological Scientific Studies, Logistic and Maritime Fishing in International Waters.**

*I also inform you that the ship complies with the scientific and logistic studies, training and preparation of Bolivian Navy personnel in relation to Bolivian Maritime Fishing Arts. As well as I clarify that Bolivian Fishing Vessel "CAPE FLOWER" was not registered in Bolivia in 2015, because has its registry before that date.*

**Waiting your Favorable Response about to delete (remove) from the INDR SEAFO lists to Bolivian Fishing Vessel.**

*With this motive I greet to Executive Mistress, with the assurance of my highest consideration.*



**Almte. Omar Rubén Yañez Montoya  
MARITIME AUTHORITY  
OF PLURINATIONAL STATE OF BOLIVIA**





The Secretariat

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South East Atlantic Fisheries Organisation (SEAFO)

REF: SEAFO/IUU/1/2017

**Date:** 29 September 2017

Maritime Authority of Plurinaional de Bolivia

BOLIVIA

[pescamar@mindef.gob.bo](mailto:pescamar@mindef.gob.bo);

**SUBJECT: Notification of listing of R/V Cape Flower on the DRAFT IUU list - SEAFO**

Dear V. Alnte. Omar Rubén Yañez Montoya

I have attached to all the relevant information regarding the fishing activities of RV/Cape Flower with OMI number 7330399 in the SEAFO CA.

The SEAFO System (Article 28) provides measures regarding IUU fishing activities (<http://www.seafo.org/Documents/SEAFO-System>) These measures has been adopted in accordance with Article 16 of the SEAFO Convention (<http://www.seafo.org/Documents/TheCommission>),

Since supporting evidence has been provided that FV Cape Flower harvested fishery resources covered by the Convention in the Convention Area and is not on the SEAFO Record of authorized vessels and its flag State is without catch limit or effort allocation established by SEAFO conservation and management measures, the vessel has been proposed for inclusion in the SEAFO Draft IUU list.

I trust that this correspondence will answer your questions.

Sincerely Yours,

Dr. Elizabeth Voges  
EXECUTIVE SECRETARY



*Ministerio de Defensa*

Madam :

EXECUTIVE SECRETARY OF SEAFO.

Swakopmund - Namibia.

**REF:** Reject the SEAFO's arbitrariness in treat to include Bolivian Fishing Vessel "CAPE FLOWER" to draft list of INDNR in your notification of September 29.

Dear Dra. Lizette Voges:

Through this letter I address to you, with the purpose of give answer to oficial letter REF: SEAFO/IUU/1/2017 dated September 29<sup>th</sup> 2017 received by email, in that regard I inform you that the documents that you attached as evidence of illegality comitted by Bolivian Fishing Vessel "Cape Flower" to SEAFO, **are legally issued by Bolivian Maritime Authority of Plurinational State of Bolivia**, the same ones were submitted to Ecuador Authorities, to enter and dock in the Port of Manta-Ecuador, **as evidence of legal activity that carry out the Bolivian Fishing Vessel "CAPE FLOWER" IMO N° 7330399.**

These documents were verified for all pertinent Authorities of Ecuador Port State Control (Port Authority, Vice Ministry of Fishing, Customs, Narcotics, Migration, and others). Mentioned Authorities Authorize the transship of fishing products, without any





*Ministerio de Defensa*

impediment on the contrary, they endorsed the legality of the ship according to the inspections carried out.

Dear SEAFO Sirs, when trying to include the Bolivian Fishing Vessel "CAPE FLOWER" to INDR list., are violating and restricting the Sovereign Right of the Plurinational State of Bolivia, to carry out Fishing Maritime activities, Biological Research in the seas of the world.

CONVEMAR empowers the Plurinational State of Bolivia as a Signatory State to carry out fishing activities, scientific and biological studies in the High Seas, respecting the 200 nautical miles of the Coastal Countries and in accordance with Art. 118 of the UN, as a Member State of Country full by Right and that is the activity carried out by the fishing vessel "CAPE FLOWER" of Bolivian Flag

The Bolivian Fishing Vessel "CAPE FLOWER" **didn't commit any contravention, she sail with all legal and current documents, for the purpose of fulfill her fishing activities**, complying with the National and International Laws, Navigation and Fishing Regulations, issued by the Plurinational State of Bolivia, in accordance with the International Maritime Fishing License and Legal and current permits, which details the jurisdictions and areas for fishing in the High Seas, such as being in the jurisdiction of ICCAT. Bolivia as a Non-Contracting Country has the Right to Fish in the Atlantic Ocean and Adjacent Seas, as well as in the CIAT.

**Dear SEAFO Sirs where is the ILLEGALITY**, all Sovereign States have the right to carry out fishing activities in the seas of the world, without predation of the species, **for example Bolivia is fishing 94 tons and New Zealand is fishing over 2.000,00 tons, and other countries are fishing more.**

So my question is what country is doing the conservation and management of fish and who the predation?

**In this sense I Urge and Demand as Sovereign State and UN, IMO Country Member and "CONVEMAR" to exclude from the draft IUU list of the SEAFO, the Bolivian**





*Ministerio de Defensa*

**fishing vessel "CAPE FLOWER", because it did not commit any offense and / or contravention to the rules of "CONVEMAR".**

I trust that this clarification about legality of documents and of the legal activity carried out by the Bolivian fishing vessel "CAPE FLOWER", could be for a favorable response to remove the Bolivian fishing vessel from the IUU list of SEAFO.

I say goodbye with a cordial greeting.

Truly yours.



A blue ink handwritten signature.

R. ADMIRAL Omar Rubén Yañez Montoya

MARITIME AUTHORITY

OF PLURINATIONAL STATE OF BOLIVIA



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South East Atlantic Fisheries Organisation (SEAFO)

REF: SEAFO/IUU/2/2017

Date: 11 October 2017

Maritime Authority of Plurinational de Bolivia  
BOLIVIA  
[pescamar@mindef.gob.bo](mailto:pescamar@mindef.gob.bo); [intermar@mindef.gob.bo](mailto:intermar@mindef.gob.bo)

**SUBJECT: Notification of listing of R/V Cape Flower on the DRAFT IUU list - SEAFO**

Dear V. Alnte. Omar Rubén Yañez Montoya

I hereby acknowledge receipt of your *letter REF: Reject the SEAFO's arbitrariness in treat to include Bolivian Fishing Vessel 'CAPE FLOWER' to draft list of INDNR in your notification of September 29.* by email on the 10th October 2017.

As I explained to you in the letter REF: SEAFO/IUU/1/2017, the fishing activities of R/V Cape Flower, which is not authorised to fish in the SEAFO CA, are regarded as contravention of the SEAFO convention and therefor the inclusion in the DRAFT IUU vessel list of SEAFO.

The SEAFO Commission will discuss the matter during the annual meeting from 27 to 30 November 2017 in Swakopmund, Namibia and you are welcome to request through me to present your case during the Commission meeting.

Sincerely Yours,

Dr. Elizabeth Voges  
EXECUTIVE SECRETARY