

# LINING UP THE DUCKS

Industrial tuna fishing lobbies line up  
their political allies to defend their  
destructive practices in Africa

Decoding 'behind the scenes' politics  
and debunking false arguments





## TABLE OF CONTENTS

<b>Introduction .....</b>	<b>3</b>
Claim #1: "The EU is a leader on sustainability in the Indian Ocean" .....	5
Claim #2: "The EU is just one FAD actor among others" .....	6
<b>A game of objections .....</b>	<b>8</b>
<b>Why object after voting? .....</b>	<b>9</b>
Claim #3: "The resolution, if not objected to, will threaten coastal economies" .....	11
Claim #4: "There is no scientific data backing up a closure" .....	13
Claim #5: "The ban implies the phasing out of d-FADs" .....	14
Claim #6: "Support vessels are beneficial" .....	14
Claim #7: "The resolution requests real-time tracking of d-FADs" .....	15
<b>Drifting FADs are destructive and should be banned .....</b>	<b>16</b>
<b>Coastal countries tried to tackle d-FADs .....</b>	<b>17</b>

**Want to follow our campaign dedicated to fisheries in Africa?**

Register for our newsletter in French<sup>1</sup> or English.<sup>2</sup>

<sup>1</sup> <https://bloomassociation.org/nos-campagnes/peche-en-afrique/newsletter-afrique>

<sup>2</sup> <https://bloomassociation.org/nos-campagnes/peche-en-afrique/african-fisheries-newsletter>

# INTRODUCTION

The EU is currently conducting an intense lobbying campaign to press countries from the Global South to radically change their pro-environmental position and support the EU's unecological stance with regards to tuna fishing in the Indian Ocean.

**In early February 2023, countries with fishing stakes in the Indian Ocean adopted a new resolution** in the framework of the Indian Ocean Tuna Commission (IOTC) to reduce the negative impacts caused by drifting fish aggregating devices (d-FADs) — highly technological rafts deployed by European purse seiners to target species of tropical tuna<sup>3</sup> in the western Indian Ocean. The most important element of the resolution, adopted by 16 votes out of 23, was to implement **an annual 72 day-ban on drifting FADs**.

This ban responded to the ecological emergency of the situation, with **two of the three species of tuna targeted by commercial fishers now considered to be overexploited**.

Ahead of the historical decision on FADs and despite the alarming environmental situation in the Indian Ocean, **the EU had exerted massive pressure on Kenya — which was leading the proposal — to ensure that the annual ban did not go through**. As previously exposed, Kenya<sup>4</sup> subsequently withdrew its proposal, and even made a radical U-turn a few weeks later by objecting to its own proposal, which it had supported and led for years.

The IOTC rules being that if a third of IOTC members (i.e. 11 of them) object to a new resolution, it automatically falls, **the EU expanded its harmful lobbying effort to other countries, such as Comoros, the Seychelles, and Mauritius**, with the objective of getting the resolution annulled while sparing itself the discomfort of having to object to the resolution itself. Furthermore, if a member of the IOTC objects to a resolution, rules have it that the resolution then becomes non applicable to its fleet, even if the resolution is not cancelled altogether.

**Once the allies counted, however, it became clear that the EU may have to object itself to get the resolution annulled. On 29 March, the European Commission advanced its pawn, by sending its proposal for an objection to the Council of the EU.**<sup>5</sup>

**The objection's rationale clearly originates from tuna lobbies' falsehoods, which had prepared their strategy and allies. They had 'lined up their ducks',** as the saying goes. This is how, on 1 March 2023, a caricatural exchange took place in the Fisheries Committee of the European Parliament about the newly adopted IOTC resolution. This gave the opportunity to the European Commission and a number of parliamentarians to show their true stripes while advocating in favor of a swift and strong objection to protect the interests of a handful of French and Spanish companies.

The central question of the meeting was not to determine *whether* the European Union was going to object to this resolution<sup>6</sup> — it was already clear this would happen — but, rather, *when* it was going to object. To answer this question, parliamentarians of the Fisheries Committee asked the European Commission to provide its input on the IOTC resolution; a task devoted to Mr. Luis Molledo, acting as Head of the 'Regional Fisheries Management Organisations' unit (MARE.B.2) of the European Commission's Directorate-General for Maritime Affairs and Fisheries (DG MARE), and Mr. Marco Valletta, International Relations Officer in Mr. Molledo's unit. **Several Spanish, French, and Dutch parliamentarians also joined the choir in parroting the tuna lobby's arguments to justify that the EU should swiftly object to the resolution.**

The views expressed by Messrs. Molledo and Valletta and several parliamentarians were so blatantly misleading and fallacious, that they ought to be debunked, but they have since become this official EU position, as highlighted in the proposal sent to the Council of the EU. In this document, we provide background on the issues at stake, and we decipher how the European Commission and members of the Parliament are justifying the unjustifiable, and fail to fulfil their job of shaping policies for the general interest and for the protection of our planet's climate and biodiversity.

<sup>3</sup> They target three species: yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*), and skipjack tuna (*Katsuwonus pelamis*).

<sup>4</sup> [http://go.bloomassociation.org/nl3/GAl0FYt5HB\\_tf-jF7e\\_ObQ?hl=fr](http://go.bloomassociation.org/nl3/GAl0FYt5HB_tf-jF7e_ObQ?hl=fr).

<sup>5</sup> <https://t.co/Fv5ofMaHQL>.

<sup>6</sup> [https://iotc.org/sites/default/files/documents/2023/02/Resolution\\_23-02E\\_-\\_On\\_Management\\_of\\_Drifting\\_Fish\\_Aggregating\\_Devices\\_DFADs\\_in\\_the\\_IOTC\\_area\\_of\\_competence.pdf](https://iotc.org/sites/default/files/documents/2023/02/Resolution_23-02E_-_On_Management_of_Drifting_Fish_Aggregating_Devices_DFADs_in_the_IOTC_area_of_competence.pdf).



→ ZUBEROA, a tuna seiner of the Spanish fishing company Atuneros Congeladores y Transportes Frigoríficos S.A. (ATUNSA). (Photo © Pierre Gleizes | pierregleizes.com)

French and Spanish tuna vessels — known as ‘purse seiners’ — are among the largest EU vessels. There are currently 28 of them registered with the IOTC, with an average length of around 90 meters.<sup>7</sup> They can be found in the waters of Madagascar, the Seychelles, etc. and on the High Seas, in international waters in the Indian Ocean. On top of these 28 vessels, the same companies own another 19 vessels of similar size, but registered in the Seychelles, Mauritius, Tanzania, and Oman.

A ‘purse seine’ consists of a vertical net nearly 2km long and 300m high that is deployed around tuna schools with

the help of a small support vessel. The seine is then closed from below with a sliding system, allowing the entire school to be caught. According to IOTC data, EU and associated vessels (owned by France and Spanish companies but registered in third countries) now rely almost entirely on d-FADs to conduct their fishing operations, and they are by far the main users of d-FADs in the Indian Ocean: **over the past two years reported by IOTC, EU-owned purse seiners have made 87% of their catch using d-FADs, which has in turn accounted for 94.5% of all d-FAD-associated catch of tropical tuna species in the area** (source: IOTC data).

<sup>7</sup> <https://iotc.org/vessels/current>.

# CLAIM #1: "The EU is a leader on sustainability in the Indian Ocean"

**FALSE**

Because of its reliance on FADs and high fishing capacity, the EU is one of the major contributors to the severely overexploited state of marine ecosystems in the Indian Ocean.

On several occasions, Messrs. Molledo and Valletta made it clear that, in their view, the EU was the best student in class, abundantly using words such as 'sustainable', 'strong measure', 'ambitious', 'biodegradable', 'traceable'. The record goes to Mr. Molledo, who stressed "the EU's commitment to sustainability" on five occasions in 5min and 30s.<sup>8</sup>

The alleged 'sustainability' of EU tuna vessels was also emphasized by the usual supporters of industrial fishers: Spanish Members of the European Parliament Gabriel Mato and Francisco José Millán Mon (European People's Party; EPP), Izaskun Bilbao Barandica (Renew), and Clara Aguilera (Progressive Alliance of Socialists and Democrats; S&D), as well as Dutch Member of the European Parliament Bert-Jan Ruissen (European Conservatives and Reformists; ECR).

However, in the Indian Ocean both yellowfin tuna<sup>9</sup> and bigeye tuna<sup>10</sup> are overfished, and skipjack tuna have long been fished beyond the catch limits set by the IOTC.<sup>11</sup> Overall, 93% of yellowfin tuna and 94% of bigeye tuna caught in the Indian Ocean are juvenile, fearing that it might lead to a total collapse of the species in the Indian Ocean.<sup>12</sup> Out of the juvenile yellowfin caught, 52% of the juvenile yellowfin and 77% of the juvenile bigeye tuna are caught in purse seine (hence mostly by EU-owned fleets). So, the sustainability narrative that Mr. Molledo stated is deceiving the Parliament regarding the truth of the situation in the Indian Ocean.

In his opening remark, Mr. Valletta said that "the EU tabled an ambitious proposal with the objective of adopting a new, strong management measure for FADs. The adoption of this proposal would have substantially increased the sustainability level of FAD fishing, by reducing the number of deployed FADs to a level never agreed in any other oceans before, down to 260, by employing the progressive use of biodegradable FADs starting already in 2025, and by introducing the basis of FAD traceability".

However, the EU, which tabled exactly the same proposal at the IOTC meeting in 2022, agreed to reduce the FADs used by EU fleets to 240.<sup>13</sup> But pretending that the EU's proposal would have reduced the number of FADs down to a level never agreed upon anywhere is a pure lie, as the EU did not propose any constraint on:

- 'support vessels', which do deploy thousands of additional FADs for actual fishing vessels; and
- FADs without active buoys, which are completely un-monitorable.

The 'biodegradable' FADs put forth by the European Commission are a mere marketing trick to greenwash them, as their 'biodegradability' would not solve any of the intrinsic problems caused by FADs, most notably the catch of millions of immature individuals and fragile species of sharks, turtles, rays, etc. Even with that said, the adopted resolution has the same exact provisions on biodegradability and has only reduced the FADs to 200, down by only 40 compared to what was agreed by the EU in the IOTC Commission meeting in 2022.

<sup>8</sup> The full recording is available at: <https://www.dropbox.com/s/5o6o5rxh3y4wt4o/PECH%20Com-mitttee%20-%201%20March%202023.mp4?dl=1>

<sup>9</sup> [https://iotc.org/sites/default/files/documents/science/species\\_summaries/english/4\\_Yellowfin2021E.pdf](https://iotc.org/sites/default/files/documents/science/species_summaries/english/4_Yellowfin2021E.pdf)

[pdf.](https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf)

<sup>10</sup> <https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf>

<sup>11</sup> <https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf>

<https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf>

<sup>12</sup> IOTC data.

<sup>13</sup> <https://iotc.org/documents/management-fads-european-union-0>



## CLAIM #2: “The EU is just one FAD actor among others”

FALSE

Because the EU also owns FAD-fishing vessels that are registered in third countries such as the Seychelles, Mauritius, Tanzania, and Oman, the EU fleet is, overall, almost the only one using FADs.

The European Commission’s international affairs officer, Mr. Valletta, tried to discredit the new IOTC resolution by pretending that it had *“been adopted against the opposition of all — and I stress — all, the IOTC members fishing on drifting FADs”*, further explaining that *“the adopted resolution, in our view, clearly violates the principle of level playing fields and seems dictated more by the commercial interest of a group of countries/by a group of members of the IOTC, than by serious and sincere conservation objectives. In particular, the measures put an enormous burden on the purse seine fleet, which represents only one third of the catches of tropical tuna in the Indian Ocean”*.

Blaming other countries for having a position dictated by commercial interests is rather peculiar, as we have clearly shown in the second instalment of our TunaGate series that commercial interests have taken over the negotiating delegation for the EU in the Indian Ocean.<sup>14</sup> **The entire tirade of the EU Commission is itself intended to protect the commercial interests of French and Spanish purse seiners, in a shocking dismissal of sustainability and environmental considerations.** Indeed, the resolution adopted at the IOTC in February 2023 will mostly apply to EU-owned purse seine fleets, as the overwhelming majority of the FAD-associated catch in the Indian Ocean is made by either French or Spanish vessels, or vessels owned

by French or Spanish assets but registered in the Seychelles, Mauritius, Oman, and Tanzania. EU-owned or flagged vessels accounted for 94.5% of the drifting FAD-associated catch in 2020 and 2021 (source: IOTC data). Claiming that the vessels of non-EU countries fish on d-FADs is therefore fallacious.

The catch associated with d-FADs of non-EU vessels is very scarce. In the last two years reported by IOTC (2020 and 2021), only South Korea and Indonesia have reported some d-FAD-associated catch, with 4.5% and 1.2% of the total reported industrial catch of tropical tuna species (source: IOTC data).

Mr. Valletta goes on complaining that *“at the same time, no serious measure is taken on the fleets which are responsible for the majority of the catches, and it is quite significant that among the supporters of the proposal there were a number of countries — Indonesia, Iran, India, Somalia, Madagascar —, which are currently objecting to the rebuilding plan for yellow-fin tuna, to which the EU is already the biggest contributor”*.

In the most cynical manner, Mr. Valletta puts small-scale coastal fishers at the same level as 90m-long industrial vessels, which is very dishonest. In particular, as the EU accounts for a third of the overall catch (i.e. including small-scale) of tropical tuna species in the area and as EU vessels are so reliant on d-FADs (and are pretty much their only users), they are also responsible for the vast majority of young, immature tunas that have not yet reproduced, thereby threatening the rebuilding of their populations.

<sup>14</sup> <https://bloomassociation.org/wp-content/uploads/2023/01/The-EU-under-the-rule-of-tuna-lobbies.pdf>.

A background image showing several ducks wearing suits and headsets, sitting at a conference table with microphones and nameplates. The ducks are holding their beaks in front of them, as if they are speaking or listening intently. The nameplates have numbers like 550, 551, 552, 620, 621, 529, 533, 442, and 446.

## FUN FACT

As the EU endorsed IOTC Resolution 21/01 for the rebuilding of yellowfin tuna population, it is subject to a 20% reduction in yellowfin catch. Other countries are subject to a lower reduction, and countries that have opposed it — including Oman — are not subject to any reduction.

In March 2022, Spanish Member of the European Parliament Ms. Izaskun Bilbao Barandica — whose voting record shows a close proximity with industrial fishing lobbies — asked the European Commission in a perilous pirouette *"how does the Commission intend to defend the position of the European fleet in the Atlantic and Indian oceans vis-à-vis countries flagging new tuna freezer vessels while ignoring the resolutions and recommendations adopted by regional fisheries organisations?"*.<sup>15</sup>

In other words, Ms. Bilbao Barandica asked how the Commission intended to defend the position of the Spanish industry, vis-à-vis Spanish companies that ignore IOTC resolutions by reflagging their vessels to Oman...

Ms. Bilbao Barandica was one of the vocal Spanish parliamentarians that pressured the European Commission to swiftly object to the new IOTC FAD resolution, during the Committee on fisheries of 1 March.

---

<sup>15</sup> [https://www.europarl.europa.eu/doceo/document/E-9-2022-001001\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2022-001001_EN.html).

# A GAME OF OBJECTIONS

Unsurprisingly, the new IOTC resolution voted by 16 out of 23 countries on 5 February 2023 was not to the liking of the European fleet<sup>16</sup> — i.e. the main user of d-FADs in the area. **The European Commission made it clear that it was going to fully exploit the possibility offered by the IOTC rule of procedure to object to a new resolution within 120 days**, which it did on 29 March, when it sent its proposal for an objection to the Council of the EU. Should it proceed with lodging it, the resolution would no longer apply to the EU fleet.

Worse still, the IOTC rule of procedure provides that **if a third of contracting parties object, the resolution is annulled. This strategy has clearly been pursued by the EU**, by influencing States to obtain their objection. The countdown is well underway, with Comoros<sup>17</sup> and Oman<sup>18</sup> having objected on 23 February, Kenya (!) on 2 March,<sup>19</sup> Somalia on 13 March (but see below),<sup>20</sup> the Seychelles on 17 March,<sup>21</sup> and the Philippines on 21 March.<sup>22</sup>

However, in an unexpected U-turn, Somalia clarified to the IOTC on 23 March that any *"political decision-making matters will be the sole responsibility of the Minister of Fisheries and Blue Economy of the Federal Republic of Somalia and our IOTC head of delegate"*, and consequently withdrew its objection, which was initially submitted by a State Minister in Somalia, who was not present in the IOTC meeting.<sup>23</sup> The withdrawal of the objection makes sense given that the head of Somalia's delegation in the Special IOTC Session on d-FADs strongly advocated for the resolution, citing that any FAD that was drifting into Somalia EEZ was in contravention to the Somali fisheries law, and that purse seiners were looting the tuna that would have otherwise drifted into Somalia's EEZ for the betterment of the coastal communities. A reminder that one of the reasons for the increased Somali Piracy in the early 2010s were mainly due to foreign fishing vessels fishing in Somali EEZ and the decrease in resources for the coastal communities.

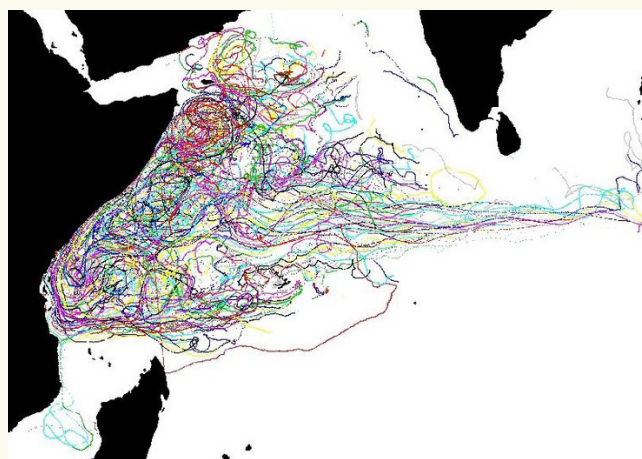


Figure 1: Track data of d-FADs in the Indian Ocean, drifting into Somali EEZ and into the high seas.<sup>22</sup>

Several other countries have made their intention to object loud and clear, most notably Mauritius, and of course the EU and France, which has a double seat at the IOTC due to its overseas territories of the Scattered Islands (a half dozen of uninhabited islands in the Mozambique Channel). Other countries could also object, such as Korea, but also Madagascar, Tanzania and Thailand, due to direct and indirect pressure from both the European Commission and industrial lobbies.

With five objections already lodged and several others from non-EU countries very likely to occur in the near future, it has therefore become evident that despite this historical vote in February, d-FADs will keep being deployed unhindered in the Indian Ocean for years to come, threatening even further the overexploited tuna populations and fragile species of the region. **The EU could even obtain the cancellation of the resolution without having had to object itself, despite having initiated the political process to do so.**

<sup>16</sup> See Europêche's press release: <https://europeche.chil.me/post/tuna-purse-seine-fleets-and-associated-developing-economies-swept-up-in-geopolit-429505>.

<sup>17</sup> [https://iotc.org/sites/default/files/documents/2023/02/Circular\\_2023-11\\_-\\_Communication\\_from\\_ComorosE.pdf](https://iotc.org/sites/default/files/documents/2023/02/Circular_2023-11_-_Communication_from_ComorosE.pdf).

<sup>18</sup> [https://iotc.org/sites/default/files/documents/2023/02/Circular\\_2023-12\\_-\\_Communication\\_from\\_OmanE.pdf](https://iotc.org/sites/default/files/documents/2023/02/Circular_2023-12_-_Communication_from_OmanE.pdf).

<sup>19</sup> [https://iotc.org/sites/default/files/documents/2023/03/Circular\\_2023-14\\_-\\_Communication\\_from\\_KenyaE.pdf](https://iotc.org/sites/default/files/documents/2023/03/Circular_2023-14_-_Communication_from_KenyaE.pdf).

<sup>20</sup> [https://iotc.org/sites/default/files/documents/2023/03/Circular\\_2023-18\\_-\\_Communication\\_from\\_SomaliaE.pdf](https://iotc.org/sites/default/files/documents/2023/03/Circular_2023-18_-_Communication_from_SomaliaE.pdf).

<sup>21</sup> [https://iotc.org/sites/default/files/documents/2023/03/Circular\\_2023-19\\_-\\_Communication\\_from\\_SeychellesE.pdf](https://iotc.org/sites/default/files/documents/2023/03/Circular_2023-19_-_Communication_from_SeychellesE.pdf).

<sup>22</sup> [https://iotc.org/sites/default/files/documents/2023/03/Circular\\_2023-20\\_-\\_Communication\\_from\\_PhilippinesE.pdf](https://iotc.org/sites/default/files/documents/2023/03/Circular_2023-20_-_Communication_from_PhilippinesE.pdf).

<sup>23</sup> [https://iotc.org/sites/default/files/documents/2023/03/Circular\\_2023-22\\_-\\_Communication\\_from\\_SomaliaE.pdf](https://iotc.org/sites/default/files/documents/2023/03/Circular_2023-22_-_Communication_from_SomaliaE.pdf).

<sup>24</sup> <https://iotc.org/sites/default/files/documents/2019/08/IOTC-2019-WPEB15-34.pdf>.



# WHY OBJECT AFTER VOTING?

## According to Spanish elected lobbyists, voting is undemocratic; pressuring countries is democratic.

During the Fisheries Committee session of 1 March 2023, Spanish Member of the European Parliament **Gabriel Mato** made a peculiar statement: according to him, the fact that a proposal was put to a vote — which it won with a two-third majority — is anti-democratic.<sup>25</sup>

It is rather the fact that countries can avoid a resolution by objecting to it after a democratic vote which strikes as the ‘anti-democratic’ process here, as it allows for hidden, undue and unspeakable pressures and blackmailing. One can only wonder why so many countries have already objected or made their intent to object public, some of them after having voted in favor of the resolution, and some who have objected did not even have a mandate to submit on their government behalf. This is especially disturbing given that many of these countries, such as Comoros and Kenya have absolutely no direct commercial interest in d-FAD tuna fisheries. As a reminder, EU-owned vessels are, by far, the main users of d-FADs.

## Kenya: a spectacular U-turn under direct pressure from the EU.

The most shocking U-turn with regards to the objection procedure is certainly that of Kenya, which went from leading the proposal for the last three years on the annual 72-day ban on d-FADs to objecting to its own proposal, in a matter of days. We already know that the EU was behind the initial withdrawal of Kenya’s proposal, but it is clear now that the EU has decided to punish Kenya for its willingness to advance the ecological agenda.

Shortly before Kenya objected, Kenyan departments of ‘Mining, Blue Economy and Maritime Affairs’ and ‘Blue Economy and Fisheries’ indeed met with the Spanish ambassador in Kenya, a ‘courtesy call’ that was liked and retweeted by a few key people; among others, Julio Morón, head of Spanish tuna companies’ union OPAGAC, and Javier Garat, shareholder of the EU’s largest tuna fishing company Albacora and head of the industrial fisheries’ lobby Europêche. In the Fisheries Committee meeting on 1 March, another Spanish member of the European People’s Party (EPP) group of parliamentarians, **Mr. Francisco José Millán Mon**, even announced that Kenya had already objected, even though the objection was only made public by the IOTC on the following day, on 2 March! Interestingly, this objection was filed by the ministry of Mining, Blue Economy and Maritime Affairs, although it is the Kenyan fisheries services that communicates regarding IOTC matters.



<sup>25</sup> Mr. Mato's full comment: "La decisión de la IOTC del 5 de febrero que impone por votación, lo que es curioso porque siempre se suelen hacer por consenso, es una medida que desde luego no tiene precedentes. Yo digo

que es absolutamente injusta, desproporcionada, y además también en cierta parte anti-democrática".

## EU tuna interests are taking over the Indian Ocean region

**All objections other than the Kenyan one also bear the signature of EU purse seine interests.**

For instance, **Oman (which has already objected) and Tanzania started reflagging Spanish-owned purse seiners in 2022.** These two countries are therefore becoming the new Seychelles and Mauritius, whose entire purse seine fleets are owned by EU interests.

**The Seychelles and Mauritius, in addition to having flagged numerous EU vessels, also host the two main canneries of the region,** which are owned by the giant tuna multinational *Thai Union*, and by *Princes*, which is jointly owned by *IBL Group* and *Mitsubishi Corporation* (which also partly owns *Thai Union*). These canneries overwhelmingly depend on EU-caught tuna for their supply. Both *Thai Union* and *Princes* have publicly supported objections by these countries.

**Comoros was red carded in 2017 by the European Commission for being a flag of convenience,**<sup>26</sup> which is extremely hypocritical given that half of the EU purse seine fleet is registered

outside the EU, including in tax havens, and can therefore be considered to fall under the category of ‘flags of convenience’. Its fishing agreement with the EU was subsequently denounced in 2019.<sup>27</sup> Comoros’s decision to object to the new IOTC resolution can be seen as a way to please the EU, in the hope of being delisted from the list of non-cooperating countries in the fight against illegal, unreported and unregulated (IUU) fishing.

Finally, Madagascar is also under immense pressure from the European Commission to object, as its agreement with the EU is currently being renewed. As per Kenya, rumor has it that the EU has put development aid in the balance to coerce Madagascar into accepting terms that go against its own interests. Madagascar is also under pressure from Dutch group *Parlevliet & van der Plas*, as it hosts the third (much smaller) cannery of the region, *Pêche & Froid Océan Indien* (PFOI), which was partly bought in 2021 by *Parlevliet*,<sup>28</sup> which also owns France-based *Compagnie thonière du thon océanique* (CFTO), the second largest tuna fishing company in Europe. It was therefore not a surprise to see, during the Committee on fisheries meeting of 1 March, Mr. Bert-Jan Ruissen — a Dutch member of the European Conservatives and Reformists (ECR) group — also strongly pressing the European Commission to object to the IOTC resolution.

<sup>26</sup> <https://ec.europa.eu/newsroom/mare/items/65987/en>.

<sup>27</sup> [https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas/comoros\\_en](https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas/comoros_en).

<sup>28</sup> <https://www.pp-group.nl/en-us/news/id/32>.



## CLAIM #3: “The resolution, if not objected to, will threaten coastal economies”

**FALSE**

A 72-day annual ban will not disrupt entire economies. European fleets can still operate without d-FADs and supply local canneries. Not banning d-FADs will, on the contrary, keep putting pressure on marine ecosystems, which will eventually collapse, and so will coastal economies.

Mr. Valletta, in the name of the European Commission, stated that *“the closure will indeed see the effect, not only by the economic viability of the EU fleet in the Indian Ocean, but also, equally importantly, the economy of a number of coastal States, which depend on catches from purse seine vessels.”*

**It is true that a temporary ban on d-FADs will probably affect the profitability of the EU fleets, but if the fleets are only profitable by mining down wild populations of fish, the conclusion is that their model is unsustainable.** The increasing reliance on d-FADs by the EU purse seiners is the result of unsustainable pressure applied to wild fish stocks. **If we, as a society, want to avoid the phasing out of the fishery altogether, we have to adopt truly sustainable fishing techniques and harvest limits.** Industrial fishers have to fish on ‘free schools’, i.e. naturally aggregated schools of tuna, which would result in avoiding the catch of juvenile fish and allowing the fishery to have close to no bycatch of non-targeted individuals or species at all.

With this argument, Mr. Valletta is fearmongering. He is also carefully avoiding the fact that, **should overfishing continue and should the EU fleets continue to be so reliant on d-FADs, a collapse of tuna stocks will inevitably happen, this time completely shutting down entire coastal economies.** However, the EU fleets could go into another ocean to fish, the coastal communities in the Indian Ocean will be left with

nothing for their food security, employment and sustaining livelihood. **Such economic collapses have already occurred in the past in the Atlantic, and will occur once again should the EU continue down this path.**

**This is for instance the story of the cod off Canada in the Northwest Atlantic, for which a moratorium has been in place since the population collapsed in 1992.** In a counter-memorial filed with the International Court of Justice in a dispute with Spain, Canada reports that *“until the 1985 annual meeting of the Northwest Atlantic Fisheries Organization (NAFO), the European Union had accepted all of its decisions on Total Allowable Catches (TAC) and quotas. Objections from other Contracting Parties were rare. From 1985 onwards, however, the European Union systematically objected to NAFO decisions on the majority of the eight groundfish stocks managed by NAFO, as well as to its moratorium on northern cod outside the 200-mile limit. In total, it lodged 48 objections between 1985 and 1991, which resulted in large surpluses in the catches made by its vessels throughout this period compared to the quotas allocated by NAFO.”*<sup>29</sup>

**When Spain joined the EU, objections to sustainable fishing measures skyrocketed in the North Atlantic and the cod fishery soon crashed**

**1985 is not an incidental year, as it is precisely when the accession of Spain to the Union was celebrated.**<sup>30</sup> As stressed by Canada, the entry of Spain into the European Union undoubtedly resulted in EU objections to NAFO resolutions skyrocketing, eventually leading to the dramatic collapse of the cod population in the region.

<sup>29</sup> <https://www.icj-cij.org/public/files/case-related/96/8593.pdf>.

<sup>30</sup> <https://www.exteriores.gob.es/en/PoliticaExterior/Paginas/EspanaUE.aspx>.

On this cod issue, the European policy has also been strongly criticized by the United States, which argues that *"the collapse of cod stocks in the Northwest Atlantic in the 1990s was caused, among other things, by fishing on this stock by vessels flying the flag of EU Member States after the EU objected to measures taken by the relevant RFMO and these vessels fished in a manner that did not comply with these measures"*.<sup>31,32</sup>

By considering objecting to an obvious and necessary measure in the Indian Ocean on the reduction and control of d-FADs, the EU is returning to its past demons and once again risks playing a major role in the collapse of a fishing activity, thus linking environmental disaster with social and economic disaster miles away from the European continent.



→ ZUBEROA, a tuna seiner of the Spanish fishing company Atuneros Congeladores y Transportes Frigoríficos S.A. (ATUNSA). (Photo © Pierre Gleizes | pierregleizes.com)

<sup>31</sup> <https://web.archive.org/web/20170107041325/http://www.nmfs.noaa.gov/ia/intlagree/docs/NAFO.pdf>.

<sup>32</sup> Morin (2014) Les procédures d'objection dans les organisations régionales de gestion des pêches : de la simple objection à une obligation interne de conciliation.

In Annuaire du droit de la mer, tome XIX, pp. 155-176.



## CLAIM #4: “There is no scientific data backing up a closure”

**FALSE**

Every other tropical tuna fisheries management organization has implemented FAD closures for conservation purposes. Furthermore, there is a wide scientific body of literature showing that FADs are highly problematic.

Mr. Valletta bluntly misled parliamentarians to justify the European Commission’s decision to object to the IOTC resolution by explaining that *“the measure introduces a 72-day drifting FAD closure, which would become operational in 2024 even in the absence of any scientific assessment on its effectiveness, its ideal time length, its duration, and location. Let’s say that in the absence of these elements, the overall benefit of the closure on tuna stock is completely unknown. On the contrary, it is very clear the negative social, economic impact of this decision”*.

This is shockingly misleading, as it is striking that in all the other tropical tuna regional fisheries management organizations (IATTC, WCPFC, and ICCAT), where the European Union is an active member, there is already a d-FAD closure ranging from 72 days to 3 months. There was no scientific advice from any of the other regional fisheries management organizations, and the d-FAD closure was implemented as a precautionary measure including other input controls.

Mr. Valletta went on complaining that *“the EU is not against [a closure], by principle, and we made during the meeting a very concrete proposal that was supported by all the IOTC*

*members fishing on drifting FADs. The proposal was to request the scientific advice of the IOTC scientific committee that will meet in September 2023 and to take, then, an informed decision during the next annual meeting of the organisation in 2024. Unfortunately this proposal was not even considered by the proponents of the alternative text.”* By advocating for scientific advice, the European Commission is just buying some time for its destructive industrial fleets, as science will most likely not be able to prove that temporal bans are single-handedly responsible for stock rebuilding elsewhere. By invoking such scientific advice — with the EU having the most important capacity in terms of science in the IOTC —, the Commission knows perfectly well that any decision would be delayed by at least another two to three years. **The burden of proof should not be reversed, and the precautionary principle should apply, as in all other oceans, where temporary d-FAD closures are already implemented, specifically for conservation purposes.**

Furthermore, there is an abundant body of scientific literature that describes the dramatic impacts of d-FADs on marine biodiversity, littering, etc. EU purse seine companies themselves recognize that d-FADs have highly detrimental impacts on marine ecosystems but are highly profitable. The CEO of Sapmer, one of the three French companies that target tropical tuna, has made it clearer than anyone else: *“As little FADs as possible is the path of virtue. But it is economic suicide”*.<sup>33</sup>

<sup>33</sup> “Le moins de DCP possible, c’est la voie de la vertu. Mais c’est un suicide économique”. <https://lemarinblog.wordpress.com/2016/09/22/la-reunion-les-voyants-sont-au-vert/>.

## CLAIM #5: “The ban implies the phasing out of d-FADs”

**FALSE**

Mr. Valletta also claimed that *“as of 2026, indeed, and based on a very unclear wording that will be extremely difficult to implement, each vessel will be able to register no more than 200 FADs, independently from their potential loss at sea, and we know that FADs are lost, stolen and destroyed, so this implies, de facto, a gradual phasing out of this essential fishing tool, for the EU fleet and for all the purse seine fleets.”*

This is yet another outright lie, as the new IOTC resolution allows for lost d-FADs to be replaced in the d-FAD register. **Of course,**

**the complete phasing out of d-FADs is the ultimate solution to solve issues of unsustainable and unethical fishing,** but meanwhile, stating that the current resolution implies a phasing out is wrong. The resolution unambiguously allows purse seine vessels to add, remove, and replace buoys on the new IOTC FAD Register at any time (according to the limits set out in the resolution), thus eliminating for the moment any possibility of d-FADs being ‘phased out’ from Indian Ocean purse seine fisheries, as Mr. Valletta has repeatedly suggested.

## CLAIM #6: “Support vessels are beneficial”

**FALSE**

In a dishonest stunt, Mr. Valletta also said that *“the third problematic aspect of the resolution is the provisions that impose the prohibition for supply and support vessels to deploy, maintain or use FADs as of July 2024. This provision not only makes the operation of the purse seine vessels extremely complex and far more expensive, it also contradicts the principle that supply and support vessels should be actively involved in retrieving drifting FADs”.*

The hierarchical superior to Mr. Valletta, Mr. Molledo (acting Head of the ‘Regional Fisheries Management Organisations’ unit of the European Commission’s Directorate-General for Maritime Affairs and Fisheries) stated something even more ludicrous: *“we are also promoting the use of supply vessels and*

*we have a very innovative approach in the pacific, for example, where before the enter into force of the closure period, there is a retrieval of FADs by those supply vessels”.*

**Supply and support vessels were specifically designed and introduced in the Indian Ocean by French and Spanish companies in 2015 to carry and deploy d-FADs,** when the first limit on the number of d-FADs was imposed by the IOTC. There are currently 12 supply/support vessels owned by France and Spain registered in the IOTC area. **Claiming that they are actually beneficial is outrageous.** On the contrary, they are a big part of the problem, and given the massive number of FADs lost at sea, support vessels do not at all seem to help the recovery of FADs.



## CLAIM #7: “The resolution requests real-time tracking of d-FADs”

**FALSE**

Finally, Mr. Valletta attacked the new resolution by pretending that *“the measure introduced real time tracking system for drifting FADs, a provision that makes little sense in the IOTC where we have not yet been able to agree on a centralized [vessel monitoring system; VMS] system for fishing vessels. So, we do not track fishing vessels but we would track each and any single FAD. In addition, the tracking system would be extremely expensive to implement and could lead to a breach of commercially sensitive information without serving any clear conservation purpose.”*

Again, Mr. Mollado’s statement is even more outrageous, as he claimed that *“the problem with the tracking we have in the proposal that was adopted is that it tries to achieve real time information on the management of FADs, which goes at odds with commercial sensitive information. What we have in other organisations is a period of 60 days/90 days to provide this information”*.

To clarify what the Commission already knows: the new resolution does not impose such real time tracking. Countries have up to 60 days to report daily information on active d-FADs, which is the current practice in the IOTC. The new resolution only asks the Compliance Committee to start working on identifying administrative and financial aspects of developing a real time tracking system.

Additionally, **invoking commercially sensitive information to counter a conservation measure is irrelevant.** Furthermore, fishing companies do track their d-FADs in real time, otherwise they would not be able to fish around them and retrieve them. If fishing companies can do it, the EU and other IOTC members can do it too. **It should be mandatory for all fishing vessels to publicly advertise real-time data on their d-FADs before they are even granted a fishing authorization.**

# DRIFTING FADS ARE DESTRUCTIVE AND SHOULD BE BANNED

Drifting FADs are simple looking yet highly destructive technological artifices, which are essentially floating objects made of various materials (plastic, bamboo, etc.) to which tarpaulins, ribbons and other materials are attached. They appeared in the early 1980s and have since grown in popularity as fishers began to mimic the natural phenomenon of fish being attracted to floating objects such as tree trunks or whale carcasses. Increasingly used by industrials and equipped with ever more efficient ‘buoys’ equipped with sonars, GPS, etc. they have become a key driver of overfishing and biodiversity erosion. Because they are so efficient at attracting marine life beneath them, they are responsible for the catch of huge quantities of juvenile tuna (mostly of the species yellowfin and bigeye) — which have not reproduced yet — as well as non-target vulnerable marine species such as sea turtles, sharks, rays, etc. Between 2015 and 2019, 97% of Indian Ocean yellowfin caught around European d-FADs were juveniles.<sup>34</sup>

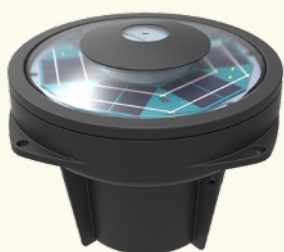


Figure 2: The Satlink ISD+ ‘buoy’, whose ‘double echo-sounder system allows fleets to obtain accurate information on the tonnage of fish present under the [buoy] and the composition of the different commercial tuna species’  
<https://www.satlink.es/en/solutions/solutions-for-the-fishing-industry/dsf-inteligentes/isd>

The destructiveness of d-FADs has long been established in scientific literature, and their management and reduction in number has now been discussed within the IOTC for a decade. In 2015, IOTC resolution 15/08<sup>35</sup> was the first one to set a limit upon the number of d-FADs that could be used by fishing vessels in the region, with ‘550 instrumented buoys at any one time’ and no more than 1 100 buoys acquired annually by each vessel. Not incidentally at all, it is also in 2015 that the first ‘supply vessels’ — i.e. vessels that do not catch fish but rather assist fishing vessels in carrying and deploying d-FADs — appeared in the Indian Ocean. Currently, as of March 2023, there are 12 registered French and Spanish owned supply vessels in the IOTC register.

Resolutions 17/08,<sup>36</sup> 18/08, and 19/02<sup>37</sup> built upon this initial resolution, ultimately setting a limit of 300 operational buoys at any one time, and a limit of 500 purchased buoys per year.

But in parallel, the health of tuna populations in the Indian Ocean continued to erode: yellowfin tuna (*Thunnus albacares*) was classified as overfished in 2015,<sup>38</sup> bigeye tuna (*Thunnus obesus*) joined it in 2022,<sup>39</sup> and skipjack tuna (*Katsuwonus pelamis*) has never been fished at such a high level as in 2022, way beyond the harvest control limit advised by scientists (680,000 tonnes caught vs. the 513,000 that were recommended).<sup>40</sup>

<sup>34</sup> <https://www.globaltunaalliance.com/wp-content/uploads/2022/03/Naunet-Fisheries.2021.V3-new.pdf>.

<sup>35</sup> <https://faolex.fao.org/docs/pdf/mul165209.pdf>.

<sup>36</sup> <https://www.bmis-bycatch.org/sites/default/files/2017-11/IOTC-2017-Resolution17-08-FADs.pdf>.

<sup>37</sup> <https://faolex.fao.org/docs/pdf/mul199458.pdf>.

<sup>38</sup> [https://iotc.org/sites/default/files/documents/science/species\\_summaries/english/4\\_Yellowfin2021E.pdf](https://iotc.org/sites/default/files/documents/science/species_summaries/english/4_Yellowfin2021E.pdf).

<sup>39</sup> <https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-10.pdf>.

<sup>40</sup> [https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-03c\\_-\\_SKJ\\_data.pdf](https://iotc.org/sites/default/files/documents/2022/10/IOTC-2022-WPTT24-03c_-_SKJ_data.pdf).

## COASTAL COUNTRIES TRIED TO TACKLE D-FADS

To reverse this worrisome state of play, coastal countries, led by Kenya (along with 11 other signatories), tabled an ambitious proposal ahead of the IOTC meeting held on 3-5 February 2023 in Mombasa, Kenya. The proposal included four key measures:

- The creation of a register for all d-FADs deployed in the IOTC area, with a number of details to be provided (e.g. unique identifier, owner, localization, etc.);
- A maximum of 150 buoys registered by vessel;
- A phasing out of supply vessels by the end of December 2023;
- The implementation of a 90-day annual ban on d-FADs, between 1 July and 30 September.

But to the bewilderment of its co-signatories, Kenya announced, right from the beginning of the opening session, that it withdrew the crucial proposal it had tabled. Kenya's unexpected move took everyone by surprise, even Kenyan delegates. Officially, Kenya withdrew its proposal because it had not been vetted by the Ministry's cabinet, but this inconsistent excuse for a text that had been prepared for months ahead of the meeting did not fly among negotiators. Kenya was vocal in getting 12 other countries to agree and co-sponsor the proposal. In fact, Kenya's cabinet approval letter was seen by many delegates. The information soon broke among delegates that the European Commission had blackmailed Kenya at the highest level over 'blue economy' development aid money in order to obtain Kenya's withdrawal of its proposal on drifting FADs.

In its address to the European Parliament's Committee on fisheries on 1 March 2023, Messrs. Molledo and Valletta suggested on several occasions that the proposal was "*led by Indonesia and the Maldives*".

This is false.

Indonesia picked up the lead with the other 10 signatories after Kenya withdrew its proposal. This wording may seem marginal, but it is paving the way to one of the main arguments put forth by the industry and the European Commission for an objection: the alleged 'hidden' commercial interests of these countries to destroy the EU fleets.

Kenya's decision caused so much outrage that its co-signatories decided to table the text anyway, this time with Indonesia as lead. When negotiations restarted, a few concessions were made regarding the reduction of d-FADs, implementation dates etc. but the single most important part of the proposal — the temporary annual FAD closure — remained, although reduced to 72 days.<sup>41</sup>

At the end of the day, the proposal led by Indonesia and ten other countries was eventually put to a vote, which it won with 16 votes out of 23.

<sup>41</sup> [https://iotc.org/sites/default/files/documents/2023/02/Resolution\\_23-02E\\_-\\_On\\_Management\\_of\\_Drifting\\_Fish\\_Aggregating\\_Devices\\_DFADs\\_in\\_the\\_IOTC\\_area\\_of\\_competence.pdf](https://iotc.org/sites/default/files/documents/2023/02/Resolution_23-02E_-_On_Management_of_Drifting_Fish_Aggregating_Devices_DFADs_in_the_IOTC_area_of_competence.pdf).





## CONTACT

→ **Frédéric Le Manach**  
fredericlemanach@bloomassociation.org

–  
April 2023

