IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

ECUADOR – COUNTRY REPORT

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SUMMARY

This evaluation of Fisheries Monitoring Control and Surveillance report for ***Ecuador*** *is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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ECUADOR – COUNTRY REPORT

FAO landings (2013): 518,951 tonnes
Fisheries contribution to GDP (2004): 1.4%
Law of the Sea (Ratification): 24th September 2012
Coastline: 2237 km
RFMO Membership: IATTC, SPRFMO
Patrolling Agencies: Ecuador Coast Guard

Rank	Priority for maritime security tasks
1.	Narcotics trafficking
2.	Cross-border smuggling
3.	Illegal Fuel Trade

SECTION 1: MCS INFRASTRUCTURE

1. **Does the country have adequate surveillance infrastructure (patrol aircraft, sea based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?**
   Score: 5
   Score Range: 3-5

   Ecuador is moderately equipped to check activities of fishing vessels active within its EEZ (Jane 2011). Ecuador Coast Guard has three Vigilante-class patrol craft and 8 patrol boats for coastal surveillance (IISS 2013). Two offshore patrol vessels (*Isla San Cristóbal* (LG-30) and *Isla Isabela* (LG-31) with Dutch Stan Patrol 5009 design were commissioned during the year 2017 (Wertheim 2018).

2. **Does the country have adequate trained officers to conduct MCS operations?**
   Score: 5
   Score Range: 5-7

   285 fisheries inspectors are distributed in 25 provinces for monitoring catches at major ports and landing beaches (Ministerio de Agricultura y Ganadería 2017). Coverage is short of expected targets for semi-industrial, small-scale and recreational sectors. Fisheries inspectors are deployed from following landing stations (*Rioverde, Esmeraldas, Tonchigue, Muisne, Cojimies, Chorrera, El Matal,Bahía de Caráquez, Crucita, Jaramijó, Manta, San Mateo, Puerto Cayo, Machalilla,Puerto López, Salango, The Entrance, San Pedro, Palmar, San Pablo, Santa Rosa, Anconcito, Chanduy, Guayaquil, Engabao, Beaches, Puna, Posorja, Quito, Quevedo,Vinces, Babahoyo, Puerto Bolívar, Puerto Jeli, Puerto Hualtaco, Huaquillas, SantoDomingo De Los Colorados, Tena*) – (MAGAP 2016). The Service for Fisheries Control under DGF has a staff of ~48 officers based in 17 offices along the coast. Subsecretaría de Recursos Pesqueros (SRP) employs 70 inspectors in various coastal provinces for land and sea-based patrols as well as inspections of companies.

3. **Does the country have adequate management plans to monitor their fishing vessels on the high seas?**
   Score: 4
   Score Range: 2-5

   Ecuador is not a signatory to FAO compliance Agreement, and national laws do not require Ecuador flagged vessels to report their position at regular intervals on the high seas. VMS coverage is mandatory for Ecuador flagged

fishing vessels above 20 GRT operating in regional fishery management organization (RFMO) maritime zones. Ecuador flagged fishing vessels have been detained for illegal fishing in the EEZs of neighbouring countries over the past two decades and several deficiencies with respect to Ecuador flagged vessels operating on the high seas were identified in the recent European Commission (2019) report.

In the past, Ecuador flagged vessels have been identified for violating IATTC resolutions in 2011 and 2012. Drennec was identified for finning 14 sharks and discarding the carcass in violation of Resolution C-05-03. During the year 2011, seven fishing vessels (*Gloria A, Via Simoun, Lucia T, Malula, Esmeralda C, Julia D,* and *Guayantuna I*) were identified for violating IATTTC Resolution C-04-05 and failing to relapse turtles. On November 28, 2011, North Queen transited from Manta to Guayaquil without communicating transit waiver to the IATTC Director in contravention of IATTC Resolution C-09-04. Sixteen vessels (*Rocio, Charo, Rosa F, Julia D, Medjugorje, San Andres, Rossana L, Panchito L, Don Ramon, Via Simoun, Cap. Berny B, Pacific Tuna, Dona Roge, Esmeralda C, Sansun Ranger, and Ciudad de Portoviego*) were identified for discarding 216 tonnes of tuna in violation of IATTC resolution C-11-01 (NOAA 2013).

4. **What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?**
Score: 7
Score Range: 5-7

There is enough coverage for industrial tuna vessels, trawlers and purse seiners above a certain Gross Registered Tonnage (GRT). 933 fishing vessels (incl. 64 industrial vessels >150 GRT; 510 industrial fishing vessels 50-150 GRT; 350 artisanal vessels 20-50 GRT) are watched using satellite-based tracking devices. MAGAP (2016) report states that in the year 2015 alone, 819 fisheries infractions were tracked in the inshore exclusion zone using VMS tracks. Off the 819 detected violations, 535 violations were reported within 8-nautical miles, and 150 violations were reported within 1-mile zone; with majority of violations (611) shown by purse seine boats targeting small-pelagics while trawlers committed 202 such infringements in the inshore closed zone (MAGAP 2016).

Back in 2014, more than 4000 artisanal fishing boats were to be fitted with GlobalStar satellite tracking devices to aid the Ecuador Ministry of Aquaculture and Fisheries with more information about their movements within EEZ and on the high seas. The tracking devices could be predicted to aid in better policing and monitoring of intrusions into closed areas (Globalstar 2014).

However, the country has a long way to go as it has over 13,000 artisanal vessels using maritime zone of which many can be classified as semi-industrial vessels that are capable of fishing on the high seas. Resolution 001-11, regarding provisions for implementation of Satellite Monitoring System for vessels over 20 GRT, published in Official Gazette No. 410 of 22 March 2011, requires all national fishing vessels over 20 GRT, charter vessels and all foreign flagged fishing vessels entering Galapagos to send VMS position reports.

5. **What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?**
   Score: 1
   Score Range: 1-2

   Currently, industrial tuna fisheries are covered through observer scheme. There are more than 25 observers for deployment on tuna purse seiners fishing in IATTC waters.

SECTION 2: INSPECTIONS

6. **How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?**
   Score: 5
   Score Range: 3-5

   According to Bejarno (2007) at sea boarding and inspections are carried out for small pelagic, tuna and shrimp fisheries in the industrial sector; and tuna, large pelagics and demersal fisheries in artisanal sectors. During the year 2010, Ecuador Coast Guard executed 1034 patrols (*all vessels inclusive*), inspected 9105 vessels and issued 634 citations within its EEZ (Ecuador Navy Annual Statistics 2011). Between January to June 2010, Ecuador Navy conducted 20,000 hours of sailing for patrolling EEZ waters, resulting in apprehension of 41 Peruvian fishing vessels and 156 fishermen for illegal fishing violations (Anon 2010). See MAGAP (2016) report for more information.

   Relative to vessel traffic and range of maritime security tasks at hand, number of fisheries patrols fall short of expected MCS benchmarks in the EEZ (Anon, *pers.comm*., 2018).

7. **How often fishing vessels are scrutinized through aerial patrols?**
   Score: 4.5

Score Range: 3-5

No information is available on this aspect (Data deficient). However, existing information suggests that Ecuador Navy and Air Force monitor fishing vessels when necessary, especially during peak fishing seasons. Ecuador has one CN-235-300M aircraft (IISS 2013). Ecuador navy also uses CASA AN-204 aircraft for maritime patrols in the EEZ.

8. **How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?**
Score: 5
Score Range: 3-5

Random dockside inspections are reported for major commercial fish stocks in both industrial and artisanal sectors. However, existing information does not give information on what percentage of fishing vessels are inspected every year (Bejarano 2007; Martínez-Ortiz *et al.*, 2015; Inzunza and Ferri 2014; MAGAP 2016; European Commission 2019). Further, routine inspections at landing centres are limited to industrial fisheries.

Tuna vessels and pelagic longliners that target sharks and other large pelagics operate over a large area but their landings at fishing ports and small-scale landing sites are spread across a wide area of the mainland coast. Few fisheries legislations are effectively implemented, and it is for this same precise reason that illegal catches of sharks incl. shark fins; tuna and swordfish are reported from Galapagos Islands, which are landed in mainland Ecuador sea-ports with impunity. An effective MCS system to curtail illegal catches from Ecuador flagged vessels fishing in neighbouring EEZs (Colombia) is also lacking. Illegal fishing is still a persistent problem and the existing red tape and modest inspection capacity of DIRNEA and Ecuador navy are largely at fault for these difficulties.

According to Pew (2009) there were 21 reported visits by 7 IUU vessels to Ecuador ports (Manta – 14 visits; Guayaquil - 4 visits; Puerto Bolivar - 3 visits) between 2006 and 2009 (www.portstateperformance.org/).

9. **Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?**
Score: 4
Score Range: 2-5

Limited inspections are reported at designated landing docks in artisanal fisheries. However, existing inspections are meager and do not cover all small-scale and semi-industrial fisheries in mainland Ecuador (Kalikoski *et al.*, 2006; Jacquet *et al.*, 2008; Chalen 2010; Alava *et al.*, 2012; Figueroa and Mero 2013; Martínez-Ortiz *et al.*, 2015; Paladines 2015; MAGAP 2016; Carrere 2019). See Q.8 for more information. Some fisheries such as Mahi mahi and tuna fisheries receive enforcement during the fishing ban period. In 2013 during the Dorado ban period (Ministerial Agreement 070, RO No. 466, of June 9, 2011), 70 Subsecretaría de Recursos Pesqueros (SRP) inspectors conducted land and sea-based patrols to seize 105 mahi mahi; including 109 inspections of companies involved in processing these fish (Anon 2013).

Illegal fishing and fuel smuggling are persistent problems for Ecuador navy and DIRNEA inspectors. Fisheries violations are common among small fishing boats that are also involved in illegal trade and distribution of seafood (e.g. shrimps) through dispersed coastal ports along the mainland. Illegal cross-border trade with Peru is mainly landed by fishing boats flagged to Ecuador that operate from mainland sea-ports and landing beaches. There is a need for more road block checks and border post inspections to curtail illegal trade of seafood with neighbouring countries.

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?
Score: 5
Score Range: 3-5

Limited measures exist for foreign vessels using its commercial ports, as Ecuador is a signatory to the UN Fish Stocks Agreement. Up to 50% of illegal shark fins caught by Ecuador flagged fishing boats is illegally transshipped to Peru on the high seas and 50% is illegally traded through land border with Peru (Castilla 2019).

Nonetheless, illegal transshipments pose a problem for tuna vessels as well as artisanal fishing boats which often hide contraband in coastal bays and operate from isolated landing sites distributing seafood to national markets without necessary documentation to prove source of fish. Random inspections by DIRNEA and Naval officers have curtailed transshipments to a certain extent, but current assets are hardly enough to curtail illegal trade. Ecuador flagged fishing boats have been reported to engage in illegal transhipments on the high seas. With such a large semi-industrial fishing fleet it is difficult to track vessel movements or illegal cargo transfers in offshore waters, as a vast chunk of these vessels that engage in such acts don't have satellite transponders for tracking.

Fishing boats are receiving more inspections through joint patrols with foreign navies to control drugs trafficking, but it is not possible to track the entire fleet at any point of time for fisheries infractions as you have to catch them in the act for any prosecution in civil courts (Anon, *pers.comm*., 2018).

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?
Score: 4.5
Score Range: 2-5

Such inspections are not mandatory in Ecuadorian fisheries (Kalikoski *et al*., 2006; MAGAP 2016; Carrere 2019).

Illegal fishing gear has been confiscated by Navy and DIRNEA to send a strong signal to violators, but rampant abuse of existing regulations and easy availability of illicit fishing equipment has failed to curtail such practices. Sale of illegal fishing gear could be curtailed through tough fisheries legislation and confiscation of fishing equipment through court orders.

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?
Score: 5
Score Range: 4-5

Ley de Pesca y Desarrollo Pesquero published in Official Gazette No. 15 of 11 May 2005 is the main national legislation for fisheries management in Ecuador waters. This new legislation replaced the Fisheries Act of February 12, 1974. The country has drafted a NPOA on IUU Fishing but not adopted it yet. Ecuador is not a party to FAO Compliance Agreement and UN Fish Stocks Agreement. Ecuador acceded to the UN Port State Measures Agreement on 7 February 2019. Ministerial Decision No. 228 of 28 August 2014 has laid out detailed procedures on certification of landings to deter illegal fishing. The decree lays out catch certification system for import and export of fishery products. A more recent European Commission (2019) IUU yellow card report identified several shortcomings with respect to outdated legal framework, control of tuna fishing & processing industries, weak penalty regime and deficiencies in traceability system which deserve immediate attention.

Recently CCAMLR has written to CITES to report that Ecuador (CITES member) has failed to take part in CCAMLR catch documentation scheme regulating trade of toothfish (Traffic 2016). 1700 tonnes of shark-fins were

trafficked from Ecuador to Peru between 2014-2018 years; Peruvian Customs recently busted this illegal cross-border trade of shark fins using CITES trade permits (Castilla 2019).

See MAGAP (2016); Carrere (2019); Paladines (2015); NOAA (2015); NOAA (2017); Martínez-Ortiz *et al.*, (2015); Posada *et al.*, (2015); Cabrera (2018); Inzunza and Ferri (2014); Soria Castro (2012); Jacquet *et al.* (2008) documents for more information.

Flag of Convenience	No	Source: ITF (2015)
Vessels on the RFMO – IUU vessel list	No	

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
IATTC	2013		Yes		IATTC (2014)
SPRFMO	2014		Yes		SPRFMO (2015)

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (https://iuuriskintelligence.com/). (The author can be contacted at prammod.raju@gmail.com to provide any feedback).

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