

Focus on Kerguelen, hub of the tooth-fish saga

With depleted sea-food stocks, fishery protection has, in the past fifteen years, emerged as a major issue. In order to satisfy the appetites of gourmet customers in American, Japanese and European restaurants, yet another species of fish is being hounded to the verge of extinction by unscrupulous cartels with world-wide ramifications. The matter is further compounded by serious environmental fall-out; fishing lines 128 kilometres long with baited hooks which lure sea-birds to their death, placing several species at risk. Our modern-day pirates, however, solely concerned with turning a fast buck, carry on without so much as batting an eye-lid.

The hub of these activities is the distant, wind-swept, Kerguelen archipelago in the Indian Ocean, a natural wildlife sanctuary, and the southernmost outpost of France's former empire. An improbable, fair-sized piece of real estate as big as Corsica with a weirdly indented coastline, rocky offshore islets, glacier-scoured mountains, tundra, bog and fog. Home to imported rabbits and reindeer, not to mention an essentially seal and sea-bird population, the place is nobody's idea of fun. Every day, blissfully ignorant of man and his collision course with disastrous destiny, wild life on Kerguelen remains resolutely on course. The short unsettled summer days run the full gamut, from mild, sunny, blue-sky weather to all-enclosing fog, followed by snow squalls and, eventually, winds gusting up to 120 mph. Rolling in with 5000 miles of ocean behind them from the Patagonian shore, huge breakers foam and crash against the iron-bound west coast. Daily, glacial melt from the central ice-cap swells each and every watercourse to torrential proportions by mid-afternoon; by sundown the upper valleys freeze up again. In the penguin rookeries, alive from dawn to dusk with the ceaseless chatter of myriads of birds, anxious parents keep their eyes skinned for over-flying skuas and giant petrels, not to mention sharp-toothed sea-leopards lurking along the shore and eager to lay their claws on one of their well-fed chicks. On neighbouring beaches, while their females sleep peacefully nearby, mating bull elephant seals square off against each other, watched by Kerguelen Sheathbills – cheeky, snow-white, pigeon-like scavengers.

Here, there is usually a French ship on hand; one of three *Floréal*-class helicopter frigates, based on La Réunion; the patrol vessel *Albatros*; the new *Marion-Dufresne II*; or a smaller unit, *Osiris* (former pirate *Lince*), pressed into French service with a crew of 10 plus a couple of gendarmes. After 2003, following a Franco-Australian agreement engineered by Australian Fisheries Minister Senator Ian Macdonald, the unarmed vessel *Southern Supporter* started to conduct regular patrols round Macdonald and Heard islands. Now that Australia and French have begun to see eye-to-eye regarding closer surveillance round Kerguelen and Heard island, however, there has been some decline in poaching, especially since 2005, partly due to satellite surveillance, while the number of sea-birds hooked by long-liners has also gone down.

The heart of the matter revolves around a particular species of hitherto little-known, deep-sea fish. A full-grown Patagonian tooth-fish, or Chilean sea bass (Latin > *Dissostichus eleginoides*; Spanish > *bacalao di profundidad*, or *merluza negra*; French > *légine australe*, or *loup du chili*) may measure up to 2.2m in length and tip the scales at 100 kilos. A slow-breeding creature with a 50-year lifespan, it lurks in cold waters (below 2°C) of the kind to be found off most sub-Antarctic islands. Young fish feed on krill, later graduating to squid and certain species of ice-fish, its chief predators being the sperm whale and elephant seal.

Yielding pleasingly edible, boneless white flesh, with high oil content, it is a much appreciated delicacy on American and Japanese dining tables, known as “white gold” in fishing circles. A fact that, on September 30, 2002, prompted one NGO spokesman to declare on Australian TV that, “the easiest way to make a million bucks at the moment is to put together a boat and go fishing for a season in the Southern Ocean!”

While stocks had been considerably depleted in Argentine and Chilean waters as the result of intensive fishing in the period 1970-1990, when sea bass sales first took off, trawlers from those countries have since taken to ranging further afield, initially to poach waters off South Georgia and Bouvetøya (1994-1999), to satisfy unabated customer demand and soaring black market prices. Consequently, alongside legal fishing by French trawlers operating out of La Réunion, or Australian vessels working the Macquarie island fishery, pirates were netting considerable quantities of tooth-fish in the southern Indian Ocean in 1996-1997, chiefly around Kerguelen, as swarms of Taiwanese, Belizean, Panamanian, Seychelles and Spanish finishing vessels converged on the archipelago. This sparked a bonanza for the gentlemen addicted to illegal, unregulated, unreported (IUU) fishing. Most of the illicit catch has been finding its way to Japan, via Mauritius and Indonesia; the rest to the USA, where, in posh East Bay eating-places, it is known as Chilean sea bass.

As tooth-fish are notoriously slow reproducers, however, such ravages are seen to be placing the species at risk in the medium term. Hence an urgent need for protection.

As a result of this alarming situation, at the turn of the century a significantly small “Kerguelen Patrol” found itself operating overtime in the French and Australian Exclusive Economic Zones (EEZs) around Kerguelen, the Crozets, Amsterdam and St. Paul, McDonald and Heard island, to preserve strategic stocks of Patagonian tooth-fish and other species. South Africa was also becoming involved, with waters of its own to defend around Marion and Prince Edward (Sub-areas 58.6 and 58.7), where tooth-fish stocks have declined noticeably since 2002, “falling to about 10% of their initial levels”, according to one well-informed estimate. The Green Peace organisation is also actively implicated in monitoring pirate fishing vessels in the area. International observers estimated that pirate trawlers were netting a yearly catch of 26.000 tons, some four times in excess of normal quotas and accidentally hooking and killing thousands of Wandering Albatross, White-Chinned and Grey Petrel. In this connection, New Zealand operators have offered to share their know-how with legally approved long-liners on how to fish at night with special floaters whose hooks will not endanger sea birds.

In 2001, US conservationist groups attempted to curb sea bass intake by acting directly on the conscience of American diners, with the “Take a Pass on Chilean Sea Bass” campaign, though with mixed results. In connection with this campaign well-known chef Paul Canalese had shrewdly observed: “Back in the early ‘90s when the Chilean sea bass got really hot, we were already pretty aware of the issues surrounding it. Besides, it seems silly to ship fish halfway across the world when there are better fish available locally!”

On April 22, 1999, UK Deputy Prime Minister Prescott lashed out at: “These modern-day buccaneers (who) must not be allowed to plunder our seas for profit at the direct expense of seafarers’ lives, and of the environment. (...) I particularly deplore the reckless illegal fishing under flags of convenience that we have seen threatening the stocks of tooth-fish in the Antarctic, with consequences for bird-life...”

There is no clear indication that any single puppet-master is discreetly pulling the strings behind the scenes; it appears, rather, that maritime law-enforcement agencies are up against a giant nebulous, criminal organisation – an *Al-Qaeda* of the oceans, as it were – with tentacles in most ports of the South Atlantic, Indian Ocean and South-East Asia. It is increasingly difficult to make poaching accusations stick to any one ship-owner, all of whom will lie through their teeth, emphatically denying any direct link to the poachers; the more so as perfectly legal operators often buy fish from pirates, then deliver it, gift-wrapped, as a perfectly bona fide product. No questions asked, and Bob's your uncle! "There's no telling where the catch comes from", quips one official, "A tooth-fish hooked off South Georgia has no end-user certificate tagged to it!".

Consignments of this valuable fish have thus been traced to various ports in both hemispheres, mainly Vigo (Spain), Montevideo (Uruguay), Walvis Bay (Namibia), Durban (South Africa), Port Louis (Mauritius), even though the ultimate destination may be Europe, Japan, or North America. Another favourite area is Indonesia, with Tanjong Priok, a port frequently reported as having handled tooth-fish cargoes of unknown origin, allegedly caught in international waters, though accurate quay-side observation is deterred by private armed guards in a country where the rule of law exists only on paper.

Camouflage operations, involving change of name, port of registration, and flag of convenience, appear to have been master-minded since 1998 by the HongKong-based Pacific Andes International Holdings and its Indonesian subsidiary, Sun Hope Investments (registered in the Virgin islands, of all places!), with an elusive Mr Ng Joo Thieng discreetly directing operations by satellite phone from a Jakarta high-rise. During the "Four Corners" talk-show on Australian TV on September 30, 2002, Sun Hope's activities were described by Alastair Graham of Isofish as: "The first time we've seen a major international corporation making focused, clear corporate decisions to pillage the resources of another country and to wilfully break the laws of another country!"

Other regular performers in this world-wide mafia would seem to be the de Riveira brothers from Corunna in Galicia (Spain), European representatives of Pacific Andes, operating several "front" outfits such as Navalmar, Kessel SA and Fadilur SA, who have been regularly involved in Southern Ocean tooth-fish piracy; not to mention Florindo González Corral and Florindo González Otero of Pesco Cisne SA. Also a shadowy, Marbella-based, Spanish fishing consortium, Marilyn Fishing Co. Ltda., with links to Las Palmas (Canary Islands) and Punta Arenas (Chile); also to a "front" office, occupied by a straw man, in Port-Louis (Mauritius). Yet another unscrupulous tycoon is multi-millionaire politician Michael Ashcroft, enjoying British-Belizean nationality and whose company, Belize International Services, acts as a front for pirate fishing in the Southern Ocean. As a result of all these shady deals, what with phoney holdings, flags of (in)convenience, falsified log-books, frequent name-changes and repainting of hulls, as practiced by vessels belonging to various umbrella organisations, it is becoming increasingly problematic to pin down the provenance of a given vessel. To quote one Australian official: "We try to follow the paper trails, but there are veils of corporate secrecy to disguise identities."

While there has been a decline in the number of Ukrainian trawlers (the previous specialists) round Kerguelen since the mid-1990s, Spanish interests figure prominently, with either Spanish, or Spanish-speaking captains and crews, whenever trawlers are captured, which is understandable, given the experience Iberian fishermen (especially Vascos and Gallegos) have gained world-wide over the years. Strangely, though, there has also been a fresh upsurge

of Russian activity as of 2002, chiefly from the Baltic port of Kaliningrad, while the Ukrainians reappeared the same year off the Antarctic Ice-shelf. Taiwan, whose vessels are often observed in the Indian Ocean, has been reported as building up-to-date long-liners. The conveniently-placed island of Mauritius, incidentally, plays an exceedingly ambiguous role in this pirate fishing saga. Despite ambiguous, face-saving statements in carefully-worded Mauritian government official-speak, to the effect that tooth-fish catch will no longer be allowed to transit through their waters, the island continues to function as an advanced base for countless fishery pirates, or *pescadores furtivos*, to use the delightful Spanish expression. The Mauritians, as such, however, occasionally appear to be more sinned against than sinning, having little to do with actual poaching operations.

Australian TV reporter Chris Masters puts it all in a nutshell:-

“The vagaries surrounding sovereignty of the world’s oceans provide ideal grounds for those who operate without sovereignty. Asian-based financiers can use Russian-flagged vessels, Spanish fishing expertise and Chinese slave labour to attack regions where compliance is little more than theoretical.”

Fully to understand exactly what is at stake and how the situation has evolved over the last ten years, a brief survey of the toothfish wars is now called for.

1996 season

One of the heroes in our saga is the 15-knot French patrol vessel *Albatros* (2,800tons), a former ocean-going fishing vessel, she was specially refitted in 1984 for surveillance missions in the Southern Ocean with an ARBR 16 surface-search radar set, a 50-man crew, one 40 m/m Bofors and two 0.50 cal. machine-guns, together with a hangar containing a pair of rigid-sided inflatable craft.

She already had a brief history of successful intercepts. On May 3, 1986, on patrol well to the east of La Réunion, she fell in with the Taiwanese *Chuen Yang 1*, 37 nm SW of St. Paul Island and brought her in to Port-des-Galets.

Later in the same year, on October 9, *Albatros* had caught the Panamanian *Southern Raider*, also near St. Paul island. As the poacher refused to heave-to *Albatros* fired a couple of warning shots. When these failed to produce the desired effect the patrol vessel shot to kill and one shell hit the *Southern Raider*, starting a fire. The crew immediately took to a couple of rafts and were captured – a Swede, an unlikely New-Zealand woman, 6 Australians, and 14 South-Koreans. The *Albatros* then attempted to tow the poacher home, but, barely an hour later the offending vessel went down – her captain had probably opened the sea-cocks previously so as to prevent compromising documents from falling into the hands of the law.

On February 22, *Albatros* cleared Port-aux-Galets and set off south-south-east on her 33rd patrol of the Southern Ocean. Her destination, the lobster-rich Amsterdam-St. Paul island EEZ. Far astern, the exotic, semi-tropical, volcanic island of La Réunion – home base for *Albatros* – gradually dropped below the horizon as the light-grey vessel nosed her way through a freshening sea. Up on her bridge, *Capitaine de Frégate* Bruno Julien de Zélicourt, still in the white dress uniform he’d worn for the sending-off party, stood on splayed legs to

counter-act the pitching and tossing motion he was going to experience for upwards of a month. If previous cruises were anything to go by he could expect a rough crossing, even though this was what still what was supposed to be the southern summer!

The patrol proper began once they reached the Amsterdam/St. Paul Island EEZ. On March 19, in particularly filthy weather, came an echo on the radar screen. De Zélicourt stealthily closed the gap at 13 knots, his binoculars glued to his eyes. Once acquired visually, the suspect was identified as an unflagged long-liner studiously trawling French waters. Out went a peremptory message on the VHF radio: “You are fishing illegally in the Amsterdam/St. Paul EEZ. Heave-to and stand by for boarding!”

Despite the howling wind and high-curling waves, a prize crew got away in an inflatable and clambered on board the poacher. The crew, a motley bunch of 24 Chinese, Filipinos and Taiwanese, huddled together miserably on the fore deck. Inspection quickly revealed that the vessel was the Taiwanese *Ying Mao Hsiang*, 12 days out from Mauritius, with a small catch of 1.5 tons of tuna below decks. Once on board the *Albatros*, her skipper, Thang Shang Cheng, was made to sign a document officially surrendering his trawler to the French authorities. The two vessels then veered east-north-east and headed for base.

By March 28, they were home and dry in La Réunion, where the cargo was seized, and, subsequently auctioned off. After being questioned by the *Gendarmerie Maritime*, the skipper appeared in court on April 3 and was fined 15,000 francs. Rather tamely, however, *Ying Mao Hsiang* was allowed to return to Mauritius. A short-sighted policy, as experience was shortly to show, there being nothing to prevent pirate vessels, once caught and chastised, from resuming their despicable activities.

1997 season

The French in La Reunion opened hostilities that year by despatching their ship *Ventôse* to patrol the Crozet EEZ. This was one of the new stubby, twin-funnelled frigates with a 3.9” gun as main armament and a helicopter platform aft, specially designed for operations in remote waters, as replacement of the earlier ‘Commandant Bory’ type. On March 31, NE of Possession Is. (Crozet), she chalked up her first success: the Singapore long-liner *Belgié III* with a catch of two tons of tooth-fish. Keeping the Singaporean in company, *Ventôse* remained on patrol until April 19, when she was rewarded by the capture of the trawler *Mar Largo* in the same waters. By April 29, both prizes had been brought back to La Réunion, where each pirate captain was fined 400,000 Francs, not to mention an extra 50,000 that went into the kitty for La Réunion Fishing Committee, which handles legal tooth-fish exploitation. At this point, it should be recorded that these perfectly honest operators had banded together internationally to create the Coalition of Legal Tooth-fish Operators (COLTO).

To complete a promising autumn season, on May 6, the ocean-going tug *Centaure* captured Argentine long-liner *Kinsho Maru*.

From May 5 to June 6, *Albatros*, now skippered by *Capitaine de Frégate* Bernard Paulus, undertook her 34th patrol, fruitlessly scouring the Southern Ocean. After returning empty-handed to port, where she remained a couple of months, on August 2, she turned south for her 35th patrol, with slightly better luck this time. With Crozet’s snow-covered hills dimly seen in

the far background, she pounced on the long-liner *Antarctico*, then escorted her out of Crozet waters; a second poacher, *Merced*, however, took advantage of poor visibility to escape. This impressed upon the authorities the advantage of a helicopter, both for boarding a poacher and keeping a second suspect under effective surveillance.

In October, aware of the vulnerability of her remote Macdonald/Heard Island EEZ, Australia increased her surveillance activities and notched up her first major success, when the 3,600-ton 'Meko'-type frigate HMAS *Anzac*, (28 knots, one 5" gun, plus Sea Sparrow and Harpoon missile systems) supported by the replenishment vessel HMAS *Westralia*, sailed through storm-lashed seas to a point some 4000 kilometres south-west of Fremantle to lay their hands on a notorious pirate, the Belize-flagged, Mauritius-based *Salvora*. Luckily, *Anzac* was able to send a party on board the culprit using the frigate's helicopter. Skipper José Rey Paz and his hotchpotch pirate crew (10 Spanish, 8 Chileans, 6 Portuguese, 2 Uruguayans, 6 South Africans, 3 Guinea Bissau, one Mauritian, and one Mozambiquan) were naturally more than a little alarmed at this sudden intrusion of armed commandos, from the sky, as it were. Later, however, the *Salvora* was released, thus enabling her once more to go about her unlawful occasions for another few years!

For 36th patrol, and the last one that year, *Albatros* left La Réunion on September 28. On October 6th the Vanuatu-flagged trawler *Cindy* was sighted during a storm in the Kerguelen EEZ, but managed to evade capture. Undaunted, the following day, in fairly calm weather, *Albatros* spotted a 58-metre long-liner, the *Arbumasa XXV* under the Belizean flag. After 8 crew members and 8 commandos had boarded her she was found to have a Spanish captain, Ramon Ferreira Gomez and an Argentine crew 43 strong, who proved particularly sullen and un-helpful. The incident also revealed new tactics implemented by pirates: erasing (or painting over) the vessel's name, producing a phoney log-book, concealing fishing records. By October 15 the prize had been escorted back to base.

The year was not to end without a further French success. The frigate *Floréal* (*Capitaine de Frégate* Jean-Michel L'Hénaff) undertook a final cruise from November 17 to December 15. After helping set up a small radio-relay station on Possession Island (Crozet EEZ), the frigate headed for Kerguelen. On December 4, the *Floréal's* Panther chopper located the *Magallanes I*, fishing under the Argentine flag, whereupon a reinforced boarding party discovered convincing evidence of illegal practices. The long-liner turned out to belong to Argenova, a Mauritius-based subsidiary of the Spanish ship-owner, Pescanova.

This case marked a fresh departure in poaching-related legal proceedings. Henceforth, visualised as the only effective deterrent, hefty fines would be levied if the ship-owner were to recover his vessel. Thus was *Magallanes I* only allowed to sail for Port-Louis on January 12, 1998, after a fine of 3,000,000 francs had been collected! Amusingly, her catch was auctioned at 3,700,000 francs, the buyer (so it transpired) being a Réunion middle-man acting on behalf of Pescanova, the poacher's actual owner!

1998 season

Jacques Dezeustre, the Chairman of SAPMER, a leading Reunion ship-owner, really put the cat among the pigeons during a New Year speech when he stated: "We have every reason to

believe that there's at least a hundred illegal fishing vessels out there in the Southern Ocean!" It was going to be quite a year.

And so it was... On January 7, *Albatros* put to sea from La Réunion on her 37th patrol. On January 13, she stopped the Mauritius-based *Praia Do Restelo*, with a record catch of 200 tons of tooth-fish on board! Crudely disguised as a perfectly *bona fide* South-African vessel owned by Aluship, crewed by a mixed bunch of Namibians, South-Africans and Mauritians, she belonged, in actual fact, to the Portuguese ship-owner Pesca Conga. Escorted to within 200 nautical miles of La Réunion, *Praia Do Restelo* was taken over by the *Gendarmerie* patrol vessel *Jonquille* and brought into Port-aux-Galets without any further ado.

Resuming her patrol, on January 29, *Albatros* intercepted the Belizean-flagged long-liner *Mar del Sur II* north of Kerguelen with a 45-ton catch of tooth-fish. Ship and cargo were safely returned to La Réunion on February 7 and the poacher's ship-owner had to dig into his pocket to the tune of 50,000,000 francs before he could get his boat back. As for the usual miscellaneous rabble of thirty or so Chileans, Mauritians, Portuguese and Spanish, they were released after routine questioning by the local *Gendarmerie*. Again, a combination of Mauritius-based long-liner and suspected Spanish ownership, reinforcing the French authorities' impression that Mauritius was the focal point of tooth-fish poaching, chiefly in the hands of western European firms acting behind the scenes – an impression that would be slightly modified a few years later.

After the usual mid-season refit, on March 23, it was time for *Albatros* to leave on her 38th patrol. Again, her luck was in; on April 1 she caught long-liner *Suma Tuna* red-handed in the Kerguelen EEZ. Strangely enough, poaching records are remarkably discreet as to this capture, there being no indication of nationality, ownership, cargo seized or fine levied. All we know is that before returning to base, *Albatros* put into the pirates' lair of Port-Louis (Mauritius) for a welcome stop-over, from April 29 to May 6, enabling all hands to have a run ashore, thus allowing the officers to size up the opposition (most tooth-fish buccaneers have agents here), while other ranks no doubt sized up the red light district after the traditional pub crawl!

As the southern winter set in, *Albatros* handed over patrol activities to frigate *Floréal*. This warship was in fine fettle, having just completed an exercise at sea. Her tricolore flag fluttering proudly in the breeze, her helicopter firmly lashed inside her hangar, *Floréal* lost no time butting her way southwards into the Roaring Forties. On the morning of June 21, with Kerguelen's snow-streaked mountains fine on the port bow, *Floréal* was shipping it green over the forecastle. Thanks to a freak spot of bright, clear weather, however, a suspicious-looking vessel was sighted hull-down on the southern horizon. As conditions were indeed a wee bit rough to launch the helo, *Floréal* increased speed to 22 knots and settled down to a brief chase. The intruder was eventually overhauled and proved to be the trawler *Golden Eagle* with a 20-ton catch of tooth-fish on board. Frigate and prize then turned north and headed for home in company, making a brave picture seen from the escorting Panther helicopter, the handsome black- and white-painted *Golden Eagle* gamely sporting a long, creamy-white moustache at the bows, with the squat, bulldog-like frigate, white foam frothing at her stern, keeping station in the background. By July 7, they were back in La Réunion.

Meanwhile, on August 7, *Capitaine de Frégate* Henri Leclerc took over command of *Albatros*, just in time for her 39th patrol. On September 1, in the Kerguelen EEZ, she intercepted two Mauritius-based, Chilean-flagged (owners in Punta Arenas) long-liners

Ercilla and *Antonio Lorenzo*, the latter with more than 100 tons of tooth-fish on board. On this occasion, one French officer was struck by the Chilean skipper's dismissing his pilfering of another nation's resources as might do a school-boy caught stealing apples from the vicar's garden, as is obvious from the following exchange:

"You do realise that fishing in the Kerguelen Economic Exclusion Zone is prohibited, don't you?" Which obtained the following reply: "Why you no want we fish here? These islands are desert; nobody live here; these waters belong to nobody. So, if we want fish, we fish! We do what we want here, no?!"

By September 14 the two prizes were secure in Port-aux-Galets, rapidly becoming a naval grave-yard, clogged up with unsightly, rusting hulks of pirate trawlers, none of which had much chance of being ransomed by its owner. Shortly afterwards this problem was partly solved when the *Antonio Lorenzo* was towed away down the coast to Point des Châteaux and scuttled in shallow water, later to serve as a practice hulk for *nageurs de combats*, as French navy frogmen are called.

Meanwhile, on September 25, an incident had occurred which appeared to indicate a hardening of resolve on the part of tooth-fish pirates. The French *Austral*, legally trawling Kerguelen waters, had a run-in with a pirate which made several attempts to foul her propeller with a cable; however, her resourceful French skipper, Captain Barbarin (a Southern Ocean veteran), avoided this trap by a skilful manoeuvre. He reported the incident to the authorities in La Réunion; unluckily, however, there was no patrol vessel on hand to take appropriate action.

On October 1st, the frigate *Floréal* took over from *Albatros* on the Kerguelen patrol. After ten days at sea, she came across the Belizean long-liner *Mar del Sur II*. A tough, unrepentant customer, this *Mar del Sur II*, was thus at it again after being caught by *Albatros* the previous January. Shortly after another trawler, *Vieirasa II*, probably Argentinian, which had been reported near the Kerguelen area the previous year, was also arrested by *Floréal* for illegal fishing. Once both vessels had been inspected and prize crews placed on board, they left for La Réunion, escorted by the frigate.

En route a Mayday message was picked up on the VHF. This came from the *Mar del Sur I*, drifting in the middle of the ocean with a 23-ton catch of tooth-fish on board after her engine had died on her. The crew were on the verge of mutiny, ready to lynch their captain, who (under drastic orders from his ship-owner to betray his presence under no circumstances) had obstinately delayed sending a distress signal until the very last moment. Thus was it a four-vessel flotilla that *Floréal* headed triumphantly into Port-des-Galets on October 29. In the Réunion press, *Floréal* enjoyed a brief bout of stardom as "the terror of the Southern Ocean"!

On December 28, the Green Peace vessel *Arctic Sunrise* left Auckland and, in an undisguised publicity stunt, boldly sailed into the Southern Ocean deliberately looking for trouble, the better to put Antarctica into the environmental picture. Only three days later, just for good measure, New Zealand announced that, in future, it would be regularly sending its P3K Orion turbo-prop, long-range maritime reconnaissance aircraft to patrol the Ross Sea for fish pirates

1999 season

If 1998 had been a busy year in the Southern Ocean, 1999 was to be comparatively quieter. However, Green Peace was on the war-path and, with their customary truculence, could be relied on to provide some action. Sure enough, on January 27, *Arctic Sunrise* reached Macquarie, an Australian sub-Antarctic island, and, in an attempt to create awareness among delegates at an on-going “Ministers on Ice” conference on the Antarctic continent, published some highly effective videos showing Albatross and other sea-birds accidentally hooked by long-liners. From Macquarie the Green Peace vessel headed for Hobart, where she refuelled on January 29. After six days in Tasmania, she headed west-south-west into the Indian Ocean on the next leg of her anti-pirate crusade.

On February 16 *Arctic Sunrise* went on the air with a communiqué calling for a shut-down of the Macquarie Island fishery, after a census had revealed a 90% drop in stock.

On February 24, *Arctic Sunrise* arrived in the Heard island EEZ, a known hot-spot down in the Howling Fifties, only to learn from the Australians that a poacher, *Puerto Madryn*, had been sighted in the vicinity; however, the pirate made good its escape the next morning in freshening weather before the Green Peace vessel could get her act together.

Arctic Sunrise now steamed north-east to Kerguelen, which she reached on March 1, for a 24-hour courtesy visit to Port-aux-Français (PAF), including the traditional slap-up lunch, of course, with all the station’s bearded scientists at the base canteen. Her visit coincided with an absence on station of French vessels; determined to fill, the gap, the Green Peace vessel commenced patrolling.

On March 3, vessel *Arctic Sunrise* located an unmarked, red-hulled pirate vessel 45 nautical miles from Kerguelen. To quote Rick Carlson, Green Peace Logistics Coordinator, “The ship was what we called blacked out in terms of its identification number and its name.” However, she was soon identified as an old customer – *Salvora*. Following her brush in 1997 with the RAN she was on file, and it later transpired that she was a member of the “Gallego connection” with her home port at Vigo (Spain).

Arctic Sunrise launched an inflatable so the environmentalists could take a closer look. At this point, while some crew members were busy cutting and casting off her long-line, about 20 others in gloves and Balaclavas appeared on the pirate’s deck, brandishing crow-bars and sticks, and throwing ball-bearings, rocks and sundry small missiles at the inflatable whenever it came too near! As Rick Carlson explained: “It was pretty dicey out there! We had to clear off very quickly. We came in close and we just got pelted with rocks!”

This was typical of confrontation tactics as practiced by Iberian fishermen, similar well-publicised incidents having recently occurred in the Bay of Biscay between French and Spanish trawlers. Deciding that discretion was the better part of valour, the unarmed Green Peace vessel retrieved her inflatable and contented herself with shadowing *Salvora*. For six days the pirate criss-crossed the ocean in vain attempts to throw off her pursuer; then veered northwards and steered a course for Mauritius.

The situation had become crystal clear. Come hell or high water, *Salvora* was making for the notorious pirate hide-out of Port-Louis (Mauritius), there to unload her illegal catch in full impunity. As Green Peace had created maximum publicity around the incident, both Australian and French ambassadors to Mauritius had had time to approach the local

authorities, urging them to prevent the illegal tooth-fish cargo from being offloaded there. Thus the 3,000-mile pursuit continued till, on March 16, both vessels reached the 12-mile limit off Mauritius and *Salvora* at last showed her true colours.

The next day, inspection of *Salvora* by the local authorities revealed a near-record 170 tons of tooth-fish on board; also some fishing gear was missing and her logbooks bore obvious traces of falsification. Taking a firm stance for once, Mauritius stated that the catch could not come ashore, while a debate in the local parliament announced forthcoming measures “to end landings of pirate-caught fish in its harbours.” In fact, Mauritian minister Clavel Malherbe really went out on a limb when he declared: “If we are not satisfied that the fish has been fished except in an authorised and not illegal manner, the vessel won’t be able to discharge for transshipment.”

Thus, despite protests by the ship’s owners and an attempted attempt to block the verdict, *Salvora*’s guilt was firmly established in court and, on April 20, she was forced to sail away, her catch still on board.

From then on Green Peace monitored tooth-fish transshipment through Port-Louis. On May 4, an agreement between the CCAMLR countries was arrived at whereby member states practicing above-the-board fishing were to produce a certificate of origin for any catch marketed by one of their vessels. However, contrary to the assurances that Mr Clavel Malherbe, the Mauritian Minister for Land Transport, Shipping and Port Development had earlier given, the flow of IUU tooth-fish continued unchecked for some time. Put not thy trust in princes...

Meanwhile, elsewhere in the Southern Ocean, shots had been fired in anger. For the action we must move far west to the krill-rich UK Falklands Fisheries Conservation zone. At 06:25, on May 15, the recently-commissioned FPV (Fishery patrol vessel) *Dorada*, sighted an unknown vessel lying stopped, with her lights on, in Falkland waters. Obviously, the stranger was fishing for squid. As *Dorada* closed in the grey light of dawn, she identified the poacher as the Taiwanese *Shan Fu 8*. Attempts to get some sense out of her by radio and signalling with flags elicited no response; worse still, the poacher built up speed and headed north. *Dorada*, accompanied by the unarmed FPV *Priscilla*, gave chase at around 10:00. Several warning shots were fired ineffectively with an Oerlikon 20 m/m cannon. At 14:00, at least one hit was scored, but the Chinaman could certainly take punishment since he refused to heave-to, finally making good his escape as darkness approached. The two FPVs then returned to where the pursuit had commenced in the morning to chase away other poachers that had been seen in the vicinity. All in all, a somewhat disappointing episode. However, though the poacher had not been apprehended, he had been seen off, prompting the Falklands authorities to declare that:

“Although the action did not result in the detention of the *Shan Fu 8*, the fact that the gun had been used to fire directly on the illegally fishing vessel should provide a useful deterrent for the future. The Falklands Island Government is determined to enforce the law applicable to its Fisheries zone and ensure that conservation objects are upheld.”

At any rate, this particular episode revealed a readiness on the Falkland authorities’ part to defend their fishing zone, and in all likelihood the word would go out in pirate fishing circles that the Falklands and South Georgia were good places to stay away from.

Back in the Indian Ocean, the frigate *Floréal* undertook two surveillance missions between March and June. It was towards the end of this period that she assisted the French long-liner *Saint Jean* that had suffered damage during a terrible storm near the Crozets; this involved a “Medevac” operation of her badly wounded skipper.

For her 7th Southern Ocean patrol, which started on September 7, *Floréal* embarked a South African observer, a sign of increased co-operation between CCAMLR member states. Significantly, it was towards the South African EEZ round Prince Edward and Marion that the frigate made her way, before heading for the Crozets. 50 nautical miles from Possession Island an unidentified long-liner was ordered to heave-to. She proved to be the Panama-flagged *Camuco* with an illegal catch of 6 tons of tooth-fish, and was later escorted to the vicinity of La Réunion and taken into custody. A propos of the vessel’s provenance, an interesting discovery was made: predictably, *Camuco* was Spanish-owned. Later released, after paying the customary fine, she lived to fight another day under a fresh coat of paint and a new name. We shall be meeting her again shortly!

2000 season

This year remained unmarked by any spectacular events, a situation emphasized by the fact that FPV *Albatros* effected her 44th, 45th and 46th patrols between January and June practically without hearing a shrimp fart. What was happening? Pirates were none the fewer out there – in fact 2000 was to be a bumper year for them – they were just becoming craftier, more careful, better organised, especially after three had been captured during *Floréal*’s final 1998 cruise. Pirate captains were now operating a crude form of early warning system: communicating between each other on satphone, exchanging data as to patrol vessels’ whereabouts, providing help when necessary. More importantly, they were giving law-enforcement vessels the slip.

When *Albatros* left Réunion again on August 9 for her 47th patrol it was a running joke on the mess-deck that she was off on yet another of her pleasure cruises – very much a case of business as usual; that it was a pretty poor way of spending the tax-payer’s money, and so forth. This time, though, she had a new skipper, *Capitaine de Frégate* Gérard Bosch, and he, for one, was eager to break the jinx! Up to a point he did strike it lucky, when, on August 15, while patrolling the lobster-rich St. Paul & Amsterdam EEZ, he identified an unauthorised Sri-Lankan trawler, *Sameera Punta 2*. He boarded her, found nothing of interest on board, and eventually escorted her out of the EEZ. Still, rather frustrating, the more so as there were pirates about in the Southern Ocean – a well known fact. Then it was back to Réunion for a three-month refit.

On October 9, there came one of those unsung disasters that happen with frightening regularity in the Roaring Forties. The Spanish-owned, Belizean-flagged long-liner *Amur*, of doubtful seaworthiness, three weeks out of Punta Arenas, crewed by Chileans and Indonesians, had engine trouble while fishing east of Kerguelen in atrocious weather. It seems that after slamming into mountainous seas for hours on end, some water had found its way into the engine-room and *Amur*’s skipper ordered that the pumps be manned. Due to incompetence, however, some sea-water got into the works; shortly after, the engine gave up the ghost. The decision to abandon ship was accordingly taken after a Mayday had gone out.

Luckily for *Amur*, a fellow pirate vessel, *Grand Prince*, was in the vicinity, and managed to take off a few of her crew, though not before 14 of them had frozen to death.

In connection with this dramatic sinking, Green Peace campaigner John Hocevar has penned a moving tribute to the nameless victims of such tragedies – the crew:

“Too often the poor souls aboard the pirate fishing vessels risk life and limb on poorly maintained, rusting shipwrecks waiting to happen. These fishermen are often just a step above slaves, working in dangerous conditions for practically nothing. The real scoundrels are usually far away, in oak-paneled boardrooms hidden behind layers and layers of bureaucracy.”

On October 9, *Floréal* left Réunion on her 9th surveillance mission, putting in at PAF, Kerguelen, on October 22 after an uneventful fortnight at sea. On November 8, while carrying out a sweep in the Kerguelen EEZ, the frigate launched her Panther chopper, which quickly spotted an unknown long-liner in the vicinity. It was, in fact, the Seychelles-flagged pirate trawler, *Monte Confurco*, which, sensing danger, nonetheless worked up speed in an attempt to escape. *Floréal* steered to effect a surface intercept in very difficult conditions (temperatures of -2°C, 5m troughs between waves), that precluded the launching of an inflatable. As it was, the prize crew had to be winched aboard the pirate from the chopper. As usual, the majority of the crew were Spanish, as uncooperative as ever, and they scowled angrily as 158 tons of tooth-fish were discovered in the deep-freeze – a most valuable catch! Valuable enough to warrant a million-Franc fine for the pirate skipper, plus a firm reprimand for seeking to avoid capture, once they were back in Réunion on November 19.

For year's end it was the turn of *Floréal's* sister-ship *Nivôse* to patrol the Kerguelen EEZ. On December 23, south-east of Kerguelen, the French frigate caught long-liner *Vedra* red-handed. The boarding-party found a Spanish captain and crew of 35 belonging to different nations under a Sao-Tomé and Príncipe flag of convenience. She was diverted towards PAF. En route, *Nivôse* intercepted the Belizean-flagged *Grand Prince*, which had been involved in the *Amur* affair. The sea being too rough for boat operations, a commando was winched on board and discovered a fresh tooth-fish catch.

Although this series of captures was heartening enough, 2000 ended on a sour note with a pessimistic report from the CCAMLR putting the number of sea birds accidentally killed that year on Sub-Antarctic islands by long-line hooks at 68,300!

2001 season

It was a blustery April morning. The Australian Fisheries vessel *Southern Supporter* (an unarmed civilian unit with no helicopter-boarding capability), captained by Tom Morris, a plucky, seasoned mariner, was patrolling off Heard island, an improbable, ice-clad mass boasting Australia's only active volcano. As lonely a spot as you can find on the face of the oceans; over 2,000 nautical miles south-west of Fremantle. In fact, as talk-show host Chris Masters later explained on Australian TV: “Getting there can take longer than getting to the moon, and for sailors used to these remote waters, it's a bit like space travel!”

Conditions were no better, no worse than usual. His hands firmly gripping the wheel Tom Morris kept his eyes fixed on the incoming, creamy-fringed rollers as tall as houses. In the skipper's own words: "When you're standing up on the bridge and you can look up to see the waves, it's time to make sure that you hold on pretty damn tight, because it's horrendous!"

It was in these far from ideal conditions that the Togo-registered, Spanish-captained long-liner *South Tomi* was sighted. Boarding was obviously out of the question, though Tom Morris did issue a warning: "You're fishing illegally within the 200-mile Australian fishing zone around Heard Island. You have been filmed throwing fish over the side and will be reported to the Australian Government!"

However, after a polite exchange on the VHF, the poacher merely turned her bows in a north-westerly direction. Her aim was obviously to reach South African waters round Prince Edward and Marion, thus placing herself technically beyond Australian jurisdiction. But Tom Morris was having none of it. With bulldog-like tenacity, for the next 15 days he hung on grimly for over 3,300 nautical miles, so far the longest pursuit ever in Australian naval annals, the chase taking him into South African waters.

Meanwhile, the home country had been reached on the VHF and an Australian SAS team was flown over to Cape Town. There they boarded a South African vessel and immediately steered due south on an interception course. On April 12, 320 nautical miles south of Cape Town the *Southern Tomi* was stopped and boarded by the commandos, yielding a \$750,000 catch of contraband tooth-fish. From there, she was escorted back to Fremantle.

In May the French navy snapped up an old acquaintance in the Kerguelen EEZ, when they found *Castor* fishing illegally and forced her to heave-to. After her rogue of a skipper, José Rey Paz, had reluctantly allowed himself to be boarded, inspection of her log-book disclosed that this was none other than the notorious *Salvora* which had made headline news back in 1999.

Otherwise, it was a lean year for law-enforcement vessels. Furthermore, *Albatros*, one of the chief actors left La Réunion on July 15 for home waters and an eight-month refit in Brest dockyard.

Nothing of a very positive nature occurred in the fight against tooth-fish piracy. In April, came an unconfirmed sighting of Uruguyan trawler *Dorita* near the Crozet EEZ. The word went out, however, so in May, when it came to offloading her 200 tons of tooth-fish, another record catch, she was refused access to Cape Town, also later Durban. She eventually took her booty to Mauritius... That same year, however, the devious Mauritians publicly stated that they were finally closing their ports to tooth-fish pirates!

On December 20, a series of momentous events were set in train. At this time, the Russian 150-foot *Lena*, captained by a certain José Sanchez, was first sighted off Heard Island by FPV *Southern Supporter*, and hove to. Said skipper Tom Morris over the VHF: "Fishing vessel *Lena*, this is the Australian Government Fisheries Patrol vessel *Southern Supporter*! Do you understand that you are not to fish in the Australian fishing zone?"

The poacher answered briefly that she was merely in transit, and later ignored an order to proceed to Fremantle; she even had the cheek to take on fuel from fellow-pirate *Florens I*, while Tom Morris looked helplessly on.

2002 season

On January 3, however, Morris had to break off contact, lured away by a false distress signal sent out by the pirate, and then he had to refuel, allowing *Lena* to escape. The poacher rejoined other members of her fishing fleet and did a quick “paint job” to alter her appearance. No doubt about it, law-enforcement vessels were up against “increasingly cunning foreign fisherpersons!”

Southern Supporter's skipper, being a plucky, persevering fellow, refused to admit defeat. Nor did his calls for help to Fremantle go unheeded. Shortly after, the Australian Government held a crisis meeting before launching Operation Sutton “to apprehend any foreign fishing vessels considered to be fishing illegally in the area and to escort them back to Australia.” The units tasked for this mission were the 4,100-ton guided-missile frigate HMAS *Canberra*, capable of 30 knots or more, with replenishment vessel *Westralia* in support. Although it was high summer in the Southern Ocean, navy ships rarely ventured into this icy, hostile environment; yet Australian decision-makers were rightly determined to strike a blow, to demonstrate their willingness to curb IUU fishing in waters under nominal national sovereignty.

Buffeted by high seas and gale force winds the two ships steamed 2,200 nautical miles westward to reach the scene of action. On February 6, *Canberra* launched her Seahawk helicopter for a sweeping search. Conditions were typical for the time of the year: a 35-knot wind, swells up to 5 metres, temperatures barely above freezing. The chopper lifted bravely from the heli-pad, in characteristic nose-down stance, before gaining altitude and arrowing its way westward. Almost immediately *Lena* was detected over the horizon, at a range of some 20 nautical miles. The chopper returned to her parent ship to organise things. After a small party of armed AFMA officers had boarded her, the Seahawk resumed the chase at 19:50, came in low over the stern of the rust-streaked vessel.

On board *Lena*, José Sanchez was at the wheel, ringing for maximum speed. The recent over-flight by a helo had informed him that he was in deep trouble and damn-all that he could do about it! He was determined, however, to put as much of the Southern Ocean between himself and his pursuers. At around 20:00, he heard the characteristic whup-whup that heralded the returning helicopter. Soon it was hovering above his fantail. Imagine his amazement as he watched four men in red, cold-weather overalls, armed with Glock pistols and M 16 rifles, shinning down a rope onto his vessel. In a few minutes it was all over.

Shortly after, at 20:15, they were joined by a larger naval boarding-party that arrived alongside by inflatable boat. On inspection the pirate was found to be skippered by a Spaniard (José Sanchez) and crewed by an ill-assorted rabble of 17 Indonesian and 14 Chinese; below deck were 70 tons of tooth-fish. Shortly after, a steaming party was transferred to the poacher to take her back to Australia.

Luckily, the warships remained in the vicinity. Sure enough, at 13:00 on February 7, *Canberra*'s helicopter detected a second vessel, *Volga*, some 30 miles inside the Heard Island EEZ. She had, in the meantime, been making desperate attempts to escape north-eastwards beyond the limits of Australian waters. By 15:00 visual contact was established by the frigate

at about 20 nautical miles range and a helicopter boarding-party secured this second poacher; soon followed on board by AFMA officers in a rigid-hulled inflatable boat. 127 tons of tooth-fish, worth \$1,500,00 were found in her hold, and that, of course, cooked *Volga's* goose good and proper!

Subsequently, during an interview on Australian TV, Sanchez voiced strong suspicions that these two long-liners, allegedly the oldest and least efficient of the Sun Hope (Jakarta) fleet, had acted the role of decoys; that they had been deliberately sacrificed by the owners so that their sister vessels could pursue their poaching undisturbed. Be that as it may, inefficient or not, they had certainly netted an impressive catch. After appearing in court in Australia, 37 of the crews from both boats were sent home; another three, however, were found guilty of poaching and fined a total of \$100,000. *Lena* was subsequently scuttled. Amusingly, though, in the case of *Volga*, Russia unsuccessfully appealed to the Hamburg-based International Tribunal for the Law of the Sea (ITLOS) for a significant lowering of the \$4,177,500, bond Australia had inflicted to obtain the vessel's release.

However, sending in the A Team had cost the Australian taxpayer a pretty packet, what with the fuel expended by two RAAF patrolling aircraft, acting in support of the operation, to add to the bill! Though results had been spectacular, it was hardly the most cost-effective manner of dealing with the problem; a dedicated, armed fishery patrol vessel was the answer to that one! Whichever way you looked at it, though, Australia had addressed a terse signal to all would-be pirates: "Have warships; will use them!"

Meanwhile, a report from Mauritius, received in March, indicated that the Uruguayan-flagged *Atlantic 52* had offloaded tooth-fish there, probably from the Kerguelen EEZ. So much for Mauritius and its solemn undertaking to combat IUU fishing!

On the night of July 3, however, came the next instalment of exciting, mid-winter action. At 22:00, tooth-fish pirate *Eternal* (ex-*Arvisa 1*, ex-*Camuco*), sailing under the Surinam flag, was first intercepted, then chased by the Australian Fisheries trawler *Southern Champion* in the Kerguelen EEZ. Around midnight the French FPV *Albatros*, called up by the Aussie on the VHF, took up the pursuit north-east of Kerguelen in near freezing conditions. The pirate, a hardened customer with an eventful history of IUU fishing behind him, refused to heave to and actually rammed *Albatros*, though failing to inflict lethal damage! As described by David Carter of Austral Fisheries:

"She ignored calls from the French navy captain to stop, despite threats of being fired upon; until finally as the French Navy boat (*Albatros*) and the *Eternal* were both doing 12 to 13 knots in some fairly interesting conditions, they had a brief touch – so the two boats touched in those conditions in the middle of the night – and the skipper of the *Eternal* finally saw reason and pulled up!"

This nocturnal skirmish, which demonstrated growing co-operation between Australia and France, had also shown pirates that law-enforcement vessels remained a force to be reckoned with in the Southern Ocean. Afterwards, though, there came a relatively quiet period, while the COLTO intelligence community continued watching Port-Louis and, especially Jakarta, since the *Lena/Volga* affair had highlighted Indonesian implication in IUU fishing. The following were typical of reports that came in during that autumn and early winter:

1/ October, Russian long-liners *Zarya* and *Strela* reported to have been busy in Kerguelen EEZ, offloaded their catch in Jakarta.

2/ October, the trawler *Notre Dame*, under Bolivian flag, believed to have become a Pacific Andes vessel, provided tooth-fish (reputedly caught in the Kerguelen EEZ) to Vietnam a month later.

3/ November, Russian *Austin I*, Sunhope Investments vessel, probably active in Kerguelen EEZ, was seen offloading catch in Jakarta and Singapore the following month, together with another culprit, the similarly owned *Darvin I*, also fresh from the Kerguelen EEZ.

If this info was based on hearsay, there were also a few hard facts, sighting reports credited to COLTO long-liners, such as the case of *Lucky Star*, under flag of Equatorial Guinea (probably a Spaniard in disguise!), sighted in the Kerguelen EEZ in December, but which managed to escape before she could be monitored; or, in December, the Uruguyan *Viarsa I*, reportedly sighted by France in both the South African EEZ, and French EEZ division 58.5.1.

2003 season

In January, the Australians were alerted by a report that the veteran campaigner *Viarsa I* had offloaded tooth-fish in Mauritius, that country yet again welshing on her obligations not to land illegally caught fish. But, for *Viarsa I* the day of reckoning was not far off!

Mid-summer was often the right time to take tooth-fish pirates by surprise, though none had recently been captured by the French. Sure enough, luck was due to come their way. Early on January 13, with spray ceaselessly lashing her bridge, frigate *Nivôse* was patrolling north-east of the Kerguelen EEZ when she fell in with a suspect. Upon the frigate's Panther helo being launched, the intruder was identified as long-liner *Lince*, sailing under a Seychelles flag of convenience. The Panther signalled to the poacher that she was to stop her engines. Although her skipper realised the game was up he put on speed in a belated attempt to escape. An intervention team of gun-wielding commandos in camouflaged denims was therefore inserted by helicopter with the utmost difficulty. While this was in progress, crew members were observed throwing documents overboard – sufficient proof that they were hardly as white as the driven snow! It eventually took the French the whole morning fully to secure the poacher, inspection revealing 160 tons of tooth-fish in her holds. With help from another French warship, *La Boudeuse*, and a prize-crew on board, *Lince* was escorted back to Port-aux-Galets by January 23. The Master and 41-strong crew were found to be all Chilean, except for the Chief Mechanic and Fishing Master who were Spanish. It turned out that she was registered in Punta Arenas, Chile, but that her real owners were the Marbella-based Marilyn Fishing Co. Ltda. Again, the hand of Spain! Interestingly, this poacher later became the French patrol vessel *Osiris* and contributed actively to tipping the scales against tooth-fish pirates in the Indian Ocean.

Several uneventful months followed, barely upset in June, by the sighting of *Lugal Pesca*, a notorious tooth-fish poacher (with several illegal catches behind her during the 2002-2003 season), which was reported in the Kerguelen EEZ. Almost simultaneously, on June 27, Austral Fisheries trawler *Southern Champion* sighted Sun Hope Investments poacher *Strela* just outside the Hear Island EEZ, and alerted Perth. Unluckily, no law-enforcement vessel

was immediately available, and the poacher was subsequently reported to have off-loaded her catch in Jakarta the following September.

Early autumn, however, witnessed yet another case of high adventure on the Southern Ocean, highlighted by praiseworthy co-operation between CCAMLR states. On August 7 the unarmed Australian FPV *Southern Supporter* spotted Uruguay-flagged long-liner *Viarsa I* off Heard Island and gave chase. There followed an epic, 21-day, 3,900-mile pursuit to the north-west through mountainous seas, as the poacher strove might and main to distance her pursuer. Luckily, the latter could count on help from allies, namely, the South African ice-breaking tug, *John Ross*, which upon being contacted on the Inmarsat communication system, converged on the area at a rate of knots; not to mention the UK fisheries patrol vessel *Dorada*, which steamed from somewhere 1,000 miles south-west of Tristan da Cunha through icebergs and heavy seas to intercept.

The ocean rendez-vous was finally established on the afternoon of August 27, as *Dorada* arrived on the scene of the chase. She immediately formed in behind the red-hulled *Viarsa I*, with *John Ross* and *Southern Supporter* on either quarter of the poacher. Throughout the following night, the flotilla kept station around the poacher, planning to board at dawn. Unfortunately, the weather broke during the hours of darkness and it began to snow. When daylight came, conditions were not quite right. Matters improved during the day, however, and at 16:00 GMT Australian Fisheries officers and South African police were able to board, *Dorada* lending her inflatable boats as back-up. Captain and crew, 41 in number were arrested after 97 tons of tooth-fish had been found. The captured long-liner was escorted to Cape Town, and from there sent under arrest to Fremantle.

Meanwhile, the captured *Lince*, re-commissioned as the French patrol vessel *Osiris*, was operating out of La Réunion and diligently earning her keep. Committed to a yearly, 150-day patrol of the Kerguelen EEZ, she fulfilled expectations in November by capturing a Taiwanese long-liner – as clear a case as ever of “setting an Apache to catch an Apache!”

Two significant events marked the close of the year in the Southern Ocean. On November 24, France and Australia at last agreed to sign a maritime cooperation agreement whereby they undertook to pool resources in research and surveillance activity in their respective Indian Ocean EEZs. Finally, on December 17, came the Australian decision to patrol Heard island EEZ with a lightly-armed patrol vessel. This would be the *Oceanic Viking*, armed with twin 0.50 cal. heavy machine-guns, much-needed clout which meant there would be no more frustrating chases half-way across the bottom of the world by unarmed fisheries vessels.

2004 season

In January, the poacher *Maya V* was seized by a helicopter boarding-party from the frigate HMAS *Warramunga*, and revealed a catch of 191 tons of tooth-fish, sold off at over \$2,000,000. A sum equivalent, incidentally, to what it takes to keep a Fishery Patrol vessel on station for one year.

Significantly, in February Intersat/Radarsat, a sophisticated, state-of-the-art satellite surveillance system was set up with a monitoring station at PAF, Kerguelen, plus round-the-clock tracking capability of any vessel seen to be entering the southern Indian Ocean,

whatever the weather. A real-time link from PAF to the main station at La Réunion keeps the authorities fully informed as to what is going on in their own backyard. French fishing vessels pack a special Argos beacon that enables Radarsat to pick them out from poachers. Naturally, such info is only useful if sufficient air or naval assets are available to enforce sovereignty. On February 3, *Albatros* detected Uruguayan trawler *Sherpa Uno* sailing without flag, crew of 35, but she apparently had no tooth-fish on board since she was allowed to proceed.

Although Uruguay was more or less involved in the tooth-fish trade, this did not prevent the daily, *La Republica de Montevideo* of May 30, from denouncing a particular bit of hanky-panky involving the *Maya V* (captain Flangini), acting on behalf of *los mafiosos gallegos* through Navalmar SA, a well-known front for Pacific Andes through their Corunna-based European agents, the de Riveira brothers.

After South African fishery inspection officers had been taken on board near Marion, on June 17, the FPV *Albatros* was cruising in the Heard Island EEZ when she picked up an echo on her radar, confirming a report she had just received from Radarsat. The suspect was the 50-metre Belizean-flagged poacher *Apache*, formerly the American *Caroline* based on Seattle. *Apache* took advantage of heavy weather (45 knot winds, 10-metre waves), which precluded attempts at boarding, to head north-east into Kerguelen waters for three days, with *Albatros* in relentless pursuit. On June 21, the patrol vessel having just lost contact at the western limit of the Kerguelen EEZ, *Albatros* was put back on the trail by Radarsat and re-established contact, only to lose it again due to filthy weather conditions. At first light on June 24, some 150 nautical miles north-west of Kerguelen, *Apache* was again located. Although she refused to heave-to or allow herself to be boarded, she finally stopped after receiving a shot across her bows. She was then visited by a prize crew from *Albatros*; she had a crew of 40 and 60 tons of tooth-fish on board. By early July she was in La Réunion. Like the *Osiris*, she was later refitted and pressed into service by French as *Le Malin*. After this successful operation, the captain of *Albatros* was congratulated by French President Jacques Chirac in person.

On November 23 the Taiwanese long-liner *Ruey Shyang II* was caught by *Osiris* 130 nautical miles south-east of La Réunion inside the French EEZ, with help from frigate *Nivôse* and her helicopter.

The proof of the pudding undoubtedly lies in the eating. This particular capture, better than anything else, illustrated the fact that Envisat/Radarsat surveillance was working. In fact, since the system was set up in the Indian Ocean (February 2004), there had been a 90% decline in the activities of pirate fishing vessels in the area.

The more or less permanent presence on the spot of light patrol vessels, such as the French FPV *Osiris* (former pirate *Lince*), or Australian *Oceanic Viking*, a distinctive, purpose-built 9000-ton, 120-metre vessel with blue hull and yellow upper-works, had enabled local authorities to exploit data instantly; hence the enhanced efficiency of the system. A side-effect of this had been that, with the water of the Kerguelen shelf now carefully monitored, tooth-fish pirates were consorting in even remoter waters in an attempt to maintain their criminal activities while escaping surveillance: well to the south-east of Tasmania, or right down off the Antarctic continent, ominous reports having come in during November of a couple of Ukrainian trawlers sighted fishing in the Ross Sea.

Fortunately, a more promising note was struck late in 2004 when the Marine Stewardship Council (MSC) decided to grant the South Georgia tooth-fish fishery a sustainability award,

for practically eliminating IUU fishing in their area, and having achieved conservation measures that prevented sea-birds from becoming by-catch.

2005 season

In February, the Australian patrol vessel *Oceanic Viking* reported six poachers fishing on the Banzare bank off the Antarctic ice-shelf, an incident typical of a new tendency on the part of tooth-fish pirates to forage even further south. The vessels were the Togo-flagged *Hammer*, *Ross* and *Condor*, and the Georgian-flagged *Kang Yuan*, *Jian Yuan* and *Koko*, probably Taiwanese. No reason was given for the patrol vessel's failure to apprehend any of the pirates. In March, Australian senator Chris Ellison, Minister for Justice and Customs, declared that:

“The *Oceanic Viking* has resumed patrols, and is currently making 14 knots in sea state six with visibility reduced to approximately two nautical miles with 30 knot winds. It will continue to gather evidence of, and disrupt any unregulated fishing operations, for the sake of protecting the Patagonian tooth-fish and the unique marine ecosystems.”

The scene shifts, yet again: March 7, off the Falklands. A typical day in the storm-tossed South Atlantic, except that another tooth-fish pirate was about to meet with its comeuppance. *Elqui*, a 45-year-old Uruguyan-flagged trawler, was being escorted into Stanley harbour by the British FPV *Dorada* for illegally capturing 13 tons of “Chilean sea bass” (tooth-fish) off South Georgia. This particular customer, guilty of elaborate hanky-panky, was not unknown to law-enforcement bodies. In fact, *Elqui*'s progress had been carefully charted over the previous ten years, with recorded landings of tooth-fish in South Africa and Mauritius under various flags. Her crew, some 30 strong, hailed from Indonesia, Africa and South America; her master, Christian Enricas Vargas, from Chile. In court at Port Stanley on a charge of illegal fishing, he blanched visibly on hearing that he was expected to fork out £2,000,000, though given a couple of years in which to pay. The catch, worth £70,000,000, was auctioned off.

On September 6, the Cambodian-flagged trawler *Taruman* (2,145 tons), was captured 720 nautical miles north-west of seal- and penguin-haunted Macquarie Island – now declared a World Conservation site – by the armed Australian patrol vessel *Oceanic Viking*, and boarded by 21 customs officers armed with hand-guns. On board were found her Master, Alfonso Dacruz Amodeo, her Shipping Master, a certain Enrique Dominguez, and a crew of 31 Chileans and Russians, not to mention 143 tons of Patagonian tooth-fish; the cargo was evaluated at \$1,500,000. She was brought into Hobart on September 10.

On September 23, skipper and crew of the FPV *Oceanic Viking* were justifiably praised by Australian Senator Chris Ellison:

“Boarding an illegal vessel on the high seas is a hazardous operation, but the Customs and Fisheries officers on board the *Oceanic Viking* have clearly demonstrated their capability to intercept and apprehend poachers in some of the harshest waters in the world.”

Most suitably, given its strategic situation, in October, Hobart, Tasmania, became the Headquarters for CCAMLR states.

On October, as the owners had been reluctant to pay the £60,000,000 fine demanded by the Port Stanley authorities, the trawler *Elqui* was scuttled at Shag Rocks near Lively Island, Falklands – definitely the best way to ensure that she never went a-pirating again!

On November 5, there came an unpleasant sequel to the 2003 *Viarsa I* affair, amply demonstrating the weakness of democracies when up against unscrupulous, mafia-style pirate fishers, who, for the defence of their people in court have sufficient money to win over mercenary lawyers – experts at fiddling the evidence and exploiting legal loop-holes. No wonder then, that a Perth jury found five Chilean, Spanish and Uruguyan seamen not guilty of poaching; for which reason they were released, to the extreme mortification of all concerned in the vessel's capture.

On December 16, an RNZAF P3K Orion patrol aircraft effected a 12-hour over-flight of the Southern Ocean as far as the Antarctic Ice-shelf, reporting a number of unidentified fishing vessels operating down there.

In an end-of-year speech, Emmanuel Reuillard, in charge of the French Southern Ocean Fisheries, came up with some encouraging statements. It was, he claimed, the first time in ten years that illegal fishing had not exceeded the catch netted by COLTO vessels. He put this down to the efficiency of satellite surveillance, the energy and determination displayed by law-enforcement vessels and, especially, the new patrol vessel *Osiris* which maintained almost permanent surface monitoring of the Crozet (sub-zone 58-6) and Kerguelen (sub-zone 58-5-1) EEZs. There had also been a sharp decline in the number of sea-birds accidentally hooked by long-lines (except for the White-chinned Petrel), though officially-approved fishermen had lost quite a number of tooth-fish to voracious Orca, especially round the Crozets, these killer whales often gobbling up hooked tooth-fish before the lines could be brought to the surface. In future, however, scientists would embark on all COLTO vessels operating in the area, specifically to address these problems.

This tallied with hopeful late November reports from the UK authorities in the Falklands emphasizing the “relatively low catches of birds that were made in the long-line fishery for tooth-fish”, together with the favourable impact of the Envisat/Radarsat surveillance system which had reduced IUU fishing by about 90%. Interestingly, a Uruguyan press source also confirmed that: “The satellite has become a watchdog, monitoring the frigid waters in the vicinity of the French Kerguelen Islands to impede illegal vessels from fishing Patagonian tooth-fish...”

2006 season

Unfortunately, after high hopes had been raised that the end of the tunnel might, at long last, be in sight, several events in the course of the year amply demonstrated that it was still too early to think in terms of chilled champagne. Amazingly, on January 3, nine poachers were reported to be trawling just outside the Heard island EEZ, raising doubts as to the efficacy of patrols by *Oceanic Viking*.

On January 18, a RNZAF Orion maritime reconnaissance plane landed on Antarctic ice for the first time in an attempt to test the feasibility of extending surveillance flights in the deep south to face the fresh challenge from far-ranging tooth-fish poachers.

On March 7, in connection with a report that six poachers had been observed illegally fishing off Heard Island, Australian Fisheries Minister Ian Macdonald made a somewhat pessimistic statement to the effect that:

“The vessels were approached by the *Oceanic Viking* and were instructed to leave the CCAMLR waters. But because the flag states of these vessels are not members of the commission, International law does not allow any additional action being taken. Evidence of the vessels’ fishing was being gathered and will be passed to the commission.”

This was all the more galling since, 1) the Australian FPV had failed to effect any pirate capture since the previous year’s *Taruman* affair; 2) legal fishing had been put on hold in the area by international agreement since February 14, as quotas had been reached, but this measure was being openly flouted, and, 3) there was increased concern in conservation circles that “tooth-fish could become commercially extinct by 2007 because illegal fishing above the quotas was already depleting dwindling stocks.”

About the same time, Australian Senator Chris Ellison neatly summed up the on-going mafia-dominated situation by stating that: “Russian vessels with Spanish crews have been coordinated by Chinese companies in Hong Kong and are selling tooth-fish on the international market.”

This was coincidental with a March media release setting down guidelines for future protection measures of tooth-fish fisheries:

- 1) strengthen the international monitoring, control and surveillance network;
- 2) establish a global information system on high-seas fishing boats;
- 3) promise better high-seas governance;
- 4) promote broader participation in multilateral treaties
- 5) adopt and promote guidelines on flag state performance;
- 6) support greater use of port and trade measures.

Probably as a follow-up to reports describing *Oceanic Viking*’s powerlessness to control several poaching vessels, there came a Reuters release on August 3 claiming that Australia was planning a “prison ship” that would escort law-enforcement vessels. Thus, pirate crews would be placed in custody on board her, leaving the patrol vessel free to round up other suspects.

In May, an unusual page-turner hit the book-stalls, *Hooked: pirates, poaching, and the perfect fish*, by G. Bruce Knecht, a reporter and yachtsman determined to highlight the plight of the over-fished Chilean sea bass by building an action-charged narrative around the *Viarsa I* affair. As far as one can make out from the reviews, there would appear to be one or two distortions: the South African police who board the poacher are inaccurately described as “mercenaries”, while the sailors on board *Viarsa I* are strangely described by a reviewer of Knecht’s book as “righteous men out to get what they want”! Public response to the book,

however, has been encouraging, and many feel that it will eventually contribute to reducing pressure on the over-exploited tooth-fish.

On September 24, *Taruman's* 143-ton deep-freeze catch of tooth-fish was reportedly sold by auction for a sum of \$1,500,000. Two days later, the Master and Fishing Master of the same vessel were convicted by an NSW Court Judge and fined respectively \$65,000 and \$53,000.

According to a report in the British newspaper, *The Independent*, dated September 28, no less an authority than Sir David Attenborough, Vice-President of the Falklands Conservation Group, after calling for closer regulation and management of tooth-fish fisheries, declared that: "The chance of an individual albatross surviving to old age now seems as remote as the ability of many albatross species to exist beyond the end of this century!"

A couple of months earlier, on June 25, an important event had occurred in terms of Franco-Australian co-operation. Shrouded in snow flurries, France's *Albatros* and the Australian *Oceanic Viking* were converging at flank speed on Rhodes Bay, Kerguelen, to conduct joint exercises. For some time previously each vessel had been embarking a small team of observers from the other country; this time, the idea was to test their mettle in boarding tactics under realistic conditions. And they couldn't have been worse. Contact, however, was rapidly established between the two parties.

"*Oceanic Viking! Oceanic Viking!* This is *Albatros*, can you read me? Over!"

"This is the *Oceanic Viking*. We can hear you loud and clear. How are you guys doing?"

Once courtesies had been exchanged, both crews met to discuss basics. After the usual three-course lunch at PAF, Kerguelen, to celebrate the winter solstice there occurred a definite thawing in Franco-Australian relations; not in twenty years, since the last French nuclear tests in the Pacific, had relations been so good between the two countries! Several exercises were then held, despite persistent snow, during which parties both from both vessels simulated "co-operative" and "opposed" boardings on each other. Useful experience was thus gained off Kerguelen's misty shores. Then both vessels left that lonely, penguin-haunted land and steamed off on their separate courses across the boundless wastes of the Southern Ocean. And so we leave those wave-lashed coasts that have figured so strongly in our brief narrative.

Towards the close of September, the Greens in Australia probably summed up the on-going tooth-fish crisis most accurately when they pleaded in favour of a total ban on tooth-fish fishing as the sole way out of a no-win situation:

"For years now it's been clear that it's not possible to effectively police this fishery. We're talking about a ban. It doesn't have to be permanent, but it really does need, we do need some sort of a moratorium in order for the fishery to get its act together and for the countries responsible for management of the fishery to prove that this fishery can be managed effectively and that the product only comes from legal sources. At the moment that's simply not possible!"

That just about caps the story, doesn't it? In other words: why not put fishing operations on hold for a couple of years so as to allow stocks to recover; then, by all means, resume sensible, regularly policed, environment-friendly fishing. Also try and get some of those swank Northern Hemisphere sea-food restaurants and their trendy clientele to modify their

menus just a wee bit. Think of the wretched fish and spare a thought, too, for all the collateral damage done to unsuspecting sea-birds amid all those far, storm-beaten isles from South Georgia to Macquarie. After all, sea bass aren't the only fish in the ocean, are they?

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Grenoble
October 29, 2006

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