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TO ALL MEMBERS OWNING FISHING VESSELS

Fines: alleged illegal fishing in Mozambique

The Britannia Committee has recently considered a claim relating to a substantial fine imposed by a littoral state on a Member for alleged illegal fishing within the state's EEZ.

Notwithstanding the licences held by the ship and Members having acted in compliance with a bilateral protocol in force at the time, the authorities nonetheless fined the ship under the provisions of domestic law and their finding that the Members were fishing illegally by not having the required local licence.

This case highlights the need for Members to have a thorough understanding of any domestic legislation governing fishing in the territorial waters (including up to the limit of the EEZ) of any state in which Members' ships are operating and notwithstanding any bilateral agreements that are believed to override such provisions.

This case also provides us with an opportunity to remind Members of proviso (ii) to Rule 19(19)(E) of the Rules of the Association which excludes cover for fines imposed for illegal fishing (including the costs and expenses incurred in defending any allegation of illegal fishing). It is therefore imperative that Members carry out the proper and complete checks, necessary to ensure that domestic laws are not violated, even if unintentionally.