



stop illegal fishing



泰宏1号
TAI HONG NO.1
青島



STOP ILLEGAL FISHING
CASE STUDY SERIES **16**

January 2019

Operation Jodari

A partnership to combat illegal fishing in Tanzania

Background

Tanzania has an exclusive economic zone (EEZ) of 241 453 km² and a coastline of 1 424 km. A licensed industrial offshore fishery operates in the EEZ for foreign vessels, with purse seiners and longliners targeting yellowfin, skipjack and bigeye tunas, swordfish and shark. The catch is generally not landed in Tanzania as there is no fisheries port. Without its own industrial fishing fleet, Tanzania relies on the income generated from foreign vessels, with licences worth more than USD 1.3 million issued in past years, contributing to the national GDP.

With the considerable challenges of policing the large area of the EEZ, Tanzania loses millions of dollars a year to illegal, unreported and unregulated (IUU) fishing. The greatest concerns are unlicensed foreign industrial vessels, illegal transshipment at sea, vessel identity fraud, misreporting or underreporting of catch, discarding of by-catch and fishing operators involved in transnational organised crimes such as human, drug and weapons trafficking.

Operation Jodari began in January 2018 as a partnership between the Tanzanian Government and international conservation organisation Sea Shepherd, supported by FISH-i Africa, to combat IUU fishing. The campaign mission was to control all fishing vessel operations in the Tanzanian EEZ.

Tanzanian officers and law enforcement agents were trained and assisted in monitoring, control and surveillance (MCS), carrying out investigation procedures including inspections and boarding of vessels suspected of IUU fishing. The Tanzanian Government through their National Multi-Agency Task Team (NMATT) provided law enforcement officers, who included officers from the Drug Control Enforcement Agency (DCEA), the Tanzania Police Force (TPF), the Ministry of Livestock and Fisheries Development (MLFD), the Deep Sea Fishing Authority (DSFA), Tanzanian Navy (TPDF) and Immigration Officers. This team worked alongside the captain and crew of the *M/Y Ocean Warrior*, for six months, from January to June 2018, the team carried out patrols of Tanzania's sovereign waters.

STOP ILLEGAL FISHING CASE STUDIES aim to:

Define best practice by analysing practical examples of different approaches in the fight against IUU fishing. They also demonstrate the magnitude of activities and partnerships underway to stop illegal fishing and provide the basis for policy advice.

Within the first 20-day patrol, nine boardings and inspections were conducted resulting in three arrests. The Chinese-flagged *F/V Tai Hong No 1* was discovered carrying a cargo of shark fins that far exceeded the 50 carcasses on board, violating Tanzanian law that the number of fins must correspond to the number of trunks (bodies). Distressing living and working conditions were revealed on board; Tanzanian fishermen having been refused water and food and sharing small unventilated accommodation with two beds to be shared between 12 men.

The Malaysian-flagged *F/V Buah Naga No 1* was also discovered violating fisheries regulations and human rights. Evidence of shark finning was found, in contravention of Tanzanian regulations and Indian Ocean Tuna Commission (IOTC) conservation and management measures. An unlicensed firearm was found on board that the crew reported was regularly used by the captain to threaten them. 14 Indonesian crew reported abuses as well as inadequate sleeping conditions and deprivation of food and water. They were subsequently released and repatriated by the Indonesian Government. The captain, owner and agent of the vessel remain in custody facing criminal charges.

After the arrest of *Tai Hong No 1*, satellite-tracking systems showed a mass exodus of vessels leaving the EEZ for the high seas. This is a violation of Tanzanian law which requires vessels to report to a designated port for a post-fishing inspection before leaving Tanzanian waters. 19 of the 24 longline vessels licensed to fish in the EEZ were subsequently fined for absconding. It is thought by NMATT that the vessels fled because they were illegally shark-finning despite only being licensed for tuna. Chinese-flagged *F/V Jin Sheng No 2* was fined USD 50 000 for not allowing Tanzanian

inspectors to access the bridge and for mistreatment of their crew.

After the foreign-flagged industrial fishing fleet had left Tanzanian waters the Tanzanian-flagged *F/V Swabir Jamil* was found to be fishing without a licence and carrying shark fins. Smuggling routes were monitored between Zanzibar and Mainland Tanzania and 27 dhows were arrested on numerous charges from smuggling cargos of mangrove timber to be sold on the black market to trafficking of persons. Mangrove forests are strictly protected in Tanzania, being critical habitats for many marine species that spawn and nurse there. They are also critical to the livelihoods of local communities, particularly artisanal fishers. One Pakistani captain was arrested with two dhows transporting a total of 71 people (12 of which were children) in an unseaworthy vessel without registration papers or life-saving equipment.

In March 2018, a known Patagonian and Antarctic toothfish poacher, *F/V STS-50* (previously known as *Andrey Dolgov*, *Ayda* and *Sea Breez 1*), fraudulently claiming to be flagged to Togo, was detained in Maputo for entering Mozambican waters without permission. Inspectors found 600 gillnets (prohibited by the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR)) and forged certificates of registration. The vessel fled and the *Ocean Warrior*, on patrol in Tanzanian waters at the time, followed *STS-50* in a three-week trans-Indian Ocean chase into the high seas. The *Ocean Warrior* intercepted the vessel in Seychelles waters but unfortunately did not have the authority to board and inspect. They gathered photos and other evidence, including course and speed of the vessel which they sent to Indonesian authorities who successfully intercepted and arrested *STS-50* on 6th April 2018.



Drivers

The following were all instrumental to the launching of the operation: growing awareness of the issues of IUU fishing in Tanzania, resulting in strong political will to fight this headed by H.E. President John Magufuli; NMATT's pre-existing establishment as an interagency cooperation mechanism which laid the foundations and framework for the procedures; FISH-i Africa countries' ongoing collaborative force combating IUU fishing in the Indian Ocean; and Sea Shepherd's dedication to eradicating IUU fishing and willingness to provide a vessel and crew.

Key features and outcomes

- A total of 88 inspections were conducted and fines issued amounting to more than 19 billion Tanzanian shillings (over USD 8 million), making a significant deterrent impact on illegal fishing in Tanzania.
- Tanzania was able to conduct patrols and at-sea inspections for the first time since gaining independence, checking fishing vessels licensed by the government and making sure they comply with national and international regulations.
- The multi-agency collaboration provided the opportunity to bring together all the relevant agencies required to police the EEZ and monitor and inspect fishing vessels.
- Little fishing vessel activity has been observed in the EEZ since the arrests, poachers have fled, shark finning operations have been disrupted and labour abuses exposed.
- Timber smuggling operations appear to have ceased following the arrests of the dhows and busting of onshore gangs.
- Sea Shepherd was commended by the Tanzanian Government for taking responsibility to chase *F/V STS-50*, showing tremendous leadership in the regional fight against IUU fishing.

Challenges

- Organised crime is diversified, with the vessels involved in IUU fishing also smuggling drugs and humans and polluting the seas, this increases the stakes involved and thus the risks they are willing to take, further impelling them to evade the law.
- Vessel owners hide their identity through shell companies to avoid responsibility for their illicit actions. This makes investigation and prosecution of their offences complicated and difficult.
- Interagency cooperation can result in conflict of interest between the different agencies. Actions require consensus from all parties when dealing with illegal operators, particularly if they violate several areas of the law. It can take time and compromise to reach these agreements.
- Having so many parties involved in the operation complicated communication, particularly in media releases and ensuring recognition was evenly distributed.
- Delayed regional information sharing and reporting to IOTC may have harmed Tanzania in terms of ensuring a regional action under the Port State Measures Resolution as well as reducing revenue from potential legal operators due to inconsistent signals being given.



Lessons learned

- **IUU fishing is often possible through the convergence of other criminal activity.** The approach of going after poachers by targeting them for a connected crime such as drug trafficking, human trafficking or timber smuggling, can carry more stringent penalties than an illegal fishing offense alone, thus providing greater deterrence.
- **National multi-agency cooperation and information sharing is vital** to ensure that violations and crimes in the fishery and natural resource sector are stopped and perpetrators brought to justice.
- **Deterrence is the ultimate enforcement**, as seen by the absconding of 19 vessels following the initial three arrests, showing the importance of at-sea boarding and inspection.
- **The complete operational flexibility of the patrol** was evident from the diversity of illegal activity that was confronted (drug enforcement, immigration, customs, fisheries). Law enforcement agents were key to the discovery of the firearm on *F/V Buah Naga No 1*.
- **The intelligence gained from busting timber smuggling activities at sea** can be used by law enforcement to raid shore-based operations and are an important part of human intervention.
- **Developing partnerships to work alongside national authorities** is a positive way forward in the fight against IUU fishing, globally as well as regionally.
- **Success in the capture of *F/V STS-50* was due to a united response** with weeks of satellite tracking and monitoring by FISH-i Africa and cooperation between authorities in Madagascar, Mozambique, Tanzania and Indonesia.
- **Regional cooperation and information sharing** are vital to combat IUU fishing. Rapid exchange of information and enforcement actions could restrict movement options of an illegal fleet. Reporting to IOTC would bring the issues to the table for discussion and possible IUU listing of non-compliant vessels.

Policy implications

- Sustainability of a national MCS programme can be consolidated by investing part of the fines back into future patrols and operations.
- Compiled information on IUU fishing incidents can be used to inform national positions on fishery access negotiations as well as African positions on international fisheries policy.
- A global database of information about fishing vessels, including photographs, is needed to facilitate identifying offending vessels and promote transparency of fishing activities.
- Robust fishery and maritime laws are needed that not only focus on the illegal fishers but deal with the whole chain of perpetrators.
- International agreements to increase safety and protect workers rights such as the Cape Town Agreement and the Work in Fishing Convention (C188) require ratification or accession and implementation.

Further Information



Tanzania

Website: www.kilimo.go.tz



Sea Shepherd

Email: info@seashepherdglobal.org

Website: www.seashepherdglobal.org



FISH-i Africa

Email: info@fish-i-frica.org

Website: www.fish-i-africa.org



Acknowledgements:

This case study was based on reports published by Sea Shepherd and FISH-i Africa. It was researched and reviewed by Stop Illegal Fishing with Per Erik Bergh, Arabella Borgstein, Sandy Davies, Sally Frankcom, Peter Hammarstedt and JD Kotze. *Photographs by Jax Oliver of Sea Shepherd Global.*

Players involved

- NMATT is led by the Ministry of Home Affairs and includes the DCEA, the TPF, the TPDF, the DSFA, Tanzania Forest Services, the Wildlife Division, Fisheries Division, the Immigration and Customs Divisions and the Tanzania Intelligence and Security Service.
- The Tanzanian Government law enforcement officers, vitally, had the authority to board, inspect and arrest vessels in violation of the law.
- Sea Shepherd provided a considerable amount of resources and expertise for the operation, including the custom-built civilian patrol vessel *M/Y Ocean Warrior*.
- FISH-i Africa, a partnership of eight East African countries fosters information-sharing and regional cooperation to combat large-scale illegal fishing in the Western Indian Ocean and provided essential investigative and technical support during the operation.

Next steps

- A regional patrol involving neighbouring coastal States would increase the impact of at-sea inspections and prevent vessels avoiding inspection and oversight of their activities.
- A supporting legal framework should be established to secure long term funding and a support plan for MCS in the Tanzanian EEZ, alongside future patrols to prevent the relapse of illegal activity.
- Specific legislation regulating the fisheries sector should be harmonised between mainland Tanzania and Zanzibar.
- Cooperation between the Southern African Development Community (SADC) States needs to be road mapped, improving understanding of their responsibilities as flag States, assessing the extent of shark finning in the Indian Ocean and the related challenges and expanding regional inspections.
- The Regional Monitoring, Control and Surveillance Coordination Centre (RMSCC) of SADC, on track to be set up in Maputo, will strengthen SADC regional collaboration and create sustainable partnerships in improving MCS.
- The FISH-i Africa Task Force needs to continue to work closely with all the flag States active in the Western Indian Ocean to broaden cooperation, promote information sharing and enhance transparency in the fight against IUU fishing.



Stop Illegal Fishing

Email: pct@stopillegalfishing.com

Website: www.stopillegalfishing.com