

# INVESTIGATION NO. 20

## SHARK FINNING AND HUMAN TRAFFICKING CONCERNS IDENTIFIED IN DUE DILIGENCE CHECKS



Due diligence checks undertaken in response to an application to register under the Kenyan flag, identify high risk fishing vessels.

The WANG JIA MEN NO. 88 and WANG JIA MEN NO. 89 continue to have links to an owner and operator charged with illegal shark-finning and human trafficking offences.

### VESSEL TYPE

Longliners

### FLAG STATE

Belize, Stateless

### PENALTY/SANCTIONS

Custodial sentence for illegal shark-finning

## KEY EVENTS

**2010** News sources from Costa Rica report that four individuals linked to vessel operator Imperio Pesquero del Pacífico SA were arrested in 2010 and charged with human trafficking in relation to 36 crew members that had been detained, beaten, had pay withheld and were forced to work in inhumane conditions. It is reported that the four, which included two members of the Tseng family, were later released and the outcome of the case is unclear.

**2011** WANG JIA MEN NO. 88 and WANG JIA MEN NO. 89, IUU listed by the Inter-American Tropical Tuna Commission (IATTC) in 2005-6, are amongst a group of at least three vessels reported to have landed sharks in Costa Rica in 2011 using a novel processing technique in order to circumvent Costa Rica's laws against shark finning. Shark carcasses were landed with fins attached only to a thin strip of skin and all other flesh discarded. This was likely

done in order to maximise the volume of shark fins that could be carried onboard, whilst remaining nominally compliant with Costa Rica's requirement that fins be landed naturally attached to the body.

In response port State Costa Rica requests an Interpol Purple Notice and flag State Belize removes fishing authorisation from the vessels by placing them on 'laid up' status.

**2013** INTERPOL circulate a 'Purple Notice' detailing the modus operandi used by the WANG JIA MEN NO. 88 and WANG JIA MEN NO. 89 in order to alert countries that have laws governing shark-finning activities to this new technique.

**2015** Flag State Belize delete the WANG JIA MEN NO.88 and WANG JIA MEN NO.89 from their registry on 16 December 2015.

**FEB 2017** In 2017, Kathy Tseng who sources have named as a representative of both vessels, is reported to have been

sentenced in Costa Rica to six months in jail, and fined, in relation to the offloading of shark fins from WANG JIA MEN NO. 88.

**NOV 2017** An application for the WANG JIA MEN NO. 88 and WANG JIA MEN NO. 89 to be flagged by Kenya indicates that the vessels remain under the ownership and control of the Tseng family. Sources indicate that Huei Ju Tseng Chang, listed as buyer of WANG JIA MEN NO. 89, is the same person as Kathy Tseng, and the address used is one associated with Imperio Pesquero del Pacífico SA. This is likely to be the same individual as Tseng Huei Ju listed as the buyer representative for WANG JIA MEN NO. 88, who is also reported to represent the buyer company Captura Todo de Belize Co. Ltd.

Due diligence conducted by FISH-i Africa reveals the history of illegal shark-finning and potential links to human trafficking by the vessel owners and operators.

Kenya denies the request to flag.

## WHAT DID FISH-i AFRICA DO?

- Undertook due diligence checking to assess risk status of vessels seeking to register in Kenya.
- Alerted FISH-i members to potential flagging requests from high risk vessels.

## WHAT WORKED?

- INTERPOL Purple Notices alerted authorities globally to a new means of landing 'illegally' targeted sharks for their high value fins.
- Inspection and enforcement action by Costa Rican authorities identified illegal activity and disrupted operations.
- Regional cooperation and information exchange between FISH-i countries and flagging States allowed flagging authorities to crosscheck and verify information.
- Press coverage enabled the history of the operators to be uncovered.



In working together on over forty investigations, FISH-i Africa has shed light on the scale and complexity of illegal activities in the fisheries sector and highlighted the challenges that coastal State enforcement officers face to act against the perpetrators. These illegal acts produce increased profit for those behind them, but they undermine the sustainability of the fisheries sector and reduce the nutritional, social and economic benefits derived from the regions' blue economy.

FISH-i investigations demonstrate a range of complexity in illegalities – ranging from **illegal fishing**, to **fisheries related illegality**, to **fisheries associated crime** to **lawlessness**.

In this case evidence of illegal fishing, fisheries related illegality and fisheries associated crime were found.



## WHAT NEEDS TO CHANGE?

- RFMO listing of IUU vessels is an effective tool in stopping illegal fishing. Vessels found to be in violation of national and international regulations need to be IUU listed to stop them operating.
- Flag States need to act when there is evidence of non-compliance in their fleet.
- Public access to vessel registrations and de-registration would make cross checking faster and more effective.
- Mandatory AIS is needed for all commercial fishing vessels to ensure their activity can be tracked and monitored at all times.
- Appropriate penalties for non-compliance are needed to prevent those prosecuted for illegal acts, including agents and operators, from continuing to operate in the fishing industry.
- Global strategies are needed to ensure that a problem vessel does not get displaced from one flag to another, or from one fishing region to another.
- Harsher sanctions on those involved in human trafficking or labour abuses.

## HOW?

The evidence uncovered during FISH-i investigations demonstrates different methods or approaches that illegal operators use to either commit or cover-up their illegality and to avoid prosecution.

**FLAGGING** The vessels were flagged to Belize, which has historically been regarded as a flag of non-compliance, but has improved oversight of flagged vessels more recently. Attempts to re-flag to Kenya could have been an attempt to hide the vessels' links to illegal activity.

**DOCUMENT FORGERY** (suspected) Documents presented to Kenya did not reveal the de-registering by Belize, or the reasons for this.

**BUSINESS PRACTICES** (suspected) Press allegations of human trafficking involving 36 crew members in 2010 report that they had been detained, beaten, had pay withheld and were forced to work in inhumane conditions. The apparent change of ownership appears to be an attempt to 'whitewash' the illegal history of the vessels.