# 

ISSUES/INVESTIGATIONS/IMPACTS





FISH-i Africa unites eight East African coastal countries along the Western Indian Ocean, an unprecedented alliance which is showing that regional cooperation, coupled with dedicated analysis and technical expertise can stop illegal catch getting to market, and prevent illegal operators pursuing their lucrative business unhindered.

FISH-i Africa is a Stop Illegal Fishing initiative supported by The Pew Charitable Trusts and a Coordination Team made up of Stop Illegal Fishing, NFDS and TMT.









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## O1 ACRONYMS

AIS Automatic Identification System

**AU** African Union

**CCAMLR** Convention for the Conservation of Antarctic Marine Living Resources

DAFF Department of Agriculture, Forestry and Fisheries, South Africa

**DSFA** Deep Sea Fishing Authority, Tanzania

DWFN Distant Water Fishing Nation EEZ Exclusive Economic Zone

FOOD and Agriculture Organization of the United Nations
FIGURE Fisheries Committee for West Central Gulf of Guinea

FIA FISH-i Africa F/V Fishing Vessel

GDP Gross Domestic Product

ICCAT International Commission for the Conservation of Atlantic Tunas

IMD International Maritime Organization

IDC Indian Ocean Commission
IDTC Indian Ocean Tuna Commission

Illegal, unreported and unregulated fishing

MATT Multi Agency Task Team, Tanzania

MCS Monitoring, Control and Surveillance

NEPAD New Partnership for Africa's Development

NFDS Nordenfjeldske Development Services

PSMA Port State Measures Agreement

PSMR Port State Measures Resolution
REC Regional Economic Community

RFMO Regional Fisheries Management Organization
SADC Southern African Development Community

SIF Stop Illegal Fishing

TF Task Force

TMT Trygg Mat Tracking
TOR Terms of Reference

**UNDDC** United Nations Office on Drugs and Crime

USD United States Dollars

VMS Vessel Monitoring System

WID Western Indian Ocean

ZMA Zanzibar Maritime Authority

## 02 FOREWORD



**ELSA DA GLORIA PÁTRIA** 

At Stop Illegal Fishing our primary purpose is to strengthen cooperation and coordination between governments and partners and to support processes to stop IUU fishing across African waters. In the last decades we have seen the devastating impacts that illegal fishing has in Africa and we are aware that it is only through its eradication that as African nations, we will enjoy the full benefits of stable and increased revenues, employment and nutrition from our fishery resources.

At Stop Illegal Fishing we believe in the benefits of working together to apply both tried and tested as well as innovative approaches to stopping crime in the fishery sector. In 2012, when we joined forces with coastal states of the Southwest Indian Ocean and The Pew Charitable Trusts to launch the FISH-i Africa Task Force we were able to apply this approach. It has been a challenging three and a half years, we have faced both success and failure, but without doubt the FISH-i Africa Task Force has demonstrated that as African countries we can work together, share resources, pool intelligence, and build systematic approaches to bring illegal operators to justice.

In addition to the actions taken against illegal operators, it has been exciting to see the improved knowledge and understanding about illegal fishing operations, this new insight is based on evidence drawn from the experiences of the Task Force and is now being used to provide lesson learning and to guide our African Voice and policy processes.

Stop Illegal Fishing has welcomed the ongoing cooperation with the African Union (AU) and the New Partnership for Africa's Development (NEPAD) in the pan-African fight against illegal fishing and has been particularly pleased to see the model of FISH-i Africa being adopted in West Africa. The West African Task Force unites the six member countries of the Fisheries Committee for West Central Gulf of Guinea (FCWC) to work together against illegal fishing and FISH-i Africa has enjoyed a cooperative partnership with this group. Increasing the coverage of this network of Task Forces across the continent is key to closing opportunities for illegal operators and we hope to welcome more regions of Africa into this network in the future.

Stop Illegal Fishing welcomes this booklet on the *Issues, Investigations and Impacts* of the FISH-i Africa Task Force and invites you to understand more about our work and the impact it is having. We look forward to working with you in the fight to stop illegal fishing.

ELSA DA GLORIA PÁTRIA CHAIRPERSON OF STOP ILLEGAL FISHING

## 03 WELCOME



**NICHOLAS NTHEKETHA** 

It has been three and a half years since we launched FISH-i Africa and today we are proud to say: it is working. In the partnership, coordinated by Stop Illegal Fishing and supported by The Pew Charitable Trusts, national fisheries enforcement agencies work together with international experts and regional organisations to effectively gather, analyse, share and strategically use information with the aim of taking action against illegal fishing operators. We have not only generated enforcement actions but over time improved compliance in the Western Indian Ocean. Today, in 2016, operators know that they are being watched and that there is a risk of facing sanction for any wrongdoing.

All of our FISH-i Africa countries feel the economic, social and environmental harm caused by illegal fishing, we share a common problem and are addressing it together; we know that fighting IUU fishing alone will never work. The key to FISH-i Africa's success has been access to timely and relevant information, effective information-sharing and perhaps more than anything else, cooperation. To create true cooperation mechanisms and tools, a clear common purpose, the will of engaged people to work together and confidence to make decisions are all needed. In FISH-i Africa we have got all that.

This booklet describes the way FISH-i Africa works, some of the cases that have been concluded, our impacts and next steps. We have made a difference: we have identified illegal fishing, operators fishing without licence or with forged licences, vessels using false or multiple identities, and we have worked on serious cases of corruption. We have stood together, jointly denied licences or port services to vessels engaged in IUU fishing activities and large fines have been paid. As we progressed, more and more of our cases and enforcement actions end with fines and penalties. There are some remarkable quantifiable results: for instance, formerly illegal operators now follow the rules, leading to increases in licence revenues of some 40 per cent in some of the FISH-i Africa countries.

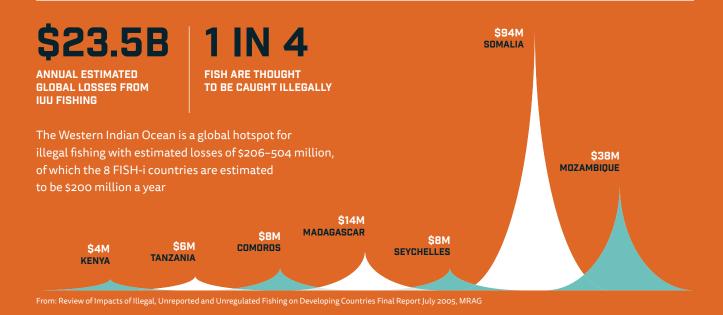
The support to the Task Force given by regional inter-governmental bodies has been highly important in our success: The Indian Ocean Tuna Commission (IOTC) and the Indian Ocean Commission (IOC) have been active partners in the network from the very start, we are working together with the Southern African Development Community (SADC) who play a vital role in fighting IUU fishing in Africa.

FISH-i Africa is working. We need to continue, further develop robust and permanent mechanisms, integrate intelligent tools, grow our connections and contribute to globally combatting IUU fishing, making it impossible for illegal operators to benefit from their illicit business.

NICHOLAS NTHEKETHA
CHAIRPERSON OF FISH-I AFRICA

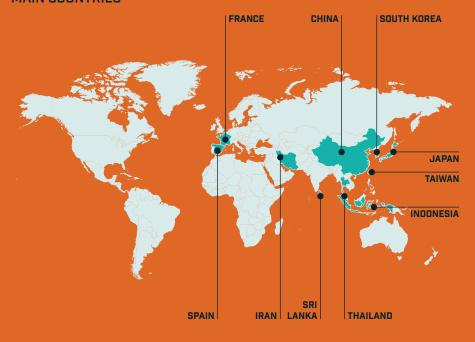


## THE PROBLEM OF ILLEGAL FISHING IN THE WESTERN INDIAN OCEAN



#### DISTANT WATER FISHING NATIONS FROM ALL OVER THE WORLD TARGET THE FISH-RICH WATERS OF THE INDIAN OCEAN

#### MAIN COUNTRIES



"Commercial fishing vessels that operate under flags of convenience, and unload in ports that do not record their catch, are engaging in organized theft disguised as commerce"

KOFI ANNAN, AFRICA PROGRESS PANEL

### FISH IS VITAL TO THE HEALTH AND ECONOMIES OF AFRICAN COUNTRIES

#### **FISH PRODUCTION IN TONNES**



#### **CONTRIBUTION TO GDP IN USD MILLIONS**



There is increasing evidence that illegal fishing operators not only fail to comply with fisheries rules and regulations but are part of highly organised, transnational criminal operations involved in a range of criminal activity



DOCUMENT FORGERY



MONEY LAUNDERING



EVASION



HUMAN TRAFFICKING AND HUMAN RIGHTS ABUSES



SMUGGLING OF ARMS, WEAPONS, DRUGS AND WILDLIFE

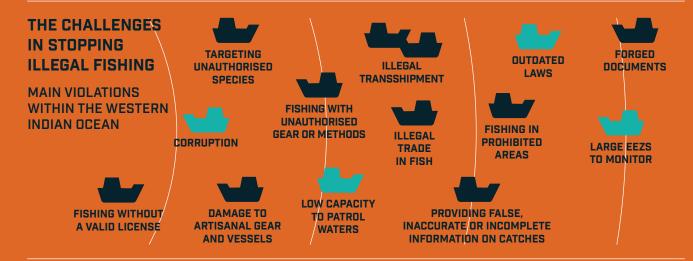


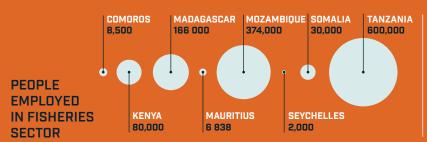
**PIRACY** 



ENVIRONMENTAL CRIMES

To tackle fisheries crime requires the involvement and commitment of many agencies nationally, regionally and internationally







1/4 OF THE WORLD'S TUNA COMES FROM THE WESTERN INDIAN OCEAN

# 04 WHAT IS FISH-i AFRICA? AND HOW DOES IT WORK?

The FISH-i Africa Task Force enables authorities to identify and act against large-scale IUU fishing. The aim is to build a robust and effective mechanism to catalyse enforcement actions and ultimately to secure a sustainable end to illegal fishing in the Western Indian Ocean.

The Task Force countries of Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and the United Republic of Tanzania form the core of FISH-i Africa. The coordinating team is led by Stop Illegal Fishing, supported by The Pew Charitable Trusts and technically advised by NFDS and TMT. Further technical advice is provided through the Indian Ocean Tuna Commission (IOTC), Indian Ocean Commission (IOC) and other experts.

#### THE FISH-i AFRICA TASK FORCE:



#### SHARE FISHERIES INFORMATION AND FISHERIES INTELLIGENCE

LEADING TO	RESULTING IN								
Targeted enforcement with possible arrests and penalties	<ul> <li>Increased compliance due to higher deterrence</li> <li>Displacement of illegal fishing vessels and operators to other regions and other ports</li> <li>Lobbying and political interference in cases</li> <li>Renaming and reflagging of fishing vessels</li> </ul>								
Cost effective MCS	<ul> <li>Less money and time spent on management more for sector or national development</li> <li>Less funds spent on routine activities as risk of non-compliance appears more clearly</li> </ul>								
Improved knowledge shared regionally	<ul> <li>Greater regional integration and cooperation on fisheries issues, including the potential benefits from minimum terms and conditions for access of foreign fishing vessels</li> </ul>								



### INTEGRATE SATELLITE TRACKING AND ANALYSIS OF FISHING VESSEL MOVEMENTS INTO MCS INTELLIGENCE

LEADING TO	RESULTING IN						
Detection of possible IUU fishing violations	<ul> <li>Enforcement action or further investigation nationally or by         Task Force including inspections conducted at sea or in any port         in the region on vessels under the lens of the Task Force</li> <li>Liaison with DWFN flag States</li> <li>Illegal fishing industry turning off AIS on fishing vessels</li> <li>Fishing vessels changing identity and flags</li> </ul>						
Better knowledge of operating behaviour of illegal vessels	<ul> <li>Regional vessel watch list</li> <li>More targeted monitoring of fleets</li> <li>Increased knowledge of fisheries crime</li> <li>Increased knowledge of links between fishing vessels, crew, owners, agents, operators and traders</li> </ul>						



#### **INVITE PARTNERS TO WORK WITH US**

LEADING TO	RESULTING IN						
Improved awareness of the role and work of other agencies	<ul> <li>Inter-agency cooperation (e.g. with navy, police, port authorities, immigration) and joint MCS operations</li> <li>Increased national awareness of the challenges surrounding IUU fishing and fisheries crime</li> </ul>						
Improved awareness of regional and global players	<ul> <li>Direct cooperation and information exchange with an expanding network, for example: INTERPOL, UNODC, RFMOs, RECs, flag States</li> <li>Increased will and capacity to seek cooperation from these partners</li> </ul>						



## BUILD CAPACITY WITH OPERATIONAL, INVESTIGATIVE AND LEGAL SUPPORT

LEADING TO	RESULTING IN							
Detection of wider fisheries crimes	<ul> <li>More opportunities to have convictions and fines from a wider body of legal instruments</li> <li>Detection of corruption</li> </ul>							
More timely, accurate and complete assessment and reporting	<ul> <li>Faster decision-making to take action</li> <li>Regional lesson learning</li> </ul>							



#### ASSESS THE RISK OF NON-COMPLIANCE

#### **LEADING TO**

Knowledge of which vessels, companies, agents, owners represent the highest risk of committing IUU fishing

#### **RESULTING IN**

- Targeted MCS operations including port State measures
- Cost effective MCS operations
- Detection of crimes associated with the fishing industry such as corruption, tax evasion, human trafficking, drugs smuggling, wildlife trafficking etc.
- · Utilisation of partners such as INTERPOL
- · Liaison with DWFN and flag States

Improved due diligence when licensing or registering fishing vessels

- Rejected licence applications
- · Rejected flag applications
- Targeted MCS operations



#### **PUBLICISE OUR ACTIONS**

#### LEADING TO RESULTING IN

Raise awareness about IUU fishing and fisheries crimes in the region

- Public response and pressure to take stronger action
- Increased international understanding of the importance of the Task Force
- Increased deterrence due to greater public and consumer knowledge

Increase knowledge of the Task Force and its procedures

- Ability by illegal networks and operators to avoid future detection by the Task Force
- Interest to join or cooperate with the Task Force

Peer and public pressure to follow-through cases

- Cases remain in spot light and follow due procedure to digress from prosecution
- Reduction in lobbying and political pressure to digress for prosecution
- · Development of regional "best practice"



#### **CONDUCT RESEARCH AND STUDIES**

#### LEADING TO RESULTING IN

Increased understanding of the dynamics of the Indian Ocean fisheries and those operating in it

- Improved capacity to act and target resources at MCS activities
- Improved understanding of fisheries IUU fishing challenges
- Motivates inter-agency cooperation

Identification of gaps in MCS operations

- · Improved planning and risk assessment
- Improved work routines and procedures



#### SHARE AND ASSESS OUR MISTAKES AND SUCCESSES

LEADING TO	RESULTING IN								
Review what we do and how we can learn from it	<ul> <li>Better systems that lead to improved MCS efficiency and effectiveness</li> <li>Better regional cooperation and a common voice in regional and international processes</li> </ul>								
Identification of weaknesses in national policy and legislation	Well-argued changes to national policies and laws								
Identification of weaknesses in regional and international instruments	<ul> <li>A common platform for regional and international discussions and negotiations</li> <li>Proposals to improve regional and international cooperation e.g. through RFMOs</li> </ul>								



## 05 INVESTIGATIONS

Investigative work forms the backbone of the FISH-i Africa Task Force – investigations focus attention, require communication and collaboration, demand cooperative responses, highlight the modus operandi of illegal operators and, by sharing the investigative process, transparency and a common purpose are achieved.

FISH-i Africa has engaged in over 30 investigations since our formation in December 2012. Many of these are still ongoing and therefore information about them cannot yet be shared. For some of the investigations outlined here, where disclosure of information could impact on future enforcement actions it has been withheld.

In the following pages ten investigations that demonstrate the most important issues and challenges that the FISH-i Africa Task Force is facing when combatting IUU fishing and fisheries crime have been selected. Not all of our investigations have resulted in a successful penalty or prosecution but the lesson learning about where and when the system fails is vital for deciding on future priorities.

We are making progress both in understanding and in tackling illegal fishing and fisheries crime and this informs the policy process both within the FISH-i Africa region and internationally, so that globally, we are better able to effectively combat IUU fishing.



in violation of the legal framework of a fishery, including, for example the law, regulations and licence conditions. This can apply to fisheries that are under the jurisdiction of a coastal state or to high seas fisheries regulated by regional fisheries management organisations (RFMO). Offences include fishing out of season; fishing in closed areas; harvesting prohibited species; using banned fishing gear; catching more than the set quota; and, fishing without a licence.



FORGERY AND FRAUD of documents or information is used in an attempt to hide illegal activities or to avoid obligations and costs. Forged documents of vessel registration certificates, fishing licences or catch certificates are an essential feature of illegal fishing as operators either alter existing documents or create false documents. Fraudulent information such as details of vessel length or tonnage are often reported to avoid reporting or monitoring obligations.



CORRUPTION has been identified as a key facilitator of illegal fishing operations, and the link between poor governance and a country's vulnerability to IUU fishing is apparent. Strong MCS systems and procedures, the political will to enforce regulations, cooperation with neighbours on surveillance, the elimination of possibilities for IUU fishing activity, and active participation in regional and subregional fisheries agreements all help to counter corruption.



FISHCRIME illegal fishing often goes beyond non-compliance of fisheries laws and regulations; it is complex, serious, transnational and organised. This is known as 'fisheries crime' and it incorporates links between illegal fishing and crimes such as tax evasion, human rights abuse including human trafficking, drug, wildlife, diamond and arms smuggling, fraud and pollution. These crimes often provide an alternative route to securing convictions.



ILLEGAL TRANSHIPMENT is one of the major missing links to understand where illegally caught fish finds its way to the market. Transhipment at sea enables illegal operators to avoid port controls and to maximize profits by e.g. whitewashing their catch by mixing illegally caught fish with legally caught fish. Human trafficking is rife amongst vessels that may only come into port every few years and regulations relating to hygiene and health and safety are ignored.



vessel illegally using several names or flags or several vessels using the same name. This enables operators to buy one fishing licence or registration for a number of vessels depriving the coastal state of revenue. Multiple use of one vessel name facilitates the laundering of fish caught illegally e.g. without a licence or in a restricted zone, with legal catch.



HUMAN TRAFFICKING occurs when workers are tricked into working on fishing vessels: their wages are unpaid, they live and work in unsafe and unsanitary conditions and they are often far from land for months or years at a time with no opportunity for escape.



**FLAG ISSUES** arise when flag States fail to fulfill their obligation to ensure that its vessels act according to national and international law wherever they are located. This can be through a lack of cooperation or interest by the flag State to investigate or to follow up on fisheries violations or interference by the flag State to prevent publicity or progression to a case. Flags of convenience also offer many advantages to illegal operators as they will flag fishing vessels without checking its history, if it is safe and seaworthy and if it is the vessel that it claims to be. Gaps in international regulations mean that it is not illegal to fish on the high seas even in an RFMO area, so a vessel can disregard management arrangements by flagging to a country that is not party to an agreement.



**EVASION OF PENALTIES** is common practice; often the penalties for fishing violations are so low that to many illegal operators they are viewed as merely part of the operating costs.

## FISH-i AFRICA'S FIRST SUCCESS: THE PREMIER









#### **IDENTIFICATION PROCESS**

Satellite observation via AIS / Kenya checked the vessel history when the licence application was made and identified a fraudulent stamp

#### **HOW STOPPED**

Port State Measures – denial of access to port / Denial of fishing licences / Regional cooperation

#### **VESSELS INVOLVED**

F/V PREMIER, now F/V ADRIA / F/V SOLEVANT

#### **VESSEL TYPE**

Purse seiner

#### **FLAG STATE**

South Korea

#### PENALTY/SANCTIONS

USD 2 million

#### **SUMMARY**

The PREMIER was monitored by satellite to have been fishing in Liberian waters while there was a moratorium on industrial fishing. Enquiries by the Liberian government and press coverage of the case led to the PREMIER relocating to the Indian Ocean, FISH-i Africa tracked the PREMIER to Port Louis, where the Mauritian authorities inspected the vessel and provided copies of the fishing catch log and a 'forged' Liberian fishing licence to the Liberian government. This evidence enabled Liberia to take legal action and resulted in formal charges against the PREMIER and another Dongwon vessel, the SOLEVANT, for violations of the Liberia Fisheries Regulations. Denied fishing licences and access to ports to offload her catch by the FISH-i Africa countries forced the PREMIER to go back to Asia to get rid of the fish.

#### WHAT DID FISH-I AFRICA DO?

- Tracked the vessel via AIS for 15 months
- Analysed vessel documents to identify fraud
- Reviewed legal frameworks to provide grounds for denial of licences and access to port
- Communicated with Liberian and South Korean authorities
- Liaised with the legitimate industry to increase pressure on governments to deny access
- Strategised to agree a united position to deny PREMIER fishing licence and port facilities
- Publicised the case using the media and the Stop Illegal Fishing website





#### **KEY EVENTS**

#### **NOVEMBER 2011 AND MAY 2012**

The PREMIER was tracked fishing illegally in Liberian waters.

LATE 2012 Following enquiries by the Liberian government to the government of South Korea and media coverage of the vessel's suspected illegal activity the PREMIER relocated to the Indian Ocean.

**DECEMBER 2012** The PREMIER arrived in Port Louis, Mauritius where illegal fishing activity was confirmed through inspection of the logbook.

JANUARY-MARCH 2013 Kenya, Mozambique, and Kenya again denied PREMIER a fishing licence and uncovered forged letters allegedly from Liberian authorities absolving the vessel of any illegal implications.

Comoros stated their intent to deny any application for a fishing licence.

MARCH 2013 Seychelles denied the PREMIER permission to offload its catch in Port Victoria.

**APRIL 2013** Tanzania refused to renew the PREMIER'S fishing licence.

APRIL 2013 The PREMIER returned to Mauritius to offload its catch, the legitimate industry – fearing any real or perceived connection to Dongwon Tuna encouraged the Mauritian authorities to deny the request. The request to offload was denied.

APRIL 2013 The PREMIER was now a notorious vessel, over 50 international press stories, numerous blogs, tweets and Facebook comments had covered the story and activists painted the word "illegal" on the hull of the vessel. Buyers on behalf of the European market in Bangkok, Thailand were reported to be unwilling to buy Dongwon fish for fear of possible consumers' negative response.

22 APRIL 2013 The owners of the vessel paid the Liberian government USD two million in settlement of the charges against the PREMIER and the SOLEVANT.

MAY 2013 The PREMIER offloaded in May in Colombo, Sri Lanka before sailing home to South Korea. Dongwon fish sold at reduced price on the Bangkok market.

DECEMBER 2013 Having been renamed ADRIA and after expensive refits and upgrades to be compliant with fisheries and health and safety regulations the vessel returned to Seychelles on Christmas Day 2013 and continues to fish in the Indian Ocean.

#### CONCLUSION

This was the first time that FISH-i Africa worked together as a region to stop illegally caught fish from entering the market through their ports. A high profile case the results were significant and included the flag State, Korea making amendments to their laws and the payment of a sizeable fine to Liberia.

# FAKE LICENSING OPERATION UNCOVERED IN TANZANIA









#### **IDENTIFICATION PROCESS**

AIS / Cross checking of information / Document analysis

#### **HOW STOPPED**

Exposure through arrests

#### **VESSELS INVOLVED**

F/V HUA KUN 168 / F/V HSIANG FA 26

#### **VESSEL TYPE**

Longliners

#### **PENALTY/SANCTIONS**

Arrests but no prosecutions

#### SUMMARY

A network distributing false Tanzanian fishing licences was exposed with at least ten vessels identified as fishing in Tanzanian waters with fraudulent fishing licences. Corruption was uncovered and although the case has resulted in increased compliance and licence revenue to the Tanzanian Deep Sea Fisheries Authority (DSFA) the owners and operators of the vessels have to date evaded justice.

#### WHAT DID FISH-i AFRICA DO?

- Tracked the vessels and identified them illegally fishing
- Investigated and identified the web of fraudulent licences

- Advised the DFSA, Tanzania on charging the owner, agent and operator of the two vessels for IUU fishing
- INTERPOL cooperation facilitated and request for cooperation and information sent from Tanzania to Taiwan
- Briefed senior police officers and the
   Attorney General in Tanzania about the case
- Continued and on-going investigations and cooperation with special police units in Tanzania
- Investigated the vessel owners and linked people and companies
- Undertook financial screening of relevant people and companies





#### **KEY EVENTS**

MID 2012 Two tuna longliners were tracked on AIS as fishing in Tanzanian waters without a licence. The flag States were contacted and supplied copies of forged licences.

A network distributing false Tanzanian licences was exposed. Nine further false licences were identified, that resulted in Tanzania being denied USD 100 000 in revenue. Possibly another 20 false licences had been issued to Taiwanese vessels. The vessels had the same agent and operator.

Investigations showed that these vessels did not report entry, exit and catch reports or VMS positions to Tanzanian authorities, requirements of Tanzanian licences. No payment for licences had been made into the government account allocated for licence fees, even though the agent and operator had used this account

in the past. Still the operator of the vessels claimed that the licences to fish had been bought in good faith.

A junior staff member was initially arrested for forgery of licence documents but later released and is now suspended.

An arrest warrant was issued against the agent, but no arrest has yet been made.

2013–2014 The vessels were nominated for the IOTC provisional IUU fishing list in 2013 and were discussed further during the IOTC Compliance Committee and Commission meeting in May 2014. The flag States claimed to be investigating the cases. The vessels were removed from the provisional IUU fishing list in IOTC in 2014.

**2015** The increase in Tanzania's licence revenue grew by USD 300 000.

#### CONCLUSION

At a time when the threat of piracy was considered to be the reason for low numbers of fishing vessels obtaining licences to fish in the Tanzanian EEZ, a large organised network distributing fake documents through corrupt practises was exposed. As a direct result of this exposure many vessels that had been fishing in Tanzanian waters with fraudulent fishing licences became increasingly anxious and have now obtained legal fishing licences from the Tanzanian authorities, increasing their revenue. Improved licensing procedures have been introduced in Tanzania, and a Multi Agency Task Team (MATT) has been established to deal with organised environmental crimes.

## FISH-i AFRICA COUNTRY DE-FLAGS IUU LISTED FISHING VESSELS











#### IDENTIFICATION PROCESS

**CCAMLR** 

#### **HOW STOPPED**

Information exchange /
Denying access
to registration and
fishing licence /
INTERPOL purple notice

#### **VESSELS INVOLVED**

F/V ALDABRA / F/V CHANG BAI (now KUNLUN)

#### **VESSEL TYPE**

Toothfish vessels

#### **FLAG STATE**

Tanzania

#### PENALTY/SANCTIONS

De-flagged

#### SUMMARY

Two IUU listed fishing vessels, using the names ALDABRA and CHANG BAI were de-flagged by Tanzania at the request of the regional fisheries management organisation, CCAMLR. FISH-i Africa Task Force members committed to refuse requests to re-register these vessels in an effort to prevent further illegal fishing occurring.

#### WHAT DID FISH-I AFRICA DO?

- Zanzibar Maritime Authority (ZMA) deflagged in cooperation with the Tanzania Deep Sea Fisheries Authority
- Task Force wide coordinated response to refuse re-flagging requests

- Task Force wide coordinated response to refuse fishing licence requests
- Created awareness around the IUU fishing vessels on the Stop Illegal Fishing website
- Liaised with CCAMLR and Australian authorities

#### **KEY EVENTS**

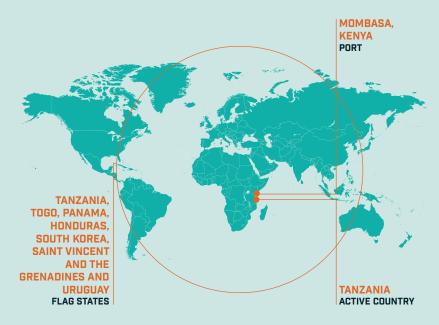
**2007** The Togo flagged ALDABRA was IUU listed in 2007 by CCAMLR for fishing without a fishing licence targeting toothfish.

The ALDABRA had used the previous names of OMOA 1, ILANGA, STELLA 1, KING STAR No. 303 and CLOVER No. 103 and had been flagged to Panama and Honduras.

The CHANG BAI was a well-known IUU vessel, blacklisted since 2003, she



opyright Sea Shepher



had operated under the previous names of HONGSHUI, HUANG HE 22, SIMA QIAN BARU 22, GALAXY, DORITA, BLACK MOON, INA MAKA and CORVUS and has also employed the use of several flags of convenience including South Korea, Panama, Saint Vincent and the Grenadines and Uruguay.

2008 The ALDABRA re-flagged to Tanzania and appeared active in the Indian Ocean region with records of port visits to Mombasa, Durban and Cape Town as well as Vigo and Montevideo.

2012 The CHANG BAI flagged to Tanzania

**2013** CCAMLR and the Australian authorities requested support from FISH-i Africa to have the vessels de-registered by Tanzania.

**SEPTEMBER 2013** ZMA de-registered the vessels in response to the IUU history of the vessels.

FEBRUARY 2014 ALDABRA is observed just south of South African waters, still claiming the Tanzanian flag although the vessel had been deregistered.

**2014–2015** The CHANG BAI underwent two further name changes and continued to fish illegally, firstly as the TAISHAN and then as the KUNLUN.

JANUARY 2015 KUNLUN is issued with an INTERPOL Purple Notice for illegally fishing for toothfish inside an area regulated by CCAMLR.

MARCH 2015 Following a coordinated effort between INTERPOL and law enforcement authorities in Thailand, Australia and New Zealand the KUNLUN was detained on fisheries-related violations in Thailand after an attempt to offload approximately 200 tonnes of illegally caught Patagonian toothfish, falsely labelled as grouper.

**SEPTEMBER 2015** The KUNLUN absconds from custody into international waters with her shipment of stolen fish.

**FEBRUARY 2016** Renamed as ASIAN WARRIOR and operating under false registration with a fake Indonesian flag the vessel is detained in Senegal.

#### CONCLUSION

A history of name changes and flag changes are a common characteristic of IUU fishing vessels avoiding the consequences of being IUU listed by RFMOs. The ALDABRA is now operating as a stateless vessel and does not enjoy the protection of any state, some countries have asserted that any state can assert jurisdiction over a stateless vessel. The CHANG BAI after many name changes is currently detained thanks to international cooperation and investigation.

## THE MULTIPLE IDENTITIES OF THE NAHAM-4











#### **IDENTIFICATION PROCESS**

Inspection / Photo analysis / Marine surveys

#### **HOW STOPPED**

Vessel confiscated

#### **VESSELS INVOLVED**

NAHAM-4 / NAHAM-3 / DER WEI 686 / DER HORNG 569

#### **VESSEL TYPE**

Longliners

#### **FLAG STATE**

Oman

#### **SUMMARY**

An in port inspection of an Omani tuna longliner with the name NAHAM-4 conducted by South African authorities revealed inconsistencies between the amount of fish held on-board and the supporting documentation. Whilst trying to confirm the identity of the vessel, investigations exposed at least four different vessels that had been operating with the name NAHAM-4 between 2010 and 2013.

#### WHAT DID FISH-I AFRICA DO?

- Used analytical tools and investigative techniques to gather and share intelligence
- Analysed photographic evidence to reveal the previous name of the vessel
- Communicated with the authorities in Belize
- Cooperated with the Omani press to raise awareness with the authorities in Oman

- Investigated ownership of the NAHAM-4 and links to the infamous TAWARIQ-1
- Publicised the case using the media and the Stop Illegal Fishing website

#### **KEY EVENTS**

MARCH 2013 A tuna longliner, NAHAM-4 with call sign A4DK6, was inspected in Cape Town. Inconsistencies between the amount of fish held on-board and the supporting documentation were identified. The name of the vessel had been painted on the hull but a faded name could be seen under this, which raised questions about the identity of the vessel.

The vessel was detained under suspicion that it was falsely claiming to be NAHAM-4 and a forensic analyst confirmed that there was indeed a hidden name, that of DER HORNG 569.

DER HORNG 569 was historically flagged to Belize whose authorities reported that it and a sister vessel the DER WEI 686 had





been reported as stolen by their Taiwanese owner Der Wei Fishery Co. Ltd.

JUNE-JULY 2013 Investigations revealed that between 2010 and 2013 at least four different vessels had been operating with the name NAHAM-4 and that the vessel held in Cape Town was significantly larger than the NAHAM-4 authorised to fish in the IOTC region. Comparisons of photographs of vessels showed significant differences in the structure of the vessels and inconsistencies between the call signs painted on the vessels. In one example, the name NAHAM-4 was marked on a vessel alongside the call sign A4DK5, this call sign is officially recorded with IOTC as the call sign for the NAHAM-3. The NAHAM-4 seized in Cape Town had the correct call sign painted on the side, but showed obvious structural differences to another NAHAM-4 photographed at sea in April 2012.

Photographs were compared from Oman in August 2010, at sea in April 2012, on the synchrolift in Cape Town in July 2012 and in Cape Town between October 2012 and July 2013 these showed that four different vessels had been operating with the name NAHAM-4. To add to the confusion – the original tonnage certificate was for a vessel

even smaller than that seized in Cape Town, which was itself smaller than the vessel photographed in Oman. Perhaps none of these vessels were in fact the 'real' NAHAM-4 – meaning there may be as many as five vessels bearing this name.

Investigation confirmed that documentation provided for port entry to Cape Town had been falsified and the Omani owners, Al-Naham Co LLC4, and the agent, Trade Ocean, could not prove the vessel was the NAHAM-4. Links were detected to Seas Tawariq Co. LLC, the owner of the IUU fishing vessel TAWARIQ-1 which was arrested and confiscated by Tanzania in 2009.

JULY 2013 South African Authorities seized both the vessel and the fish on board.

**SEPTEMBER 2013** Al-Naham and its representatives, Wu Hai Tao and Wu Hai Ping, were charged and convicted on seven counts.

2013 The ship owners abandoned the vessel, leaving the agent with debts amounting to USD 100 000. The vessel and fish on-board were forfeited to South Africa, both were auctioned.

2015–2016 Renamed the NESSA 7, FISH-i Africa tracked the vessel from South Africa to South America, then Namibia and finally to Mozambique where she was inspected by the authorities, arrested and confiscated.

#### CONCLUSION

The NAHAM-4 highlights the extent of vessel identity fraud occurring in the fishing industry, this undermines the regulatory framework, damaging efforts to sustainably manage fisheries resources and denying revenue to developing countries. Mandatory IMO numbers for fishing vessels is essential: a global system of vessel identification is essential to overcome these issues.

# FUGITIVES FROM JUSTICE: THE SAMUDERA PASIFIC NO. 8 AND BERKAT MENJALA NO. 23













#### **IDENTIFICATION PROCESS**

Illegalities initially detected by the South Africa fishery authority DAFF / INTERPOL Purple Notice / Tracking of vessels

#### **HOW STOPPED**

Arrested by DAFF

#### **VESSELS INVOLVED**

SAMUDERA PASIFIC No 8 / BERKAT MENJALA No 23

#### **VESSEL TYPE**

Longliners

#### **FLAG STATE**

Unknown - fake registration to Indonesia

#### PENALTY/SANCTIONS

Confiscated by South Africa but escaped from arrest

#### SUMMARY

Ten fishing vessels were arrested off the coast of South Africa for suspected illegal fishing activities. The vessels were using false Indonesian registration, and fraudulently sharing several fishing licences. They were also found to be in a poor state and were crewed by 75 Indonesians who were subject to appalling working and living conditions. Whilst under detention in Cape Town two of the vessels absconded and are still at large; both are subject to an INTERPOL Purple Notice.

#### WHAT DID FISH-I AFRICA DO?

- · Assisted the South African authorities
- · Cooperated with INTERPOL
- Tracked vessels
- · Investigated links to organised crime
- Facilitated cooperation between South African and Tanzanian authorities
- Monitored WIO ports and alerted Kenya when the vessels were expected to arrive in Mombasa
- Assisted Tanzanian authorities with investigation into the cases





#### **KEY EVENTS**

NOVEMBER 2013 Ten fishing vessels were arrested by the South African authorities on suspicion of fishing offences made in the ICCAT area. The fleet of vessels were using several names and identifiers between them and fraudulently sharing several fishing licences. The vessels had also been detected fishing illegally within the South African EEZ.

Senior officers on board one of the vessels, the BERKAT MENJALA No. 23 presented a forged vessel registration certificate purportedly issued by Indonesia and it was suspected that the registration certificates of all the vessels may be false.

In addition to the fishing and identity violations the crews on board the vessels had not been paid for several months and were working in substandard, unsafe and unhygienic conditions. A total of 75 fishers were evacuated from the ten vessels and eventually repatriated to Indonesia.

**29 DECEMBER 2013** Two of the ten fishing vessels the BERKAT MENJALA No. 23 and SAMUDERA PASIFIC No. 8 fled the Port of Cape Town, in contravention of the arrest order. The vessels are suspected to have

changed name, IMO number and/or call sign after leaving Cape Town.

Concerns have been raised that corrupt practices may have been used to facilitate the escape of the two vessels from Cape Town, but no charges have been made to date.

**22 JANUARY 2014** INTERPOL Purple Notices were issued for the two vessels.

JANUARY 2014 Vessels tracked by FISH-i heading to Mombasa, Kenya – vessels did not enter port.

20 MARCH 2015 The remaining eight vessels in the fleet were sold at auction for a knockdown price, and were purchased initially by an individual with connections to the previous owner, who then sold them on. The vessels have now been refitted and are operating again in the Western Indian Ocean, under new names and ownership.

#### CONCLUSION

This case focussed public attention in Africa on the plight of fishers on illegal fishing vessels. Supporting and repatriating the fishers was a long and difficult process and indicates that additional support is needed in these situations.

The identity of the ten vessels is still under investigation, consideration that they were at one point decommissioned before re-entering the fishing fleet with false names and flags is being reviewed. There are strong reasons to believe that the two escaped vessels are in fact stateless and now sailing under a false name, IMO number and call sign. Investigations by FISH-i Africa continue.

That two fishing vessels can abscond, evade penalties and – under the current system – rename and reflag with relative ease before resuming their fishing operations highlights the need for mandatory IMO numbers and a Global Record of Vessels.

## MYSTERIOUS MOVEMENTS ON THE SOMALI COAST: THE POSEIDON AND THE AL-AMAL











#### **IDENTIFICATION PROCESS**

Satellite monitoring revealed unusual patterns of behaviour / Inspections and verification of registration and fishing licence / Observations of catches – species and catch volume

#### **HOW STOPPED**

AL-AMAL sunk and POSEIDON still anticipated fishing

#### **VESSELS INVOLVED**

F/V AL-AMAL / F/V POSEIDON

#### **VESSEL TYPE**

Trawler with pots

#### **FLAG STATE**

Somalia / Yemen / South Korea

#### PENALTY/SANCTIONS

Arrested in Somalia

#### SUMMARY

The POSEIDON and AL-AMAL were identified operating together in Somali and Kenyan waters without valid fishing licences. Analysis of tracks indicated that POSEIDON had engaged in illegal transhipment at sea with the AL-AMAL and others, violating the new fisheries act of Somalia. POSEIDON, a small trawler, originally came to the attention of FISH-i as it seemed to be operating with impunity in the Somali region. In addition the owner Insung was known as the operator of a number of IUU fishing vessels.

#### WHAT DID FISH-i AFRICA DO?

- · Identified POSEIDON as a high risk vessel
- Analysis of satellite tracking and company ownership

- Facilitated cooperation with the FAO, UNODC, EU NAVFOR, Secure Fisheries and the Kenyan authorities
- Offered close support to Kenya during inspections

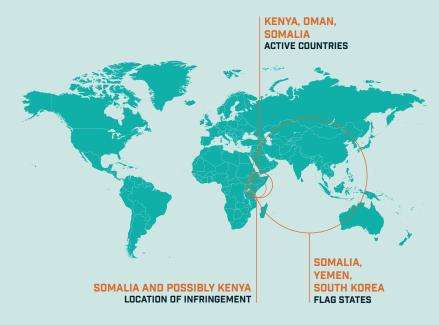
#### **KEY EVENTS**

#### **SEPTEMBER - NOVEMBER 2014**

The POSEIDON sailed from South Africa to Somalia and commenced movements consistent with trawling operations in Somali waters, including very close to the coastline.

JANUARY 2015 Somali authorities arrested the POSEIDON for illegal fishing and it was reported that a USD 1.5 million fine was paid for the release of the POSEIDON; the fine was greater than the value of the catch and vessel.





An inspection of the POSEIDON along with the AL-AMAL in Mombasa, Kenya, raised questions about a possible illegal transhipment in Somalia. The POSEIDON had been operating for six weeks at sea but did not have catches to show for this. Analysis of the movements of the vessel also indicated transhipment activities.

The registration of the vessels was unclear, two Yemeni registration certificates supplied to Kenya showed inconsistencies. A fishing licence from the Puntland State of Somalia claimed the AL-AMAL was flagged to South Korea. However, this licence was deemed a forgery, as Puntland were not able to issue licences at that time. A Somali Registration certificate showed inconsistencies with the Puntland document: it mentioned the same registration officer but had a different signature. There were also inconsistencies over details of the vessels structure. The AL-AMAL in some documents appeared to be flagged to Yemen and owned by Burum Seafood, in others the flag State was listed as Thailand.

FEBRUARY-JUNE 2015 Both vessels exited Kenyan waters in February 2015. POSEIDON commenced operating off the Somali coast, with a consistent track indicating trawling activity. The AIS signal from AL-AMAL was inconsistent but it appears to have been primarily operating in Somali waters around this time and showed visits to Oman.

POSEIDON operated for periods of up to six weeks without port visits during this period, which for a vessel of this size is an indication that it may have transhipped and been resupplied at sea.

MAY 2015 News reports that Oman closed its port for three vessels on the way from Somalia to offload, due to communications from Somali officials saying that the vessels claim of a Somali flag was invalid were published. While both the POSEIDON and AL-AMAL, along with the BUTIYALO and HAYSIMO vessels are mentioned in the news stories, it is not clear which three vessels were actually refused port access.

**AUGUST 2015** The AL-AMAL is reported to have sunk in Somali waters with the crew of 34 rescued by the Puntland Coastguard.

#### CONCLUSION

There seems to be little doubt that the POSEIDON and the AL-AMAL were engaging in illegal transhipment at sea, the inconsistency in the documents suggest that at least one was a forgery and the various issues on the flagging history raised serious concerns. Today with the AL-AMAL, reportedly sunk, the POSEIDON is still believed to be operating in Somali waters. This case is still open for FISH-i Africa and the challenges of forgery, fraud, illegal fishing, FishCRIME and flagging are very evident. With Somalia now a member of FISH-i Africa, cases such as this will gain a new momentum and opportunity for conclusion.

# PIRACY, POACHING AND PEOPLE SMUGGLING? – THE CASE OF THE LUCKY STAR











#### **IDENTIFICATION PROCESS**

AIS tracking and monitoring of vessel movements / Inspections / VMS data

#### **VESSELS INVOLVED**

F/V LUCKY STAR /
F/V CHANCE No. 101 /
F/V GOLDEN WAVE NO. 305 /
F/V PRECIOUS DIAMOND

#### **VESSEL TYPE**

Longliner

#### **FLAG STATE**

Tanzania / Kenya

#### SUMMARY

The LUCKY STAR was well known throughout the WIO and had been reported repeatedly for poaching in Somali waters and for harassing artisanal fishers in Kenyan waters. FISH-i Africa revealed the possible use of multiple identities and has supported the Task Force in tackling challenges that include the issue of non-fishery agencies being responsible for registration of fishing vessels.

#### WHAT DID FISH-i AFRICA DO?

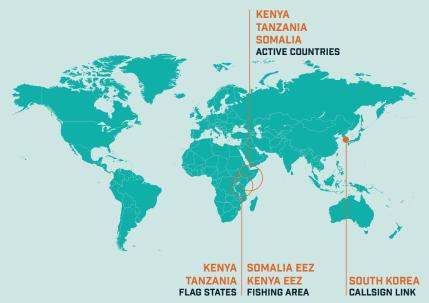
- Tanzania de-flagged the Lucky Star
- Tracked and monitored the vessel over several years

- · Inspected the vessel
- Kenya Fisheries Department refused to issue an authorisation to fish outside of the Kenya EEZ
- Improved procedures for interagency cooperation for registration of fishing vessels
- Initiated a study into the costs and benefits of flagging fishing vessels

#### **KEY EVENTS**

2010–2011 The LUCKY STAR previously known as GOLDEN WAVE NO. 305 was reported hijacked by Somali pirates in 2010 and released in 2011 – media stories at the time suggested that the vessel had been fishing illegally in Somali waters before its





hijacking, but this is not verified. The vessel was subsequently reported in Somali waters on a number of occasions, its operations and the legality of this is not clear.

**UNKNOWN** The GOLDEN WAVE NO. 305 was registered to Kenyan authorities but at a later, unspecified date, Kenyan authorities denied LUCKY STAR both a flag and a fishing licence due to un-seaworthiness and noncompliance issues.

2013 Investigations by FISH-i established that between 2005 and 2008 the LUCKY STAR had offloaded in Mombasa on several occasions under the Kenyan flag but using the call sign of a South Korean longliner, CHANCE No. 101. This raised the possibility that the vessel could have been operating with multiple identities.

**SEPTEMBER 2013** The LUCKY STAR was re-flagged to Tanzania after being de-flagged by Kenya.

APRIL TO MAY 2014 The LUCKY STAR, listed on the IOTC vessel register and authorised to fish between January 2014

and March 2015, left Mombasa and was at sea for a month. On its return to Mombasa it offloaded reef species, despite only having a permit to target tuna and related species, the captain claimed that he had not been fishing in Kenyan waters. The Kenyan authorities worked with FISH-i Africa to establish the movements and activity of the vessel.

MAY 2014 Tanzanian authorities reported that the vessel had been fishing during early 2014 but had not been transmitting a VMS signal despite repeated requests and Tanzania then withheld its authorisation to fish until the VMS data was supplied.

2014 Somali sources suggested the LUCKY STAR may have been involved in people and/ or arms smuggling and, although described as a longliner, LUCKY STAR was engaged in trapping for crabs.

MARCH 2015 The Deep Sea Fishing Authority in Tanzania sent a letter to the Zanzibar Maritime Authority requesting that they de-register the vessel due to their failure to supply VMS data.

MAY 2016 The LUCKY STAR is renamed as PRECIOUS DIAMOND and is again flagged to Kenya. The Kenyan fisheries authorities have denied the vessel authorisation to fish outside of the Kenyan EEZ.

#### CONCLUSION

The LUCKY STAR has been a vessel of interest within the WIO for many years. Although still operating, now as the PRECIOUS DIAMOND the Kenyan fisheries authorities have limited its operation to the Kenyan EEZ and in partnership with FISH-i Africa will continue to monitor its whereabouts.

### THREE VESSELS OR ONE?









#### **IDENTIFICATION PROCESS**

Photo analysis and comparison / Sharing of information between Task Force members / Comparison of AIS and VMS tracking / Inspections

#### **HOW STOPPED**

No enforcement action – case open

#### **VESSELS INVOLVED**

F/V HUNG SHENG NO. 88 /
F/V BINTANG SAMUDRA-68 /
F/V CHI HSIANG NO. 7 /
F/V KARYA WIJAYA-201 /
F/V BINTANG SAMUDRA-11

#### **VESSEL TYPE**

Longliners

#### **FLAG STATE**

Indonesia, Taiwan

#### PENALTY/SANCTIONS

None

#### **SUMMARY**

The complex network of vessel identity fraud is highlighted in this case with multiple vessels operating under a range of identities, only photographic evidence and AIS and VMS tracks were able to show that at least five vessels appear to be sharing two identities which could enable the operators to avoid licence fees, misreport catches and commit other fisheries crimes.

#### WHAT DID FISH-I AFRICA DO?

- Analysed photographs of vessels to establish identity
- Tracked vessels and compared AIS with VMS
- Inspected vessels and shared inspection reports

#### **KEY EVENTS**

APRIL 2014 The vessels first came to the attention of FISH-i when AIS showed the HUNG SHENG NO. 88 and CHI HSIANG NO. 7 departing Port Louis, bound for the Tanzanian EEZ. There was no indication of CHI HSIANG NO. 7 being authorised to fish in any RFMO. At this time it could not be ascertained which vessel was transmitting the signal.

JUNE 2014 The HUNG SHENG NO. 88 and BINTANG SAMUDRA-68 requested permission to tranship in Mombasa, but AIS showed HUNG SHENG NO. 88 and CHI HSIANG NO. 7 approaching Mombasa. No vessel was transmitting as BINTANG SAMUDRA-68, raising suspicions that the vessel transmitting on AIS as CHI HSIANG NO. 7 was the BINTANG SAMUDRA – 68.

FISH-i found no IUU fishing history so Kenya allowed the transhipment to go ahead. The vessels had been fishing in the Tanzania EEZ, where they were licenced until July, and the fish was destined for Chi Hsiang Fishery Co. Ltd in Taiwan.

Further research revealed that the BINTANG SAMUDRA-68 was previously flagged to Taiwan and had been operating under different names.

AUGUST 2014 FISH-i continued to monitor these vessels and analysis of the AIS data for CHI HSIANG NO. 7 and VMS data for BINTANG SAMUDRA – 68, confirmed that these were in fact the same vessel. AIS tracks showed that the vessels entered Port Louis in August 2014 and that AIS was not transmitting from late August. In October – CHI HSIANG NO. 7'S AIS was switched on and the vessel departed Port Louis in Mauritius.





DECEMBER 2014 A longliner, KARYA WIJAYA 201 called to Port Louis for a few days early in December and later that month a different vessel using the same name, with paperwork in that name, also called at Port Louis. Differences in the design of the two vessels were noticed; the second vessel had been recently painted and did not display a call sign. It was transmitting on AIS as CHI HSIANG NO. 7. The vessel departed that night and Mauritius reported to FISH-i countries to look out for a vessel reporting on AIS as CHI HSIANG NO. 7 as it appeared to be using a fake identity.

DECEMBER 2014 Photo analysis revealed that the vessel that called into Port Louis at the end of December showed strong similarities to the BINTANG SAMUDRA – 68 photographed in Mombasa in June 2014. When combined with AIS movements it seemed very likely that these were the same vessel as structural and cosmetic details matched. What was less clear was why the BINTANG SAMUDRA-68 would want to assume the identity of KARYA WIJAYA 201. A possible explanation became clear when looking at IOTC authorization periods for the vessels – the authorisation for BINTANG SAMUDRA-68 had expired in

July 2014, whilst the KARYA WIJAYA 201 was authorised until May 2015.

APRIL 2015 News sources report the deaths of five Indonesian fishermen on board fishing vessels BINTANG SAMUDRA-68 and BINTANG SAMUDRA – 11 in waters off Senegal. The timing and location of this incident indicate that the vessel involved was unlikely to be the same BINTANG SAMUDRA – 68 that was operating under that name in the WIO, as the AIS signal associated with that vessel was tracked in the Malacca Straits in June 2015.

The real identity of the vessel operating in Senegalese waters has not yet been identified and it is not known which of these two vessels is the 'real' BINTANG SAMUDRA-68, or indeed if both may be operating under false identities.

There are indications that the second vessel involved in the Senegal case is also involved in identity fraud. BINTANG SAMUDRA – 11 is the name used by a vessel that was detained by South Africa in 2013 and currently remains in Cape Town undergoing repairs. There are indications that the vessel detained by South Africa is not the 'real' BINTANG SAMUDRA – 11, as markings on the hull indicated that this vessel had previously been named HOOM XIANG 20.2, a historical name that sources link to a different vessel.

#### CONCLUSION

This case shows the importance of photos, without which the misuse of identities would have been difficult to confirm. The case highlights the complex use and abuse of vessel identities and the misuse of AIS and VMS tracking systems.

Communication with flag States is needed to unearth the use of multiple identities and assist in these cases as is the need for mandatory IMO numbers to enable identification of vessels operating outside of the jurisdiction of their flag States.

## A REPEAT OFFENDER BROUGHT TO BOOK: THE NESSA 7









#### **IDENTIFICATION PROCESS**

Vessel tracking

#### **HOW STOPPED**

MCS operation by Mozambique

#### **VESSELS INVOLVED**

F/V NESSA 7, formerly F/V NAHAM 4

#### **VESSEL TYPE**

Longliner

#### **FLAG STATE**

Panama

#### **PENALTY/SANCTIONS**

Fine of USD 230 000 / The vessel and its gears were confiscated and will revert to the Mozambican Government / Master was interdicted to fish in Mozambican waters for a period of 36 months

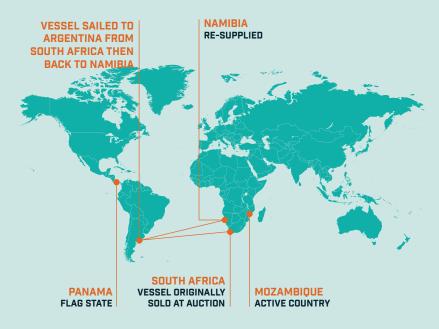
#### **SUMMARY**

The NESSA 7 was being tracked by FISH-i Africa as it was thought to be one of the many 'NAHAM 4' vessels that had been operating in the Indian Ocean during 2013. With all countries on alert for the vessel it was intercepted by Mozambican authorities resulting in fines, fishing bans for the owner and operator and confiscation of the vessel.

#### WHAT DID FISH-i AFRICA DO?

- Tracked the former NAHAM 4 vessel following its sale at auction
- Alerted FISH-i Task Force to the approach of the vessel
- · Advised Task Force countries
- Assisted cooperation between members to share information





#### **KEY EVENTS**

DECEMBER 2015 Identified by the FISH-i Africa Task Force as a high-risk vessel, alerts had been issued relating to the NESSA 7 ahead of its detention in Mozambique. FISH-i Africa had tracked the vessel from Cape Town to Durban to South America prior to its arrival in Lüderitz, Namibia in December 2015. The vessel received permission from the Namibian Department of Maritime Affairs (DMA) to anchor outside port limits and receive stores. They chose to arrive at 22:00 on the 9 December and were supplied on 10 December (a public holiday in Namibia) and were gone before midday, heading for Maputo, Mozambique.

The NESSA 7 with callsign NºHP3125 entered into Mozambican waters on 29 December 2015 without providing any advance information as is required to enter the EEZ or the port. Immediately a joint mission was deployed to board the vessel where an initial inspection identified a range of potential illegalities and infringements.

The vessel was ordered to Maputo Fishing Port for further investigations.

These investigations revealed that NESSA 7 was indeed the former NAHAM 4 that had been sold in South Africa at auction. The vessel showed hidden identification marks of the NAHAM 4 and had gear for longline fishing on board. The vessel was not physically flying any flag, although a Panamanian flag was found on board, nor was it displaying any registration number.

The investigation also provided strong evidence that NESSA 7 was engaged in other illicit maritime activities, for example the cargo holds were dry with no signs that regular fishing operations were taking place. Contradictory information from the documents also suggested that the owners did not want the longliner to be identified as a fishing vessel as it was carrying a Pleasure Vessels Safety Certificate. The master Anthony Clement alleged that the vessel was engaged in antipiracy operations but could not prove this so the real activity of the vessel was not confirmed.

2016 Now the property of the State, the NESSA 7 may become a fisheries patrol vessel joining the ANTILLAS REEFER, also seized as a result of illegal fishing in Mozambican waters in 2008.

#### CONCLUSION

The NESSA 7 demonstrates the persistence and determination of illegal operators to act illegally. Renaming and reflagging of vessels, and arriving in port on public holidays when staffing levels are likely to be low are all characteristic of vessel operators who have something to hide.

## FISH-i AFRICA WORKS: MAURITIAN ACTION ON SRI LANKAN VESSELS





#### **IDENTIFICATION PROCESS**

Satellite tracks

#### **HOW STOPPED**

Mauritian Coast Guard operation

#### **VESSELS INVOLVED**

F/V YASAISURU - 3 /
F/V YASAISURU - 3 (C) /
F/V YASAISURU-3 -B 7.4V /
F/V YASAISURU-3 -A 6.2V

#### **VESSEL TYPE**

Longliners

#### **FLAG STATE**

Sri Lanka

#### **SUMMARY**

A group of four Sri Lankan fishing vessels were identified by satellite tracking as fishing illegally in Mauritian waters. A Coastguard plane was deployed to ascertain the facts and illegal fishing was confirmed.

#### WHAT DID FISH-i AFRICA DO?

- · Identified vessels operating illegally
- · Tracked the vessels
- · Alerted and updated Mauritian authorities

#### **KEY EVENTS**

MID-MAY 2016 A group of four Sri Lankan vessels were identified as operating on the Saya De Malha Bank, off the Mauritian EEZ in mid-May 2016.

**22 MAY 2016** On the 22nd of May, the vessels entered into the Mauritian EEZ, and AIS tracks indicated that they were continuing their fishing operations.

Information transmitted over AIS suggested that all four were fishing vessels flagged to Sri Lanka with names that are variants of YASAISURU (possibly also spelled YASAI SURU). No information was available to confirm the identity or authorisation status of these vessels and these names do not appear on the current or historical list of vessels authorised to operate in the IOTC area.

As the majority of Sri Lankan vessels currently appear to be authorised to IOTC using registration numbers rather than names it was difficult to establish whether they were IOTC authorised.

26 MAY 2016 The Mauritian authorities dispatched an aircraft to check on the location and activity of the vessels. Radio contact was attempted but none of the four responded to requests for contact, and the vessels then left the region.

**ON-GOING** With enough evidence that illegal fishing activity had occurred Mauritian authorities have been in contact with the flag State Sri Lanka to take follow up action against the vessels.

#### CONCLUSION

This case provides a textbook example of how information sharing and timely MCS operations can be effective in stopping illegal fishing. Satellite tracking is a valuable means of locating vessels and establishing their activity.





# 06 WHAT WORKED AND WHAT NEEDS TO CHANGE?

#### **INVESTIGATIONS**

- 01 FISH-i Africa's first success: the PREMIER
- **02** Fake licensing operation uncovered in Tanzania
- D3 FISH-i Africa country de-flags IUU listed fishing vessels
- 04 The multiple identities of the NAHAM-4
- D5 Fugitives from justice: the SAMUDERA PASIFIC No. 8 and BERKAT MENJALA No. 23
- **D6** Mysterious movements on the Somali coast: the POSEIDON and the AL-AMAL
- OF Piracy, poaching and people smuggling? the case of the LUCKY STAR
- **OB** Three vessels or one?
- 09 A repeat offender brought to book: the NESSA 7
- 10 FISH-i Africa works: Mauritian action on Sri Lankan vessels
- Contributed to the investigation
- Not relevant to the investigation
- O Potentially could have contributed to the investigation but did not

WHAT HELPS STOP ILLEGAL FISHING?	HOW DOES THIS HELP?		WHEN DID IT WORK? INVESTIGATIONS									WHAT NEEDS TO CHANGE
		01	02	03	04	05	06	07	08	09	10	
Policy, legal and Institutional												
Strong policy statements supporting cooperation and information sharing	Forms the basis for national enforcement actions	•	•	•	•	•	0	0	•	•	•	Political appreciation of the consequences of illegal fishing that translate into policy commitments in national policy documents
Robust national legislative framework	Enables enforcement actions to take place and to be followed through to prosecutions	•	0	•	•	0	0	0	0	•	•	Legislative frameworks that support national actions against illegal operators exist
Appropriate penalties for non-compliance	Ensure adequate deterrence for potential violators	•	0	•	•	•	0	0	0	•	•	Harsher penalties that deter illegal activities are in place and applied

WHAT HELPS STOP ILLEGAL FISHING?	HOW DOES THIS HELP?	WHEN DID IT WORK? INVESTIGATIONS										WHAT NEEDS TO CHANGE
		01	02	03	04	05	06	07	08	09	10	
Aware judiciary of the consequences of fisheries violations	Ensures that violators do not escape punishment or receive inappropriately low punishment	•	•	•	•	•	0	0	•	•	•	Greater awareness of the dire consequences and destruction of illegal activities and the financial gains made by illegal operators
Flag State responsibility	Ensures that fishing vessels operate according to the rules when fishing in foreign waters	0	0	0	0	0	0	•	0	0	0	Flag States must inspect their fishing vessels, monitor their activities and take action when non-compliance is detected
Market State measures	Enables checking that fish entering a market has been caught legally	•	0	0	0	0	0	0	0	0	0	Market States must monitor imports through catch certification schemes
Port State measures and inspection capacity	Forms the basis of monitoring and inspecting fishing vessels, especially foreign, in ports	•	0	0	•	•	•	•	•	•	•	Procedures and capacity for applying port State measures and inspections in place
Integrated investigative capacity	Targets more risky fishing vessels for inspections and facilitates follow-up action leading to prosecutions	•	•	•	•	•	•	•	•	•	•	Inter-agency cooperation established nationally and internationally
Committed and well trained fisheries professionals	Forms the backbone of a compliant fishery	•	•	•	•	•	•	•	•	•	•	Recognition of the importance of fisheries professionals and suitable on-going capacity building
A FishCRIME approach that applies all relevant legislation to a case	Provides opportunities to catch illegal operators through other laws than fisheries	•	•	•	•	•	0	0	0	•	•	Greater awareness of related legislation and linking of these in cases
Information												
Systematic cross checking of information	Highlights anomalies and identifies risk vessels, owners and operators	•	•	•	•	•	•	•	•	•	•	Increased transparency of information through authorities publishing lists of licenced fishing vessels, registered vessels and company ownership etc.
Accessible photographs of fishing vessels	Provides crucial evidence of a vessels identity	•	0	•	•	0	0	0	•	•	•	Publicly available photographs of fishing vessels
Risk assessments	Provides a basis for identifying high risk fishing vessels, agents, operators and owners	•	•	•	•	•	•	•	•	•	•	Wider and more routine research and analysis on behaviour of illegal operators

WHAT HELPS STOP ILLEGAL FISHING?	HOW DOES THIS HELP?	WHEN DID IT WORK? INVESTIGATIONS										WHAT NEEDS TO CHANGE
		01	02	03	04	05	06	07	08	09	10	
Available IMO numbers	Allows evidence of a vessels identify	•	0	0	0	0	0	0	0	0	0	Mandatory global record of fishing vessels and IMO numbers
RFMO – listing of IUU fishing vessels	Facilitates due diligence in licensing or registering a fishing vessel	0	•	•	•	0	0	0	0	0	•	Listing of non-tuna IUU fishing vessels needs to be strengthened
Verification of documents	Facilitates due diligence in licensing or registering a fishing vessel	•	•	•	•	•	•	0	•	•	•	Accessible database of correct templates and stamps
Technology												
Automatic Identification System (AIS)	Tracks fishing vessel movement and facilitates cross-checking with other tracking methods	•	•	0	•	0	•	0	•	•	•	Wider compulsory use of AIS on all commercial fishing vessels
Vessel Monitoring System (VMS)	Tracks fishing vessel movements and facilitates cross-checking	0	0	0	•	•	•	0	•	•	•	Sharing of VMS position data regionally to allow greater cross-checking
Investigative tools	Software that supports investigations such as mapping connectivity and nodes of activities	•	•	•	•	•	•	•	•	•	•	Wider availability of tools and services to MCS officers
Cooperation												
Regional cooperation and information exchange between countries	Facilitates ability to cross-check and verify information	•	•	•	•	•	•	•	•	•	•	Greater routine and systematic cooperation through strengthening Task Forces like FISH-i Africa
Multi agency FishCRIME approach	Provides opportunities to catch illegal operators through other laws than fisheries and helps identify the worst violators	•	•	•	•	•	0	•	0	•	•	Improved inter-agency cooperation, application of PSM and systems for exchange of information
Industry engagement	Facilitates information from those operating legally and provides greater eyes at sea	•	0	•	0	0	0	0	•	•	•	Better and more innovative mechanisms for engaging the industry to fight non-compliance
RFMO engagement	Improves the knowledge and experience in investigations and application of legal frameworks	•	•	•	0	0	•	•	•	•	•	Strengthened cooperation with initiatives such as FISH-i Africa Task Force
INTERPOL engagement	Supports the national investigations into FishCRIME	0	•	•	0	•	0	0	•	0	•	Strengthened cooperation between national police and fisheries authorities to engage INTERPOL in investigations



# 07 IS FISH-i AFRICA **HAVING AN IMPACT?**

In three years the FISH-i Africa Task Force has - as it initially set out to do resulted in enforcement actions against illegal operators. The work of the Task Force has also been a catalyst for change that is reshaping the way countries of the Western Indian Ocean are tackling IUU fishing and implementing monitoring, control and surveillance. The confidence of the Task Force has grown as a result of working together on successful and failed investigations and the new insight that has been gained into the dynamics of illegal operators is helping countries to show

THE FISH-I AFRICA TASK FORCE IS MAKING AN IMPACT ON:

that even with limited resources they can stop illegal fishing.

#### CORRUPTION

#### **SUCCESS**





SIGNIFICANT

MODERATE

LOW

NONE



AIM	Increase transparency and create a professional culture
HOW	Sharing previously private information between Task Force members
	Discussing investigations within the Task Force
	Creating a culture of openness and shared values
	Encouraging the right choices
	Increasing knowledge and understanding of fisheries operations
IMPACTS	Cases such as the Tanzanian forged licences
NEXT	Share different types of information between the Task Force
STEPS	Move to making fishing licence and registration lists public
	Continue Task Force meetings and communications
	Engage more partners (observers) in Task Force meetings

Encourage systems for engagement with flag States and industry

# **FALSE VESSEL IDENTITY**

#### SUCCESS







AIM	Gather and organise information on fishing vessels
HOW	Gathering already available information on vessel characteristics, histories, owners Taking and collecting new vessel images Sharing inspection reports Creating a database of information – VISIBLE
IMPACTS	Cases such as the NAHAM 4, de-flagging of vessels, refusing fishing licences

NEXT STEPS	Make IMO numbers a licence requirement in Task Force countries Provide cameras to inspectors Establish network of photographers to build information on vessels Make elements of VISIBLE public to encourage wider engagement
	Use apps for assisting in identification of fishing vessels

# **WEAK HUMAN AND INSTITUTIONAL CAPACITY**

### SUCCESS







AIM	Build a strong, competent, empowered and knowledgeable Task Force
HOW	Training and capacity building by working with experts Supporting and guiding on operational matters Encouraging regular participation at Task Force and international meetings
IMPACTS	FISH-i Africa cases are increasingly having successful conclusions with fines and prison sentences Targeted MCS and enforcement actions
NEXT STEPS	Train in analysis of intelligence Engage in national operational/MCS Centres to build capacity Build stronger inter-agency cooperation

# LACK OF TRUST AND COOPERATION BETWEEN COUNTRIES

### SUCCESS







AIM	Demonstrate that working together makes us all more effective
HOW	Creating a network Opening up dialogue
	Letting people get to know each other
	Sharing information and research
	Updating each other on progress - including successes and failures
	Coordinating efforts with IGOs
IMPACTS	Open communication and feedback
	TOR of Task Force to set framework for cooperation
	Coordinated activities and actions between Task Force members and with IGOs
NEXT	Consolidate and deepen relationships
STEPS	Expand Task Force to include relevant neighbours
	Increase sharing of information
	Increase shared investigations into cases

### **WEAK PORT STATE MEASURES**

#### SUCCESS







AIM	Implement strong port State measures throughout the FISH-i Africa region
HOW	Supporting the introduction of the Port State Measures Agreement Helping identify high risk fishing vessels Providing framework for verification and cross-checking of information
IMPACTS	4 of the 8 FISH-i countries are party to the PSMA and all to the PSMR of IOTC Port State measures in action for the Premier, and other cases
NEXT STEPS	Encourage further ratification of the PSMA and the implementation Facilitate systematic cooperation with flag States Ensure information required to identify high risk vessels is readily available Coordinate effort with IOTC PSMR programmes and initiatives

# FLAG HOPPING AND THE USE OF FLAGS OF CONVENIENCE

#### SUCCESS







AIM	Ensure all fishing vessels in the WIO are operating under responsible flag States
HOW	Building contacts to flag States Raising awareness of flag State failures
	Analysing fishing vessel history to identify past flags
	Cooperating with RFMOs to identify possible flag hopping fishing vessels
	Assist relevant TF members with improved flagging routines and procedures
IMPACTS	De-flagging of fishing vessels
	Refusal of fishing licences to fishing vessels
NEXT STEPS	Make it a licence requirement for countries to not give licences to FOC vessels Work with flag States to build more systematic channels of communication

# OTHER CRIMES IN THE FISHERIES SECTOR - FISHCRIME

#### SUCCESS







AIM	Build aware and effective multi agency teams capable of tackling transnational organised crime
HOW	Raising awareness about FishCRIME and the linkages Investigating other crimes in the fisheries sector as options to prosecute criminals Linking the Task Force to INTERPOL and UNODC Discussing and exploring the challenges that fishery enforcement officers face
IMPACTS	Complex investigations – still ongoing
NEXT STEPS	Build multi agency national teams Build on links to countries outside of the WIO Strengthen cooperation with prosecutors and judiciary Strengthen cooperation with INTERPOL and UNODC

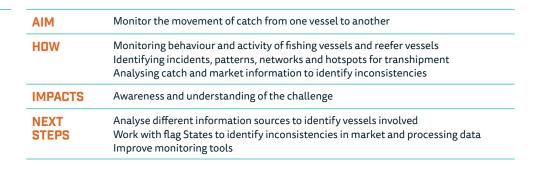
# **ILLEGAL TRANSHIPMENT**

#### **SUCCESS**









#### FORGED AND FALSE DOCUMENTS

#### **SUCCESS**









#### Systematic verification of documents associated to fishing vessels, catches, owners **AIM** and agents HOW Verifying suspicious documents or those associated with high risk vessels or owners Requesting other states for copies of documents or evidence of authenticity Raising awareness of the type of forgeries taking place Create a library of valid and correct documentation for relevant flag States operating in the WIO **IMPACTS** Premier Tanzania forged licences **NEXT** Systematic cross-checking and exchange of templates and stamps Make publicly available fishing licence information **STEPS** Provide easily accessible on-line access to information Develop systematic channels of communication with other states (port, coastal, market and flag)

# 08 NEXT STEPS

The FISH-i Africa Task Force has achieved a great deal in a short time. Building on this model of regional cooperation and information sharing will be essential to the success of cost effective improved efforts to stop illegal fishing.

FISH-i Africa is committed to continuing its focus in the Western Indian Ocean and aims to:

- INTENSIFY AND BROADEN THE FULL SHARING OF INFORMATION, especially all
  relevant data for the identification and tracking of IUU fishing activities and to
  generate enforcement actions against IUU fishing operators within the Western
  Indian Ocean and beyond.
- **INTEGRATE INNOVATIVE TECHNOLOGY** for the more effective identification and tracking of suspect illegal fishing activities.
- BUILD NATIONAL CAPACITY in risk assessment and multi-agency cooperation to strengthen the Task Force's ability to become more effective and take enforcement actions.
- GROW NETWORKS AND LINKS to strengthen the abilities to act against illegal
  fishing operators and to integrate the FISH-i Africa mechanisms and tools into
  SUSTAINABLE STRUCTURES in Africa to ensure its long-term viability.
- COOPERATE WITH IMPORTANT FLAG, PORT, COASTAL AND MARKET STATES
  from outside the FISH-i Africa region, to improve communications, cooperation
  and particularly encourage responsible flag State involvement.
- INTENSIFY DATA COLLECTION AND RESEARCH TO IMPROVE RISK ASSESSMENT
  and the identification of IUU fishing operations, trends, patterns and networks,
  e.g. on fishing and carrier vessels operating in the Western Indian Ocean, on fishing
  behaviour, on transhipment activities, ownership structures and on trade routes.
- SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE FAO PORT STATE MEASURES
   AGREEMENT AND THE IOTC PORT STATE MEASURES RESOLUTION in the FISH-i
   Africa region by being a model for regional cooperation and information-sharing for
   which the PSMA and PSMR provides a framework.
- PROMOTE THE CONCEPT OF FISH-i AFRICA in other regions to create wider networks based on a common understanding of transparency and cooperation to effectively stop illegal fishing.

# 09 WHAT PEOPLE ARE SAYING ABOUT FISH-i AFRICA

'The results to date have been impressive; in its first two years the FISH-i Africa Task Force took action against several notorious illegal-fishing operators, resulting in nearly 3 million USD collected in fines.' WALLACE COSGROW, MINISTER OF FISHERIES AND AGRICULTURE, SEYCHELLES

'The FISH-i Task Force is an excellent example of African good governance and determination and that our region has to rid ourselves of the plague of illegal fishing and only allow those that play by the rules to fish our valuable blue gold.'

PETER SINON, FORMER MINISTER
OF NATURAL RESOURCES, SEYCHELLES

'The SADC Secretariat welcomes the FISH-i initiative and recognizes the achievements that this initiative has made in the Western Indian Ocean towards combatting IUU fishing.'

DR THEMBINKOSI MHLONGO. SADC

'FISH-i Africa is a very useful network and we think that Somalia will profit from being part of this.' SAID JAMA GHALIB, DEPUTY MINISTER OF FISHERIES AND MARINE RESOURCES, SOMALIA

'FISH-i Africa is making excellent progress at implementing commitments made by our African States to stop illegal fishing, for example commitments in international agreements such as the PSMA as well as our African Policy Framework and Reform Strategy for Fisheries and Aquaculture. The impacts of the Task Forces' work is showing that through cooperation and working together Africa can reform their fisheries.'

HAMADY DIOP. NEPAD AGENCY

'FISH-i Africa provides a perfect forum for the member countries to look at issues of interest. The support of FISH-i has helped with the whole process of stopping illegal fishing and we look forward to working closely with FISH-i so this process can continue into the future.'

GERARD DOMINGUE. IOTC

'The results speak for themselves – FISH-i has brought to light a number of cases of IUU fishing in the region – this initiative has come at the right time.'

JUDE TALMA, IOC

'FISH-i Africa shows how easy it can be to actually cooperate between the different countries and how much that simple thing of writing an email can help a manager in terms of fighting illegal fishing.'

ZAHOR EL KHAROUSY, TANZANIA

'I am very impressed with the way you are working together as a region, we will learn from you and pick up some experiences from your region.'

DR. CHUMNARN PONGSRI, DIRECTOR OF FISHERIES FOREIGN AFFAIRS DIVISION, THAILAND

'FISH-i Africa since its foundation has been doing a wonderful job in combatting IUU fishing.' SUBHAS BAULJEEWON, MAURITIUS

'FISH-i Africa sends a strong signal that there is collaboration, working together against IUU fishing, there is no port that a vessel can go to and offload its illegal catch because this network shares information all around.'

**ROY CLARISSE, SEYCHELLES** 

'With just a simple internet connection we can communicate with each other and this way, without expensive technology, we can protect our waters and resources.'

**BOINA SAID, COMOROS** 

'FISH-i Africa is a very important platform for exchanging information on vessels in real time.' VICENTE COSSA, MOZAMBIQUE

'FISH-i is a very low cost way of combating illegal fishing.'

**JEAN LOUIS RABE, MADAGASCAR** 

'Especially for countries with no VMS, it is important that FISH-i Africa is expanded. Sharing of intelligence information on vessels has assisted Kenya with its implementation of port State measures. Now other agencies are seeking information from us, this has added respect to us & it is because of FISH-i Africa.' NICHOLAS NTHEKETHA. KENYA

'When you cannot fight singly you have to join hands, and when you join hands, you feel more courageous – this I sincerely believe is going to close the door on IUU fishing.'

SATISH DWARKA, MAURITIUS

'Illegal fishing is a big problem for Madagascar, it means economic losses for us. It is vital that we join forces with neighbouring countries and regional bodies to face this problem.'

NAIVO RAKOTONIAINA, MADAGASCAR

'I believe that with effort from all of us, if we cooperate we can eliminate illegal activities and that our populations will have more fish on the plate.'

MARIA EULALIA VALES, MOZAMBIQUE

'FISH-i Africa is really assisting us in moving forward in Kenya, especially on issues such as the ratification of the PSMA.'

**BENEDICT KIILU. KENYA** 



# IN DECEMBER 2015 STOP ILLEGAL FISHING WERE AWARDED THE 2014–2015 MARGARITA LIZÁRRAGA MEDAL, AWARDED BIENNIALLY BY THE FAO

The award recognizes those who have served with distinction in the application of the Code of Conduct for Responsible Fisheries.

Stop Illegal Fishing's achievements were described as 'outstanding, practical, tangible and sustainable as well as catalytic' by Arni M. Mathiesen, Assistant Director-General, Fisheries and Aquaculture Department of the FAO. Speaking at the award ceremony Per Erik Bergh, SIF Coordinator, highlighted the work of the FISH-i Africa Task Force, 'our work with FISH-i has demonstrated that some of the ugliest, most destructive organised crimes against humanity and the environment occur in the fisheries sector. To fight this, we do not compete with, or replace, any government, inter-governmental or NGO process, we add value. We tap into an additional energy and network to support these processes.'

On awarding the Medal the FAO stated that 'SIF was selected in recognition of an excellent African example of what can be achieved to stop IUU fishing by demonstrating that a lot can be accomplished with relatively small resources through good networking, the sharing of information, regional and international cooperation, and a strong commitment to stop IUU fishing.'





FISH-i Africa is an initiative by eight East African countries and Stop Illegal Fishing supported by The Pew Charitable Trusts and a Coordination Team made up of NFDS, Stop Illegal Fishing and TMT.

Find out more about FISH-i Africa at www.fish-i-africa.org