

**INFORMATION RECEIVED UNDER REC. 08-09**

In accordance with Paragraph 5 of Rec. 08-09, the Secretariat received two submissions from the Environmental Justice Foundation regarding possible IUU activity. The information was forwarded on receipt to the Parties, Entities or Fishing Entities involved, a reply from Senegal has been received by the time of writing. Any additional responses or information which becomes available will be included later as an Appendix to this document.

One of these vessels has also been submitted by European Union is included on the Draft IUU list, but the other has not as according to paragraph 2 of Rec. 18-08, transmission of request for inclusion on the Draft list should be made by the CPCs. It should be noted that the current flag status of the information from EJF differs slightly from the information sent by the European Union. The Commission may wish to take this information below into account in the development of the final list, as permitted under paragraph 4 of Rec. 18-08.



**1. A. VESSEL ACTIVITY NOTIFICATION FROM EJF – SAGE, 14 MAY 2020**

***Suspected reflagging of an IUU-listed vessel and potential IUU fishing activities in the area under the competence of ICCAT***

The Environmental Justice Foundation (EJF) is an international environmental organisation working globally to combat illegal, unreported, and unregulated (IUU) fishing and promote sustainable management of fisheries. EJF also encourages international information-sharing to document any fishing activities that may constitute IUU fishing in order to enhance transparency in the fisheries sector.

EJF has collected information indicating that an IUU-listed vessel may have reflagged to The Gambia under the name 'Sage', and that this vessel may have been engaged in fishing in the area under the competence of the International Commission for the Conservation of Atlantic Tunas (ICCAT) while not on the ICCAT record of vessels.

***Identification***

| <b>Name</b> | <b>Former name</b>    | <b>IMO</b> | <b>National reg. No.</b> | <b>IRCS</b> | <b>MMSI</b> | <b>Vessel type</b>         | <b>Flag</b>   | <b>Former flag</b>  |
|-------------|-----------------------|------------|--------------------------|-------------|-------------|----------------------------|---|---|
| Sage        | Shyang Chyang No. 889 | 7825 215   | 100290                   | C5J82       | 62910 0290  | Fishing vessel (longliner) |  |  |

This table reflects the information gathered from the following sources:

- FAO Global Record of fishing vessels, refrigerated transport vessels and supply vessels ('FAO Global Record')<sup>1</sup>;
- Historical record of authorised vessels of the Indian Ocean Tuna Commission (IOTC)<sup>2</sup>;
- IMO Global Integrated Shipping Information System<sup>3</sup>;

<sup>1</sup> FAO, 'FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels', accessed 14.5.2020, <http://www.fao.org/global-record/tool/extended-search/en/>.

<sup>2</sup> IOTC, 'Historical record of authorised vessels – Vessel information', accessed 14.5.2020, <https://www.iotc.org/vessels/history/87091/103>.

<sup>3</sup> IMO, 'Global Integrated Shipping Information System – Ship and Company Particulars', accessed 14.5.2020, <https://gisimo.org/Public/Default.aspx> (credentials required, free of charge).

- IHS Maritime Portal Sea-web Ships<sup>4</sup>;
- ExactEarth ShipView<sup>5</sup>; and
- Trygg Mat Tracking's combined IUU vessel list<sup>6</sup>.

Based on the information available, EJF assesses that this fishing vessel would have been granted the right to fly the flag of The Gambia between 26 February 2016 (the end date of the last authorisation granted to the vessel to operate in the area under the competence of the IOTC by its former flag state) and 16 March 2020 (the date when The Gambia introduced data in the FAO Global Record).

According to the sources mentioned above, prior to flying the flag of Seychelles, and then of The Gambia, the vessel was registered under the flags of Japan (under the names of 'Koshin Maru No. 38', 'Fukutoku Maru No. 28', and 'Fuku Maru'), Belize (under the name of 'Chi Hao No. 66' and/or 'Chia Hao No. 66'), Cambodia (under the name of 'Fu Yuan No. 31' or 'Fu Yuan 31'), and the Philippines (under the name of 'Jetmark No. 31' or 'Jetmark 31')<sup>7</sup>.

In 2005, at its 73<sup>rd</sup> meeting, the Inter-American Tropical Tuna Commission (IATTC) included in its list of vessels presumed to have carried IUU fishing activities the vessel named 'Chi Hao No. 66' flying the flag of Belize<sup>8</sup>. This vessel is currently listed in the IATTC IUU vessel list under the name of 'Chia Hao No. 66' with flag unknown<sup>9</sup>.

EJF considers that *there is a possibility that this IUU-listed vessel is the same vessel currently registered in The Gambia under the name 'Sage'*.

This possibility is corroborated by the fact that ownership structures and structural particulars reported in the sources mentioned above match (i.e. lengths, beam/breadth, depth, gross tonnage, net tonnage, vessel type, year built, and shipyard).

The listing of the vessel 'Chi Hao No. 66'/'Chia Hao No. 66' by IATTC triggered other regional fisheries management organisations (RFMOs) to cross-list it in their IUU vessel lists. This includes ICCAT –of which The Gambia is a contracting party since 11 February 2019– which included it in its IUU vessel list since 2011<sup>10</sup>.

### ***Vessel activities***

Using the software ExactEarth ShipView, EJF regularly monitors fishing vessel activities, particularly in regions with high levels of IUU fishing. ExactEarth ShipView is a satellite-based tracking system that allows for the observation of vessels equipped with an automatic identification system (AIS).

AIS data indicates that *the fishing vessel 'Sage' may potentially have been engaged in fishing in the area under the competence of ICCAT. In addition to the possibility that the vessel is on ICCAT's IUU vessel list under a former name, it is also not on the ICCAT record of authorised vessels under its current name.*

On 16 March 2020, the fishing vessel 'Sage' proceeded to sea from Dakar, Senegal. On 6 April 2020, it entered port areas in Dakar.

<sup>4</sup> IHS Maritime Portal – Sea-web Ships, accessed 14.5.2020, <https://maritime.ihs.com/Home/Index> (subscription required).

<sup>5</sup> ExactEarth ShipView, accessed 14.5.2020, <https://shipview.exactearth.com> (subscription required).

<sup>6</sup> Trygg Mat Tracking – Combined IUU Vessel List, 'Vessel Details – SHYANG CHYANG NO. 889 – Currently Listed', accessed 14.5.2020, <https://www.iuu-vessels.org/Vessel/GetVessel/a5cacefb-6ab1-4b5a-8f3c-48ac9b877ed9>.

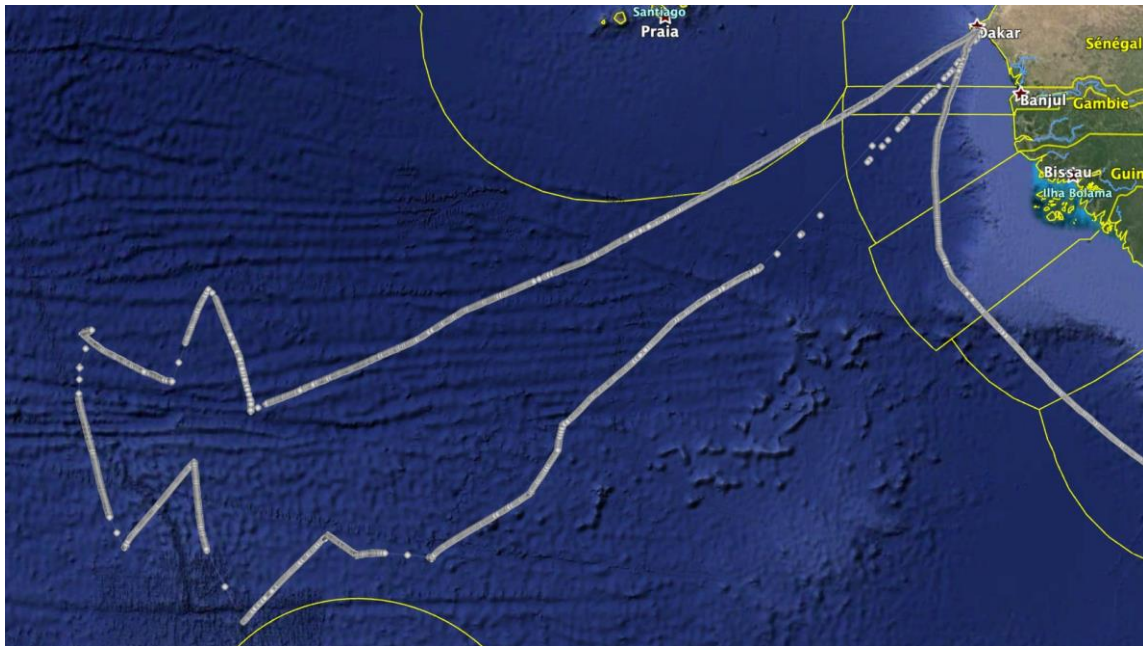
<sup>7</sup> Some sources also mention the possibility that it could have been flying the flags of Honduras, and Equatorial Guinea, as well as could have been named 'Chi Fuw No. 6'.

<sup>8</sup> IATTC, 16.6.2005, 'Joint Working Group on Fishing by Non-Parties – 4<sup>th</sup> meeting – Minutes of the meeting', accessed 14.5.2020, [https://www.iattc.org/Meetings/Meetings2005/IATTC-73/English/IWG-04-MINS\\_4th%20Meeting%20of%20the%20Joint%20Working%20Group%20on%20Fishing%20by%20Non-Parties.pdf](https://www.iattc.org/Meetings/Meetings2005/IATTC-73/English/IWG-04-MINS_4th%20Meeting%20of%20the%20Joint%20Working%20Group%20on%20Fishing%20by%20Non-Parties.pdf).

<sup>9</sup> IATTC, 7.5.2020, 'Current IUU Vessel List – Vessel details data – Chia Hao No. 66', accessed 14.5.2020, <https://www.iattc.org/VesselRegister/VesselDetails.aspx?VesNo=125&Lang=en>.

<sup>10</sup> ICCAT, 'IUU Vessel List', accessed 14.5.2020, <https://www.iccat.int/en/IUUlist.html>.

Based on AIS data it transmitted during that period (i.e. movements, speed, areas of operation (high seas of FAO 34 and 41)), it cannot be excluded that it engaged in fishing or fishing-related activities that could fall under the competence of ICCAT.



Track of the 'Sage' plotted on Google Earth. Track is available upon request<sup>11</sup>.

Between 6 April 2020 (13:44:24 UTC<sup>12</sup>) and 13 May 2020 (08:05:30 UTC), the fishing vessel 'Sage' did not transmit AIS data. It resumed transmission on 13 May 2020 approx. 1,5 nautical miles south-southeast<sup>13</sup>.

At the time of writing this Vessel Alert Notification (VAN), the last AIS data available was transmitted by the vessel on 14 May 2020 (10:11:48 UTC) at 14.575160, -17.358563 (approx. 7,5 nautical miles south-southeast from the last position transmitted on 6 April 2020) with speed 0.0kn and course 0.0°.

### **Potential breaches to ICCAT rules**

In accordance with paragraph 1 of ICCAT Recommendation 13-13, this RFMO "shall establish and maintain an ICCAT record of fishing vessels [...] authori[s]ed to fish for tuna and tuna-like species in the Convention Area". For the purpose of this conservation and management measure (CMM), fishing vessels "not entered into the record are deemed not to be authori[s]ed to fish for, retain on board, transship or land tuna and tuna-like species"<sup>14</sup>.

As previously mentioned, EJF found that the vessel 'Sage' is not included in ICCAT's record of vessels currently available from the RFMO website<sup>15</sup>.

<sup>11</sup> The areas depicted are purely illustrative.

<sup>12</sup> At 14.691808, -17.401672 (anchorage point off Dakar) with speed 0.0kn and course 351.8°.

<sup>13</sup> At 14.683230, -17.396850 with speed 7.9kn and course 162.2°.

<sup>14</sup> ICCAT, 'Recommendation by ICCAT concerning the Establishment of an ICCAT Record of Vessels 20 Metres in Length Overall or Greater Authorized to Operate in the Convention Area', accessed 14.5.2020, <https://www.iccat.int/Documents/Recs/compendiopdf-e/2013-13-e.pdf>.

<sup>15</sup> ICCAT, 'ICCAT Record of Vessels', accessed 14.5.2020, <https://www.iccat.int/en/VesselsRecord.asp>.

Upon further investigation, should the activities described in this VAN have taken place, they may fall under paragraph 1(a) of ICCAT Recommendation 18-08 which provides that: “vessels [...], are presumed to have carried out [IUU] fishing activities in the ICCAT [...], inter alia, when [...] such vessels [h]arvest tuna and tuna-like species in the Convention [A]rea and are not registered on the relevant ICCAT list of vessels authori[s]ed to fish for tuna and tuna-like species in the ICCAT Convention [A]rea”<sup>16</sup>.

Should further investigation also establish that the fishing vessel ‘Sage’ is the IUU-listed vessel ‘Chi Hao No. 66’/‘Chia Hao No. 66’, EJF notes that paragraph 9 of ICCAT Recommendation 18-08 provides that ICCAT contracting parties shall:

- “Ensure that IUU vessels are not authori[s]ed to land, trans[s]hip re-fuel, re-supply, or engage in other commercial transactions; prohibit the entry into their ports of vessels included on the IUU list, except in case of *force majeure*, unless vessels are allowed entry into port for the exclusive purpose of inspection and effective enforcement action”;
- “Refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag CPC determines that granting the vessel its flag will not result in IUU fishing”<sup>17</sup>; and
- “Prohibit the import, or landing and/or trans[s]hipment, of tuna and tuna-like species from vessels included in the IUU list”.

In addition, and although this does not currently apply to the fishing vessel ‘Sage’, EJF notes that paragraph 5(d) of ICCAT Recommendation 13-13 provides that: “the flag [contracting parties] of the vessels on the record shall [...] ensure that their LSFVs on the ICCAT record have no history of IUU fishing activities [...]”.

### **Recommendations**

EJF recommends that **The Gambia**:

1. Takes all necessary steps to establish whether or not the fishing vessel ‘Sage’ is the IUU-listed vessel ‘Chi Hao No. 66’/‘Chia Hao No. 66’, if need be by having recourse to the relevant international cooperation networks such as INTERPOL through the Gambian National Central Bureau.
2. If evidenced that the fishing vessel ‘Sage’ is the IUU-listed vessel ‘Chi Hao No. 66’/‘Chia Hao No. 66’, takes appropriate action to remedy this situation and meet its regional obligations.
3. Ascertains the nature of the activities in which the fishing vessel ‘Sage’ engaged from the moment it was granted the right to fly the flag of The Gambia and, in particular, from 16 March 2020 onwards and between 6 April and 13 May 2020, using all possible means (e.g. VMS data, observer reports, logbook data, recall to port, cooperation with the relevant port states (particularly Senegal), etc.).
4. If the vessel was found to have engaged in fishing or fishing-related activities, ascertains whether or not these activities were conducted in accordance with all relevant international, regional, sub-regional and national CMMs.
5. If the vessel was found to have operated in breach of the applicable CMMs, takes appropriate enforcement action.

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<sup>16</sup> ICCAT, ‘Recommendation by ICCAT on Establishing a List of Vessels presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities’, accessed 14.5.2020, <https://www.iccat.int/Documents/Recs/compendiopdf-e/2018-08-e.pdf>.

<sup>17</sup> This is consistent with ICCAT Recommendation 18-09 on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing accessible at: <https://www.iccat.int/Documents/Recs/compendiopdf-e/2018-09-e.pdf>.

EJF recommends that **Senegal**:

1. Shares all relevant information on the identity and nature of the activities of the fishing vessel 'Sage' at its disposal with The Gambia (including inspection reports that may have been produced upon inspection of the vessel in Dakar).
2. Considers carrying out a physical inspection of the vessel at the earliest opportunity, possibly associating the competent authorities of The Gambia or, if not possible due to restrictions introduced to fight COVID- 19, closely coordinate the inspection with them and share all findings made.
3. If the fishing vessel 'Sage' was found to be the IUU-listed vessel 'Chi Hao No. 66'/'Chia Hao No. 66' and/or to have operated in breach of applicable CMMs, enforces the relevant international (e.g. FAO Agreement on Port State Measures), regional (i.e. ICCAT CMMs), sub-regional (e.g. CMA/MCA Convention) and national legal instruments.

EJF recommends that the **Sub-Regional Fisheries Commission**:

1. In accordance with the objectives of the Sub-Regional Fisheries Commission set in Article 2 of the 1985 Convention (as amended in 1993) and the intent of the CMA/MCA Convention and of the Nouakchott Declaration on IUU fishing, supports and facilitates cooperation between the relevant states.

EJF recommends that the **Secretariat of ICCAT**:

1. Confirms that the fishing vessel 'Sage' was not included in its record of vessels from 16 March 2020 onwards and whether or not the potential fishing activities would have, in this context, been conducted in accordance with the relevant CMMs.
2. If evidenced that the fishing activities described in this VAN were not conducted in accordance with the relevant CMMs, considers this information, together with any other relevant information contained in this VAN, under Recommendation 18-08 and other relevant ICCAT recommendations.
3. Contacts The Gambia to stay abreast of its investigation into whether or not the fishing vessel 'Sage' is the IUU-listed vessel 'Chi Hao No. 66'/'Chia Hao No. 66'.

## 1. B) INFORMATION ON SAGE RECEIVED FROM SENEGAL

I acknowledge receipt of your email regarding suspected illegal fishing activities by the Gambian-flagged vessel SAGE (IMO 7825215).

According to the information obtained, the last time that the vessel called in at the port of Dakar was on 27/04/2020 to unload cargo of 25700 kg of tuna and tuna-like species, and that after the operation it departed from the Port of Dakar.

Since that date, it has not returned to the Port of Dakar.

This Gambian vessel which previously flew the Liberian flag has invariably on each call (in 2019, 2018, and 2017) been inspected by the surveillance services, in accordance with Senegal's port State measures. It has been concluded that the vessel has operated in international waters and holds a current license.

Further inspections will be carried out on the vessel's next call.

## 2. POTENTIAL IUU FISHING ACTIVITIES BY A FORMER TANZANIAN FISHING VESSEL WITH POSSIBLE LINKS TO A CHINESE TAIPEI NATIONAL

### Vessel Ownership and Activity Alert Fishing Vessel Haleluya - UPDATE

The Environmental Justice Foundation (EJF) is an international environmental organisation working globally to combat illegal, unreported, and unregulated (IUU) fishing and promote sustainable management of fisheries. EJF also encourages international information-sharing to document any fishing activities that may constitute IUU fishing in order to enhance transparency in the fisheries sector.

This Vessel Ownership and Activity Alert is an update of an alert dated 22 April 2020 titled 'Potential links between a Chinese Taipei national and a fishing vessel flagged to Tanzania and shark catch arising from potentially unregulated fishing'. It includes information shared by Tanzanian authorities on 13 May 2020 in response to the initial version of the alert.

#### *Context*

EJF has received information suggesting that a longliner initially flying the flag of Tanzania and operated from Colombia may be linked to Chinese Taipei interests.

The vessel, named Haleluya, is apparently owned by a legal entity based in Colombia, Imanely SAS, which appears to be directly linked to a Chinese Taipei individual, identified as Mr. Chin-Tien, Chen.

However, EJF is unable to locate the vessel in the list of vessels owned by, or in which Chinese Taipei nationals have invested, authorised by the Council of Agriculture of Chinese Taipei available on the Fisheries Agency's website<sup>1</sup>. This indicates potential breaches of the Chinese Taipei Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels.

In addition, it is unclear how the activities of the vessel within the International Commission for the Conservation of Atlantic Tunas (ICCAT) were regulated, as the vessel was flagged to a state that is neither a contracting nor a cooperating party to ICCAT.

This information was shared with the relevant authorities through a Vessel Ownership and Activity Alert dated 22 April 2020.


On 13 May 2020, Tanzanian authorities replied to EJF and shared key information on the identity of the fishing vessel Haleluya and on the nature of its activities. This information is reflected in this updated alert.

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<sup>1</sup> Fisheries Agency, Council of Agriculture, 2.3.2020, 'CoA authorised vessels owned or invested by Chinese Taipei nationals', accessed 15.4.2020, <https://www.fa.gov.tw/cht/FOC/>



*Vessel information*<sup>2,3</sup>

| <i>Vessel Name</i> | <i>National Identifier</i>                   | <i>International Radio Sign</i> | <i>Reported Gross Registered (T)</i> | <i>Flag</i> | <i>Former flag</i>  | <i>Vessel Type</i> |
|--------------------|--|---------------------------------|--------------------------------------|-------------|---|--------------------|
| Haleluya           | 4000354 <sup>2</sup><br>4000354 <sup>4</sup> | 5-IM 615                        | 80                                   | Unknown     | Tanzania<br> | Longliner          |

Photographs of the vessel are available in the **Appendix 1**.

On the basis of the information available from the Colombian national record of fishing vessels, which can be found attached to this Alert, this vessel is authorised to fish for tuna in the West Central Atlantic.

Colombia is currently a cooperating non-contracting party (CNCP) to ICCAT. However, Tanzania does not have status vis-à-vis ICCAT. In a document supporting Colombia's application to gain CNCP status to ICCAT in 2019, Haleluya is mentioned. Colombia reports that the vessel has a Tanzanian flag and a private access agreement with Colombia, with a valid license until 26 July 2020 and catching ICCAT-covered species<sup>5</sup>.

In addition to the above, open source intelligence dated November 2019<sup>6</sup> reports that sharks were the vessel's targeted species, with the owner of the vessel having a record of exporting fins to Asia. At the time this information was published, the Haleluya was reportedly berthed in Cartagena, Colombia with eight tons of shark fins –from catches made in 2017– on board awaiting authorisation from the competent authorities of Colombia for export.

Based on information received from the Tanzanian authorities on 13 May 2020, the Haleluya was *flying the flag of this country from 16 September 2015 to 27 June 2019* (see **Appendix 2**).

Its status (i.e. flag) after that date is unknown. EJJ considers that there is a possibility that the vessel is or was without nationality and may have continued to claim the flag of Tanzania.

The Tanzanian authorities also confirmed that the Haleluya was *never granted an authorisation to fish* while under their flag.

**National concerned**

The ownership structure of the vessel Haleluya is reported to be as follows:

| Legal person acting as registered owner   | Natural person acting as registered owner  | Address | Contact details  |
|---|--|---------|--|
| <ol style="list-style-type: none"> <li>1. Identification No. (NIT)</li> <li>2. Registration No.</li> <li>3. Status</li> <li>4. Country</li> </ol> | <ol style="list-style-type: none"> <li>1. Foreigner ID card No.</li> <li>2. Nationality</li> </ol> |         | <ol style="list-style-type: none"> <li>1. Emails</li> <li>2. Phone No</li> </ol> |

<sup>2</sup> Registro Nacional de Barcos Pesqueros, 'Haleluya. Detalles del buque', accessed 14.4.20, <http://uvicolombia.org/sandbox/vessels/181/details>.

<sup>3</sup> Information received from Tanzania.

<sup>4</sup> According to the information received from Tanzania.

<sup>5</sup> International Commission for the Conservation of Atlantic Tunas, 1.10.2019, 'Requests for cooperating status', accessed 14.4.2020, [https://www.iccat.int/com2019/ENG/COC\\_307\\_ENG.pdf](https://www.iccat.int/com2019/ENG/COC_307_ENG.pdf).

<sup>6</sup> RedPrensaVerde, 12.11.2019, 'Ocho toneladas de aleta de tiburón están almacenadas en Cartagena', accessed 14.4.2020, <https://redprensaverde.org/2019/11/12/ocho-toneladas-de-aleta-de-tiburon-estan-almacenadas-en-cartagena/>.

|                          |                                  |   |  |
|--------------------------|----------------------------------|---|--|
| Imanely SAS <sup>7</sup> | Mr. Chine Tien Chen <sup>8</sup> | Barrio Bosque Transversal 52, No. 21A-62, Cartagena de Indias, colombia | <a href="mailto:imanelysas2014@gmail.com">imanelysas2014@gmail.com</a><br><a href="mailto:imanely@yahoo.es">imanely@yahoo.es</a><br>+573174563351<br>+573044034015 |
| 1. 900076756             | 2. 326406 <sup>9</sup>           |   |  |
| 2. 21591712              | 3. Chinese Taipei                |   |  |
| 3. Active                |                                  |   |  |
| 4. Colombia              |                                  |   |  |

EJF identified that the Colombian business register<sup>10</sup> lists four additional companies referring to 'Imanely'. Two of these are active (namely 'Imanely LTDA' with registration number 21591802, and 'Chinese Taipei Imanely S.A.S "en liquidación"' with registration number 32773412) and two are non-active (namely 'Imanely LTDA' with registration number 21591703, and 'Chinese Taipei Imanely S.A.S.' with registration number 32773502).

The information contained in the table above is *consistent with the information Tanzania shared with EJF on 13 May 2020 (cf. Appendix 2)*.

### **Potential infractions of Chinese Taipei laws and regulations**

In light of the reported links between the vessel Haleluya and Mr. Chin -Tien, Chen, the situation described in this Alert falls under the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels ('the Act')<sup>11</sup> that aims at regulating nationals engaging in fisheries-related businesses under foreign flags.

Article 4 of this Act provides that no national of Chinese Taipei is permitted to engage in fisheries-related businesses under foreign flags without prior authorisation of the Council of Agriculture. Being authorised by the Council of Agriculture to engage in such businesses triggers multiple obligations that are described in the Act.

Article 4 also provides that no such authorisation shall be granted in the event the fishing activities in which the foreign- flagged vessel intends to engage fall are under the management of an international fisheries organisation (understood as regional fisheries management organisations) while the fishing vessel concerned is flying the flag of a foreign country that is not a contracting party or a CNCP of this organisation. This applies to Tanzania, which is neither a party, nor a CNCP to ICCAT.

Mindful of the fact that this vessel could not be found in the list of fishing vessels flying the flag of foreign countries linked to Chinese Taipei interests dated 19 February 2020 available on the Fisheries Agency's website, it cannot be excluded that the vessel and the national concerned by this Alert engaged in a fisheries-related business under a foreign flag without authorisation from the Council of Agriculture. If confirmed, this would constitute a breach of Article 4 of the Act.

In case the national concerned by this Alert has been granted with an authorisation under Article 4 of the Act, such authorisation may not be valid considering the status of Tanzania vis-à-vis ICCAT.

Mindful of the information provided by the former flag state of the vessel, Tanzania, on 13 May 2020 in relation to the fact that it was never granted with an authorisation to fish, EJF notes that Article 8 of the Act provides that "a person with the nationality of [Chinese Taipei] [...] shall not [...] [fish] without permission from the flag state".

<sup>7</sup> The name of the legal person concerned by this alert is incorrectly reported as 'Imanely SAS' in the Colombian national record of fishing vessels. 'Imanely' is sourced from the Colombian business register and corroborated by documents produced by the competent authority of Colombia for all fisheries-related matters (the Autoridad Nacional de Acuicultura y Pesca ('AUNAP')).

<sup>8</sup> The name of the natural person concerned by this alert is incorrectly reported as 'Chem Chin Tien' in the Colombian national record of fishing vessels. 'Chin Tien Chen' is sourced from documents produced by the AUNAP and corroborated by information from open sources (including footnote 3).

<sup>9</sup> Issued by Colombia.

<sup>10</sup> Registro Unidco Empresarial, 'Registro mercantil', accessed 14.4.2020, <https://www.rues.org.co/RM>

<sup>11</sup> Fisheries Agency, Council of Agriculture, 7.12.2017, 'Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels', accessed 14.4.2020, <https://www.fa.gov.tw/en/LegalsActs/content.aspx?id=4&chk=8e673d97-5589-4483-a986-8c2d26cd5607&param=pn%3d1>



| <i>Activity</i>   | <i>Infringed laws and regulations</i>  |
|---|--|
| Engaging in a fisheries-related business under a foreign flag without authorisation | Article 4, Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels |
| Fishing without permission from the flag state                                      | Article 8, Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels |

#### Potential breaches to ICCAT conservation and management measures (CMMs)<sup>12</sup>

Although Tanzania, the former flag state, does not have status vis-à-vis ICCAT, this regional management fisheries organisation provides, in paragraph 1(a) of its Recommendation 18-08<sup>13</sup>, that: “vessels [...], are presumed to have carried out [IUU] fishing activities in the ICCAT [...], inter alia, when [...] such vessels [h]arvest tuna and tuna-like species in the Convention [A]rea and are not registered on the relevant ICCAT list of vessels authori[s]ed to fish for tuna and tuna-like species in the ICCAT Convention area”. EJF could not locate the Haleluya in ICCAT’s records of vessels (i.e. of active vessels, inactive vessels, and inoperative vessels)<sup>14</sup>.

EJF considers that there is a possibility that other compliance issues arise in light of the information contained in Colombia’s application to gain CNCP status to ICCAT in 2019 according to which “Colombia has an access agreement with [the Haleluya] that catch[es] species covered by ICCAT” under an authorisation –presumably from Colombia as the vessel was never authorised to fish by Tanzania– valid until 26 July 2020 and “the catch and fishing effort data of [the Haleluya], are submitted to ICCAT by the flag [state], which in this case [is] Tanzania [...]”<sup>15</sup>.

In addition and in light of the above, should the Haleluya be found to have engaged in fishing activities under the competence of ICCAT from 27 June 2019 after it was deleted from the registry of Zanzibar, this fishing vessel may have carried out IUU fishing activities in accordance with paragraph 1(i) of Recommendation 18-08 unless it had re-flagged to another state<sup>16</sup>.

Paragraph 1(i) of Recommendation 18-08 provides that: “vessels [...], are presumed to have carried out [IUU] fishing activities in the ICCAT [...], inter alia, when [...] such vessels [a]re without nationality and harvest tuna or tuna-like species in the ICCAT Convention area”.

Irrespective of the fact that the vessel may have re-flagged to another state, EJF reiterates that it could not find the Haleluya in ICCAT’s records of vessels.

In addition, and as previously mentioned, the Tanzanian authorities confirmed that the Haleluya was never granted an authorisation to fish while under their flag. Although Colombia and Tanzania have not accessed to the United Nations Fish Stocks Agreement (UNFSA), Article 21(11)(a) of UNFSA defines the act of “fishing without a valid licence, authori[s]ation or permit issued by the flag [s]tate” as a serious violation<sup>16</sup>.

<sup>12</sup> EJF considers that there is a possibility that other applicable laws or regulations (e.g. of Tanzania) may have been breached.

<sup>13</sup> ICCAT, ‘Recommendation by ICCAT on Establishing a List of Vessels presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities’, accessed 18.5.2020, <https://www.iccat.int/Documents/Recs/compendiopdf-e/2018-08-e.pdf>.

<sup>14</sup> ICCAT, ‘ICCAT Record of Vessels’, accessed 18.5.2020, <https://www.iccat.int/en/VesselsRecord.asp>.

<sup>15</sup> International Commission for the Conservation of Atlantic Tunas, 1.10.2019, ‘Requests for cooperating status’, accessed 18.5.2020, [https://www.iccat.int/com2019/ENG/COC\\_307\\_ENG.pdf](https://www.iccat.int/com2019/ENG/COC_307_ENG.pdf).

<sup>16</sup> United Nations, 8.9.1995, ‘Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks’, accessed 18.5.2020, [https://www.un.org/Depts/los/convention\\_agreements/texts/fish\\_stocks\\_agreement/CONF164\\_37.htm](https://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm).

<sup>16</sup> United Nations, 8.9.1995, ‘Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks’, accessed 18.5.2020, [https://www.un.org/Depts/los/convention\\_agreements/texts/fish\\_stocks\\_agreement/CONF164\\_37.htm](https://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm).

| Suspected activity  | Possibly infringed CMMs                      |
|---|--|
| Engaging in fishing activities in ICCAT while not in ICCAT's record of vessel     | Paragraph 1(a) of ICCAT Recommendation 18-08 |
| Engaging in fishing activities in the ICCAT Convention area without nationality   | Paragraph 1(i) of ICCAT Recommendation 18-08 |
| Fishing without a valid licence, authorisation or permit issued by the flag state | Article 21(11)(a) of UNFSA                   |

### Recommendations

EJF recommends that the *Chinese Taipei Fisheries Agency*:

1. Investigates possible links between its national concerned by this Alert and the vessel Haleluya formerly flying the flag of Tanzania and operated from Colombia.
2. Extends verifications to establish whether the national concerned by this Alert is linked to other fishing vessels flying the flag of foreign countries.
3. If appropriate, enforces the relevant provisions of the Act, especially those of Article 11(1) aiming at sanctioning violations to Article 4 of the Act.
4. Investigates, in close coordination with ICCAT and its relevant contracting parties and CNCPs, whether the vessel's status and activities contravene or contravened the conservation and management measures adopted by the regional fisheries management organisation.
5. Takes into account the information shared by Tanzania on 13 May 2020 to orient its investigation and to lead to effective law enforcement action including through cooperation with Colombia and Tanzania.

EJF recommends that Colombia and Tanzania:

1. Clarify the situation of the vessel Haleluya vis-à-vis ICCAT in light of their respective status in this regional fisheries management organisation.
2. Consider the legality of the catches made by the vessel in this context.
3. Colombia clarifies the status (i.e. flag) claimed by the vessel from 27 June 2019 onwards.
4. Endeavour, in their respective roles, to prevent any abuse of the flag of Tanzania, and the vessel and the key natural and legal persons associated to it from engaging in IUU fishing activities.
5. Consider taking all appropriate and effective law enforcement actions vis-à-vis the vessel, its catches and the key natural and legal persons associated to it and, where necessary, closely cooperate to that end.

In accordance with Article 49(2) of Council Regulation (EC) No 1005/2008, EJF recommends that the *European Commission* considers the information contained in this Alert in the context of:

1. The implementation of this Council Regulation and, more particularly, the cooperation between DG MARE and Chinese Taipei in the fight against IUU fishing.
2. The membership of the European Union to ICCAT.

EJF recommends that the *Secretariat of ICCAT*:

1. Clarifies the situation of the vessel Haleluya vis-à-vis its record of vessel and whether or not all compliance related CMMs, in particular those relating to catch data reporting, have been complied with.
2. Collaborates with the relevant states to stay abreast of any further findings made in relation to the past and present situation of the vessel Haleluya vis-à-vis ICCAT.
3. Considers the information contained in this Alert and any further findings made under the relevant CMMs including its Recommendation 08-09<sup>17</sup>.

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<sup>17</sup> ICCAT, 'Recommendation by ICCAT to Establish a Process for the Review and Reporting of Compliance Information', accessed 19.5.2020, <https://www.iccat.int/Documents/Recs/compendiopf-e/2008-09-e.pdf>.

Photographs of the Haleluya



Photograph of the vessel Haleluya presumably taken in Cartagena, Colombia at an unknown date with the vessel displaying 'CP-050284-A' as external marking<sup>18</sup>.

<sup>18</sup> RedPrensaVerde, 12.11.2019, 'Ocho toneladas de aleta de tiburón están almacenadas en Cartagena', accessed 14.4.2020, <https://redprensaverde.org/2019/11/12/ocho-toneladas-de-aleta-de-tiburon-estan-almacenadas-en-cartagena/>




Photograph of the vessel Haleluya, reportedly taken in Cartagena, Colombia on 30 March 2017 with the vessel displaying Zanzibar, Tanzania as home port<sup>19</sup>.

<sup>19</sup> Shipspotting.com, 9.5.2017, 'Haleluya', accessed 14.4.2020, <http://www.shipspotting.com/gallery/photo.php?lid=2659540>



Certificates issued by the flag state

Form RLV 102/3

**THE UNITED REPUBLIC OF TANZANIA**  
  
**THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR**  
**TANZANIA ZANZIBAR INTERNATIONAL REGISTER OF SHIPPING**

The Maritime Transport Act, 2006  
 Maritime Transport (Registration and Licensing of Vessels) Regulations, 2007  
 Made under Regulation 28(2)(a)

**PROVISIONAL CERTIFICATE OF REGISTRY**

| GENERAL PARTICULARS |                       |                      |  |   |                                 |
|---------------------|-----------------------|----------------------|--|---|---------------------------------|
| IMO NO.             | CALL SIGN             | OFFICIAL NO.         | NAME OF VESSEL                             | HOME PORT AND DATE OF REGISTRATION        | PREVIOUS HOME PORT, NATIONALITY |
| N/A                 | 51M-615               | 400035               | HALELUYA                                   | ZANZIBAR,<br>16 <sup>TH</sup> SEPT., 2015 | -                               |
| TYPE OF VESSEL      | PLACE OF CONSTRUCTION | DATE OF CONSTRUCTION | NAME AND ADDRESS OF BUILDER                |   |                                 |
| FISHING VESSEL      | TAIWAN                | 20 JAN., 2001        | CHIEN FU SHIP BUILDING CO. LTD.,<br>TAIWAN |   |                                 |

| REGISTERED DIMENSIONS AND TONNAGES |         |               |       |
|------------------------------------|---------|---------------|-------|
| Length                             | 24.50 m | Gross tonnage | 80.00 |
| Maximum breadth                    | 5.00 m  | Net tonnage   | 25.10 |
| Moulded depth amidship             | 2.00 m  |               |       |

| CONSTRUCTION CHARACTERISTICS |             |                  |     |
|------------------------------|-------------|------------------|-----|
| Material of hull             | FIBER GLASS | No. of decks     | ONE |
| No. of masts                 | ONE         | No. of bulkheads | -   |
| Rigging                      | N/A         |                  |     |


| ENGINE PARTICULARS   |                |                |                  |                       |
|----------------------|----------------|----------------|------------------|-----------------------|
| Method of propulsion | No. of engines | Make and model | Horse power (KW) | Maximum speed (knots) |
| DIESEL               | ONE            | CUMMINS        | 441.17           | 10                    |

| OWNERS PARTICULARS |                 |             |  |
|--------------------|-----------------|-------------|--|
| Name of Owner(s)   | **No. of shares | Nationality | Address  |
| CHIN TIEN CHEN     | 64 (100%)       | COLOMBIA    | BARRIO BOSQUE TRANSVERSAL<br>52 NO. 21A - 52<br>CARTAGENA - COLOMBIA |

The period of validity of this Provisional Certificate of Registry expires on: **15<sup>TH</sup> MARCH 2016**

I, the undersigned, hereby certify that the above particulars are in accordance with those entered in the Register.

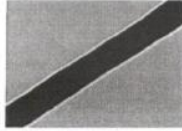
**Zanzibar, Tanzania**     **Date: 16<sup>TH</sup> SEPTEMBER, 2015**

  
**SHEIKHA A. MOHAMED**  
**FOR. REGISTRAR OF SHIPS**

Notes:  
\*The name(s) of the Charterer(s) is also to be inserted in case of a ship the registration of which under the Act depends upon its being a ship on bareboat charter  
\*\* Omit in case a ship referred to in \*

Initial provisional certificate of registry issued on 16 September 2015 by the Tanzania Zanzibar International Register of Shipping.





THE UNITED REPUBLIC OF TANZANIA  
ZANZIBAR MARITIME AUTHORITY



**CERTIFICATE OF DELETION**

The Maritime Transport Act, 2006  
The Maritime Transport (Registration and Licensing of Vessels) Regulations 2007. Reg. 44(2)(a)

This is to certify that the ship described below was deleted from the registry of Zanzibar on:

27/06/2019 at 14:05 UTC

| Ship's name            |  |             |         |
|------------------------|--|-------------|---------|
| HALELUYA               |  |             |         |
| Port of registry       | Zanzibar   | IMO number  |         |
| Official No.           | 400035   | Callsign    | 5IM 615 |
| Gross tonnage          | 80   | Net tonnage | 25      |
| Length (Art 2(8) ITC)  | 24.5   | Power (kW)  | 441     |
| Length overall         |  | Breadth     | 5.0     |
| Alternative tonnage    |  | Depth       | 2.0     |
| Type of ship           | Fishing Vessel   |             |         |
| Description            |  |             |         |
| Owner(s)               | CHIN TIEN CHEN , BARRIO BOSQUE TRANSVERSAL 52 NO. 21A - 62 CARTAGENA, CARTAGENA , Colombia (64 shares) |             |         |
| Date of first registry | 27/06/2019   |             |         |

At the time of deletion there were no encumbrances registered against the ship in the register of Zanzibar.

Issued at Zanzibar on 27/06/2019 at 14:05 UTC.



Registrar of ships

Certificate of deletion issued on 27 June 2019 by the Zanzibar Maritime Authority.