



4 September 2013 / 4 septembre 2013

## IOTC CIRCULAR 2013-76 / CIRCULAIRE CTOI 2013-76

Dear Sir/Madam,

### **SUBJECT: RESPONSE FROM THE UNITED REPUBLIC OF TANZANIA TO A COMMUNICATION FROM SEYCHELLES – CIRCULAR 2013-73**

Please find attached a communication from the United Republic of Tanzania regarding a communication from Seychelles Fishing Authority in response to circular 2013-73.

Madame/Monsieur,

### **SUJET: RÉPONSE DE LA REPUBLIQUE-UNIE DE TANZANIE À LA COMMUNICATION DES SEYCHELLES – CIRCULAIRE 2013-73**

Veuillez trouver en pièce jointe une communication de la République-Unie de la Tanzanie à la communication de l'autorité des pêches des Seychelles, en réponse au circulaire 2013-73.

Yours sincerely / Cordialement

Rondolph Payet  
Executive Secretary / Secrétaire exécutif

#### **Attachments / Pièces jointes:**

- Letter from the United Republic of Tanzania / Lettre de la République Unie de la Tanzanie
- Attachment 1, 2, 3, 4, 5 and 6 / Annexe 1, 2, 5, 6 sont disponibles uniquement en Anglais

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**UNITED REPUBLIC OF TANZANIA  
DEEP SEA FISHING AUTHORITY**

DSFA Building, P.O.Box 56, ZANZIBAR.  
Tel: +255 732947017, Fax: +255 732947025  
Mobile: +255772011011, Email: dsfa@dsfatz.org



Ref:DSFA/30/VOL.II/17

1<sup>st</sup> September 2013

**Mr. Rondolph Payet  
Executive Secretary  
Indian Ocean Tuna Commission**

**RE: RESPONSE TO COMMUNICATION FROM SEYCHELLES FISHING AUTHORITY REGARDING VESSEL  
HSIANG FA NO. 26 ALLEGED TO HAVE IUU FISHED IN THE WATERS OF THE UNITED REPUBLIC OF  
TANZANIA**

Further to the communication from the Seychelles Fishing Authority with regard to the allegation of IUU fishing of the vessel Hsiang Fa No. 26, the Deep Sea Fishing Authority (DSFA) is not convinced that the owner and operator of the vessel Hsiang Fa No. 26 acted in good faith and intended to comply with the terms of the license following reporting practices that were common and accepted in the past by the Deep Sea Fishing Authority. We remain not convinced because it is hard to verify the authenticity of the evidence taking into consideration the following.

- (1) The communication provided as evidence of the intent to comply with the reporting practices acceptable to the DSFA, is only one sided i.e. from operator to agent and agent to operator, without a single communication from the DSFA official alleged to have been involved in the fraud. Furthermore no evidence was produced to show payment made to the DSFA. It should be noted that the dealings between the operator and the agent is not the responsibility of the Deep Sea Fishing Authority and proof of payment to the agent is not proof of license payment to the Authority.
- (2) Attachment 6 from the Seychelles dossier shows communication between Mr. Al Shaibani (the agent) and Mr. Richard Tan (the operator) with the subject "catch weekly report 11-17 June 2012 for the Hsiang Fa No. 26 and Chun Ying". It also shows a forwarded message from the agent to a Mr. Dominik Chando with the email address [dchando2002@yahoo.com](mailto:dchando2002@yahoo.com) with the same subject matter, in which the agent is apparently reporting the weekly report of the two said vessels for the dates 11-17 June 2012.

According to the list sent to the DSFA by the SFA with regard to a list of Seychelles Flagged vessel with Tanzania licenses, the vessel Chun Ying 777 has license validity period of 4<sup>th</sup> September 2012 – 3<sup>rd</sup> December 2012 (attachment 1 and 2). Why was the vessel Chun Ying reporting a weekly catch report for a period it did not have a license to fish in Tanzania.

Furthermore we would like to insist that the reporting of catch is clearly stated in the license condition that it should be **Daily** and not **weekly** (condition 3 (vii), see attachment 4). It is also clearly stated that the communication chain should be from the **Captain** to the **Director General** and not through the process of Captain to Operator to Agent to Compliance Officer/any other DSFA officer and then finally to the Director General as being presented by the evidence provided by the SFA. Vessels with Seychelles Flag have been conforming to this condition from as far back as 2010. Please

see attachment 5, 6 and 7 of the vessels Txori Aundi and Arza as examples, both flagged to the Seychelles, whose licenses to fish in Tanzania are provided by the SFA dossier as attachment 4 and 5 respectively. This is clear evidence that reporting practice accepted by the Tanzania Deep Sea Fishing Authority is **daily** reporting of catch and from the Captain directly to the Director General.

Moreover based on the dossier by the SFA it is hard to comprehend how the DSFA official managed to defraud an experienced operator running a fleet in Seychelles and Taiwan by only providing the license leaf without any other supporting documentation.



RE: Seychelles Flagged vessel Hsiang Fa 26



## ATTACHMENT 1

To see messages related to this one, [group messages by conversation](#).



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## ATTACHMENT 2

### DEEPSEA LICENSE LONGLINER FOR TANZANIA EEZ

Name Of Vessel	Type	Call Sign	Registration No.	Licence No.	Period Validity	
					From	To
Chung Ying No.777	LL	S7PU	SC50205		04-Sep-12	03-Dec-12
Koyo No.3	LL	S7UY	50213		07-Sep-12	06-Dec-12
Poseidon	LL	S7UH	SC50202	850	04-Oct-12	03-Jan-13
Shuenn Perng No. 202	LL	S7SO	SC50139	880	03-Oct-12	02-Jan-13
Shyang Chyang No. 889	LL	S7UP	SC50217	864	18-Nov-12	17-Feb-13
Indian Star	LL	S7S1	50133	972	15-Jun-12	14-Sep-13
Hsiang Fa No.18	LL	S7SC	50060	881	30-Nov-12	28-Feb-13
Hsiang Fa No.26	LL	S7SB	50061	970	09-Jun-12	08-Jul-13
Winner 808	LL	S7UV	50203		07-Sep-12	06-Dec-12

# ATTACHMENT 3

Licence Number.....

Form No. 7

THE UNITED REPUBLIC OF TANZANIA  
THE DEEP SEA FISHING AUTHORITY ACT  
CAP. 388

Atlix recent  
photo of the  
licensee

The Deep Sea Fishing Authority Regulations, 2009

FISHING LICENCE  
(Made under Regulation 6(1)) N<sup>o</sup> 0150

1. Name of licensee .....
2. Permanent address of licensee .....
3. Name and permanent address of owner of vessel if different from above .....
4. Name and address of local representative .....
5. Name and address of captain of vessel .....
6. Name of vessel .....
7. Type of vessel .....
8. Species of fish to caught .....
9. Tonnage of fish allowed .....
10. Length of vessel ..... Gross Tonnage ..... Engine HP .....
11. Country and port of registry .....
12. Registration number ..... Radio Call Sign .....
13. Identification mark number .....
14. Time intervals for reporting .....
15. Validity of licence from ..... to .....
16. Date issued .....

.....  
*Licensing Authority*

Under Regulation 10 of the Deep Sea Fishing Authority Regulations, 2009, a licensee has to comply with the following conditions:

1. A licensed fishing vessel –
  - (i) is brought either to Dar-es-Salaam, Zanzibar, Mtwara or Tanga ports for inspection and verification of fishery resources destined for export market;
  - (ii) is not discarding any by-catch at sea;

## ATTACHMENT 4

- (iii) collects and transports by-catch to any of the ports for local market;
  - (iv) fishing in the Exclusive Economic Zone employ at least three Tanzanian crew;
  - (v) while in the United Republic waters fly the flag of the state she is registered;
  - (vi) is linked to a Vessel Monitoring System installed in the office of the Authority to enable monitoring of vessel while in the United Republic waters;
  - (vii) is marked in the manner prescribed in the Second Schedule
2. Rare fish and seabird species listed under Convention on International Trade on Endangered Species and any other Convention which the United Republic is a party are not caught and in case of incidental catch be returned to the sea as soon as possible;
3. A captain of a licensed fishing vessel while discharging his functions -
- (i) allows on board two officers of the Authority who shall oversee compliance with national and international laws for all the time the vessel is in Economic Exclusive Zone;
  - (ii) has on board a map of the Exclusive Economic Zone of the United Republic;
  - (iii) reports to the Director General whenever the vessel enters and leaves the Exclusive Economic Zone of the United Republic;
  - (iv) prepare exit and entry to the Exclusive Economic Zone report containing information specifying position of the vessel by latitudes and longitudes, date and time, quantity and species of fish on board;
  - (v) gives information to the Director General on the last port of call and fishing area before the vessel enters the Exclusive Economic Zone;
  - (vi) gives information to the Director General on the last fishing area and weight by species of fish caught in Tanzanian waters before the vessel leaves the Exclusive Economic Zone; and
  - (vii) reports on daily basis to the Director General by fax, vessel monitoring system or e-mail on weight and types of fish caught.
4. A fishing vessel licensed under these Regulations shall not be allowed to fish in the internal waters and Territorial sea of the United Republic of Tanzania.

COMPOSE

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to Tanzania, me, Tanzania, Tanzania

Mar 16 [Icons]

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aundi@inpesca.com  
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- anertz
- ARCHANDA
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- bpontoizeau
- Buque Albatun Dos
- Cuatro - Albacora
- Txori Aundi

Good morning sir,  
You will find in attached a message for  
Best regards,  
Captain Txori Aundi

from: **Txori Aundi** <aundi@inpesca.com>  
to: Tanzania report 3 <zahor1m@hotmail.com>, Tanzania report 1 <tzdsfa@gmail.com>, Tanzania report 2 <stella.sykes@synergy.co.tz>, Tanzania director pesca <gfnanyaro@yahoo.com>  
date: Sat, Mar 16, 2013 at 6:33 AM  
subject: Entry report EEZ Tanzania 16-March-2013  
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ATTACHMENT 6

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  - Buque Albatun Dos
  - Cuatro - Albacora
  - Txori Aundi

Note : ce qui suit est la traduction d'un courrier en Anglais reçu par le Secrétariat. Pour plus de détails, se reporter à l'original.



UNITED REPUBLIC OF TANZANIA  
DEEP SEA FISHING AUTHORITY

DSFA Building, P.O.Box 56, ZANZIBAR.  
Tel: +255 732947017, Fax: +255 732947025  
Mobile: +255772011011, Email: dsfa@dsfatz.org



Ref. : DSFA/30/VOL.II/17

le 1<sup>er</sup> septembre 2013

M. Rondolph Payet  
Secrétaire exécutif  
Commission des thons de l'océan Indien

**RE : RÉPONSE À LA COMMUNICATION DE L'AUTORITÉ DES PÊCHES DES SEYCHELLES CONCERNANT LE NAVIRE HSIAN FA N°26 ACCUSÉ D'AVOIR PRATIQUÉ LA PÊCHE INN DANS LES EAUX DE LA RÉPUBLIQUE UNIE DE TANZANIE**

Suite à la communication de l'Autorité des pêches des Seychelles concernant le navire HSIAN FA n°26 accusé d'avoir pratiqué la pêche INN, la *Deep Sea Fishing Authority* (DSFA) n'est pas convaincue que le propriétaire et l'opérateur du navire Hsiang Fa n°26 aient agi de bonne foi et avaient l'intention de se conformer aux termes de la licence concernant les pratiques de déclarations communément appliquées par la DSFA. Nous restons non convaincus car il est difficile de vérifier l'authenticité des preuves fournies pour les raisons suivantes.

1. La communication susmentionnée fournie comme preuve de l'intention de respecter les dispositions de déclaration de la DSFA est unilatérale, c'est-à-dire qu'elle ne concerne que des échanges entre l'opérateur et l'agent, sans aucune communication du fonctionnaire de la DSFA supposément impliqué dans la fraude. Par ailleurs, aucune preuve n'a été fournie concernant le paiement fait à la DSFA. Il faut noter que les échanges entre l'opérateur et l'agent ne sont pas de la responsabilité de la DSFA et qu'une preuve de paiement à l'agent n'est pas une preuve de paiement à la DSFA.
2. La pièce n°6 du dossier fourni par les Seychelles présente une communication entre M. Al Shaibai (l'agent) et M. Richard Tan (l'opérateur), avec comme objet « Rapport de captures hebdomadaire du 11 au 17 juin 2012 pour le Hsiang Fa n°26 et le Chun Ying ». Elle présente également un message transféré de l'agent à M. Dominik Chando (adresse de courriel [dchando2002@yahoo.com](mailto:dchando2002@yahoo.com)) avec le même objet, dans lequel l'agent semble transmettre la déclaration de captures hebdomadaire pour ces deux mêmes navires et pour ces mêmes dates. Selon la liste envoyée à la DSFA par la SFA énumérant les navires battant pavillon des Seychelles disposant de licences tanzaniennes, le navire Chun Ying 777 avait une licence valide du 4 septembre 2012 au 3 décembre 2012 (pièces 1 et 2). Pourquoi le Chun Ying a-t-il déclaré des captures pour une période durant laquelle il ne disposait pas d'une licence de pêche dans les eaux de Tanzanie ?

Par ailleurs, nous voudrions insister sur le fait que les conditions des licences indiquent clairement que la déclaration des captures doit être **quotidienne** et non **hebdomadaire** (condition 3(vii), voir pièce 4). Il est également clairement stipulé que la chaîne de communication doit être du **capitaine** au **Directeur général** et non du capitaine à l'opérateur puis à l'agent responsable de l'application (ou tout autre fonctionnaire de la DSFA) et enfin du Directeur général, comme c'est le cas dans les preuves fournies par la SFA. Les navires battant pavillon des Seychelles se conforment à cette procédure depuis 2010. Merci de vous reporter aux pièces 5, 6 et 7 présentant l'exemple des navires Txori Aundi et Arza, battant tous deux pavillon seychellois et dont les licences de pêche dans les eaux tanzaniennes sont fournies dans le dossier de la SFA comme pièces 4 et 5, respectivement. Cela montre clairement que les pratiques appliquées par la DSFA de Tanzanie concernent bien des déclarations des captures **quotidiennes** et directement du capitaine au Directeur général.

Enfin, sur la base du dossier de la SFA, il est difficile de comprendre comment le fonctionnaire de la DSFA a réussi à escroquer un opérateur expérimenté gérant une flotte de pêche aux Seychelles et à Taïwan [*sic*] en lui fournissant simplement un formulaire de licence sans aucun document justificatif.



RE: Seychelles Flagged vessel Hsiang Fa 26



**ANNEXE 1**

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## ANNEXE 2

### DEEPSEA LICENSE LONGLINER FOR TANZANIA EEZ

Name Of Vessel	Type	Call Sign	Registration No.	Licence No.	Period Validity	
					From	To
Chung Ying No.777	LL	S7PU	SC50205		04-Sep-12	03-Dec-12
Koyo No.3	LL	S7UY	50213		07-Sep-12	06-Dec-12
Poseidon	LL	S7UH	SC50202	850	04-Oct-12	03-Jan-13
Shuenn Perng No. 202	LL	S7SO	SC50139	880	03-Oct-12	02-Jan-13
Shyang Chyang No. 889	LL	S7UP	SC50217	864	18-Nov-12	17-Feb-13
Indian Star	LL	S7S1	50133	972	15-Jun-12	14-Sep-13
Hsiang Fa No.18	LL	S7SC	50060	881	30-Nov-12	28-Feb-13
Hsiang Fa No.26	LL	S7SB	50061	970	09-Jun-12	08-Jul-13
Winner 808	LL	S7UV	50203		07-Sep-12	06-Dec-12



#### **ANNEXE 4**

- République-Unie de Tanzanie est signataire ne doivent pas être capturées et, en cas de prise accidentelle, doivent être remises en liberté dès que possible ;
3. Le capitaine d'un navire de pêche attributaire d'une licence, dans l'exercice de ses fonctions :
    - i. autorise l'embarquement de deux fonctionnaires de l'Autorité qui vérifieront le respect des lois nationales et internationales pendant le séjour du navire dans la ZEE ;
    - ii. dispose à bord d'une carte de la ZEE de la République-Unie ;
    - iii. signale au Directeur-général toute entrée ou sortie de la ZEE de la République-Unie ;
    - iv. prépare un rapport d'entrée/sortie de la ZEE contenant des informations sur la position du navire (latitude/longitude), la date et l'heure, les quantités et espèces de poissons à bord ;
    - v. informe le Directeur-général du dernier port d'escale et de la dernière zone de pêche avant que le navire ne soit entré dans la ZEE ;
    - vi. informe le Directeur-général sur la dernière zone de pêche et le poids par espèces des captures réalisées dans les eaux Tanzaniennes avant que le navire ne quitte la ZEE ; et
    - vii. informe quotidiennement le Directeur-général par télécopie, SSN ou courriel des poids et espèces de poissons capturés.
  4. Tout navire de pêche attributaire d'une licence couverte par cette loi n'est pas autorisé à pêcher dans les eaux intérieures et territoriales de la République-Unie de Tanzanie.

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Good morning sir,  
You will find in attached a message for  
Best regards,  
Captain Txori Aundi

from: **Txori Aundi** <aundi@inpesca.com>  
to: Tanzania report 3 <zahor1m@hotmail.com>, Tanzania report 1 <tzdsfa@gmail.com>, Tanzania report 2 <stella.sykes@synergy.co.tz>, Tanzania director pesca <gfnanyaro@yahoo.com>  
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