

10 September 2013 / 10 septembre 2013

## IOTC CIRCULAR 2013-78 / CIRCULAIRE CTOI 2013-78

Dear Sir/Madam,

**SUBJECT: RESPONSE FROM THE UNITED REPUBLIC OF TANZANIA TO A COMMUNICATION FROM TAIWAN, PROVINCE OF CHINA – CIRCULAR 2013-72**

Please find attached a communication from the United Republic of Tanzania regarding a communication from Taiwan, Province of China in response to circular 2013-72

Madame/Monsieur,

**SUJET: RÉPONSE DE LA REPUBLIQUE-UNIE DE TANZANIE À LA COMMUNICATION DE TAIWAN, PROVINCE DE CHINE – CIRCULAIRE 2013-72**

Veillez trouver en pièce jointe une communication de la République-Unie de la Tanzanie suite à la communication de Taiwan, Province de Chine, en réponse à la circulaire 2013-72.

Yours sincerely / Cordialement



Rondolph Payet  
Executive Secretary / Secrétaire exécutif

**Attachments / Pièces jointes:**

- Communication from Tanzania / Communication de la Tanzanie

**Distribution / Destinataires**

**IOTC Members / Membres de la CTOI:** Australia, Belize, China, Comoros, Eritrea, European Union, France (Territories), Guinea, India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Vanuatu, Yemen.

**Cooperating non-Contracting Parties / Parties coopérantes non-contractantes:** Senegal, South Africa.

**Chairperson IOTC / Président de la CTOI**

**Copy to / Copie à:** FAO Headquarters, FAO Representatives to CPCs

This message has been transmitted by email only / Ce message a été transmis par courriel uniquement



**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/25

04/09/2013

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

**RE: RESPONSE TO COMMUNICATION FROM TAIWAN PROVINCE OF CHINA REGARDING VESSEL  
HWA KUN NO. 168 ALLEGED TO HAVE IUU FISHED IN THE WATERS OF THE UNITED REPUBLIC OF  
TANZANIA**

Further to the communication from Taiwan-province of China with regard to supplementary information concerning F/V Hwa Kun No. 168 case, the Deep Sea Fishing Authority (DSFA) is not convinced that the vessel fished legally.

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 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. Attachment 3 of the documents provided by Taiwan's Deep Sea Fisheries Division is showing email communication between Mr. Al Shaibani (the agent) and Mr. Tan (the operator) and a forwarded message from Mr. Al Shaibani to Mr. Dominik Chando with email address [dchando2002@yahoo.com](mailto:dchando2002@yahoo.com) in which the agent is apparently submitting license application form; the agent is further advising Mr. Chando to acknowledge receipt, but no evidence of acknowledgement is provided. No cover letter accompanying the application form is also produced as evidence.
- (2) No evidence was produced to show payment made to the Tanzania Deep Sea Fishing Authority (DSFA) or the alleged dishonest DSFA official. It should be noted that the dealings between the operator and the agent (provided as evidence in attachment 1 and 2 of Taiwan – Province of China's communication) is not the responsibility of the Tanzania Deep Sea Fishing Authority and proof of payment to the agent is not proof of license payment to the Authority.
- (3) Another piece of evidence provided by Taiwan, Province of China (reattached in this communication as a reminder) shows an email communication from the office of the Operator, with the subject "Hwa Kun No. 168 – Departure Report" in which Mr. Shaibani (identified in attachment 2 of Taiwan's communication as the Agent in Tanzania) is being sent a departure report of Hwa Kun No. 168. The communication is further copied to a number of individual email accounts with the domain name *sfa.sc*. From our experience, the domain name *sfa.sc* belongs to the Seychelles Fisheries Authority and we are therefore left

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confused as to why a departure report of a Taiwanese Flagged vessel is sent to a Tanzanian agent and is copied to a number of individuals in the Seychelles Fishing Authority.

Furthermore we would like to reiterate that the reporting of catch is clearly stated in the Deep Sea Fishing Authority Regulations 2009, that it should be **daily** and not **weekly** and directly from the Captain of a vessel to the Director General of the authority (please see condition 3(vii) of the attached Fishing licence form No. 7 of the Deep Sea Fishing Authority Regulation, 2009).

Please circulate this letter and its attachments to all members of the Commission for their consideration.

Sincerely



The image shows a circular blue stamp of the Deep Sea Fishing Authority. Inside the stamp, there is a handwritten signature in blue ink. Below the signature, the name 'ZAHIR MOHAMED AL KHAROUSY' and the title 'DIRECTOR GENERAL' are printed in blue capital letters.

b頁 1 - 1(B)

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寄件者: "Deepsea Fishery" <dcepsea-fishery@gmail.hinet.net>  
收件者: "SEY/SFAz Wendy Perreau" <wperreau@sfa.sc>; "SEY/SFAz Roddy Allisop" <rallisop@sfa.sc>; "SEY/SFAz Julie Jean" <jjean@sfa.sc>; "SEY/SFAz Johnny Louys" <jlouys@sfa.sc>; "SEY/SFAz Freddy Lespera" <flesperance@sfa.sc>  
傳送日期: 2012年10月19日 上午 10:34  
附加檔案: HWA KUN NO.168-DEPARTURE REPORT.doc  
主旨: Departure report for HWA KUN NO.168  
Dear Mr Shaibani,

Please find the attachment of departure report for HWA KUN NO.168.  
Thank you!

Best Regards,  
Karen  
Deepsea Fishery



2013/6/24

Licence Number.....

Form No. 7

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

Affix 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 ..... Radio Call Sign .....
12. Registration number .....
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;

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- (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.



UNITED REPUBLIC OF TANZANIA  
DEEP SEA FISHING AUTHORITY

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Ref. : DSFA/30/VOL.II/25

le 4 septembre 2013

M. Rondolph Payet

Secrétaire exécutif

Commission des thons de l'océan Indien

**RE : RÉPONSE À LA COMMUNICATION DE TAÏWAN, PROVINCE DE CHINE CONCERNANT LE NAVIRE HWA N°168 ACCUSÉ D'AVOIR PRATIQUÉ LA PÊCHE INN DANS LES EAUX DE LA RÉPUBLIQUE UNIE DE TANZANIE**

Suite à la communication de Taïwan, Province de Chine concernant le navire HWA KUN n°168 accusé d'avoir pratiqué la pêche INN, la *Deep Sea Fishing Authority* (DSFA) n'est pas convaincue que le navire ait pêché de manière légale.

Nous restons non convaincus car il est difficile de vérifier l'authenticité des preuves fournies pour les raisons suivantes.

1. La communication fournie comme preuve 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. La pièce 3 des documents fournis par la *Deep Sea Fisheries Division* de Taïwan présente une communication entre M. Al Shaibani (l'agent) et M. Tan (l'opérateur), et un courriel de M. Al Shaibani à M. Dominik Chando (adresse de courriel [dchando2002@yahoo.com](mailto:dchando2002@yahoo.com)), dans lequel l'agent semble transmettre le formulaire de demande de licence ; l'agent conseille également à M. Chando d'accuser réception, mais aucune preuve n'en est fournie. Le formulaire de demande n'est également pas accompagné d'une lettre de demande.
2. Aucune preuve n'a été produite pour démontrer qu'un paiement a été fait à la *Deep Sea Fishing Authority* (DSFA) de Tanzanie ou à l'agent de DSFA accusé de fraude. Il convient de noter que les communications entre l'exploitant et l'agent (fournies comme preuve dans les pièces 1 et 2 de la communication de Taïwan, Province de Chine) ne concernent pas la *Deep Sea Fishing Authority* (DSFA) de Tanzanie et la preuve de paiement de l'agent n'est pas la preuve du paiement de la licence à l'Autorité.
3. Une autre pièce à conviction fournie par Taïwan, province de Chine (à nouveau en pièce-jointe, pour mémoire) montre un courriel du bureau de l'exploitant ayant comme objet « Hwa Kun N°168 –rapport de départ », dans lequel M. Shaibani (identifié dans la pièce 2 de la Communication de Taïwan comme l'agent en Tanzanie) est destinataire d'un rapport de départ du Hwa Kun N°168. Cette communication est également copiées à un certain nombre d'adresses courriel relevant du domaine *sfa.sc*. D'après notre expérience, ce domaine appartient à l'Autorité des pêches des Seychelles et nous sommes donc perplexes quant au fait qu'un rapport de départ d'un navire battant pavillon taïwanais envoyé à un agent tanzanien est également copié à des individus travaillant à l'Autorité des pêches des Seychelles.

Par ailleurs, nous voudrions rappeler le Règlement de 2009 de la *Deep Sea Fishing Authority* indique clairement que la déclaration des captures doit être **quotidienne** et non **hebdomadaire** et doit être du **capitaine** au **Directeur général** de la DSFA (voir condition 3(vii) du Formulaire n°7 du Règlement de 2009 de la *Deep Sea Fishing Authority*, en pièce-jointe).

Merci de diffuser ce courrier et ses pièces-jointes à tous les membres de la Commission, pour examen.

Cordialement,



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.

寄件者: "Deepsea Fishery" <deepsea-fishery@umail.hinet.net>  
收件者: "SEY/SFAz Wendy Perreau" <wperreau@sfa.sc>; "SEY/SFAz Roddy Allisop" <rallisop@sfa.sc>; "SEY/SFAz Julie Jean" <jjean@sfa.sc>; "SEY/SFAz Johnay Louys" <jlouys@sfa.sc>; "SEY/SFAz Freddy Lespera" <flesperance@sfa.sc>  
傳送日期: 2012年10月19日 上午 10:34  
附加檔案: HWA KUN NO.168-DEPARTURE REPORT.doc  
主旨: Departure report for HWA KUN NO.168

Cher M. Shaibani,

Merci de trouver ci-joint rapport de départ du HWA KUN NO. 168.

Merci !

Cordialement,

Karen.

Deepsea Fishery



2013/6/24

