

INVESTIGATION NO. 9

A REPEAT OFFENDER BROUGHT TO BOOK: THE NESSA 7



The NESSA 7 demonstrates the persistence and determination of illegal operators. It was tracked by FISH-i Africa as it was thought to be one of the many longline vessels using the name 'NAHAM-4' operating in the Indian Ocean. Renaming and reflagging of vessels, and arriving in port on public holidays when staffing levels are likely to be low, are characteristics of vessel operators who have something to hide. But with all FISH-i countries on alert, the vessel was eventually intercepted by the Mozambican authorities, resulting in fines, fishing bans for the owner and operator, and confiscation of the vessel.

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. The master was banned from fishing in Mozambican waters for a period of 36 months.

KEY EVENTS

DEC 2015 Identified by the FISH-i Africa Task Force as a high-risk vessel, alerts had been issued relating to the NESSA 7. FISH-i had tracked the vessel from Cape Town to Durban to Argentina 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 9th December and were supplied on 10th December (a public holiday in Namibia) and were gone before midday.

The NESSA 7, with call sign HP3125, entered Mozambican waters on 29th December 2015 without providing any advance information (as is required to enter an exclusive economic zone (EEZ)

or a port). Immediately, a joint mission was deployed to board the vessel where an initial inspection identified a range of potential 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 (see FISH-i Investigation 4). 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 onboard, nor was it displaying any registration number.

The investigation 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 had been taking place. Information from the documents found on board 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 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 Although now the property of the Mozambican State, the destiny of the NESSA 7 is still uncertain. However, it has been proposed that it may join the previously confiscated ANTILLAS REEFER in becoming a patrol vessel.

WHAT WORKED?

- Automatic identification system (AIS) tracking allowed FISH-i to track the vessel from South America to Mozambique.
- Based on previous successful prosecutions, the judiciary in Mozambique showed awareness of the consequences of fisheries violations and issued appropriate penalties.
- Risk assessment by FISH-i prioritised an inspection of the NESSA 7 based on the vessel history.
- Port inspection was able to identify the NESSA 7 as being the same vessel as the NAHAM-4.

WHAT DID FISH-i AFRICA DO?

- Tracked the former NAHAM-4 vessel following its sale at an auction and alerted Task Force countries as to the approach of the vessel.
- Supported information-sharing between the member countries.



In working together on over thirty investigations, FISH-i Africa has shed light on the scale and complexity of illegal activities in the fisheries sector and highlighted the challenges that coastal State enforcement officers face to act against the perpetrators.

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

In this case evidence of fisheries related illegalities and fisheries associated crimes were found.

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WHAT NEEDS TO CHANGE?

- A multi-agency approach is required for solving fisheries associated crimes. Such an approach provides opportunities to identify other illegal activity as well as to catch illegal operators through other legislation than fisheries.
- Flag States must take responsibility to inspect their fishing vessels, monitor their activities and act when non-compliance is detected.
- Flag States should strengthen registration application due diligence, and avoid flagging high risk vessels.
- Greater use of RFMO-listing of IUU fishing vessels would help to prevent repeat offenders from obtaining licences and flags.
- Making the use of IMO numbers mandatory will allow vessel identity to be more easily confirmed and will reduce vessel identity fraud.



HOW?

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

VESSEL IDENTITY This vessel had previously carried the name NAHAM-4, and had been confiscated for fishing illegally by South Africa and sold at auction. Renaming it NESSA 7 may have been an attempt to disconnect it from its illegal past.

FLAGGING ISSUES On arrival in Mozambican waters, the vessel was not physically flying any flag, nor was it displaying any registration number.

DOCUMENT FORGERY (suspected) The NESSA 7 was carrying a Pleasure Vessels Safety Certificate when it arrived in Namibia, which is suspected of either being fraudulent or obtained using false information as the vessel is a longliner. There is also suspicion that the owners may have swapped documents with those of other vessels they own or have owned, such as a longliner named NESA 7.

BUSINESS PRACTICES (suspected) When it was sold at auction, the South African buyers of the NAHAM-4 were connected to convictions in Australia and on-going cases in South Africa of drug trafficking. This along with the lack of evidence of actual fishing and a crew from a country not usually associated with fishing crew – Myanmar suggests that the business involvement of the owners may not be principally fishing.