

Original: Spanish

UPDATED INFORMATION FROM COLOMBIA ON THE VESSEL HALELUYA

PRELIMINARY TECHNICAL STUDY TO COMPILE EVIDENCE AND DETERMINE THE EXISTENCE OR NOT OF AN ALLEGED INFRINGEMENT BY THE VESSEL HALELUYA

Background

On 23 April, an initial alert regarding ownership and activity of the fishing vessel Haleluya was received from the foundation EJF, which was further expanded on 28 May and the following aspects were highlighted:

- The EJF received information that would suggest that a longliner, which was initially flagged to Tanzania, and operated from Columbia, could be linked to Chinese Taipei interests.
- The vessel, named Haleluya, is apparently owned by a legal entity based in Columbia, Imanely SAS, which appears to be directly linked to a Chinese Taipei person, indentified as Mr. Chin-Tien, Chen. However, the EJF cannot locate the vessel on the list of vessels owned or invested in by Chinese Taipei citizens, and authorised by the Chinese Taipei Agriculture Council; the list is available on the Fisheries Agency website. This indicates potential infringements of the Law to regulate investment in operations by Chinese Taipei foreign-flagged fishing vessels. In addition, it is not clear how vessel activities were regulated within the International Commission for the Conservation of Atlantic Tunas (ICCAT), since the flag State of the vessel was neither an ICCAT Contracting Party or Cooperator.

Subsequently, on 23 October, the ICCAT communication was received on endorsement by the Chinese Taipei Government for inclusion of the vessel Haleluya in the list and the summary of the report of the Chinese Taipei investigation into this vessel, highlighting the following:

- In ICCAT Circular #6707/2020, of 29 September 2020, the Secretariat prepared the draft list of vessels presumed to be involved in illegal, unreported and unregulated (IUU) fishing activities. The fishing vessel Haleluya is included in the draft list, communicated by the European Union (EU) for catching tuna and tuna-like species in the Convention area without being registered on the relevant ICCAT list of vessels authorised to fish ICCAT species. The details of the vessel in question indicate that its owner, IMANELY SAS, is headquartered in Colombia, and that the beneficial owner is a Chinese Taipei citizen, Mr. Chin Tien Chen.
- On 24 April 2020, the Chinese Taipei Fisheries Agency (FA) received from the Environmental Justice Foundation (EJF) a report alerting to potential links between Mr. Chin Tien Chen and the fishing vessel Haleluya. According to the report, the fishing vessel Haleluya is flagged to Tanzania, is authorised to fish tuna in the Central Western Atlantic Ocean and is owned by a Colombian company IMANELY SAS, which appears to be operated by Mr. Chin Tien Chen. In addition, in the request by Colombia to obtain cooperating non-Contracting Party (CNCP) status in ICCAT last year, Colombia informed that it had an access agreement with the fishing vessel Haleluya, with license until 26 July 2020, and that catch and effort data are submitted by the flag State, i.e. Tanzania. However, according to the EFJ allegation, the vessel in question does not appear on the list of authorised foreign vessels owned or invested in by Chinese Taipei citizens, or on the list of vessels flagged to a State that is an ICCAT Contracting Party or CNCP. This indicates potential infringements of the Law to regulate investment in Chinese Taipei foreign-flagged fishing vessels (IA).

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- The EJF subsequently updated the alert report including information shared by the Government of Tanzania on 13 May. Based on the information provided, the EJF concludes that the FV Haleluya was flying the Tanzanian flag from 16 September 2015 to 27 June 2019. However, its flag is unknown after that date, and the EJF could not locate the vessel on the ICCAT records of vessels. Therefore, the EJF suspects that there is a possibility that the vessel has been stateless and may have continued to assert that it was flagged to Tanzania. In addition, the Tanzanian Government also confirmed that the vessel never received authorisation to fish when it flew its flag.
 - To clarify the identity of Mr. Chin Tien Chen, contacts have been made with the Columbian and Tanzanian Governments through different channels.
 - Chinese Taipei appreciates the response of the Columbian Government of 21 May, with the inclusion of some information on the vessel in question. Although the information provided by Colombia was similar to that contained in the EJF alert report, the Fisheries Authority observed discrepancies regarding the nationality and fishing gear of the fishing vessel Haleluya. The Columbian Government reported that the vessel is a purse seiner flagged to Colombia, while the EJF affirmed that it is a longliner flagged to Tanzania.
 - Moreover, since Mr. Chin Tien Chen was issued with a Foreigner Identity Card number by the EJF, the Fisheries Authorities requested that the Chinese Taipei Trade Office in Bogotá (Colombia) contact the relevant Columbian authorities with the hope of confirming the suspect's identity. Unfortunately, the confinement measures implemented by the Columbian Government in response to the COVID-19 pandemic have prevented the staff of the Chinese Taipei Trade Office from making significant progress, since the Government authorities and the private sectors have been obliged to work from home.
 - Therefore, to date it has not been possible to confirm the suspect's identity through diplomatic channels. The FA has requested that the Chinese Taipei Trade Office in Colombia contact the relevant authorities as soon as conditions permit.

AUNAP actions in the investigation of the fishing vessel HALELUYA

The preliminary technical study was initiated to compile evidence and determine the existence or not of an alleged infringement of fishery regulations within the framework of ICCAT and national sovereignty.

Through consultations between mission areas of AUNAP and review of the document archive, the procedures and actions related to the vessel Haleluya were verified, and the following was concluded:

- Since 27 June 2019, the vessel Haleluya has not been flagged to the Government of Tanzania.
- The license renewal in Colombia was issued on 18 July 2019, under the number 9058, and effective from 27 July 2019 to 26 July 2020, and the fishing operation of the company IMANELY SAS was covered by Resolution 1284 of 21 June 2019.
- The vessel owner applied to the General Directorate of Maritime Affairs (DIMAR) for Colombian registration, obtaining the attached provisional certificate effective from 7 October 2019 until 7 April 2020.
- The vessel owner requested that AUNAP amend the Resolution to reflect its new registration number on 8 October 2019 and in response to this request, AUNAP issued Resolution 2472 of 31 October 2019, with the change of vessel flag.
- Finally, following expiry of the license No. 9058 of 2019, a new license was issued, identified by No. 9302 of 7 July 2020, covered by Resolution No. 01140 of 13 June 2020, effective until 16 August 2021.
- It was verified that in the report sent by AUNAP to the Government of Chinese Taipei on 21 May 2020, the vessel gear type was incorrectly recorded; it is longline and not purse seine.

Based on the above, it is determined that there is a gap in flagging of the vessel Haleluya between 27 June and 6 October 2019. AUNAP has requested the trips from the Captain's Office of the Port of Cartagena and the VMS navigation tracks from DIMAR to verify the vessel's operations during this period.

In the document transmitted by Colombia to request Cooperating Non-Contracting Party status in ICCAT, the fishing vessels registered at national level were listed and the information was detailed that was submitted by the permit holder IMANELY SAS on requesting the procedures; on this date, the vessel owner of Haleluya had not yet requested or notified its change of flag to the fishing authority. Consequently, it is unclear for AUNAP if the details of this communication transmitted by Colombia to ICCAT constitutes an inclusion in the list of permit holders authorised to conduct fishing activities within the jurisdiction of this RFMO; therefore, ICCAT is requested to inform AUNAP if this vessel has a fishing permit within its jurisdiction.

It should be noted that the Colombian fishing authority reiterates its existing commitment to combat illegal, unreported and unregulated fishing in accordance with international commitments and in compliance with Colombian fisheries regulations.

If the alleged infringement is proved to exist, the administrative procedure for sanctions will be strictly pursued with the corresponding sanctions, in accordance with the Law 1851 of 2017, through which measures are established to fight against illegal, unreported and unregulated fishing.