



June 2023

**Vessel Activities Notification**

**Possible fishing activities within Senegal’s territorial sea by a trawler**


The Environmental Justice Foundation (EJF) exists to protect the natural world and defend our basic human right to a secure environment.

EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, Indigenous peoples, communities and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable and sustainable futures.

In Senegal, EJF has partnered with the Ministry of Fisheries and Maritime Economy, the National Network of Local Artisanal Fishing Councils, the Regional Partnership for Coastal and Marine Conservation and Trygg Mat Tracking to, *inter alia*, support participatory surveillance. In that context, local authorities and local artisanal fishing councils in seven localities have undergone training and been equipped with the tools they need to document illegal fishing activities. The tools include a smartphone application (“DASE”) that allows its users to record evidence of illegal fishing as it is happening, and alerts authorities of the location of the sighting.

Visual evidence gathered through this tool during a surveillance operation indicates that a fishing vessel may potentially have engaged in trawling activities within Senegal’s territorial sea on [REDACTED].



**Vessel’s identity**<sup>1</sup>

Name	IMO	Registry number	Type	Flag
[REDACTED]	N/A	[REDACTED]	Fishing vessel (Trawler)	Senegal 

Information shared by EJF’s partner Trygg Mat Tracking indicates that [REDACTED] could have previously been

<sup>1</sup> Information collected when the sighting was made.

registered as follows<sup>2</sup>:

Name	IMO	IRCS MMSI	Type	Gross tonnage	Flag
██████████	██████████	██████████	Fishing vessel	██████████	China 
Known legal person acting as registered owner of the vessel	Address of registration			Place of registration	
██████████	██████████			China 	

The vessel ██████████ was reportedly built in ██████████ (possibly entering into service in ██████████). Available AIS data indicates that it could have left port areas within ██████████, China, in ██████████, travelling towards Senegal which it entered relevant areas on the following dates:

- Exclusive economic zone (EEZ): ██████████
- Port areas (Dakar, Senegal): ██████████

No AIS data could be retrieved for after ██████████. At that moment in time, the vessel was located within the port of Dakar.

### Vessel's activities

On ██████████, ██████████ was reportedly documented operating within Senegal's territorial sea. Based on location data recorded at the moment of the sighting, EJF cannot exclude that the vessel was operating within 8 nautical miles of Senegal's territorial sea (approx. 7.61 nautical miles from the baseline (see **Appendix**). The location of the sighting was recorded as follows: ██████████ (precision: 4.44 metres)<sup>3</sup>. The sighting and associated information (incl., the geotagging) are available to the Ministry of Fisheries and Maritime Economy through the secured DASE database.<sup>4</sup>

<sup>2</sup> IHS Maritime Portal Sea-web Ships, accessed 22.06.2023, <https://maritime.ihs.com/Home/Index> (subscription required).

<sup>3</sup> République du Sénégal, Décret n°2016-1804 portant application de la loi n°2015-18 du 13 juillet 2015 portant Code de la Pêche maritime, accessed 22.06.2023, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC163863>.

<sup>4</sup> Accessible via: <https://www.kobotoolbox.org>.

[REDACTED IMAGE]

Location of the sighting made on [REDACTED] plotted on Google Earth (yellow pin). The white line between the points P2 and P3 maps the baseline from which fishing zones are defined in accordance with Article 39 of the Decree No. 2016-1804<sup>5</sup>.

As depicted in the image of the event below<sup>6</sup>, the fishing vessel appears to operate fishing trawls. EJF notes that when sighted, it is possible that the vessel had its fishing net deployed. This could be suggestive of fishing activities.

EJF notes that the sighting has been made in night conditions. The photograph available from the DASE database does not feature the vessel's identifiers but allows for the identification of distinctive structural characteristics of the vessel (e.g., type, structure, colours, lights, fishing gear, etc.) which could facilitate the verification of its reported identity (i.e., "[REDACTED]" with registry number: "[REDACTED]").

[REDACTED IMAGE]

Sighting made on [REDACTED].

### **Relevant provisions of the Senegalese law**

Articles 44 to 51 of the Decree No. 2016-1804 defines the minimum distances from which fishing activities are allowed from the Senegalese baseline depending on fishing vessel types and fishing licence categories. EJF is not able to ascertain whether the sighted vessel is authorised to operate in Senegal and, if so, under which category of licence. Nonetheless, it notes that – depending on their licence category and capacity – trawlers may operate from:

Relevant licence categories	Relevant vessel types (capacity)	Relevant areas <sup>7</sup>	Minimum distances from baseline
Coastal demersal fishing licence	Shrimper (under 250 GRT)	Between the border with Mauritania and the Cape Manuel	6 nautical miles
	Shrimper (between 250 and 400 GRT)	N/A	12 nautical miles

<sup>5</sup> République du Sénégal, Décret n°2016-1804 portant application de la loi n°2015-18 du 13 juillet 2015 portant Code de la Pêche maritime, accessed 22.06.2023, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC163863>.

<sup>6</sup> For this alert, the image has been cropped. The full image in high resolution can be downloaded from the DASE database.

<sup>7</sup> If applicable.

	Finfish and cephalopods bottom trawler (over 50 GRT and under 250 GRT)	N/A	10 nautical miles
	Finfish and cephalopods bottom trawler (between 250 GRT and under 300 GRT)	N/A	12 nautical miles
	Finfish and cephalopods bottom trawler (between 300 and over)	Specific zones only apply for trawlers over 500 GRT	15 nautical miles <sup>8</sup>
Deep demersal fishing licence	Shrimper, and finfish bottom trawler	Between latitudes 15°40'00" N and 15°15'00" N	15 nautical miles
Coastal pelagic fishing licence	Pelagic trawler	Between the border with Mauritania and Yoff Island	20 nautical miles

In light of the above and should further verifications confirm that the vessel was engaging in fishing activities<sup>9</sup> when sighted, it is possible that its activities took place below the applicable minimum distances from the baseline.

Alleged activity	Alleged infringed provisions and other relevant provisions
Fishing in prohibited areas	<ul style="list-style-type: none"> <li>– Articles 44 to 51 of the Decree No. 2016-1804</li> <li>– Article 125 (c) of the Law No. 2015-18<sup>10</sup></li> <li>– Article 136 of the Law No. 2015-18</li> </ul>

Article 125 (c) of the Law No. 2015-18 categorises the act of fishing in prohibited areas as a very serious infringement. It provides for a fine between XOF 20,000,000 and 30,000,000 (approx., € 30,000 – 46,000) and the forfeiture of catches on board. Article 136 of the Law No. 2015-18 empowers the Minister of Fisheries and Maritime Economy to consider additional sanctions.

## **Recommendations**

<sup>8</sup> Fishing zones for trawlers over 500 GRT in the relevant area for this case also set a minimum distance from the baseline of 15 nautical miles.

<sup>9</sup> As defined in Article 7 of the Law No. 2015-18 of 13 July 2015 on the Marine Fisheries Code (see footnote 10).

<sup>10</sup> *République du Sénégal, Loi n°2015-18 du 13 juillet 2015 portant Code de la Pêche maritime*, accessed 22.06.2023, <https://www.fao.org/faolex/results/details/fr/c/LEX-FAOC155049/>.

EJF recommends that **Senegal**:

1. Clarifies the status (identity and previous identity, flag, vessel type, licence category, and full chain of ownership) of the fishing vessel concerned by this notification.
2. Investigates the potential situation described in this notification to ascertain the identity of the vessel sighted and the nature of its activities. In this context, *inter alia*:
  - a. Tries to corroborate the sighting using all possible sources, including VMS<sup>11,12</sup>, catch and observer data, testimonies, and sighting and inspection reports, etc.; and
  - b. Assesses whether the recorded location of the vessel complies or breaches the applicable minimum distance from the baseline for its vessel type and licence category should it be confirmed that the sighted vessel had a fishing licence.
3. Takes appropriate enforcement action if the vessel was found to have operated in breach of the applicable rules.

In addition, EJF recommends that **Senegal** ensures that it:

1. Publishes details of access agreements, lists of vessels licensed to fish within Senegalese waters, a list of vessels registered to the Senegalese flag and lists of vessels authorised to fish outside the Senegalese EEZ<sup>13</sup>.
2. Uploads relevant information in the FAO Global record of fishing vessels, refrigerated transport vessels and supply vessels and that such information is comprehensive and kept up to date.
3. Implements the holistic set of principles of the Global Charter for Fisheries Transparency<sup>14</sup>.

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<sup>11</sup> It could be considered to analyse available VMS data both by vessel and location.

<sup>12</sup> Gaps in the transmission of VMS should be subject to particular scrutiny.

<sup>13</sup> EJF (2020) How best to implement principles three and four of the charter for transparency, accessed 22.06.2023, <https://ejfoundation.org/reports/how-best-to-implement-principles-three-and-four-of-the-charter-for-transparency> (French version: <https://ejfoundation.org/reports/comment-mettre-en-oeuvre-au-mieux-les-principes-trois-et-quatre-de-la-charte-pour-la-transparence>).

<sup>14</sup> Coalition for Fisheries Transparency, accessed 22.06.2023, <https://fisheriestransparency.net/> (French version: <https://fisheriestransparency.net/wp-content/uploads/2023/04/ONEPAGER-French.pdf>).

## **Appendix: Distance from the baseline**

**[REDACTED IMAGE]**

*This image depicts the distance between the recorded location of the sighting and the baseline as defined in Article 39 of the Decree No. 2016-1804.*