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# SEASICK

As Covid locks down West Africa  
its waters remain open to plunder

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# SUMMARY

Artisanal fishermen and female fish processors all over West Africa are struggling to make ends meet. Their position has been precarious for decades due to increased pressure on fish stocks from foreign industrial fishing fleets, threatening the food security and jobs of millions of people. This industry, consisting mostly of Chinese, Turkish, Russian, Korean and European companies, exports its products out of West Africa, leaving behind a rapidly emptying ocean.<sup>1</sup> In the past decade, the region has been facing another threat: over 50 fishmeal and fish oil (FMFO) factories have begun operating in the region, turning thousands of tonnes of fresh fish into feed for industrial aquaculture and livestock, mostly in Europe and Asia, bearing dire consequences for people and the environment.<sup>2</sup>

**An already unsustainable situation for the ocean and its dependent communities<sup>3</sup> has become even worse with**

## COVID-19 and the lockdowns during the pandemic.

All non-essential businesses have been closed down or have been subject to restrictions in countries like Senegal<sup>4</sup>, Mauritania and The Gambia. Above all, lockdowns meant cutting back on allowed working hours for artisanal fishermen and female fish processors.

Greenpeace<sup>5</sup> investigations are now supporting what has previously been observed by local communities. Unlike most other businesses, including the artisanal fishing activities, the multinational industrial fishing sector has in several cases continued operating with apparently less restrictive measures. A situation making the already unfair and problematic competition between artisanal fishermen, female fish processors and large-scale foreign fishing industries for the declining West African fish stocks even more devastating. Some of these foreign companies have even attempted to profit from the COVID-19 lockdown to continue their murky practices, knowing that the attention of civil society and most actors are being captured by the pandemic.

1. Greenpeace International report 19 June 2019 'A Waste of Fish', pp. 5-8: <https://www.greenpeace.org/international/publication/22489/waste-of-fish-report-west-africa/>
2. Greenpeace International report 19 June 2019 'A Waste of Fish', pp. 22- 27 <https://www.greenpeace.org/international/publication/22489/waste-of-fish-report-west-africa/>
3. FAO (2018) 'Round and flat sardinella and bonga species', FAO Working Group on the Assessment of Small Pelagic Fish off Northwest Africa (advance copy). Banjul, The Gambia, 26 June – 1 July 2018. Available at <http://www.fao.org/3/ca4121b/ca4121b.pdf>
4. [https://www.lemonde.fr/afrique/article/2020/04/16/coronavirus-au-senegal-le-secteur-de-la-peche-entre-dans-la-tourmente\\_6036833\\_3212.html](https://www.lemonde.fr/afrique/article/2020/04/16/coronavirus-au-senegal-le-secteur-de-la-peche-entre-dans-la-tourmente_6036833_3212.html) [last visited 16 July 2020]
5. This work and report were undertaken and published jointly by Greenpeace Africa and Greenpeace International. Unless otherwise noted, any mention of Greenpeace should be taken as referring to these two entities.

Beyond the fishing actors, civil society in Senegal and the sub-region, the entire international community has mobilised to issue alerts and recommend preventive measures to deal with the negative consequences of the COVID-19 pandemic. Thus, the United Nations World Food Programme (WFP) has estimated that 43 million people in West Africa could experience food insecurity or malnutrition in the next six months, and 20 million of them will be due to socio-economic consequences of the COVID-19 pandemic.<sup>6</sup> Countries like

Senegal,<sup>7</sup> Mauritania<sup>8</sup> and The Gambia<sup>9</sup> are carrying out emergency distributions or subsidies of basic food necessities to support people who are most vulnerable to the economic impacts of the COVID-19 pandemic. However, the same people receiving aid are facing increased pressure and unfair competition for ocean resources vital for food security in the whole West African region. These resources often end up being exported to European and Asian markets instead of being used to feed people in the region.

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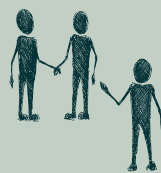


6. UN News, 'Food insecurity in West Africa could leave 43 million at risk as coronavirus hits' [last visited 24 September 2020]
7. <https://www.financialafrik.com/2020/04/12/covid-19-le-senegal-organise-une-vaste-operation-de-distribution-de-denrees/> [last visited 7 July 2020][https://www.lemonde.fr/afrique/article/2020/04/16/coronavirus-au-senegal-le-secteur-de-la-peche-entre-dans-la-tourmente\\_6036833\\_3212.html](https://www.lemonde.fr/afrique/article/2020/04/16/coronavirus-au-senegal-le-secteur-de-la-peche-entre-dans-la-tourmente_6036833_3212.html) [last visited 16 July 2020]
8. <https://aidara.mondoblog.org/2020/04/13/covid-19-et-soutiens-sociaux-20-000-menages-cibles-et-des-couacs/> [last visited 7 July 2020]
9. <https://emedia.sn/GAMBIE-COUP-D-ENVOI-DE-LA-DISTRIBUTION-DE-L-AIDE-ALIMENTAIRE.html> [last visited 7 July 2020] <http://www.jo.gouv.sn/spip.php?article10425> [last visited 8 July 2020]

# WEST AFRICAN FISH STOCKS AND FOOD SECURITY UNDERMINED

This year, 43 million people in West Africa could experience food insecurity. 20 million due to COVID-19 consequences.

An unknown number of **FOREIGN FISHING VESSELS** empty West African Waters



Up to **70% OF** people's protein intake or **24 KG** a year comes from small pelagic fish in for instance Senegal

4 - 5 kg fresh fish = 1 KG FISHMEAL



**50 FISHMEAL AND FISH OIL FACTORIES** in past 10 years keep eating away tonnes and tonnes of fresh fish

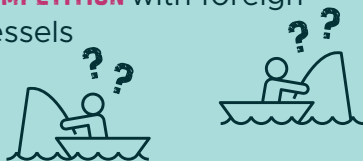


Small pelagic fish in West African waters like Bonga and Sardinella = **OVEREXPLOITED**

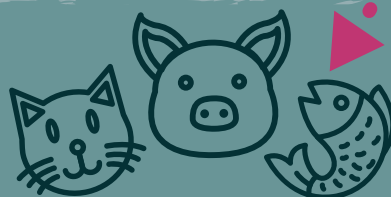
Female fish processors + local communities in **UNFAIR COMPETITION** with foreign vessels



Local fishermen in **UNFAIR COMPETITION** with foreign vessels



The **COVID-19** restrictions intensified an already unfair competition for fish as multinational industrial vessels and fishmeal and fish oil factories were allowed to keep working



Most fishmeal and fish oil is exported to **FEED ANIMALS** and aquaculture etc. in Europe and Asia

# CASE 1: MURKY FISHING LICENCES AND NEW GUESTS IN SENEGALESE WATERS

## License to fish tainted by murky circumstances

In Senegal, the process of granting fishing licences is well defined by laws and regulations such as the 2015 Fishing Code<sup>10</sup> and its implementing decree of 2016.<sup>11</sup> However, the process is often tainted by suspicious practices like the recently reported “Illegal introduction of dozens of vessels into the Senegalese fleet (...)” denounced by GAIPES (Groupement des armateurs et industriels de la pêche au Sénégal)<sup>12</sup> alongside other stakeholders in the Senegalese fishing sector.

Since 2012, all new licences for artisanal fishing vessels have been suspended by the Senegalese government<sup>13</sup> to safeguard West Africa’s dwindling fish stocks. Still, the

Senegalese government has not imposed the same restriction on industrial fishing vessels scooping up tonnes of fish and adding to the unsustainable fishing pressure on the fish stocks in the West African region. As a result, and due to lack of transparency, an unknown number of industrial foreign fishing vessels were roaming Senegalese waters, regardless of the COVID-19 pandemic lockdown, and attempts made to fast-track a process on granting fishing licences for 52 foreign vessels.

To push back on this attempt, GAIPES<sup>14</sup> sent an open letter to The Minister of Fisheries on 16 April 2020. They requested the Minister to postpone an upcoming meeting to discuss pending fishing licence applications between the members of the Senegalese Consultative Committee (CCAL), a body with key fisheries stakeholders’ representation. The open letter revealed how Senegalese authorities were in the process of considering granting the Senegalese flag and fishing licences to 52 foreign vessels – 50 Chinese and two Turkish. Four Senegalese flagged vessels were also among the applicants.

© Clément Tardif / Greenpeace



10. <http://www.jo.gouv.sn/spip.php?article10425> [last visited 8 July 2020]

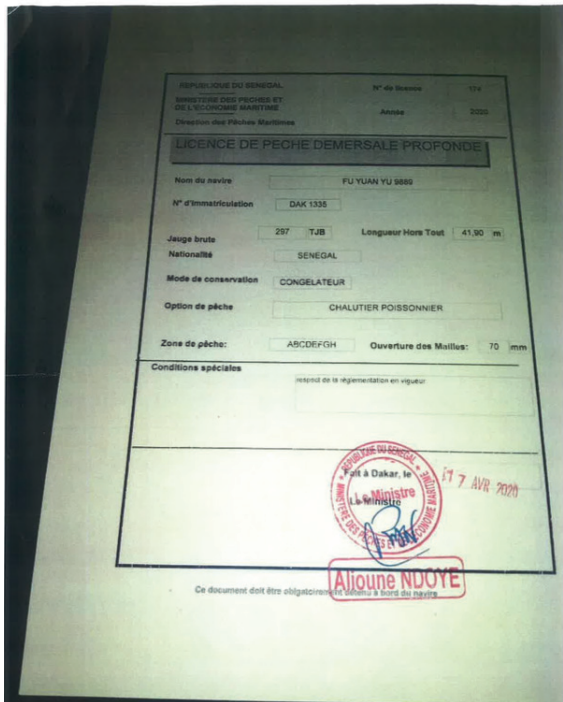
11. <http://www.jo.gouv.sn/spip.php?article10996> [last visited 8 July 2020]

12. <https://xalimasn.com/lettre-ouverte-du-gaipes-a-monsieur-alioune-ndoye-ministre-des-peches-et-de-leconomie-maritime-relative-aux-52-demandes-de-promesses-de-licences-de-peche-destinees-a-des-navires-chinois/>

13. <http://www.jo.gouv.sn/spip.php?article9597> [last visited 7 July 2020]

14. <https://www.gaipes.sn/2020/04/26/lettre-ouverte-du-gaipes-a-monsieur-alioune-ndoye-ministre-des-peches-et-de-leconomie-maritime/> [last visited 8 July 2020]

Never before had so many foreign fishing licence applications been requested and put forward to the CCAL at the same time.<sup>15</sup> To make matters even more complicated, this was happening in parallel with the restrictions of the COVID-19 pandemic, making it impossible for the committee to meet physically to discuss the matter. Committee members, representing the industrial and artisanal fishing sectors, strongly argued against rushing through the historically large number of licence applications considering the COVID-19 restrictions and food security consequences, and the threat to the already overexploited stocks from these industrial vessels.



On 6 June, the Ministry of Fisheries put an end to the case by publicly announcing its refusal of 54 out of 56 licence applications – only granting requests for substitution of two licences owned by Senegalese companies.<sup>16</sup> The Ministry made this decision in the wake of pushback from a coalition of artisanal fishermen and related stakeholders, representatives from the industrial fishing industry, female fish processors, local communities and organisations like Greenpeace Africa. Unfortunately, this was not the end of the story about the 56 licences. On 6 May, local media<sup>17</sup> published evidence showing one of the 56 fishing vessels, the Fu Yuan Yu 9889, had in fact been granted a licence to fish on 17 April 2020. The Ministry of Fisheries granted the licence despite claiming that it had granted no new licences to any vessels.

Fishing licence 174 for the Fu Yuan Yu 9889 approved 17 April 2020 by the Minister of Fisheries, Mr Alioune Ndoye.  
© Confidential

15. Translation from open letter of GAIPES found online here: <https://www.gaipes.sn/2020/04/26/lettre-ouverte-du-gaipes-a-monsieur-alioune-ndoye-ministre-des-peches-et-de-leconomie-maritime/> [last visited 8 July 2020]
16. <https://www.capecffa.org/blog-actualites/sngal-le-ministre-de-la-pche-noctroiera-pas-de-licences-aux-54-navires-dorigine-chinoise-et-turque> [last visited 7 July 2020]
17. Refer to 'Le témoin du 06 Mai 2020 n°1239', ISSN n° 08509972



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REPUBLIQUE DU SENEGAL  
Un Peuple - Un But - Une Foi

**ANAM**

**PROVISOIRE BORD** N° 5.42

**ACTE DE NATIONALITE**  
DES NAVIRES DE COMMERCE, PECHE, PLAISSANCE SENEGALAIS  
(VALABLE Six (06) MOIS) 02 OCT 2020

Vu la loi N° 2002+22 du 18 Août 2002 mars portant code de la Marine Marchande, remplace la loi 62-32  
Vu la requête du ..... relative à l'octroi du Pavillon sénégalais

DÉCIDE

Le navire DE PECHE FU YUAN YU 9889  
construit à CHINE en 2014 Matériau : acier, bois  
importé le ..... de CHINE où il était sous pavillon CHINOIS  
naturalisé SENEGALAIS le 31/03/2020  
actuellement attaché au port de DIKAR sous le n° DAK-1335  
ayant pont ..... valgrage ..... mât .....  
mesurant

Longueur de l'avant de l'étrave à l'arrière de l'étambot ..... 41,90 mètres  
Plus grande largeur extérieure ..... 07,25 mètres  
Hauteur au milieu du navire sous le pont supérieur ..... 03,80 mètres  
Volume de la coque ..... mètres cubes .....  
Constructions supérieures ..... mètres cubes ..... tonneaux  
Jauge brute ..... mètres cubes ..... tonneaux  
Déductions ..... mètres cubes ..... tonneaux  
Jauge nette ..... mètres cubes ..... 131 tonneaux  
Moteur GASOIL Marque WEIHA  
Type XOW6200C92 Puissance 920 KW

APPARTENANT A

1) Mr ..... demeurant à .....  
conjointement avec .....

2) La société sénégalaise dénommée PEZ DAKAR SARL  
ayant son siège social à PORT DE PECHE, MOLE 10, DAKAR  
**EST SENEGALAISEE A TITRE PROVISOIRE, SOUS LE NUMERO DAK-1335**

En conséquence, le présent acte a été délivré par nous aux fins de conférer au navire susvisé le droit de jour de la protection ainsi que des privilèges et avantages accordés aux navires sénégalais.

N C N° 00000147  
Dakar le .....  
Le Directeur Général

In April, according to official documents<sup>18</sup> and before the licence granting, the operator of the Fu Yuan Yu 9889, Univers Peche, even asked for a 'licence promise' for this vessel and nine additional vessels in the same fleet.<sup>19</sup> On 12 June, local media<sup>20</sup> revealed information regarding the granting of three additional licences. One licence each for the Fu Yuan Yu 9885 (licence 170), the Fu Yuan Yu 9886 (licence 171) and the Fu Yuan Yu 9888 (licence 173) were issued on 17 April 2020. Greenpeace can now confirm the existence of these licences. According to evidence Greenpeace has had access to, the Fu Yuan Yu 9886 has been issued a licence to fish in The Gambia, although the company denied this in its answer to Greenpeace prior to the publication of this report. Due to a bilateral agreement between The Gambia and Senegal, the vessel may also have the right to fish in Senegalese waters.

Fishing licence 174 for the Fu Yuan Yu 9889 approved 17 April 2020 by the Minister of Fisheries, Mr Alioune Ndoye.

© Confidential

Neither the Fu Yuan Yu 9885 or the Fu Yan Yu 9888 were on the list of the 56 vessels presented to the CCAL as requesting a licence, nor are they featured in any other vessel lists or documents available to Greenpeace.



© Greenpeace / Pierre Gleizes

18. Refer to the Note technique N° 1/2020 de la Commission Consultative d'Attribution des Licences de pêche avec consultation à distance à partir du lundi 13 avril 2020.
19. Note technique N° 1/2020 de la Commission Consultative d'Attribution des Licences de pêche avec consultation à distance à partir du lundi 13 avril 2020.
20. <https://actusen.sn/signature-de-licences-de-peche-les-preuves-qui-demontent-les-contrevertes-du-ministre-alioune-ndoye/> [last visited 24 September 2020]



Greenpeace has established contact with the operator of the vessels mentioned above to give them an opportunity to respond. According to the answer from the company, “Vessels mentioned met the conditions of licence attribution after study and approval by the technical services of the ministry in charge of fisheries.” The company mentioned nothing about the commission of licence attribution.

On 24 June and 20 August 2020, Greenpeace sent letters to the Senegalese Ministry of Fisheries requesting information about the licence and fishing status of these three vessels. Also, Greenpeace has requested access to a complete and updated list of industrial vessels licensed to fish in Senegal, and full transparency regarding management of Senegalese fisheries. At the time of the publication of this report, the Senegalese Ministry of Fisheries has not responded to these requests.

**Greenpeace investigations and the scandals revealed by media are confirming murky circumstances around the licence attribution for several fishing vessels, some of them previously reported to have been involved in Illegal, unreported and Unregulated fishing (IUU) in recent years.<sup>21</sup>**

Consequently, Greenpeace questions the transparency and legality of fishing licence granting in Senegal.

**Mor Mbengue, activist and member of Platform of Artisanal Players of Senegal's Fisheries (PAPAS), said:**

*“Attributing licences to foreign fishing vessels is impacting the artisanal fishing sectors because marine resources are declining, especially pelagic fish.”*

For a long time, no proper scientific study has been made to determine the state of marine resources before granting licenses to foreign vessels.

*“The artisanal fishing actors, who are the most impacted, are not always consulted by authorities when licences are attributed even though they should be as representatives of the Committee of Licence Attribution.”*

*“When the issue around the possible new licences came up, the Fisheries Minister said he didn't give any new licence. But local media made it clear, some licences were actually given. If the licence process was transparent, no one would be asking whether the department had signed new licences or not. Even if he didn't sign any new licences, it's a problem for fishermen as there are still vessels for which we are clueless about what their licence status is.”*

21. According to news outlet France 24, in 2017 the Fu Yuan Yu 9886 was reported fishing in protected areas in Djibouti. Also, the Fu Yuan Yu 9889 was reported fishing in protected waters in Djibouti. These vessels have also been reportedly punished by the Chinese Ministry of Agriculture and Rural Affairs for “entering the waters of Djibouti without permission”. [http://www.cndwf.org/upload\\_files/other/1\\_20171013151048\\_2uqxs.pdf](http://www.cndwf.org/upload_files/other/1_20171013151048_2uqxs.pdf) and <https://maritime-executive.com/article/tractors-with-history-of-illegal-fishing-threaten-senegalese-fisherie> [last visited 8 July 2020]



© Greenpeace / Pierre Gleizes

## INDUSTRIAL VESSELS IN SENEGALESE WATERS

Since the beginning of March, Greenpeace has been monitoring industrial fishing vessels in Senegalese waters based on data from the Automatic Identification System (AIS).<sup>22</sup> The monitoring took place in parallel with implementing the COVID-19 pandemic restrictions in West Africa and their related consequences.

**Greenpeace investigations found data supporting the denunciations by Senegalese**

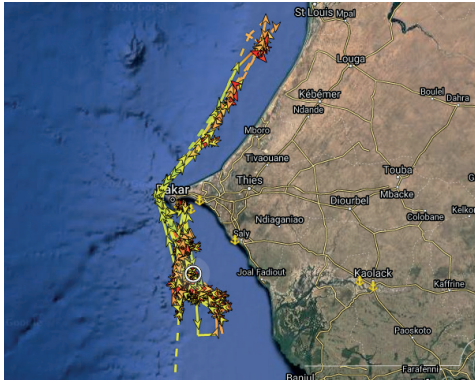
**media and local fishing organisations of irregularities in the licence application process related to several industrial vessel.<sup>23</sup>**

Eight Fu Yuan Yu named vessels were suspected to be fishing in the area in the period of monitoring under questionable circumstances, especially with regard to the process of industrial fishing licence granting.

Four of them – the Fu Yuan Yu 9881, the Fu Yuan Yu 9888, the Fu Yuan Yu 9886 and the Fu Yuan Yu 9887 – were, according to AIS data, found to be present in the Senegalese Exclusive Economic Zone (EEZ) and displaying a displaying activity suggesting fishing (see following images).

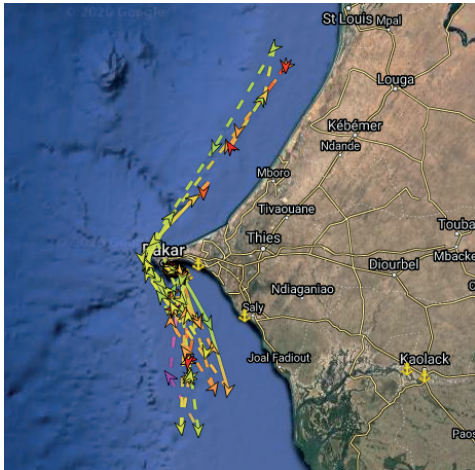
22. AIS is a self-reporting system, the trustworthiness of positional information depends on data being reported by the vessel, rather than measured by a sensor. Any self-reporting system is prone to 'spoofing' or the intentional reporting on incorrect information.

23. <https://wanema.info/2020/05/06/le-ministre-de-la-peche-alioune-ndoye-a-bel-et-bien-signer-une-nouvelle-licence-pour-un-navire-chinois-fu-yuan-yu-9889/> [last visited September 2020]



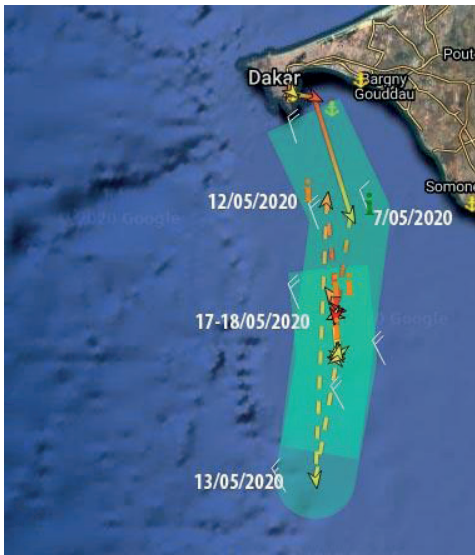
**FU YUAN YU 9881** displayed activity suggesting fishing in Senegalese waters between 24 April and 24 June 2020, according to AIS data. No licence information can be found for this vessel, but the company who operates the vessel claim it satisfies conditions of licence attribution. Greenpeace cannot confirm this without access to the full licensing information.

© MarineTraffic



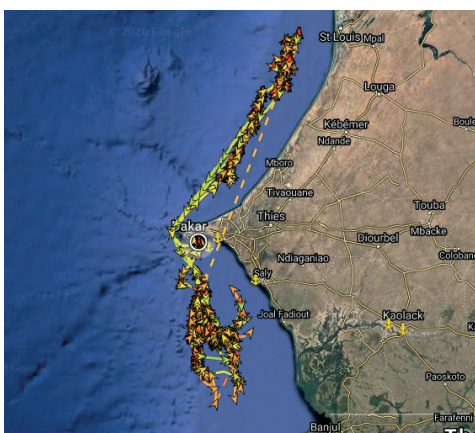
**FU YUAN YU 9888** displaying activity suggesting fishing in Senegalese waters between 20 April and 25 June 2020 according to AIS data. Granted Senegal licence under untransparent circumstances. However, the company that operates the vessel claim it satisfies conditions of licence attribution.

© MarineTraffic



The **FU YUAN YU 9886** in Senegalese waters between 7 May and 18 May 2020 according to AIS data. It leaves port on 7 May, there is a gap in AIS until 12 May, then another AIS gap from 13 May until 17 May where it reappears, displaying activity suggesting fishing. Greenpeace has obtained evidence that a licence has been issued for this vessel for The Gambia and for Senegal, but the company claims it does not hold a licence for The Gambia.

© MarineTraffic plus annotations by Greenpeace researchers



The **FU YUAN YU 9887** displaying activity suggesting fishing in Senegalese waters between 23 April and 25 June 2020 according to AIS data. According to information obtained by Greenpeace, the vessel has been issued a licence for The Gambia and for Senegal, but the company claims it does not hold a licence for The Gambia.

© MarineTraffic plus annotations by Greenpeace researchers

**GREENPEACE INVESTIGATIONS** have discovered new instances of repeated strange behaviour from the Fu Yuan Yu fleet originally highlighted by a Global Fishing Watch Investigation in 2016. The vessels look to be making use of a trick meant to disguise the actual position of fishing vessels by modifying their AIS<sup>24</sup> data.

In July 2020, according to its AIS signals, the Fu Yuan Yu 9889 was conducting activities suggesting fishing off the coast of Mexico. However, Greenpeace investigators found evidence suggesting that its actual position may be in Senegal waters instead.

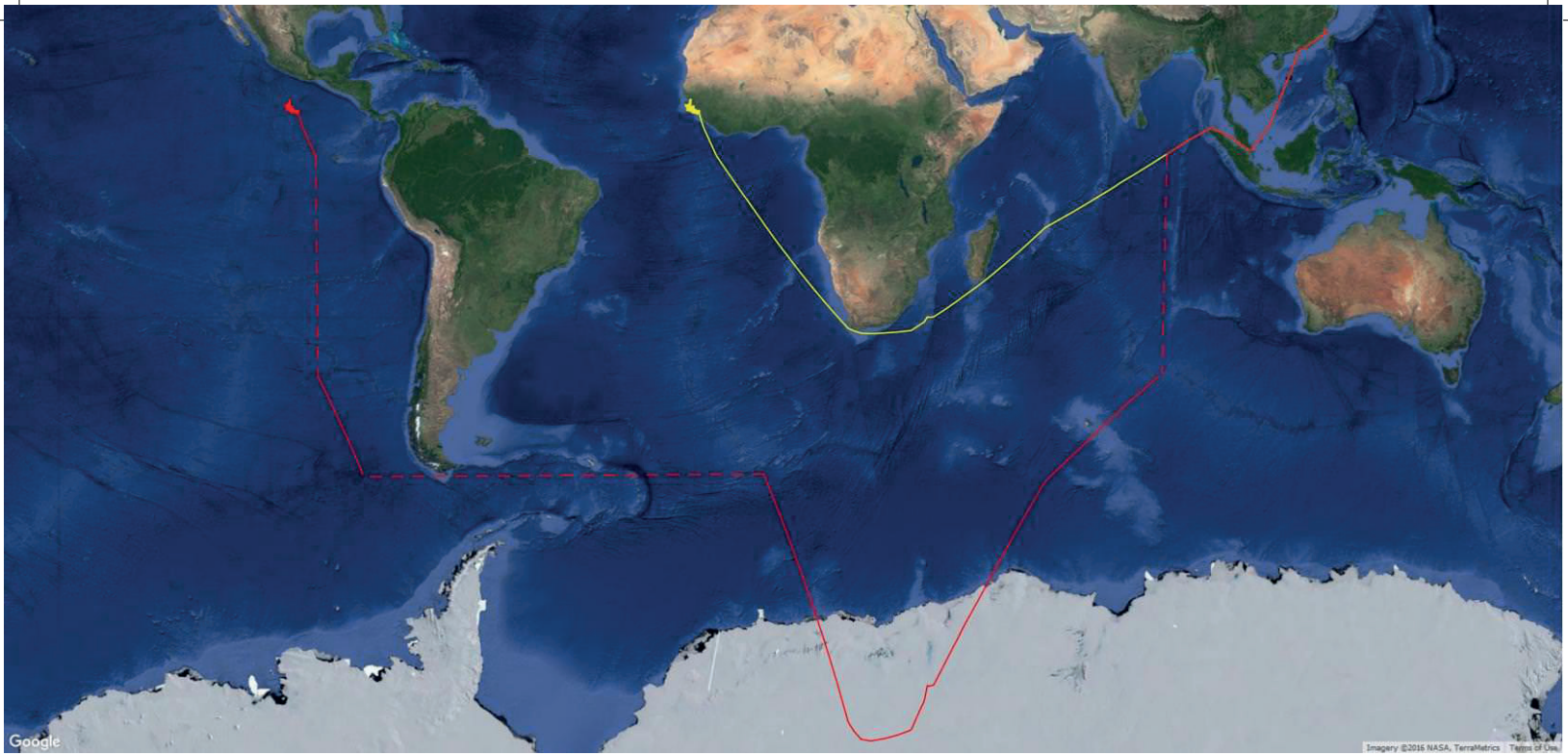
Back in 2016, Global Fishing Watch released the article ‘When Vessels Report False Locations’. The article identified strange tracks of several Fu Yuan Yu vessels; an example is the Fu Yuan Yu 359 in the following image. The vessel’s AIS<sup>25</sup> broadcast track was impossibly traversing Antarctica and then jumping, again impossibly, far to the west before showing up off the coast of Mexico. To find out the likely real track of the Fu Yuan Yu 359, Global Fishing Watch used a calculation method allowing them to conclude the vessel seemed to be using a trick of manually adjusting the transmitted AIS data to make it look like they were off Mexico when they were in fact in the fishing grounds off the coast of West Africa.<sup>26</sup>



24. <https://www.fastcompany.com/3038863/spoofed-satellite-feeds-trouble-googles-global-fishing-watch> [last visited 24 September 2020]

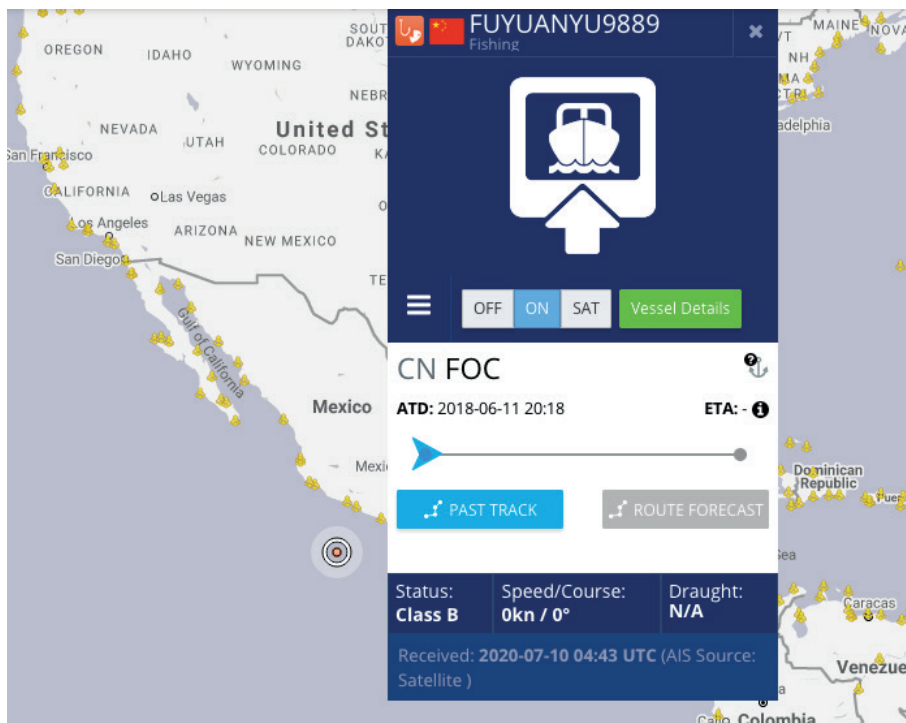
25. “AIS is a self-reporting system, the trustworthiness of positional information depends on data being reported by the vessel, rather than measured by a sensor. Any self-reporting system is prone to “spoofing” or the intentional reporting on incorrect information”#.

26. <https://globalfishingwatch.org/data/when-vessels-report-false-locations/> [last visited 24 September 2020]



The AIS broadcast track of the Fu Yuan Yu 359 from back in 2016. The red line is the position transmitted by the vessel. The yellow line is what Global Fishing Watch calculated to be the likely actual track of the vessel after applying the 'offset' they calculated.  
 © Global Fishing Watch.

At the same time in 2016, according to Global Fishing Watch, six other vessels followed a similar course to falsely appear to be in the same area off Mexico.<sup>27</sup> In July 2020, AIS data reports the Fu Yuan Yu 9889 and three other Fu Yuan Yu vessels were in this same area off Mexico.



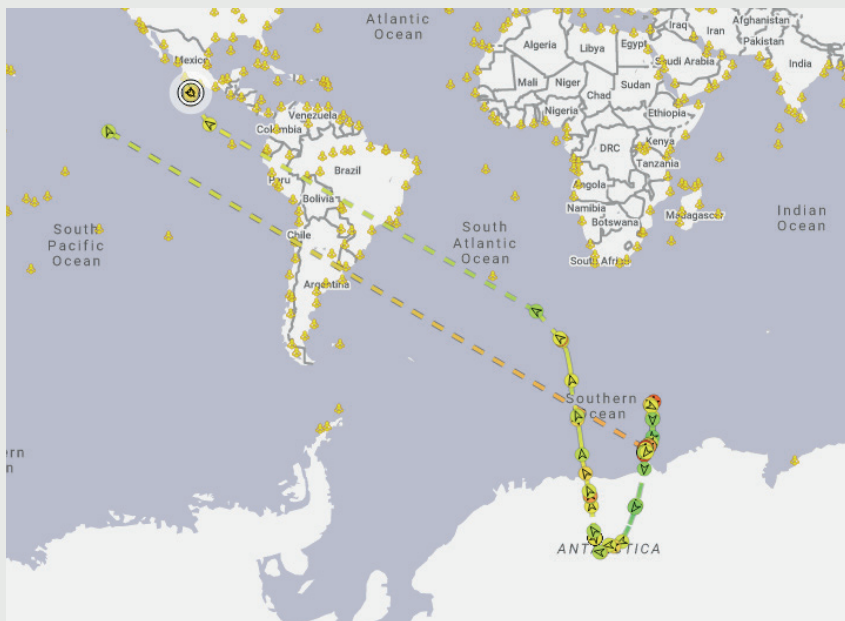
The location off Mexico provided by the Fu Yuan Yu's onboard AIS, which is suspected to be incorrect. If the 'offset' calculation from Global Fishing Watch's 2016 investigation is applied to this position, the new position would be in West African waters.  
 © MarineTraffic

27. <https://globalfishingwatch.org/data/when-vessels-report-false-locations/> [last visited 24 September 2020]

By comparing the AIS broadcast track of the Fu Yuan Yu 9889 over the past year, a pattern is seen, very similar to the pattern found by Global Fishing Watch in 2016 for the Fu Yuan Yu 359.

In November and December 2019, the Fu Yuan Yu 9889's signals were seen off, and impossibly across, Antarctica. The track traced a pattern in similar shape to a transit around the coast of Southern Africa. On 15

December 2019, the signals disappeared and then reappeared three days later near Mexico, an impossible distance to have traveled in that time. Between December 2019 and July 2020, several signals, some showing fishing-like activity, have been transmitted as being in the same area off Mexico, and if Global Fishing Watch's 'offset' figure is applied, this would put its most recent positions actually off West Africa in Senegalese Waters.



**AIS TRACK** of the Fu Yuan Yu 9889 from November 2019 to June 2020. Note the similarities to the red track (see image above from Global Fishing Watch) of the Fu Yuan Yu 359 broadcasting seemingly false positions in 2016.

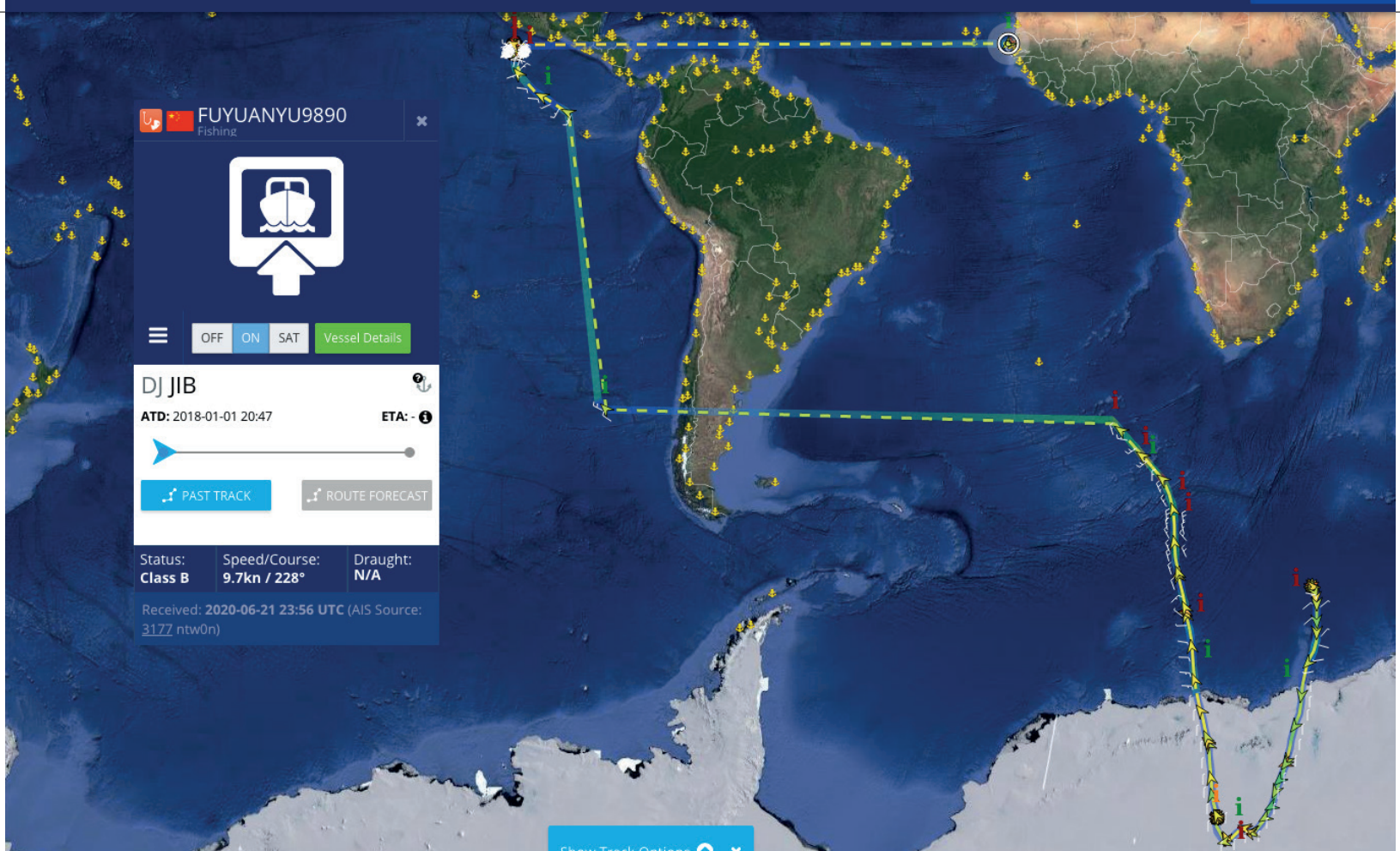
© Marine Traffic.

Three additional Fu Yuan Yu vessels – the Fu Yuan Yu 9885, Fu Yuan Yu 9890 and Fu Yuan Yu 9882 – are following this same pattern.

The Fu Yuan Yu 9889 and Fu Yuan Yu 9885 are vessels holding Senegalese licences. According to information obtained by Greenpeace, The Fu Yuan Yu 9890 and Fu Yuan Yu 9882 have The Gambian licences and may have a reciprocal agreement for Senegalese waters. According to the company response,

**“Among the eight Fu Yuan Yu that you have mentioned, only the 9890 has a licence in The Gambia and unloads its catches in Senegal”.**

As these vessels may actually have a valid license, the difficulties in confirming this information highlight the lack of transparency in the process around licence issuing in these countries.



The Fu Yuan Yu 9890 taking the same track as described above, however its latest signals are displaying the vessel as being in Senegal waters confirming suspicions about its actual positions being off West Africa. © MarineTraffic.

The likely reason behind AIS signals being offset is unclear. In a reply to Greenpeace, the company operating these vessels said, “The visibility of some vessels in Mexico could have resulted from a failure of the AIS system.”

Another example is in an article from 2016 by Global Fishing Watch. It refers to a case where a reefer (refrigerated cargo vessel) was apparently making use of the same AIS offset trick observed by Global Fishing Watch. The reefer’s AIS signals showed it to be far from African waters, but when applying the same ‘offset’ figure to adjust the vessel’s transmitted positions, Global Fishing Watch believed the vessel to be in locations where it would have met up with an unknown number of Fu Yuan Yu vessels at sea suggesting transshipment of their catch.

The position and transshipment were then confirmed when a photo emerged showing the Fu Yuan Yu 372 transshipping to this reefer in port in a similarly adjusted position. Global Fishing Watch suggested in 2016, for vessels with ‘offset’ signals that they believed to actually be in Guinea, according to the organisation, “At least some of the Fu Yuan Yu vessels are licensed to fish in Guinea’s EEZ, including those broadcasting false positions. However, if they have been engaging in transshipment at sea, they have been acting illegally.”<sup>28</sup>

In Senegal, transshipment at sea can only be authorised in exceptional cases by the Minister of Fisheries.<sup>29</sup>

28 <https://globalfishingwatch.org/impacts/policy-compliance/witness-to-a-crime/> [last visited 24 September 2020]

29 Senegalese fisheries Code 2015. Article 54 and 55.

**IN ADDITION** to the above observations, the eight Fu Yuan Yu vessels, recently monitored by Greenpeace, were displaying a Chinese MID code<sup>30</sup> during the entire time period, meaning they were Chinese vessels according to AIS identification data. Flag registries allocate national MMSI numbers to vessels,<sup>31</sup> so with a new flag they should be issued with a new number. For these vessels, that would be MID code 663 from the Senegalese authorities. However, these vessels are all using MID code 412 which is one of the codes assigned to China.<sup>32</sup> When responding to Greenpeace, the company documented that they submit application forms for new MMSI numbers in April, though as of 10 September, all eight vessels were still using Chinese MMSI numbers.<sup>33</sup>

According to Senegalese law, vessels flying foreign flags can only fish in Senegalese waters if there is an agreement between the country that the vessels belong to and the State of Senegal, or if the vessels are chartered.<sup>34</sup> Since there is no bilateral fishing agreement between Senegal and China, and since the vessels were not chartered, it increases concerns around the licence attribution process and the status of foreign industrial vessels fishing in Senegal. Unlike local artisanal fishing actors and women processors, the FMFO industry appears to continue working as if under normal circumstances. The continued pressure from the factories is negatively impacting the marine environment and the pressure on food security for millions of people in West Africa.



*In green: The positions transmitted from The Fu Yuan Yu 9881, Fu Yuan Yu 9888, Fu Yuan Yu 9886, and Fu Yuan Yu 9887.*

*In Red: The potential real positions of the Fu Yuan Yu 9882, Fu Yuan Yu 9885, Fu Yuan Yu 9889 and Fu Yuan Yu 9890 in Senegalese and The Gambian waters with the offset figure applied.*

*Source: Google Earth with data from Lloyd's List Intelligence and Global Fishing Watch's 'offset' calculation applied*

30 All GMDSS-fitted ships and coast stations have a unique nine-digit identification number, known as its Maritime Mobile Service Identity (MMSI) number. This can be thought of as it's 'telephone' number. The first three figures of an MMSI number identify the station's country of registration and are known as the Marine Identification Digits (MID). [https://rnli-sarroc.org.uk/maritime\\_mobile\\_service\\_identity\\_number.html](https://rnli-sarroc.org.uk/maritime_mobile_service_identity_number.html) [last visited 24 September 2020]

31 <https://maritimeintelligence.informa.com/resources/product-content/understanding-the-automatic-identification-system> [last visited 24 September 2020]

32 <https://maritimeintelligence.informa.com/resources/product-content/understanding-the-automatic-identification-system> [last visited 24 September 2020]

33 <https://www.itu.int/en/ITU-R/terrestrial/fmd/Pages/mid.aspx> [last visited 24 September 2020]

34 MarineTraffic



## CASE 2: PRIVILEGES FOR THE FISHMEAL AND FISH OIL INDUSTRY DURING COVID-19

In the past ten years, over 50 FMFO factories have been built and started operating in West Africa.<sup>35</sup> During this time, local communities, fishermen, female fish processors and civil society organisations like Greenpeace have sounded the alarm about the consequences of this new industry. The impacts include the consequences for already over-fished stocks and the environment but also for the economy of local communities and food security.<sup>36</sup>

**Every year, thousands of tonnes of fresh fish perfectly fit for human consumption are used for FMFO to feed animals like salmon and sea bass in the aquaculture industry as well as the livestock industry.**

It even ends up as pet food. It takes 4 to 5 kg of fresh fish to produce 1 kg of fishmeal.<sup>37</sup>

This situation of turning fresh fish into FMFO is taking place in one of the poorest regions on the planet where fish and fishery activities are critical to the livelihood of local communities and a vital source of protein and food security for millions of people.

Unlike local artisanal fishing actors and women processors, the FMFO industry appears to continue working as if under normal circumstances. The continued pressure from the factories is negatively impacting the marine environment and the pressure on food security for millions of people in West Africa.

## MAURITANIA

In Mauritania, fishing activities are of major importance to the local economy. Apart from being vital for food security of local communities, they represent up to 6% of GDP (gross domestic product).<sup>38</sup>

Mauritania is the biggest FMFO producer in West Africa. It is concerning that the industry has appeared to continue to work regardless of the COVID-19 restrictions. With almost 40 factories, Mauritania exported more than 100,000 tonnes of fishmeal and more than 20,000 tonnes of fish oil during 2019. The fish going into the factories were largely caught by foreign fleets.<sup>39</sup>

35 Greenpeace report 19 June 2019 'A Waste of Fish' available at <https://www.greenpeace.org/international/publication/22489/waste-of-fish-report-west-africa/> [last visited 24 September 2020]

36 <https://storage.googleapis.com/planet4-international-stateless/2019/06/56fbee4b-a-waste-of-fish-report-en-high-res.pdf> [last visited 24 July 2020]

37 <https://changingmarkets.org/wp-content/uploads/2019/10/CM-WEB-FINAL-FISHING-FOR-CATASTROPHE-2019.pdf> [last visited 23 July 2020]

38 <http://spsr.org/fr/mauritanie> [last visited 14 August 2020]

39 <https://www.greenpeace.org/international/publication/22489/waste-of-fish-report-west-africa/> [last visited 24 September 2020]

This year, while local communities in Mauritania – including local fishermen – were restricted by lockdown measures such as the introduction of a curfew and the closing of country borders from 13 March,<sup>40</sup> the exports out of Mauritania seem to have continued. The 'Key' fleet of chemical tankers – Key Bay, Key Sund, Key Breeze, Key North and Key West – run regular departures from Nouadhibou.<sup>41</sup> As an example, between 1 March and 1 June 2020, the vessel 'Key West', known to transport fish oil,<sup>42</sup> departed Nouadhibou three times.<sup>43</sup>

**The Key West has a liquid tank capacity of 3,933m<sup>3</sup>,<sup>44</sup> which if filled with fish oil would require over 70,000 tonnes<sup>45</sup> of fresh fish, the equivalent<sup>46</sup> of the annual fish consumption of over 2.5 million people in a country like Senegal.<sup>47</sup>**

Industry-wide, in recent years, more than half a million tonnes of pelagic fish are caught and converted into FMFO in Mauritania and exported to countries all over the world but mostly to Europe and Asia.<sup>48</sup>

## THE GAMBIA

In The Gambia, fishing activities are vital for the country's economy. Fisheries were estimated to represent about 1.8% of GDP in 2013. The artisanal sector is the major producer of fish with around 90% consumed domestically.<sup>49</sup> Also, fish is the most important source of animal protein by volume for the local population, and the fishing sector represents around 30,000 jobs.<sup>50</sup>

In the past five years, three fishmeal factories have been established in The Gambia resulting in tensions and protest from local communities and activists objecting to the consequences like fish stock depletion, fish price increase and pollution from the factories.<sup>51</sup>

40 [https://www.francetvinfo.fr/monde/afrique/societe-africaine/covid-19-plus-aucun-cas-positif-la-mauritanie-semble-avoir-trouve-une-strategie-gagnante-contre-l-epidemie\\_3928929.html](https://www.francetvinfo.fr/monde/afrique/societe-africaine/covid-19-plus-aucun-cas-positif-la-mauritanie-semble-avoir-trouve-une-strategie-gagnante-contre-l-epidemie_3928929.html) [last visited 24 September 2020]

41 <https://www.lloydslistintelligence.com/place/1362/overview> [last visited 24 September 2020]

42 <https://www.vesseltracker.com/en/Ships/Key-West-9020429.html> [last visited 24 September 2020]

43 Lloyds List Intelligence

44 Lloyds List Intelligence

45 Calculation from Greenpeace researchers = 3933 m<sup>3</sup> of fish oil require more than 70,000 of fresh fish (according to the industry, the average ratio of fresh fish/fish oil = 20.8, making necessary 20.8 kg of 'raw material' to obtain 1 kg of fish oil, <https://www.iffco.com/fish-fish-out-fifo-ratios-conversion-wild-feed>), which divided by 24 kg (fish consumption of one average person in Senegal according to FAO – represents yearly fish consumption for more than 2.5 million people).

46 <https://www.iffco.com/fish-fish-out-fifo-ratios-conversion-wild-feed> [last visited 24 September 2020]

47 <http://www.fao.org/in-action/coastal-fisheries-initiative/activities/west-africa/senegal/en/> [last visited 24 September 2020]

48 <https://storage.googleapis.com/planet4-international-stateless/2019/06/0bbe4b20-a-waste-of-fish-report-en-low-res.pdf> [last visited 24 September 2020]

49 <http://www.fao.org/fishery/facp/GMB/en> [last visited 24 September 2020]

50 <http://spsr.org/en/gambia> [last visited 24 September 2020]

51 <https://chinadialogueocean.net/11980-fishmeal-factories-threaten-food-security-in-the-gambia/> [last visited 24 September 2020]



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The COVID-19 pandemic lockdown in The Gambia caused local community members to demand a closing of all three FMFO factories as a preventive measure to avoid spreading the virus. The members also argued about the need to close the factories to minimise social and environmental consequences of the industry when food security was picking up and local business and artisanal fishermen restricted due to the lockdown.

Even though the President of The Gambia, Mr Adama Barrow, temporarily closed the three FMFO factories from 23 March,<sup>52</sup> they quickly reopened during April. This happened despite protests from local activists<sup>53</sup> and artisanal fishing communities suffering from the restrictions still imposed on them. In particular, female fish processors were reported to be struggling to keep up their livelihoods during the lockdown.<sup>54</sup>

**Journalist and environmental activist Mustapha Manneh said:**

***“Despite government restrictions on non-essential businesses, fishmeal factories in The Gambia continued to operate without being mindful about the need for social distance.”***

***“It happened because of authorities feeling weak and being scared to enforce domestic laws and ensure everyone complied with them, also the investors of these factories. Allowing fishmeal factories to operate during the pandemic caused huge problems for local people who entirely depend on fish, like food insecurity and risk of spreading the COVID-19 virus.”***

52 <https://foroyaa.net/fishmeal-factories-temporary-closed-down/> [last visited 24 September 2020]

53 <https://foroyaa.net/sanyang-youth-protest-against-resumption-of-nessim-fishmeal-factory/> [last visited 24 September 2020]

54 <https://foroyaa.net/women-continue-to-struggle-to-get-fish/> [last visited 24 September 2020]

# SENEGAL

Senegalese fisheries sectors represent 3.2% of the national GDP and 12% of the GDP of the primary sector. Apart from contributing to the Senegalese economy, the fishing sectors are of great importance to socio-economic stability in the country by providing more than 600,000 jobs and is a critical source of income for people living in many Senegalese communities.<sup>55</sup>

Due to the COVID-19 pandemic, local and artisanal fishermen have seen their activities restricted in the middle of the important pelagic season from January to July.<sup>56</sup> Unlike Mauritania and The Gambia, most FMFO factories have been temporarily shut down. This could very well be due to local protests against the factories in the past years led by a broad coalition of representatives from the fishing sectors, community leaders, female fish processors and civil society. According to statements from local communities, the price of pelagic fish has drastically increased during the COVID-19 pandemic due to scarcity linked to the decrease of fishing activities. However, according to local sources, the OMEGA Fishing FMFO factory in Joal continued working while hundreds of female fish processors and fishermen were struggling with lockdown measures, increased fish prices and fish scarcity.

Mor Mbengue, activist and member of PAPAS, said:

*“Allowing the continued operation of fishmeal factories during the lockdown is really a problem because it impacts the supply of fish for local people and creates unfair competition between*

*factories and female fish processors, who are impacted by restrictions.”*

**Diaba Diop, Coordinator of female fish processors in Senegal, said:**

*“Like artisanal fishermen, female fish processors are very much affected by the COVID-19 restriction measures. We have lost a lot of money because we are relying on perishable products. On top of this is the problem of new fishing licences for vessels competing with our artisanal fishing sectors making it difficult for us to have access to sufficient supply of raw material we can transform. We are really going through a difficult time.”*

*“For decades we have been part of an unfair competition with fishmeal factories and then we also had to deal with some possible new vessel licenses.”*

*“With this much pressure, our profession could very likely disappear. We are already seeing more and more women unable to make a good living from their profession and for this reason, some of them simply stop. We will never accept new ships in our waters and also we are asking the government to put a stop to the fishmeal factories.”*

*“The people of Senegal are in need of the marine resources to feed themselves.”*

55 <https://fr.calameo.com/read/00624986381d9ab02151d?fbclid=IwAR3HafJfwPKNCHazJd6eCxGxI91SSaRZmrWiMwODieWe54O3-VL3a5YP-Fg> [last visited 24 September 2020]

56 <https://www.senegal-export.com/les-ressources-halieuistiques.html> [last visited 24 September 2020]



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## GUINEA-BISSAU

AIS data has revealed the presence of what is reported to be a gigantic FMFO<sup>57</sup> factory boat in the EEZ of Guinea-Bissau. Since December 2019 and during the period of the COVID-19 pandemic lockdown, the Tian Yi He 6 has been observed via its AIS off the coast. The vessel is carrying the flag of Dominica and is owned by Ocean Biotechnology, a parent company of the Hong Kong-based company Zhou Shan Ri Xin Ocean.<sup>58</sup> The 147-metre long and 22-metre wide vessel has an unconfirmed processing

capacity. The Lu Wei Jia 60888, a FMFO factory vessel of comparable size, has a processing capacity of around 250,000 tonnes of fresh fish per year.<sup>59</sup> This corresponds to more than the total catches of the local artisanal fishing sector and the yearly fish consumption<sup>60</sup> of the entire population of Guinea-Bissau.<sup>61</sup>

The presence of the Tian Yi He 6 is a concern in a country where overfishing and IUU fishing are already severely and negatively affecting the health of fish stocks and the local economy.<sup>62</sup>

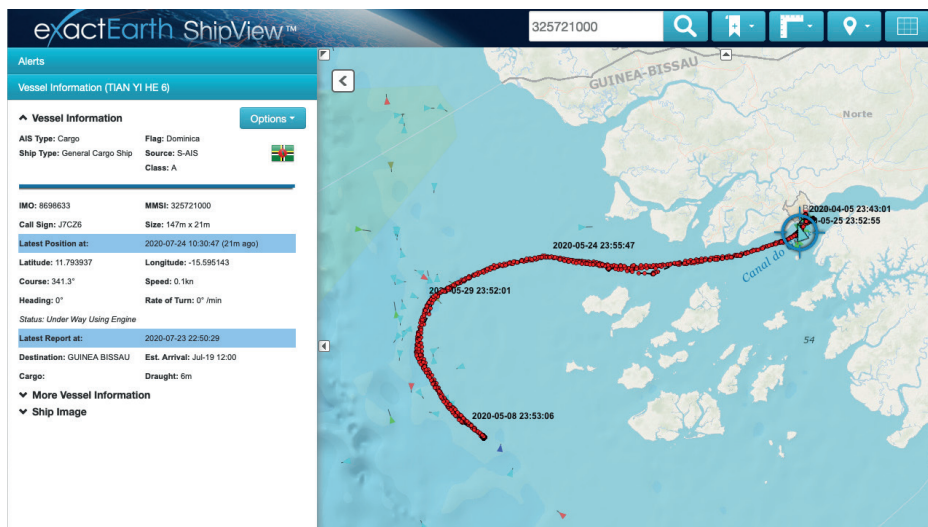


Image of the Tian Yi He 6 AIS track from 1 April to 21 July 2020.

© Exact Earth

57 <https://www.aprapam.org/publication/l-actualite-d-aprapam/arrivee-massive-de-bateaux-chinois-et-turcs-menace-sur-les-ressources-et-les-communautes-de-peche-artisanale> [last visited 24 September 2020]

58 <http://www.tyhswnet.net/nd.jsp?id=27> [last visited 17 August 2020]

59 [http://www.shuichan.cc/news\\_view-261915.html](http://www.shuichan.cc/news_view-261915.html) and <http://www.ruihaichina.com/news.php?act=detail&id=130> [both last visited 24 September 2020]

60 <https://www.frontiersin.org/articles/10.3389/fmars.2018.00079/full> [last visited 24 September 2020]

61 <http://spcsrcp.org/en/guinea-bissau> (The annual production of the sub-sector is estimated between 30,000 and 45,000 tonnes. Fish consumption per capita is estimated between 15 and 18 kg per year per capita, which represents between 25,000 and 30,000 tonnes for the whole population.)

62 <https://www.frontiersin.org/articles/10.3389/fmars.2018.00079/full> [last visited 24 September 2020]

# CONCLUSION

A full overview of the socio-economic consequences of the COVID-19 pandemic and lockdown in West Africa remains to be seen. Undoubtedly though, the situation negatively added to an already unsustainable situation for local communities, the artisanal fishing sector and food security for millions of people. While small-scale fishers and female fish processors have suffered, industrial vessels and foreign operators have tried to benefit from the situation.

FMFO factories accountable for overfishing already dwindling fish stocks appear to have continued business as usual, while artisanal fishermen and female fish processors had to cut back on their fishing activities due to COVID-19 restrictions. In recent years, the FMFO industry overexploited thousands of tonnes<sup>63</sup> of fresh fish perfectly fit for human consumption and turned them into fishmeal and fish oil to feed animals in countries like Europe and Asia.

In Senegal, foreign vessels even attempted to obtain fishing licences in a desperate situation where artisanal fishing communities were risking losing their main source of income, while food security for millions of people in West Africa was increasing due to the COVID-19 pandemic.

Greenpeace investigations of AIS data revealed the presence of several foreign fishing vessels conducting activities suggesting fishing with unclear and untransparent licence attribution by the Senegalese government, or without respecting

rules and regulations like displaying a Senegalese flag via AIS in Senegalese waters. Some vessels even seemed to manipulate their AIS transmissions data and disguise their actual positions. Senegal and countries in the sub-region are under constant pressure from foreign distant water fishing fleets trying to access their waters. Loopholes are being used in an attempt to go hunting for already depleted fish stocks. Local communities and the marine environment are the ones paying the price.

For Guinea-Bissau, what has been reported as a gigantic FMFO factory ship has been spotted via AIS. The vessel could be a significant threat to food security in the country due to its potential capacity of emptying Guinea-Bissau waters for as many tonnes of fresh fish as the population can eat in at least one year.

**In a situation like the COVID-19 pandemic, prioritising the preservation of the marine resources of West Africa for feeding local people is vital for food security.**

Many local communities in the region have been given food aid and pelagic fish prices have been soaring, according to female fish processors. This situation has shown the urgency to put in place strong regional measures to change the fisheries management system, particularly on pelagic fish stocks shared between countries. It also exposes an unfair global food system and the need to change it by putting at heart the resilience, sustainability, jobs and livelihoods of people.

# RECOMMENDATIONS

## TRANSPARENCY AND ACCESS TO INFORMATION:

West African citizens have a right to know how their resources are being managed and who benefits from them.

- The list of fishing vessels authorised to fish in each country's waters and a sub-regional list should be publicly available. Lists must be updated regularly and include details on name, ownership, registration number, call sign, nationality, gear type and capacity characteristics, and target species and conditions of fishing licences and authorisations.
- Reliable data must be available on stock status, catches/landings, processing and other fisheries related facilities such as FMFO factories, and reliable trade and export data.

## ISSUING OF FISHING LICENCES IN WEST AFRICA:

- The processes for issuing fishing licences must be fully transparent and include strict environmental and social criteria to prevent overfishing and overcapacity and maximise social benefits from the exploitation of fish resources. Any licences granted in Senegal without fully complying with the existing process must be revoked.

- The gap in the legislation should be revised to make the mandate of the Consultative Commission for Licences Attribution obligatory and not consultative.



## FISHMEAL AND FISH OIL PRODUCTION:

in light of the serious socio-economic and environmental impacts caused by the over-exploitation and depletion of small pelagic fish stocks and exacerbated by the rapidly increasing diversion of catches from human consumption to the production of FMFO for export, Greenpeace continues to demand:




- That all states involved in fisheries in the region establish an effective regional management regime, in particular for the exploitation of shared stocks such as small pelagic fish, as required under international law, relevant national laws, pan-African and regional fisheries policies, and other instruments.
- Female fish processors obtain a legal and formal status.
- The phase-out of any fishmeal production using fish fit for direct human consumption.
- Redirecting the FMFO processing capacity towards products for direct human consumption.
- Support for artisanal fish processing and trade for local and regional markets.

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## ANNEX 1: OVEREXPLOITED STOCKS

The West African coasts are well known for their seasonal upwelling<sup>64</sup> (upwelling of cold water and nutrients) which is very favourable for fish production and biodiversity. These resources are of immense importance<sup>65</sup> to West African communities in terms of job creation, food security and social stability. The downside is, that these highly productive waters are also highly attractive for foreign fleets, some of them making use of loopholes or even illegal practices to maximise catches and profits at the cost of local fisheries and communities.

One trick being used to get around the law on fisheries activities in Senegal is the use of joint-venture companies. For foreign companies and vessels to obtain a license they need to become 'Senegalised' (re-flagged in Senegal) under a joint venture with a Senegalese company. But what seems to be an operation benefitting Senegal too often turns out in reality to be a poor deal for the Senegalese people, or even a cover-up where the main beneficiary is a foreign company outside of Senegal.

According to research published in 2011 by a coalition of Senegalese fisheries organisations, the Senegalese government had approved 130 joint ventures who were roaming Senegalese waters that year, mainly joint ventures with Chinese, Korean, Spanish, French and Italian companies.<sup>66</sup>

64 <https://onlinelibrary.wiley.com/doi/full/10.1111/fog.12257>

65 <https://www.greenpeace.org/international/publication/22489/waste-of-fish-report-west-africa/>

66 Study, L'accaparement des ressources marines ouest africaines: Sociétés mixtes de façade et licences de complaisance, Expériences du Sénégal et de la Mauritanie, étude CAOPA/EED/CAPE 2011 [http://www.ntiposoft.com/domaine\\_200/pdf/societes\\_mixtes\\_draft\\_final2.pdf](http://www.ntiposoft.com/domaine_200/pdf/societes_mixtes_draft_final2.pdf)



In 2015, **GREENPEACE**<sup>67</sup> **POINTED OUT** that joint-venture practices created many loopholes that may encourage overfishing, such as allowing originally foreign flagged vessels to operate with less or looser restrictions, undermining local fisheries management. Five years later the issue remains, for instance, with the situation around fishing licences request of **52 FOREIGN VESSELS** through joint ventures companies.

Despite several warnings from civil society groups and fishermen organisations, the practice of private joint-venture agreements has become 'a plague' for West Africa. The **COVID-19** lockdown consequences this year seem to have rekindled the ardour of foreign shipowners who are invading West African waters. Fifty-two fishing vessels from countries that do not have an agreement with Senegal used this process to apply for fishing licences, targeting stock that is already overexploited.

The growing national and international demand for fish resources has reduced and put in danger most of the fish stocks in the world, particularly in West Africa and Senegal. While production stagnates for most of the fish stocks, **FISHING PRESSURE** on the resources increases day by day due to fishing licences agreements, the booming of the regional fishmeal and fish oil industry (FMFO) but also due to the increase in the artisanal fishing effort. According to the Oceanographic Research Center (CRODT)<sup>68</sup> and the last CECAF <sup>69</sup>(2018) report, the stocks of flat sardinella (*Sardinella maderensis*), round sardinella (*Sardinella aurita*) and hake (*Merluccius* spp) on which fishing licences are requested are all **OVEREXPLOITED** (Table 1). Most of these fish stocks (mainly sardinella) are shared between Senegal, The Gambia and Mauritania, which means over-exploitation in any area affects the entire sub-region.



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67 Report written by Greenpeace Africa. [https://storage.googleapis.com/planet4-africa-stateless/2018/10/9b77bf5d-9b77bf5d-scram-on-the-african-coast-final-proof1.pdf?\\_ga=2.258100809.272396839.1597052323-1168946813.1536079287](https://storage.googleapis.com/planet4-africa-stateless/2018/10/9b77bf5d-9b77bf5d-scram-on-the-african-coast-final-proof1.pdf?_ga=2.258100809.272396839.1597052323-1168946813.1536079287).

68 [https://www.dakaractu.com/Licences-de-Peche-L-avis-Scientifique-du-Crodt-qui-prend-le-contre-pied-du-ministre\\_a190329.html](https://www.dakaractu.com/Licences-de-Peche-L-avis-Scientifique-du-Crodt-qui-prend-le-contre-pied-du-ministre_a190329.html) [last visited 7 July 2020]

69 <http://www.fao.org/3/ca4121b/ca4121b.pdf> [last visited 7 July 2020]

Table 1: The recommendations of scientific research on the state of exploitation of coastal pelagic fish and hake resources

SPECIES	STATE OF EXPLOITATION	RESEARCH RECOMMENDATIONS
<b>Coastal pelagic fish resources (shared stocks)</b>		
<b>Round sardinella (Sardinella aurita)</b>	Overexploited	Reduce fishing mortality on these stocks for all fleet segments in the sub-region.
<b>Flat sardinella (Sardinella mederensis)</b>	Overexploited	
<b>Mackerel (Scomber colias)</b>	Fully exploited	Not to exceed the average catch of the last two years, i.e. 340,000 tonnes in 2016 for the entire sub-region.
<b>Bonga (Ethmalosa fimbriata)</b>	Overexploited	The effort should be reduced from the current level, which would allow ethmalosis to have a level of biomass capable of ensuring sustainability at the sub-regional level.
<b>Horse mackerel (Trachurus trecae)</b>	Overexploited	Fishing effort should be reduced in the sub-region.
<b>Deep demersal fish resources</b>		
<b>Black hake (Merluccius spp)</b>	Overexploited	The Working Group recommends a 15% reduction in fishing effort and a reduction in catch to reach a sustainable catch level (MSY).

## SENEGALISATION OF FISHING VESSELS AND LICENCE ATTRIBUTION

‘Senegalisation’ is the process to register a vessel under the Senegalese flag, which is mandatory to obtain a fishing licence. Via this process dozens of boats of foreign origin have been fishing in Senegalese waters under a Senegalese flag. Senegalisation is framed by law 2002-22 of August 16, 2002 on the Merchant Marine Code<sup>70</sup> in its articles 90 and 91 respectively for fishing vessels

and other vessels (commerce, pleasure craft, servitude) and to decree<sup>71</sup> No. 2004-283 of March 05, 2004 implementing the Merchant Marine Code.

First at all, at least half of the company shares should belong to Senegalese or nationals of one of the member countries of the Economic Community of West African States (ECOWAS), or all shares belong to a company having its registered office in Senegal and whose control, within the meaning of ordinary company law, is provided by nationals or nationals of one of the member countries of ECOWAS.

70 <http://www.jo.gouv.sn/spip.php?article1661> [last visited 8 July 2020]

71 <http://www.jo.gouv.sn/spip.php?article2414#:~:text=DECRET%20n%C2%B0%202004%2D283,Code%20de%20la%20marine%20marchande.&text=C'est%20l'objet%20du,Code%20de%20la%20Marine%20marchande> [last visited 8 July 2020]

The next step is to submit a request to the Ministry of Fisheries. Three categories of industrial vessels are subject to the request: a Senegalese flagged vessel, a vessel chartered by Senegalese companies, or vessels of countries with which Senegal has a fishing agreement.<sup>72</sup> There are four categories of licences with different options: coastal demersal fishing license, deep demersal fishing licence, coastal pelagic fishing license and deep-sea pelagic fishing licence.<sup>73</sup>

Any Senegalese or non-Senegalese national can make a request. The request is addressed to the Ministry of Fisheries by the owner of the vessel or the person's representative.<sup>74</sup> Different departments within the Ministry are in charge of verifying the conformity of the request to identify gaps and request any necessary information or raise concern when needed. Thus, documents and information are collected on the new vessels including company information, the vessel's characteristics and type of licence.

As requested by Senegalese fishery code, the Ministry of Fisheries informs the members of the Consultative Committee and invites them to a meeting to receive

their recommendations and opinions. The Consultative Committee's decision is a recommendation; the final decision maker is the Minister of Fisheries according to Senegalese law. With a positive answer (favourable opinion) for a vessel requesting a promise of a licence, the company can continue the process of Senegalising the vessel to have the Senegalese flag. This should be addressed<sup>75</sup> to the Director of the Merchant Navy, either directly or through representatives of the Merchant Navy in secondary ports.

If the vessel obtains the Senegalese flag, it may continue the process of acquiring a fishing licence (detailed below). If it is within one year after obtaining the 'promise of licence', the request will not pass again through the committee and the Ministry of Fisheries can issue the license without going through the detailed process.

According to Article 35 of the 2015 fishing code "The exercise of industrial fishing in maritime waters under Senegalese jurisdiction is subject to the possession of a valid fishing licence, issued by the Minister of Fisheries, after consulting the Consultative Commission for licences attribution."<sup>76</sup>

72 Article 27 of the fishing Code of 2015 Les navires de pêche de nationalité étrangère peuvent être autorisés à opérer dans les eaux sous juridiction sénégalaise soit dans le cadre d'un accord de pêche liant le Sénégal à l'Etat du pavillon ou à l'organisation qui représente cet État, soit lorsqu'ils sont affrétés par des personnes morales de droit sénégalais.

73 For more info on the option refer to the article 17 of the Decree of implementation.

74 Article 14 of the Decree of implementation of the fishing Code Les demandes de licences de pêche pour les navires de pêche industrielle sont adressées au Ministre chargé de la Pêche maritime par l'armateur du navire ou son représentant.

75 For exhaustive information about the administrative formalities, the supporting documents and the documents to be supplied are specified by articles 64, 65 and 66 of decree n° 2004-283 of March 05, 2004 implementing the Code of the merchant marine.

76 Article 35 of the 2015 fishing code L'exercice de la pêche industrielle dans les eaux maritimes sous juridiction sénégalaise est subordonné à la possession d'une licence de pêche en cours de validité, délivrée par le Ministre chargé de la Pêche maritime, après avis de la Commission consultative d'Attribution des Licences.

The Ministry of Fisheries grants the renewable licence for six or 12 months after the Consultative Committee has given its non-binding opinion.<sup>77</sup>

The licence must be held on board the vessel and presented for checking if requested by the authorities.<sup>78</sup> A licence attributed to a specific vessel cannot be substituted for another vessel except in the event of definitive non-navigability or in case of substitution to an equivalent or lower capacity vessel.<sup>79</sup>

## ANNEX 2: WHO IS BENEFITTING FROM BILATERAL FISHERIES AGREEMENTS?

Senegal and The Gambia have signed a bilateral fishing agreement<sup>80</sup> in 2017 which allows artisanal fishing canoes and industrial fishing vessels flying flags from either country to fish in both. It is a reciprocal agreement whose memorandum of understanding<sup>81</sup> allows both parties to have fishing rights in the other country for 250 small-scale licenses, 15 tuna industrials fishing boats and 4,100 TGB for the other types of industrial fishing.

This agreement has enabled industrial fishing vessels to have fishing licences in Senegal and The Gambia and to compete with the national fleet on stocks of fish already overexploited for the most.

Some foreign fishing companies that were not granted fishing licences in Senegal

take this opportunity to apply for The Gambian flag to be able to fish both in Senegalese and The Gambian waters.

In reality, the fishing communities of these two countries do not really benefit from these fisheries agreements. The Gambian small-scale fishing is more coastal and inland fishing targets mostly small pelagics. Therefore, the main beneficiaries are undoubtedly the foreign vessels which have taken advantage of the loophole in the laws of the two countries regarding the creation of mixed companies with nationals and taken advantage of the flag of this country to have access to Senegal and The Gambian waters through these bilateral fishing agreements.

This is not by any means a real shared regional fisheries management agreement which would help coastal communities and the environment. On the contrary, this creates more confusion, lack of transparency, surveillance and accountability, making it easier for bad practices such as IUU fishing.

77 It is good to note that the opinion of the Committee is not compulsory.

78 Article 37 of fishing Code 2015 La licence doit être obligatoirement détenue à bord du navire attributaire et présentée en cas de contrôle aux agents habilités à cet effet.

79 Article 38 of the fishing Code 2015 La licence de pêche attribuée à un navire déterminé ne peut être transférée à un autre navire, sauf en cas d'événement ayant entraîné une innavigabilité définitive du navire ou en cas de substitution par un navire d'une capacité équivalente ou inférieure.

80 <https://standard.gm/gambia-senegal-sign-fisheries-pact/> [last visited 24 September 2020]

81 [https://www.dakaractu.com/COOPERATION-La-Gambie-accorde-250-licences-a-la-peche-artisanale\\_a128807.html](https://www.dakaractu.com/COOPERATION-La-Gambie-accorde-250-licences-a-la-peche-artisanale_a128807.html) [last visited 24 September 2020]



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