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Illegal Fishing in Seychelles

**A. Napier, National Director,
Seychelles Apostleship of the Sea,
Seychelles**

Abstract

Seychelles has extensive pelagic resources and other specific species such as sharks, demersal species, tow spotted red snappers, green job fish, spankled emperor and grouper, etc., not to mention an abundance of sea cucumbers that are not yet exploited.

With an EEZ of 1.4 million sq km making the ocean surface 3019 times larger than the land area, it is not surprising that other foreign fishing vessels engage in illegal fishing in Seychelles' territorial waters, due to the absence of a relevant monitoring, control or surveillance unit.

Introduction

Seychelles consists of 115 islands, representing a total area of 443 sq km, with a combined coastline of more than 600 km. Its population of 80,000 is a mixture of people of African, European and Asian descent.

Seychelles has very few primary natural resources due to poor soil for agricultural development. The country's vast Exclusive Economic Zone (EEZ), which covers an area of 1.4 million sq km, is strategically located as one of the most productive fishing grounds in the southwest Indian Ocean. The majority of the population lives on the three main islands i.e. Mahé, Praslin and La Digue, which are of granite formation. The remaining islands and plateaux to the southwest of Mahé are all coralline in nature, including the Amirantes plateau, the Alphonse group, the Providence and Farquhar groups and the Adanra – Cosmoledo groups.

Fishing activities are entirely centered on the Mahé plateau and the Amirantes groups. The farthest distance our local fishermen go fishing is to the Providence and Farquhar groups, which are more than 700 km from Mahé.

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Illegal fishing

Since 1984, fishing has been the second most important foreign income earner for Seychelles, after tourism. But recently, in 1998-2000, it has surpassed tourism to become the number one income earner of the country. Seychelles is a nation that consumes a lot of fish daily. Thanks to the private sector, the government and the local fishermen have together largely contributed towards the development of the fishing industry in Seychelles.

Fishing without a licence, or illegal fishing in the EEZ of Seychelles, has existed for many years since Seychelles was a colony under British rule. According to the Seychelles Fishing Authority records, it was only since 1991 that a number of foreign fishing vessels (Korean, Spanish, Taiwanese, French from Réunion Island and, lately, Sri Lankan and Malagasy) were arrested for fishing inside the prohibited zone of Seychelles. The majority of the fishing vessels apprehended by the coast guard was first spotted and reported by the local fishermen, fishing on the Mahé plateau. A number of those vessels, apart from the Sri Lankan and Malagasy ones, violated the Fisheries Act by fishing inside the EEZ. Those foreign fishing vessels were prosecuted in the Supreme Court but most of them managed to get an out-of-court settlement or a fine of not less than Rs.400,000 (US\$80,000).

Arrest of Sri Lankan fishing vessels

1997-2000 saw a number of Sri Lankan fishing vessels arrested and brought to the Supreme Court for illegal fishing in Seychelles territorial waters and its EEZ. The following Sri Lankan fishing vessels were arrested in May 2000: *Sea Horse*, *Rukumar Dalaj*, *Everfrost 1*, *Lanka Matha* and *Torrington*.

In May 2001, a Malagasy fishing vessel, *Modell*, was arrested for illegal fishing of sea cucumbers in Seychelles territorial waters. On board were 110 fishermen (drivers, cleaners, cook and mechanics). The captain and the chief engineer were charged and appeared before the Supreme Court. The case is still going on, though an out-of-court settlement is foreseen.

The number of the counts served on the accused captain varies between three to ten, depending on the entry in the navigation, fish logbook and his diaries, which contain information related to the positions in the Global Positioning System (GPS).

The Seychelles Fisheries Act

The captains of the aforementioned vessels were charged for contravening Section 24(1) of the Seychelles Fisheries Act (Cap.82) and Section 25 of the said Act as amended by the Fisheries Amendment Act No.3 of 1997, which states as follows:

“Where any foreign fishing vessel that is not licensed in accordance with Section 7 or authorised under Section 17 is used for fishing in Seychelles waters or for fishing for sedentary species on the continental shelf, the operator and master shall each be guilty of offence and liable on conviction to a fine of Rs.2,500,000 (US\$0.5 million)”.

If found guilty, the court imposes a fine of Rs.250,000 (US\$50,000) on each count, which is to be paid within three months, and for default of payment of fine, the convicts undergo six months of imprisonment. All fines and prison terms in default of fines are consecutive and not concurrent.

Rukumar Dalaj and *Torrington* are the only two Sri Lankan fishing vessels where everything on board (excluding the crew members) have been forfeited to the State, and which was later put on sale to the general public, while the captains were sent to serve their sentences in Seychelles prison, at Long Island, for failing to pay the fines.

As for the fishing vessel *Sea Horse*, the captain was fined US\$12,000. The vessel was allowed to depart Seychelles upon payment of the said fine.

Everfrost and *Lanka Matha* reached an out-of-court settlement of US\$25,000 per vessel, through the active participation of the Apostleship of the Sea, the Foreign Affairs Ministry of both States and the Seychelles Fishing Authority. The fishing vessels were also released as part of the settlement.

Role of the Seychelles Apostleship of the Sea

The main task of the Apostleship of the Sea (AOS) is to ensure the well-being of those who are far from home. To encourage, initiate, provide for and, as the occasion demands, moderate and co-ordinate activities, relations and meetings of an international nature on the norms for the care of seafarers and others travelling by sea.

Struggling against injustices is an important part of the AOS work. We are not a trade union organization, a policy-maker or a pressure group, but we do negotiate, and stand for, human rights and for fairness, believing that one is always “innocent until proven guilty”.

Actions taken

The Seychelles AOS, which is responsible to help seafarers in case of difficulties, social problems and police cases, does intervene in the following manner:

- Establish contact with the authorities concerned i.e. Seychelles Coast Guard, Seychelles Fishing Authority, Port Authority, the Criminal Investigation Department, etc. Collect information on, and inquire about charges, collect names of the captain and crew members and check the nature of the charges.
- Contact Sri Lankan nationals residing in Seychelles for translation from the Singalese language into English and vice versa; request their financial contributions for legal aid, food, clothing, etc.
- Request authorization to visit the captain and his crew while in detention at the coast guard barracks, or on their fishing boat.
- Make frequent visits to collect their identification cards, papers and travel documents, to see to their actual needs, to get their dependents' addresses in Sri Lanka and to give them moral support in their ordeal.
- Contact and report the issues on a three-day or weekly basis to the authorities of the Church, requesting for assistance with food, clothes, communication equipments and other basic necessities.
- Contact the agents of the boatowners in Sri Lanka in order to assist by either visiting the detainees in Seychelles, discussing with the Seychelles authority, and/or paying for legal aid and a fair trial.
- Write articles in the local newspapers on the arrest, prosecution and outcome of the Supreme Court judgements and, at the same time, develop constant contact with the regional co-ordinator of the Apostleship of the Sea for the Indian Ocean and South East Africa for assistance.
- Request the Bishop to write to the President of the Republic asking for clemency and for a quick settlement of the case, in favour of the captains and their families, who are in a very needy situation. In the case of two Sri Lankan captains, sentenced to a prison term, which they served for some

months, clemency was granted, while, in the Malagasy case, we are still waiting for an out-of-court settlement.

Difficulties encountered

The main difficulties encountered were with the “boatowners” of the *Torrington* and *Rukumar Dajal*, who refused to assist or contribute towards the captain and the crew’s ordeals. The crew was left to face their difficulties by themselves in an unknown country. It is unbelievable that a seaman does not possess an identification paper or travel documents. The absence of identification papers really complicates the issue of repatriation of the crew.

Main problems facing the detained fishermen

The majority of the abovementioned captains and crew of the fishing vessels arrested for illegal fishing in Seychelles territorial waters have been well treated by the authorities and the Seychellois in general. So far, there is no report of them being harassed, beaten, tortured or made to give their statements to the police under duress. They remain in detention on board their fishing vessels, where they are allowed to move around freely.

During the captains’ trial, which sometimes lasts for months, the detainees are assisted by the authorities, the Seychelles Apostelship of the Sea, the Red Cross and Caritas of Seychelles, which assist with medical treatment, clothes, food, writing materials, etc.

The detainees do suffer from language barriers and the absence of legal aid. They face the problem of not knowing whom to trust. Boredom and loneliness mark their faces, especially when they think of their families or when they receive news from their families and loved ones. They feel abandoned in a foreign country, especially when the boatowner refuses to assist and repatriate them.

Suggestions

Financial and manpower constraints and lack of inter-departmental co-ordination are the main relevant factors that hinder the monitoring, control and surveillance of foreign fishing vessels, fishing illegally in Seychelles EEZ. In order to counter these setbacks, I believe that the following could contribute towards the management of our resources and help reduce illegal fishing in Seychelles territorial waters.

At the local level

We need to:

- have more trained personnel and sufficient boats to carry out patrols and enforcement duties. The government can not depend on donations of patrol boats from foreign countries. The purchase of modern patrol boats should figure in its budget.
- create a monitoring depot on an outlying island, e.g. Ascension Island, to enforce surveillance on foreign fishing vessels.

- have an independent judicial system that is not influenced by government authorities and/or para-State officials.
- build a seafarers centre, *Stellamaris*, to cater to, assist and accommodate, stranded seafarers until their repatriation.

At the regional level

Seychelles is a member of the following regional organizations or commissions:

- The South West Indian Ocean Fishery Commission, which deals mostly with the management of demersal stocks.
- The Indian Ocean Commission, which is concerned with the marine environment.
- The Indian Ocean Tuna Commission, which deals with the management of tuna stocks.
- The Western Indian Ocean Commission, COMESA, SADC, IOR-AC.

Within these regional bodies, Seychelles can establish a number of common agreements with States that are involved in illegal fishing within its territorial waters. For example, Seychelles can:

- establish a regional fisheries law enforcement resources, whereby those arrested for illegal fishing in one State can be repatriated to their homeland to serve their prison sentences.
- establish a subsidiary arrangement to enable co-operation, legislation and information of fishing activities within the region.
- request other countries to assist in enforcing surveillance and fishing laws, etc. and to educate fishermen of the dangers of illegal fishing.
- make port States responsible for ensuring that detained fishermen have decent living conditions and access to national legal systems.
- make boatowners responsible and liable for their actions, especially when they abandon their crew members without caring for their welfare and their repatriation, in clear violation of their basic human rights.

Illegal fishing is a violation of the national law of a country by other nations, which must be severely condemned because it destroys the national resources of a nation. There are also a lot of complications in dealing with fishing vessels arrested for such violations. Most important of all, it causes great psychological and moral suffering to the crew and to the families they have left behind to earn a living.

A memorandum of understanding was reached between the Government of Seychelles and the Socialist Democratic of Sri Lanka, which was signed and approved by both parties on 2 April 2001.

Conclusions

To conclude, may I read a letter addressed to Bishop Xavier Baronnet of the Diocese of Seychelles, by Captain Sunil Fernando, who had served several months in a Seychelles prison for illegal fishing but was granted clemency by the President, through the intervention of the Apostleship of the Sea:

Rev. Archbishop,

I am a poor fisherman. I have nobody to visit me at the prison. I am in a helpless situation. I ask you to get me any kind of help. I have no income. My only income was from fishing. I have two daughters of 8 years and 9 years old. My wife has no job and no income.

I am the only breadwinner in the family. When I left home, there were a lot of troubles there because of witchcraft. The reverend father of our church had gone there for prayers and blessings. I have no proper house to live in. I have only a small hut to live in.

I borrowed some money from a bank, keeping the land as security. I have to pay Rs.3000 a month to the bank. I fear that the bank has already taken the land because I couldn't pay them for the last few months.

I am doing this job because I am very poor. I am not a drug dealer, not a murderer, not a thief. I came to fishing because there was nothing else for me to do to feed my family.

Please write to the President and get me any kind of relief. If there are mistakes in this letter, please forgive me. I have studied only up to year 3 in school.

After reading this, please get me some relief.

*Sunil
23.9.00*