IOTC

Review of the IOTC Regional Observer Programme

Submitted by

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1 Introduction

In 2008 the Indian Ocean Tuna Commission (IOTC) adopted the Resolution [08/02] to establish a Programme for Transhipment which was adopted in response to concerns that transhipment operations, particularly at sea, constituted a gap in the enforcement scheme of the Commission. The overall aim of the programme was to address Member State concerns over laundering of Illegal, Unregulated and Unreported (IUU) tuna catches through transhipments at sea from IUU fishing vessels operating under the names of licensed vessels. By developing an observer programme transhipments at sea from Large Scale Tuna Longline Vessels (LSTLVs) operating in the IOTC area could be monitored which would help to reduce the level of IUU activity and ensure the effectiveness of the conservation and management measures already adopted by IOTC.

The Resolution requires that all transhipment operations of tuna and tuna like species in the IOTC Area must take place in port, however Contracting Parties may authorise transhipments at sea for its LSTLVs provided the Carrier Vessel (CV) has VMS capabilities and that, from the 1st January 2009, the CVs must have on board a trained IOTC observer. The observers have a duel role, where possible they are required to carry out an inspection onboard the LSTLV from which fish is being transhipped and they are to observe and verify the quantity and species transhipped. The Resolution define the main tasks of the observer as:

On the Fishing Vessel:

1. check the validity of the fishing vessel's authorization or license to fish tuna and tuna like species in the IOTC area;
2. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
3. check that the VMS is functioning and examine the logbook;
4. verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;
5. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel master,
6. report the results of these duties on the fishing vessel in the observer's report.

On the Carrier Vessel:

7. record and report upon the transhipment activities carried out;
8. verify the position of the vessel when engaged in transshipping;
9. observe and estimate products transshipped;
10. verify and record the name of the LSTLV concerned and its IOTC number;
11. verify the data contained in the transhipment declaration;
12. certify the data contained in the transhipment declaration;
13. countersign the transhipment declaration;
14. issue a daily report of the carrier vessel's transshipping activities;
15. establish general reports compiling the information collected in accordance with IOTC Programme requirements and provide the captain the opportunity to include therein any relevant information.

It was decided that tasks 11 and 12 would be outside the normal remit of an observer programme, although the observer will estimate the numbers and amounts of products transferred they are not in a position to certify or verify the transhipment declarations but will sign then to confirm that they have observed it. It was also decided that a daily report of the

vessel's activities was unnecessary and that it would be more practical to summarise them in a 5 day report (Section 5).

MRAG and CapFish (the Observer Suppliers) subsequently developed the Regional Observer Program (ROP) along with the Secretariat and between them have been responsible for recruiting, training and deploying all the observers onto the CVs. This report is designed to summarise the first year of operations and examine some of the problems that have occurred.

2 Deployments

2.1 Notifications

The official line of communication for any LSTLV wishing to tranship at sea is through their Flag State who submit an observer request to the IOTC Secretariat detailing the vessels and approximate dates of transhipments. Once this request is approved the Secretariat submits an 'Approval for Observer Deployment' to the Consortium. The Consortium will then contact the CV operator to arrange the embarkation of the IOTC observer.

In addition to the official process it has been found that unofficial requests from CV operators for observers have been sent to the Consortium prior to be sent to the Secretariat. Although the unofficial advanced notification for the observer has proved extremely useful in planning deployments, it is important to note that the Consortium cannot react to these notifications without the official request from the IOTC. In the event of such an unofficial request the observer supplier informs the CV operators that they must ensure that an official request is sent to the IOTC Secretariat via their flag State.

An amendment to the IOTC 'Approval for Observer Deployment' is required for the purposes of ensuring all MoUs are correctly established. Currently the 'Approval for Observer Deployment' provides the name of the vessel owner / operator with one address beneath. To facilitate these deployments it would be useful for the approval to clearly state the contact details for the CV local agents in each port.

2.2 Revised Transhipments

CV operators and CPCs are meant to send their revised transhipments directly to the Consortium. However, revised transhipments have been received by the Secretariat and are then forwarded onto the Consortium resulting in a greater number of e-mails than required being sent for revised transhipments. The Secretariat has subsequently sent new advice to the CPCs on how to submit revised transhipments. This has resulted in a reduction of e-mails however, it is important that the CPCs are reminded of the importance of following the appropriate protocol for submitting revised transhipments.

2.3 Logistics

Travel arrangements made in advance to destinations for observer embarkation or disembarkation mean it is possible to secure reliable flights and reduce the logistic costs for these deployments. Changes in schedules closer to the time of embarkation or debarkation will always incur additional costs from flight cancellations or hotel costs and there is always the risk that observers may not be able to meet a vessel's departure schedule due to the unavailability of matching flights. Despite these costs being the responsibility of the Carrier Vessel operator, it significantly increases the administrative burden of the project. Carrier Vessel operators need to be aware of this.

Arrangements within the Consortium to optimise deployments in Cape Town and CV's operating between ICCAT and IOTC have led to significant reductions into flight costs for deployments.

3 Sampling Protocols

During a recent observer conference the practical aspects of measuring fish were discussed. However ongoing discussion with observers has indicated that in the majority of cases the observer does not have access to the fish to undertake any specific measurements. Detailed measurements for length or weight would require the observer to make a specific request to do this and would interrupt the transhipment process. Taking into consideration the objectives of the ROP, the value and percentage accuracy of the observer independently determining weights and species of fish being transhipped needs to be ascertained. Currently most observers are still reliant on the input from LSTLV figures to determine average fish weights that are then combined with independent fish counts.

It is notable from reports and discussions with observers during their debriefings that experienced observers are improving their accuracy with estimating individual fish weights and identifying species, which contributes significantly to independent assessment and verification of the amount and species composition of fish transhipped. However a request to contracting countries and their vessel operators to separate and transhipment tuna species separately would greatly facilitate observation. Vessels could also be encouraged to request their vessels to colour code the hanging strops to mark different species.

Specific points noted that result in discrepancies between observed and declared weights are;

- LSTLVs are misreporting SBT as YFT in some instances.
- Shark fin weights under reported
- The number of smaller YFT and BET are not recorded in the vessel statistics. (It appears there is a "cut off" size)
- LSTLVs using a combination of processing methods on multiple species.
- LSTLVs occasionally transhipment fish in nets, particularly when oil fish are transferred, which can make it difficult to estimate both weight and numbers.

4 Vessel Inspections

As part of the ROP, observers are required to transfer to the LSTLV prior to the commencement of transhipment operations. In the first 60 deployments of the ROP, a total of 1,186 transhipments were monitored. From these a total of 916 LSTLV 'inspections' were conducted (77% of transhipments), covering 314 vessels. Most of the vessels have been inspected more than once, with some vessels being inspected up to 9 times. A histogram with the frequency of inspections of LSTLV's is shown in Figure 1. The incidences where inspections did not take place were either due to adverse weather conditions or where the Fishing Masters of the LSTLV refused permission for the observer to board.

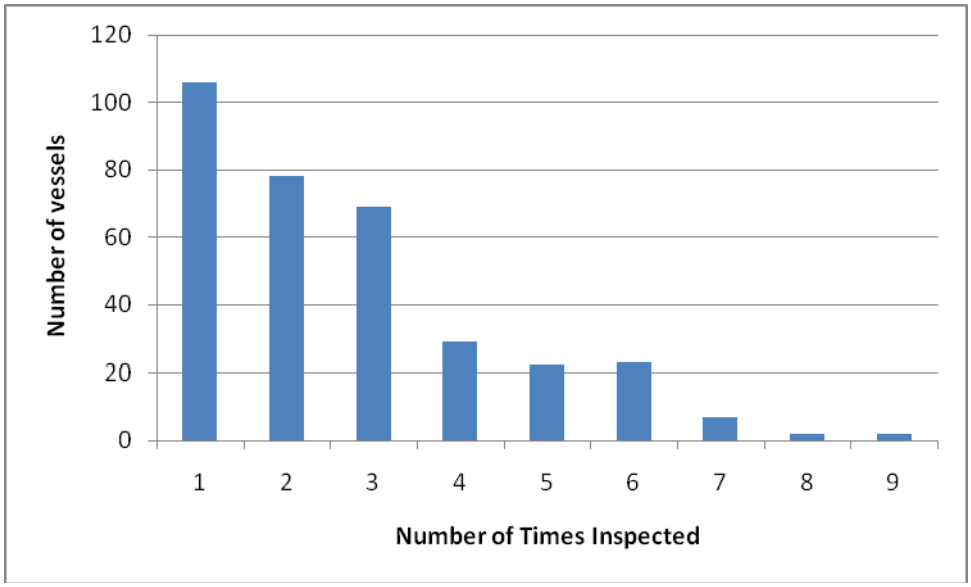

Figure 1 Histogram showing the number of times each of the 314 vessels were inspected.

The method of personal transfer from the CV to the LSTLV is via a cargo net, that is normally used for transfers of bait and supplies. A flat platform is placed in the cargo net when used to transfer personnel.

From the outset of the programme it was found that it was not practical for the observer to transfer over to the LSTLV prior to the commencement of the fish transhipments. The routine preparation for the transhipment operations results in a significant amount of activity on the deck of both the CV and LSTLV in this period. Whilst some observers have been able to transfer before the transhipment starts, this has normally resulted in the observer either holding the transhipment up or remaining onboard the LSTLV until there is a break in the operation before transferring back and therefore to missing the start of the transhipment.. In most cases it has been found to be more practical and safer to transfer once the fish transhipment has finished.

Annex 3 of Resolution 08/02 outlines a number of tasks the observer is required to complete once onboard the LSTLV. The objectives of these inspections in relation to the risks associated with the transfer need to be reviewed.

1. **Check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna like species in the IOTC area**. In most cases these cannot be fully read by the observer as they are in the language of the various Flag States. However dates are normally written in English and licences from the participating Member States tend to be in a similar format permitting the validity of the licences to be checked. All licences are photographed and archived. Out of the 314 vessels inspected 63 were found to have either no fishing permits onboard or non-valid authorisations to fish.

2. **Check and note the total quantity of catch on board, and the amount to be transferred to the carrier vessel.** If the inspection is done after the transhipment has happened then this can be through asking the fishing master directly if all the catch has been transferred or if there is any left on the vessel. It may also be possible to check to see if there is anything left in the hold but currently this is considered outside the remit of this programme.

3. **Check the VMS is functioning and examine the logbook.** While the observer can record whether there is a VMS unit on board and that this unit has power going to it,

it is not possible without more sophisticated equipment to determine if it is transmitting; this can only be verified through the vessel's FMC. As with the licence to fish, the observer photographs the units for record purposes. Vessels having no working VMS were recorded on 54 occasions. Logbooks are also checked, however these differ from being formal printed documents to hand-written and due to language differences the accuracy of the data cannot be assessed. The inspection does however record if they are present or absent onboard rather than being assessed for accuracy. Logbooks inspected are also photographed and stored on record. On 60 of the vessels inspected no logbooks were present.

4. **Verify whether any of the catch on board resulted from transfers from other vessels, and check on documentation on such transfers**. To date there has only been one incidence of an LSTLV reporting a transfer from another vessel, this was 3 tonnes of albacore transferred from the vessel when their freezers had broken down. This was done informally with no paperwork being exchanged. Other than asking the fishing master directly there appears to be no other way to determine if transfers have taken place. It can be presumed that a Fishing Master would not normally implicate his, or another vessel by admitting to receiving unauthorised fish unless he had an observer on board that had recorded the incident.

5. **In the case of an indication that there are violations involving the fishing vessel, immediately report the violations to the carrier vessel master**. It is unclear what course of action the Master of the CV is supposed to take following receipt of such information. In terms of Annex 2 of 08/02 there is no obligation for the Master of the CV to do anything.

6. **Report the results from these duties on the fishing vessel in the observers report.** The results of the inspections undertaken by observers are summarised in their final report and, any discrepancies are fully elaborated on. In addition a photographic record of all vessel authorisations, VMS units and logbooks as well as external vessel markings are kept.

Despite observers being supplied with translation templates that describe the requirements for inspection procedures, communication, especially at the start of the program, has been problematic. In many cases there is also limited communication possible between the carrier vessel officers and the officers onboard the LSTLV's. It is therefore possible that items being recorded as, "not present" may be due to communication problems.

The risk of transferring to and undertaking onboard inspections of LSTLV's is highlighted by two recorded injuries to observers. A minor incident occurred when an observer slipped getting off the transfer platform and jammed his leg under the bottom rung of a ladder on the LSTLV. While not considered serious at the time it left the observer's leg badly bruised followed later by an infection, which meant he was unable to monitor a number of subsequent transhipments during the trip. The second incident was serious and involved the observer falling and injuring himself on the ladder of the LSTLV. Following medical advice the CV immediately suspended its operations and the observer was returned to the nearest port.

In terms of the MoU between the Consortium and CV operator the observer falls under the authority of the Master of the CV who ultimately has the final say on whether the observer can transfer. The disruption and cost to the CVs operations in this incidence has resulted in them subsequently becoming reluctant to allow observers to transfer to the LSTLV.

In light of the above the Consortium is suggesting that the requirement to undertake onboard inspections of the LSTLV's be reviewed. It is suggested the information required can be obtained by other means. Given the date and location of the transhipment, the Flag State can verify whether it has issued a licence for a particular vessel. The presence of a working

VMS can also be verified through the Flag State's FMC given the date and location of the transhipment. The vessel's logbook can be included with the routine transhipment documents that are passed between vessels. This will provide the observer the opportunity to check (if it is present or absent) and record details.

Information on vessel validity can also be obtained through checking and photographing their external markings, this can be done easily and without any safety issues (see Section 7.4).

5 Reporting Protocols

5.1 Five day reports

The compilation and submission of data to the Secretariat in 5 day reports has worked well with the Consortium using a methodology that has been successfully utilised in other observer programmes. The format of the observer reporting template (R2) has changed since the programme's inception allowing the IOTC number of the LSTLVs to be entered (to avoid confusion over some of the vessel names) as well as whether SBT has been transferred with the correct Catch Monitoring Forms (CMF). The current version of the R2 is shown in Annex 1.

The Consortium receives R2s either via fax or through e-mail and the reports are all compiled and submitted to the Secretariat as an R3 report. Having the data in different formats can be quite time consuming to input so an electronic format is being trialled which will automatically be read into the database, although this will still only save time for observers with e-mail access. Occasionally vessels will be out of satellite range so faxes can't be sent; this can lead to delays in sending the R3s.

5.2 Final reports

The Consortium has developed a standard format for the final report which has remained largely unchanged throughout the year. Most of the report can be generated by observer on the vessel as a preliminary report which can be submitted to the master of the vessel, the only addition is the map which can only be generated back in the office. Observers occasionally submit an internal report which is more related to conditions on some of the vessels rather than the tasks of the ROP (see Section 7.6).

6 Observer Training

The format of the IOTC ROP training course was based on the ICCAT ROP course as the procedures of the two programmes, with the exception of the vessel inspections, are the same. For this reason it has been possible to use observers previously qualified through ICCAT with only a shortened cross over course and observers trained on one programme can now be used on other, an MOU exists between IOTC and ICCAT outlining this. This has proved particularly useful when carrier vessel cross between ICCAT and IOTC areas as the same observer can remain on the vessel.

The training course itself lasts 4-5 days, depending on the number of people and includes training for identifying SBT and the accompanying documentation.

7 Other Issues

7.1 Finance

Financial arrangements between Consortium partners, IOTC and FAO are generally functioning well after an initial slow start. At the beginning of the programme there was a delay of up to 7 weeks between MRAG submitting an invoice and receiving payments from the FAO. This was largely due to the fact that new and unfamiliar procedures were being implemented by all parties involved. These problems however, were quickly resolved and reimbursement is now generally received within 3½ to 4 weeks of submitting an invoice to IOTC. There is a clear system in place which we feel works extremely well.

Communications between all the parties involved in the finance procedures are excellent and this has been integral to the smooth running of the project.

7.2 Safety

The safety of the observer is paramount for the successful implementation of the IOTC ROP, particularly when placing observers on unfamiliar or untested vessels. As part of their training observers are shown how to conduct a pre-sea safety inspection, which they conduct with the local agent prior to the CV departing. This serves both to ensure the vessel has the correct safety gear onboard and also allows the observer to familiarise themselves with the vessel. These pre-sea inspections have proved successful. To-date there have been three incidences where the vessels have failed their pre-sea inspection and the observer has refused deployment. In each of these cases the observer immediately disembarked from the vessel and informed the observer suppliers. The vessel operators and local agents were duly informed and in all instances were extremely proactive in rectifying the situation to the observers' approval to minimise delays. These refusals occurred at the start of the ROP and since then there has been no further major discrepancies in safety related matters.

The safety concerns that are still apparent in the observer programme are those relating to the inspection of LSTLVs as previously mentioned in section 4. In conjunction with the concerns raised earlier, observers are instructed to consider their safety prior to boarding LSTLVs and to utilise the experience of the CV's master and crew to make an informed decision.

7.3 Waste disposal

Although not part or the ROP, observers have identified waste disposal as a matter that could be raised with IOTC, as crew members onboard both CVs and LSTLVs discard a variety of waste materials into the sea. This often occurs during transhipments and includes plastic, cardboard and packing bands from boxes from supplies as well as galley waste from the CVs themselves.

7.4 LSTLV identification

A number of problems with the identification and marking of vessels have been experienced. These included:

- No markings on the vessels. This is common on the smaller GRP vessels as the paint used to mark the vessel appears to rub off;
- More than one vessel name marked on the vessel. This has been seen in two main ways;
    - The vessel's name has changed and the vessel has both the previous and current name displayed;
    - Different spellings of the name of the vessel displayed;
- The names of the vessel have changed but the vessel's markings still display the old name and haven't been updated to reflect the change in name.

Observers currently photograph the external features and markings of the LSTLVs and a large library of vessels photographs has been built up which we would recommend turning into a standardised reference library of photographs to assist the verification and identification of LSTLVs on future transhipments, or to compare them with any other library that currently exists. This would also prove a useful MCS tool should it be used in this manner.

In addition to the problems raised above, observers have found that LSTLVs may not appear in the version of the database issued to them at the start of the deployment. This usually occurs if the vessel name has been changed or a new vessel has been added to the vessel list once they have been deployed and is normally resolved with the observer checking with the supplier. This has however, highlighted the importance of updating the vessel list on a regular basis and resulted in the observer supplier receiving regular updates from the Secretariat.

7.5 Vessel cooperation

While conditions on board a small number of the CVs have been poor (see Section 7.6), the observers have reported the officers and crew are in most cases friendly and co-operative allowing the observer access to any areas of the vessel requested. In addition the CVs have always had an English-speaking crew member on board so communication has been possible, although sometimes to a limited extent. To help with this the supplier has developed translation language sheets and provided basic language training to observers during the course.

There have also been a few issues with cooperation on board the LSTLVs during the inspections, possibly due to poor communication and LSTLV Fishing Master not being fully aware of the requirements of the ROP. In the course of the POT to-date many of the vessels have been inspected several times and know what the observer needs to see. In a few cases LSTLV's have faxed through the required documents (authorisations to fish) at a later date, when they were not available at the time of the inspection. The observer supplier has also developed additional forms for the LSTLV to complete prior to or during the transhipment (see Annex 2). These give numbers of fish to be transferred (not currently included in the Transhipment Declarations) and help the observer to calculate the average weight of fish transferred and also means they can assess the accuracy of the logbook

(assuming the numbers of fish recorded in the form are taken from the logbook). Although this is additional paperwork most of the LSTLVs have not objected to completing it and the CVs find the information useful as well.

7.6 Carrier Vessel conditions.

Conditions on the CV's have varied, with the vast majority being very good, however a few have been barely acceptable. Whilst there weren't any direct safety concerns and it did not affected the ability of the observer to carry out the tasks of the ROP, it should be noted that the discomfort over long periods of several months it make it difficult for the observers. Some of the extreme conditions reported by observers include

- Poor washing and toilet facilities. Rendering it difficult for the supplier to comply with Resolution 08/02-Annex3, Appendix 2 as it would be impossible to deploy a female observer to a vessel in this situation.
- poorly maintained equipment
- Food and drinking water on the vessel becoming unpalatable, (at times unsafe) due to poor galley and storage conditions. In these instances the officers and crew rely on their own personal supplies (which they shared with the observer).One of the most disturbing problems is the infestation of parasitic insects (such as *bud bugs*) that have resulted in extreme discomfort to the observers.

It is questionable whether these conditions are in compliance with Resolution 08/02-Annex3 Paragraph 9 c) "Observer shall be provided accommodation including lodging, food and adequate sanitary facilities , equal to those of officers".

Annex 1. Current R2 template provided to IOTC observers

Form R2: Observer 5-Day Report

Year/Month: _____ Reporting Period: _____ ROP Request No: _____

Observer Name:		Observer ROP No.	
CV Name		CV RFMO No.	

Date of Report:		Position of report		Days Steaming		Days on standby	

No.*	RFMO No.	LSTLV name	SBT Transhipped? (Y/N)	Catch Document? (Y/N)	Date	Position (dd.mm)

Embarkation date:		Port:	Disembarkation date:		Port:

Comments:

Report Sent:

To:	Date sent: / /	Time: :	By (obs/vessel):

*Transhipment Number, should be sequential from the start of the deployment, as recorded in the database.

Annex 2. Vessel pre-transhipment form.

漁船名(英字) _____ 船長名(英字) _____

F/VESSEL NAME CAPTAIN'S NAME

国　籍 **NATIONALITY**		船名符字 **CALL SIGN**	
船舶番号 **REGISTRATION NO.**		漁船登録番号 **FLAG STATE AUTHORISATION NO.**	
IOTC NO. 番号		運航者/会社(英字) **OWNER or COMPANY**	

転載魚 **(TRANSHIPMENT)**	尾数**(G.G.QUANTITY)**	重　量**(WEIGHT)**
大　目 **(BIGEYE)**		Kg
黄　肌 **(YELLOWFIN)**		Kg
メ　カ **(SWORDFISH)**		Kg
他　　**(OTHER)**		Kg
合　計 **(TOTAL)**		Kg