

**Original:** French and English

**INFORMATION SUBMITTED BY A CONTRACTING PARTY  
IN ACCORDANCE WITH REC. 08-09**

Information from Senegal concerning apparent unauthorized transshipment activities in October 2015 in Senegal's waters among Liberian, Chinese, and Chinese Taipei vessels in violation of ICCAT rules, which were detected through port inspection by Senegal.

1. Information from Senegal
2. Response from China
3. Response from Chinese Taipei
4. Letter from the Secretariat to Liberia and response from Liberia

INFORMATION FROM SENEGAL

MINISTRY OF FISHERIES AND MARITIME ECONOMY

Dakar, 5 November 2015

**THE MINISTER**

**SUBJECT: Vessel inspection "NEW BAI I, No. 168"**

Hon. Minister,

The vessel New Bai I No. 168, (Ex Tai Yuan 227), certified with provisional Liberian nationality, was inspected several times, from 17 to 22 October 2015 by the Fishery Protection and Surveillance Department services (*Direction de la protection et de la surveillance des pêches - DPSP*).

The vessel arrived in Dakar on 16 October 2015, and is currently moored to dock 10 (*Mole 10*) of the Autonomous Port of Dakar (*Port Autonome*). This vessel is suspected of conducting illegal, unreported and unregulated fishing activities and would also seem to be the Samudera Pacific 8, flagged Indonesian vessel, investigated by the Republic of South Africa.

These inspections proved that on 15 September 2015 to 16 October 2015, the vessel New Bai I, No. 168, carried out transshipment operations of tuna-like species in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), without complying with the terms established under the provisions of Section 3 of Recommendation 12-06 of this Organisation.

In fact, in accordance with this section, transshipment of tuna and tuna-like species, can only be allowed on authorised carrier vessels. This should result in the inclusion of the vessel in the ICCAT list.

Moreover, Section 4 of this same Recommendation has been violated as no authorization to tranship fishery products by the flag State of the vessel was previously obtained.

Under the light of abovementioned information, the vessel New Bai I, No. 168, has committed fishing infringements outside the waters under Senegalese jurisdiction, in contravention with ICCAT regulations, namely:

- Non-inclusion in the authorised List of Carrier Vessels;
- Lack of transshipment authorisation issued by the Liberian authorities.

Apart from the port State measures, which have not yet been implemented by Senegal, it is up to the flag State of the vessel to enforce the appropriate sanctions and, if necessary, for ICCAT to include it to the IUU vessel list.

Therefore, following the measures you decide to implement, I would appreciate it if you could transmit the attached documents to the competent Liberian authorities in order for them to provide information on these infringements and, if applicable, carry out the necessary procedures in accordance with Article 117 of the United Nations Convention on the Law of the Sea that stipulates that "*all States have the duty to adopt, or to cooperate with other States in adopting, such measures for their respective nationals as may be necessary for the biological conservation of resources of the high seas*".

Yours sincerely,  
(Stamped and sealed)  
Oumar Gueye

Minister of Foreign Affairs and the Senegalese Abroad - Dakar

**Attachments:**

- Inspection Report
- List of vessels involved
- Notification of final entry
- Copy of provisional nationality act

**Formulaire du Rapport d'inspection au port ICCAT**

1. N° du rapport d'inspection 0005242		SENEGAL	2. État du port		
3. Autorité chargée de l'inspection		Direction Protection et Surveillance des Pêches			
4. Nom de l'inspecteur principal		OusmanaeNiang SEYE	ID		
5. Port d'inspection		DAKAR			
6. Début de l'inspection		2015	10	19	09HAM
7. Fin de l'inspection		2015	10	22	09H AM
8. Notification préalable reçue		Oui. DENONCIATION			
9. Objet de l'accès au port		LAN			
10. Nom du port et de l'État et date dernière escale					MM JJ
11. Nom du navire		NEW BAI I N 169			
12. Etat de pavillon		LIBERIA			
13. Type de navire		FISH CARRIER			
14. IRCS (indicatif international d'appel radio)		YGMV			
15. ID certificat d'immatriculation		83310			
16. ID navire OMI, si disponible		NO			
17. ID externe, le cas échéant		NEW BAI I N 168			
18. Port d'attache		MONROVIA			
19. Propriétaire(s) du navire		SHIN Pao K ONG WinnirTsengi 100%			
20. Propriétaire(s) bénéficiaire(s) du navire, si connu(s) et différent(s) du propriétaire du navire					
21. Opérateur(s) du navire, si différent(s) du propriétaire du navire					
22. Nom et nationalité du capitaine du navire		YU XIN FENG			
23. Nom et nationalité du capitaine de pêche		CHINESE			
24. Agent du navire		CBA			
25. VMS		Non			Type :
26. Statut au sein de l'ICCAT, y compris toute inscription sur une liste de navires IUU					
Identifiant du navire		ORGP	Statut de l'État du pavillon	Navire sur liste des navires autorisés	Navire sur liste des navires IUU
			Partie Contractante	NON	
27. Autorisations de pêche appropriées					
Identifiant	Délivrée par	Validité	Zone de pêche	Espèce	Engin
NEANT					
28. Autorisations de transbordement appropriées					
Identifiant		Délivrée par	Validité		
Identifiant	NEANT	Délivrée par	Validité		

29. Information sur le transbordement intéressant les navires donateurs						
Nom :	Etat de pavillon	Numéro ID	Espèce	Produit	Zone(s) de pêche	Quantité (Tonnes)
YU YOU 236			Blue shark Misk		N1/W2	10,858
Yun Hong 2			Blue shark Misk shark		N2/W10	22,022
Kuan Li			Blue shark Dry Fin		S1/E2	34,1
Liao Yuan Yu 98			Misk shark		N2/W10	23,37
						90,32
30. Évaluation des captures débarquées (quantité)						
Espèce	Produit	Zone(s) de pêche	Quantité déclarée	Quantité débarquée	Différence éventuelle entre quantité déclarée et quantité déterminée	
Blue shark			50,863	50,863	NEANT	
Misk			20,322	20,322		
shark			16,035	16,035		
Dry fin			3,1	3,1		
31. Captures restées à bord (quantité)						
Espèce	Produit	Zone(s) de pêche	Quantité déclarée	Quantité restée à bord	Différence éventuelle entre quantité déclarée et quantité déterminée	
32. Examen des registres de pêche et d'autres documents				Oui	Aucun document de capture à bord	
33. Respect du/des système(s) de documentation des captures applicable(s)				Non		
34. Respect du/des programme(s) de document statistique applicable(s)				Non		
35. Type d'engin utilisé		Aucun				
36. Engin examiné		Non				
37. Conclusions de l'inspecteur Navire ayant procédé à un transbordement en mer sans autorisation car n'étant pas inscrit sur la liste des navires de l'ICCAT autorisés						
38. Infraction(s) apparente(s) détectée(s), y compris renvoi aux instruments juridiques pertinents						
- Navire non inscrit sur la liste des navires de charge autorisés par ICCAT (Section 3, recommandation 12-06)						
- Transbordement en mer sans autorisation (Section 4, recommandation 12-06)						
39. Observations du capitaine NEANT						
40. Mesures prises Saisine de l'Etat du pavillon – Transmission du rapport d'inspection à l'ICCAT						
41. Signature du capitaine*						
42. Signature de l'inspecteur						

\*La signature du capitaine ne sert que comme accusé de réception d'une copie du rapport d'inspection.

Ousmane NIANG SEYE

REPUBLIC OF SENEGAL  
MINISTRY OF FISHERIES AND MARITIME AFFAIRS  
Fishery Protection and Surveillance Department Services (DPSP)

DPSP

**VESSEL INSPECTION REPORT NEW BAI I, NO. 168**

The Fishery Protection and Surveillance Department Services (*Direction de la protection et de la surveillance des pêches - DPSP*), within the framework of its inspection and control missions to fight against illegal, unreported and unregulated (IUU) fishing, conducted a series of visits, from 16 to 22 October 2015, on board the vessel New Bai 1 No. 168, suspected to have conducted illegal fishing activities.

The following information was collected:

1. Vessel characteristics;
2. Nationality and crew;
3. Transshipment positions, composition and tonnage of species landed in the port of Dakar;
4. List of vessels that carried out the catches transshipped;
5. Destination of the products landed at the port of Dakar.

**1. Vessel characteristics**

The vessel characteristics are included in the following table:

Length	49,30m
Width	9,42m
Gross tonnage	505 tons
Net tonnage	184 tons
Home port	Monrovia

**2. Nationality and vessel crew**

Following the verification of a certificate of provisional nationality among other documents presented and, the inquiry of the captain and the vessel consigner, it appears that the vessel New Bai No. 168 has provisional Liberian nationality and would be the former Tai Yuan No. 227. It transports fishing products, consigned by the company CONSULTING BUSINESS AGENCY SARL, based in Dakar.

The vessel crew includes (25) people. Of these (14) are Indonesian, (4) Chinese, (2) Vietnamese and (5) Philippines (Crew list attached).

The consigner stated that the passports of all the members of the crew had been retained by the police of the port.

**3. Transshipment positions, composition and tonnage of the species landed in the port of Dakar**

According to the consigner, the vessel was moored at the fishing port of Dakar from April 2014, during a legal dispute between the vessel owner and ANAM. It left the port on 15 September 2015 to carry out a transshipment with other fishing vessels in the positions 01°N/02°W; 02°N/10W; 01°S/02°E (see: Transshipment declaration attached).

It went into the port of Dakar on 17 October 2015 carrying of 92.32 t of sharks and fins (see: Transshipment declaration attached).

#### 4. List of vessels that carried out the transshipped catches

The list of four (04) vessels that carried out the catches are include in the transshipment declaration attached. Given that it refers to the characteristics and other information related to these fishing vessels, the consigner stated that he did not have this information.

#### 5. Destination of the landed products

The vessel landed its products on 20 October 20145. According to the consigner the final destination of the landed products is Singapore.

#### Conclusion

As regards the information collected, the vessel NEW BAI No. 168 has not carried out any infringements in waters under Senegalese jurisdiction. However, in contravention with ICCAT Recommendation 12-06, the consigner has not presented an ICCAT transshipment authorisation. Furthermore, the vessel is not included in the ICCAT list of authorised transport vessels.

Moreover, with the lack of information as regards the vessels that fished and transshipped the product constitutes sufficient evidence in bad faith to initiate the investigations concerning the vessel.


#### Attachments:

- Certificate of provisional nationality
- Crew List
- Transshipment declaration
- Inspection reports

Dakar, 26 October 2016


The inspectors  
(signed):

- Ousmane Niang SEYE
- Amadou Moussa BAD
- Moussa CISSE



# THE REPUBLIC OF LIBERIA

## Liberia Maritime Authority



### DOMESTIC PROVISIONAL CERTIFICATE OF REGISTRATION

Certificate No: **C/N-0310-15**

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Vessel Name: **NEW BAI I # 168**

Official Number: **81310** Call Sign: **YGYM** Home Port: **Monrovia**

IMO Number: \_\_\_\_\_

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#### VESSEL PARTICULAR

Vessel Type:	<b>Fish Carrier</b>	Number of Masts:	<b>2</b>	Year Built:	<b>1973</b>
Place Built:	<b>Japan</b>	Number of Decks:	<b>1</b>	Hull Material:	<b>Steel</b>
Length Overall:	<b>49.3</b>	Length:	<b>49.30</b>	Propelling Power (KW):	<b>1650HP</b>
Breadth:	<b>9.42</b>	Depth:	<b>4.42</b>	NO. and Type of Engine:	<b>Hanshin 1650 HP</b>
Net Tons:	<b>184</b>	Gross Tons:	<b>505</b>	Name of Manufacturing:	<b>Miho Shipyard Akasaka, Japan</b>

*Acc: International Convention on Tonnage Measurement of Ship (1969)*

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#### OWNERSHIP DECLARATION

*This is to certify that pursuant to the provisions of Chapter II SECTION 371 of Title 21 of the Liberia Code of Laws 1956 as amended, Djibril Diallo, having submitted the required declaration of ownership, does depose and say that:*

Owner Name: **Shin Pao K ONG Winnie Tsengi** Citizenship: **Taiwanese** Proportion: **100%**


*is (are) the sole owner (s) of the herein Named and describe vessel.*

*And whereas the Liberia Maritime Authority, on behalf of the Government of Liberia, approved the application of the aforesaid owner for registration of the vessel and whereas the owner has complied with the requirements for registration and submitted same, the vessel is therefore duly registered under the Laws and the flag of the Republic of Liberia.*

This Provisional Certificate Registry and all rights and privileges accorded hereunder, shall expire on the  
 \_\_\_\_th of **December 2015**

Issue by the Authority of the Government of the Republic of Liberia at **Monrovia** this **5th**  
 of **October 2015**

Approved: \_\_\_\_\_  
 Deputy Commissioner - DDYRS



CREW LIST

Name of ship: NEW BAI I # 168

Nationality: Liberian

Number of crews on board: 25

NO	NAME	NATIONALITY	DUTY
1	YU XIN FENG	CHINA	CAPTAIN
2	LUO XIANG KUANG	CHINA	CHIEF ENGINEER
3	YEH WEN PING	P.R.C. (CHINA)	SECOND CHIEF.ENG.
4	CALATA NOEL CALLUENG	PHILIPPINE	BOSCO
5	SUKENDI	INDONESIA	CREW
6	SOLEMAN KLENNA	INDONESIA	CREW
7	GLEN RIKUMAHA	INDONESIA	CREW
8	FALDI NGINDAAN	INDONESIA	CREW
9	SOLEMAN	INDONESIA	CREW
10	ARDI WANTO	INDONESIA	CREW
11	DEDI RISTIAWAN	INDONESIA	CREW
12	ALMAZAN GLENN MACCALI	PHILIPPINE	CREW
		<b>En transbordement</b>	
13	AQUINO RODRIGO	PHILIPPINE	CREW
14	NITURA DOMER SARMAK	PHILIPPINE	CREW
15	SISWANTO	INDONESIA	CREW
16	SETO KADARUSMAN	INDONESIA	CREW
17	AHMARUDDIN	INDONESIA	CREW
18	MISBAH NURULOH	INDONESIA	CREW
19	AGUS SUSANTO	INDONESIA	CREW
20	CAPILAR DENNES JAY AR BATALLA	PHILIPPINE	CREW
21	YU HE DA	CHINA	CREW
22	HO VAN HONG	VIETNAM	CREW
23	NGUYEN HUU LINH	VIETNAM	CREW
24	MELKIAS BERHITU	INDONESIA	CREW
25	YERMIAS INU MANGGUALI	INDONESIA	CREW

  
 THE MASTER

Boite Postale : 12463 - Quai de Pêche Môle 10 - Dakar Port Sénégal - Tél : +221 33 842 82 02  
 NINEA : 00539147.RC : SN DKR 1015 B 2950



森百崙168會船計劃 / New Bai I 168 transhipment

No.	Vessel	Position	Blue shark	Misc	Shark	Wet fin	Dry fin	Sub-total
序	船名	船位	劍旗	雜魚	水鯊	濕翅	乾翅	小計
1	Yu You 236/昱友236	N1/W2	9,577	1,251				10,828
2	Shin Lung 216/信隆216	N1/W2	0	0	0	0		0
3	Yun Hong 2/允宏2	N2/W10	10,286	8,146	3,59			22,022
4	Hung Yao 2/鴻耀2	N3/W13						
5	Yi Fu / 益富	N3/W17						
6	Shin Yu 16/信友16	N3/W21						
7	Kuan Li/光利	S1/E2	31				3,1	34,1
8	Chun Fa 888/春發888	N2/W17	0	0				0
9	Hong Chin/虹進	N2/W17	0	0	0	0		0
10	Hong Sheng/虹昇	N3/W18	0	0	0			0
11	Liao Yuan Yu 98/遠遠漁98	N2/W10	0	10,925	12,445			23,37
12	Chin Hsun Kuo/金順國	N2/W10	0	0	0	0	0	0
13								
14								
15								
16								
17								
18								
			50,863	20,322	16,035	0	3,1	90,32

**RESPONSE FROM CHINA**

**From:** Zhao liling [<mailto:liling.zhao@hotmail.com>]  
**Sent:** martes, 12 de julio de 2016 6:47  
**To:** Jenny Cheadle  
**Cc:** info; [admin1@tuna.org.cn](mailto:admin1@tuna.org.cn)  
**Subject:** Fwd: 回复: Fwd: Report of transshipments in Senegalese waters

Dear Colleagues,

Reference is made to the below email regarding Chinese fishing vessel involved in transshipment at sea in Senegalese waters which was not consistent with ICCAT conservation and management measures. After receiving your email we immediately initiated the investigation on the vessel. Right now we wish to report the outcomes and the actions taken by us as follows:

Firstly, I wish to advise that only one Chinese fishing vessel, namely Liao Yuan Yu 98, is flagged to China, the fish product transshipped to Liberia-flagged carrier vessel NEW BAI I No.168 included 12445kg of sharks and 10925 miscellaneous fish. Liao Yuan Yu 98 is duly authorized by China to conduct fishing activities in Atlantic Oceans and registered in ICCAT record of vessels, but the fishing vessel owner did not apply this transshipment before it is occurred, meanwhile, the Liberia-flagged carrier vessel NEW BAI I No.168 is neither registered in the ICCAT record of vessels nor authorized by China to receive transshipment from Chinese fishing vessels, thus violate the provisions of ICCAT Recommendation 12-06.

Through investigation we were advised by the fishing vessel owner that it was the captain himself of Liao Yuan Yu 98 who personally decide to transship some sharks and miscellaneous fish to NEW BAI I No.168 given the fishing season is approaching while the hold capacity is very shortage but without report such behaviour to his company.

In view of the severity of this incident and according to Chinese Fisheries Law, we take the following punishment:

1. Suspend the issuance of statistical document for the fish caught by Liao Yuan Yu 98 from the date receiving your email until now, and expect to continue to extend the date until the case be settled appropriately.
2. Suspend the authorization of at-sea transshipment of Liao Yuan Yu 98 to any other carrier vessels until now.
3. Permanently revoke the captain's certificate of Liao Yuan Yu 98 and impose a penalty to him. And now the fishing vessel owner has terminated the contract with the captain of Liao Yuan Yu 98, he will be sent back to China when Liao Yuan Yu 98 call at port of Senegal for vessel inspection during August or September this year. Currently, the chief engineer will replace him to assume the position of captain.
4. Impose the maximum fine to Liao Yuan Yu 98, equivalent to around 300 thousand US dollars.
5. Deduct three month salary to the principal staff of this company for dereliction of duty.

In addition to above punishment, we asked the company to conduct internal rectification, learn carefully ICCAT conservation and management measures, especially the at-sea transshipment recommendation (Rec.12-06), make sure that the captains of all the fishing vessel must know about the regulation and procedure on at-sea transshipment, avoid such incident in the future.

Please transmit the above information to the relevant authority of Senegal for their reference.

I hope the above information could make you satisfaction and if you have any other queries please feel free to let me know.

Looking forward to hearing from you.

Regards.

Liling ZHAO  
Director, Division of Deep sea Fishing, Bureau of Fisheries, Ministry of Agriculture, China.

**From:** Zhao liling [<mailto:liling.zhao@hotmail.com>]  
**Sent:** jueves, 26 de mayo de 2016 9:48  
**To:** Jenny Cheatle  
**Cc:** info  
**Subject:** Fwd: ??: Fwd: Report of transshipments in Senegalese waters

Dear Colleagues,

This is to acknowledge with many thanks receipt of your below email regarding the alleged transshipment of Chinese fishing vessel to a Liberia carrier vessel.

We take note of the donor vessels in the last page of your attachment, but kindly be advised that only one fishing vessel, namely Liao Yuan Yu 98 is flagged to China. We attach high importance to this incident and now the internal investigation over this vessel is under way, I wish to inform you that we decided to suspend issuing the BET catch certificate and authorization letter for transshipment for this vessel as an initial response.

We will keep you updated with any investigation result, thanks for your cooperation and consideration.

Best regards.

Liling ZHAO  
Director  
Division of Deep sea Fishing,  
Bureau of Fisheries,  
Ministry of Agriculture, China.



行政院農業委員會漁業署  
FISHERIES AGENCY  
Council of Agriculture, Executive Yuan  
8F, No.100, Sec. 2, Heping W. Rd., Taipei, Taiwan  
TEL: 886-2-2383-5833 FAX: 886-2-2332-7395 <http://www.fa.gov.tw>

October 14, 2016

No.16/37

Dr. Driss Meski  
Executive Secretary  
International Commission for the Conservation of Atlantic tunas  
C/ Corazón de María, 8-6<sup>th</sup> floor,  
28002 Madrid, Spain

**Subject: Response from Chinese Taipei on the Liberian Carrier Vessel New-Bai-I 168  
Case**

Dear Dr. Meski,

Regarding the port inspection report No. 5242 on the Liberian Carrier Vessel New-Bai-I 168 made by Senegal, please find attached the information on this case provided by Chinese Taipei.

Sincerely yours,

Ding-Rong Lin  
Head of Chinese Taipei Delegation to ICCAT

Enclosure: as the attachment

C.C.

Mr. Derek Campbell, COC chair  
Mr. Cheikh Sarr, Head of Senegal

**RESPONSE FROM CHINESE TAIPEI**

**Response from Chinese Taipei on the Liberian Carrier Vessel New-Bai-I 168 Case**

The purpose of this response is to provide additional information on the Liberian carrier vessel New-Bai-I 168 Case.

According to the inspection report submitted by Senegal dated 26 October 2015, the Senegal authority conducted a port inspection on the Liberian carrier vessel New-Bai-I 168 in the port of Dhaka from 19 to 22 October 2015. The carrier vessel had engaged in transshipment activities in the ICCAT Convention area without authorization, was not on the ICCAT Record of vessel lists, and thus was in contravention of the ICCAT Recommendation 12-06. The inspection report indicated that the carrier vessel is registered under the flag of the Republic of Liberia, and owned by a Chinese Taipei national. Based on its transshipment plan, the carrier vessel was scheduled to conduct transshipment at sea with 12 fishing vessels. Finally, the report confirmed that the carrier vessel received transshipment from four of those 12 fishing vessels, three of which were under the flag of Chinese Taipei, namely Yu You No. 236, Yun Hong No.2 and Kuan Li.

After receiving relevant information in July 2016, an investigation on the Case was promptly conducted by Chinese Taipei in order to clarify any possible violations of fishing vessels under its flag. Results of the investigation and actions taken are provided as follows:

1. In accordance with the report submitted by Senegal and other relevant information, Chinese Taipei investigated and cross-checked relevant information regarding these three fishing vessels to verify if violations were conducted, including vessel positions reported by Vessel Monitoring System (VMS), the record of transshipment application and authorization, data from e-logbook and trade date, etc. In addition, owners of these three fishing vessels were required to submit official reports on relevant fishing activities and present in person at the office of Chinese Taipei's fishery authority for further interrogation.
2. After detailed investigations, it was confirmed that these three fishing vessels had engaged in transshipment with the said carrier vessel without authorization in early October 2015. Consequently, on 26 August 2016 Chinese Taipei ordered those three fishing vessels to stop fishing immediately in the Atlantic Ocean and return to their home port, Kaohsiung. Severe sanctions have been imposed on these three vessels, including 1) fishing licenses of these vessels are suspended for one year; 2) during the period of their license suspension, these vessels will be closely monitored by relevant authorities to ensure that they will not have the opportunity to leave their home port; 3) the Fishing Vessel Crew Identification and the Certificate of Fishing Vessel Officers of the captains of these three vessels are also suspended for one year; and 4) catch quota allocated to these fishing vessels are confiscated.
3. As regards to the Chinese Taipei owner of the carrier vessel, based on the "Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels" any Chinese Taipei national engaging in business in the operation of a foreign flag fishing vessel without authorization and violating relevant regulations is liable to imprisonment for a period of not exceeding three years, and may be liable to an additional fine up to ten millions New Chinese Taipei Dollars (about 300 thousand USD). We would be very grateful if Liberia could provide us with further information on this for further investigations.

Chinese Taipei would like to reiterate its commitment to fulfill the responsibility in this organization, and its intention to cooperate with all the parties concerned to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing, which has undermined joint efforts made by all ICCAT CPCs to ensure the sustainable utilization of marine living resources. To this end, Chinese Taipei warmly welcomes every CPC to provide us relevant information to enhance international fisheries enforcement. Meanwhile, Chinese Taipei will also continue its efforts to enhance its conservation and management measures for marine fisheries resources.

INTERNATIONAL COMMISSION FOR THE  
CONSERVATION OF ATLANTIC TUNAS



COMMISSION INTERNATIONALE POUR LA  
CONSERVATION DES THONIDES DE L'ATLANTIQUE

COMISION INTERNACIONAL PARA LA  
CONSERVACION DEL ATUN ATLANTICO

1 August 2016

Mr. W. Boeh,  
Ministry of Agriculture (MOA)  
Bureau of National Fisheries (BNF)  
P.O. Box 10-90100  
Monrovia 10  
LIBERIA



Dear Mr. Boeh,

I have the honour to inform you that the Secretariat received a copy of the attached letter from the authorities of Senegal, referring to the report of an inspection of a Liberian flagged carrier vessel.

We have been informed by Senegal that no response has been received to date. Given that the report contains possible non-compliance with ICCAT conservation and management measures, we are enclosing a translation into English of the letter from Senegal, and should be grateful if you could respond to them, with a copy to the ICCAT Secretariat.

We should also be grateful if you could assist us in determining the flag of the donor vessels which made transshipments to this carrier. The People's Republic of China has confirmed that one of their vessels was involved, and that this vessel has been sanctioned. However, from the report, the flag of the remaining vessels is not clear.

We thank you in advance for your explanations and assistance in this matter.

Yours sincerely,



Driss Meski  
Executive Secretary

REPORT  
M/V New Bai I No. 168

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Documented  
By  
The Bureau of National Fisheries, Ministry of Agriculture  
February 29, 2016



## Introduction

On November 16, 2015, the Senegalese Fisheries Authorities reported unauthorized transshipment conducted by M/V New Bai I No. 168, a reefer, off the Senegalese waters. New Bai I No. 168 was issued a two (2) month (October-December 2015) DOMESTIC PROVISIONAL CERTIFICATE OF REGISTRATION (see Appendix A) by the Liberia Maritime Authority (LiMA). Prior to that, M/V New Bai No. 168 had also submitted a fishing license application to the Bureau of National Fisheries (BNF) in 2015 which was being evaluated through the due diligence process.

On October 15-16, 2015 according to the Senegalese Authorities, the refer transshipped tuna & tuna related species at sea, off the Senegalese waters, without the required Authorizations from Liberia (BNF) and the Senegalese fisheries Authorities. Since the transshipment at sea occurred off the Senegalese waters, appropriate steps were taken by the Senegalese fisheries and maritime authorities and reports shared with Liberia. The vessel's details are provided in Table 1 below:

Table 1: Vessel's Details	
Present Name	New Bai I No. 168
Former Name	SAMUDRA
Call Sign	YGGM
Port of Registry	BITUNG
Former Flag	Indonesia
GRT	505
Year Built	1973

This report documents all activities of New Bai I No. 168 in relations to the transshipment conducted off the Senegalese waters on October 15-16, 2015. The report includes method, findings, conclusion and recommendations.

## Method

The method used to document the transshipment at sea (suspected breach) of M/V New Bai I No. 168 off the Senegalese waters included cooperation and exchange of information between the Liberian and the Senegalese Fisheries Authorities, the West Africa Task Force (WATF)<sup>1</sup> and inter-agency sharing of information (i.e. sharing of information between the BNF and the Liberia Maritime Authority (LiMA)). To verify some of the information received concerning the vessel, separate communications were sent to the vessel's Agent to provide information clarification as required. The information and the reports received were reviewed, verified and analyzed by the technical team of the BNF.

## Findings

1. Based on the 2015 industrial fishing vessel list/registry of the BNF, it is established that the M/V New Bai I No. 168 was not registered and licensed as a fishing vessel by the BNF in 2015.
2. The BNF 2010 Fisheries Regulations mainly address fishing activities within the national jurisdiction and does not cover Liberia's fishing vessels' activities (transshipment) beyond national jurisdiction. Nevertheless, Liberia must apply ICCAT's recommendation on transshipment since it is a member of ICCAT and the transshipment occurred in ICCAT's management area.
3. It is established that the M/V New Bai I No. 168 was provisionally registered (flagged) to Liberia by the LiMA for a two (2) month period (October-December 2015). The provisional registration which expired on December 4, 2015 was done under the LiMA's domestic registration.
4. It is established that after the issuance of the Domestic Provisional Registration Certificate of M/V New Bai I No. 168 by the LiMA, the October 15-16, 2015 transshipment off the Senegalese waters is the first reported unauthorized transshipment.

<sup>1</sup> A regional project that uses a platform called Basecamp for the purpose of information sharing in relations to the fight against Illegal unreported and unregulated (IUU) fishing activities within the West African Region.



- Based on the inspection report provided by the Senegalese Authorities, M/V New Bai I No. 168 transshipped at sea on October 15-16, 2015 without satisfying the required conditions of section (3) of International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation 12-06<sup>2</sup>. According to paragraph 8 and 9 of that section, 'Transshipment of tuna and tuna-like species and other species caught in association with these species may only be authorized with regard to carrier vessels authorized in accordance with this Recommendation. [...]For the purposes of this Recommendation, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species and any other species caught in association with these species in transshipment operations.'. New Bai I No. 168 is not a licensed and registered carrier on the BNF's 2015 list of industrial fishing vessels. Also, section (4) of the same recommendation has been violated; this requires obtaining a transshipment authorization of tuna from the vessel flag state. The fishing vessels involved in the transshipment and the species transshipped are provided in Table 2 below: On the list of the fishing vessels involved in the transshipment, it is not specified which of the twelve vessels are longliners or purse seiners. The four longliners that transshipped 90 tons of tuna to the New Bai I No. 168 did not have ICCAT's authorization<sup>3</sup>.

**Table 2: New Bai I No. 168 Transshipment:**

No.	Vessel	Position	Bisc shark	Misc	Shark	Wet fin	Dry fin	Sub-total
序	船名	船位	劍旗	雜魚	水鯊	濕翅	乾翅	小計
1	Yu You 236/聖友236	N1/W2	9,577	1,251				10,828
2	Shin Lung 216/信勝216	N1/W2	0	0	0	0		0
3	Tun Hong 2/允宏2	N2/W10	10,286	8,146	3,59			22,022
4	Hung Yao 2/鴻耀2	N3/W13						
5	Yi Fu / 益富	N3/W17						
6	Shin Yu 16/信友16	N3/W21						
7	Kuan Li/光利	S1/E2	31				3,1	34,1
8	Chun Fa 888/春發888	N2/W17	0	0				0
9	Hong Chin/虹進	N2/W17	0	0	0	0		0
10	Hong Sheng/虹昇	N3/W18	0	0	0			0
11	Liao Yuan Yu 98/遠遠漁98	N2/W10	0	10,925	12,445			23,37
12	Chin Hsan Kuo/金崙國	N2/W10	0	0	0	0	0	0
13								
14								
15								
16								
17								
18								
			50,863	20,322	16,035	0	3,1	90,31

- The New Bai I no. 168 is not on the list of ICCAT's registered vessels.
- There was no transshipment authorization issued by the BNF<sup>4</sup>.
- There was no proven link between New Bai I No. 168 & Samudera Pasific 8. According to the Owner of New Bai I No. 168 'there is absolutely no relationship between New Bai I No. 168 & TAI YUAN # 227' (see Appendix B). This result corroborates with the findings of WATF (WATF October 19, 2015).
- The New Bai I No. 168 former name was SAMUDRA and was formerly flagged to Indonesia.

<sup>2</sup> <http://www.iccat.int/Documents/Recs/compendiopdf-e/2012-06-e.pdf> accessed on 02/26/2016.

<sup>3</sup> The names of four longliners that transshipped to the New Bai I No. 168 were not specified in the Senegalese inspection report.

<sup>4</sup> The BNF did not issue a transshipment authorization to the New Bai I no. 168 since the vessel was not registered and licensed by the BNF.

## Conclusion & Recommendation

1. Considering that the 2015 industrial fisheries registry (or list of industrial fishing vessels) does not include New Bai I No. 168, it can be concluded that the BNF was not aware of the vessel and its operations in Senegal. Furthermore, by regulations *inter-alia* all registered and licensed fishing vessels<sup>5</sup> are required to have Mobile Transceiver Units (MTUs) installed on board the vessel before commencement of fishing activities.

Since the vessel was provisionally registered for two months (i.e. October-November 2015) by the LiMA and probably preparing to register the vessel for 2016, thus, it is recommended that the BNF and LiMA work closely together to ensure that the vessel is flagged (LiMA's Certification), registered and licensed (BNF) as a Liberian fishing vessel.

2. Since LiMA provisionally registered/certificated New Bai I No. 168 and that the provisional certification was to basically allow the vessel to sail from its position to Liberia to begin official registration processes with the BNF & the LiMA, it can be concluded that the provisional certification was done by LiMA without the involvement

Based on the fact that BNF and the LiMA are two key agencies of government interacting with owners of fishing vessels (investors) before commencement of fishing business in Liberia, it is therefore recommended that the two agencies improve their working relations and coordination to avoid the reoccurrence of missteps.

3. Considering that the 2010 Fisheries Regulations is not clear on Liberia's fishing vessels transshipment activities beyond national jurisdiction and since Liberia is a contracting party (CPC) to ICCAT and that the transshipment occurred off the Senegalese waters which is within ICCAT jurisdiction, It can be concluded that ICCAT's 'recommendation 12-06' sections (3) & (4) was breached.

Therefore, it is recommended that BNF invite New Bai I No. 168 to Liberia to conduct the necessary inspection(s) of the vessel and complete the due diligence processes probably leading to registration and licensing of the vessels for 2016. Besides, as and when the BNF completes all corrective actions of New Bai I No. 168, the name and technical details of the vessels must be communicated to ICCAT for inclusion on its list of authorized vessels. Furthermore, the BNF should immediately, upon completion of its remedial actions, communicate to ICCAT on actions taken against the vessel.

4. Although the Senegalese inspection report on the vessel's transshipment activities on Oct 15-16, 2015 reported that about 90 tons of tuna were transshipped by four long-line vessels, Table 2 above (i.e. list of species transshipped) provides details on the fish species transshipped, therefore, it can be cautiously concluded that only Shark species were transshipped to New Bai I No. 168. Nevertheless, miscellaneous species are included on the list of species transshipped which needs to be clarified. Also the list and name of the supply vessels to New Bai I No. 168 need to be verified. Thus, it is recommended that the BNF communicates with the Senegalese Fisheries Authorities to possibly provide the list of the four long-liners that transshipped to the New Bai I No. 168 on said date at least to communicate to the flag states and ICCAT for possible corrective actions.

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<sup>5</sup> Reefers or fish carriers are also fishing vessels according to the 2010 fisheries regulations.

5. Since there is no established link between New BaI I No. 168 and Samudura Pasific 8 and that New BaI I No. 168 agent reported that the former name of the vessel was SAMUDRA formerly flagged to Indonesia, it can be concluded that completing the due diligence process is necessary to authenticate the facts surrounding the vessel's past and present history. Since the vessel is still interested in obtaining fishing license from the BNF, it is recommended that the vessel be immediately called to Liberia for the conduct of physical inspections and pre-licensing processes.
6. The findings of the BNF regarding the New BaI I No. 168 should be communicated to the Senegalese fisheries authorizes after final physical inspections of the vessel at the Free Port of Monrovia.

#### References

1. Ministry of Fisheries, Economic & Maritime, Dakar, Senegal (2015). *Direction de La protection et de La Surveillance des Peches (DPSP)* inspection report NEW BAAII II No 168
2. West Africa Task Force (WATF) INTREP (2015). Intelligence report. Preliminary report, response to request for assistance from Liberia

**LiMA Domestic Provisional Certificate of Registration**

 <b>THE REPUBLIC OF LIBERIA</b> Liberia Maritime Authority			
<b>DOMESTIC PROVISIONAL CERTIFICATE OF REGISTRATION</b>			
			Certificate No: <u>C/N-0310-15</u>
Vessel Name:	<u>NEW BAI I # 168</u>		
Official Number:	<u>81310</u>	Call Sign:	<u>YGMY</u> Home Port: <u>Monrovia</u>
IMO Number:			
<b>VESSEL PARTICULAR</b>			
Vessel Type:	<u>Fish Carrier</u>	Number of Masks:	<u>2</u> Year Built: <u>1973</u>
Place Built:	<u>Japan</u>	Number of Decks:	<u>1</u> Hull Material: <u>Steel</u>
Length Overall:	<u>49.3</u>	Length:	<u>49.30</u> Propelling Power (KW): <u>1650HP</u>
Breadth:	<u>9.42</u>	Depth:	<u>4.42</u> NO. and Type of Engine: <u>Hanshin 1650 HP</u>
Net Tons:	<u>184</u>	Gross Tons:	<u>505</u> Name of Manufacturing: <u>Miho Shipyard Akasaka, Japan</u>
<i>Acc: International Convention on Tonnage Measurement of Ship (1969)</i>			
<b>OWNERSHIP DECLARATION</b>			
This is to certify that pursuant to the provisions of Chapter II SECTION 371 of Title 21 of the Liberia Code of Laws 1956 as amended, Djibril Diallo, having submitted the required declaration of ownership, does depose and say that:			
Owner Name:	<u>Shin Pao K ONG Winnie Tsengi</u>	Citizenship:	<u>Taiwanese</u> Proportion: <u>100%</u>
<i>is (are) the sole owner (s) of the herein Named and describe vessel.</i>			
And whereas the Liberia Maritime Authority, on behalf of the Government of Liberia, approved the application of the aforesaid owner for registration of the vessel and whereas the owner has complied with the requirements for registration and submitted same, the vessel is therefore duly registered under the Laws and the flag of the Republic of Liberia.			
This Provisional Certificate Registry and all rights and privileges accorded hereunder, shall expire on the <u>24th</u> of <u>December 2015</u>			
Issue by the Authority of the Government of the Republic of Liberia at <u>Monrovia</u> this <u>5th</u>		of <u>October 2015</u>	
		Approved:  Deputy Commissioner - DDYRS	

Response the vessel's Agent



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N/Ref: DD/BNF/172016/06

February 18, 2016

Mr. William Y. Boeh  
Coordinator  
Bureau of National Fisheries  
Ministry of Agriculture  
1000 Monrovia, 10 Liberia

Dear Mr. Boeh:

In response to your inquiries about carrier NEW BAI #168, please note the below responses to address your concerns:

1. There is absolutely no relationship between NEW BAI #168 and TAI YUAN #227
2. NEW BAI # 168 former name was SAMUDRA
3. NEW BAI # 168 former flag is Indonesia

I hope the above responses adequately addressed you inquiries as we anticipate the issuance of the New Bai # 168 permit to commence operations.

We want to thank you for your usual cooperation and kind consideration.

Kind regards,



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