

Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures.

11th IOTC Compliance Committee Meeting, 2014

1. Introduction

Vessels in transit through BIOT waters are requested to provide a transit report indicating entry/exit and, if it is a fishing vessel, details of the catch on board. At present this is voluntary. Furthermore, as reported at IOTC CoC10, the BIOT Administration has updated the in-transit reporting template to capture details of those vessels carrying armed guards (see IOTC-2013-CoC10-10 [E]). The in-transit reporting template has been circulated to all IOTC CPCs and to fishing vessel owners and agents (See IOTC Circular 2013–51, ‘Notification of request to CPCs for cooperation in implementing innocent passage reporting and potential Port State inspections and checks’). Between May 2013 and January 2014, 115 in transit reports were received (Table 1). It should be noted that this table includes vessels that made more than one transit report during the reporting period, reporting both their outward and return trips across BIOT waters. As reporting is voluntary, not all vessels currently report – for example no Sri Lankan vessels have submitted transit reports.

Table 1: A breakdown of vessels submitting transit reports to the BIOT Authority by flag and vessel type between May 2013 and January 2014.

Flag	Total	Longline	Purse seine	Mechanised hand line
Taiwan	66	61	0	5
Seychelles	17	17	0	0
China	16	16	0	0
Korea	6	0	6	0
Spain	4	0	4	0
Tanzania	3	3	0	0
Indonesia	1	1	0	0
Oman	1	1	0	0
Philippines	1	1	0	0

As part of the Standard Operating Procedures the Senior Fisheries Protection Officer (SFPO) will board and inspect vessels encountered by the BIOT Patrol Vessel (BPV) while patrolling the BIOT MPA, and in particular those vessels that have not provided an in-transit report. Inspections are routine, the primary purpose being to look for any signs of illegal fishing in which case the vessel will issued with a fixed penalty or charged and arrested, however, the SFPO will also check if there is any potential breach of any IOTC Conservation and Management Measures (CMMs). In the past this has been dealt with through a verbal warning. In the period May 2013 - January 2014 a total of 22

inspections were made, 20 on longliners (or multipurpose longline/gillnet vessels) and two on purse seiners (Table 2), of which 19 vessels (all longliners) were found to be in breach of IOTC CMMs.

Table 2: The number of inspections conducted on vessels in transit, and the proportion of those inspected in breach of one or more IOTC CMMs (Vessel types: GN=Gillnet; LL= Longline; PS=Purse seine)

Flag	Vessel	No inspections	No of which submitted transit reports	% in breach of CMMs
Sri Lanka	LL / GN	13	0	100%
China	LL	3	2	100%
Taiwan	LL	2	1	100%
Korea	PS	2	2	0%
Belize	LL	1	0	100%
Indonesia	LL	1	0	0%

This note provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC10 in May 2013.

2. Observed breaches of CMMs

An explanation of the requirements of the CMMs and the breaches observed is given in the next section. An 'X' indicates that the vessel was in breach of that particular CMM. The SFPO submits to the BIOT Administration detailed inspection reports, including the 'BIOT Reporting Form for Activity Not Compliant with IOTC Resolutions' (Annex 1).

Details of vessel inspected			Conservation and Management Measures, breaches shown as 'X'						
Vessel name	Date	Nationality	IOTC vessel list	License	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings
Xin Shi Ji No. 37	01/05/2013	China						X	X
Ruvini Putha	09/05/2013	Sri Lanka		X	N/A	N/A	N/A		X
Xin Shi Ji No. 72	10/06/2013	China							X
Xin Shi Ji No. 76	10/06/2013	China							X
Nipuni 3	30/06/2013	Sri Lanka			N/A	N/A	N/A		X
Dar Long Cheng No. 288	25/11/2013	Taiwan				X			X
Yi Chun No. 232	26/11/2013	Taiwan							X
Lak Rajini	27/11/2013	Sri Lanka			N/A	N/A	N/A		X
Sindatri	27/11/2013	Sri Lanka			N/A	N/A	N/A		X
Anusha Duwa 1	27/11/2013	Sri Lanka			N/A	N/A	N/A		X
Sun Marine	27/11/2013	Sri Lanka	X		N/A	N/A	N/A		X
Sandali Walanthina 2	27/11/2013	Sri Lanka			N/A	N/A	N/A		X
Himash Putha	27/11/2013	Sri Lanka			N/A	N/A	N/A		X
Lihini 3	29/11/2013	Sri Lanka			N/A	N/A	N/A		X
Fortune No. 3	30/11/2013	Belize					X		X
Randil Putha 5	04/01/2014	Sri Lanka	X	X	N/A	N/A	N/A		X
Randil Putha 2	04/01/2014	Sri Lanka	X	X	N/A	N/A	N/A		X
Santha Jude	16/01/2014	Sri Lanka			N/A	N/A	N/A		X
Lakmani	16/01/2014	Sri Lanka			N/A	N/A	N/A		X

3. Commentary

IOTC Vessel List.

Requirement: Under Resolution 13/02 paragraph 2 CPCs are required to register vessels larger than 24m LOA or vessels less than 24m LOA that are operating in waters outside their EEZs that are fishing for tuna and tuna like species on the IOTC Authorised Fishing Vessel (AFV) list. Vessels not on the list are not permitted to fish for, retain on board, tranship or land tuna and tuna like species in the IOTC area of competence.

Breach of CMM: Three of the vessels inspected could not be located on the IOTC vessel list, Randil Putha 5 (IMUL-A-0290CHW), Randil Putha 2 (IMUL-A-0291CHW) and Sun Marine (IMUL-A-0629NBO), despite having on board quantities of tuna and billfish (predominately yellowfin, bigeye and swordfish). Randil Putha 5 had approximately 2,000kgs, Randil Putha 2 had 2,500kgs and Sun Marine approximately 4,000kgs.

Flag State License

Requirement: Under IOTC Resolution 13/02 paragraph 13, it is required that fishing vessels carry on-board a state issued licence, permit or authorisation to fish.

Breach of CMM: Three vessels either did not have a licence or the licence had expired.

The captain of the Ruvini Putha did not show a fishing license when handing over the other documents, he stated that the vessel did not have a licence as the Sri Lankan Government does not issue any.

The fishing license for the Randil Putha 5 and Randil Putha 2 had expired by four days prior to the inspection (expiry date 31st December 2013). Both vessels had recorded fishing operations on 2nd January 2014, this was confirmed by both captains who stated it was their last day of fishing.

VMS

Requirement: Under IOTC Resolution 06/03 paragraphs 1 and 6, fishing vessels greater than 15m LOA are required to have a VMS onboard that is tamper resistant.

Breach of CMM: A unit recognised as a VMS was present on all vessels that were required to have one, however the Dar Long Chen No.288 initially had its VMS unit turned off. The SFPO asked the Captain why this was turned off, he responded by opening a switch on a nearby circuit board and turning it on.

None of the smaller Sri Lankan vessels had a VMS installed. As they are under 15m LOA this is not required under IOTC CMMs, however installing them will become mandatory for all Sri Lankan vessels operating on the high seas under the Government's amended fisheries Act. This is part of the three phase implementation of the roadmap which was originally due have been

completed at the end of 2013, although Circular 2013-108 showed that as of December 2013 terms for the funding of the programme were still being negotiated.

Logbook

Requirement: Under IOTC Resolution 13/02 paragraph 16, all fishing vessels greater than 24m LOA are required to keep a fishing national logbook.

Breach of CMM: Fortune No.3 only had a simple notebook, no official logbook issued by the flag state (Belize) was shown to the SFPO.

Two vessels, Sandali Walanthina 2 and Sun Marine, only showed the SFPO a rough notebook rather than a state issued logbook. Although these vessels are under the minimum LOA to be required to carry a logbook under the IOTC CMMs, they are required under the terms and conditions of their high seas fishing licence:

8. The skipper/Master should carry on board the catch data log book provided in each and every fishing trip and it is mandatory to maintain it daily (as mentioned in Regulation 1755/32 of 25.04 2012).

Vessel markings.

Requirement: Vessels operating in the IOTC area of competence are required under Resolution 13/02, Paragraph 14, to be marked according to generally accepted standards, such as those defined by the FAO.

Breach of CMM: During the inspections two vessels were seen to be incorrectly marked, the Xin Shi Ji 37 and the Ruvin Putha. Xin Shi Ji 37 had the correct markings on the bow, the stern of the vessel did not have the number 37 painted into the stern.

Gear markings

Requirement: Resolution 13/02, Paragraph 15 requires that marker buoys and similar objects floating and on the surface, and intended to indicate the location of fixed fishing gear, shall be clearly marked at all times with the letter(s) and/or number(s) of the vessel to which they belong.

Breach of CMM: None of the vessels inspected had any gear markings. As all the vessels had some form of longline gear on board which would have required marking the surface buoys that indicate the sections or end of the line. Figure 1 and Figure 2 show examples of unmarked fishing gear, buoys and transponders, seen during some of the inspections.



Figure 1 Unmarked buoys typically found during inspections.

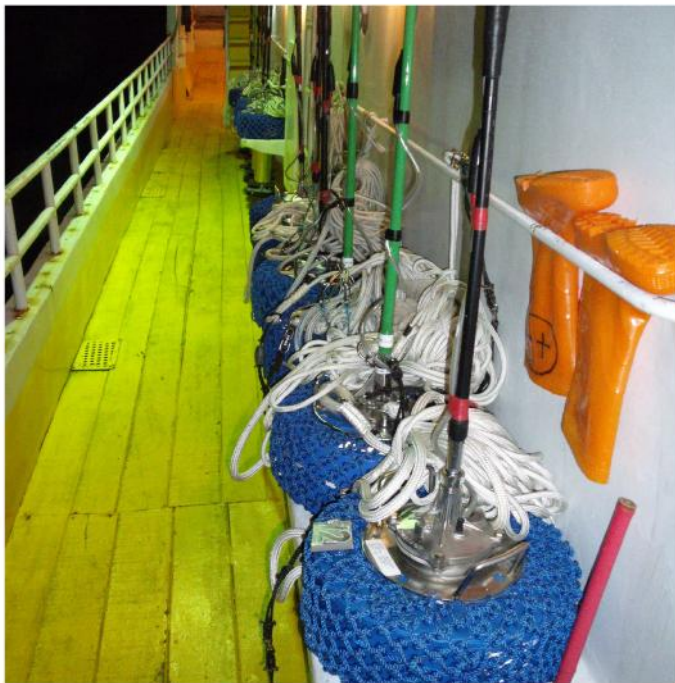


Figure 2 Unmarked transponders.

4. For the attention of the Compliance Committee

This is primarily an information paper. Inspections of fishing vessels in transit through BIOT waters have highlighted the fact that many vessels (86% of those inspected) are operating in breach of IOTC Conservation Management Measures. In this paper we do not propose specific sanctions against individual vessels, but rather raise this as an issue for the consideration of the Compliance Committee: what actions should be taken?; How can compliance be improved?

Specifically we consider that this is a useful exercise that could be adopted by all coastal State enforcement bodies. The Compliance Committee could adopt a common reporting form for all coastal States based on the BIOT example in Annex 1. The BIOT Administration has trialed this reporting format since May 2013 but to date has not submitted individual vessel reports to IOTC, only the summary contained in this document.

We propose that the Compliance Committee recommend:

- That all CPCs inform fishing vessel owners, companies and agents of the advisability of reporting intention to transit through another CPCs waters, and to provide details of the reporting formats, such as that for BIOT contained in Circular 2013–51.
- That all CPCs inform fishing vessel owners, companies and agents of the requirements to comply with IOTC CMMs and to include this within terms and conditions of licencing.
- That all IOTC coastal State enforcement bodies complete a common 'Reporting Form for Activity Not Compliant with IOTC Resolutions' for any inspections carried out on board vessels in transit through their waters, and report a summary of this to IOTC Secretariat for the Compliance Committee, at least annually.

If considered appropriate this could become a mandatory requirement through the submission of a proposal to the Commission and its subsequent adoption.

Annex 1

BIOT Reporting Form for Activity Not Compliant with IOTC Resolutions

Recalling IOTC Resolution 13/02 “Concerning the IOTC Record of Vessels Authorised to Operate in the IOTC Area of Competence” and 01/03 “Establishing a Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Established by IOTC”, the vessel listed below was found not to be in compliance with the following IOTC Resolution(s), although no BIOT laws or regulations were breached during the inspection

A. Details of Inspection

a	Current Name of Vessel (Previous names)		
b	Current Flag (previous flag)		
c	Lloyds IMO Number / IMUL / IOTC number		
d	Call Sign (previous call sign)		
e	Owner / Beneficial Owners		
f	Charterer		
g	Operator (previous operators)		
h	Date of Activities (dd/mm/yyyy)		
i	Position of Activities		
j	Summary of Activities: Contrary to IOTC Resolutions	Documentation and licence (13/02 para. 13)	
		Vessel markings (13/02 para. 14)	
		Gear markings (13/02 para. 15)	
		Logbook (if > 24m LOA 13/02 para. 16)	
		No VMS present on vessel >15m (06/03 para. 6)	
		VMS not tamperproof (06/03 para. 6)	
		Not on the IOTC authorised list (13/02 para. 1)	
		Not on the IOTC Record Active Tuna / Swordfish (10/08 para. 1)	
	Large scale driftnets present >2.5km (12/12)		
k	Summary of Actions Taken		
l	Outcome of Actions Taken		
m	Comments		

B. Associated documents

Number	Document type	Description

C. Recommended Actions

Recommended Actions		Please Indicate
(a)	Notification to flag state only. No further action is recommended.	
(b)	Notification to flag state and IOTC Secretariat.	

Submitted to:

Submitted by:

Submitted on:

For further information please contact _____