

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

16th Session IOTC Compliance Committee, 2019

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. The in-transit reporting template was 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’). This document has been translated into Sinhalese by the Sri Lankan Department for Fisheries and Aquatic Resources (DFAR) and Chinese by the China Overseas Fisheries Association. There is also a separate Code of Conduct document for vessels transiting the BIOT waters, and this has also been translated into Chinese. These documents and their translations have improved the understanding of the requirements, and increased transit reporting.

Between the start of March 2018 and the end of February 2019, 326 transit reports from 218 different vessels were received from various flag States (**Error! Reference source not found.**); 74 vessels reported more than one transit with two vessels reporting six transits over this time. As reporting is voluntary, it is likely that the actual number of vessels transiting is higher. However, in general, the number of reports received continues to improve, particularly from the Sri Lankan fleet with 208 reports received compared to 132 and 35 in the preceding two years.

Table 1: A breakdown of vessels submitting transit reports to the BIOT Authority by flag and vessel type between Mar 2017 and Feb 2018

	CV	LL	MU	PS	SQ	TW	Total
CHN	1	14	0	0	0	2	17
FRA	0	0	0	2	0	0	2
LKA	0	2	206	0	0	0	208
JPN	0	0	0	0	2	0	2
SYC	0	29	0	0	0	0	29
TWN	3	65	0	0	0	0	68
Total	4	110	206	2	2	2	326

CV – Carrier Vessel; LL – Longline; MU – Multipurpose vessels; PS – Purse Seine; SQ – Squid and TW - Trawler
CHN – China; FRA – France; LKA – Sri Lanka; JPN - Japan; SYC – Seychelles; and TWN – Taiwan.

Once the transit reports are received, the name and identification are cross-checked against the IOTC Record of Authorized Vessels (RAV). Twenty three reports were received for 21 different vessels that had an IOTC number but the authorisation to fish for tuna and tuna like species had expired at the time of transit (Table 2).

Table 2: List of those vessels transiting BIOT that were not currently authorized to fish for tuna and tuna like species in the IOTC area at the time of transit.

IOTC No.	Expiry date of IOTC ATF	Vessel name	Callsign	Flag	Type	BIOT Entry date
16015	31/12/2017	IMULA0695CHW	4SF3550	LKA	MU	07/03/2018
10579	31/12/2016	IMULA0270CHW	4SF2955	LKA	MU	09/06/2018 and 24/06/2018
10255	31/12/2017	IMULA0023NBO	4SF2274	LKA	MU	19/06/2018
10580	31/12/2016	IMULA0411CHW	4SF2956	LKA	MU	25/06/2018
14815	31/12/2017	IMULA0646NBO	4SF2965	LKA	MU	03/07/2018
10624	13/02/2014	IMULA0300CHW	Unknown	LKA	MU	14/07/2018
14815	31/12/2017	IMULA0646NBO	4SF2965	LKA	MU	10/08/2018
15395	31/12/2016	IMULA0079CBO	4SF4278	LKA	MU	11/08/2018
16544	31/12/2018	IMULA0777CHW	4SF4753	LKA	MU	16/02/2019
12526	31/12/2018	IMULA0622CHW	4SF2794	LKA	MU	16/02/2019
12521	31/12/2017	IMULA0431CHW	4SF2359	LKA	MU	17/02/2019 and 05/02/2019
10057	31/12/2018	IMULA0523NBO	4SF4210	LKA	MU	18/02/2019
14813	31/12/2018	IMULA0651CHW	Unknown	LKA	MU	05/02/2019
17073	31/12/2018	IMULA0847CHW	Unknown	LKA	MU	25/02/2019

It should be noted that three of the vessels (IMULA0646NBO, IMULA0431CHW and IMULA0847CHW) reported having small amounts of BET and YFT on board, the remainder reported they had no fish at all. In addition to these reports three vessels that were boarded and inspected (but had not submitted a transit report) also had tuna on board despite not being on the RAV (Table 4).

In addition, 15 vessels that reported transit were not on the current or historical RAV and had no IOTC number (Table 3). These included eight Sri Lankan, four Chinese (two trawlers, a carrier vessel and a longliner), two Japanese squid jiggers and one Taiwan, province of China longline vessel. Whilst some of these vessels would not have been targeting tuna, four did report having tuna on board (YFT and BET).

Table 3: Those vessels with no IOTC number recorded

Vessel name	Callsign	Flag	Type	Entry date
Aisindi	4SF4896	LKA	MU	03/03/2018
Bennu 6	4SF3621	LKA	MU	06/03/2018
Jiin Shun Horng NO.106	6-1499	TWN	LL	01/04/2018
Liao Yu 5	BAMA	JPN	SQ	12/05/2018
Liao Er Hao	BZYN	JPN	SQ	12/05/2018
Tian Ziang	BZVT	CHN	LL	15/05/2018
Senuka Putha	Unknown	LKA	MU	03/06/2018
IMULA0152PTW	4SF4588	LKA	MU	08/06/2018
Yasaisura 05	Unknown	LKA	MU	16/06/2018 and 18/07/2019
Lu Rong Yuan Yu Yun 678	BCLO2	CHN	CV	15/01/2019
Kavisa Putha	Unknown	LKA	MU	16/02/2019
Longda 8806	BZWB8	CHN	TW	18/09/2018
Chaturi Cluwa 2	Unknown	LKA	MU	16/02/2019

Vessel name	Callsign	Flag	Type	Entry date
Longda 8805	BZWB7	CHN	TW	18/09/2018
Roshen Putha 03	Unknown	LKA	MU	21/02/2019

2. Observed breaches of IOTC CMMs

As part of the Standard Operating Procedures adopted by the BIOT Administration, the Senior Fisheries Protection Officer (SFPO) will board and inspect vessels encountered by the BIOT Patrol Vessel (BPV) while patrolling the BIOT Marine Protected Area (MPA). In particular those vessels that have not provided a transit report will be prioritised. Inspections are routine, the primary purpose being to look for any signs of illegal fishing in which case the vessel will be brought into port for further investigation. The vessel Master will then be brought before the court, charged and subsequently prosecuted under BIOT law. However, during an inspection, the SFPO will also check if there is any potential breach of any IOTC Conservation and Management Measures (CMMs).

Table 3 provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC15 in 2018. An explanation of the requirements of the CMMs and the breaches observed is given in Section 3. The SFPO submits detailed inspection reports to the BIOT Administration, including the 'BIOT Reporting Form for Activity Not Compliant with IOTC Resolutions' which is submitted to the IOTC Secretariat.

Of the eighteen vessels inspected by the SFPO in the current reporting period, all were found to be in breach of IOTC CMMs (Table 4). This included a lack of gear markings, the most common violation, and a range of other non-compliances. Five vessels were reported to the flag State, Secretariat and the Compliance Committee for presumed IUU in BIOT Waters (IMULA 0728 KLT; IMULA 0293 KLT; IMULA 0030 GLE; Seneka 07; IMULA0207GLE). Two of these vessels were on the IOTC list of authorised fishing vessels at the time of inspection. A further two vessels that had not violated any BIOT laws were not reported as IUU, but had tuna and tuna like species on board (Dhushantha Putha, Indika).

Table 4 List of vessels inspected from March 2018 to February 2019 and their compliance with relevant CMMs. An 'X' indicates that the vessel was in a potential breach of that particular CMM.

Details of vessels inspected					Conservation and Management Measures, breaches shown as 'X'							
Vessel Name	IMUL	Flag State	Date	Type	IOTC RAV	ATF	No VMS	VMS not tamper-proof	No logbook	Vessel marking	Gear marking	IOTC Species if not on RAV
Hwa Kun No. 232	N/A	TWN	28/04/18	LL							X	
Sachini No 6	IMULA0230CHW	LKA	20/06/18	MU							X	
Welankanni Matha	IMULA0733CHW	LKA	20/06/18	MU							X	
Shewan Putha	IMULA0724NBO	LKA	20/06/18	MU							X	
Mariyan 3	IMULA0719CHW	LKA	02/07/18	MU							X	
Chanuka Putha	IMULA0230CHW	LKA	02/07/18	MU							X	
IMULA0728KLT ¹	IMULA0728KLT	LKA	29/10/18	MU		X	X ²	X	X	X ⁵	X	
IMULA0293KLT ¹	IMULA0293KLT	LKA	22/10/18	MU		X	X ²	X	X		X	
IMULA0030GLE ¹	IMULA0030GLE	LKA	29/10/18	MU	X	X	X		X	X ⁵	X	
Seneka 07 ³	IMULA0142PTM	LKA	11/07/18	MU	X		X ⁴	X ⁴			X	X
IMULA0207GLE ¹	IMULA0207GLE	LKA	29/10/18	MU	X	X	X		X		X	
Dhushantha Putha	IMULA1380MTR	LKA	11/07/18	MU	X	X	X		X		X	X
Indika	IMULA0830CHW	LKA	02/07/18	MU	X	X	X		X		X	X
Queen Mary 2	IMULA0723NBO	LKA	20/06/18	MU	X	X	X				X	
Nethu Putha	IMULA0824CHW	LKA	20/06/18	MU	X	X	X				X	
Prassana Marine	IMULA0707NBO	LKA	20/06/18	MU	X	X	X				X	
Lawrence 03	IMULA0040CBO	LKA	26/07/18	MU							X	
Tia Hong 6	N/A	CHN	17/08/18	LL							X	

¹ Submitted by UKOT for inclusion on the IOTC draft IUU vessel list for illegally fishing in BIOT waters

² Although a VMS unit was on board it was not working.

³ Submitted by UKOT to CoC16 for information only for illegally fishing in BIOT waters

⁴ Although a VMS unit was on board it had been switched off.

⁵ Vessels were marked with name and registration number but no call sign.

3. Details of breaches of CMMs observed during inspection

IOTC Vessel List.

Requirement: Under Resolution 15/04 paragraphs 1 and 2, CPCs are required to register those vessels operating in waters outside their EEZs that are fishing for tuna and tuna like species on the IOTC RAV. Vessels not on the RAV 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: Indika, Seneka 7 and Dhushantha Putha had a number of tuna species onboard but were not on the RAV despite being previously registered. The other vessels, indicated in Table 3, did not appear to have tuna species on board and had either previously been on the RAV or had never been registered.

Flag State Licence, Permit, Authorization to Fish

Requirement: Under IOTC Resolution 15/04 paragraph 13, it is required that fishing vessels carry on-board a state issued licence, permit or ATF.

Breach of CMM: In most cases the vessels indicated as non-compliant carried a flag state license but it only permitted the vessel to fish within their own EEZ, not on the high seas. One vessel IMUL-A- 0728-KLT, refused to show the licence when asked and had actively hidden it along with the crew documentation.

VMS

Requirement: Under IOTC Resolution 15/03 paragraphs 1 and 8, all fishing vessels greater than 24m in overall length, or any vessel operating outside the EEZ of the flag State fishing for species covered by the IOTC agreement and within the IOTC area of competence require a VMS on board that is tamper resistant. Those not previously required under Resolution 06/03 should phase this in and ensure all their vessels are compliant by April 2019.

Breach of CMM: Although IMUL-A-0728-KLT and IMUL-A-0293-KLT had VMS units installed, neither appeared to be working at time of inspection. Seneka 7 had a VMS installed but it had been switched off.

Logbook

Requirement: Under IOTC Resolution 15/04 paragraph 16, all fishing greater than 24m in overall length, or any vessel operating outside the EEZ of the flag state fishing for species covered by the IOTC agreement and within the IOTC area of competence require a national fishing logbook.

Breach of CMM: The vessels indicated in Table 3 either did not show a logbook or the logbook that was shown was not suitable for the high seas.

Vessel and Gear markings

Requirement: Resolution 15/04, 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. 15/04 paragraph 14 also requires that all national vessels are marked in a way that they can be '...really identified with generally accepted standards, such as the FAO Standard Specification for the Marking and Identification of Fishing vessels':

Breach of CMM: All of the vessels appeared to be marked with the name of the vessel although in two cases vessels did not have the callsign marked on. Although this is a requirement of the FAO Standard it is unclear if it a breach of 15/04 which only recommends these standards are followed. For the purpose of this report however they have been marked as non-compliant. None of the vessels had the gear correctly marked which continues to be the main CMM breach.

4. For the attention of the Compliance Committee

This information paper is submitted in response to recommendations of the Compliance Committee¹. Eighteen vessel inspections were carried out and summarised in this report for 2018/19 (compared to 6 inspections in 2017/18, 10 in 2016/7 and 22 vessel inspections in 2015/16). All vessels were in breach of one or more IOTC CMMs in this reporting period (100%) but excluding the failure to mark gear correctly 55.6% were in breach of other CMMs. 100% in this reporting period compares to 50% in 2017/18; 100% in 2016/17 and 73% in 2015/16. It should further be noted that 8 of the vessels inspected were not on the RAV so it is possible they were not bound by the CMMs but three of these had tuna or tuna like species on board and may therefore be presumed IUU.

There also needs to be some clarity with regards to the requirements for vessel markings as the current CMM only requires vessels to be marked in such a way as to make them identifiable and is not specific about how this should be done.

As in previous years we do not propose specific sanctions against individual vessels (except those on the draft IUU vessel list reported for illegally fishing in BIOT waters), but again raise this as an issue for the consideration of the Compliance Committee to consider what actions should be taken and to focus discussions on how compliance can be improved.

In order to shed further shed light on how widespread non-compliance with IOTC CMMs is in other CPCs waters, the BIOT Administration would welcome similar reports and feedback from other CPCs on the status of implementation of recommendations 113-115 of the 11th Compliance Committee meeting.

¹ In 2014, 2017 and 2018: Recommendation para 75 of IOTC–2018–CoC15–R.