

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

14th Session IOTC Compliance Committee, 2017

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').

Between the start of March 2016 and the end of February 2017, 178 transit reports for vessels were received from various flag States (**Error! Reference source not found.**). It should be noted that most of these transit reports consisted of vessels making more than one transit during the reporting period. Furthermore, as reporting is voluntary, not all vessels currently report, although the number of reports received, particularly from the Sri Lankan fleet appear to have improved. In addition there have been a larger number of reports received from carrier and support vessels compared to previous years.

However there are still a number of vessels detected on transit that have not reported their intention to do so. In particular this includes Indian multipurpose vessels, as well as other fishing vessels detected during aerial surveillance.

Table 1: A breakdown of vessels submitting transit reports to the BIOT Authority by flag and vessel type between Mar 2016 and Feb 2017

	CV	LL	MU	OT	PS	SU	UN	Total
CHN	1	18	0	0	0	0	0	19
ESP	0	0	0	0	7	2	0	9
FRA	0	0	0	0	14	2	0	16
ITA	0	0	0	0	3	0	0	3
KOR	0	0	0	0	0	1	0	1
LKA	0	1	24	0	0	0	0	25
MUS	0	0	0	0	6	0	0	6
SYC	0	23	0	0	8	0	0	31
TWN	4	57	0	0	0	0	3	64
TZA	0	1	0	0	0	0	0	1
MNG	0	0	0	3	0	0	0	3
Total	5	100	24	3	38	5	3	178

CV – Carrier Vessel; LL – Longline; MU – Multipurpose vessels; OT – Other, PS – Purse Seine; SU – Support Vessel; UN – Unknown or Unclassified.

Once the transit reports are received, the name and identification is cross-checked against the IOTC Record of Authorized Vessels (hereafter RAV).

There have been a few instances when the vessels reporting transit were not on the IOTC RAV (Table 2).

Table 2: Vessels on reported transit through BIOT that are not on the IOTC RAV.

Vessel name	Callsign / identification	Flag	Type	Date of entry
Fu Sheng	JVYD4	Mongolia	UN	15/03, 24/03 and 25/05/2016
Tai Long 2	BZYC8	China	LL	26/10/2016
Shang I No. 66	BH2988	Taiwan, China	UN	21/12/2016

The Fu Sheng is an oil tanker which commonly transits BIOT. Indeed this was detected on the 31/05 by aerial surveillance albeit it was not on this occasion on reported innocent passage. The Tai Long 2 was reported as a longliner but does not appear on the IOTC RAV, it is however registered on the WCPFC list as a purse seine vessel. The Shang I No. 66 did not report the type of vessel, and is also not on the RAV. It is possibly a squid jigging vessel.

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). In the past this has been dealt with through a verbal warning and sending through a BIOT Reporting Form for Activity Not Compliant with IOTC Resolutions.

In the period March 2016 – February 2017 inclusive, a total of 13 vessels were detected by the BPV, on which 10 inspections were carried out. All of these vessels were multipurpose longline/gillnet vessels (MU), 7 of which were Indian and 6 were Sri Lankan (Table 3).

Table 3: 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: MU=Multipurpose vessels).

Flag	Vessel type	Nº detections	Nº inspections	Nº of transit reports	% in potential breach of IOTC CMMs by vessel
India	MU	7	7	0	100
Sri Lanka	MU	6	3	0	100
Total		13	10	0	100

Of the 13 vessels detected, none were found to be on the IOTC RAV. Of the 10 vessels inspected, all were found to be in breach of IOTC CMMs (Table 5), in all cases this was a lack of gear markings and the vessels could not produce a valid Authorisation To Fish (ATF). Despite being over 15 meters,

none of the Indian vessels had a VMS on board or a state registered logbook. In the case of the Sri Lankan vessels potential breaches of any flag State legislation, in particular the presence of a VMS and logbook, were also examined and reported to Sri Lanka.

Aerial surveillance detected an additional 11 vessels (the Dinujaya – IMUL-A- 0594-KLT, was detected on 3 separate occasions). All of the vessels were listed on the RAV except for the Fu Sheng which is not a fishing vessel engaged in the tuna fishery on the high seas.

Table 4: Vessels detected during aerial surveillance.

Vessel name	Date detected	Vessel type	Vessel flag	IOTC RAV	Activity
Chin Chang Ming	31/05/2016	LSTLV	TWN	Yes	Steaming
Fu Sheng	31/05/2016	TNK	MNG	No	Steaming
Shun Hao	31/05/2016	LSTLV	TWN	Yes	Steaming
Kor. Wongwattana	03/06/2016	MULTI	THA	No	Steaming
Yong Man Shun	10/06/2016	CV	TWN	Yes	Steaming
Dinujaya	13/06/2016	MULTI	LKA	Yes	Steaming
Dinujaya	14/06/2016	MULTI	LKA	Yes	Stationary
Dinujaya	22/06/2016	MULTI	LKA	Yes	Stationary
Rashmi	22/06/2016	MULTI	LKA	Yes	Drifting
Yasa Isuru No. 3	22/06/2016	MULTI	LKA	Yes	Drifting
IMUL-A-0678-KLT	24/06/2016	MULTI	LKA	Yes	Drifting
IMUL-A-0709-CHW	27/06/2016	MULTI	LKA	Yes	Steaming
IMUL-A-0223-CHW	27/06/2016	MULTI	LKA	Yes	Steaming

This note provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC13 in 2016. Of the 10 vessels inspected, four Indian vessels and one Sri Lankan vessel were also prosecuted for breaches of BIOT law. The remaining three Indian vessels were also found to be in breach of BIOT law but escaped while being escorted to BIOT, and the remaining Sri Lankan vessels, although in breach of BIOT law, were not detained due to technical issues. These have been submitted separately to the Secretariat for inclusion on the Provisional IUU list. Those details are not discussed further here.

2. Observed breaches of IOTC 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 a potential 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'.

Table 5: List of vessels inspected from March 2016 to February 2017 and their compliance with relevant CMMs.

Details of vessels inspected				Conservation and Management Measures, breaches shown as 'X'							
Vessel Name	Flag State	Date	Type	IOTC RAV	ATF	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings	Large scale drift net not stowed (>2.5km)
Ebhraeem	IND	27/05/2016	MU	X	X	X		X		X	
Ephraeem 1	IND	27/05/2016	MU	X	X	X		X		X	
N S Matha 1	IND	27/05/2016	MU	X	X	X		X		X	
Shalom	IND	27/05/2016	MU	X	X	X		X		X	
Vaazhvin Manna	IND	27/05/2016	MU	X	X	X		X		X	
Kavidya	LKA	13/12/2016	MU	X	X					X	
Lakpriya 5	LKA	13/12/2016	MU	X	X					X	
Superfresh 2	LKA	12/02/2017	MU	X	X					X	
Al Ameen	IND	28/02/2017	MU	X	X	X		X	X	X	
Mermaid	IND	28/02/2017	MU	X	X	X		X	X	X	

Table 6: List of vessels detected but not inspected from March 2016 to February 2017, and compliance with relevant CMMs.

Details of vessels detected				
Vessel Name	Flag State	Date	Type	IOTC auth. vessel list
IMUL-A-0486-MTR	LKA	28/01/2017	MU	No
Lakpriya 8	LKA	03/02/2017	MU	No
Lakpriya 6	LKA	04/02/2017	MU	No

3. Commentary

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: None of the 10 vessels inspected were on the current RAV. All of these vessels had tuna and/or tuna like species onboard.

In addition, the three Sri Lankan vessels detected but not boarded were not on the IOTC RAV record.

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: None of the vessels boarded had a valid ATF.

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: None of the 7 Indian flagged vessels inspected carried a VMS. None of the 3 Sri Lankan IMUL vessels inspected had a VMS installed, although this is currently only a flag state requirement.

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: None of the 7 Indian flagged vessels inspected were able to present a logbook during the inspection. As all vessels are catching tuna and tuna like species outside of their flag state's EEZ, they should be required to carry a national logbook as required under Resolution 15/04.

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.

Breach of CMM: None of the Sri Lankan vessels inspected had any markings on their gear. As all the vessels used some form of longline or drift net gear, surface buoys would have been required to mark the sections or end of the line.

4. For the attention of the Compliance Committee

This information paper is submitted in compliance with the recommendation 115 of the Eleventh Session of the Compliance Committee (IOTC-2014-CoC11-R[E]). Inspections of fishing vessels in transit through BIOT waters have highlighted the fact that many vessels (96% of those inspected) are operating in breach of IOTC Conservation Management Measures.

As in previous years we do not propose specific sanctions against individual vessels, 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.

The BIOT Administration would welcome feedback from other CPCs on the status of implementation of recommendations 113-115 of the 11th Compliance Committee meeting that further shed light on how widespread this problem is.