



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

### 15<sup>th</sup> Session IOTC Compliance Committee, 2018

#### 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 Sri Lankan by the 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 2017 and the end of February 2018, 309 transit reports from 195 different vessels were received from various flag States (**Error! Reference source not found.**); 73 vessels reported more than one transit through BIOT with three vessels reporting six transits throughout the reporting period. As reporting is voluntary, it is likely that the actual number of vessels transiting is higher. Indeed, one vessel previously reported transit, but for the transit on which it was detected, no transit report had been sent. As such, it would appear transit reports are still of a sporadic nature, even from the same vessels. However, in general, the number of reports received continues to improve, particularly from the Sri Lankan fleet with 132 reports received compared to 25 the previous year.

**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	UN	Total
CHN	0	17	0	0	2	19
ESP	0	0	0	5	0	5
FRA	0	0	0	20	0	20
LKA	0	6	126	0	0	132
MUS	0	0	0	6	0	6
SYC	0	36	0	12	0	48
TWN	7	71	0	0	1	79
<b>Total</b>	7	130	126	43	3	309

CV – Carrier Vessel; LL – Longline; MU – Multipurpose vessels; PS – Purse Seine; and UN – Unknown or Unclassified.

CHN – China; ESP – Spain; FRA – France; LKA – Sri Lanka; MUS – Mauritius; SYC – Seychelles; and TWN – Taiwan.

Once the transit reports are received, the name and identification is 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
9819	15/08/2017	IMULA0040CBO	Unknown	LKA	MU	22/10/2017
10579	31/12/2016	IMULA0270CHW	4SF2955	LKA	MU	06/04/2017
10586	31/12/2017	IMULA0238CHW	4SF3578	LKA	MU	16/02/2018
10612	31/12/2017	IMULA0193CHW	4SF3226	LKA	MU	20/02/2018
12927	31/12/2017	IMULA0491KLT	4SF2927	LKA	MU	19/01/2018
12940	31/12/2017	IMULA0096KLT	4SF4015	LKA	MU	20/01/2018
14383	31/12/2017	IMULA0541KLT	4SF3788	LKA	MU	27/01/2018
14812	31/12/2017	IMULA0637CHW	4SF3482	LKA	MU	20/02/2018
14846	31/12/2017	IMULA0584KLT	4SF3209	LKA	MU	13/01/2018
15630	31/12/2016	IMULA0678KLT	4SF3675	LKA	MU	02/03/2017
15742	31/12/2016	IMULA0290CHW	4SF4209	LKA	MU	20/02/2018
15920	31/12/2017	IMULA0403GLE	4SF3362	LKA	MU	26/02/2018
15967	31/12/2017	IMULA0264CHW	4SF3480	LKA	MU	27/02/2018
16250	31/12/2017	IMULA0688CHW	4SF3815	LKA	MU	23/02/2018
16304	31/03/2017	IMULA0725KLT	Unknown	LKA	MU	21/09 and 23/10/2017
16458	31/12/2017	IMULA0723CHW	4SF4227	LKA	MU	18/02/2018
16465	31/03/2017	IMULA0771GLE	Unknown	LKA	MU	22/08 and 08/10/2017
16488	31/12/2017	IMULA0710CHW	4SF4434	LKA	MU	19/02/2018
16550	31/03/2017	IMULA0708NBO	Unknown	LKA	LL	22/06/2017
16596	31/12/2017	IMULA0719CHW	4SF4718	LKA	MU	25/02/2018
16629	30/04/2017	IMULA0737CHW	Unknown	LKA	MU	12/05/2017

It should be noted that:

- The IMULA0040CBO renewed its authorisation on 01/01/2018 until 31/12/2018. However, on the date of transiting BIOT (22/10/2017), the previous authorisation had expired on 15/08/2017;
- The IMULA0678KLT renewed its authorisation on 04/05/2017 until 31/12/2017. However, on the date of transiting BIOT (02/03/2017), the previous authorisation had expired on 31/12/2016; and
- The IMULA0708NBO renewed its authorisation on 01/01/2018 until 31/12/2018. However, on the date of transiting BIOT (22/06/2017), the previous authorisation had expired on 31/03/2017;

In addition, nine vessels that reported transit were not on the current or historical RAV and had no IOTC number (Table 3). These included 5 Sri Lankan (4 multipurpose and one longliner), one

unclassified Taiwanese vessel and 2 unclassified Chinese vessels. It should be noted that these vessels were not necessarily targeting tuna or tuna like species.

**Table 3: Those vessels with no IOTC number recorded**

Vessel name	Callsign	Flag	Type	Entry date
Chien Wei	BI2551	TWN	UN	10/03/2017
IMULA0278CHW	Unknown	LKA	MU	12/03/2017
Beenu 06	4SF3621	LKA	LL	29/06/2017 and 11/02/2018
Tian Xiang	BZVT	CHN	UN	28/12/2017
Tian Shun	BZVU	CHN	UN	29/12/2017
IMULA0747CHW	Unknown	LKA	MU	18/02/2018
IMULA0797CHW	Unknown	LKA	MU	20/02/2018
IMULA0788CHW	Unknown	LKA	MU	28/02/2018

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 submitting an IOTC Reporting Form for Activity Not Compliant with IOTC Resolutions to the IOTC.

In the period March 2017 – February 2018 inclusive, a total of 6 vessels were detected by the BPV, boarded and inspected by the SFPO, all of which were Sri Lankan flagged multipurpose longline/gillnet vessels (Table 4). Only one of the six vessels boarded had submitted a current transit report and was boarded shortly after receipt of the report (IMUL-A-0790-CHW). Another (IMUL-A-0665-CHW) had reported transit in the past, but at the time the vessel was inspected, no corresponding transit report had been received. Three of the vessels inspected (50%) were found to be in breach of one or more IOTC Conservation Management Measures (Table ; see also Section 2). One, IMUL-A-0398-KLT, was presumed to be fishing illegally and has been notified to the Secretariat with a recommendation that the flag State also be notified of it's illegal activity.

**Table 4: IOTC record of those vessels inspected during the reporting period.**

Name of vessel	Date inspected	Transit Reported date/s of entry	Course	IOTC RAV	IOTC N <sup>o</sup>	Date of expiry of authorisation
IMUL-A-0461-KLT	26/04/2017	Na	Na	No	12751	31/12/2014
IMUL-A-0812-CHW	08/05/2017	Na	Na	No	Null	N/A
IMUL-A-0665-CHW	10/05/2017	15/04/2017	090	Yes	15281	31/12/2017
IMUL-A-0720-CHW	10/05/2017	Na	Na	Yes	16430	31/12/2017
IMUL-A-0790-CHW	04/06/2017	12/05 & 03/06/2017	090 / 270	Yes	16674	31/12/2017
IMUL-A-0398-KLT	26/09/2017	Na	Na	No	10121	31/12/2014

**Table 5: 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 inspections	Nº of transit reports	% in potential breach of IOTC CMMs by vessel
LKA	MU	6	1	50
<b>Total</b>		<b>6</b>	<b>1</b>	

## 2. Observed breaches of IOTC CMMs

This note provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC14 in 2017. 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 six vessels inspected by the SFPO in the current reporting period, three were found to be in breach of IOTC CMMs (**

Table 6). This included a lack of gear markings, the lack of valid Authorisation to Fish (ATF), no VMS and no State issued logbook. As already noted, one was presumed IUU and has been reported to the flag State and Secretariat.

**Table 6: List of vessels inspected from March 2017 to February 2018 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	Flag State	Date	Type	IOTC RAV	ATF	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings
IMUL-A-0461-KLT	LKA	26/04/2017	MU	X	X	X		X		X
IMUL-A-0812-CHW	LKA	08/05/2017	MU	X	X	X		X		X
IMUL-A-0665-CHW	LKA	10/05/2017	MU							
IMUL-A-0720-CHW	LKA	10/05/2017	MU							
IMUL-A-0790-CHW	LKA	04/06/2017	MU							
IMUL-A-0398-KLT	LKA	26/09/2017	MU	X	X	X		X		X

Note, that no potential breaches of IOTC CMMs were observed on IMUL-A-0665-CHW, IMUL-A-0720-CHW and IMUL-A-0790-CHW. It should be noted that in general the compliance of Sri Lankan vessels has improved.

### 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:** IMUL-A-0461-KLT, IMUL-A-0812-CHW and IMUL-A-0398-KLT were not on the current RAV. The IMUL-A-0461-KLT had no tuna, with its catch purely shark species, while the IMUL-A-0812-CHW had no catch at the time of boarding so at the time of inspection was not therefore, technically in breach of this or subsequent CMMs. The IMUL-A-0398-KLT had kawakawa (*Euthynnus affinis*) onboard (and was presumed IUU).

#### 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:** IMUL-A-0461-KLT, IMUL-A-0812-CHW and IMUL-A-0398-KLT did not have a valid ATF. The IMUL-A-0461-KLT presented a license that had expired on 31/12/2014. The IMUL-A-0812-CHW presented a license that was only valid for Sri Lankan waters. The IMUL-A-0398-KLT did not present any form of recognised license.

#### 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:** IMUL-A-0461-KLT, IMUL-A-0812-CHW and IMUL-A-0398-KLT did not have a VMS installed.

#### 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:** IMUL-A-0461-KLT, IMUL-A-0812-CHW and IMUL-A-0398-KLT did not have 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:** IMUL-A-0461-KLT, IMUL-A-0812-CHW and IMUL-A-0398-KLT did not have any markings on their gear. As all of 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 response to recommendations of the Compliance Committee<sup>1</sup>. There were fewer vessel inspections carried out and summarised in this report for 2017/18 (6 inspections, compared to 10 in 2016/7 and 22 vessel inspections in 2015/16) but compliance with IOTC CMMs was improved compared to previous years, with 50% in breach of one or more CMMs compared to 100% in 2016/17 and 73% in 2015/16. It should be noted that the vessels in breach were not on the RAV and only one of these had tuna or tuna like species on board (and has been reported for IUU), so it is possible they were not bound by the CMMs.

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 similar reports and feedback from other CPCs on the status of implementation of recommendations 113-115 of the 11<sup>th</sup> Compliance Committee meeting that further shed light on how widespread this problem is in other CPCs waters.

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<sup>1</sup> Recommendation para 115 of the Eleventh Session of the Compliance Committee (IOTC–2014–CoC11–R[E]); and, Recommendation Para 87 of the fourteenth Session of the Compliance Committee (IOTC–2017–CoC14–R[E]).