

IUU fishing in BIOT waters by fishing vessels flagged in Sri Lanka. 11th IOTC Compliance Committee Meeting, 2014

1. Introduction.

BIOT has raised the issue of IUU fishing by Sri Lankan vessels with the Compliance Committee for a number of years, and through this Committee and bilateral relations with the Sri Lankan authorities has actively sought measures to combat this threat. This has included monthly reporting, and the implementation of a 'Roadmap' of activities by the Sri Lankan Authorities. BIOT welcome the ongoing bilateral relationship with Sri Lanka, and the progress made in combating IUU, but note that more remains to be done.

The following recommendations were made by the 10th Compliance Committee meeting and adopted by the Commission.

46. The CoC **RECOMMENDED** that Sri Lanka continue to provide monthly reports including: i) evidences of the actions it had taken against IUU vessels; ii) name of the past and present owner and skipper; and iii) IOTC numbers from the record of authorised vessels, in a standardised format into the future, irrespective of whether new information had become available, for each of the vessels reported to IOTC for IUU fishing.

Outcome: We note that a total of nine monthly reports have been submitted by Sri Lanka (IOTC Circulars 2013-47; 53; 59; 64; 94; 86; 99; 105 and 2014-01; 2013-22) addressing these requirements.

47. The CoC **RECOMMENDED** that Sri Lanka provide regular updates in the implementation of their road map for the vessel monitoring scheme, and regular updates on the passage of new domestic requirements for a high-seas licencing regime, to the Secretariat for circulation to the Commission.

Outcome: Details of the requested 'roadmap' were provided in Circular 2013-108 giving the progress of licencing high seas vessels, operational since January 2013, changes to Act for high seas fishing and progress with the implementation of the Vessel Monitoring Scheme.

This note provides a commentary on those actions and summarises details of IUU fishing in BIOT waters by Sri Lankan fishing vessels submitted to IOTC since the 10th Compliance Committee meeting in May 2013 (March 2013 - February 2014).

2. IUU by Sri Lankan fishing vessels in BIOT Waters

Since the 10th Compliance Committee Meeting in May 2013 only one Sri Lankan vessel, the Lakpriya 2, has been reported by the BIOT Administration to IOTC (Table 2). The fine was paid by the owner and the vessel released. The Sri Lankan Authorities took the necessary action including deregistering the vessel. We therefore do not seek any further action.

Table 1: Details of the Sri Lankan Vessel arrested in BIOT waters and presented to IOTC under Resolution 11/03 since the 10th Compliance Committee Meeting held in Mauritius in 2013.

No.	Vessel Name	Sri Lanka/IOTC Identification Number	Infringement	Date of Arrest	Outcome	Response and action by Sri Lankan Authorities	Source of verification	Submitted to IOTC	Recommendation
1	Lakpriya 2	IMUL- A-0493-KLT IOTC013239	Fishing without a licence, Possession of illegal (within BIOT) fishing gear.	05/04/2013	Fine paid, vessel; released	Cancellation of vessel registration Cancellation of operation licence. Vessel at anchor for 6 months then sold on, re-registered as IMUL-A-0716KLT on 23/11/2013	Letter to UK informing of deregistration and cancellation of licence. Sale documents of Lakpriya 2 included as Annex iv of Circular 2014-01	12/06/2013	No further action

3. Commentary

IUU by Sri Lankan Vessels in BIOT waters

Only one arrest was made during the past year. This suggests that the measures put in place by Sri Lanka to control its flagged vessels, and the continuing deterrence by the BIOT Patrol vessel are taking at least some effect.

Sri Lanka's 'Roadmap' and capacity building

IOTC Circular 2013-108 gives an update on the progress of the implantation of the 'Roadmap'. We note that:

- A procedure for the administration of licences for vessels operating on the high seas has been in operation (administratively) since January 2013. Between January and November 2013 a total of 2610 licences were issued.
- An amended high seas fishing Act has been passed by Parliament on 5th November 2013, copies will provided when available.
- The following regulations have also been drafted:
 - High seas fishing operation regulation
 - Port state measures regulation
 - Gear marking regulation

- It is unclear to what degree the Vessel Monitoring System (VMS) has been adopted. Implementation was originally planned for June 2013 on around 1000 vessels, this was changed to pilot programme starting at the end of 2013 (IOTC-2013-SC16-NR25), however as of November 2013 discussions were still underway regarding the implementation of the project and the project cost. It appears that this has now been agreed upon and it only remains for an agreement to be made on the conditions for the loan for the project. Circ. 2013-108 states that in the meantime DFAR has been improving the land based infrastructure required to operate the VMS and promoting awareness among multiday boat owners and crew. Regulations will also be adopted into the amended fisheries act to make it mandatory for high seas fishing vessels to use a VMS.

It is hoped that these completed actions, along with the eventual adoption of VMS by the multiday high seas fleet, will continue the downward trend of vessels apprehended in BIOT waters and we encourage Sri Lanka to continue with the implementation of the roadmap and provide greater confidence to IOTC partners that this will be concluded this year.

3. Actions required

The BIOT Administration are encouraged by the fact that only one Sri Lankan vessel was found guilty of IUU in BIOT waters in the past year. However, despite progress on the Roadmap to address IUU made by the Sri Lankan authorities and evidence from inspections of vessels transiting through BIOT¹ that some of the requirements are now being met, compliance is not yet consistent:

- A number of Sri Lankan flagged and registered vessels continue to operate outside the Sri Lankan EEZ although they are not on the IOTC AFV list.
- Vessels continue to fish without a valid Sri Lankan fishing licence on board.
- There was no VMS on board any of the vessels
- Not all vessels carried a Sri Lankan logbook equivalent to the minimum IOTC standards
- Some vessel markings are inconsistent and do not adhere to international standards.
- None of the vessels inspected had any gear markings

We therefore urge the Sri Lankan Authorities to continue implementation of the Roadmap to combat IUU and in particular to implement the delayed VMS as soon as possible.

We propose that the Compliance Committee recommend:

- That Sri Lanka continues to provide monthly reports for vessels found guilty of IUU in BIOT waters in the past 3 years (i.e. since 2011)
- That in November 2014, Sri Lanka provides to the Secretariat for circulation to the Commission, a further six monthly update on the implementation of their Roadmap of activities for combating IUU. Details such copies of the amended High Seas Fishing Act should be made available immediately (if they have not already been presented to this meeting).

¹ see separate paper submitted by BIOT, 'Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures'