

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

### 12<sup>th</sup> Session IOTC Compliance Committee, 2015

#### 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 the start of February 2014 and the end of February 2015, 144 transit reports for fishing vessels 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. Furthermore, as reporting is voluntary, not all vessels currently report, for example the percentage of Sri Lankan vessels reporting innocent passage is thought to be low, although the Sri Lankan Authorities have since last year translated the reporting form and notified their fleet and the reporting level appears to be improving.

**Table 1: A breakdown of vessels submitting transit reports to the BIOT Authority by flag and vessel type between February 2014 and February 2015 (inclusive).**

Flag	Total	Vessel type					
		LL	LLGI	PS	UNK	CV	SP
China	31	31					
France	1			1			
India	2	2					
Iran, Islamic Rep. of	2			2			
Korea, Republic of	1	1					
Oman	1	1					
Seychelles	29	27		1			1
Spain	2			2			
Sri Lanka	21	1	20				
Taiwan, Province of China	50	47			1	2	
Tanzania, United Rep. of	2	2					
Thailand	3	3					
<b>Total</b>	<b>145</b>	<b>115</b>	<b>20</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>1</b>

Once the transit reports are received, the name and identification is cross-checked against the IOTC Record of Authorised Vessels (RAV). Seven of the vessels on reported transit through BIOT during the reporting period were not on the IOTC RAV (Table 2). The Lian Chi Cheng No. 3 (BI2186) is most likely a squid jigger as it took a reported course typical of squid jiggers, therefore would not be required to be registered on the IOTC RAV, while the Shun Feng No. 12 (BH3442) is registered on the WCPFC register, but not the IOTC. Both the Chinese vessels, the Tai Hong No. 1 and Tai Hong No. 2 had authorisation starting from 11/03/2014, 18 days after reported passage through BIOT.

**Table 2: Fishing vessels on reported transit through BIOT that were not on the IOTC register.**

Vessel name	Callsign / identification	Nationality	Type	Date of entry
Iresha Duwa	IMUL-A-0299-CHW	Sri Lanka	LLGI	21/01/2015
Marini 03	IMUL-A-0691-NBO	Sri Lanka	LLGI	26/01/2015
Tai Hong No. 1	BZZO4	China	LL	21/02/2014
Tai Hong No. 2	BZZO5	China	LL	21/02/2014
Lian Chi Cheng No. 3	BI2186	Taiwan, Prov. Of China	Null	23/06/2014
Shun Feng No. 12	BH3442	Taiwan, Prov. Of China	LL	26/08/2014
Lak Rajjini 3	IMUL-A-0699-CHW	Taiwan, Prov. Of China	IMUL	19/02/2015

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 an in-transit report will be targeted for inspection. Inspections are routine, the primary purpose being to look for any signs of illegal fishing in which case the vessel will be issued with a fixed penalty notice or brought into port for further investigation, where the vessel Master may be later charged and arrested. 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 (see Annex 1). In the period February 2014 – February 2015, a total of 25 inspections were made, 24 on multipurpose longline/gillnet vessels (LLGI), and one carrier vessel (CV) (Table ). Of these, all 24 fishing vessels were found to be in breach of IOTC CMMs, only the single carrier vessel was found to be 100% compliant.

**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: LLGI=Gillnet; CV=Carrier vessel).**

Flag	Vessel	No inspections	Nº of transit reports	% in breach of CMMs
Sri Lanka	LLGI	15	0	100%
Taiwan, Prov. Of China	CV	1	0	0%
India	LLGI	9	0	100%

This note provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC11 in 2014. Of the 25 vessels inspected, 10 Sri Lankan and 9 Indian vessels were also in breach of BIOT law and have separately been submitted 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 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 vessels inspected				Conservation and Management Measures, breaches shown as 'X'							
Vessel Name	Flag State	Date	Type	IOTC vessel list	Licence	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings	Large scale drift net present (>2.5km)
Sulara 2	Sri Lanka	18/03/2014	LLGI			N/A	N/A			X	
Imasha 2	Sri Lanka	18/04/2014	LLGI	X		N/A	N/A			X	
Thiwanka 5	Sri Lanka	21/06/2014	LLGI		X	N/A	N/A			X	
Stef Ania Duwa	Sri Lanka	21/06/2014	LLGI		X	N/A	N/A			X	
Niroda Putha	Sri Lanka	11/07/2015	LLGI		X	N/A	N/A		X	X	
Malsri 4	Sri Lanka	04/09/2014	LLGI			N/A	N/A			X	X
Dulari	Sri Lanka	07/09/2014	LLGI		X	N/A	N/A	X	X	X	
Vishwahiru	Sri Lanka	26/09/2014	LLGI			N/A	N/A		X	X	
Seawish	Sri Lanka	04/10/2014	LLGI			N/A	N/A			X	
Tharuse	Sri Lanka	04/10/2014	LLGI			N/A	N/A			X	
Walter	Sri Lanka	03/11/2014	LLGI		X	N/A	N/A			X	
Otto II	Sri Lanka	07/11/2014	LLGI		X	N/A	N/A			X	
Kavidya Duwa	Sri Lanka	07/11/2014	LLGI		X	N/A	N/A			X	
Chuteputa I	Sri Lanka	21/11/2014	LLGI			N/A	N/A				
Jane	Sri Lanka	01/12/2014	LLGI			N/A	N/A			X	
Greeshma	India	04/12/2014	LLGI	X							
Dignamol I	India	11/12/2014	LLGI	X							
Benaiah	India	11/12/2014	LLGI	X							
Carmel Martha	India	11/12/2014	LLGI	X							
Dignamol II	India	11/12/2014	LLGI	X							

Details of vessels inspected				Conservation and Management Measures, breaches shown as 'X'							
Vessel Name	Flag State	Date	Type	IOTC vessel list	Licence	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings	Large scale drift net present (>2.5km)
King Jesus	India	11/12/2014	LLGI	X							
St. Marys No. 2	India	11/12/2014	LLGI	X							
St. Marys No. 1	India	11/12/2014	LLGI	X							
Bosin	India	14/12/2014	LLGI	X							

### 3. Commentary

#### IOTC Vessel List.

**Requirement:** Under Resolution 14/04 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:** The Sri Lankan vessel, the Imasha 2 (IMUL-A-0352-KLT) could not be located on the IOTC vessel list.

In addition, a total of 9 Indian LL/GI vessels, the Greeshma (IND-TN-15-MM-155), Dignamol I (IND-TN-15-MM-125), Benaiah (IND-TN-5-MM-4473), Carmal Martha (No ID), Dignamol II (No ID), King Jesus (No ID), St Marys II (No ID), St Marys I (No ID) and the Bosin (IND-TN-15-MM-4086) were boarded. None of these were listed on the IOTC AFV list. These vessels are retaining tuna and tuna-like species onboard and therefore would be required to be placed on the IOTC RAV (see Resolution 14/04 para 1).

#### Flag State Licence

**Requirement:** Under IOTC Resolution 14/04 paragraph 13, it is required that fishing vessels carry on-board a state issued licence, permit or authorisation to fish.

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

The captains of the Thiwanka 5 (IMUL-A-0086-MTR), Stef Ania Duwa (IMUL-A-0374-KLT), Niroda Putha (IMUL-A-0543-KLT) and Dulari (IMUL-A-713-KLT) all said they did not carry a licence. The fishing licences for the Walter (IMUL-A-0460-KLT), Otto II (IMUL-A-0523-KLT) and Kavidya Duwa (IMUL-A-0155-KLT) had expired on the 01/01/2014.

All of the Indian vessels boarded presented a licence for fishing at sea or other certificate of registration. However, while IOTC Resolution 14/04 paragraph 3 requires that flag states shall submit to the IOTC Executive Secretary, by 15 February of 2014, an updated template of the official authorisation to fish (ATF) outside National Jurisdictions, no such copy of the Indian ATF could be found and corroborated with the licences presented during the inspections.

#### 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:** None of the Sri Lankan IMUL 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. IOTC Circular 2015-020 provides an update on the implementation of the roadmap. Only 39 out of 50 vessels in a pilot have had VMS transponders installed. Of the 39 vessels in the pilot only 23 are multipurpose vessels which compares with over 3000 vessels on the IOTC authorised fishing vessel list.

In addition, none of the Indian vessels inspected carried a VMS that could be observed during the inspection. All were over 15m LOA. As these vessels are retaining tuna and tuna-like species and should be on the IOTC RAV, it is our belief that these vessels should also therefore be required to carry VMS as required under Resolution 06/03.

### Logbook

**Requirement:** Under IOTC Resolution 14/04 paragraph 16, all fishing vessels less than 24m if fishing outside their EEZ are required to keep a national fishing logbook.

**Breach of CMM:** The master of the Dulari (IMUL-A-713-KLT) confirmed that he did not have a state issued logbook during the inspection. In addition to the IOTC requirement, Sri Lankan fishing vessels are required to carry a State issued logbook 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 14/04, Paragraph 14, to be marked according to generally accepted standards, such as those defined by the FAO. The vessels highlighted below and in the table in Section 2 were shown to have inconsistent markings or markings that could not be read.

#### **Breach of CMM:**

During the inspections, 4 Sri Lankan vessels had unclear or inconsistent vessel markings. The Niroda Putha had two different markings, IMUL-A-0543-KLT and IMUL-A-0086-KLT visible, as did the Dulari, IMUL-A-713-KLT and IMUL-9-7810-KLT. In the case of the Niroda Putha, the correct identification was later determined to be IMUL-A-0543-KLT. In the case of the Dulari, the correct identification was later determined to be IMUL-A-0713-KLT. The Vishwahiru (IMUL-A- 0346-CHW) (see Figure 3) had unclear identification on the starboard bow.



**Figure 1: The Identification number 9 – 7810 KLT on Dulari's bridge bulkhead.**



**Figure 2: The Identification number IMUL-A-713-KLT on Dulari's portside bow.**



**Figure 3: Unclear identification of the Vishwahiru on the starboard bow.**

In the case of the Indian vessels, all the names were clearly marked on the bow and in some cases the stern of the vessel. However, the Carmel Martha, Dignamol II, King Jesus, St. Marys No. 1 and St Marys No. 2 had no identification number visible, while the Bosin had an unclear identification number on the bow. While these are not necessarily in breach of 14/04 guidance should be received from India as to the adopted format for their vessels.

### **Gear markings**

**Requirement:** Resolution 14/04, 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 gear markings. 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. Figure 5 and Figure 6 show examples of unmarked fishing gear and buoys, seen during some of the inspections.



**Figure 5:** An example of an unmarked marker flag and associated buoys (deployed by the Sulara 2 while illegally fishing in BIOT).



**Figure 6:** An example of unmarked marker buoys and flags (onboard the Stef Ania Duwa).

### Large scale drift nets

**Requirement:** Resolution 12/12, Paragraph 2 requires that all CPCs shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the IOTC area of competence and Paragraph 3 states that a CPC-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the IOTC area of competence if it is found operating on the high seas in the IOTC area of competence and is configured to use large-scale driftnets.

**Breach of CMM:** The Malsri's (IMUL-A-0587-KLT) master, while ostensibly on transit to high seas fishing grounds, provided two statements of his drift nets length as being 2.5nm then 2.6km, both of which are in excess of the 2.5km permitted under IOTC Resolution 12/12 as well as the terms of the FV's fishing licence (14/HS/0153/KLT) which stated a 2.5km drift net. However, accurate verification of the length was not possible as the inspection was carried out entirely at sea.



#### **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.

In this paper 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 11<sup>th</sup> Compliance Committee meeting that further shed light on how widespread this problem is.