

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

13th Session IOTC Compliance Committee, 2016

1. Introduction

Vessels in transit through BIOT waters are requested to provide a transit report indicating entry/exit times and dates and, if it is a fishing vessel, details of the catch on board. 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 March 2015 and the end of February 2016, 112 transit reports were received (Table 1). Many of these reports consisted of vessels making more than one transit and, as reporting is voluntary, not all vessels currently report. Several Sri Lankan and Indian flagged vessels were inspected while in transit having not sent in a transit report. No transit reports were received for any carrier vessels.

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)

	Total	Vessel type						
		LL	LLGI	PS	SP	LHM	UNCL	CV
Taiwan (P.o.C)	52	51	0	0	0	1	0	0
Seychelles	33	31	0	1	1	0	0	0
Sri Lanka	10	0	10	0	0	0	0	0
Mongolia	9	0	0	0	0	0	9	0
China	4	4	0	0	0	0	0	0
Iran	4	2	0	2	0	0	0	0
Thailand	4	4	0	0	0	0	0	0
South Korea	2	1	0	1	0	0	0	0
Total	118	93	10	4	1	1	9	0

LL – Longline; LLGI – Longline / Gillnet; PS – Purse Seine; SP – Support Vessel; LHM – Mechanised Hand Line (Squid jigger); UNCL – Unclassified; CV – Carrier Vessel.

Once the transit reports are received, vessels targeting tuna and tuna like species are cross-checked against the IOTC Record of Authorised Vessels (hereafter RAV). Four vessels on reported transit through BIOT, the Mook Andaman 028, Mook Andaman 018, Hung Chi Fu 68 and the Ceribu were listed in the IOTC historical RAV but were not on the current list. These, and three other vessels were identified as having engaged in IUU fishing by the IOTC circulars 2016-015 and 2016-023 (Table 2), all vessels were on a reported eastward heading.. The Hung Chi Fu 68 was subsequently boarded by the

SFPO on 01/02/2016, and released as no BIOT ordinance had been contravened, the results of the inspection were passed onto the Thai authorities and the Secretariat.

Table 2: Fishing vessels on reported transit through BIOT that were listed as IUU by the IOTC circulars 2016-05 and 023

Vessel name	Callsign / identification	Nationality	Type	Date of entry
Mook Andaman 18	HSB2691	Thailand	LL	19/01/2016
Mook Andaman 28	HSB2701	Thailand	LL	19/01/2016
Hung Chi Fu 68	HSN5658	Thailand	LL	31/01/2016
Ceribu	HSB4907	Thailand	LL	03/02/2016

In addition a report was received for the Hung Fu No.88 (BI2543) showing entry into BIOT on 17/11/2015. This callsign corresponds to the Chen Fa No. 1 in the IOTC RAV, while the name Hung Fu No. 88 is not listed.

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 targeted. 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. The SFPO will also check if there is any potential breach of IOTC Conservation and Management Measures (CMMs). In the period covered by this report 29 inspections were made on 22 separate vessels (some vessels were inspected more than once): 14 on multipurpose longline/gillnet vessels (LLGI), nine on multipurpose handline/driftnet (HLDN) vessels, three on longlining vessels (LL), and one carrier vessel (CV) (Table 3).

Of the 22 vessels inspected, 15 (71%) were found to be in breach of IOTC CMMs, with only the Nuwan Putha, Ho Yuan, Xin Shi Ji No. 72, Xin Shi Ji No. 76, Senpathi and IMULA0258KLT 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=Longline / Gillnet; LL= Longline, HLDN = Handline / driftnet, CV=Carrier vessel).

Flag	Vessel type	No inspections	No vessels	Nº of transit reports	% in breach of IOTC CMMs by vessel
China	LL	2	2	0	0
India	HLDN	9	7	0	100
Sri Lanka	LLGI	14	11	0	73
Taiwan, China	CV	1	1	0	0
Thailand	LL	1	1	1	100
Total		27	22	1	73

This note provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC12 in 2015 (IOTC-2015-CoC12-08b).

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.).

Table 4: List of vessels inspected from March 2015 to February 2016, and compliance with relevant CMMs.

Details of vessels inspected				Conservation and Management Measures, breaches shown as 'X'							
Vessel Name	Flag State	Date	Type	IOTC auth. vessel list	Licence	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings	Large scale drift net not stowed (>2.5km)
Beo Hingis	Indian	19/04/2015	HLDN	X	X	X	N/A	X	X	X	
Thank You Jesus	Indian	19/04/2015	HLDN	X	X	X	N/A	X	X	X	
Dinujaya	Sri Lankan	22/04, 13/11 and 28/12/2015	LLGI			X	N/A			X	
Joshva No 1	Indian	03/05 and 10/05/2015	HLDN	X	X	X	N/A	X	X		
Vachanam	Indian	03/05/2015	HLDN	X	X	X	N/A	X	X		
Joshva	Indian	03/05 and 10/05/2015	HLDN	X	X	X	N/A	X	X	X	
Yasiru putha 1	Sri Lankan	30/05/2015	LLGI			X	N/A		X	X	
Lakshi Duwa1	Sri Lankan	30/05/2015	LLGI			X	N/A		X	X	
Holly Cross	Sri Lankan	06/06/2015	LLGI		X	X	N/A			X	
Ravin Putha 5	Sri Lankan	08/06/2015	LLGI			X	N/A		X	X	
Nuwan Putha	Sri Lankan	20/06/2015	LLGI			X	N/A				
Lakpriya	Sri Lankan	06/09/2015	LLGI	X	X	X	N/A			X	
Sacred Heart	Indian	06/10/2015	HLDN	X	X	X	N/A	X	X	X	
Wisdom	Indian	06/10/2015	HLDN	X	X	X	N/A	X	X	X	
Ho Yuan	Taiwan PoC	18/10/2015	CV					N/A		N/A	
Xin Shi Ji No. 72	China	20/10/2015	LL								
Xin Shi Ji No. 76	China	20/10/2015	LL								

Details of vessels inspected				Conservation and Management Measures, breaches shown as 'X'							
Vessel Name	Flag State	Date	Type	IOTC auth. vessel list	Licence	No VMS	VMS not tamper-proof	No logbook	Vessel markings	Gear markings	Large scale drift net not stowed (>2.5km)
Chutu Kumari	Sri Lankan	13/11/2015 and 17/01/2016	LLGI	X	X		X ¹		X	X	
Senpathi	Sri Lankan	20/11/2015	LLGI			N/A	N/A				
IMULA0258KLT	Sri Lankan	28/12/2015	LLGI			N/A	N/A				
Hung Chi Fu 68	Thailand	01/02/2016	LL	X	X						
Vicksoppamatha	Sri Lankan	29/02/2016	LLGI		X					X	

¹Vessel had VMS unit onboard but it was turned off.

3. Commentary

IOTC Vessel List.

Requirement: Under Resolution 15/04 paragraph 1 (previously 14/04), 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 Record of Authorised Vessels (hereafter referred to as RAV). Vessels not on the RAV 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: Three vessels inspected were on the historical but not current AFV list, while this is not a breach unless they are actively fishing for tuna it should be brought to the attention of the CoC. A further 7 vessels have no current or historical AFV record.

The authorization for both the Sri Lankan flagged vessels, the Lakpriya (IMULA0461KLT) and the Chutu Kumari (IMULA0524KLT) expired on 31/12/2014 (Note: both these vessels also had a historical authorization from 03/09/2015 to 03/09/2015, i.e., the same day).

The authorization for the Thai flagged vessel, the Hung Chi Fu 68 (HSN5658), expired on the 31/12/2015. Furthermore, this vessel was included in the IOTC circulars 2016-015 and 2016-023, identifying it, and 5 other Thai flagged vessels, as having carried out IUU fishing.

The 7 Indian flagged vessels, the Beo Hingis (IND-KL-04-MM-1617), Thank You Jesus (IND-TN-15-MM-4311), Joshva No.1 (IND-TN-15-MM-4598) (twice), Joshva (TN2\FV\00353\07) (twice), Vachanam (TN2.FV.01256/10), Sacred Heart (IND-TN-15-MM-4874) and the Wisdom (IND-TN-15-MM-395) inspected had no current or historical record on the AFV list. In all cases, these vessels were catching and retaining tuna and tuna-like species onboard (e.g., Figure 1 and Figure 2) and therefore would be required to be placed on the RAV.



Figure 1: Catch on board Beo Hingis including tuna species (kawakawa)



Figure 2: Catch on board Thank You Jesus including tuna species (kawakawa, yellowfin tuna and dogtooth tuna)

Flag State Licence, Permit, Authorization to Fish

Requirement: Under IOTC Resolution 15/04 paragraph 13, fishing vessels are required to carry on-board a state issued licence, permit or authorisation to fish (hereafter ATF).

Breach of CMM: Eight vessels did not have an ATF, and two vessels had an ATF which had expired.

None of the seven Indian flagged vessels presented an ATF during the inspection. It was also noted that despite IOTC Resolution 15/04 paragraph 3 requiring 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. As all vessels were catching tuna and tuna-like species in the convention area (e.g., Figure 1 and Figure 2), these vessels should be required to carry a flag state license as per Resolution 15/04 paragraph 3.

The Sri Lankan vessel, the Chuti Kumari, did not present an ATF during the inspection on 17/01/2016, while the Vicksoppamatha did not present a recognised ATF during the inspection on 29/02/2016.

Two other vessels presented licenses that had expired. The Sri Lankan flagged Lakpriya and the Thai flagged Hung Chi Fu 68 both presented a license which expired on 31/12/2015.

VMS

Requirement: Under IOTC Resolution 15/03, regardless of size, any vessel operating in waters outside the Economic Exclusive Zone of the Flag State fishing for species covered by the IOTC Agreement within the IOTC area of competence is required to have VMS on board. CPCs currently without a VMS for any additional vessel now meeting the criteria for inclusion in the VMS obligation since Resolution 06/03 was superseded, have a maximum of 3 years, to fully implement VMS on board that is tamper resistant, and at least 50% of all qualifying vessels must be compliant by September 2017. CPCs must set out a plan for installation of VMS and present it in 2016.

Breach of CMM: None of the seven Indian flagged vessels inspected carried a VMS. As all vessels were catching tuna and tuna-like species in the convention area, these vessels are required to carry VMS, though until 2019 some vessels may be without.

Only one of the Sri Lankan IMUL vessels had a VMS installed. However, as reported in the draft IUU vessels list (Circular IOTC-2016-041, letter dated 3 March 2016, re vessel IMUL-A-0524KLT) the Chutu Kumari, being the vessel with VMS on board, was formerly the vessel Jane arrested for IUU in BIOT waters and restricted to fishing in Sri Lanka's EEZ. This vessel had its VMS turned off.

Sri Lanka has an already established roadmap for installation of VMS, and installing them will become mandatory for all Sri Lankan vessels operating on the high seas as part of a three phase implementation plan of the roadmap, originally due have been completed at the end of 2013. IOTC Circular 2015-105¹ indicates that out of 1,615 vessels licensed for high seas fishing, by November 2015 1,361 had VMS installed.

Logbook

Requirement: Under IOTC Resolution 15/04 paragraph 16, all fishing vessels 24m or above, or less than 24m if fishing outside their EEZ, are required to keep a national fishing logbook.

Breach of CMM: None of the seven Indian flagged vessels inspected were able to present a logbook during the inspection. As all vessels were catching tuna and tuna like species outside of their flag state's EEZ, in the convention area these vessels should also therefore be required to carry a national logbook as required under Resolution 15/04 paragraph 16.

Vessel markings.

Requirement: Vessels operating in the IOTC area of competence are required under Resolution 15/04, 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 were not clearly legible.

Breach of CMM:

All seven of the Indian vessels had unclear vessel markings (Figure 3 and Figure 4). None of them had the vessel name or any other identification number on the stern. While these are not necessarily in breach of Resolution 15/04 guidance should be received from India as to the adopted format for the identification of their vessels.



Figure 3: Photo of the Wisdom showing illegible bow markings



Figure 4: Unclear vessel identification on the bow of the Thank You Jesus

¹ [http://www.iotc.org/sites/default/files/documents/2015/11/Circular_2015-105 - Sri Lanka interim report on progress of high seas fisheries managementEF Final Cover.pdf](http://www.iotc.org/sites/default/files/documents/2015/11/Circular_2015-105_-_Sri_Lanka_interim_report_on_progress_of_high_seas_fisheries_managementEF_Final_Cover.pdf)

Three Sri Lankan vessels, the Yasiru Putha 1, the Lakshi Duwa 1 and the Ravin Putha 5, had no stern markings and often difficult to identify bow markings due to stains and other markings on or around the vessel name / identification (for example Figure 5).



Figure 5: Unclear Bow markings of the Lakshi Duwa

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: Eight of the Sri Lankan vessels inspected had no 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. Figure 6 and Figure 7 show examples of unmarked fishing gear and buoys, seen during some of the inspections.



Figure 6: Unmarked marker buoys onboard the Dinujaya



Figure 7: Unmarked marker buoys and flags onboard the Lakshi Duwa 1

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: It was not possible to measure the length of any of the driftnets during the inspections, although driftnets were found on a number of the vessels (Beo Hingis, Thank You Jesus, Joshva No. 1, Vachanam, Joshva, Sacred Heart, Wisdom and Yasiru Putha No. 1.)

4. For the attention of the Compliance Committee

This information paper is submitted in compliance with 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, most commonly vessel and gear markings.

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.