

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

17th Session IOTC Compliance Committee, 2020

1. Introduction

Vessels in transit through British Indian Ocean Territory (BIOT) waters are requested to provide a transit report, details of the procedure for doing this are given in previous reports¹.

Between the start of March 2019 and the end of February 2020, 588 transit reports from 340 different vessels were received from various flag States (**Error! Reference source not found.**). 133 vessels reported more than one transit report, with one vessel reporting seven transits over this time. As reporting is voluntary, it is likely that the actual number of vessels transiting is higher. However, in general, the number of reports received continues to improve, particularly from the Sri Lankan fleet, with 491 reports received compared to 208, 132 and 35 in the preceding three years.

Table 1: A breakdown of vessels submitting transit reports to the BIOT Authority by flag and vessel type between March 2019 and February 2020.

Flag State	Type of Vessel						Total
	CV	LL	MU	PS	SP	TW	
CHN	1	4				6	11
TWN	10	50					60
ESP				4	2		6
JPN		2					2
KOR		1					1
LKA		47	444				491
SYC		14		3			17
Total	11	118	444	7	2	6	588

CV – Carrier Vessel; LL – Longline; MU – Multipurpose vessels; PS – Purse Seine; SP – Support and TW - Trawler
CHN – China; TWN – Taiwan, Province of China; ESP – Spain; FRA – France; LKA – Sri Lanka; JPN - Japan; and SYC – Seychelles. .

Once the transit reports are received, the name and corresponding identifying marks are cross-checked against the IOTC Record of Authorized Vessels (RAV). Five reports were received for 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).

¹ See for example IOTC-2019-CoC16-08c

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 (checked 13/08/2020).

IOTC No.	Expiry date of IOTC ATF*	Vessel name	Callsign	Flag	Type	BIOT Entry date
10652	03/09/2015	IMULA0068CHW	4SF2300	LKA	MU	30/05/2019
10399	01/01/2013	IMULA0068NBO	Unknown	LKA	MU	18/06/2019
17258	03/08/2019 ¹	IMULA0741NBO	4SF5489	LKA	MU	09/11/2019
16990	31/12/2019 ²	IMULA0780KLT	4SF5182	LKA	MU	30/01/2020
16989	31/12/2019 ²	IMULA0781KLT	4SF5180	LKA	MU	30/01/2020

¹Licence had expired at time of transit but vessel currently authorised from 01/01/2020

²Licence had expired at time of transit but vessel currently authorised from 10/03/2020

It should be noted that:

- Four of the vessels not on the RAV (IMULA0068NBO, IMULA0741NBO, IMULA0780KLT and IMULA0780KLT) reported to have small amounts of bigeye, yellowfin and skipjack tuna on board, whereas the remaining vessel had no fish at all; and
- A number of other vessels were not on the RAV at time of transit but were subsequently included when checked at a later date, with the authorisation being valid at time of transit. This highlights the issue of Member States not submitting their list authorised vessels on time to the Secretariat.

In addition, 21 vessels that reported transit were not on the current or historical RAV and had no IOTC number (Table 3) at time of transit (although a number have since been registered). This may be due to fact that the names were difficult to read or, in the case of Sri Lankan vessels, no IMUL number was included, making it difficult to search for. The vessels included 17 Sri Lankan and four Chinese (all trawlers). Whilst some of these vessels would not have been targeting tuna, six did report having tuna on board (yellowfin and bigeye tuna).

Table 3: Those vessels with no IOTC number recorded.

Vessel name	Callsign	Flag	Type	Entry date
Unreadable	Unknown	LKA	MU	14/03/2019
Veron Putha 2	4SF4679	LKA	MU	19/03/2019, 16/04/2019 and 16/05/2019
Ishani 6	4SF5134	LKA	MU	23/03/2019
Saniana Putha 6	Unknown	LKA	MU	19/04/2019
Verona Lanka	4SF4980	LKA	MU	19/04/2019
Abhisheck	Unknown	LKA	MU	08/05/2019
Sada Rajini	Unknown	LKA	MU	30/05/2019 and 17/02/2020
Manapany	FLS2	LKA	MU	01/06/2019
Chanuka Putha 3	Unknown	LKA	MU	04/06/2019
Minoli 4	Unknown	LKA	MU	04/06/2019
Lak Mani 3	Unknown	LKA	LL	04/06/2019
Lorance 3	Unknown	LKA	MU	27/06/2019
Ishani 6	4SF5134	LKA	LL	21/07/2019

Vessel name	Callsign	Flag	Type	Entry date
Yasa Isuru 05	Unknown	LKA	MU	26/10/2019
Themiy 04	Unknown	LKA	MU	26/10/2019
GUO JI 838	BZZN8	CHN	TW	02/11/2019
GUO JI 839	BZZN9	CHN	TW	02/11/2019
GUO JI 866	BZZN6	CHN	TW	02/11/2019
GUO JI 867	BZZN7	CHN	TW	02/11/2019
Seneeli 02	Unknown	LKA	MU	10/11/2019
Win Marine 09	Unknown	LKA	MU	11/11/2019

2. Observed breaches of IOTC CMMs

As part of the Standard Operating Procedures (SOPs) 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. However, during an inspection, the SFPO will also check if there is any potential breach of any IOTC Conservation and Management Measures (CMMs).

Table 4 provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO since the CoC16 in 2019 up to the end of February 2020. 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 eleven vessels inspected by the SFPO in the current reporting period, nine were found to be in breach of IOTC CMMs (Table 4). This included a lack of gear markings, which is the most common violation, and a range of other non-compliances. Four vessels were reported to the flag State, Secretariat and the Compliance Committee for presumed IUU in BIOT Waters (IMULA0641KLT ; IMULA0204MTR; IMULA0541KLT; IMULA0096KLT). Four of these vessels were on the IOTC list of authorised fishing vessels at the time of inspection. None of the remaining vessels had visible tuna and tuna-like species on board.

Table 4 List of vessels inspected from March 2019 to February 2020 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	IOTC Species if not on RAV
IMULA0641KLT	LKA	27/03/2019	MU	X	X	X		X	X	X	X
IMULA0721CHW	LKA	19/05/2019	LL								
IMULA0708NGO	LKA	24/05/2019	LL								
IMULA0204MTR	LKA	15/06/2019	MU	X	X	X		¹		X	X
IMULA0838CHW	LKA	29/07/2019	LL							X	
IMULA0157KLT ²	LKA	30/07/2019	MU	X	X						
IMULA0541KLT	LKA	24/08/2019	MU	X	X		X	¹		X	X
St. Mary's ³	IND	10/10/2019	MU	X	X	X		X		X	
Lourthu Matha	IND	10/10/2019	MU	X	X	X		X		X	
IMULA0735CHW	LKA	08/11/2019	MU			X		X			
IMULA0096KLT	LKA	21/01/2020	MU	X	X	X	X	¹		X	X

¹Logbooks present but not maintained

²Vessel boarded but not fully inspected due to medical emergency.

³Vessel under tow from Saya de Malha by *Lourthu Matha*.

3. Details of breaches of CMMs observed during inspection

IOTC Vessel List.

Requirement: Under Resolution 19/04 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: IMULA0641KLT, IMULA0204MTR, IMULA0541KLT and IMULA0096KLT had a number of tuna species onboard but were not on the RAV despite being previously registered. The other vessels, indicated in Table 4, did not appear to have tuna species on board and had either previously been on the RAV or had never been registered.

Flag State Licence, Permit, Authorization to Fish

Requirement: Under IOTC Resolution 19/04 paragraph 17, it is required that fishing vessels carry on-board a state issued licence, permit or ATF.

Breach of CMM: In most cases the vessels indicated as non-compliant carried a flag State license but it only permitted the vessel to fish within their own EEZ, not on the high seas.

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: Although IMULA0096KLT had a VMS unit installed it did not appear to be switched on at time of inspection. VMS units could not be found on any of the other vessels inspected.

Logbook

Requirement: Under IOTC Resolution 19/04 paragraph 20, 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: The vessels indicated in Table 4 either did not show a logbook, the logbook that was shown was not suitable for the high seas or it had not been kept up to date. While it is not specified in the CMMs how frequently this should be completed (just when it should be submitted) there did appear to be some large gaps, for example IMULA0204MTR was boarded in June but did not appear to have completed any entries since March.

Vessel and Gear markings

Requirement: Resolution 19/04, Paragraph 18 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. It required that they are marked in such a way that they can be readily identified with generally accepted standards such as the FAO Standard Specification for the Marking and Identification of Fishing vessels:

Breach of CMM: All of the vessels appeared to be marked with the name of the vessel although in most cases the MU type of vessel did not have the callsign marked on, which is a requirement of the FAO Standard if Member States choose to adopt this. Four of the vessels had the gear correctly marked, which is an improvement on previous years.

4. For the attention of the Compliance Committee

This information paper is submitted in response to recommendations of the Compliance Committee² and for consistency of reporting covers the same time period as other reports, from March through to February. Eleven vessel inspections were carried out and summarised in this report for 2019/20 (compared to 18 for 2018/19, 6 in 2017/18, 10 in 2016/7 and 22 in 2015/16). Nine were in breach of one or more IOTC CMMs in this reporting period (82%). This compares to 100% in 2018/19, 50% in 2017/18, 100% in 2016/17 and 73% in 2015/16. As with previous years, the most common breach was failure to mark gear. It should be noted that seven of the vessels inspected were not on the RAV at time of inspection and are therefore not necessarily bound by the CMMs. It should be further noted that whilst three of the vessels had logbooks onboard that were not up to date, technically this is not a breach of CMM as there is no specification as to how often they should be completed. Resolution 19/04 paragraph 20 outlines the physical requirements of the logbook, Resolution 15/01 states the minimum data fields by fishery and the data submission deadlines to the Secretariat and Resolution 15/02 gives the mandatory statistical reporting requirements but there is no requirement to keep the logbook up to date. In theory it can just be completed at the end of every trip. Furthermore, there is some ambiguity over vessel markings. While the requirement to mark vessels is stated in Resolution 19/04, paragraph 18, the exact requirements are not given, only a suggestion that FAO standards should be followed. In both these cases the relevant Resolutions should be reviewed and improved to make them less open to interpretation. In addition, it is important that Member States submit their list of authorised vessels to the Secretariat, under Resolution 19/04, within time to ensure that they can be included on the RAV when the vessels are operational.

As in previous years we do not propose specific sanctions against individual vessels (except those on the draft IUU vessel list reported for illegally fishing in BIOT waters), 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 11th Compliance Committee meeting that further shed light on how widespread this problem is in other CPCs waters.

² In 2014, 2017, 2018 and 2019: Recommendation para 68 of IOTC–2019–CoC16–R.