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

### 19<sup>th</sup> Session IOTC Compliance Committee, 2022

#### 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 reports.

Between the start of March 2021 and the end of February 2022, 764 transit reports from 684 different vessels were received from various flag States (**Error! Reference source not found.**). 100 vessels reported more than one transit report, with one vessel reporting five 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 has increased from last year, particularly from the Sri Lankan fleet, with 565 transit reports compared to last year's 153 reports.

**Table 1: A breakdown of vessels submitting transit reports to the BIOT Authority by flag and vessel type between March 2021 and February 2022.**

Flag State	Type of Vessel					Percentage of Totals
	CV	LL	MU	PS	Total	
CHN		36			<b>36</b>	4.7%
ESP				1	<b>1</b>	0.1%
FRA				3	<b>3</b>	0.4%
LKA		543	22		<b>565</b>	74.0%
SGP	1				<b>1</b>	0.1%
SYC		63			<b>63</b>	8.2%
TWN	4	85	3	3	<b>92</b>	12.0%
UNK		3	3		<b>3</b>	0.4%
<b>Grand Total</b>	<b>4</b>	<b>731</b>	<b>23</b>	<b>4</b>	<b>764</b>	100.0%
<b>Percentage of Totals</b>	<b>0.5%</b>	<b>95.7%</b>	<b>3.3%</b>	<b>0.5%</b>	<b>100.0%</b>	

CV – Carrier / Cargo Vessel; LL – Longline; MU – Multiday vessels; PS – Purse Seine; CHN – China; TWN – Taiwan, Province of China; ESP – Spain; FRA – France; LKA – Sri Lanka; SGP- Singapore; 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). Just three 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), this is compared to 77 last year.

**Table 2: List of those vessels transitting 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
12467	31/12/2017	IMULA0378NBO		LKA	LL	18/01/2022
17786	18/08/2021	Harsha-2	4SF5358	LKA	LL	08/09/2021
15967	13/12/2020	IMULA0264CHW	4SF3480	LKA	LL	30/03/2021

In addition, seven that reported transit were not on the current or historical RAV and had no IOTC number (Table 3) at time of transit. This is again an improvement on last year where 76 vessels were not registered at time of transit.

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

Vessel name	Callsign	Flag	Type	Entry date
Dilshan Putha-02	Unk	LKA	LL	02/02/2022
Dinusha Putha	Unk	LKA	LL	09/10/2021
Juliya-1	Unk	LKA	LL	16/02/2022
Randi Duwa	Unk	LKA	LL	24/04/2021
Sadun Putha-03	Unk	LKA	LL	07/07/2021
Sandha Theresa-02	Unk	LKA	LL	08/02/2022
IMULA2053NBO	Unk	LKA	LL	15/09/2021

## 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 a potential breach of any IOTC Conservation and Management Measures (CMMs). Due to the COVID-19 pandemic, The traditional method of boarding for inspection has been deemed unsafe. Remote inspections from the BIOT patrol vessel work boat were conducted, limiting the possibility of checking in full the IOTC CMMs.

Table 4 provides a summary of the details of breaches of IOTC CMMs recorded by the BIOT SFPO between March 2021 and February 2022. 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 40 vessels inspected by the SFPO in the current reporting period, 38 were found to be in breach of IOTC CMMs (Table 4). The most common violation was not being registered on the RAV, although it should be noted that for the majority of these there was no evidence that the vessels had IOTC species on board or were targeting IOTC species. Lack of boarding made this impossible to verify. Many of the vessels did not have markings on their gear, although as above it was not possible to

check this in most cases. Four vessels were reported to the flag State, Secretariat and the Compliance Committee for presumed IUU in BIOT Waters (IMULA0195TCO, IMULA0560KLT, IND.TN.15.MM.106 and Avemaria). None of these vessels were on the IOTC list of authorised fishing vessels at the time of inspection. None of the vessels could be checked for tuna and tuna like species due to the cessation of boarding due to the COVID-19 pandemic.

Any blank cells either indicate compliance or that the particular requirement could be checked by the SFPO and therefore should be classified as 'Unknown'.

**Table 4 List of vessels inspected from March 2021 to February 2022 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 / Number	Flag State	Date	Type	IOTC RAV	ATF	No VMS	Not tamper-proof	No logbook	Vessel markings	Gear markings	IOTC Species
IMULA0814CHW	LKA	16/02/2021	MU							X	
IMULA0684CHW	LKA	16/02/2021	MU							X	
IMULA0299 NBO	LKA	02/02/2021	LL	X						X	
IND.TN.15.MM.8297	IND	05/03/2021	MU	X						X	
IMULA0564NBO	LKA	10/03/2021	LL							X	
IMULA0790KLT	LKA	10/03/2021	LL							X	
IMUL-A 2001MTR	LKA	25/03/2021	LL	X						X	
IMULA0856CHW	LKA	26/03/2021	LL							X	
IMULA0560KLT	LKA	07/04/2021	MU	X <sup>1</sup>						X	
Avemariya	IND	20/04/2021	LL	X						X	
IMULA0195TCO	LKA	15/05/2021	MU	X		X				X	
IMULA0771CHW	LKA	20/05/2021	MU							X	
IMULA0778KLT	LKA	09/06/2021	GI							X	
IMULA0740KLT	LKA	09/06/2021	MU							X	
IMULA0633CHW	LKA	02/09/2021	MU							X	
IMULA0633CHW	LKA	08/09/2021	MU							X	
IMULA0560KLT	LKA	08/10/2021	MU	X	<sup>2</sup>						
IMUL0649CHW	LKA	19/09/2021	LL								
IMULA0248KLT	LKA	08/02/2022	MU	X <sup>3</sup>						X	
IMULA0947MTR	LKA	10/02/2022	MU	X <sup>4</sup>						X	X
White Stone-II	IND	12/02/2022	TW	X							
IND.KL.02.NM.1734	IND	12/02/2022	TW	X							
IND.TN.15.MM.106	IND	13/02/2022	LL	X							
IMULA0524 KLT	LKA	13/02/2022	MU	X <sup>5</sup>						X	
IND.TN.15.MM.1569	IND	14/02/2022	LL	X							
IND.TN.15.MM.5707	IND	14/02/2022	LL	X							

<sup>1</sup> On list but expired in 2016

<sup>2</sup> Vessel not boarded but 'Boat departure form' was handed over and copied.

<sup>3</sup> On list but expired in 2012

<sup>4</sup> On list but expired in 2019

<sup>5</sup> On list but expired in 2019

Details of vessels inspected				Conservation and Management Measures, breaches shown as 'X'							
Vessel Name / Number	Flag State	Date	Type	IOTC RAV	ATF	No VMS	Not tamper-proof	No logbook	Vessel markings	Gear markings	IOTC Species
IMUL-A-0934KLT	LKA	21/02/2022	GI								
St.Antony's	IND	22/02/2022	UN	X							
IND.TN.15.MM.6755	IND	22/02/2022	UN	X							
IND.TN.15.MM.4594	IND	22/02/2022	UN	X							
IND.TN.15.MM.8696	IND	22/02/2022	UN	X							
IND.TN.15.MM.399	IND	22/02/2022	UN	X							
IND.TN.15.MM.6148	IND	22/02/2022	UN	X							
IND.TN.15.MM.5162	IND	22/02/2022	UN	X							
IND.TN.15.MM.4608	IND	22/02/2022	UN	X							
IND.TN.15.MM.4902	IND	22/02/2022	UN	X							
IND.TN.15.MM.5557	IND	22/02/2022	UN	X							
IND.TN.15.MM.3571	IND	22/02/2022	UN	X							
IND.TN.15.MM.7326	IND	22/02/2022	UN	X							
IND.TN.15.MM.4424	IND	22/02/2022	LL	X							

### 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:** Due to the COVID-19 Pandemic, vessels were not able to be safely boarded this season, Therefore, no full inspections were able to take place. Observations were duly made from the BPV Workboat accompanied by supporting photographic evidence. Vessels were checked with the most recently updated RAV at time of inspection, despite being previously registered. For most of the vessels it was not possible to determine if there were IOTC species on board or had gear capable of targeting IUU species.

#### 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:** Due to lack of boarding this requirement could not be checked in any detail, although on one occasion (IMULA0560KLT) the vessel did hand over a 'Boat departure form' upon request.

### 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:** One vessel (IMULA0560KLT) stated there was no VMS on board, although this could not be verified. No Information could be gathered on other vessels.

### Logbook

**Requirement:** Under IOTC Resolution 19/04 paragraph 20, 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 national fishing logbook.

**Breach of CMM:** None of these vessels inspected above could be checked to see if there was a logbook due to not boarding.

### 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 is 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<sup>6</sup>. As in previous years very few vessels had the gear correctly marked, although in most cases it was not possible to verify whether they did or not.

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<sup>6</sup> AVEMARIYA had registration number marked on the vessel (although this vessel is not on the RAV)

## 4. For the attention of the Compliance Committee

This information paper is submitted in response to recommendations of the Compliance Committee<sup>7</sup> and for consistency of reporting covers the same time period as other reports, from March through to February. Forty vessel inspections were carried out and summarised in this report for 2021/22 (compared to 10 in 2020/21, 11 for 2019/20, 6 in 2017/18, 10 in 2016/7 and 22 in 2015/16). Thirty-eight vessels were in breach of one or more IOTC CMMs in this reporting period (95%). This compares to 90% in 2020/21 100% in 2018/19, 50% in 2017/18, 100% in 2016/17 and 73% in 2015/16.

The increase in the number of inspections is due primarily to the increased activity from the Indian fleet, representing 20 of the vessels inspected (since February there has been continued activity). None of the vessels were on the RAV. Although they were not necessarily targeting tuna or tuna like species there was evidence that some were fishing, e.g. IND.TN.15.MM.106 was observed landing tuna and tuna like species, and all these multipurpose vessels fish in a similar way and therefore have been included here. Conducting remote inspections has become increasingly difficult with vessels operating in groups, the priority being to escort them from BIOT waters.

Vessel registration aside, as with previous years, the most common breach was failure to mark gear. It should be noted that those vessels not on the RAV at time of inspection are therefore not necessarily bound by the CMMs. It is noted that IOTC-2022-WPICMM05-15<sup>8</sup> looks at the issue of gear marking in more detail and how the uptake of gear markings, following the FAO voluntary guidelines as advocated in the CMM, is progressing.

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.

It is also notable that significantly more vessels transiting BIOT are registered on the RAV and that their registration is current (just five with out-of-date registrations, compared to 77 last year). This is encouraging and hopefully the trend will continue.

The BIOT Administration continues to 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>7</sup> In 2014, 2017, 2018 and 2019: Recommendation para 68 of IOTC-2019-CoC16-R.

<sup>8</sup> Status of the development of the IOTC scheme to operationalise the FAO voluntary guidelines on the marking of fishing gear. IOTC Secretariat, 4 February 2022.