

WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (WPICMM)

SUBMITTED BY: SEYCHELLES 21 APRIL 2017

Explanatory Memorandum

The IOTC is an intergovernmental organisation established under article XIV of the FAO constitution. The IOTC agreement was concluded in 1993 and entered in force in 1998. The IOTC is mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas with primary objective the conservation and optimum utilisation of the stocks for long term sustainability.

Between 1998 and 2003, the Contracting Parties (Members) of the IOTC dedicated most of their efforts to scientific works to manage the tuna and tuna-like resources. However, in 2003, the focus was expanded to include the compliance aspects of this tRFMO, specifically with the creation of a Compliance Committee. Subsequently, by 2008, a compliance section within the IOTC Secretariat had also been created to assess and review all compliance aspects related to the implementation of the IOTC Conservation and Management Measures (CMMs) with the objective to improve compliance by IOTC Contracting Parties with regards to the implementation of IOTC CMMs.

The Compliance Committee is held annually to assess progress in ensuring compliance with the IOTC Agreement and CMMs, development of new ideas and CMMs to enhance the sustainable management of the IOTC fisheries, as well as determining the actions to take regarding vessels that have allegedly conducted IUU fishing activities. Contracting Parties (Members) felt that the work of this Committee has become onerous for the time available to it and there is simply too much work to technically address and in 2016, the IOTC commission adopted IOTC resolution 16/12 for the setting up of a Working Party on the Implementation of the Conservation and Management Measures (WPICMM) to alleviate the workload.

Seychelles as the proponent of the proposal has since realized that paragraph 3 of Annex 1- (Composition) of the resolution restrict participant to the working group to designated representatives of CPCs, which does not reflect our true intention. Seychelles is therefore proposing an amendment to Resolution 16/12 making the meetings of the WPICMM open to all interested parties in accordance with the IOTC rules of procedure

Seychelles Proposal for a review on the IOTC RESOLUTION 16/12

RESOLUTION 17/XX

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AND MANAGEMENT MEASURES (WPICMM)**

Keywords: Conservation and Management Measures; Compliance Committee

The Indian Ocean Tuna Commission (IOTC),

RECALLING the objective of the Agreement (Article V) is ‘*to adopt, in accordance with Article IX and on the basis of scientific evidence, Conservation and Management Measures, to ensure the conservation of the stocks covered by this Agreement and to promote the objective of their optimum utilisation throughout the Area*’;

RECOGNISING the annual level of illegal, unreported and unregulated (IUU) fishing in the IOTC area of competence is estimated to be in the order of many hundreds of dollars and the urgent need to better manage the tuna and tuna-like species under the IOTC mandate;

ALSO RECOGNISING the decision of the Commission to establish the necessary subsidiary bodies to monitor the implementation by CPCs with the Agreement and the Commission’s Conservation and Management Measures, assist CPCs to enhance their compliance capacity and conserve the harvesting levels of tuna and tuna-like species and their associated ecosystems at sustainable levels;

CONSIDERING the fact that the work of the Compliance Committee has increased to a level which can no longer be adequately addressed during its annual session, specifically the technical evaluation and planning elements for supporting CPC implementation of CMMs;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Pursuant to Article XII.1 of the Agreement, the Commission establishes a permanent Working Party on the Implementation of Conservation and Management Measures (WPICMM) which shall act as an advisory body to the Commission via the Compliance Committee.
2. The terms of reference for the WPICMM are those specified in **Annex I**.
3. This Resolution shall be incorporated within the IOTC Rules of Procedure as its next revision.

ANNEX I

TERMS OF REFERENCE FOR A WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (WPICMM)

1. The procedures of the Working Party on the Implementation of Conservation and Management Measures (WPICMM) shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

Objectives:

2. The objective of the (WPICMM) is to:

- a) Alleviate the technical discussions, workload and time pressures on the Compliance Committee, and permit it to focus on higher level compliance implementation strategies in its work for the Commission;
- b) Enhance the technical capacity of Contracting Party (Member) and Cooperating Non-Contracting Party (CNCP) (collectively termed CPCs) to understand and implement IOTC Conservation and Management Measures (CMMs);
- c) Prioritise implementation issues and develop operational standards for use by CPCs.

Composition:

3. The WPICMM shall be ~~composed by~~ ~~stituted of~~ fisheries compliance officers (or other relevant officer) of the CPCs, scientists, fishers managers, Fishing Industry Representatives, administrators and other interested stakeholders, in accordance with the IOTC rules of procedure. ~~at an operational decision-making level; each Contracting Party of the Commission shall have the right to appoint a representative and an alternate, if needed, both with suitable qualifications, who may be accompanied by experts and advisers.~~

Mandate:

4. Examine all aspects of CPCs technical implementation of CMMs and recommending ways to enhance the level of implementation;
5. Examine Monitoring, Control and Surveillance (MCS) technical matters in order to provide the Compliance Committee with options for strengthening MCS;
6. Review the reporting requirements contained within CMMs in order to harmonize and streamline;
7. Develop a methodology for the assessment of implementation by CPCs, for producing the Country Compliance Reports provided annually to the Compliance Committee and flag States;

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8. Review and assess the effectiveness and practical aspects of implementation of CMMs adopted by the Commission in order to identify deficiencies and implementation constraints faced by CPCs, and to recommend options for amendments;
9. Propose actions to address deficiencies in implementation;
10. Development of minimum regional standards for implementation of CMMs;
11. Develop a harmonized assessment criteria to identify vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities;
12. Monitor the development of, and recommend further actions for the IOTC list of vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities, including where requested by the Compliance Committee or involved CPCs, a review of the evidence to be presented, where such evidence can be made available to the WPICMM;
13. Monitor the development of, and recommend actions for the list of Large Scale Tuna Longline Vessels (LSTLVs)/carrier vessels presumed to have committed infractions of IOTC CMMs, as recorded by observers deployed under the at-sea transshipment programme;
14. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of national MCS systems;
15. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of enforcement actions to ensure compliance with IOTC CMMs;
16. Development of regional capacity building mechanisms to assist CPCs to meet the regional minimum terms and conditions or standards for implementation of the CMMs;
17. Provide recommendations for the strengthening of the implementation of CMMs and capacity building activities, including compliance support missions, regional/national training courses and workshops, to be funded under the special fund for capacity building or extra budgetary contributions;
18. Develop recommendations and guidelines for a schedule of sanctions for non-compliance with IOTC CMMs for consideration by the CPCs and the Commission.
19. Review compliance with data reporting obligations by CPCs and recommend actions for implementation.
20. Other tasks as assigned by the Compliance Committee or Commission.
21. The WPICMM would not meet more than once a year, and shall report on its work to the Compliance Committee at its annual session.