

Improve Monitoring Control and Surveillance scheme

Monitoring Control and Surveillance and CDS study – Results of Workshop discussions

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Part A: Results of Workshop discussions on MCS

<u>Resolutions</u>	<u>Key findings</u>	<u>Proposed actions</u>	<u>Points discussed during the workshop</u>
1. CMM 18/07 Non-fulfilment of reporting obligations in the IOTC	<ul style="list-style-type: none"> • Very limited in scope / very weak sanctioning provision / overlap with CMM 10/10 (trade measures) 	<ul style="list-style-type: none"> • Eliminate CMM • Absorb relevant provisions into CMM 10/10 and CMM 15/02 	<ul style="list-style-type: none"> • Submission of data is recognised as a common challenge in the five t-RFMOs. • There is a need to streamline and consolidate reporting obligations to avoid multiple reporting of the same information. • The ongoing exercise to reinforce the compliance process (Activity 3.1 of WPICMM Work Plan) should be taken into consideration. This will be discussed at the WPICMM02, as part of the procedure to improve the compliance process.
2. CMM 18/06 Programme for transshipment by large-scale fishing vessels	<ul style="list-style-type: none"> • At-sea and in-port transshipments regulated; last one weaker • Authorised LSTLVs not referenced on RAV • Reefer IMO number not required; VMS rules not specified 	<ul style="list-style-type: none"> • Scope of resolution to be limited to at-sea transshipment • In-port transshipment to be added to CMM 16/11 • Use of electronic interface for authorizations and 	<ul style="list-style-type: none"> • There is a need to develop an “e-portal” to make transshipments information accessible to CPCs, since some CPCs are currently requesting this information for control purposes. • Reefer vessels with operations limited to in-port activities, should also be included in the IOTC list of authorised carrier vessels.

	<ul style="list-style-type: none"> • In-port transshipment decl. only submitted to FS – limiting • Submission periods for decl. too long (15 days) • Reconciliation (transhipments/landings) provisions weak • Annex III essential data fields missing 	<ul style="list-style-type: none"> • declarations (also at-sea transhipments) • Improvement of monitoring and reporting standards (transparency) • IOTC Secretariat to develop e-portal for at-sea transhipments – based on same or similar procedures as under ePSM • Current periodic CPC data submission requirements to IOTC outside of operational data submission will become superfluous 	<ul style="list-style-type: none"> • IMO number for carrier should also be provided under para 7 of Resolution 18/06; information to be provided. • The period of transmission of transshipment declarations for in port transhipments by LSTVs should be less than 15 days (Res 18/06, Annex I, para 2.3). • Transshipment declarations received by the landing/market State should be submitted to IOTC Secretariat for the purpose of reconciling transshipment declaration information. • There is a need to clearly define the role of the flag State of carrier vessels in getting carrier vessels into the IOTC Record of Carrier Vessels. • There is currently no provision in this Resolution for the fleet nominating carrier vessels to take on responsibilities that would normally fall due to the flag State. • There is a loophole in this resolution, which is inconsistent with Resolution 15/04; i.e. the ability of non-CPCs carrier vessels to be included in the list of authorised carrier vessels. • Only carrier vessels from IOTC CPCs should be authorised for the purpose of Resolution 18/06.
<p>3. CMM 18/03 List of vessels presumed to have carried out IUU fishing</p>	<ul style="list-style-type: none"> • Stepwise mechanism & procedure for listing is solid • Para. 2 does not limit listing to vessels only – incoherence with title (and further provisions) • Errors in rulemaking (para 4.1. ad 4.b.) • Contradictions with other CMMs (para 20.b) 	<ul style="list-style-type: none"> • Maximum information on company and physical person details and data to be collected, and listed (along vessel details) – CMM expanded and completed • CMM 07/01 on compliance by nationals and CMM 16/05 on vessels without 	<ul style="list-style-type: none"> • It was agreed that not respecting catch limit/quota is compliance issue, and that should not lead to IUU identification. • There was no agreement to include “Entity” in the IUU list. It was felt that the concept of “Entity” should be clearly defined first, before consideration can be given to this proposal. • Issues relating labour and human rights, whilst recognised as important issues, should be addressed outside the scope of the IUU listing process.

	<ul style="list-style-type: none"> • Applicable sanctions largely not defined • Master identity of listed IUU vessel not established 	nationality absorbed into CMM 18/03	<ul style="list-style-type: none"> • Different mechanism for the listing of different entities (e.g. list of IUU captains, operators, etc.) should be considered as they are important players in driving IUU. However, more thoughts on how to achieve this, is required.
4. CMM 16/11 Port state measures to combat IUU fishing	<ul style="list-style-type: none"> • Scope and modalities of the resolution are broad, consistent and largely complete • ePSM use not yet mandatory data submissions, authorizations, etc. • Transhipments in port not covered • Pre-licensing inspections of third-party vessels not provided • Regulatory inconsistency regarding NCP inspection levels • Landings data collection not specified 	<ul style="list-style-type: none"> • ePSM formally established as data submission portal (AREP, PIR, etc.) • Data submission of landings data now part of this CMM – to be phased out once ePSM-based real-time landing submissions are operational • Rules for transhipment in port developed • Transhipment declaration (Annex VI) revised • NCP inspections to 100% • Third-party vessel inspections (min. every two years) • The use of non-CPC ports by active fishing vessels is forthwith prohibited 	<ul style="list-style-type: none"> • The proposal to prohibit the use of non-CPC ports by authorised fishing vessels was considered to be too restrictive, and more thoughts on how to achieve this would be required.
5. CMM 16/05 Vessels without nationality	<ul style="list-style-type: none"> • Singular focus on the stateless fishing vessels • Identification and enforcement measures regarding owners, operators and/or the master not provided for 	<ul style="list-style-type: none"> • Eliminate 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution.

	<ul style="list-style-type: none"> • All key provisions exist in currently binding form in more recent and more relevant IOTC CMMs (18/03 & 16/11) 		
6. CMM 15/04 IOTC record of authorised vessels	<ul style="list-style-type: none"> • Truthfulness of vessel information contained on the RAV not checked (FS sole arbiter) • Electronic data submission for RAV not mandatory • Vessel hold size and target species not indicated • Vessel owner, operator, master, and/or physical person data not detailed enough • National competent authorities issuing high seas fishing authorizations not publically available on IOTC website • Vessel marking scheme insufficiently defined • Fishing gear marking rules insufficient • Logbook keeping, updating, and filling rules weak – ill-placed • Rules on the periodicity of updating authorization period on the RAV are missing 	<ul style="list-style-type: none"> • Vessel data significantly expanded – all electronic submission • Rules on missing data entries provided • Rules on ATF periodicity, validity and updating added • Minimum guidelines for vessel markings added • Rules on gear markings expanded 	<ul style="list-style-type: none"> • There was agreement that photographs and other details not currently required to be provided, to be included in the list of mandatory information to be submitted at the time of the request to include a vessel in the IOTC Record of Authorised Vessels. • There is a need to give more thoughts on how to deal with vessels not obliged on be on Record of Authorised Vessels (i.e. vessels below 24m operating in EEZ), but are currently being included due to trade issues. • It was agreed that gear markings should in line with the FAO scheme, however, it was also felt that this should be addressed under a mechanism different from 15/04.
7. CMM 15/03 Vessel monitoring system (VMS) programme	<ul style="list-style-type: none"> • VMS rules should apply to AFVs on the RAV, instead of given vessel lengths • Lack of clear rules where and when VMS must be functioning 	<ul style="list-style-type: none"> • None. Study on VMS underway & key findings shared 	<ul style="list-style-type: none"> • Study on VMS underway and key findings have been shared with the consultant conducting the VMS study.

	<ul style="list-style-type: none"> • Lacking Secretariat/Commission VMS access • No provisions as to which party has access to what data at what times 		
8. CMM 15/01 Recording of catch and effort data by fishing vessels	<ul style="list-style-type: none"> • Logbook templates hosted on IOTC website – best practice • MCS dimension largely overseen in CMM • Logbook up-keeping rules not provided • Production logbook and stowage plan not provided • Submission periods not specified • Mandatory landings declaration do not exist • No link to CMM 15/02 (Mandatory statistical reporting requirements) 	<ul style="list-style-type: none"> • CMM to be renamed “Recording and reporting...” • Logbook data (copy) to be kept on-board for 12 month period • Logbook updating rules added • Production logbook defined • Stowage plan defined • Landing declaration instituted, including submission to FS, PS and IOTC • IOTC tasked with developing ePSM routine for landing declaration submission 	<ul style="list-style-type: none"> • There was agreement that “production logbook” and “stowage plan” for carrier vessels (or for other types of vessels) to be better regulated and logbook updating rules should be added. • There was also agreement for instituting landing declarations, including submissions to flag State, port State and IOTC Secretariat.
9. CMM 14/05 Record of licensed foreign vessels & access agreement info	<ul style="list-style-type: none"> • Fails to provide that foreign vessels not on the RAV may not be licensed to operate in the EEZ • Authorized vessels are not identified on the RAV as being authorised to fish in a particular foreign EEZ • Vessel information asked for the previous year – not current • Coastal State not tasked to inspect vessel and verify data 	<ul style="list-style-type: none"> • Foreign vessels not on the IOTC RAV may not be licensed to fish for tuna and tuna-like species within the EEZ • Coastal States shall that foreign vessel data are accurate and concur with RAV data 	<ul style="list-style-type: none"> • There were concerns with regards to the impact of immediate reporting of foreign vessels licensed and the burden that it will pose on coastal States. • There is a need to assess the merit of sharing information on license for operational purpose within the IOTC, since this is a practice taking place between a subgroup of IOTC Members.

	<ul style="list-style-type: none"> • Silent on VMS provisions 	<ul style="list-style-type: none"> • Periodicity of submission of information changed to immediate for individual vessels, and one month for all other agreement related information 	
10. CMM 10/10 Market related measures	<ul style="list-style-type: none"> • No single binding (“shall”) clause in resolution • Title of resolution unclear • Sanctioning mechanism never used (ICCAT...) • Regulatory incoherence with other CMMs (e.g. para. 1) • Port and coastal States not targeted by TREM mechanism • Discriminates against NCPs – CPC altern. sanctions weak (!) • Step-wise identification procedure unclear • Feedback on TREM implementation non-binding on parties 	<ul style="list-style-type: none"> • Pre-identification/identification mechanism created • Pre-identification to exactly establish nature of infringements and targets of potential TREMs • Discriminatory clauses, and lenient option for CPCs eliminated • Notification of the measures undertaken by CPCs made mandatory 	<ul style="list-style-type: none"> • It was agreed that this resolution needs to be reinforced and there was support for strengthening it in accordance to the study’s recommendations. • There will be a need to integrate provisions for inter sessional removal of identification of identified parties. • To maintain objectivity in the identification process, there will be a need to introduce some criteria to maintain objectivity. • There is a need for these considerations to be discussed further at WPICMM02, alongside measures to strengthen the IOTC compliance process.
11. CMM 10/08 Record of active vessels having fished for tunas and swordfish	<ul style="list-style-type: none"> • Objective of resolution is not defined – and rationale for raising list of vessels active in previous year is unclear 	<ul style="list-style-type: none"> • Eliminated 	<ul style="list-style-type: none"> • There was agreement not to eliminate this resolution until an alternative mechanism for monitoring of fishing capacity is available.
12. CMM 07/01 Compliance by nationals of CPs and CNCs	<ul style="list-style-type: none"> • Mere re-iteration of a CPCs duty to enforce the law against physical and legal persons subject to their jurisdiction 	<ul style="list-style-type: none"> • Eliminated; merged into CMM 18/03 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution.

	<ul style="list-style-type: none"> • Infractions to be detected and sanctioned can only apply to people actively involved in fishing • Resolution does not provide listing mechanism • Referencing to other CMMs wrong (again) 		
13. CMM 05/03 Establishment of a programme of inspection in port	<ul style="list-style-type: none"> • Discriminatory (NCP vessels sanctioned /CPC vessels not) • Foreign landings to be reported to Secretariat (others not) • Flag State and Secretariat to be notified of infringements detected in port • Regulatory incoherence 	<ul style="list-style-type: none"> • Eliminated; already absorbed into 16/11; 15/01 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution, once there is assurance that equivalent measures are available in Resolution 16/11.
14. CMM 03/03 Amendment of the forms of statistical documents	<ul style="list-style-type: none"> • Integral part of resolution 01/06 	<ul style="list-style-type: none"> • Not separately considered (eliminated with CMM 01/06) 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution.
15. CMM 01/06 Bigeye tuna statistical document programme	<ul style="list-style-type: none"> • Non-punitive market-related measure, with large gaps and the resulting ineffectiveness of resolution singled out 9 years ago by PRIOTC01 	<ul style="list-style-type: none"> • Eliminated; no further amendments; to be replaced with CDS, covering all IOTC commercially important species, all product forms and all trade routes, using state of the art CDS design and electronic implementation 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution, once a catch documentation scheme is in place.
16. CMM 01/03 Scheme to promote	<ul style="list-style-type: none"> • Trail blazing at the time of its adoption, has now been overtaken 	<ul style="list-style-type: none"> • Eliminated; to be absorbed into CMM 18/03, 16/11 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution.

compliance by NCP vessels	by developments in international law and related IOTC resolutions	and 10/10, most of which has been done over time – complete with provisions regarding potential punitive responses	
17. CMM 99/02 Actions against fishing activities by FOC LSTLVs	<ul style="list-style-type: none"> • Predates the NPOA-IUU • Action called for under the CMM are now provided under CMM 01/03, 05/03, 10/10 (resulting from para. 7 of this resolution – which called for its development), CMM 14/05, CMM 16/11, and CMM 18/03 	<ul style="list-style-type: none"> • Eliminated; already wholly absorbed into existing regulatory substance 	<ul style="list-style-type: none"> • There was consensus to eliminate this resolution.
18. CMM xx/xx IOTC High-sea Boarding and Inspection Scheme	<ul style="list-style-type: none"> • Not adopted since 2013 • Proposal is solid; follows similar schemes in other RFMOs • Was not modified or enhanced through this work/study 	<ul style="list-style-type: none"> • Discuss resistance points • Integrate justified reservations • Amend/complete & put back before the Commission • Propose majority vote if consensus cannot be achieved 	<ul style="list-style-type: none"> • Noting the lack of availability of civilian platforms, which can be used in such a scheme, the use of military platforms would likely be the most readily available means for implementing such a scheme. • One CPC indicated that there is a fundamental difficulty in agreeing to such a scheme, since it goes contrary to its domestic law. • The Chairperson indicated that this proposal should not be discussed as it is not an active CMM.
<p>General comments on the process to move forward the MCS scheme</p> <ul style="list-style-type: none"> • Chose a methodology to move forward the MCS system of IOTC. • WPICMM02 shall define the priority of which CMMs should be amended, and put forward as proposals for adoption as revised resolutions. • CPCs to decide, on individual or collective basis, which CMMs they wish to submit as proposals for adoption as revised resolutions. 			

Part B: Results of Workshop discussions on CDS

There was unanimous support from the workshop for the IOTC to adopt a CDS. The workshop on CDS further recommended that a Working Group be constituted to guide the development of the IOTC CDS.