

Report of the Tenth Session of the Compliance Committee

Mauritius 2–4 May, 2013

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ACRONYMS

CFFA	Coalition for Fair Fisheries Arrangement
CMM	Conservation and Management Measure (of the IOTC; Resolutions and Recommendations)
CoC	Compliance Committee of the IOTC
CPCs	Contracting Parties and Cooperating non-Contracting Parties
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization of the United Nations
GI	Greenpeace International
IOC	Indian Ocean Commission
IOTC	Indian Ocean Tuna Commission
ISSF	International Seafood Sustainability Foundation
IUU	Illegal, unreported and unregulated
LSTLV	Large-scale tuna longline vessel
OPRT	Organisation for the Promotion of Responsible Tuna Fisheries
PEW	PEW Charitable Trust
SC	Scientific Committee of the IOTC
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System
WWF	World Wide Fund for Nature (a.k.a World Wildlife Fund)

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EXECUTIVE SUMMARY

The Tenth Session of the Compliance Committee (CoC) of the Indian Ocean Tuna Commission (IOTC) was held in Mauritius from the 2–4 May, 2013. The meeting was opened by the Chair, Mr. Roberto Cesari (European Union). A total of 113 delegates from 25 Members of the Commission, 2 Cooperating non-Contracting Parties and 9 Observers attended the Session.

([para. 2](#)) The CoC **RECALLED** that the purpose of the meeting is to strengthen compliance among Members, i.e. Contracting Parties, and Cooperating Non-Contracting Parties (CPCs) by firstly reviewing progress made during the 2012/2013 intersessional period, identifying outstanding issues of non-compliance as well identifying the challenges and difficulties that each CPC and notably developing coastal States are facing in enforcing and complying with IOTC Conservation and Management Measures (CMMs), and finally to encourage such improvement during the next intersessional period.

The following are a subset of the complete recommendations from the CoC10 to the Commission, which are provided at [Appendix VII](#).

Overview of the Implementation of IOTC Conservation and Management Measures

([para. 8](#)) Noting the specific issues identified during the CoC10, which many CPCs were encountering difficulty in implementing, specifically meeting the 5% minimum observer coverage level, minimum data reporting requirements, implementing the port State measures and a vessel monitoring scheme (particularly for small scale fisheries), and difficulties in interpreting some IOTC's CMMs, the CoC **RECOMMENDED** that CPCs continue efforts in improving their compliance status and in doing so utilise the knowledge and experience available at the IOTC Secretariat to assist them in ensuring they fully understand their obligations as outlined in the various CMMs of the Commission.

Review of the Effects of Piracy on at Sea Inspections

([para. 79](#)) The CoC **RECOMMENDED** that the Commission consider whether a potential best practice protocol for vessels in transit with armed guards on board and whether a formal and binding management measure on a regional high-seas boarding and inspection scheme should be developed in the future.

Update on Progress Regarding the Performance Review

([para. 84](#)) The CoC **RECOMMENDED** that the Commission consider whether another IOTC Performance Review should be undertaken in 2014, given that the previous review was completed in 2009.

Activities by the Secretariat in Support of Capacity Building for Developing CPCs

([para. 87](#)) The CoC **RECOMMENDED** that the Commission consider its continued support of the work of the Secretariat in 2013, to allow it to undertake additional capacity building missions to improve the implementation of CMMs by IOTC Members, and to consider developing a plan of work for 2013/14.

Review of the Draft and Adoption of the Report of the Tenth Session of the Compliance Committee

([para. 100](#)) The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC10, provided at [Appendix VII](#).

1. OPENING OF THE SESSION

1. The Tenth Session of the Compliance Committee (CoC) of the Indian Ocean Tuna Commission (IOTC) was held in Mauritius from the 2–4 May, 2013. The meeting was opened by the Chair, Mr. Roberto Cesari (European Union). A total of 113 delegates from 25 Members of the Commission, 2 Cooperating non-Contracting Parties and 9 Observers attended the Session. The list of participants is provided at [Appendix I](#).
2. The CoC **RECALLED** that the purpose of the meeting is to strengthen compliance among Members, i.e. Contracting Parties, and Cooperating Non-Contracting Parties (CPCs) by firstly reviewing progress made during the 2012/2013 intersessional period, identifying outstanding issues of non-compliance as well identifying the challenges and difficulties that each CPC and notably developing coastal States are facing in enforcing and complying with IOTC Conservation and Management Measures (CMMs), and finally to encourage such improvement during the next intersessional period.

2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

3. The CoC **ADOPTED** the Agenda as provided at [Appendix II](#). The documents presented to the CoC are listed at [Appendix III](#). The Chair informed participants that a new Vice-Chair would need to be elected before the end of the CoC10.

3. ADMISSION OF OBSERVERS

4. Noting Rule XII.2 of the IOTC Rules of Procedure which states that ‘*The procedures of subsidiary bodies of the Commission established in accordance with paragraph 5 of Article XII of the Agreement shall be governed mutatis mutandis by the Rules of procedure of the Commission.*’ and pursuant to Article VII of the Agreement establishing the IOTC, the CoC **ADMITTED** the following observers, as defined in Rule XIII of the IOTC Rules of Procedure:
 - i. Russian Federation
 - ii. Coalition for Fair Fisheries Arrangements (CFFA)
 - iii. Greenpeace International
 - iv. Indian Ocean Commission (IOC)
 - v. International Sustainable Seafood Foundation (ISSF)
 - vi. Organisation for the Promotion of Responsible Tuna Fisheries (OPRT)
 - vii. PEW Charitable Trusts (PEW)
 - viii. US-Japan Research Institute
 - ix. World Wide Fund for Nature (a.k.a World Wildlife Fund, WWF)

Invited experts

- i. Invited experts from Taiwan, Province of China

4. OVERVIEW OF THE IMPLEMENTATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES

4.1 General review of the implementation of CMMs

5. The CoC **NOTED** paper IOTC–2013–CoC10–03 which summarised the level of compliance by IOTC Members and Cooperating non-Contracting Parties (CPCs) to some of the more prominent IOTC CMMs. The report is based on information available to the Secretariat as of 12th March, 2013.
6. The CoC **NOTED** that there are still some CPCs not meeting their obligations to provide information under the various CMMs covered in the paper. Some of the required information is not only important to ensure the completeness of datasets, but also to allow the CoC to fully assess the level of compliance of CPCs with the CMMs to monitor the capacity of fleets actively fishing for tropical tunas, swordfish and albacore.
7. The CoC **REMINDED** all CPCs of the need to respect the deadlines of the process established in Resolution 10/09 *Concerning the functions of the Compliance Committee*, para. 4.

Recommendation/s

8. Noting the specific issues identified during the CoC10, which many CPCs were encountering difficulty in implementing, specifically meeting the 5% minimum observer coverage level, minimum data reporting requirements, implementing the port State measures and a vessel monitoring scheme (particularly for small scale fisheries), and difficulties in interpreting some IOTC’s CMMs, the CoC **RECOMMENDED** that CPCs continue efforts in improving their compliance status and in doing so utilise the knowledge and experience available at the IOTC Secretariat to assist them in ensuring they fully understand their obligations as outlined in the various CMMs of the Commission.

4.2 IOTC regional observer programme for at-sea transshipments

9. The CoC **NOTED** paper IOTC–2013–CoC10–04a and 4b which provided reports on establishing an observer programme to monitor at-sea transshipment by large-scale fishing vessels in the IOTC area of competence and in particular the alleged cases of non-compliance (see section 7).
10. The CoC **NOTED** that nine fleets have submitted information on carrier vessels authorised to receive at-sea transshipments from their large-scale tuna longline fishing vessels (LSTLVs). This represents a total of 53 carrier vessels that have been expressly authorised to receive at-sea transshipments from participating fleets in the programme.
11. The CoC **NOTED** that in 2012, a total of 45 (up from 42 in 2011) observer deployments were approved; this excluded deployments that were approved in late 2011, but continued into 2012. A total of 801 (up from 770 in 2011) transshipment operations were observed, in which 43,339 t (up from 37,443 t in 2011) of fish were transhipped. Bigeye tuna was the main species transhipped; accounting for 55% of all fish transhipped. This was followed by yellowfin tuna and albacore which accounted for 16.3% and 9.3% respectively. Overall, tuna and billfishes accounted for approximately 92% (up from 72% in 2011) of all species transhipped. In comparison to 2011, the quantity of fish transhipped during 2012 has slightly increased.

4.3 Review of reference fishing capacity and fleet development plans

12. The CoC **NOTED** papers IOTC–2013–CoC10–05 and 05 Add_1, which summarise the information available to the Secretariat in accordance with IOTC Resolution 09/02 *On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties*, to assist CPCs in assessing compliance with the limitation on fishing capacity, in particular with the provisions of paragraphs 1, 6, 7 and 8.
13. The CoC **NOTED** that the trends in overall fishing capacity can be assessed by comparing the active capacity in 2012 with the reference active capacity in 2006 or 2007. Capacity in 2012 reflects a decrease in fishing pressure, relative to 2006 or 2007 levels. In case of differences between CPCs records and IOTC records of active capacity for reference years, CPCs are encouraged to work with the Secretariat to resolve those differences as soon as possible.
14. The CoC **NOTED** that some CPCs have yet to provide a list of their active vessels in 2012, and agreed that these CPCs should do so during the current Session in consultation with the Secretariat.
15. The CoC **NOTED** that in relation to tropical tunas, the results indicate that the active capacity in 2012 (509,206 tons) has decreased relative to the baseline capacity of 2006 (585,292 tons), and it was just over half the reference limit capacity of 952,259 tons, that was expected for 2012. The lower than expected value is the results of reductions in capacity of most fleets, and also the failure of the majority of CPCs with a fleet development plan, to implement the plan. A revised table containing information provided by CPCs during the CoC10 is provided at [Appendix IV](#).
16. The CoC **NOTED** that in relation to swordfish and albacore, there has been a significant decrease in the capacity of vessels targeting these species in the last two years. Three CPCs that have not recorded a baseline capacity for this fishery have also had vessels targeting swordfish and albacore in 2012.

5. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

17. The CoC **NOTED** that in 2013, a total of 27 national ‘Reports of Implementation’ were provided by CPCs (25 Members and 2 Cooperating Non-Contracting Parties), down from 28 in 2012. The CoC stressed the importance of the timely submission of national ‘Reports of Implementation’ by all CPCs and urged those CPCs who did not meet their reporting obligations in this regard (Eritrea, Guinea, Pakistan, Sierra Leone, Sudan and Yemen), to provide a national Report of Implementation to the Secretariat as soon as possible.
18. The CoC **REMINDED** CPCs of their obligation under Article X.2 of the IOTC Agreement to transmit to the Commission a national ‘Reports of Implementation’ on the actions it has taken to make effective the provisions of the IOTC Agreement and to implement CMMs adopted by the Commission. Such ‘Reports of Implementation’ shall be sent to the Executive Secretary of the Commission not later than 60 days before the date of the following regular session of the Commission.
19. The CoC **AGREED** that specifics relating to each national ‘Reports of Implementation’ would be considered in conjunction with Agenda item 6, on the country based Compliance Reports prepared by the Secretariat.

Recommendation/s

20. The CoC **RECOMMENDED** that those CPCs who have not submitted their national ‘Reports of Implementation’ for 2013 should do so as soon as possible. The Secretariat shall follow-up with each such CPC to ensure a national ‘Reports of Implementation’ is submitted for publication on the IOTC website and to inform CPCs via an IOTC Circular once each is received.

6. REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS – RES. 10/09**6.1 Review of individual CPC Compliance Status against IOTC Conservation and Management Measures**

21. The CoC **NOTED** the country based Compliance Reports (IOTC–2013–CoC109–CR01 to CR33) for each CPC, and thanked the Secretariat for developing the reports.
22. The CoC **AGREED** that the development of these reports, based on the Compliance Questionnaire, in addition to the discussion on the identification of areas of non-compliance, was aimed at improving the understanding and implementation of IOTC CMMs by all CPCs.
23. The CoC **AGREED** to individually assess Contracting Parties and Cooperating non-Contracting Parties (CPCs) for their respective compliance with IOTC CMMs and associated reporting requirements. Based on the CPC presentations, and the examination of the country based Compliance Report and the national ‘Reports of Implementation’, the CoC **NOTED** substantial variations in the degree of compliance by the CPCs.
24. The CoC **WELCOMED** the progress made by each CPC on compliance with IOTC CMMs in 2012/2013 and encouraged each CPC to continue their efforts to improve compliance during the intersessional period.
25. The CoC **NOTED** the statements from Mauritius and the United Kingdom (OT) provided at [Appendix V](#).
26. The CoC **INVITED** the Secretariat to present information on the fleets from Taiwan, Province of China operating in the IOTC area of competence. Taiwan, Province of China has a large fleet of longliners operating in the Indian Ocean, landing around 85,000 t of tuna and tuna-like species annually. The CoC asked the invited experts from Taiwan, Province of China to provide an overview of the actions that they have taken to comply with all IOTC CMMs.
27. The CoC **NOTED** the actions taken by the fleet of longliners from Taiwan, Province of China, to comply with IOTC CMMs. A ‘Report of Implementation’, made available by Taiwan, Province of China to the Secretariat, can be made available to CPCs upon request.

6.2 Identification of eventual non-compliance cases, CPC information on their Compliance Status (reasons, problems, etc.)

28. The CoC **NOTED** the responses from CPCs on non-compliance issues and **AGREED** to include responses and difficulties in implementation being experienced by each CPC.

6.3 Discussion on follow-up on individual compliance status (intersessional process, and 2013 Compliance Committee discussions)

29. The CoC **AGREED** that the individual compliance status should be summarised and will constitute the content of the ‘feedback letters on compliance issues’, that will be addressed to the Heads of Delegation during the 17th Session of the Commission (S17) by the Chair of the Commission, including the challenges being experienced by CPCs in implementing the IOTC CMMs.
30. The CoC **NOTED** that six CPCs (Eritrea, Guinea, Pakistan, Sierra Leone, Sudan and Yemen) were not present at CoC10 and **AGREED** that attendance by all CPCs at each CoC meeting is essential to the effective operation of the Commission.
31. The CoC **AGREED** that the Chair of the CoC would provide questions in writing to each of the CPCs who were not in attendance at the CoC meeting. For those CPCs who attend S17, this would be done during the first day of the meeting. For those CPCs who do not attend S17, the ‘letter of feedback on compliance issues’ would be sent by the IOTC Chair following the Commission meeting and would include an expression of concern given the CPCs absence from the IOTC meetings.

Recommendation/s

32. The CoC **RECOMMENDED** that the Commission agree to the development and distribution of letters of feedback by the IOTC Chair, highlighting areas of non-compliance to relevant CPCs, together with the difficulties and challenges being faced.

33. The CoC **RECOMMENDED** that the Commission consider adopting a deadline (e.g. 60 or 90 days before the next annual Session of the Commission) for all CPCs to respond to the ‘feedback letters on compliance issues’ from the Commission and based on the deliberations of the CoC each year.
34. The CoC **RECOMMENDED** that the Commission consider developing follow-up actions on the issues contained in [Appendix IV](#), including potential capacity building activities to address these matters, particularly for developing coastal States.

7. REVIEW OF ADDITIONAL INFORMATION RELATED TO IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE

35. The CoC **NOTED** paper IOTC–2013–CoC10–08a which outlines reports of possible IUU fishing activities in the IOTC area of competence from three CPCs. Since the reporting CPCs have not requested that the concerned vessels be placed on the IOTC Draft IUU Vessels List, the information is for the consideration of CPCs and for them to take any action that they may feel is appropriate, at the 10th Session of the Compliance Committee.

7.1 RWAD No. 1

36. The CoC **NOTED** the information provided by Mauritius regarding the denial of unloading of catch from the longline vessel *RWAD No. 1*, flying the flag of Oman and suspected to have carried out high seas transshipment in violation of IOTC Resolution 12/05.
37. The CoC **NOTED** the commitment from Oman to cooperate with Mauritius to investigate the allegations of transshipments at-sea in violation of Resolution 12/05.

7.2 Full Rich

38. The CoC **NOTED** the information obtained under the IOTC Regional Observer Program for monitoring at-sea transshipments, regarding the longline vessel *Full Rich*, flying the flag of the Democratic People’s Republic of Korea and suspected to be operating in the IOTC area in violation of IOTC Resolution 07/02. The CoC deferred discussion of this matter to the 17th Session of the Commission (S17), where the DPRK is expected to be in attendance.

7.3 IMUL-A-0352KLT, IMUL-A-12939MTR and IMUL-A-0341KLT

39. The CoC **NOTED** the information provided in papers IOTC–2013–CoC10–08a and 08b on the longline and gillnet vessels IMUL-A-0352KLT, IMUL-A-12939MTR and IMUL-A-0341KLT, flying the flag of Sri Lanka, and suspected of IUU activities in the IOTC area of competence. The CoC **NOTED** the actions that Sri Lanka has taken against the vessels.
40. The CoC **RECOMMENDED** that, in the future, information regarding IUU cases should be reported through official channels, i.e. through the IOTC Secretariat following the appropriate IOTC procedure.

7.4 Follow-up actions on the decisions of the 16th Session of the Commission

41. The CoC **NOTED** paper IOTC–2013–CoC10–08b which provides information from the United Kingdom (OT) on IUU fishing in the waters of the Chagos archipelago by fishing vessels flagged to Sri Lanka.
42. The CoC **NOTED** that in 2012 the UK(OT) presented a note outlining a history of persistent IUU fishing in the waters of the Chagos archipelago by Sri Lankan flagged fishing vessels over many years (IOTC–2012–CoC09–08b). That note raised concerns about the ability of the Sri Lankan Competent Authorities to meet international obligations including IOTC CMMs and sought commitments on a way forward to address this issue.
43. The CoC **NOTED** that the UK(OT) and Sri Lankan Authorities had established a bilateral mechanism for exchanging information on IUU vessels during 2011, and which was further reinforced following the discussions held in Fremantle in 2012. This mechanism has been working well and closer collaboration with the Sri Lankan authorities is welcomed in order to combat IUU.
44. The CoC **NOTED** that whilst there has been continued IUU activity in the waters of the Chagos archipelago, Sri Lankan Authorities have taken steps to build capacity and address some of the issues raised during CoC09 (2012).
45. The CoC **ENCOURAGED** Sri Lanka to continue their work in improving compliance with IOTC CMMs by their fleets and to work closely with other CPCs and the Secretariat, as they have done in 2012.

Recommendation/s

46. The CoC **RECOMMENDED** that Sri Lanka continue to provide monthly reports including: i) evidences of the actions it had taken against IUU vessels; ii) name of the past and present owner and skipper; and iii) IOTC numbers from the record of authorised vessels, in a standardised format into the future, irrespective of whether new information had become available, for each of the vessels reported to IOTC for IUU fishing.

47. The CoC **RECOMMENDED** that Sri Lanka provide regular updates in the implementation of their road map for the vessel monitoring scheme, and regular updates on the passage of new domestic requirements for a high-seas licencing regime, to the Secretariat for circulation to the Commission.

7.5 Presumed IUU fishing activities reported by observers under the IOTC Transshipment Programme

48. The CoC **NOTED** paper IOTC–2013–CoC10–08c Rev_1 which provided a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), as recorded by observers deployed under the Programme during 2012, in line with the requirement of IOTC Resolution 12/05 *On establishing a programme for transshipment by large-scale fishing vessels*.
49. The CoC **NOTED** that a total of 169 possible infractions were recorded in 2012 (84 in 2011). These possible infractions were recorded and communicated to the concerned fleets participating in the Programme, as and when the concerned deployment reports were approved by the Secretariat. The possible infractions consisted of the following:
- a) 77 cases where vessel skippers failed to provide fishing logbooks for inspection, or the logbooks were not complete.
 - b) 40 related to marking of vessels.
 - c) 36 inspections where vessel skippers failed to provide valid fishing licenses or authorizations to fish.
 - d) 12 vessels where there was either no VMS on board or where the VMS was not in operation.
 - e) 3 related to vessels not on the IOTC Record of Authorised Vessels.
 - f) 1 for obstruction of the work of an observer.
50. The CoC **NOTED** that all observer reports for the IOTC at sea transshipment Programme, are forwarded to the countries concerned for information. In this regard, the CoC asked countries to review the reports and follow-up on the irregularities identified, where required. In order to facilitate this task, the CoC **REQUESTED** the IOTC Secretariat to continue to highlight the issues identified by observers when sending the reports to the fleets concerned.

7.6 Follow up of the decisions taken during the 9th Session of the Compliance Committee, endorsed by the Commission

51. The CoC **NOTED** that in addition to 169 cases contained in paper IOTC–2013–CoC10–08c Rev_1, there were several cases to be investigated by flag CPCs during 2012/2013.

Recommendation/s

52. The CoC **RECOMMENDED** that those CPCs identified in paper IOTC–2013–CoC10–08c Rev_1, a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), which have not submitted any response to the Committee investigate and report back to the IOTC via the Secretariat, the findings of their investigations, within three months of the end of the 17th Session of the Commission, by submitting reports on the follow-up on the irregularities identified. In order to assist with the comprehensive evaluation of any alleged infringement, copies of the logbooks, VMS plots, licenses and any other relevant documents should be provided by the flag States.
53. The CoC **RECOMMENDED** that the Secretariat follow, from one year to the next, the potential infringement cases identified so as to allow the CoC to identify repeated cases of infringement.

8. REVIEW OF THE PROVISIONAL IUU VESSELS LIST AND OF THE INFORMATION SUBMITTED BY CPCs RELATING TO ILLEGAL FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE – RES. 11/03

54. The CoC **NOTED** paper IOTC–2013–CoC10–07 Rev_1 which outlined the Provisional IUU Vessels List, and includes both the current list of IUU vessels as well as those proposed for inclusion in the IOTC IUU Vessels list, in accordance with Paragraph 7 of IOTC Resolution 11/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area*.

8.1 2012 IOTC IUU Vessels List - review

8.1.1 Ocean Lion (flag unknown)

55. The CoC **NOTED** that no new information was available regarding the *Ocean Lion*.

Recommendation/s

56. The CoC **RECOMMENDED** that the *Ocean Lion* remain on the IOTC IUU Vessels List as no further information was provided to the CoC10 during its deliberations.

8.1.2 Yu Maan Won (flag unknown)

57. The CoC **NOTED** that no new information was available regarding the *Yu Maan Won*.

Recommendation/s

58. The CoC **RECOMMENDED** that the *Yu Maan Won* remain on the IOTC IUU Vessels List as no further information was provided to the CoC10 during its deliberations.

8.1.3 Gunuar Melyan 21 (flag unknown)

59. The CoC **NOTED** that no new information was available regarding the *Gunuar Melyan 21*.

Recommendation/s

60. The CoC **RECOMMENDED** that the *Gunuar Melyan 21* remain on the IOTC IUU Vessels List as no further information was provided to the CoC10 during its deliberations.

8.1.4 Hoom Xiang II (flag unknown)

61. The CoC **NOTED** that no new information had been provided on the new flag of this vessel.

Recommendation/s

62. The CoC **RECOMMENDED** that the *Hoom Xiang II* remain on the IOTC IUU Vessels List and the government of Malaysia make further efforts to identify the new flag of this vessel.

8.2 Provisional IOTC IUU Vessels list - Consideration of other vessels

63. The CoC **NOTED** both the evidence provided for the inclusion of new vessels on the IOTC IUU Vessels List, and the response received from the flag State as summarised in the sections below.

64. The CoC **RECOMMENDED** that appropriate legal support be present during future CoC Sessions to aid Members deliberations of alleged IUU cases.

8.2.1 Txori Argi (EU(Spain))

65. The CoC **NOTED** the information provided by Mozambique in support of a proposed IUU listing for the *Txori Argi*, a purse seine fishing vessel flying the flag of EU(Spain).

66. The CoC **NOTED** the information provided by the EU on the *Txori Argi*, which described the situation from the perspective of the EU. On the basis of the information presented, EU requested that the CoC not list the vessel on the IOTC IUU Vessels List.

Recommendation/s

67. The CoC **DEFERRED** the decision on this case to the 17th Session of the Commission.

68. The CoC **ENCOURAGED** bilateral discussions between the EU and Mozambique to continue prior to the 17th Session of the Commission and asked that the outcomes be communicated during the Session when the Provisional IUU vessels list is considered.

8.2.2 FU HSIANG FA No. 21 (flag Unknown)

69. The CoC **NOTED** the information provided by Belize in support of a proposed IUU listing for the *FU HSIANG FA No. 21*, a longline fishing vessel of an unknown flag state.

Recommendation/s

70. The CoC **RECOMMENDED** that the Commission consider adding the *FU HSIANG FA No. 21* on the IOTC IUU Vessels List, as permitted under Resolution 11/03 para. 12.

8.2.3 HSIANG FA 26 (Seychelles)

71. The CoC **NOTED** the information provided by Tanzania in support of a proposed IUU listing for the *HSIANG FA 26*, a longline fishing vessel flying the flag of Seychelles.

72. The CoC **NOTED** the information provided by Seychelles on the *HSIANG FA 26*, which described the actions taken by the Seychelles to investigate the allegations. On the basis of the information presented, Seychelles requested that the CoC not list the vessel on the IOTC IUU Vessels List.

Recommendation/s

73. The CoC **RECOMMENDED** that the Commission consider retaining the *HSIANG FA 26* on the Provisional IOTC IUU Vessels List, as provided under Resolution 11/03 para. 14.

8.2.4 Hwa Kun No. 168 (Taiwan, Province of China)

74. The CoC **NOTED** the information provided by Tanzania in support of a proposed IUU listing for the *Hwa Kun No. 168*, a longline fishing vessel from Taiwan, Province of China.
75. The CoC **NOTED** the information provided by Taiwan, Province of China on the *Hwa Kun No. 168*, which described the efforts undertaken by Taiwan, Province of China to investigate the allegations. On the basis of the information presented, Taiwan, Province of China requested that the CoC not list the vessel on the IOTC IUU Vessels List.

Recommendation/s

76. The CoC **RECOMMENDED** that the Commission consider retaining the *Hwa Kun No. 168* on the Provisional IOTC IUU Vessels List, as provided under Resolution 11/03 para. 14.

9. REVIEW OF THE EFFECTS OF PIRACY ON AT SEA INSPECTIONS

77. The CoC **NOTED** paper IOTC–2013–CoC10–10 which detailed how the increase of anti-piracy personnel deployed on tuna fishing vessels in the Indian Ocean has allowed some of these vessels to return to previously fished grounds in the northwest Indian Ocean.
78. The CoC **NOTED** the unilateral actions that the UK(OT) plan to take in advance of any wider IOTC best practice protocol and UK(OT) requests for flag state cooperation in implementing them.

Recommendation/s

79. The CoC **RECOMMENDED** that the Commission consider whether a potential best practice protocol for vessels in transit with armed guards on board and whether a formal and binding management measure on a regional high-seas boarding and inspection scheme should be developed in the future.

10. UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW

80. The CoC **NOTED** paper IOTC–2013–CoC10–06 which outlined the current status of implementation for each of the recommendations arising from the Report of the IOTC Performance Review Panel, relevant to the CoC.
81. The CoC **NOTED** the following two recommendations from the Performance Review Panel which remain pending:
- Recommendation 9: When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not –comply be adequately sanctioned (such as market related measures).
 - Recommendation 54: IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.
82. The CoC **UPDATED** the status table, including the workplan and proposed timelines and priorities for each recommendation relevant to the work of the CoC, for the Commission’s consideration.

Recommendation/s

83. The CoC **RECOMMENDED** that the Commission note the current status of implementation for each of the recommendations arising from the Report of the IOTC Performance Review Panel, relevant to the CoC, as provided in [Appendix VI](#).
84. The CoC **RECOMMENDED** that the Commission consider whether another IOTC Performance Review should be undertaken in 2014, given that the previous review was completed in 2009.

11. ACTIVITIES BY THE SECRETARIAT IN SUPPORT OF CAPACITY BUILDING FOR DEVELOPING CPCs

85. The CoC **NOTED** paper IOTC–2013–CoC10–09 which provided a summary of the activities undertaken by the Secretariat in support of implementation of Conservation and Management Measures (CMMs) adopted by the IOTC in 2012.
86. The CoC **ACKNOWLEDGED** the valuable work of the Secretariat undertaken in 2012 in support of capacity building activities to improve the understanding and implementation of CMMs.

Recommendation/s

87. The CoC **RECOMMENDED** that the Commission consider its continued support of the work of the Secretariat in 2013, to allow it to undertake additional capacity building missions to improve the implementation of CMMs by IOTC Members, and to consider developing a plan of work for 2013/14.

12. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY

12.1 Democratic People's Republic of Korea

88. The CoC **NOTED** that the Democratic People's Republic of Korea was not present during the CoC10 to present their application for Cooperating Non-Contracting Party status (IOTC–2013–CoC10–CNCP01). As such, the CoC referred this application to the 17th Session of the Commission.

Recommendation/s

89. The CoC **RECOMMENDED** that the Commission considers the application for the status of Cooperating Non-Contracting Party of the IOTC by the Democratic People's Republic of Korea during the 17th Session of the Commission.

12.2 Senegal

90. The CoC **NOTED** the application for Cooperating Non-Contracting Party status by Senegal (IOTC–2013–CoC10–CNCP02).

Recommendation/s

91. The CoC **RECOMMENDED** that the Commission considers renewing the status of Senegal as a Cooperating Non-Contracting Party.

12.3 South Africa, Republic of

92. The CoC **NOTED** the application for Cooperating Non-Contracting Party status by South Africa (IOTC–2013–CoC10–CNCP03).

Recommendation/s

93. The CoC **RECOMMENDED** that the Commission considers renewing the status of South Africa as a Cooperating Non-Contracting Party.

12.4 Djibouti

94. The CoC **NOTED** that Djibouti was not present during the CoC10 to present their application for Cooperating Non-Contracting Party status (IOTC–2013–CoC10–CNCP04). As such, the CoC referred this application to the 17th Session of the Commission.

Recommendation/s

95. The CoC **RECOMMENDED** that the Commission considers the application of Djibouti to the status of Cooperating Non-Contracting Party during the 17th Session of the Commission.

13. OTHER BUSINESS

13.1 Date and place of the 11th Session of the Compliance Committee

96. The CoC **NOTED** the options available to it in terms of whether the next Session should be held immediately prior to the Commission meeting or at another time in the year.
97. The CoC **RECOMMENDED** that the next Eleventh Session of the CoC be held immediately prior to the 18th Session of the Commission. The exact dates and location would be decided by the Commission at its 17th Session.

13.2 Election of a chair and a vice-chair of the Compliance Committee for the next biennium

98. The CoC **CALLED** for nominations for the positions of Chair and Vice-Chair for the next biennium. Mr. Herminio Tembe (Mozambique) was nominated and elected as Chair, and Mr. Hosea Gonza Mbilinyi (Tanzania) was nominated and elected as Vice-Chair of the CoC for the next biennium.
99. The CoC **THANKED** the outgoing Chair Mr. Roberto Cesari (European Union) for his outstanding Chairmanship during his time as Chair and guidance through difficult, yet progressive times.

14. REVIEW OF THE DRAFT AND ADOPTION OF THE REPORT OF THE TENTH SESSION OF THE COMPLIANCE COMMITTEE

100. The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC10, provided at [Appendix VII](#).
101. The report of the Tenth Session of the Compliance Committee (IOTC–2013–CoC10–R) was adopted on 4 May 2013.

APPENDIX I

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APPENDIX II
AGENDA FOR THE TENTH SESSION OF THE COMPLIANCE COMMITTEE

Date: 02–04 May, 2013

Location: Grand Baie, Mauritius

Time: 0900–1700 daily

Chair: Mr. Roberto Cesari, Vice-Chair: **Vacant**

- 1. OPENING OF THE SESSION (Chair)**
- 2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION (Chair)**
- 3. ADMISSION OF OBSERVERS (Chair)**
- 4. OVERVIEW OF THE IMPLEMENTATION OF IOTC CONSERVATION OF MANAGEMENT MEASURES (Chair)**
- 5. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (Chair)**
- 6. REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS - RES.10/09 (Chair)**
- 7. REVIEW OF ADDITIONAL INFORMATION RELATED TO IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE (Chair)**
- 8. REVIEW OF THE PROVISIONAL IUU VESSELS LIST AND OF THE INFORMATION SUBMITTED BY CPCs RELATING TO ILLEGAL FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE – RES.11/03 (Chair)**
- 9. REVIEW OF THE EFFECTS OF PIRACY ON AT SEA INSPECTIONS (Chair)**
- 10. UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW (Chair)**
- 11. ACTIVITIES BY THE SECRETARIAT IN SUPPORT OF CAPACITY BUILDING FOR DEVELOPING CPCs (Secretariat)**
- 12. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY (Chair)**
- 13. OTHER BUSINESS (Chair)**
- 14. ADOPTION OF THE REPORT OF THE TENTH SESSION OF THE COMPLIANCE COMMITTEE (Chair)**

APPENDIX III
LIST OF DOCUMENTS

Document	Title	Availability
IOTC-2013-CoC10-01a	Draft agenda for the Tenth Session of the Compliance Committee	13 March, 2013
IOTC-2013-CoC10-01b	Draft annotated agenda for the Tenth Session of the Compliance Committee	07 April, 2013
IOTC-2013- CoC10-02	Draft list of documents for the Tenth Session of the Compliance Committee	13 March, 2013
IOTC-2013- CoC10-03	Summary report on the level of compliance	07 April, 2013
IOTC-2013- CoC10-03 Add_1	Summary of the list of active vessels in the iotc area from 2000 to 2012	2 May 2013
IOTC-2013- CoC10-04a	IOTC Regional Observer Programme for at-sea transshipments – Secretariat’s Report	08 April, 2013
IOTC-2013- CoC10-04b	A Summary of the IOTC Regional Observer Programme During 2012 – Contractor’s Report	08 April, 2013
IOTC-2013- CoC10-05	Report on the implementation of a limitation of fishing capacity of CPCs	22 April, 2013
IOTC-2013- CoC10-05 Add1	Collection of fleet development plans	02 April, 2013
IOTC-2013- CoC10-06	Performance review update (Resolution 09/01 – on the performance review follow-up)	27 March, 2013
IOTC-2013- CoC10-07 Rev1	Concerning the IOTC provisional IUU vessels list	18 April, 2013
IOTC-2013- CoC10-08a	Complementary elements for discussion under item 8 of the agenda for the Compliance Committee	07 April, 2013
IOTC-2013- CoC10-08b	IUU fishing in BIOT waters by fishing vessels flagged in Sri Lanka – prepared by the UK (OT)	02 April, 2013
IOTC-2013- CoC10-08c Rev1	Summary report on possible infractions observed under the Regional Observer Programme	18 April, 2013
IOTC-2013- CoC10-08c Add1	Results of investigations on possible infractions reported at the 2012 CoC meeting to which no explanation has been made by the concerned fleets	18 April, 2013
IOTC-2013- CoC10-08c Add2	Results of investigations on possible infractions reported at the 2012 CoC meeting to which no explanation has been made by the concerned fleets	03 May, 2013
IOTC-2013-CoC10-09	Summary report on Compliance Support Activities	02 April, 2013
IOTC-2013-CoC10-10	Obstruction of BIOT Fisheries Officers in execution of their duty - prepared by the UK (OT)	02 April, 2013
IOTC-2013-CoC10-11	Review of responses received from CPCs to the Letter of Feedback and the inter-sessional process.	12 April, 2013
<i>Requests for the of Cooperating non-Contracting Party status</i>		
IOTC-2013- CoC10-CNCP01	Request for the status of Cooperating non-Contracting Party by the Democratic Peoples’ Republic of Korea	23 January, 2013
IOTC-2013- CoC10-CNCP02	Request for the status of Cooperating non-Contracting Party by Senegal	15 February, 2013
IOTC-2013- CoC10-CNCP03	Request for the status of Cooperating non-Contracting Party by South Africa, Republic of	17 April, 2013
IOTC-2013- CoC10-CNCP04	Request for the status of Cooperating non-Contracting Party by Djibouti	15 April, 2013
<i>Compliance Reports – Members</i>		
IOTC-2013-CoC10-CR01	Australia	02 April, 2013

Document	Title	Availability
IOTC-2013-CoC10-CR02 Rev2	Belize	02 April, 2013
IOTC-2013-CoC10-CR03	China	02 April, 2013
IOTC-2013-CoC10-CR04 Rev1	Comoros	02 April, 2013
IOTC-2013-CoC10-CR05	Eritrea	02 April, 2013
IOTC-2013-CoC10-CR06 Rev1	European Union	02 April, 2013
IOTC-2013-CoC10-CR07 Rev1	France (territories)	02 April, 2013
IOTC-2013-CoC10-CR08	Guinea	02 April, 2013
IOTC-2013-CoC10-CR09	India	02 April, 2013
IOTC-2013-CoC10-CR10 Rev1	Indonesia	02 April, 2013
IOTC-2013-CoC10-CR11	Iran, Islamic Republic of	02 April, 2013
IOTC-2013-CoC10-CR12 Rev2	Japan	02 April, 2013
IOTC-2013-CoC10-CR13 Rev1	Kenya	02 April, 2013
IOTC-2013-CoC10-CR14 Rev1	Korea, Republic of	02 April, 2013
IOTC-2013-CoC10-CR15 Rev1	Madagascar	02 April, 2013
IOTC-2013-CoC10-CR16	Malaysia	02 April, 2013
IOTC-2013-CoC10-CR17	Maldives	02 April, 2013
IOTC-2013-CoC10-CR18	Mauritius	02 April, 2013
IOTC-2013-CoC10-CR19 Rev1	Mozambique	02 April, 2013
IOTC-2013-CoC10-CR20	Oman	02 April, 2013
IOTC-2013-CoC10-CR21	Pakistan	02 April, 2013
IOTC-2013-CoC10-CR22	Philippines	02 April, 2013
IOTC-2013-CoC10-CR23 Rev1	Seychelles	02 April, 2013
IOTC-2013-CoC10-CR24	Sierra Leone	02 April, 2013
IOTC-2013-CoC10-CR25	Sri Lanka	02 April, 2013
IOTC-2013-CoC10-CR26	Sudan	02 April, 2013
IOTC-2013-CoC10-CR27	Tanzania, United Republic of	02 April, 2013
IOTC-2013-CoC10-CR28	Thailand	02 April, 2013
IOTC-2013-CoC10-CR29	United Kingdom (territories)	02 April, 2013
IOTC-2013-CoC10-CR30 Rev1	Vanuatu	02 April, 2013
IOTC-2013-CoC10-CR31	Yemen	02 April, 2013
<i>Compliance Reports – Cooperating non-Contracting Parties</i>		
IOTC-2013-CoC10-CR32	Senegal	02 April, 2013
IOTC-2013-CoC10-CR33 Rev1	South Africa	02 April, 2013
<i>Implementation Reports – Members</i>		
IOTC-2013-CoC10-IR01	Australia	07 March, 2013
IOTC-2013-CoC10-IR02	Belize	14 March, 2013
IOTC-2013-CoC10-IR03 Rev1	China	29 March, 2013
IOTC-2013-CoC10-IR04	Comoros	13 March, 2012
IOTC-2013-CoC10-IR05	Eritrea	Overdue: 07 March, 2013
IOTC-2013-CoC10-IR06	European Union	21 March, 2013
IOTC-2013-CoC10-IR07	France (territories)	08 April, 2013
IOTC-2013-CoC10-IR08	Guinea	Overdue: 07 March, 2013
IOTC-2013-CoC10-IR09	India	15 March, 2013
IOTC-2013-CoC10-IR10	Indonesia	07 March, 2013

Document	Title	Availability
IOTC-2013-CoC10-IR11	Iran, Islamic Republic of	09 March, 2013
IOTC-2013-CoC10-IR12	Japan	12 March, 2013
IOTC-2013-CoC10-IR13	Kenya	15 April, 2013
IOTC-2013-CoC10-IR14	Korea, Republic of	01 April, 2013
IOTC-2013-CoC10-IR15	Madagascar	16 April, 2013
IOTC-2013-CoC10-IR16	Malaysia	08 March, 2013
IOTC-2013-CoC10-IR17	Maldives	07 March, 2013
IOTC-2013-CoC10-IR18	Mauritius	19 March, 2013
IOTC-2013-CoC10-IR19	Mozambique	07 March, 2013
IOTC-2013-CoC10-IR20	Oman	29 March, 2013
IOTC-2013-CoC10-IR21	Pakistan	Overdue: 07 March, 2013
IOTC-2013-CoC10-IR22	Philippines	17 March, 2013
IOTC-2013-CoC10-IR23	Seychelles	22 March, 2013
IOTC-2013-CoC10-IR24	Sierra Leone	Overdue: 07 March, 2013
IOTC-2013-CoC10-IR25	Sri Lanka	07 March, 2013
IOTC-2013-CoC10-IR26	Sudan	Overdue: 07 March, 2013
IOTC-2013-CoC10-IR27	Tanzania, United Republic of	21 March, 2013
IOTC-2013-CoC10-IR28	Thailand	22 March, 2013
IOTC-2013-CoC10-IR29	United Kingdom (territories)	07 March, 2013
IOTC-2013-CoC10-IR30	Vanuatu	07 March, 2013
IOTC-2013-CoC10-IR31	Yemen	Overdue: 07 March, 2013
<i>Implementation Reports – Cooperating non-Contracting Parties</i>		
IOTC-2013-CoC10-IR32	Senegal	16 March, 2013
IOTC-2013-CoC10-IR33	South Africa	24 April, 2013

APPENDIX IV

REFERENCE FISHING CAPACITY AND FLEET DEVELOPMENT PLANS

Table 1. The reference limits on fishing capacity based on the tonnage of vessels declared as active in 2006 – for tropical tunas.

CPCs		A. Reference 2006	B. Planned FDPs 2007-2012	Reference capacity at 2012 (A+B)	Active capacity in 2012	Capacity to be added under Fleet Development Plan							
						2013	2014	2015	2016	2017	2018	2019	> 2020
Australia	(GRT)	3,312		3,312	1,091								
Belize	(GT)		2,400	2,400		400	400						
China	(GT)	27,216		27,216	16,236								
Comoros													
Eritrea													
European Union	(GT)	96,595		96,595	61,177								
France (OT)	(GT)	4,638	7,994	12,632	12,632								
Guinea	(GRT)	1,439		1,439									
India	(GRT)	32,950	2,800	35,750	3,282	1,400	1,800	1,800	1,250	1,250	1,100	600	600
Indonesia	(GT)	124,011	70,084	194,095	142,360	6,600	6,600	6,270					
Iran	(GT)	92,653	22,800	115,453	102,408	15,500	22,150						
Japan	(GT)	91,076		91,076	44,494								
Kenya	(GT)												
Korea, Republic of	(GT)	15,274		15,274									
Madagascar	(GT)	263		263	258.11								
Malaysia	(GRT)	2,299	15,334	17,633									
Maldives	(GT)		766	766	8,809	90	68	68	68	68	68	45	45
Mauritius	(GRT)	1,931	16,326	18,257		5,331	7,997	5,331	5,331	5,331			
Mozambique	(GT)				444		10,000	10,000	10,000	10,000	10,000	10,000	
Oman	(GT)	3,126	7,172	(10,298)	7,661	1,146	1,146	1,146					5,730
Pakistan	(GT)		20,000	(20,000)	1,130	10,000	10,000	10,000					
Philippines	(GRT)	10,304		10,304	7,108								
Seychelles	(GT)	41,735	132,572	174,307	38,767	18,556	18,556	18,556	18,556				
Sierra Leone													
Sri Lanka	(GT)	18,436	28,288	46,724	50,776	49,993	76,428	105,227					
Sudan													
Tanzania	(GT)				2,412								
Thailand	(GT)	13,771	12,750	26,521	4,678	5,750	5,750						
U. K. (I.O. Territories)	(GT)												
Vanuatu	(GT)		25,875	25,875									
Yemen													
Senegal	(GRT)	1,250											
South Africa	(GT)	3,013	3,056	6,069	3,484								
Total	(GRT + GT)	585,292	368,217	952,259	509,206	114,766	160,895	158,398	35,205	16,649	11,168	10,645	6,375
Difference relative to 2006 Baseline				163%	87%								251%

N.B. Estimates of capacity, figures in brackets, for CPCs that have not reported their active vessels list for 2012 are based on their list of authorised vessels on 12th March, 2013.

Table 2. The reference limits on fishing capacity based on the number of vessels declared as active in 2006 – for tropical tunas.

CPCs	A. Reference 2006	B. Planned FDPs 2007-2012	Reference capacity at 2012 (A+B)	Active capacity in 2012	Capacity to be added under Fleet Development Plan							
					2013	2014	2015	2016	2017	2018	2019	>2020
Australia	10		10	6								
Belize		4	4		2	1	1					
China	67		67	31								
Comoros												
Eritrea												
European Union	49		49	27								
France (OT)	2	3	5	5								
Guinea	3		3									
India	70	12	82	20	12	12	12	12	7	7	6	10
Indonesia	1,201	509	1,710	1,278	60	60	60	57				
Iran	1,016	14	1,030	1,222	11	20	29					
Japan	227		227	73								
Kenya												
Korea, Republic of	38		38									
Madagascar	2		2	7								
Malaysia	28	83	111		24							
Maldives		31	31	249	3	4	3	3	3	3	3	4
Mauritius	8	15	23		15	2	3	2	2	2		
Mozambique				1			5	5	5	5	5	5
Oman	24	42	66	(41)	7	7	7	7				
Pakistan		30	30	(10)	30	30	30	30				
Philippines	18		18	14								
Seychelles	34	71	105	39	11	11	11	11	11			
Sierra Leone												
Sri Lanka	1,001	125	1,126	2,482	241	288	305	385				
Sudan												
Tanzania				8								
Thailand	9	30	39	5	30	25	25					
U. K. (I.O. Territories)												
Vanuatu		48	48									
Yemen												
Senegal	3		3									
South Africa	13	10	23	13								
Total	3,823	1,027	4,850	5,531	446	460	491	512	28	17	14	19

N.B. Estimates of number of vessels, figures in brackets, for CPCs that have not reported their active vessels list for 2012 are based on their number of authorised vessels on 12th March, 2013.

Table 3. The reference limits on fishing capacity based on the tonnage of vessels declared as active in 2007 – for swordfish and albacore.

CPCs		A. Reference 2007	B. Planned FDPs 2008-2012	Reference capacity at 2012 (A+B)	Active capacity in 2012	Capacity to be added under Fleet Development Plans							
						2013	2014	2015	2016	2017	2018	2019	>2020
Australia	(GRT)												
Belize	(GT)	1,620		1,620	1,983								
China	(GT)		3,389	3,389	1,745								
Comoros													
Eritrea													
European Union	(GT)	21,922	3,375	25,297	11,586								
France (OT)	(GT)							1,286					2143
Guinea	(GRT)												
India	(GRT)												
Indonesia	(GT)												
Iran	(GT)												
Japan	(GT)												
Kenya	(GT)												
Korea, Republic of	(GT)												
Madagascar	(GT)												
Malaysia	(GRT)				582								
Maldives	(GT)												
Mauritius	(GRT)				289	800	1,600	2,000	1,600	2,000			
Mozambique	(GT)						3,750	3,750	1,875	1,875	1,875	1,875	33750
Oman	(GT)												
Pakistan	(GT)												
Philippines	(GRT)												
Seychelles	(GT)	536		536									
Sierra Leone													
Sri Lanka	(GT)		452	452		2,518	3,432	4,263					
Sudan													
Tanzania	(GT)												
Thailand	(GT)												
U. K. (I.O. Territories)	(GT)												
Vanuatu	(GT)												
Yemen													
Senegal	(GRT)												
South Africa	(GT)		4,274	4,274									
Total	(GRT+GT)	24,078	11,490	35,568	16,185	3,318	8,782	11,299	3,475	3,875	1,875	1,875	35,893
Difference relative to 2007 Baseline					148%	67%							440%

Table 4. The reference limits on fishing capacity based on the number of vessels declared as active in 2007 – for swordfish and albacore.

CPCs	A. Reference 2007	B. Planned FDPs 2008-2012	Reference capacity at 2012 (A+B)	Active capacity in 2012	Capacity to be added under Fleet Development Plans							
					2013	2014	2015	2016	2017	2018	2019	>2020
Australia												
Belize	10		10	6								
China		10	10	5								
Comoros												
Eritrea												
European Union	72	15	87	44								
France (OT)							15					25
Guinea												
India												
Indonesia												
Iran												
Japan												
Kenya												
Korea, Republic of												
Madagascar												
Malaysia				5								
Maldives												
Mauritius				5	2	4	5	4	5			
Mozambique						10	10	5	5	5	5	90
Oman												
Pakistan												
Philippines												
Seychelles	1		1									
Sierra Leone												
Sri Lanka		14	14		15	15	17					
Sudan												
Tanzania												
Thailand												
U. K. (OT)												
Vanuatu												
Yemen												
Senegal												
South Africa		20	20									
Total	83	59	142	65	17	29	47	9	10	5	5	115

APPENDIX V
STATEMENTS OF MAURITIUS AND THE UNITED KINGDOM (OT)

“The Government of the Republic of Mauritius reaffirms that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”) which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence. This excision was carried out in violation of international law and United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

The Government of the Republic of Mauritius reiterates that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius under both Mauritian law and international law. The Republic of Mauritius is, however, being prevented from exercising its rights over the Chagos Archipelago because of the de facto and unlawful control of the United Kingdom over the Archipelago.

Moreover, the Government of the Republic of Mauritius does not recognize the existence of the ‘marine protected area’ which the United Kingdom has purported to establish around the Chagos Archipelago in breach of international law, including the provisions of the United Nations Convention on the Law of the Sea (UNCLOS). On 20 December 2010, Mauritius initiated proceedings against the United Kingdom under Article 287 of, and Annex VII to, UNCLOS to challenge the legality of the ‘marine protected area’. The dispute is currently before the Arbitral Tribunal constituted under Annex VII to UNCLOS.

In the light of the above, consideration of any documents which the United Kingdom has purported to submit to this Committee in respect of the Chagos Archipelago or which purport to refer to the Chagos Archipelago as the so-called “BIOT”, as well as any action or decision that may be taken on the basis of such documents, cannot and should not be construed as implying that the United Kingdom has sovereignty or analogous rights over the Chagos Archipelago.”

“The UK has no doubt about its sovereignty over the British Indian Ocean Territory which was ceded to Britain in 1814 and has been a British dependency ever since. As the UK Government has reiterated on many occasions, we have undertaken to cede the Territory to Mauritius when it is no longer needed for defence purposes.”

APPENDIX VI

CoC: UPDATE ON PROGRESS REGARDING RESOLUTION 09/01 – ON THE PERFORMANCE REVIEW FOLLOW-UP

(NOTE: NUMBERING AND RECOMMENDATIONS AS PER APPENDIX I OF RESOLUTION 09/01)

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Data collection and sharing				
4. The deadline to provide data on active vessels be modified to a reasonable time in advance of the meeting of the Compliance Committee. This deadline is to be defined by the Compliance Committee.	<i>Compliance Committee</i>	Completed: Resolutions 10/07 and 10/08 have modified the reporting date for active vessels, which is now in the month preceding the meeting of the Compliance Committee. Resolution 10/08 establishes February 15 th as the new deadline for submission of the list of active vessels for the previous year.	Periodic review of Resolutions.	Low
7. Non-compliance be adequately monitored and identified at individual Member level, including data reporting.	<i>Compliance Committee</i>	<p>Ongoing: Resolution 10/09 has partially been developed for this purpose. Reports on compliance with data reporting requirements have been regularly reviewed by the Compliance Committee, as well as discussed at the species Working Parties, the Working Party on Data Collection and Statistics and the Scientific Committee. For the Compliance Committee meetings, country-based reports have been prepared for this purpose since the 2011 meeting.</p> <p>A first implementation of this approach took place in the Compliance Committee meeting 2011 (Colombo, Sri Lanka)</p> <p>There remains a need to setup a scheme of penalties and incentives.</p>	Annual review at Compliance Committee meeting	High

8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>	<p>Ongoing: The Terms of Reference of the Compliance Committee was revised in 2010 (Resolution 10/09) and provides for the assessment of compliance by CPCs. The Secretariat, via the Compliance Section, maintains contact with national officers to determine the reasons for non-compliance, in particular, concerning data reporting.</p> <p>The identification of non-compliance causes started with the country based approach (Compliance Committee meeting 2011 – Colombo, Sri Lanka).</p> <p>Starting in 2013 the Compliance Section has begun conducting Compliance Support Missions. Sri Lanka and Indonesia have already benefitted from this initiative.</p>	Review annually at the Compliance Committee meeting	High
9. When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not –comply be adequately sanctioned (such as market related measures).	<i>Compliance Committee</i>	Pending: Resolution 10/10 provides the necessary framework in which to apply market related measures, following an appropriate process. Reductions in future quota allocation have been proposed as deterrents for non-compliance. Process still to be implemented	Review annually at the Compliance Committee meeting	High
17. The obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).	<i>Compliance Committee</i>	Completed: Resolutions 12/07 (formerly 10/07) and 10/08 address the reporting requirements of flag and coastal States responsibilities, with regards to vessels that are active in the IOTC Area.	Review annually at the Compliance Committee meetings	Medium
Quality and provision of scientific advice				
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>	<p>Ongoing: The Working Party on Data Collection and Statistics and the species Working Parties evaluate the availability and quality of data, and make recommendations to the Scientific Committee on how to improve data quality. The country-based compliance report submitted to the Compliance Committee provides information on the timeliness and completeness of the reporting of data required by the various Resolutions of the Commission.</p>	Review annually at the Compliance Committee meeting.	High
ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY

Monitoring, Control and Surveillance				
51. IOTC should develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such as a possible on-board regional observers' scheme, a possible catch documentation scheme as well as a possible system on boarding and inspection.	<i>Compliance Committee</i>	<p>Ongoing: IOTC already has an extensive number of MCS related measures. However, the implementation of these measures are the duty and responsibility of the CPCs. Proposals to introduce a catch documentation scheme, especially for the major IOTC species, have until now been rejected by CPCs. Resolution 11/04 – observers and field samplers are required to monitor the landing and unloading of catches respectively.</p> <p>The IOTC Regional Observer Programme (ROP) has over the last two years been expanded in scope to include the verification of documents on board fishing vessels (flag State Authorisation To Fish and fishing logbook), marking of vessels (consistent with information in the IOTC Record of Authorised Vessels) as well as their VMS.</p>	Review annually at IOTC meetings.	High
Follow-up on infringements				
53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>	<p>Ongoing: The Compliance Committee, under its revised terms of reference, was in a better position to assess such cases through the country-based Compliance Reports, and will continue to do so in 2013.</p> <p>Infringements detected under the ROP are communicated to the concerned fleets for their investigation and provision of explanations and/or actions taken.</p>	Review annually at IOTC meetings	Medium
54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.	<i>Compliance Committee</i>	<p>Pending: The Compliance Committee, under its revised terms of reference, shall develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs.</p>	Commenced in 2012. Small working group of CPCs to lead.	High
Cooperative mechanisms to detect and deter non-compliance				
56. A structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force should be developed by the Compliance Committee.	<i>Compliance Committee</i>	<p>Ongoing: Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of the Resolution 10/09.</p>	Review annually at the Compliance Committee meeting	High

57. CPCs should be reminded of their duty to implement in their national legislations the conservation and management measures adopted by IOTC.	<i>Compliance Committee</i>	<p>Ongoing: CPCs are reminded annually about the responsibility of integrating IOTC conservation and management measures in their national legislation. The Reports of Implementation, mandated in the IOTC Agreement, provide a mechanism to monitor progress of implementation at the national level.</p> <p>The IOTC Secretariat has proposed a project under the WB/IOC grant for <i>Global Partnership for Oceans</i>, to develop a model legal framework to facilitate CPCs to efficiently transpose conservation and management measures adopted by the Commission into their national legislation.</p>	Review annually at IOTC meetings	High
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>	<p>Ongoing: Reminders are sent to CPCs prior to the Commission meeting and a template, which is revised annually, is provided by the Secretariat to facilitate CPCs preparation of national reports on implementation of IOTC measures. Compliance with this requirement is assessed in the country-based compliance reports.</p>	Review annually at IOTC meetings	High
59. The sense of accountability within IOTC seems to be very low; therefore more accountability is required. There is probably a need for an assessment of the performance of CPCs.	<i>Compliance Committee</i>	<p>Ongoing: The revised terms of reference of the Compliance Committee now facilitates this assessment in the form of the country reports prepared for the Compliance Committee meeting.</p> <p>Through the Compliance Support Mission, CPCs are becoming more conscious of their role in ensuring the effectiveness of the Commission.</p>	Review annually at IOTC meetings	High
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>	<p>Ongoing: Resolution 12/05 provides for an observer programme to monitor at sea transshipments, by placing observers on carrier vessels. Resolution 11/04 (superseding Resolution 09/04 and 10/04) establishes a Regional Observer Scheme that includes observers on board fishing vessels and port sampling for artisanal fisheries.</p> <p>Implementation remains pending for a number of CPCs.</p>	Review annually at IOTC meetings	Medium

ON INTERNATIONAL COOPERATION	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Relationship to non cooperating non Members				
70. When non-cooperation is identified and all reasonable efforts to improve the situation are exhausted, any non-Members continuing not to cooperate should be adequately sanctioned by, for example, market related measures.	<i>Compliance Committee</i>	<p>Ongoing: Resolution 10/10 provides the necessary framework in which to apply market related measures. Actions are to be taken by the Compliance Committee, under its revised terms of reference.</p> <p>However, the creation of a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs is still pending.</p>	Review annually at IOTC meetings	High

APPENDIX VII

**CONSOLIDATED SET OF RECOMMENDATIONS OF THE TENTH SESSION OF THE
COMPLIANCE COMMITTEE (2–4 MAY, 2013) TO THE COMMISSION**

Overview of the Implementation of IOTC Conservation and Management Measures

CoC10.01 (para. 8) Noting the specific issues identified during the CoC10, which many CPCs were encountering difficulty in implementing, specifically meeting the 5% minimum observer coverage level, minimum data reporting requirements, implementing the port State measures and a vessel monitoring scheme (particularly for small scale fisheries), and difficulties in interpreting some IOTC's CMMs, the CoC **RECOMMENDED** that CPCs continue efforts in improving their compliance status and in doing so utilise the knowledge and experience available at the IOTC Secretariat to assist them in ensuring they fully understand their obligations as outlined in the various CMMs of the Commission.

National Reports on the Progress of Implementation of Conservation and Management Measures

CoC10.02 (para. 20) The CoC **RECOMMENDED** that those CPCs who have not submitted their national 'Reports of Implementation' for 2013 should do so as soon as possible. The Secretariat shall follow-up with each CPC to ensure a national 'Reports of Implementation' is submitted for publication on the IOTC website and to inform CPCs via an IOTC Circular once each is received.

Review of the Country Based Compliance Reports – Res. 10/09

CoC10.03 (para. 32) The CoC **RECOMMENDED** that the Commission agree to the development and distribution of letters of feedback by the IOTC Chair, highlighting areas of non-compliance to relevant CPCs, together with the difficulties and challenges being faced.

CoC10.04 (para. 33) The CoC **RECOMMENDED** that the Commission consider adopting a deadline (e.g. 60 or 90 days before the next annual Session of the Commission) for all CPCs to respond to the 'feedback letters on compliance issues' from the Commission and based on the deliberations of the CoC each year.

CoC10.05 (para. 34) The CoC **RECOMMENDED** that the Commission consider developing follow-up actions on the issues contained in [Appendix IV](#), including potential capacity building activities to address these matters, particularly for developing coastal States.

Review of Additional Information Related to IUU Fishing Activities in the IOTC Area of Competence

CoC10.06 (para. 40) The CoC **RECOMMENDED** that, in the future, information regarding IUU cases should be reported through official channels, i.e. through the IOTC Secretariat following the appropriate IOTC procedure.

CoC10.07 (para. 46) The CoC **RECOMMENDED** that Sri Lanka continue to provide monthly reports including: i) evidences of the actions it had taken against IUU vessels; ii) name of the past and present owner and skipper; and iii) IOTC numbers from the record of authorised vessels, in a standardised format into the future, irrespective of whether new information had become available, for each of the vessels reported to IOTC for IUU fishing.

CoC10.08 (para. 47) The CoC **RECOMMENDED** that Sri Lanka provide regular updates in the implementation of their road map for the vessel monitoring scheme, and regular updates on the passage of new domestic requirements for a high-seas licencing regime, to the Secretariat for circulation to the Commission.

Follow up of the decisions taken during the 9th Session of the Compliance Committee, endorsed by the Commission

CoC10.09 (para. 52) The CoC **RECOMMENDED** that those CPCs identified in paper IOTC–2013–CoC10–08c Rev_1, a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), which have not submitted any response to the Committee investigate and report back to the IOTC via the Secretariat, the findings of their investigations, within three months of the end of the 17th Session of the Commission, by submitting reports on the follow-up on the irregularities identified. In order to assist with the comprehensive evaluation of any alleged infringement, copies of the logbooks, VMS plots, licenses and any other relevant documents should be provided by the flag States.

CoC10.10 (para. 53) The CoC **RECOMMENDED** that the Secretariat follow, from one year to the next, the potential infringement cases identified so as to allow the CoC to identify repeated cases of infringement.

Review of the Provisional IUU Vessels List and of the Information Submitted by CPCs Relating to Illegal Fishing Activities in the IOTC Area of Competence – Res. 11/03

Ocean Lion (flag unknown)

CoC10.11 (para. 56) The CoC **RECOMMENDED** that the *Ocean Lion* remain on the IOTC IUU Vessels List as no further information was provided to the CoC10 during its deliberations.

Yu Maan Won (flag unknown)

CoC10.12 (para. 58) The CoC **RECOMMENDED** that the *Yu Maan Won* remain on the IOTC IUU Vessels List as no further information was provided to the CoC10 during its deliberations.

Gunuar Melyan 21 (flag unknown)

CoC10.13 (para. 60) The CoC **RECOMMENDED** that the *Gunuar Melyan 21* remain on the IOTC IUU Vessels List as no further information was provided to the CoC10 during its deliberations.

Hoom Xiang II (flag unknown)

CoC10.14 (para. 62) The CoC **RECOMMENDED** that the *Hoom Xiang II* remain on the IOTC IUU Vessels List and the government of Malaysia make further efforts to identify the new flag of this vessel.

Provisional IOTC IUU Vessels list - Consideration of other vessels

CoC10.15 (para. 64) The CoC **RECOMMENDED** that appropriate legal support be present during future CoC Sessions to aid Members deliberations of alleged IUU cases.

Txori Argi (EU(Spain))

CoC10.16 (para. 67) The CoC **DEFERRED** the decision on this case to the 17th Session of the Commission.

FU HSIANG FA No. 21 (flag Unknown)

CoC10.17 (para. 70) The CoC **RECOMMENDED** that the Commission consider adding the *FU HSIANG FA No. 21* on the IOTC IUU Vessels List, as permitted under Resolution 11/03 para. 12.

HSIANG FA 26 (Seychelles)

CoC10.18 (para. 73) The CoC **RECOMMENDED** that the Commission consider retaining the *HSIANG FA 26* on the Provisional IOTC IUU Vessels List, as provided under Resolution 11/03 para. 14.

Hwa Kun No. 168 (Taiwan, Province of China)

CoC10.19 (para. 76) The CoC **RECOMMENDED** that the Commission consider retaining the *Hwa Kun No. 168* on the Provisional IOTC IUU Vessels List, as provided under Resolution 11/03 para. 14.

Review of the Effects of Piracy on at Sea Inspections

CoC10.20 (para. 79) The CoC **RECOMMENDED** that the Commission consider whether a potential best practice protocol for vessels in transit with armed guards on board and whether a formal and binding management measure on a regional high-seas boarding and inspection scheme should be developed in the future.

Update on Progress Regarding the Performance Review

CoC10.21 (para. 83) The CoC **RECOMMENDED** that the Commission note the current status of implementation for each of the recommendations arising from the Report of the IOTC Performance Review Panel, relevant to the CoC, as provided in [Appendix VI](#).

CoC10.22 (para. 84) The CoC **RECOMMENDED** that the Commission consider whether another IOTC Performance Review should be undertaken in 2014, given that the previous review was completed in 2009.

Activities by the Secretariat in Support of Capacity Building for Developing CPCs

CoC10.23 (para. 87) The CoC **RECOMMENDED** that the Commission consider its continued support of the work of the Secretariat in 2013, to allow it to undertake additional capacity building missions to improve the implementation of CMMs by IOTC Members, and to consider developing a plan of work for 2013/14.

Review of Requests for Access to the Status of Cooperating Non-Contracting Party**Democratic People's Republic of Korea**

CoC10.24 (para. 89) The CoC **RECOMMENDED** that the Commission considers the application for the status of Cooperating Non-Contracting Party of the IOTC by the Democratic People's Republic of Korea during the 17th Session of the Commission.

Senegal

CoC10.25 (para. 91) The CoC **RECOMMENDED** that the Commission considers renewing the status of Senegal as a Cooperating Non-Contracting Party.

South Africa, Republic of

CoC10.26 (para. 93) The CoC **RECOMMENDED** that the Commission considers renewing the status of South Africa as a Cooperating Non-Contracting Party.

Djibouti

CoC10.27 (para. 95) The CoC **RECOMMENDED** that the Commission considers the application of Djibouti to the status of Cooperating Non-Contracting Party during the 17th Session of the Commission.

Other Business**Date and place of the 11th Session of the Compliance Committee**

CoC10.28 (para. 97) The CoC **RECOMMENDED** that the next Eleventh Session of the CoC be held immediately prior to the 18th Session of the Commission. The exact dates and location would be decided by the Commission at its 17th Session.

Review of the Draft and Adoption of the Report of the Tenth Session of the Compliance Committee

CoC10.29 (para. 100) The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC10, provided at [Appendix VII](#).