
SUMMARY REPORT ON COMPLIANCE SUPPORT ACTIVITIES

Prepared by: IOTC Secretariat, 19 April, 2015

This document provides a summary of the activities undertaken by the Secretariat in support of implementation of Conservation and Management Measures adopted by the IOTC.

1. General and specific objectives of the activities

Since 1998, the IOTC Secretariat has dedicated most of its efforts to the support to the scientific component of the IOTC process. Since 2008, with the increase in the number of CMMs adopted, more emphasis has been placed on the compliance component. A Compliance Committee and a Compliance Section were created to assess and review all compliance aspects related to the implementation of the IOTC Conservation and Management Measures and provide support to CPCs in the implementation of Monitoring, Control and Surveillance (MCS) tools adopted by the IOTC Members, including: IUU vessels list, the Records of Authorized & Active Vessels, documents on board, marking of fishing vessels and gears, Vessel Monitoring System, fishing logbooks, regional observers scheme, transshipments programme and catch certification/trade documentation schemes.

In 2010, aware of the power and cost effectiveness of Port States measures (PSM) as a compliance tool to combat IUU fishing activities in the Indian Ocean, the IOTC adopted a resolution on port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (IOTC Resolution 10/11 on PSM). The resolution, which entered into force on 1 March 2011, is inspired by the 2009 FAO Agreement on Port State Measures, but placed in the context of the IOTC mandate. The fisheries administrations of the coastal CPCs of the IOTC, where foreign fishing vessels offload tuna and tuna like species, are responsible for the implementation of the resolution.

The effective implementation of the IOTC Resolutions by CPCs requires a variety of aspects to be considered, developed and/or strengthened, to improve the implementation capacity of the concerned CPCs, including the implementation of Port State Measures Resolution (PSMR). With regards to the PSMR, those aspects were identified during the port State measures Workshop organized in 2011, with the support of the ACP FISH II Programme, financed by the European Union (9th EDF) by the IOTC Secretariat. At the national level, the most relevant aspects relate to the policy, legal, institutional, human resources and operational framework and at the international/regional level the resolution calls for cooperation between the port State, the flag State, the coastal State and other tuna RFMOs.

The general objective of the initiative is twofold:

1. Strengthen compliance with and implementation of active IOTC CMMs. In this case, implementation obligations relates to the reporting obligations of the CPCs, including reporting on vessels (authorized & active vessels, IUU, fishing capacity and Fleet Development Plan), mandatory statistical requirements (nominal catch, catch & effort, size frequency, FAD), management standards and monitoring, control and surveillance (MCS) tools (documents on board, marking of fishing vessels and gears, logbook, ban on driftnets, area closure, ports inspections, Vessel Monitoring System, regional observers scheme, at sea transshipments programme), implementation of management measures on by-catch and non-IOTC species and statistical documentation programme,
2. Provide technical support to the developing States - coastal CPCs of the IOTC responsible for the implementation of the port State measures to facilitate and strengthen the implementation of this resolution, thus ensure the long-term conservation and sustainable use of the tuna resources.

2. Compliance Support Mission: activities, methodology and assessment of results

2.1. Activities and methodology

With regards to the implementation of IOTC CMMs, the proposed activity is related to the assessment of the level of compliance of CPC taking into consideration the compliance issues addressed during the Compliance Committee and the Commission meeting. The purpose of the assessment is to identify and to facilitate corrective actions. The assessment allows the concerned parties to gain a clear understanding of the difficulties encountered by the CPC and the challenges they face to implement IOTC Resolutions, at the policy, legal, institutional/administrative and operational levels. The Compliance Support Missions (CSM) are undertaken on a country-by-country basis by two staff members from the Compliance Section (5 working days by country). The assessment process includes:

- a. Preparation of the assessment based on the compliance issues, review of national fisheries legislation, administrative structure/arrangements,
- b. Presentation of the compliance issues to the CPC and identification of constraints,
- c. Identification of corrective actions and pragmatic solutions,
- d. Development of a Compliance Action Plan, which is designed to assist the CPC to improve and/or strengthen the implementation of the Resolutions.

The methodology comprises as well follow up Compliance Support Missions to provide support to the implementation of the Action Plan elaborated during the first CSM and assess the progress of the implementation of the Plan.

2.2. Assessment of results

During the first day of the mission, most of the time is dedicated to the description of the compliance process and the methodology to be used during the week leading, at the end of the mission, to the development of the Compliance Action Plan. From the list of “*not compliant issues*” and “*partially compliant issues*”, several working groups are formed according to the areas relating to the compliance issue to work with staff of the Compliance Section. The plan of action is structured in components (corresponding to Resolutions) and sub-components (corresponding to requirements of Resolutions). For each sub-component, activities are defined together with an implementation time frame, implementation responsibility, indicators to verify the effective implementation of each activity (OVI).

The countries that have benefited from the Compliance Support Mission during the intersessional period are listed in Table 1.

Country	South Africa	Thailand	Malaysia	Seychelles	Somalia	India	Comoros
Date of CSM	15/20 Jun. 2014	19/22 Aug. 2014	17/20 Sept. 2014	8/10 Sept. 2014	11/12 Sept. 2014	18/20 Sept. 2014	27/31 Jan. 2015

Table 1 – Countries and Compliance Support Mission.

The countries that have benefited from the follow up of the Compliance Support Mission during the intersessional period are listed in Table 2.

Country	Mozambique	Madagascar	Tanzania	Kenya	Mauritius
Date of CSM	30 Jun./4 Jul. 2014	4/5 Dec. 2014	10/12 Dec. 2014	12/14 Jan. 2015	23/24 Fev. 2015

Table 2 – Countries and follow up of Compliance Support Mission.

In 2015, CSM missions shall be conducted in Maldives, Iran and Philippines, and CSM follow up missions shall be conducted for 3 to 6 CPCs that had previously benefited from the Compliance Support Missions in 2013 and 2014.

The results following the Compliance Support Missions are presented in Appendix 1 (Note: 2014 compliance assessment on-going).

3. Training on the implementation of the IOTC port State measures Resolution (10/11): activities and methodology

With regards to the IOTC port State measures Resolution, the activities are related to the administrative and operational aspects of the implementation of Resolution 10/11. Prior to the delivery of the training course, a training package has been developed. It includes a manual, a species identification guide, a translation guide, a notebook, a training programme and as well as an inspectors' kit and a PSM library (The PSM training package is available for download at <http://www.iotc.org/compliance/port-state-measures>).

The trainings are undertaken by one IOTC staff from the Compliance Section and one training expert (5 training days by country). The PSMR training is composed of theory and practical components where port inspections are conducted when the context allow it. The practical component is an opportunity to conduct inspections of foreign fishing vessels and use the IOTC inspection form. The training focuses mostly on: a) the assessment of the Advance Request of Entry in Port (AREP), b) the Standard Operating Procedure for inspection of fishing vessel in port, c) the methodology to monitor/inspect the landing or the transshipment in port. For each training course, the knowledge of the participants are assessed through a multiple choice test covering the 16 learning outcomes (LO) (5 questions / 3 answers by LO) and IOTC Training Certificates are issued to the participants.

The methodology comprises as well of follow up missions to provide support to the implementation of the Resolution 10/11 and assess the progress of its implementation.

The countries that have benefited of the PSM training course during the intersessional period are listed in Table 3.

Country	South Africa	Thailand	Malaysia
Date of PSM	23/27 Jun. 2014.	25/29 Aug. 2014	22/26 Sept. 2014
Officers trained	30	20	15

Table 3 – Countries, date of the PSM training course and number of officers trained.

In 2015, PSM course shall be conducted in Djibouti (for Somalia and Djibouti), Maldives, South Africa (Durban) and, PSM follow up missions shall be conducted in 3 to 5 others CPCs that have benefited from the PSM training course.

The CSM and PSM capacity building activities have been financed by:

- The Indian Ocean Commission SmartFish Project for Comoros, Kenya, Madagascar, Mauritius, Tanzania, Seychelles and Somalia;
- The EU grant (DG Mare) for India, Malaysia and Thailand;
- The Global Partnership for Oceans of the World Bank for Mozambique and South Africa,
- The FAO/GEF tuna ABNJ project.

4. Legal assistance to CPCs to transpose IOTC obligations into binding national legal instruments

The Secretariat has obtained funds from the Global Partnership for Oceans of the World Bank, managed by the Indian Ocean Commission (IOC), to provide legal assistance to 11 IOTC CPCs [Comoros, Kenya, Madagascar, Maldives; Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania and Yemen] to translate the relevant obligations of IOTC Resolutions into the national legislation of these CPCs in order to enhance implementation and compliance, to the IOTC Resolutions. The project "Review fisheries law and regulations to ensure that the legal framework is adequate to allow the Members to implement the Resolutions adopted by the Indian Ocean Tuna Commission" is being implemented over two years, in 2015/2016.

Article X of the IOTC Agreement focuses on the implementation of the decisions of the Members. With regards to implementation, paragraph 1) requests that “*Each Member of the Commission shall ensure that such action is taken, under its national legislation, including the imposition of adequate penalties for violations, as may be necessary to make effective the provisions of this Agreement and to implement conservation and management measures which become binding on it under paragraph 1 of Article IX.*” In practice, the Members have the obligation to transpose the Conservation and Management Measures adopted by the Commission.

Phase 1 of the project has been completed: During this first phase, a comprehensive review of the relevant active resolutions that have been adopted by the IOTC over the years has been undertaken in order to identify those that require domestication in national fisheries law and regulations. On the basis of this comprehensive review of IOTC Resolutions, an IOTC “Legislative Framework” has been prepared, and presents the specific obligations in IOTC Resolutions in legal drafting language for incorporation into national legislative frameworks.

The final report of the phase 1 “*Review of active IOTC Resolutions and draft provisions for incorporation of IOTC Resolutions into national legislative frameworks*” and The IOTC legislative framework are available for download at <http://www.iotc.org/compliance/capacity-building-compliance>.

The Report and the IOTC legislative framework include a comprehensive proposed legislative framework for the Resolution 10/11 on Port State Measures, which has been developed with the financial and technical support of the FAO ABNJ Project.

Phase 2 of the project is currently underway: During this 2nd phase, a detailed review of the fisheries and related national legislation of the beneficiary countries will be undertaken in order to identify legislative gaps and how these gaps can be filled using the IOTC “Legislative Framework”. On the basis of this detailed review, a report of the specific legislative amendments or draft legislation that would be required in order to give full effect to the IOTC “Legislative Framework” will to be produced.

Phase 3 will be implemented once Phase 2 has been completed.: During this 3rd Phase, country visits are planned during which the consultant will provide tailored legal assistance, as needed, to the beneficiary CPCs in order to ensure that the report prepared under Phase 2 is in accordance with the national legislative drafting practice and the consultant will provide overall guidance on the process of transposing the IOTC “Legislative Framework” into the national legislation.

5. e-PSM - Development of an information system / web based application on Port State Measures

With the support of the Global Partnership for Oceans (GPO) of the World Bank, the Secretariat is implementing the project “*Development of an information system / web based application on Port State Measures*”. The purpose of the project is to develop an online Port State Measures information system (web-based application), accessible through the IOTC web site, to support the implementation of IOTC resolutions on PSM.

A consultation/validation workshop was held on 1th – 4th April, 2014, in South Africa, with the objective to define the technical specifications of the e-PSM according to the wishes and needs of CPCs.

The report of the consultation workshop and the feasibility study report and technical specifications of the e-PSM application are available for download at <http://www.iotc.org/compliance/capacity-building-compliance>.

The e-PSM application is currently under development by two IT experts. Upcoming activities, under this initiative, includes a Regional Training course on e-PSM, expected in June 2015 (Maputo, Mozambique) and national Training courses on e-PSM: targeting the industry and officers of port States CPCs (2015/2016).

6. Trends in Compliance Level of the Commission

The methodology described in the previous sections has allowed presenting the comparison of 5 years of compliance assessment for the Commission, by fisheries management tools.

6.1. IOTC compliance

The level of compliance of the Commission is presented in Figures 1 and 2, below, and for individual CPCs compliance level from 2010 to 2014 these are presented in Appendix 1.

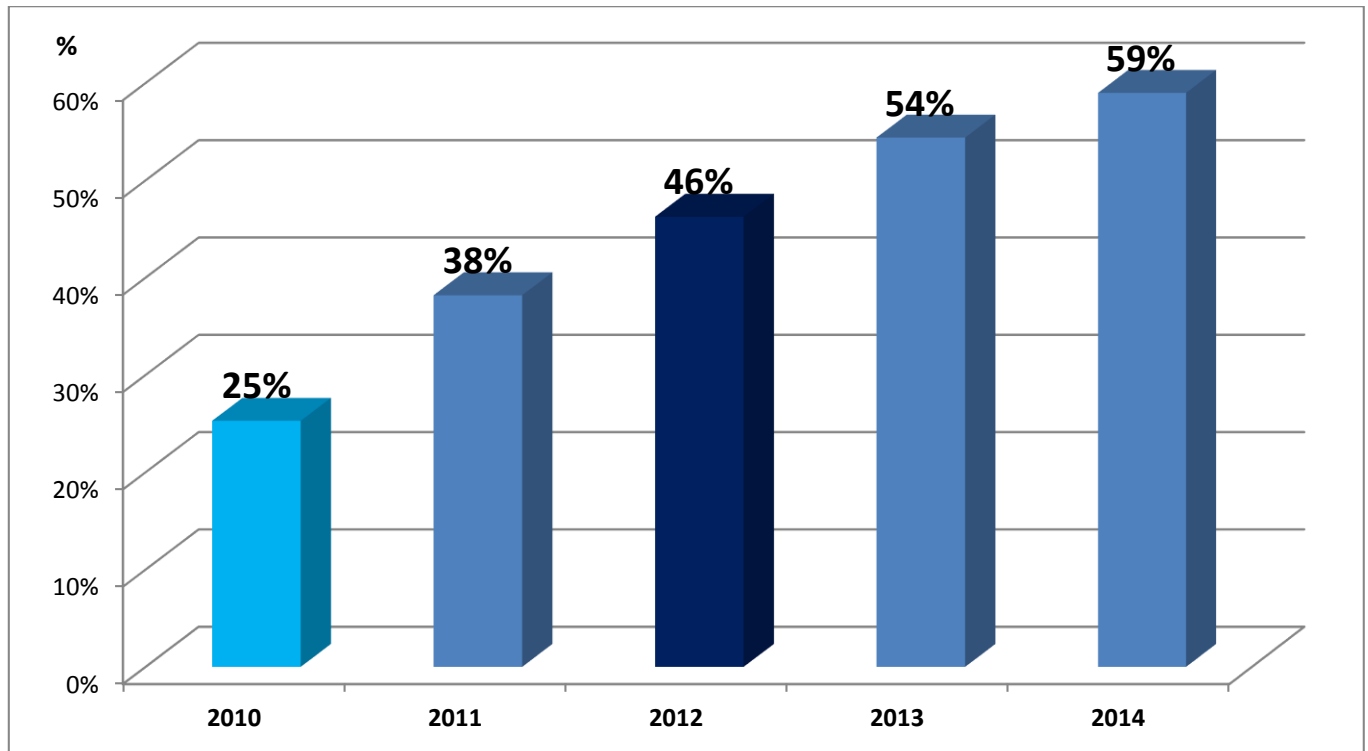
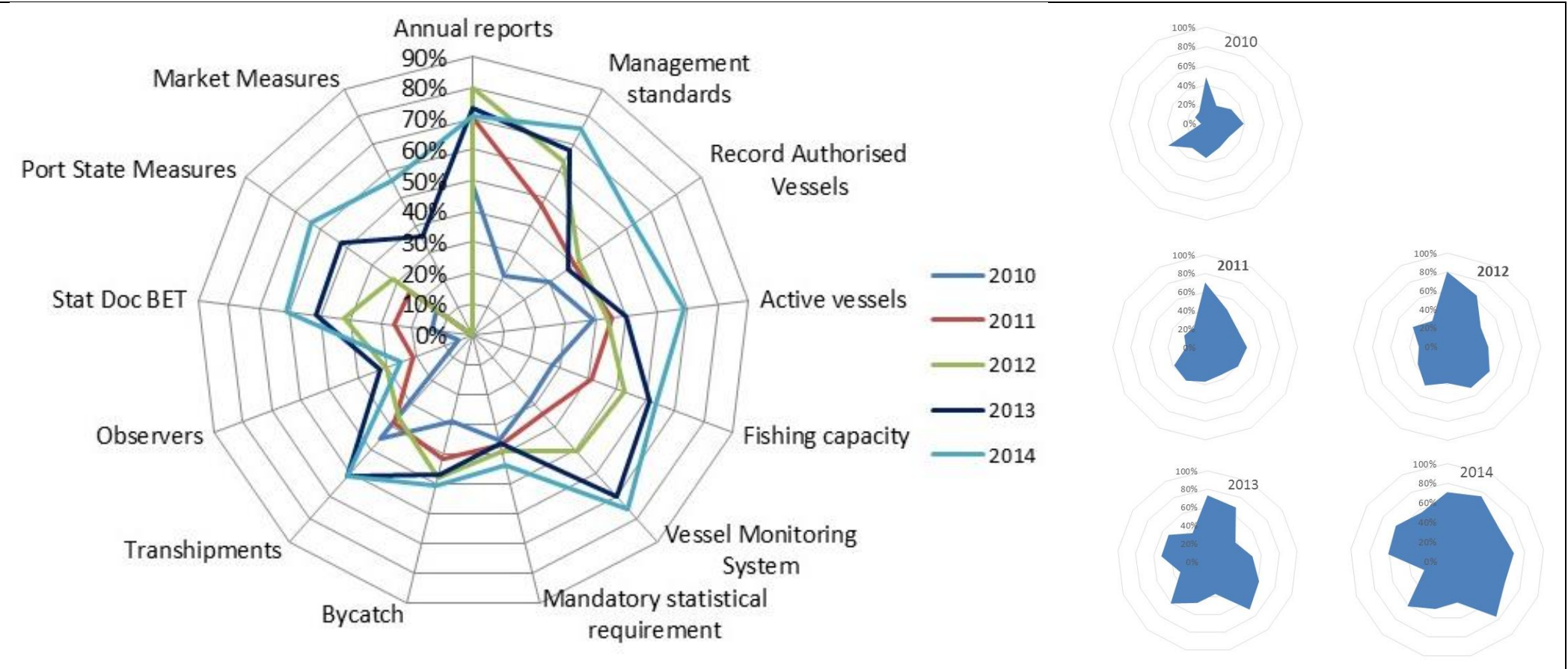


Figure 1: Level of compliance of the Commission from 2010 to 2014.

Note: The level of compliance is expressed in percentage – 79 reporting requirements in 2014 (assessment ongoing).

Figure 2. Trends in compliance levels with the different fisheries management tools






Notes

Annual reports = Implementation report, compliance questionnaire, national scientific report, feedback letter - 4 reporting requirements.
 Management Standard = Resolutions 14/04, 13/03, 12/12, 13/08, 14/05 (Denial of license, agreement, coastal State license) – 12 reporting requirements.
 Active vessels = Resolution 10/08, 14/05 (list of foreign vessels licensed in EEZ) – 2 reporting requirements.
 Fishing capacity = Resolution 12/11 – 3 reporting requirements.
 Vessel Monitoring System = Resolution 06/03 -2 reporting requirements.
 Mandatory statistical requirement = Resolution 10/02 - 18 reporting requirements.

Bycatch = Resolutions 05/05, 12/09, 13/06, 12/04, 12/06, 13/04, 13/05 – 10 reporting requirements.
 Transhipment = Resolution 14/06 – 5 reporting requirements.
 Observers = Resolution 11/04 – 5 reporting requirements.
 Stat Doc BET = Resolution 01/06 – 4 reporting requirements.
 Port State Measures = Resolutions 05/03, 10/11 – 7 reporting requirements.
 Market State measures – 1 reporting requirement.
Note: Market related measures only for year 2013 and 2014 (Res. 10/10). Resolutions 11/03 and 07/01 not included.

Appendix 1: Individual CPCs level of compliance between 2010 and 2014 (assessment ongoing)

Compliance Rate = number of requirements compliant / number of requirements applicable.

CPCs / year	Compliance Rate					Trend
	2010	2011	2012	2013	2014	
Australia	47%	85%	78%	84%	84%	
Belize	39%	67%	60%	58%	64%	↑
China	55%	74%	76%	85%	96%	↑
Comoros	29%	43%	79%	55%	61%	↑
Djibouti					3%	
Eritrea	0%	0%	0%	7%	7%	↔
European Union	71%	73%	80%	83%	88%	↑
France (OT)	61%	55%	72%	77%	80%	↑
Guinea	0%	0%	0%	22%	22%	↔
India	29%	24%	32%	38%	23%	↓
Indonesia	13%	7%	47%	45%	62%	↑
Iran, Islamic Republic of	11%	52%	60%	65%	69%	↑
Japan	82%	97%	93%	93%	91%	
Kenya	3%	8%	31%	66%	71%	↑
Korea, Republic of	77%	84%	92%	89%	96%	↑
Madagascar	13%	18%	22%	75%	81%	↑
Malaysia	11%	26%	17%	40%	57%	↑
Maldives	3%	33%	50%	57%	79%	↑
Mauritius	15%	48%	54%	69%	80%	↑
Mozambique		47%	58%	72%	82%	↑
Oman, Sultanate of	10%	11%	27%	33%	50%	↑
Pakistan	0%	11%	5%	7%	5%	↓
Philippines	18%	52%	48%	61%	80%	↑
Senegal	0%	0%	50%	60%	56%	↓
Seychelles	36%	47%	41%	56%	74%	↑
Sierra Leone	0%	0%	0%	18%	18%	↔
Somalia					80%	
South Africa	38%	48%	64%	54%	65%	↑
Sri Lanka	5%	18%	47%	51%	53%	↑
Sudan	0%	0%	0%	6%	6%	↔
Tanzania	0%	7%	4%	45%	56%	↑
Thailand	28%	38%	43%	44%	45%	↑
United Kingdom (OT)	86%	100%	100%	100%	100%	↑
Vanuatu	3%	7%	86%	50%	63%	
Yemen			0%	3%	3%	↔
Commission (All CPCs)	25%	38%	46%	54%	59%	↑

Cells in green indicate CPCs that have benefited from the Compliance Support Mission and the year it was conducted.