

## Report of the 13<sup>th</sup> Session of the Compliance Committee

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La Reunion, France 16–18 May 2016

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## ACRONYMS

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
FAD	Fish Aggregation Device
FAO	Food and Agriculture Organization of the United Nations
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
ROP	Regional Observer Programme
ROS	Regional Observer Scheme
SC	Scientific Committee of the IOTC
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System

## HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

The CoC12 Report has been written using the following terms and associated definitions so as to remove ambiguity surrounding how particular paragraphs should be interpreted.

### *Level 1: From a subsidiary body of the Commission to the next level in the structure of the Commission:*

**RECOMMENDED, RECOMMENDATION:** Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

### *Level 2: From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:*

**REQUESTED:** This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

### *Level 3: General terms to be used for consistency:*

**AGREED:** Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

**NOTED/NOTING:** Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

**Any other term:** Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

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## EXECUTIVE SUMMARY

The 13<sup>th</sup> Session of the Compliance Committee (CoC) of the Indian Ocean Tuna Commission (IOTC) was held in La Réunion, France, from 16–18 May 2016. The welcome remarks were given by Mr. Orlando Fachada of the European Union. The meeting was opened by the Chair, Mr. Herminio Tembe (Mozambique). A total of 64 delegates attended the Session, composed of 50 delegates from 24 Contracting Parties (Members) of the Commission, 2 delegate from Liberia and 2 delegates from Senegal, of the 4 Cooperating Non-Contracting Parties, and 10 delegates from 6 Observers (including 3 invited experts).

The following are a subset of the complete recommendations from the CoC13 to the Commission, which are provided at [Appendix VIII](#).

### ***IOTC regional observer programme for at-sea transshipments***

CoC13.02 (Para 24)     **NOTING** that India LSTLVs have conducted transshipments activities under the ROP in 2015 and the cost recovery mechanism the ROP is operating, the CoC **RECOMMENDED** that India inform officially the Commission of its participation in the IOTC ROP.

### ***Review of reference fishing capacity and fleet development plans (FDP)***

CoC13.03 (Para 30)     The CoC **NOTED** the importance of the fleet of Taiwan Province of China operating in the IOTC Area of competence, and **RECOMMENDED** that, in the future, information on that fleet is provided in the document dealing with capacity limitations.

### ***National reports on the progress of implementation of Conservation and Management Measures (Article X.2 IOTC Agreement)***

CoC13.04 (Para 35)     The CoC **RECOMMENDED** that those CPCs (Belize, Eritrea, Guinea, India, Sierra Leone, Sudan, Yemen, Bangladesh and Djibouti) who have not submitted their national ‘Reports of Implementation’ for 2015 do so within 30 days after the end of the Commission meeting. The Chair of the CoC, with the assistance of the IOTC 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 during the Commission meeting and then also via an IOTC Circular once each report is received.

### ***Follow-up on individual compliance status***

CoC13.05 (Para 49)     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. The development of follow-up actions on the issues contained in the letters of feedback, including potential capacity building activities to address these matters, particularly for developing coastal States’ needs to be developed and funded appropriately.

### ***Activities by the IOTC Secretariat in support of capacity building for developing CPCs – Resolution 12/10***

CoC13.24 (Para 125)     The CoC **RECOMMENDED** that the IOTC Secretariat continue with those capacity building activities and strengthen activities that would allow CPCs to address the issue of mandatory statistics and the implementation of the Regional Observer Scheme.

### ***Adoption of the report of the 13th Session of the Compliance Committee***

CoC13.30 (Para 148)     The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC13, provided at [Appendix VIII](#).

## 1. OPENING OF THE SESSION

1. The 13<sup>th</sup> Session of the Compliance Committee (CoC) of the Indian Ocean Tuna Commission (IOTC) was held in La Reunion, France from 16–18 May 2016. A total of 64 individuals attended the Session, comprised of 50 delegates from 24 Contracting Parties (Members), 4 delegates from 2 Cooperating Non-Contracting Parties, and 10 Observers, including 3 Invited Experts. The list of participants is provided at [Appendix I](#). The meeting was opened by the Chairperson, Mr. Herminio Tembe (Mozambique) and the IOTC Executive Secretary (*Ad Interim*) Dr Alejandro Anganuzzi.
2. The CoC **RECALLED** that the purpose of the Compliance Committee meeting is to strengthen compliance amongst Contracting Parties (Members), and Cooperating Non-Contracting Parties (CPCs) by firstly reviewing progress made during the 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](#), noting the request from two CPCs to include the Information Papers IOTC-2016-CoC13-Inf02 and IOTC–2016–CoC13–INF06 under the agenda item 14 (Other Business). The documents presented to the CoC are listed at [Appendix III](#).
4. The CoC **acknowledged** the presence of Dr Anganuzzi, appointed some days before the meeting without consultation from CPCs and one CP asked for the legal basis for his appointment to be clarified by FAO representatives in subsequent meetings of this annual session as well as who is liable for the costs incurred. The Mauritian delegation did not take part in such query.
5. The CoC **NOTED** the statements from Mauritius and the United Kingdom (OT) provided at [Appendix IV](#).

## 3. ADMISSION OF OBSERVERS

6. The CoC **RECALLED** the agreement made by the Commission in 2012 that meetings of the Commission and its subsidiary bodies should be open to participation by observers from all those who have attended the current and/or previous sessions of the Commission. Applications by new Observers should continue to follow the procedure as outlined in IOTC Rules of Procedure (2014).
7. Pursuant to Article VII of the Agreement establishing the IOTC, the CoC admitted the following observers, as defined in Rule XIV of the IOTC Rules of Procedure (2014):
  - a) Rule XIV.1. *The Director-General or a representative designated by him, shall have the right to participate without vote in all meetings of the Commission, of the Scientific Committee and of any other subsidiary body of the Commission.*
    - i. Food and Agriculture Organization of the United Nations (FAO)
  - b) Rule XIV.2. *Members and Associate Members of the Organization that are not Members of the Commission are, upon their request, invited to be represented by an observer at sessions of the Commission.*
    - i. Russian Federation
    - ii. United States of America
  - c) Rule XIV.4. *The Commission may, on their request, invite intergovernmental organizations having special competence in the field of activity of the Commission, to attend such of its meetings as the Commission may specify.*
    - i. Indian Ocean Commission (IOC)
    - ii. Southwest Indian Ocean Fisheries Commission (SWIOFC)
  - d) Rule XIV.5. *The Commission may invite, upon request, non-governmental organizations having special competence in the field of activity of the Commission to attend such of its meetings as the Commission may specify. The list of the NGOs wishing to be invited will be submitted beforehand by the Secretary to the Members of the Commission. If one of the Members of the Commission objects giving in writing its reasons within 30 days, the matter will then be subject to decision of the Commission out of session by written procedure.*
    - i. Convention on International Trade on Endangered Species (CITES)
    - ii. Institut du développement durable et des relations internationales
    - iii. Greenpeace International (GI)
    - iv. International Pole and Line Foundation (IPNLF)
    - v. International Seafood Sustainability Foundation (ISSF)

- vi. Marine Stewardship Council (MSC)
- vii. PEW Charitable Trusts (PEW)
- viii. US-Japan Research Institute
- ix. World Wide Fund for Nature (a.k.a World Wildlife Fund, WWF)
- x. Stop Illegal Fishing

***Invited experts***

- e) Rule XIV.9. *The Commission may invite consultants or experts, in their individual capacity, to attend the meetings or participate in the work of the Commission as well as the Scientific Committee and the other subsidiary bodies of the Commission.*
  - i. Taiwan, Province of China

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

### ***4.1 Summary report on the level of compliance***

8. The CoC **NOTED** paper IOTC–2016–CoC13–03 Rev1 which summarised the level of compliance by IOTC Contracting Parties (Members) and Cooperating Non-Contracting Parties (CNCP), collectively termed CPCs, to some of the more prominent IOTC Resolutions adopted by the Commission. The report is based on information available to the IOTC Secretariat as of 21<sup>st</sup> March 2016.
9. The CoC **NOTED** that although there has been a continued improvement in the levels of compliance by some CPCs in 2015, there are still many 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 catch and capacity of fleets actively fishing for tuna and tuna-like species under the mandate of IOTC.
10. The CoC **NOTED** that there was little change in the overall level of compliance with the requirement to provide mandatory statistics for IOTC species (Resolutions 15/02) and the submission of mandatory statistics for sharks (Resolution 05/05). The CoC further **NOTED** the decrease in the level of implementation of the regional observer scheme (Resolution 11/04).
11. The CoC **ENCOURAGED** CPCs to continue to increase their efforts to comply with the requirements of the three Resolutions identified as being the ones with lowest levels of compliance.
12. The CoC **REMINDED** all CPCs and the IOTC Secretariat of the need to respect the deadlines of the processes established in the IOTC Rules of Procedure (2014).
13. The CoC **RECALLED** that all other papers are due 30 days prior to the commencement of the CoC Session, in accordance with the IOTC Rules of Procedure (2014), as Rule XI, Appendix V, para. 6 indicates that the procedures of the CoC shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission, which require all papers to be submitted and made public no later than 30 days prior to the start of the Session in question.
14. The CoC **NOTED** the delay for the IOTC Secretariat to make documents public no later than 30 days prior to the start of the Session, which was due to the consultation process to finalise the Compliance Report and ancillary reports.

### ***4.2 IOTC regional observer programme for at-sea transshipments***

15. The CoC **NOTED** paper IOTC–2016–CoC13–04a and 4b which provided reports on the observer programme to monitor at-sea transshipment by large-scale tuna longline fishing vessels in the IOTC area of competence.
16. The CoC **NOTED** that eleven 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 71 carrier vessels that have been expressly authorised to receive at-sea transshipments from participating fleets in the programme.
17. The CoC **NOTED** that from the 71 carrier vessels listed in the IOTC Record of Authorised Vessels, 18 carrier vessels have been used by the participating fleets in 2015 and 45 carrier vessels have never been used under the ROP.
18. The CoC **NOTED** that there are 6 carrier vessels operating under the ROP that are flagged to non-CPCs of the IOTC (Singapore, Panama and Vanuatu).
19. The CoC **NOTED** that there has been a significant decrease in the number of transshipments since the inception of the Programme in 2009: from 1,227 to 726 transshipments per year.



20. The CoC **NOTED** that Indian LSTLVs have conducted transshipments activities under the ROP in 2015 but that India has not confirmed its participation in the ROP.
21. The CoC **NOTED** the statements from Mauritius and the statement in reply by France (OT) provided at [Appendix IV](#).
22. Some CPCs **NOTED** that the ROP contributes to increasing the global fishing capacity, reducing the quality of inspection and does not favour the development of the ports of coastal States. Some CPCs emphasized that at-sea transshipments are essential to the normal operations of large-scale longline vessels and that the current ROP works well in its function of monitoring at-sea transshipments.

#### ***Recommendation/s***

23. **NOTING** that there are 6 carrier vessels operating under the ROP that are flagged to non-CPCs of the IOTC (Singapore, Panama and Vanuatu), the CoC **RECOMMENDED** that if the Resolution 14/06 is to be amended in the future, it should take into account the concerns of carrier vessels flagged to non-CPCs that are involved in at-sea transshipment operations in the IOTC area of competence.
24. **NOTING** that India LSTLVs have conducted transshipments activities under the ROP in 2015 and the cost recovery mechanism the ROP is operating, the CoC **RECOMMENDED** that India inform officially the Commission of its participation in the IOTC ROP.

#### ***4.3 Review of reference fishing capacity and fleet development plans (FDP)***

25. The CoC **NOTED** papers IOTC–2016–CoC13–05 Rev1 and 05 Add1, which summarise the information available to the IOTC Secretariat in accordance with IOTC Resolution 15/11 *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 and 8 of the Resolution (Appendix V).
26. The CoC **NOTED** that the trends in overall fishing capacity can be assessed by comparing the active capacity in 2015 with the reference active capacity in 2006 or 2007. Capacity in 2015 reflects a decrease in fishing pressure, relative to 2006 or 2007 levels.
27. The CoC **NOTED** that in relation to tropical tunas, the results indicate that the active capacity in 2015 (405,255 tons) has decreased relative to the baseline capacity of 2006 (583,891 tons), and it was just over a third of the reference limit capacity of 1,278,740 tons, that was expected for 2015. 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.
28. The CoC **NOTED** the revised baseline capacity of the Republic of Korea, as a result of the implementation of the 1969 International Convention on Tonnage Measurement of Ships.
29. The CoC **NOTED** that there were issues of concerns on the implementation of Resolution 15/11 and there is a need to rectify tables referencing to the fishing capacity (IOTC-2016-CoC13-05\_Rev1).

#### ***Recommendation/s***

30. The CoC **NOTED** the importance of the fleet of Taiwan Province of China operating in the IOTC Area of competence, and **RECOMMENDED** that, in the future, information on that fleet is provided in the document dealing with capacity limitations.

### **5. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (Article X.2 IOTC Agreement)**

31. The CoC **NOTED** that in 2016, a total of 26 national ‘Reports of Implementation’ were provided by CPCs (25 Members and one Cooperating Non-Contracting Party), up from 24 in 2015, 25 in 2014 and 27 in 2013. 19 CPCs submitted their ‘Reports of Implementation’ on or before the deadline and seven CPCs submitted their reports after the deadline. The importance of the timely submission of national ‘Reports of Implementation’ by all CPCs was highlighted.
32. 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.
33. 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 IOTC Secretariat.

34. The CoC **NOTED** the statements of Mauritius referring to UK and Tromelin Island, and the statement of France (OT) provided at Appendix IV.

*Recommendation/s*

35. The CoC **RECOMMENDED** that those CPCs (Belize, Eritrea, Guinea, India, Sierra Leone, Sudan, Yemen, Bangladesh and Djibouti) who have not submitted their national ‘Reports of Implementation’ for 2015 do so within 30 days after the end of the Commission meeting. The Chair of the CoC, with the assistance of the IOTC 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 during the Commission meeting and then also via an IOTC Circular once each report is received.

## 6. REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS

### 6.1 Review of individual CPC Compliance Status against IOTC Conservation and Management Measures

36. The CoC **NOTED** that the IOTC Secretariat circulated the assessment criteria to CPCs to understand the process of how the Compliance Reports are compiled, including information on the year being assessed for each requirement and **REQUESTED** the IOTC Secretariat to continue to provide the assessment criteria prior to the commencement of the compliance process every year.
37. The CoC **NOTED** the country based Compliance Reports (IOTC–2016–CoC13–CR01 to CR37) for each CPC prepared by the IOTC Secretariat, which indicated that the number of CPCs that have achieved progress in their compliance level during the intersessional period of 2015/2016 was equal in part to the number of CPCs whose compliance levels slipped during the same period. 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.
38. 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’, substantial variations in the degree of compliance by each CPC was evident.
39. The CoC **NOTED** the compliance levels of Belize, which will withdraw from the Agreement on 31<sup>st</sup> December 2016 dropped significantly during the 2015/2016 intersessional period.
40. The CoC **ACKNOWLEDGED** the presence of Pakistan at the CoC after 3 years of absence and the low level of compliance of Pakistan and offered it assistance for improvement
41. The CoC **INVITED** the IOTC 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, harvesting an important amount 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.
42. The CoC **NOTED** the actions taken by the fleet of longliners from Taiwan, Province of China, to comply with IOTC CMMs. The Compliance Report, and the ‘Report of Implementation’ made available by Taiwan, Province of China to the IOTC Secretariat, can be made available to CPCs upon request.

### 6.2 Identification of challenges encountered in the implementation of IOTC CMMs; CPC information on its compliance status (reasons, problems, etc.).

43. **NOTING** the difficulties to deploy observers on small fishing vessels, the CoC **REQUESTED** that Sri Lanka forward the proposal to the next SC meeting for the amendment of the Resolution 11/04.
44. **NOTING** the responses from CPCs on non-compliance issues, the CoC **AGREED** to include the difficulties in implementation being experienced by each CPC in the ‘Letter of feedback on compliance issues’.

### 6.3 Discussion on follow-up on individual compliance status including identifying opportunities to assist in raising the level of implementation of CMMs (inter-sessional process, and 2017 Compliance Committee discussions).

45. 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 20<sup>th</sup> Session of the Commission (S20) by the Chair of the Commission, including the challenges being experienced by CPCs in implementing the IOTC CMMs.
46. The CoC **NOTED** that ten CPCs (Members: Belize, Eritrea, Guinea, India, Madagascar, Sierra Leone, Sudan and Yemen; CNCPs: Bangladesh and Djibouti) were not present at CoC13 and **AGREED** that attendance by all CPCs at each CoC meeting is essential to the effective operation of the Commission. If any of these countries are

attending any subsequent meetings of the annual session, their Compliance Reports should be assessed. Mauritius delegation could not address the compliance report and as such its compliance report should also be assessed as indicated for the above mentioned CPCs.

47. The CoC **REQUESTED** that the Chair of the CoC shall provide questions in writing to each of the CPCs who were not in attendance at the CoC meeting. For those CPCs who attend S20, this would be done during the first day of the meeting. For those CPCs who do not attend S20, 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.
48. The CoC **NOTED** that when countries are requesting the renewal of their CNCP status they have to participate in the work of the CoC and the Commission.

#### *Recommendation/s*

49. 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. The development of follow-up actions on the issues contained in the letters of feedback, including potential capacity building activities to address these matters, particularly for developing coastal States’ needs to be developed and funded appropriately.

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

### *7.1 Complementary compliance elements for discussion*

50. The CoC **NOTED** paper IOTC–2016–CoC13–08a, which outline reports of nine vessels involved in possible IUU fishing activities in the IOTC area of competence. The information concerning these vessels is for the consideration of CPCs and for them to take any action that they may feel is appropriate, at the 13<sup>th</sup> Session of the Compliance Committee.
51. The Mauritian delegation objected to any consideration or discussion of the so-called ‘MPA’ established by the UK around the Chagos Archipelago. The Chair noted the objection of Mauritius and decided to continue with the treatment of technical matters in accordance with the agenda. The CoC **NOTED** the statements from Mauritius provided at [Appendix IV](#).

#### ***CERIBU, MOOK ANDAMAN 018, MOOK ANDAMAN 028, YU LONG 6, YU LONG 125 and HUNG CHI FU 68***

52. The CoC **NOTED** the information provided by Thailand regarding the fishing vessels CERIBU, MOOK ANDAMAN 018, MOOK ANDAMAN 028, YU LONG 6, YU LONG 125 and HUNG CHI FU 68, which outlines the legal actions being taken against these vessels.
53. The CoC **AGREED** that no further action should be considered while Thailand continues to pursue legal actions against these vessels.

#### *Recommendation/s*

54. The CoC **RECOMMENDED** that Thailand should keep CPCs informed of progress of the legal actions being taken against these vessels and report back to the Commission via the IOTC Secretariat when the cases have been concluded. The IOTC Secretariat shall notify the Commission via Circulars following receipt of the reports from Thailand.

#### ***JIN SHYANG YIH No. 668 (JIN SHYANG YIH 666)***

55. The CoC **NOTED** the information provided by Mauritius regarding the longline vessel JIN SHYANG YIH No. 668, flagged to Thailand and involved in possible identity usurpation. The JIN SHYANG YIH No. 668 has no history of registration on the IOTC record of authorised vessels. Thailand confirmed that the vessel is registered to Thailand and that it was conducting an investigation into the activities of the vessel in the IOTC Area.

#### *Recommendation/s*

56. The CoC **RECOMMENDED** that Thailand should continue to keep CPCs informed of progress of Thailand's investigation and report back to the Commission via the IOTC Secretariat, the findings of the investigations, within 90 days of the end of the 20<sup>th</sup> Session of the Commission and every three month. The IOTC Secretariat shall, notify the Commission via a Circular following the receipt of the report from Thailand, of the findings of the investigations.

#### ***NESSA 7 (NAHAM 4)***

57. The CoC **NOTED** the information provided by Mozambique regarding the prosecution of the Master and the owner of the vessel NESSA 7, which is flagged to Panama.
58. The CoC **AGREED** that the information provided by Mozambique should also be considered together with the information provided by South Africa with regards to the vessel NAHAM 4 in the IOTC Provisional IUU Vessels List.

## 7.2 Summary of possible infractions reported by observers under the Regional observer program (IOTC Transshipment Programme)

59. The CoC **NOTED** paper IOTC–2016–CoC13–08b 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 2015, in line with the requirement of IOTC Resolution 14/06 *On establishing a programme for transshipment by large-scale fishing vessels*.
60. The CoC **NOTED** that a total of 301 possible infractions were recorded in 2015 (380 in 2014, 840 in 2013 and 169 in 2012). 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 IOTC Secretariat. The possible infractions consisted of the following:
- 105 (197 in 2014, 549 in 2013 and 77 in 2012) cases where vessel skippers failed to provide fishing logbooks for inspection, or the logbooks were not printed and bound.
  - 130 (106 in 2014, 157 in 2013 and 40 in 2012) related to marking of vessels;
  - 17 (25 in 2014, 85 in 2013 and 36 in 2012) inspections where vessel skippers failed to provide valid fishing licenses or authorizations to fish.
  - 45 (52 in 2014, 43 in 2013 and 12 in 2012) vessels where there was either no VMS on board or where the VMS was not in operation.
  - Four incidences of obstructions were also recorded during 2015.
61. **NOTING** that all observer reports for the IOTC at-sea transshipment Programme, are forwarded to the countries concerned for information, the CoC **REMINDED** countries to review the reports and follow-up on the irregularities identified, where required. In order to facilitate this task, the IOTC Secretariat shall continue to highlight the issues identified by observers when sending the reports to the fleets concerned.

## 7.3 Identification of repeated possible infringements under the Regional observer programme

62. The CoC **NOTED** paper IOTC–2016–CoC13–08b Add\_1 which provided a summary of repeated cases of possible infringements of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), as recorded by observers deployed under the Programme during 2015, in line with the requirement of IOTC Resolution 14/06 *On establishing a programme for transshipment by large-scale fishing vessels*.
63. The CoC **NOTED** that all eleven fleets participating in the ROP have a record of repeated possible infringements in 2015 (Taiwan, Province of China: 27; Japan: 14; China: 10; Malaysia: 5; Seychelles: 3; Rep. of Korea and Thailand: 2; India, Oman, Philippines and Tanzania: 1).
64. The CoC **NOTED** that seven (7) fleets have LSTLVs with 80 records of repeated possible infringements in 2015 that have a record of infringements in 2014.
- Twenty-seven LSTLVs of the fleet of Taiwan, Province of China have been identified as repeated possible infringer in 2015. Four of those 27 vessels have a record of possible infractions in 2014.
  - Fourteen LSTLVs of the fleet of Japan have been identified as repeated possible infringer in 2015. Two of those 14 LSTLVs have a record of possible infractions in 2014.
  - Five (5) LSTLVs of the fleet of Malaysia have been identified as repeated possible offender in 2015. The 5 LSTLVs have a record of possible infractions in 2014.
  - One (1) LSTLV of the fleet of Oman has been identified as repeated possible offender in 2015. This LSTLV has a record of possible infractions in 2014.
  - One (1) LSTLV of the fleet of Philippines has been identified as repeated possible offender in 2015. This LSTLV has a record of possible infractions in 2014.
  - Three (3) LSTLVs of the fleet of Seychelles have been identified as repeated possible offender in 2015. One of those 3 LSTLVs has a record of possible infractions in 2014.
  - Two (2) LSTLVs of the fleet of Thailand have been identified as repeated possible offender in 2015. The 2 LSTLVs have a record of possible infractions in 2014.

- h) One (1) LSTLV of the fleet of Tanzania has been identified as repeated possible offender in 2015. This LSTLV has a record of possible infractions in 2014.
65. The CoC **NOTED** that three (3) fleets have LSTLVs with a record of repeated possible infringements in 2015, but did not tranship in 2014 or there is no record of possible infringement in 2014.
- a) Ten LSTLVs of the fleet of China have been identified as repeated possible offenders in 2015.
- b) Two LSTLVs of the fleet of Korea have been identified as repeated possible offenders in 2015.
- c) One LSTLV of the fleet of India has been identified as a repeated possible offender in 2015.
66. The CoC **NOTED** the additional information provided by a range of CPCs in regard to the possible infringements outlined in papers IOTC-2016-CoC13-08b, 8b Add\_1 and 8b Add\_2. All CPCs committed to investigate the possible infractions with the aim of reducing or eliminating infractions in the future.
67. The CoC **NOTED** the additional information from the Invited Experts who also committed to investigating the possible infractions for their vessels with the aim of reducing or eliminating infractions in the future.

#### ***Recommendation/s***

68. The CoC **RECOMMENDED** that India, which has not submitted any response to the possible infractions of IOTC regulations, identified under the Programme, investigate and report back to the Commission via the IOTC Secretariat, the findings of their investigations, within three (3) months of the end of the 20<sup>th</sup> 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 India, as necessary. The IOTC Secretariat shall, at the end of the three (3) months, notify the Commission via a Circular, of the response provided.

#### ***7.4 Reporting of vessels in transit through waters of the UK(OT) for potential breach of IOTC Conservation and Management Measures***

69. The CoC **NOTED** paper IOTC-2016-CoC13-08c which provides information from the United Kingdom (OT) on vessels in transit through the waters of UK (OT).
70. The CoC **NOTED** the high incidence of breach of IOTC CMMs by vessels flagged to India, Sri Lanka and Thailand, which were inspected in the waters of UK (OT).
71. The CoC **NOTED** the statements from Mauritius and the United Kingdom (OT), provided at Appendix IV.

#### ***7.5 Summary report on the IOTC record of authorised vessels***

72. The CoC **NOTED** paper IOTC-2016-CoC13-10 which provides information on anomalies in the authorisation period of vessels included in the IOTC Record of Authorised Vessels.
73. The CoC **NOTED** that the paper raises some important issues of concerns which deserve to be addressed.

#### ***Recommendation/s***

74. The CoC **RECOMMENDED** that the issues raised in paper IOTC-2016-CoC13-10 be considered in the context of one of the Recommendation of the first IOTC Performance Review Panel, which called for the development of a harmonised MCS system for the IOTC.

### **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 – RESOLUTION 11/03**

75. The CoC **NOTED** paper IOTC-2016-CoC13-07 Rev1 which outlined the IOTC 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 9 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 2015 IOTC IUU Vessels List - review***

ANEKA 228, ANEKA 228; KM., CHI TONG, FU HSIANG FA 18, FU HSIANG FA NO. 01, FU HSIANG FA, NO. 02, FU HSIANG FA NO. 06, FU HSIANG FA NO. 08, FU HSIANG FA NO. 09, FU HSIANG FA NO. 11, FU HSIANG FA NO. 13, FU HSIANG FA NO. 17, FU HSIANG FA NO. 20, FU HSIANG FA NO. 21, FU HSIANG FA NO. 211, FU HSIANG FA NO. 23, FU HSIANG FA NO. 26, FU HSIANG FA NO. 30, FULL RICH, GUNUAR MELYAN 21, HOOM XIANG 101, HOOM XIANG 103, HOOM XIANG 105, HOOM XIANG II, KIM SENG DENG 3, KUANG HSING 127, KUANG HSING 196, KUNLUN, MAAN YIH HSING, OCEAN LION, SAMUDERA PERKASA 11, SAMUDRA PERKASA 12, SHUEN SIANG, SIN SHUN FA 6,

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SIN SHUN FA 67, SIN SHUN FA 8, SIN SHUN FA 9, SONGHUA, SRI FU FA 168, SRI FU FA 18, SRI FU FA 188, SRI FU FA 189, SRI FU FA 286, SRI FU FA 67, SRI FU FA 888, TIAN LUNG NO.12, YI HONG 106, YI HONG 116, YI HONG 16, YI HONG 3, YI HONG 6, YONGDING, YU FONG 168 and YU MAAN WON.

76. The CoC **NOTED** that no new information was available for the below listed vessels.

1. ANEKA 228
2. ANEKA 228; KM.
3. CHI TONG
4. FU HSIANG FA 18
5. FU HSIANG FA NO. 01
6. FU HSIANG FA NO. 02
7. FU HSIANG FA NO. 06
8. FU HSIANG FA NO. 08
9. FU HSIANG FA NO. 09
10. FU HSIANG FA NO. 11
11. FU HSIANG FA NO. 13
12. FU HSIANG FA NO. 17
13. FU HSIANG FA NO. 20
14. FU HSIANG FA NO. 21
15. FU HSIANG FA NO. 211
16. FU HSIANG FA NO. 23
17. FU HSIANG FA NO. 26
18. FU HSIANG FA NO. 30
19. FULL RICH
20. GUNUAR MELYN 21
21. HOOM XIANG 101
22. HOOM XIANG 103
23. HOOM XIANG 105
24. HOOM XIANG II
25. KIM SENG DENG 3
26. KUANG HSING 127
27. KUANG HSING 196
28. KUNLUN
29. (TAISHAN)
30. MAAN YIH HSING
31. OCEAN LION
32. SAMUDERA PERKASA 11
33. SAMUDRA PERKASA 12
34. SHUEN SIANG
35. SIN SHUN FA 6
36. SIN SHUN FA 67
37. SIN SHUN FA 8



38. SIN SHUN FA 9
39. SONGHUA
40. (YUNNAN)
41. SRI FU FA 168
42. SRI FU FA 18
43. SRI FU FA 188
44. SRI FU FA 189
45. SRI FU FA 286
46. SRI FU FA 67
47. SRI FU FA 888
48. TIAN LUNG NO.12
49. YI HONG 106
50. YI HONG 116
51. YI HONG 16
52. YI HONG 3
53. YI HONG 6
54. YONGDING
55. (JIANFENG)
56. YU FONG 168
57. YU MAAN WON

77. The Mauritian delegation objected to any consideration or discussion of the so-called ‘MPA’ established by the UK around the Chagos Archipelago. The Chair noted the objection of Mauritius and decided to continue with the treatment of technical matters in accordance with the agenda. The CoC NOTED the statements from Mauritius and the United Kingdom (OT) provided at [Appendix IV](#).

***Recommendation/s***

78. The CoC **RECOMMENDED** that the vessels listed in [para 76](#) remain on the IOTC IUU Vessels List as no further information was provided to the CoC13 during its deliberations.

***8.2 Provisional IUU Vessels List - Consideration of other vessels***

***GREESHMA, BOSIN, BENAIHA, CARMAL MARTA, DIGNAMOL I, DIGNAMOL II, KING JESUS, ST MARYS I, ST MARYS II***

79. The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessels, GREESHMA, BOSIN, BENAIHA, CARMAL MARTA, DIGNAMOL I, DIGNAMOL II, KING JESUS, ST MARYS I, ST MARYS II, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

***Recommendation/s***

80. **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, GREESHMA, BOSIN, BENAIHA, CARMAL MARTA, DIGNAMOL I, DIGNAMOL II, KING JESUS, ST MARYS I, ST MARYS II, and **NOTING** that India did not respond to the IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessels, GREESHMA, BOSIN, BENAIHA, CARMAL MARTA, DIGNAMOL I, DIGNAMOL II, KING JESUS, ST MARYS I, ST MARYS II, at its 20<sup>th</sup> Session.

***SULARA 2, IMASHA 2, NIRODA PUTHA, THIWANKA 5, OTTO 2, KAVIDYA DUWA***

81. The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessels SULARA 2, IMASHA 2, NIRODA PUTHA, THIWANKA 5, OTTO 2, KAVIDYA DUWA, flagged to Sri Lanka, in accordance with Paragraph 9 of IOTC Resolution 11/03.

82.The CoC **NOTED** the information provided by Sri Lanka and that adequate actions have been taken by the flag State.

*Recommendation/s*

83.Pursuant to Resolution 11/03, the CoC **REMOVED** the vessels SULARA 2, IMASHA 2, NIRODA PUTHA, THIWANKA 5, OTTO 2 and KAVIDYA DUWA on the IOTC Provisional IUU Vessels List.

**BEO HINGIS**

84.The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessel BEO HINGIS, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

*Recommendation/s*

85.**NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, BEO HINGIS, and that India did not respond to the IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessels, BEO HINGIS, at its 20<sup>th</sup> Session.

**JOSHVA**

86.The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessel JOSHVA, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

*Recommendation/s*

87.**NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, JOSHVA, and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, JOSHVA, at its 20<sup>th</sup> Session.

**JOSHVA NO.1**

88.The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessel JOSHVA NO.1, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

*Recommendation/s*

89.**NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, JOSHVA NO.1 and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, JOSHVA NO.1, at its 20<sup>th</sup> Session.

**VACHANAM**

90.The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessel VACHANAM, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

*Recommendation/s*

91.**NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, VACHANAM and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, VACHANAM, at its 20<sup>th</sup> Session.

**SACRED HEART**

92.The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessel SACRED HEART, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

*Recommendation/s*

93.**NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, SACRED HEART, and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, SACRED HEART, at its 20<sup>th</sup> Session.

**WISDOM**

94.The CoC **NOTED** the information provided by UK (OT) in support of the proposed IUU listing for the vessel WISDOM, flagged to India, in accordance with Paragraph 9 of IOTC Resolution 11/03.

*Recommendation/s*

95.**NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, WISDOM, and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, WISDOM, at its 20<sup>th</sup> Session.

**YASIRU PUTHA NO.1**

96.The CoC **NOTED** the information provided by UK (OT) on YASIRU PUTHA NO.1, flagged to Sri Lanka, in accordance with Paragraph 9 of IOTC Resolution 11/03.



97. The CoC **NOTED** the information provided by Sri Lanka and that adequate actions have been taken by the flag State and **REMOVED** the vessel from the provisional IUU list

*Formerly (NAHAM 4)*

98. The CoC **NOTED** the information provided by South Africa in support of the proposed IUU listing for the vessel formerly known as (NAHAM 4), in accordance with Paragraph 9 of IOTC Resolution 11/03. The CoC **NOTED** that this vessel might be known under different names.

*Recommendation/s*

99. The CoC **RECOMMENDED** that the vessel formerly known as (NAHAM 4) at the moment she was seized be kept on the IOTC Provisional IUU Vessels List, in accordance with Paragraph 14 of IOTC Resolution 11/03.
100. The CoC **NOTED** both the evidence provided for the inclusion of the new vessels on the IOTC IUU Vessels List, and the lack of response from the flag States. The CoC **REMINDED** flag States of their obligations under Resolution 11/03 to provide information in response to propose IUU listing. The final IOTC Provisional IUU Vessels List is provided in [Appendix VI](#) for the consideration of the Commission, based on the recommendations of the CoC13.

## 9. REVIEW OF DRIFTING FAD MANAGEMENT PLANS – RESOLUTION 15/08

101. The CoC **NOTED** paper IOTC–2016–CoC13–11, which outlined the DFAD management plans, made available by the IOTC Secretariat in accordance with IOTC Resolution 15/08, to assist CPCs in analysing the DFAD management plans, as required in paragraph 12, and in particular with the provisions of paragraph 11 of the Resolution.
102. The CoC **NOTED** the following 9 CPCs have purse seine vessels registered in the IOTC Record of Authorised Vessels: Australia, European Union (France, Italy and Spain), Indonesia, I.R. Iran, Japan, Rep. of Korea, Mauritius, Philippines and Seychelles. From these nine CPCs, eight have provided a DFAD management plans, from which one CPCs have provided revised plan in 2016:
- a) Australia (Received 01.05.14)
  - b) European Union (Received on 15.01.14, Spain, 11.03.16, Italy and 17.03.14, France),
  - c) Indonesia (Received 12.01.15),
  - d) Iran, Islamic Rep. of (Received 26.01.14),
  - e) Japan (Received 25.12.13; revised plan received 26.12.14),
  - f) Republic of Korea (Received 31.12.13; revised plan received 16.03.16),
  - g) Mauritius (Received 14.03.14),
  - h) Seychelles (Received 27.04.15).
103. The CoC **NOTED** that the CPCs listed below has reported that it will provide a FAD management plan:
- a) Sri Lanka had indicated that a plan will be submitted.
104. The CoC **ENCOURAGED** the CPCs who have not yet submitted their DFAD management plan to do so as soon as possible.
105. In analysing the DFAD Management Plans, the CoC **NOTED** the following three distinct categories:
- a) DFADs management plans with all appropriate sections setting clear guidelines for the plan;
  - b) Incomplete DFADs management plans with only some parts setting clear guidelines and other parts containing statements of intention on what will be undertaken in the future to respond to the requirements for those concerned sections, and,
  - c) Totally incomplete DFADs management plans.
106. The CoC **NOTED** that the paper IOTC–2016–CoC13–11 Add1, which is a compendium of the DFAD Management Plans submitted by CPCs to the IOTC Secretariat.

*Recommendation/s*

107. The CoC **RECOMMENDED** that those CPCs whose DFAD Management Plans does not meet the standard set out in the guideline in Annex 1 of Resolution 15/08, to submit a revised DFAD Management Plan during the 2016/17 intersessional period.

108. Excluding Mauritius, the CoC **RECOMMENDED** that the WG on FADs starts its activities in coordination with similar groups in other RFMOs as soon as possible.

## **10. UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW – COMPLIANCE RELATED ISSUES**

109. The CoC **NOTED** paper IOTC-2016-CoC13-06, 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. The following recommendations from the Performance Review Panel 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

110. 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***

111. The CoC **RECOMMENDED** that the Commission note the current status of implementation for each of the recommendations arising from the Report of the First IOTC Performance Review Panel, relevant to the CoC, as provided in [Appendix VII](#). These recommendations should be updated, following the endorsement by the Commission of the recommendations of the Second Performance review.

## **11. REVIEW OF UNRESOLVED COMPLIANCE ISSUES FROM CoC12 AND THE 19<sup>TH</sup> ANNUAL SESSION, OR NEW COMPLIANCE ISSUES (CPCs)**

### ***11.1 Harmonized Terms and Definitions for IOTC Conservation and Management Measures***

112. The CoC **NOTED** paper IOTC-2016-CoC13-13 which provided a set of harmonized Terms and Definitions for IOTC Conservation and management Measures and to recommend additional measures for strengthening the global coherence of IOTC CMMs.
113. The CoC **NOTED** that the Scientific Committee already has a set of terms and definitions which is used by the Committee and its subsidiary bodies.

### ***Recommendation/s***

114. The CoC **RECOMMENDED** that further work is undertaken in the future to ensure a harmonized set of Terms and Definitions is developed for the Commission and its subsidiary bodies.

### ***11.2 Review of progress made on elaborating a proposal for an IOTC High Seas Boarding and Inspection Scheme***

115. The CoC **NOTED** paper IOTC-2016-CoC13-14 and information paper IOTC-2016-CoC13-Inf07, which provided information on the progress made by the informal Working Group to elaborate a proposal for an IOTC High Seas Boarding and Inspection Scheme.
116. The CoC **ACKNOWLEDGED** the efforts of the Members of the informal Working Group for progressing this work during the intersessional period.

### ***Recommendation/s***

117. The CoC **RECOMMENDED** that a decision on the future work of the working group is considered by the Commission.

### ***11.3 Implementation of Recommendations of the Compliance Committee in 2015***

118. The CoC **NOTED** paper IOTC-2016-CoC13-15 which provided information the progress made during the intersessional period, in relation to the recommendations for actions by the Chair of the Compliance Committee and the IOTC Secretariat.
119. The CoC **NOTED** the Commission endorsed six (6) **RECOMMENDATIONS**, from the Compliance Committee, for action by the Chair of the Compliance Committee and the Secretariat.
120. The CoC **NOTED** that all the recommended actions from the Compliance Committee, for the Chair of the Compliance Committee and the Secretariat, had been fulfilled during the intersessional period.

121. The CoC NOTED the Statement by the Republic of Mauritius, as presented in [Appendix IV](#).

## **12. ACTIVITIES BY THE IOTC SECRETARIAT IN SUPPORT OF CAPACITY BUILDING FOR DEVELOPING CPCs – RESOLUTION 12/10**

122. The CoC NOTED paper IOTC–2016–CoC13–09 Rev2 which provided a summary of the activities undertaken by the IOTC Secretariat in support of implementation of Conservation and Management Measures (CMMs) adopted by the IOTC.

123. The CoC NOTED the efforts of the IOTC Secretariat to assist CPCs to improve their compliance level through targeted, in-country missions, including initiative to develop facilities to enable CPCs to implement port State measures (e-PSM) more effectively and to transpose IOTC CMMs into national legislation as required by Article X.2 of the IOTC Agreement.

124. The CoC NOTED the contribution of some CPCs in supporting the work of the IOTC Secretariat to provide support to some of the CPCs aimed at helping them to increase their level of compliance.

### ***Recommendation/s***

125. The CoC RECOMMENDED that the IOTC Secretariat continue with those capacity building activities and strengthen activities that would allow CPCs to address the issue of mandatory statistics and the implementation of the Regional Observer Scheme.

## **13. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY – APPENDIX III OF THE IOTC RULES OF PROCEDURE (2014)**

126. The CoC RECALLED the deadline for the submission of applications to attain the status of Cooperating Non-Contracting Party of the Commission is 90 days prior to the annual Session of the Commission (23 February 2016 for S20), as stipulated in the IOTC Rules of Procedure (2014), Rule IX, Appendix III, para. 1:

*“Any non-Contracting Party requesting the status of a Cooperating Non-Contracting Party shall apply to the Executive Secretary. Requests must be received by the Executive Secretary no later than ninety (90) days in advance of an Annual Session of the Commission, to be considered at that meeting.”*

### ***13.1 Liberia***

127. The CoC NOTED the application for Cooperating Non-Contracting Party status by Liberia (IOTC–2016–CoC13–CNCP01), which was received on 08<sup>th</sup> February 2016.

128. The CoC NOTED the intention of Liberia to engage only in transshipment activities and their commitment not to engage in harvesting activities of tuna and tuna like species under the mandate of the IOTC.

### ***13.2 Djibouti***

129. The CoC NOTED the application for Cooperating Non-Contracting Party status by Djibouti (IOTC–2016–CoC13–CNCP02), which was received on 14<sup>th</sup> February 2016.

130. The CoC NOTED that Djibouti was not present at the CoC13 and had not submitted all the required data in its application for renewal of its Cooperating Non-Contracting Party status.

### ***13.3 Panama***

131. The CoC NOTED the application for Cooperating Non-Contracting Party status by Panama (IOTC–2016–CoC13–CNCP03), which was received on 18<sup>th</sup> February 2016.

132. The CoC NOTED the commitment of Panama to participate in the IOTC process.

### ***13.4 Senegal***

133. The CoC NOTED the application for Cooperating Non-Contracting Party status by Senegal (IOTC–2016–CoC13–CNCP04), which was received on 18<sup>th</sup> February 2016.

134. The CoC NOTED the continued commitment of Senegal to participate in the IOTC process.

### ***13.5 Bangladesh***

135. The CoC NOTED the application for Cooperating Non-Contracting Party status by Bangladesh (IOTC–2016–CoC13–CNCP05), which was received on 22<sup>nd</sup> February 2016

136. The CoC NOTED that Bangladesh was not present at the CoC13.

### ***Recommendation/s***

137. The CoC **RECOMMENDED** that the Commission considers renewing the status of Liberia as Cooperating Non-Contracting Party of the IOTC.
138. **NOTING** that Djibouti was not present during the CoC13 to present their application for Cooperating Non-Contracting Party status, the CoC **RECOMMENDED** that the Commission considers the application by Djibouti for the status of Cooperating Non-Contracting Party of the IOTC (IOTC-2016-CoC13-CNCP02) at its 20<sup>th</sup> Session, bearing in mind paragraph 82 of the Report of the 19<sup>th</sup> Session of the Commission.
139. **NOTING** that Panama was not present during the CoC13 to present their application for Cooperating Non-Contracting Party status, the CoC **RECOMMENDED** that the Commission consider the application by Panama for the status of Cooperating Non-Contracting Party of the IOTC (IOTC-2016-CoC13-CNCP03) at its 20<sup>th</sup> Session, bearing in mind paragraph 82 of the Report of the 19<sup>th</sup> Session of the Commission.
140. The CoC **RECOMMENDED** that the Commission consider renewing the status of Senegal as Cooperating Non-Contracting Party of the IOTC.
141. **NOTING** that Bangladesh was not present during the CoC13 to present their application for Cooperating Non-Contracting Party status, the CoC **RECOMMENDED** that the Commission consider the application by Bangladesh for the status of Cooperating Non-Contracting Party of the IOTC (IOTC-2016-CoC13-CNCP05) at its 20<sup>th</sup> Session, bearing in mind paragraph 82 of the Report of the 19<sup>th</sup> Session of the Commission.

## 14. OTHER BUSINESS

### 14.1 REVIEW OF INFORMATION PAPERS

142. In accordance to the request of the Seychelles and Australia, the chair invited the 2 CPCs to provide a summary of Information Papers IOTC-2016-CoC13-Inf09 and IOTC-2016-CoC13-Inf06, respectively to the CoC.
143. The CoC **NOTED** the terms of reference developed by the small working group in the margins of the Committee, as submitted in paper IOTC-2016-CoC13-Inf09.
144. The CoC thanked Seychelles and Australia for their presentations.
145. The CoC **NOTED** the statement of the Mauritian delegation, as presented in [Appendix IV](#).

### 14.2 Date and Place of the 14<sup>th</sup> and 15<sup>th</sup> Sessions of the Compliance Committee

146. The CoC participants were unanimous in **THANKING** the European Union for hosting the 13<sup>th</sup> Session of the CoC and commended the local authorities of La Réunion on the warm welcome, the excellent facilities and assistance provided to the IOTC Secretariat in the organisation and running of the Session.
147. The CoC **NOTED** that the decision on when and who would host the 14<sup>th</sup> and 15<sup>th</sup> Sessions of the CoC in 2017 and 2018, respectively, would be decided during the 20<sup>th</sup> Session of the Commission.

## 15. ADOPTION OF THE REPORT OF THE 13<sup>TH</sup> SESSION OF THE COMPLIANCE COMMITTEE

148. The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC13, provided at [Appendix VIII](#).
149. The report of the 13<sup>th</sup> Session of the Compliance Committee (IOTC-2016-CoC13-R) was adopted on 18 May 2016.

## APPENDIX I

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**APPENDIX II**  
**AGENDA FOR THE 13<sup>TH</sup> SESSION OF THE COMPLIANCE COMMITTEE**

**Date:** 16–18 May, 2016

**Location:** La Réunion, France

**Time:** 0900–1700 daily

**Chair:** Mr. Herminio Tembe, **Vice Chair:** Mr. Hosea Gonza Mbilinyi

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 AND MANAGEMENT MEASURES** (Chair/Secretariat)
5. **NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES – Art X.2 IOTC Agreement** (Chair/Secretariat)
6. **REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS AND IDENTIFICATION OF CHALLENGES ENCOUNTERED IN THE IMPLEMENTATION OF IOTC CMMS – Appendix V of the IOTC Rules of Procedure** (Chair/Secretariat)
7. **REVIEW OF ADDITIONAL INFORMATION RELATED TO IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE** (Chair/Secretariat)
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/Secretariat)
9. **REVIEW OF DFAD MANAGEMENT PLANS RES. 15/08** (Chair/Secretariat)
10. **UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW – COMPLIANCE RELATED ISSUES** (Chair/Secretariat)
11. **REVIEW OF UNRESOLVED COMPLIANCE ISSUES FROM CoC12 AND THE 19<sup>TH</sup> ANNUAL SESSION, OR NEW COMPLIANCE ISSUES (CPCs)** (Chair/Secretariat)
12. **ACTIVITIES BY THE IOTC SECRETARIAT IN SUPPORT OF CAPACITY BUILDING FOR DEVELOPING CPCs - RESOLUTION 12/10**(Secretariat)
13. **REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY - Appendix III of the IOTC Rules of Procedure** (Chair)
14. **OTHER BUSINESS** (Chair)
  - 14.1. Date and place of the 14<sup>th</sup> and 15<sup>th</sup> Sessions of the Compliance Committee
15. **ADOPTION OF THE REPORT OF THE 13<sup>th</sup> SESSION OF THE COMPLIANCE COMMITTEE** (Chair)



**APPENDIX III**  
**LIST OF DOCUMENTS**

<b>Document</b>	<b>Title</b>	<b>Availability</b>
IOTC-2016-CoC13-01a	Draft Agenda for the Thirteenth Session of the Compliance Committee	22 January 2016
IOTC-2016-CoC13-01b	Draft Annotated Agenda for the Thirteenth Session of the Compliance Committee	04 May 2016
IOTC-2016-CoC13-02	Draft list of documents for the Thirteenth Session of the Compliance Committee	05 May 2016
IOTC-2016-CoC13-03 Rev1	Summary report on the level of compliance	05 May 2016
IOTC-2016-CoC13-04a	Report on Transshipment Resolution 14-06 – Secretariat's Report	18 April 2016
IOTC-2016-CoC13-04b	A Summary of the IOTC Regional Observer Programme During 2015 – Contractor's Report	18 April 2016
IOTC-2016-CoC13-05 Rev1	Report on the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties.	25 April 2016
IOTC-2016-CoC13-05 Add1	Collection of fleet development plans	18 April 2016
IOTC-2016-CoC13-06	Performance review update (Resolution 09/01 – on the performance review follow-up)	25 April 2016
IOTC-2016-CoC13-07 Rev1	The IOTC Provisional IUU Vessels List	06 May 2016
IOTC-2016-CoC13-08a	Complementary elements for discussion under item 7 of the agenda for the Compliance Committee	25 April 2016
IOTC-2016-CoC13-08b	Summary report on possible infractions observed under the Regional Observer Programme	18 April 2016
IOTC-2016-CoC13-08b Add1	Identification of repeated possible infringements under the Regional Observer Programme	18 April 2016
IOTC-2016-CoC13-08b Add2	Response to 2014 possible infractions from Thailand under the Regional Observer Programme	18 April 2016
IOTC-2016-CoC13-08c	Reporting of vessels in transit through UK(OT) waters for potential breach of IOTC Conservation and Management Measures.	15 April 2016
IOTC-2016-CoC13-09 Rev2	Summary report on Compliance Support Activities	05 May 2016
IOTC-2016-CoC13 10	Summary report on the IOTC Record of Authorised Vessels.	20 April 2016
IOTC-2016-CoC13 10 Add1	United Kingdom (OT) Letter	20 April 2016
IOTC-2016-CoC13-11	Summary of Compliance with the drifting FADs Management Plans	18 April 2016
IOTC-2016-CoC13-11 Add1	Collection of drifting Fish Aggregating Devices Management Plans	21 April 2016

Document	Title	Availability
IOTC-2016-CoC13-12	An alternative solution to Observer Scheme	16 April 2016
IOTC-2016-CoC13-13	Harmonized Terms and Definitions for IOTC Conservation and Management Measures	21 April 2016
IOTC-2016-CoC13-14	Review of progress made on elaborating a proposal for an IOTC High Seas Boarding and Inspection Scheme	25 April 2016
IOTC-2016-CoC13-15	Implementation of Recommendations of the Compliance Committee in 2015	25 April 2016
<b><i>Requests for the Cooperating non-Contracting Party status</i></b>		
IOTC-2016-CoC13-CNCP01	Request for the status of Cooperating non-Contracting Party by Liberia	17 February 2016
IOTC-2016-CoC13-CNCP02	Request for the status of Cooperating non-Contracting Party by Djibouti	29 March 2016
IOTC-2016-CoC13-CNCP03	Request for the status of Cooperating non-Contracting Party by Panama	29 March 2016
IOTC-2016-CoC13-CNCP04	Request for the status of Cooperating non-Contracting Party by Senegal	24 March 2016
IOTC-2016-CoC13-CNCP05	Request for the status of Cooperating non-Contracting Party by Bangladesh	29 March 2016
<b><i>Compliance Reports – Members</i></b>		
IOTC-2016-CoC13-CR01 Rev1	Australia	04 May 2016
IOTC-2016-CoC13-CR02 Rev1	Belize	28 April 2016
IOTC-2016-CoC13-CR03 Rev1	China	28 April 2016
IOTC-2016-CoC13-CR04 Rev1	Comoros	28 April 2016
IOTC-2016-CoC13-CR05 Rev1	Eritrea	28 April 2016
IOTC-2016-CoC13-CR06 Rev1	European Union	30 April 2016
IOTC-2016-CoC13-CR07 Rev1	France (territories)	30 April 2016
IOTC-2016-CoC13-CR08 Rev1	Guinea	30 April 2016
IOTC-2016-CoC13-CR09 Rev1	India	30 April 2016
IOTC-2016-CoC13-CR10 Rev1	Indonesia	04 May 2016
IOTC-2016-CoC13-CR11 Rev1	Iran, Islamic Republic of	03 May 2016
IOTC-2016-CoC13-CR12 Rev1	Japan	04 May 2016
IOTC-2016-CoC13-CR13 Rev1	Kenya	30 April 2016
IOTC-2016-CoC13-CR14 Rev1	Korea, Republic of	04 May 2016
IOTC-2016-CoC13-CR15 Rev1	Madagascar	28 April 2016
IOTC-2016-CoC13-CR16 Rev1	Malaysia	25 April 2016
IOTC-2016-CoC13-CR17 Rev1	Maldives	25 April 2016
IOTC-2016-CoC13-CR18 Rev1	Mauritius	25 April 2016
IOTC-2016-CoC13-CR19 Rev1	Mozambique	25 April 2016
IOTC-2016-CoC13-CR20 Rev1	Oman	25 April 2016
IOTC-2016-CoC13-CR21 Rev1	Pakistan	25 April 2016

Document	Title	Availability
IOTC–2016–CoC13–CR22 Rev1	Philippines	25 April 2016
IOTC–2016–CoC13–CR23 Rev 2	Seychelles	26 April 2016
IOTC–2016–CoC13–CR24 Rev1	Sierra Leone	25 April 2016
IOTC–2016–CoC13–CR25 Rev1	Somalia	21 April 2016
IOTC–2016–CoC13–CR26 Rev1	South Africa	21 April 2016
IOTC–2016–CoC13–CR27 Rev1	Sri Lanka	22 April 2016
IOTC–2016–CoC13–CR28 Rev1	Sudan	21 April 2016
IOTC–2016–CoC13–CR29 Rev1	Tanzania, United Republic of	21 April 2016
IOTC–2016–CoC13–CR30 Rev1	Thailand	25 April 2016
IOTC–2016–CoC13–CR31 Rev1	United Kingdom (territories)	18 April 2016
IOTC–2016–CoC13–CR32 Rev1	Vanuatu	25 April 2016
IOTC–2016–CoC13–CR33 Rev1	Yemen	21 April 2016
<b><i>Compliance Reports – Cooperating non-Contracting Parties</i></b>		
IOTC–2015–CoC12–CR34 Rev1	Bangladesh	21 April 2016
IOTC–2016–CoC13–CR35 Rev1	Djibouti	25 April 2016
IOTC–2016–CoC13–CR36 Rev1	Liberia	18 April 2016
IOTC–2016–CoC13–CR37 Rev1	Senegal	21 April 2016
<b><i>Implementation Reports – Members</i></b>		
IOTC–2016–CoC13–IR01	Australia	15 April 2016
IOTC–2016–CoC13–IR02	Belize	Not submitted
IOTC–2016–CoC13–IR03	China	15 April 2016
IOTC–2016–CoC13–IR04	Comoros	15 April 2016
IOTC–2016–CoC13–IR05	Eritrea	Not submitted
IOTC–2016–CoC13–IR06	European Union	15 April 2016
IOTC–2016–CoC13–IR07	France (territories)	Not submitted
IOTC–2016–CoC13–IR08	Guinea	Not submitted
IOTC–2016–CoC13–IR09	India	Not submitted
IOTC–2016–CoC13–IR10	Indonesia	15 April 2016
IOTC–2016–CoC13–IR11	Iran, Islamic Republic of	15 April 2016
IOTC–2016–CoC13–IR12	Japan	15 April 2016
IOTC–2016–CoC13–IR13	Kenya	15 April 2016
IOTC–2016–CoC13–IR14 Rev1	Korea, Republic of	15 April 2016
IOTC–2016–CoC13–IR15	Madagascar	20 April 2016
IOTC–2016–CoC13–IR16	Malaysia	15 April 2016
IOTC–2016–CoC13–IR17	Maldives	15 April 2016
IOTC–2016–CoC13–IR18	Mauritius	15 April 2016
IOTC–2016–CoC13–IR19	Mozambique	15 April 2016
IOTC–2016–CoC13–IR20	Oman	15 April 2016

Document	Title	Availability
IOTC-2016-CoC13-IR21 Rev1	Pakistan	04 May 2016
IOTC-2016-CoC13-IR22	Philippines	18 April 2016
IOTC-2016-CoC13-IR23	Seychelles	15 April 2016
IOTC-2016-CoC13-IR24	Sierra Leone	Not submitted
IOTC-2016-CoC13-IR25	Somalia	15 April 2016
IOTC-2016-CoC13-IR26	South Africa	15 April 2016
IOTC-2016-CoC13-IR27	Sri Lanka	15 April 2016
IOTC-2016-CoC13-IR28	Sudan	Not submitted
IOTC-2016-CoC13-IR29	Tanzania, United Republic of	15 April 2016
IOTC-2016-CoC13-IR30	Thailand	15 April 2016
IOTC-2016-CoC13-IR31	United Kingdom (territories)	15 April 2016
IOTC-2016-CoC13-IR32	Vanuatu	Not submitted
IOTC-2016-CoC13-IR33	Yemen	Not submitted
<b>Implementation Reports – Cooperating non-Contracting Parties</b>		
IOTC-2016-CoC13-IR34	Bangladesh	Not submitted
IOTC-2016-CoC13-IR35	Djibouti	Not submitted
IOTC-2016-CoC13-IR36	Liberia	15 April 2016
IOTC-2016-CoC13-IR37	Senegal	Not submitted
<b>Information Documents</b>		
IOTC-2016-CoC13-Inf01	Indicative Schedule of the Thirteenth Session of the Compliance Committee	06 May 2016
IOTC-2016-CoC13-Inf02	Case Studies of RFMO VMS	15 April 2016
IOTC-2016-CoC13-Inf03	ISSF-Technical-Report-2016-02	15 April 2016
IOTC-2016-CoC13-Inf04	ISSF-Technical-Report-2016-03	15 April 2016
IOTC-2016-CoC13-Inf05	Report on IOTC Terms Definitions	21 April 2016
IOTC-2016-CoC13-Inf06	Developing an Electronic Monitoring Programme for the IOTC	25 April 2016
IOTC-2016-CoC13-Inf07	Draft proposal for an IOTC HSBI Scheme	05 May 2016
IOTC-2016-CoC13-Inf08	PEW VMS Brief-Whitepaper 2016	06 May 2016
IOTC-2016-CoC13-Inf09	Proposed TOR for an IOTC options paper for strengthening VMS	18 May 2016

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**APPENDIX IV - STATEMENTS**

**IVA - STATEMENTS MADE BY REPUBLIC OF MAURITIUS****Agenda Item 2: Adoption of the Agenda and Arrangements for the Session****Statement by the Republic of Mauritius (1<sup>st</sup> statement)**

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 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 of 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 further reiterates that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC) as it is not a “coastal State situated wholly or partly within the Area [of competence of the Commission]”. Nor can the so-called “BIOT” claim to be a member of the IOTC on the basis of Article IV of the IOTC Agreement.

The Government of the Republic of Mauritius strongly objects to the use of terms such as the “United Kingdom (OT)”, “UK (OT)”, “UK (I.O. Territories)” and “United Kingdom (territories)” in documents which have been circulated for this meeting, in so far as these terms purport to refer to the Chagos Archipelago as a British territory or to imply that the United Kingdom or the so-called “BIOT” is entitled to be a member of the IOTC.

In the light of the foregoing, consideration of any document or information which the United Kingdom has purported to submit to this Committee in respect of the Chagos Archipelago, including Diego Garcia, or any document which purports to refer to the Chagos Archipelago as the so-called “BIOT” or as a British territory, as well as any action or decision that may be taken on the basis of such document or information, cannot and should not be construed as implying that the United Kingdom has sovereignty or analogous rights over the Chagos Archipelago or that the United Kingdom or the so-called “BIOT” is entitled to be a member of the IOTC.

**Reply by Mauritius to UK’s Statement (2<sup>nd</sup> statement)**

The Government of the Republic of Mauritius reiterates that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”) and that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius, a position on which no international judge or arbitrator has expressed a contrary view. In the arbitral proceedings initiated in December 2010 by the Republic of Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea, two of the arbitrators concluded that the United Kingdom does not have sovereignty over the Chagos Archipelago.

The Government of the Republic of Mauritius reaffirms that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC). Nor can the so-called “BIOT” claim to be a member of the IOTC.

Since the United Kingdom purports to assert under the Agreement for the Establishment of the Indian Ocean Tuna Commission and in this multilateral forum rights which it does not have over the Chagos Archipelago, the Republic of Mauritius considers that it is entitled to raise issues relating to its sovereignty over the Chagos Archipelago in this forum. This is no doubt a multilateral and not a bilateral matter.

#### **Agenda Item 4 – Overview of the Implementation of IOTC Conservation and Management Measures**

##### **Statement by the Republic of Mauritius**

The Government of the Republic of Mauritius notes that reference has been made to the French Southern and Antarctic Territories (TAAF) in the document entitled “Collection of Fleet Development Plans”.

In this regard, the Government of the Republic of Mauritius reiterates that the Island of Tromelin forms an integral part of the territory of the Republic of Mauritius.

The Island of Tromelin is not a French territory, as claimed by France. The Government of the Republic of Mauritius rejects France’s sovereignty claim over the Island of Tromelin as well as France’s claim to any sovereign right or jurisdiction over the Exclusive Economic Zone adjacent to the Island of Tromelin.

Further, the Government of the Republic of Mauritius does not recognize the validity of the inclusion of the Island of Tromelin in the French Southern and Antarctic Lands (TAAF).

The Government of the Republic of Mauritius reaffirms that the Republic of Mauritius has full and complete sovereignty over the Island of Tromelin, including its maritime zones.

As regards the document entitled “A Summary of the IOTC Regional Observer Programme During 2015 (Annual Contractors’ Report)” (IOTC-2016-CoC13-04b), the Government of the Republic of Mauritius notes with concern that the boundary lines delimiting the Exclusive Economic Zone of the Republic of Mauritius are not accurately depicted in Figure 3 on page 7.

The Government of the Republic of Mauritius strongly objects to Figure 3 and reiterates that the Chagos Archipelago and the Island of Tromelin form an integral part of the territory of the Republic of Mauritius.

#### **Reply by the Republic of Mauritius to France’s Statement**

The Government of the Republic of Mauritius reiterates that the Island of Tromelin forms an integral part of the territory of the Republic of Mauritius and that it does not recognize the validity of the inclusion of the Island of Tromelin in the French Southern and Antarctic Lands (TAAF).

The Government of the Republic of Mauritius reaffirms that the Republic of Mauritius has full and complete sovereignty over the Island of Tromelin, including its maritime zones.

The objection taken as regards figure 3 is maintained.

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#### **Second reply:**

As regards figure 3 as mentioned in my previous statement in relation to the inaccurate EEZ boundaries:

- a. the Republic of Mauritius reserves its rights to comment further and take such action as it deems necessary; and
- b. any consideration thereof is not to be construed in any way whatsoever as any admission by the Republic of Mauritius that Tromelin Island is part of TAAF or Scattered Islands/Iles Eparses.

#### **Agenda Item 5: National Reports on the Progress of Implementation of Conservation and Management Measures**

##### **Statement by the Republic of Mauritius on National Report Submitted by UK (1<sup>st</sup> statement)**

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 and that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”).

The Government of the Republic of Mauritius reaffirms that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC). Nor can the so-called “BIOT” claim to be a member of the IOTC.



On 20 December 2010, the Republic of Mauritius initiated proceedings against the United Kingdom under Article 287 of, and Annex VII to, the United Nations Convention on the Law of the Sea (UNCLOS) to challenge the legality of the ‘marine protected area’ (‘MPA’) which the United Kingdom purported to establish on 1 April 2010 around the Chagos Archipelago. The Arbitral Tribunal constituted under Annex VII to UNCLOS to hear the dispute delivered its Award on 18 March 2015. The Tribunal ruled that in establishing the ‘MPA’ around the Chagos Archipelago, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of UNCLOS.

Since the ‘MPA’ purportedly established by the United Kingdom around the Chagos Archipelago has been held to be in breach of international law, it cannot be enforced. Any reference to or consideration given by the IOTC, including this Committee, to the purported ‘MPA’ in disregard of the Award will be in contradiction with the Tribunal’s ruling and international law.

In this regard, the Government of the Republic of Mauritius wrote on 20 April 2015 to the Executive Secretary of the IOTC to request that the purported ‘MPA’ should not be the subject of any discussions at the level of the IOTC. This request was reiterated by the Government of Mauritius in a letter dated 24 April 2015 which it addressed to the Executive Secretary of the IOTC.

The Government of the Republic of Mauritius urges the Committee to ensure compliance with the Award of the Arbitral Tribunal constituted under Annex VII to UNCLOS.

#### **Reply by the Republic of Mauritius to UK’s Statement (2<sup>nd</sup> statement)**

The Government of the Republic of Mauritius reaffirms that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”) and that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, a position on which no international judge or arbitrator has expressed a contrary view.

The Government of the Republic of Mauritius reiterates that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC). Nor can the so-called “BIOT” claim to be a member of the IOTC.

The Government of the Republic of Mauritius maintains in no uncertain terms that the ‘marine protected area’ (‘MPA’) purportedly established by the United Kingdom around the Chagos Archipelago is illegal. At paragraph 547(B) of its Award, the Arbitral Tribunal constituted in the case brought by the Republic of Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea to challenge the legality of the purported ‘MPA’ declared that in establishing the purported ‘MPA’ around the

Chagos Archipelago, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of the Convention. During its recent discussions with the United Kingdom, the Republic of Mauritius has made it clear that in view of the ruling of the Arbitral Tribunal, the purported 'MPA' cannot be enforced.

Objection is therefore taken to any reference to or consideration of the purported 'MPA'.

**Statement by the Republic of Mauritius on National Report Submitted by France**

The National Report submitted by France is now available on the IOTC website. That document refers to TAAF and "Scattered Islands" (Iles Eparses) which, for France, purports to include Tromelin.

The Government of the Republic of Mauritius reiterates that the Island of Tromelin forms an integral part of the territory of the Republic of Mauritius.

The Island of Tromelin is not a French territory, as claimed by France. The Government of the Republic of Mauritius rejects France's sovereignty claim over the Island of Tromelin as well as France's claim to any sovereign right or jurisdiction over the Exclusive Economic Zone adjacent to the Island of Tromelin.

Further, the Government of the Republic of Mauritius does not recognize the validity of the inclusion of the Island of Tromelin in the French Southern and Antarctic Lands (TAAF) or Scattered Islands/Iles Eparses.

The Government of the Republic of Mauritius reaffirms that the Republic of Mauritius has full and complete sovereignty over the Island of Tromelin, including its maritime zones.

**Statement by the Republic of Mauritius on National Report Submitted by UK**

It is noted that the consideration process starts by the analysis made by the Panel of this Committee, therefore, the delegation of the Republic of Mauritius feels strongly that this is the relevant and appropriate time to intervene, before the UK OT report is considered.

The Government of the Republic of Mauritius firmly objects to any consideration being given to the 'MPA' at the level of this Committee. In the light of such objection which is strongly and firmly maintained, should further consideration of this issue be sought at the level of this Committee, the Mauritian delegation maintains its stand (not a mere statement for the form, but a substantive one). The Delegation of Mauritius therefore invites the Chair and Executive Secretary to give due importance to this objection from a full-fledged member of the IOTC.

It is reiterated that this is not a bilateral issue but a multilateral one as the UK or so-called UK OT seeks to exercise a right which it does not have. This is clearly not a bilateral matter.

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 and that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”).

The Government of the Republic of Mauritius reaffirms that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC). Nor can the so-called “BIOT” or ‘UK OT’ claim to be a member of the IOTC.

On 20 December 2010, the Republic of Mauritius initiated proceedings against the United Kingdom under Article 287 of, and Annex VII to, the United Nations Convention on the Law of the Sea (UNCLOS) to challenge the legality of the ‘marine protected area’ (‘MPA’) which the United Kingdom purported to establish on 1 April 2010 around the Chagos Archipelago. The Arbitral Tribunal constituted under Annex VII to UNCLOS to hear the dispute delivered its Award on 18 March 2015. The Tribunal ruled that in establishing the ‘MPA’ around the Chagos Archipelago, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of UNCLOS.

Since the ‘MPA’ purportedly established by the United Kingdom around the Chagos Archipelago has been held to be in breach of international law, it cannot be enforced. Any reference to or consideration given by the IOTC, including this Committee, to the purported ‘MPA’ in disregard of the Award will be in contradiction with the Tribunal’s ruling and international law.

In this regard, the Government of the Republic of Mauritius wrote on 20 April 2015 to the Executive Secretary of the IOTC to request that the purported ‘MPA’ should not be the subject of any discussions at the level of the IOTC. This request was reiterated by the Government of Mauritius in a letter dated 24 April 2015 which it addressed to the Executive Secretary of the IOTC.

The Government of the Republic of Mauritius urges the Committee to ensure compliance with the Award of the Arbitral Tribunal constituted under Annex VII to UNCLOS.

The Mauritian delegation maintains its stand which is not a mere statement for the form, but a substantive one.

#### **Reply by the Republic of Mauritius**

It is noted that the Compliance Committee went on to consider the UK-OT report despite the objection of the delegation of Mauritius.

The Government of the Republic of Mauritius reaffirms that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”) and that the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius, a position on which no international judge or arbitrator has expressed a contrary view.

The Government of the Republic of Mauritius reiterates that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC). Nor can the so-called “BIOT” or UK OT claim to be a member of the IOTC.

The Government of the Republic of Mauritius maintains in no uncertain terms that the ‘marine protected area’ (‘MPA’) purportedly established by the United Kingdom around the Chagos Archipelago is illegal. At paragraph 547(B) of its Award, the Arbitral Tribunal constituted in the case brought by the Republic of Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea to challenge the legality of the purported ‘MPA’ declared that in establishing the purported ‘MPA’ around the Chagos Archipelago, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of the Convention. During its recent discussions with the United Kingdom, the Republic of Mauritius has made it clear that in view of the ruling of the Arbitral Tribunal, the purported ‘MPA’ cannot be enforced.

**Statement made by the Republic of Mauritius following the question from EU and response of UK on its report.**

The delegation of the Republic of Mauritius reiterates its objections as per the contents of its earlier statements.

**Statement by the Republic of Mauritius**

It is noted that the EU has stated that the IUU provisional list remains a problem and that “less cases have been reported by the UK Territories”. The Government of the Republic of Mauritius firmly objects to any consideration being given to the 'MPA' at the level of this Committee.

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 and that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”).

The Government of the Republic of Mauritius reaffirms that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC). Nor can the so-called “BIOT” claim to be a member of the IOTC, nor the so-called UK (OT).

Since the ‘MPA’ purportedly established by the United Kingdom around the Chagos Archipelago has been held to be in breach of international law, it cannot be enforced. Any reference to or consideration given by

the IOTC, including this Committee, to the purported ‘MPA’ in disregard of the Award will be in contradiction with the Tribunal’s ruling and international law.

In this regard, the Government of the Republic of Mauritius wrote on 20 April 2015 to the Executive Secretary of the IOTC to request that the purported ‘MPA’ should not be the subject of any discussions at the level of the IOTC. This request was reiterated by the Government of Mauritius in a letter dated 24 April 2015 which it addressed to the Executive Secretary of the IOTC.

The Government of the Republic of Mauritius urges the Committee to ensure compliance with the Award of the Arbitral Tribunal constituted under Annex VII to UNCLOS.

**Statement by the Republic of Mauritius - 2<sup>nd</sup> reply:**

The Government of the Republic of Mauritius states that this is not a bilateral matter as the UK/UKOT seeks to exercise a right which it does not have before a multilateral forum, it is clearly not a bilateral matter.

The Government of the Republic of Mauritius reiterates its earlier statements and firmly and strongly its objection.

**STATEMENT MADE AT THE END OF AGENDA ITEM 5 – VERY LAST**

In the light of the discussions under this agenda item, the delegation of the Republic of Mauritius refers the Committee to art. XXIII of the Agreement establishing the IOTC and reserves its rights in relation thereto.

**AGENDA ITEMS NO. 7 IN RELATION TO THE UK OR SO-CALLED UK-OT**

This statement is made in relation to the matters in issue, and in anticipation of the documents and issues to be further considered at the level of this Committee under this agenda item:

The Republic of Mauritius reaffirms that the Chagos Archipelago, including Diego Garcia, forms an integral part of its territory and that it does not recognize the so-called “British Indian Ocean Territory” (“BIOT”).

The Republic of Mauritius is the only State which has the lawful authority to take any action in respect of the Chagos Archipelago, including reporting of any breach of any conservation and management measure of the IOTC in the maritime zones of the Republic of Mauritius around the Chagos Archipelago.

The Republic of Mauritius does not recognize the legality under international law of any act that the United Kingdom or the so-called “BIOT” has purported, or is purporting, to take in respect of the Chagos Archipelago. This includes, but is not limited to, measures purportedly taken by the United Kingdom or the so-called “BIOT” in respect of the marine environment of the Chagos Archipelago.

The Republic of Mauritius further reiterates that neither the United Kingdom, nor the so-called “BIOT”, “UK-OT”, “United Kingdom (OT)”, “UK (Territories)” or “UK (I.O. Territories)” is entitled to be a member of the IOTC.

The Republic of Mauritius cannot therefore endorse any recommendation for the inclusion of vessels reported by the UK/“UK (OT)” on the IOTC IUU Vessels List.

The Republic of Mauritius reiterates that it does not condone IUU fishing and that it is not opposed to the adoption and implementation of any measure against IUU fishing provided that any such measure is taken in conformity with international law or implemented in adherence thereto, including the rights of the Republic of Mauritius under such law.

The Republic of Mauritius also firmly objects to any discussion on or reference to any recommendation made by the UK or the so-called “BIOT”, “UK-OT”, “United Kingdom (OT)”, “UK (I.O. Territories)” or “UK (Territories)” as regards the Chagos Archipelago or the so-called ‘MPA’.

This is a firm objection being made by the delegation of the Republic of Mauritius, not a statement made for mere recording, and reference is made to art. XXIII of the Agreement establishing the IOTC, the delegation of the Republic of Mauritius believes that this issue arguably validly cannot and should not be dealt with by this Committee – reference is made to art. XXIII of the Agreement establishing the IOTC. As the Mauritian delegation has expressly mentioned in its earlier statement under agenda item 5, the delegation of the Government of the Republic of Mauritius reserves its right to pursue this issue thereunder at a subsequent stage.

Adopting the agenda does not and cannot in any way mean that the Republic of Mauritius has agreed to allow issues relating to the so-called ‘MPA’, UK –OT or UK-Territories to be considered and discussed. In its statements made when agenda item No. 2 was reached, the Mauritius delegation made clear its caveat.

The Mauritian delegation firmly believes that this issue cannot be discussed at the level of this Committee and refers to art. XXIII of the Agreement establishing the MPA and reserves all its rights to act thereunder.

### **Statement by the Republic of Mauritius - Agenda Item 7**

1. The delegation of the Government of the Republic of Mauritius reiterates its earlier statements and restates that this is not a mere statement but a firm objection being taken.
2. The adoption of the agenda does not in any way mean that the delegation of the Republic of Mauritius has accepted or agreed to the discussion or consideration of any issue related to the ‘MPA’. The Mauritian delegation stated when it intervened under agenda item No. 2, that it was objecting to the consideration or discussion of this item at the level of this Committee. As mentioned in the earlier statements made under agenda items Nos. 5 and 7 earlier, this is not a mere statement for record purposes but an form objection.
3. It is noted that the decision of the Chair runs counter to the statements and express caveats made by the Mauritian delegation. Reference is made to art. XXIII of the Agreement establishing the IOTC and Mauritius reserves its right to take such action in relation thereto.

4. The Mauritius delegate reiterates the statements made under agenda items 2, 5 and 7 and especially the last statement made and notes the ruling of the Chair on this issue.

### **Statement by the Republic of Mauritius**

The Government of the Republic of Mauritius notes with concern that the boundary lines delimiting the Exclusive Economic Zone of the Republic of Mauritius are not accurately depicted in some of the figures contained in the document entitled “Complementary Elements for Discussion under Item 7 of the Agenda for the Compliance Committee” (IOTC-2016-CoC13-08a) on pages relating to Vessel behavior inspection.

The Government of the Republic of Mauritius strongly objects to the inaccurate depiction of the Exclusive Economic Zone of the Republic of Mauritius

As regards the inaccurate EEZ boundaries depicted in some of the figures contained in the aforesaid document (IOTC-2016-CoC13-08a), as mentioned in my previous statement under agenda item 4 in relation to the inaccurate EEZ boundaries of the Republic of Mauritius:

- a. the Government of the Republic of Mauritius reserves its rights to comment further and take such action as it deems necessary; and
- b. any consideration thereof is not to be construed in any way whatsoever as any admission by the Government of the Republic of Mauritius that Tromelin Island is part of TAAF or Scattered Islands/Iles Eparses or a French territory.

The Government of the Republic of Mauritius reiterates that the Chagos Archipelago and the Island of Tromelin form an integral part of the territory of the Republic of Mauritius and that it does not recognize the so-called “BIOT”, “UK-OT”, “UK (I.O. Territories)” or “UK (Territories)”.

### **Item 8 of the agenda:**

Irrespective of the methodology to be taken under this item, the Mauritius delegation reiterates the statements made earlier.

Upon query by the Mauritian delegate, the Chair stated that his ruling under agenda item 7 also applied to this agenda item.

#### **Agenda item 8**

1. This is not a clear cut matter, the Mauritius delegation notes that:
  - a. Mauritius claims that the Chagos Archipelago is an integral part of the territory of Mauritius; and
  - b. The so-called ‘MPA’ is invalid and cannot be enforced.

In view of all this, it is unclear under which legal and procedural basis the Commission can act as per the recommendation/request of the UK or so called UK-OT.

2. The Mauritian delegate queried under which legal and procedural basis can this Committee proceed to decide as per the request and recommendation of the UK, or so-called UK-OT in the light of these facts. The Chair stated that he was not in a position to address legal issues and the Mauritius delegate stated that in light of all this, a recommendation cannot be made.

## **IVB - STATEMENTS MADE BY THE UNITED KINGDOM (OT) IN RESPONSE TO MAURITIUS STATEMENTS**

### **2016-05-16 UK Statement in reply to Mauritius statement**

#### UK Statement in reply to Mauritius statement

1. The British Government has no doubt about its sovereignty of the Chagos Archipelago, which has been British since 1814, and which it administers as the British Indian Ocean Territory. No international tribunal, including the Arbitral Tribunal constituted under Annex VII to the UN Convention on the Law of the Sea (UNCLOS), has ever called the UK's sovereignty of the Territory into doubt.
2. Whilst the United Kingdom does not recognise the Republic of Mauritius' claim to sovereignty of the Chagos Archipelago, it has repeatedly undertaken to cede it to Mauritius, when no longer required for defence purposes. We maintain that commitment, though it is for the UK alone to determine when this condition is met. In the meantime, these defence purposes contribute significantly towards global security, and are central to efforts at countering regional threats, including those from terrorism and piracy.
3. With respect to the assertion that UK(OT) is not entitled to be at IOTC talks as it is not a coastal state of the Indian Ocean, the British Government has no doubt about its sovereignty of the British Indian Ocean Territory and no international tribunal has ever called our sovereignty into doubt. As such we are full members of the IOTC and have every right to be here. The United Kingdom regrets the continued use of this important multilateral forum by the Republic of Mauritius to address a bilateral matter. In the context of ongoing bilateral discussions which started last year and the latest of which took place earlier this month, and to which the United Kingdom is fully committed, this only serves to distract from the important work of IOTC members to combat the regional IUU threat.

### **Second UK Statement following Mauritius statement on MAP *[sic]***

1. The British Government has no doubt about its sovereignty of the Chagos Archipelago, which has been British since 1814, and which it administers as the British Indian Ocean Territory. No international tribunal, including the Arbitral Tribunal constituted under Annex VII to the UN Convention on the Law of the Sea (UNCLOS), has ever called the UK's sovereignty of the Territory into doubt.
2. Whilst the United Kingdom does not recognise the Republic of Mauritius' claim to sovereignty of the Chagos Archipelago, it has repeatedly undertaken to cede it to Mauritius, when no longer required for defence purposes. We maintain that commitment, though it is for the UK alone to determine when this condition is met. In the meantime, these defence purposes contribute significantly towards global security, and are central to efforts at countering regional threats, including those from terrorism and piracy.
3. With respect to the assertion that UK(OT) is not entitled to be at IOTC talks as it is not a coastal state of the Indian Ocean, the British Government has no doubt about its sovereignty of the British Indian Ocean Territory and no international tribunal has ever called our sovereignty into doubt. As such we are full members of the IOTC and have every right to be here. The United Kingdom regrets the continued use of this important multilateral forum by the Republic of Mauritius to address a bilateral matter. In the context of ongoing bilateral discussions which started last year and the latest of which took place earlier this month, and to which the United Kingdom is fully committed, this only serves to distract from the important work of IOTC members to combat the regional IUU threat.
4. It is clear that that the recent Arbitral Tribunal Award does not have the effect of rendering the Marine Protected Area (MPA) illegal. The Tribunal found that there had been no improper motive in its creation; and explicitly stated that it took no view on the substance of the MPA. One of our purposes in creating the MPA was to preserve the Indian Ocean's fish stocks, and safeguard their importance for the economy and food security of the region.
5. The Tribunal's finding was actually more narrow: that the United Kingdom should have consulted the Republic of Mauritius more fully about the establishment of the MPA, so as to give due regard to its rights. As the Tribunal notes



in its Final Observation, it is open to both Parties to enter into such negotiations now, and to do so without reference to matters of sovereignty, under a “sovereignty umbrella”. The UK has made extensive efforts to engage the Republic of Mauritius about conservation matters and is pleased that consultations continue in this regard. The UK has no present intent to modify the MPA, but has made clear its commitment to give due regard to Mauritius’ rights as part of these consultations, which it approaches with an open mind.

### **2016-05-17 @ 0936 UK statement in response to Mauritius Statement**

UK statement in response to Mauritius Statement

The United Kingdom regrets the continued use of this important multilateral forum by the Republic of Mauritius to address a bilateral matter. In the context of ongoing bilateral discussions which started last year and to which the United Kingdom is fully committed, this only serves to distract from the important work of IOTC members to combat the regional IUU threat and other matters considered by this Committee.

UK does not intend to repeat its position each time Mauritius intervenes, but note that our position will remain as set out previously and that we would be grateful for this to be indicated in the record of the meeting.

### **2016-05-17 @ 1503 UK statement in response to MUR**

UK statement in response to MUR (point of agenda 8)

We refer to our previous statements on the record.

The United Kingdom has no doubt about its sovereignty over the Chagos Archipelago, which it administers as the British Indian Ocean Territory (BIOT). UK sovereignty over the Chagos Archipelago dates from 1814, and has never been called into doubt by any international court or tribunal, including the recent Arbitral Tribunal constituted under Annex VII to the UN Convention on the Law of the Sea (UNCLOS). There is no basis whatsoever for the claims of the Republic of Mauritius that the Territory forms an integral part of the Republic of Mauritius, or indeed that UK sovereignty in any way violates international law.

The Agreement for the Establishment of the Indian Ocean Tuna Commission provides that IOTC membership shall be open, inter alia, to FAO members that are situated wholly or partly within the IOTC’s Area of Competence. The British Indian Ocean Territory is situated wholly within the IOTC’s Area of Competence, and there can therefore be no doubt that the United Kingdom, as the State with sovereignty over BIOT as shown by what is said above, is thereby entitled to be a member of IOTC.

### **2016-05-17 @ 1515 UK reply to MUR statement**

UK reply to MUR statement 17/05/2016 @ 15 :15

We recall our previous statements already on the record of the meeting.

The United Kingdom has no doubt about its sovereignty over the Chagos Archipelago, which it administers as the British Indian Ocean Territory (BIOT). UK sovereignty over the Chagos Archipelago dates from 1814, and has never been called into doubt by any international court or tribunal, including the recent Arbitral Tribunal constituted under Annex VII to the UN Convention on the Law of the Sea (UNCLOS). There is no basis whatsoever for the claims of the Republic of Mauritius that the Territory forms an integral part of the Republic of Mauritius, or indeed that UK sovereignty in any way violates international law.

The Agreement for the Establishment of the Indian Ocean Tuna Commission provides that IOTC membership shall be open, inter alia, to FAO members that are situated wholly or partly within the IOTC’s Area of Competence. The British Indian Ocean Territory is situated wholly within the IOTC’s Area of Competence, and there can therefore be no doubt that the United Kingdom, as the State with sovereignty over BIOT as shown by what is said above, is thereby entitled to be a member of IOTC.

**IV<sub>C</sub> - STATEMENT MADE BY FRANCE (OT) IN RESPONSE TO MAURITIUS STATEMENT**

France protests against the statement by Mauritius, which ignores the fact that Tromelin Island is a French territory on which France has consistently exercised its full sovereignty.

Thus, France has sovereign rights or jurisdiction under International Law in the Exclusive Economic Zone adjacent to the island of Tromelin.

France is of the view that the IOTC meetings are not the place to discuss issues of territorial sovereignty.

## APPENDIX V

### REFERENCE FISHING CAPACITY AND FLEET DEVELOPMENT PLAN

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- 2015	Reference capacity at 2015 (A+B)	Active capacity in 2015	Capacity to be added under Fleet Development Plan					
						2016	2017	2018	2019	2020	> 2020
Australia	(GT)	3,312		3,312	349						
Belize	(GT)		3,200	3,200							
China	(GT)	27,216	2,059	29,275	22,349						
Comoros	(GT)		110	110				6000	6000	4000	
Eritrea											
European Union	(GT)	101,233	10,824	112,057	78,751						
Guinea	(GRT)	1,439		1,439							
India	(GRT)	32,950	7,800	40,750	13,082	1,250	1,250	1,100	600	600	
Indonesia	(GT)	124,011	89,554	213,565	49,985						
Iran	(GT)	83,524	42,353	125,877	98,514	6,650	10,200	10,200	7,850	4,400	
Japan	(GT)	91,076		91,076	37,072						
Kenya	(GT)					3,000	3,340	4,400	1,410	4,400	13,750
Korea, Republic of	(GT)	23,002		23,002	18,841						
Madagascar	(GT)	263	709	972	178						
Malaysia	(GRT)	2,299	15,334	17,633	3885						
Maldives	(GT)		992	992	12,716	68	68	68	45	45	
Mauritius	(GT)	1,931	34,985	36,916	8,589	5,331	5,331				
Mozambique	(GT)		30,000	30,000	1,930	15,000	15,000	15,000	15,000	3,000	16800
Oman	(GT)	3,126	10,610	13,736	443						5,730
Pakistan	(GT)		50,000	50,000	1,130						
Philippines	(GRT)	10,304		10,304							
Seychelles	(GT)	41,735	188,240	229,975	47,132	18,556					
Sierra Leone											
Somalia											
South Africa	(GT)	3,013	3,056	6,069	966						
Sri Lanka	(GT)	18,436	62,998	81,434	38,485	3,720	3,919	5,773	5,737	6,384	
Sudan											
Tanzania	(GT)				1,535						
Thailand	(GT)	13,771	24,250	38,021	5,194						
U. K. (I.O. Territories)	(GT)										
Vanuatu	(GT)		25,875	25,875							
Yemen											
Djibouti											
Senegal	(GRT)	1,250		1,250							
Total	(GRT + GT)	583,891	602,949	1,186,840	441,126	53,575	39,108	42,541	36,642	22,829	36,280
<b>Difference relative to 2006</b>											
<b>Baseline</b>				<b>203%</b>	<b>76%</b>						<b>318%</b>

*N.B.* Estimates of capacity, figures in brackets, for CPCs that have not reported their active vessels list for 2015 are based on their list of authorised vessels on 15<sup>th</sup> April, 2016.

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- 2015	Reference capacity at 2015 (A+B)	Active capacity in 2015	Capacity to be added under Fleet Development Plan					
					2016	2017	2018	2019	2020	>2020
Australia	10		10	2						
Belize		8	8							
China	67		67	46						
Comoros							3	3	2	
Eritrea										
European Union	51	13	64	39						
Guinea	3		3							
India	70	60	130	52	7	7	6	5	5	
Indonesia	1,201	746	1,947	584						
Iran	992	326	1,318	1,195	9	14	14	10	4	
Japan	227		227	53						
Kenya					5	5	5	5	5	25
Korea, Republic of	38		38	20						
Madagascar	2	34	36	7						
Malaysia	28	107	135	10						
Maldives		44	44	360	3	3	3	2	2	
Mauritius	8	37	45	7	2	2				
Mozambique		10	10	9	5	5	5	5	5	28
Oman	24	65	89	1						35
Pakistan		150	150	10						
Philippines	18		18							
Seychelles	34	115	149	46	11					
Sierra Leone										
Somalia										
South Africa	13	10	23	6						
Sri Lanka	1,001	2,527	3,528	1,577	55	64	164	185	217	
Sudan										
Tanzania				3						
Thailand	9	110	119	9						
U. K. (I.O. Territories)										
Vanuatu		48	48							
Yemen										
Djibouti										
Senegal	3		3							
<b>Total</b>	<b>3,799</b>	<b>4,410</b>	<b>8,209</b>	<b>4,036</b>	<b>97</b>	<b>100</b>	<b>200</b>	<b>215</b>	<b>240</b>	<b>88</b>

*N.B. Estimates of number of vessels, figures in brackets, for CPCs that have not reported their active vessels list for 2015 are based on their number of authorised vessels on 15<sup>th</sup> April, 2016*

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 2007- 2015	Reference capacity at 2015 (A+B)	Active capacity in 2015	Capacity to be added under Fleet Development Plans					
						2016	2017	2018	2019	2020	>2020
Australia	(GRT)										
Belize	(GT)	1,620		1,620							
China	(GT)		3,389	3,389	2,250						
Comoros	(GT)		990	990		660	660	440	440	110	
Eritrea											
European Union	(GT)	21,922	4,832	26,754	9,164					2143	
Guinea	(GRT)										
India	(GRT)										
Indonesia	(GT)										
Iran	(GT)										
Japan	(GT)										
Kenya	(GT)					3,000	1,200	140	1,200	670	3880
Korea, Republic of	(GT)										
Madagascar	(GT)										
Malaysia	(GRT)										
Maldives	(GT)										
Mauritius	(GRT)		4,400	4,400		1,600	2,000				
Mozambique	(GT)		6,000	6,000		3,000	3,000	3,000	3,000	3000	13200
Oman	(GT)										
Pakistan	(GT)										
Philippines	(GRT)										
Seychelles	(GT)	536		536							
Sierra Leone											
Somalia											
South Africa	(GT)		4,274	4,274	164						
Sri Lanka	(GT)		2,239	2,239			59	59	341	341	
Sudan											
Tanzania	(GT)										
Thailand	(GT)										
U. K. (I.O. Territories)	(GT)										
Vanuatu	(GT)										
Yemen											
Djibouti											
Senegal	(GRT)		1,251	1,251		2,085					
<b>Total</b>	<b>(GRT+GT)</b>	<b>24,078</b>	<b>27,375</b>	<b>51,453</b>	<b>11,578</b>	<b>10,345</b>	<b>6,919</b>	<b>3,639</b>	<b>4,981</b>	<b>6,264</b>	<b>17,080</b>
<b>Difference relative to 2007 Baseline</b>				<b>214%</b>	<b>48%</b>	<b>466%</b>					

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- 2015	Reference capacity at 2015 (A+B)	Active capacity in 2015	Capacity to be added under Fleet Development Plans					
					2016	2017	2018	2019	2020	>2020
Australia										
Belize	10		10							
China		10	10	7						
Comoros		9	9		6	6	4	4	1	
Eritrea										
European Union	72	32	104	41					25	
Guinea										
India										
Indonesia										
Iran										
Japan										
Kenya					5	2	2	2	2	10
Korea, Republic of										
Madagascar										
Malaysia										
Maldives										
Mauritius		11	11		4	5				
Mozambique		10	10		5	5	5	5	5	22
Oman										
Pakistan										
Philippines										
Seychelles	1		1							
Sierra Leone										
Somalia										
South Africa		6	6	4						
Sri Lanka		22	22			1	1	2	2	
Sudan										
Tanzania										
Thailand										
U. K. (OT)										
Vanuatu										
Yemen										
Djibouti										
Senegal		3	3			5				
<b>Total</b>	<b>83</b>	<b>103</b>	<b>186</b>	<b>52</b>	<b>20</b>	<b>24</b>	<b>12</b>	<b>13</b>	<b>35</b>	<b>32</b>

## APPENDIX VI

### IOTC PROVISIONAL IUU VESSELS LIST

#### IOTC IUU Vessels List (2015)

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
ANEKA 228	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
ANEKA 228; KM.	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
CHI TONG	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
FU HSIANG FA 18	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
FU HSIANG FA NO. 01	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 02	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 06	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 08	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 09	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 11	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 13	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
<b>FU HSIANG FA NO. 17</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>FU HSIANG FA NO. 20</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>FU HSIANG FA NO. 21<sup>1</sup></b>	Unknown	Not Available	IOTC-2013-CoC10-07 Rev1	OTS 024 or OTS 089	Unknown	Unknown	Contravention of IOTC Resolution 07/02	May 2013
<b>FU HSIANG FA NO. 21<sup>1</sup></b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>FU HSIANG FA NO. 23</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>FU HSIANG FA NO. 26</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>FU HSIANG FA NO. 30</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>FULL RICH</b>	Unknown (Belize)	Not Available	IOTC-2013-CoC10-08a	HMEK3	Noel International LTD (Noel International LTD)	Unknown	Contravention of IOTC Resolution 07/02	May 2013
<b>GUNUAR MELYAN 21</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 07/02	June 2008
<b>HOOM XIANG 101</b>	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>HOOM XIANG 103</b>	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>HOOM XIANG 105</b>	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>HOOM XIANG II</b>	Unknown (Malaysia)	Not Available	IOTC-S14-CoC13-Add1	No Info	Hoom Xiang Industries Sdn. Bhd.	Unknown	Contravention of IOTC Resolution 09/03	March 2010

<sup>1</sup> No information on whether the two vessels **FU HSIANG FA NO. 21** are the same vessels.



Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
<b>KIM SENG DENG 3</b>	BOLIVIA	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>KUANG HSING 127</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>KUANG HSING 196</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>KUNLUN (TAISHAN)</b>	Equatorial Guinea	7322897	IOTC CIRCULAR 2015–004	3CAG	Stanley Management Inc	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>MAAN YIH HSING</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>OCEAN LION</b>	Unknown (Equatorial Guinea)	7826233	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 02/04, 02/05, 03/05.	June 2005
<b>SAMUDERA PERKASA 11</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SAMUDRA PERKASA 12</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SHUEN SIANG</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014 and May 2015
<b>SIN SHUN FA 6</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SIN SHUN FA 67</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SIN SHUN FA 8</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SIN SHUN FA 9</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SONGHUA (YUNNAN)</b>	Unknown (Equatorial Guinea)	9319856	IOTC CIRCULAR 2015–004	3CAF	Eastern Holdings	Unknown	Contravention of IOTC Resolution 11/03	May 2015

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
<b>SRI FU FA 168</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 18</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 188</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 189</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 286</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 67</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 888</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>TIAN LUNG NO.12</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 106</b>	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 116</b>	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 16</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 3</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 6</b>	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YONGDING (JIANFENG)</b>	Equatorial Guinea	9042001	IOTC CIRCULAR 2015– 004	3CAE	Stanley Management Inc.	Unknown	Contravention of IOTC Resolution 11/03	May 2015

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
YU FONG 168	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
YU MAAN WON	Unknown (Georgia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 07/02	May 2007

### IOTC Provisional IUU Vessels List (2016)

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
BENAIHA	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr Raju S/O (Son Of), John Rose Of 11-4-137 Kalingarajapuram, Ezudesam China Thurai Raju J S/O John Rose Of K R Puram, Chinnathurai, Thoothoor Po, K K Dist, Tamilnadu	Mr Chris Lukaj	Fishing without a licence in the waters of the UK(OT).
BOSIN	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Titus, S/O (son of) Sesaiyan of 111-9-170 Thoothoor (post) O.Kanyakumari District, Tamil Nadu, India	Titus, S/O (son of) Sesaiyan	Fishing without a licence in the waters of the UK(OT).
CARMAL MATHA	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Antony J S/O (son of) Joseph of D No 111-7-28. St Thomas Nagar, Thoothoor PO, KK Dist Tamilnadu	Mr Antony	Fishing without a licence in the waters of the UK(OT).
DIGNAMOL 1	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Jelvis s/o Dicostan of 7/103 K R Puram, Thoothoor, KK Dist, Mamilnadu Mr SD. Jelvis, S/O Dikostan of 7/169	Mr James Robert	Fishing without a licence in the waters of the UK(OT).

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
						Wasol 2, Block Y, Yishming Block, , Thoothoor, Kanyakumam		
<b>DIGNAMOL II</b>	India	Not Applicable	Not Available	Yes. Refer to Annex 1	Not Available	Unknown	Mr F Britto	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>GREESHMA 1</b>	India	Not Applicable	Not Available	Yes. Refer to Annex 1	Not Available	TITUS K. of S/O. Kastheen, 3/17B CHINNATHURA I, THOOTHOR POST, KANYAKUMAR I DISTRICT, TAMILNADU	Mr T (Tony) Resolin	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>KING JESUS</b>	India	Not Applicable	Not Available	Yes. Refer to Annex 1	Not Available	Unknown	Bibi S. R. Paul Miranda S	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>ST MARY'S NO.1</b>	India	Not Applicable	Not Available	Yes. Refer to Annex 1	Not Available	Mr Peter A S/O Antony Ad'Mai of St Thomas Nacer, Thoothoor PO, KK Dist, Tamilnadu Peter A. Fathers Name, ANTHONIADIM AI of 40 St Thomas Street, Thoothur, Kanyakuman District, Tamil Nadu, 629160	Mr Borgen	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>ST MARY'S NO.2</b>	India	Not Applicable	Not Available	Yes. Refer to Annex 1	Not Available	Mr Peter A S/O Anthoniadimai of East Coastal road Thoothoor – PO KK Dist – Tamilnadu	Mr Babin Melbin	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>BEO HINGIS</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Nasians. P S/O (son of) Peter.	hibu Stephen (Master)	Fishing without a licence and in possession of

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
								prohibited gear.
<b>JOSHVA</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr. Salvadason S/O Rayappan	A Shiji	Fishing without a license and possession of illegal gear
<b>JOSHVA NO.1</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr. Salvadason S/O Rayappan	A Shiji	Fishing without a license and possession of illegal gear
<b>SACRED HEART</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Metlan s/o (son of) Paniyadim	P. Newton (Master)	Fishing without a license
<b>VACHANAM</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Satril T	J Robinson (Master)	Fishing without a license and use of prohibited gear
<b>WISDOM</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Lowerence	Lawrence V (Master)	Fishing without a license and use of prohibited gear
<b>(NAHAM 4/DER HORNG 569)</b>	Unknown (OMAN /BELIZE)	Not Applicable	Not Available	Yes. Refer to report in this circular	A4DK6 ( V3DG)	Hsu Te Chuan/ Al Naham	Tsai Chang Yen	Misrepresentation and fraudulent document Fishing log book not onboard during inspection

## APPENDIX VII

## CoC: 2015 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
<b>Data collection and sharing</b>				
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>	<b>Completed:</b> 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 <sup>th</sup> 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>	<b>Ongoing:</b> 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.  There remains a need to setup a scheme of penalties and incentives.	Annual review at Compliance Committee meeting	High

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> 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 been conducting Compliance Support Missions (CSM). To date 17 CPCs have benefitted from CSMs and several CPCs have benefitted from follow-up CSMs.</p> <p>During the intersessional period, staffs of the Secretariat have conducted CSMs in Iran and the Maldives, where Compliance Action Plans have been developed with these CPCs. Follow-up Compliance Support missions were conducted in Kenya, Madagascar, Mauritius, Mozambique and Tanzania</p> <p>The Capacity Building activities planned for 2016/17 are detailed in the annual Programme of work and budget for the Secretariat. Refer: IOTC-2016-SCAF13-09.</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>	<p><b>Pending:</b> 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.</p>	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>	<p><b>Completed:</b> Resolutions 14/05 (formerly 12/07) and 10/08 address the reporting requirements of flag and coastal States responsibilities, with regards to vessels that are active in the IOTC Area.</p>	Review annually at the Compliance Committee meetings	Medium
<b>Quality and provision of scientific advice</b>				
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>	<p><b>Ongoing:</b> 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</p>	Review annually at the Compliance Committee meeting.	High

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
		<p>by the various Resolutions of the Commission.</p> <p>A Regional Workshop was conducted in February 2014 to address the issue of data reporting, for compliance with IOTC requirements. A conclusion from the Regional Workshop is that the Secretariat will need to conduct in country missions in several of the Member States.</p>		



ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
<b>Monitoring, Control and Surveillance</b>				
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 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><b>Ongoing:</b> 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 not received the agreements of CPCs. As a way forward, the Commission agreed to set up an IOTC Intersessional Working Party to make progress on a catch documentation scheme for tropical tuna species.</p> <p>It should be noted that there is a Project under the ABNJ Programme, on Tuna Traceability &amp; CDS Best Practices. It would be advisable that the Working Party waits for the conclusion of this project so that it can be better guided in its work.</p> <p>Resolution 11/04 – observers and field samplers are required to monitor the landing and unloading of catches respectively. The IOTC Regional Observer Programme (ROP) has over the years 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> <p>The results of a study on options for a regional high-seas boarding and inspection scheme, for the IOTC Area, was presented to the 11<sup>th</sup> Session of the Compliance Committee (CoC11). However, CPCs were of the opinion that the further work is required to adapt the option for the IOTC Area. For this purpose, the Commission requested that an informal Working Group be constituted.</p> <p>During the intersessional period three Members of the Working Group (the European Union, Japan and Seychelles) met in Seychelles to further refine the proposal for a High Seas Boarding and Inspection Scheme. Inputs on the proposal were also provided by Members (Australia, Mozambique and United Kingdom (OT)) who were not able to participate in the meeting.</p>	Review annually at IOTC meetings.	High
<b>Follow-up on infringements</b>				

ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>	<b>Ongoing:</b> The Compliance Committee, under its revised terms of reference, is in a better position to assess such cases through the country-based Compliance Reports, and will continue to do so in 2016.  Infringements detected under the ROP are communicated to the concerned fleets for their investigation and provision of explanations and/or actions taken.  There remains a need to setup a scheme of penalties and incentives.	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>	<b>Pending:</b> 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.  There remains a need to setup a scheme of penalties and incentives.	Attempts over the last two years to introduce a scheme of penalties to be applied in case of non-fulfilment of reporting obligations have so far not received the required support for adoption.  There is a need to continue with these efforts.	High
<b>Cooperative mechanisms to detect and deter non-compliance</b>				
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>	<b>Ongoing:</b> Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of Resolution 10/09, which is now integrated into the IOTC Rules of Procedure, Appendix V.	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>	<b>Ongoing:</b> 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.  The project sponsored through the WB/IOC grant for <i>Global Partnership for Oceans</i> , is finishing in June 2016. The objective of the project was to develop a model legal framework to facilitate CPCs to efficiently transpose conservation and management measures adopted by the Commission into their national legislation.  Additional legal support has been secured through EU grant.	Review annually at IOTC meetings	High

ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>	<b>Ongoing:</b> 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. With the introduction of the country-based Compliance Reports, this reporting requirement has gone from 52% for 2010 to a high of 82% for 2012, and has since been sliding. The compliance rate for 2015 was at 71%.	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>	<b>Ongoing:</b> 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.  Through the Compliance Support Mission, CPCs are becoming more conscious of their role in ensuring the effectiveness of the Commission.	Review annually at IOTC meetings	High
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>	<b>Ongoing:</b> Resolution 14/06 (superseding Resolutions 12/05, 11/05, 08/02 and 06/02) 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.  Implementation remains pending for a number of CPCs.	Review annually at IOTC meetings	Medium
ON INTERNATIONAL COOPERATION	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
<b>Relationship to non cooperating non Members</b>				
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>	<b>Ongoing:</b> 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.  However, the creation of a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs is still <b>pending</b> .	Review annually at IOTC meetings	High

## APPENDIX VIII

**CONSOLIDATED SET OF RECOMMENDATIONS OF THE 13TH SESSION OF THE COMPLIANCE COMMITTEE (16–18 MAY 2016) TO THE COMMISSION**

*IOTC regional observer programme for at-sea transshipments*

CoC13.01 ([Para 23](#)) **NOTING** that there are 6 carrier vessels operating under the ROP that are flagged to non-CPCs of the IOTC (Singapore, Panama and Vanuatu), the CoC **RECOMMENDED** that if the Resolution 14/06 is to be amended in the future, it should take into account the concerns of carrier vessels flagged to non-CPCs that are involved in at-sea transshipment operations in the IOTC area of competence.

CoC13.02 ([Para 24](#)) **NOTING** that India LSTLVs have conducted transshipments activities under the ROP in 2015 and the cost recovery mechanism the ROP is operating, the CoC **RECOMMENDED** that India inform officially the Commission of its participation in the IOTC ROP.

*Review of reference fishing capacity and fleet development plans (FDP)*

CoC13.03 ([Para 30](#)) The CoC **NOTED** the importance of the fleet of Taiwan Province of China operating in the IOTC Area of competence, and **RECOMMENDED** that, in the future, information on that fleet is provided in the document dealing with capacity limitations.

*National reports on the progress of implementation of Conservation and Management Measures (Article X.2 IOTC Agreement)*

CoC13.04 ([Para 35](#)) The CoC **RECOMMENDED** that those CPCs (Belize, Eritrea, Guinea, India, Sierra Leone, Sudan, Yemen, Bangladesh and Djibouti) who have not submitted their national 'Reports of Implementation' for 2015 do so within 30 days after the end of the Commission meeting. The Chair of the CoC, with the assistance of the IOTC 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 during the Commission meeting and then also via an IOTC Circular once each report is received.

*Follow-up on individual compliance status*

CoC13.05 ([Para 49](#)) 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. The development of follow-up actions on the issues contained in the letters of feedback, including potential capacity building activities to address these matters, particularly for developing coastal States' needs to be developed and funded appropriately.

*Review of additional information related to IUU fishing activities in the IOTC area of competence*

CoC13.06 ([Para 54](#)) The CoC **RECOMMENDED** that Thailand should keep CPCs informed of progress of the legal actions being taken against these vessels and report back to the Commission via the IOTC Secretariat when the cases have been concluded. The IOTC Secretariat shall notify the Commission via Circulars following receipt of the reports from Thailand.

CoC13.07 ([Para 56](#)) The CoC **RECOMMENDED** that Thailand should continue to keep CPCs informed of progress of Thailand's investigation and report back to the Commission via the IOTC Secretariat, the findings of the investigations, within 90 days of the end of the 20th Session of the Commission and every three month. The IOTC Secretariat shall, notify the Commission via a Circular following the receipt of the report from Thailand, of the findings of the investigations.

*Identification of repeated possible infringements under the Regional observer programme*

CoC13.08 ([Para 68](#)) The CoC **RECOMMENDED** that India, which has not submitted any response to the possible infractions of IOTC regulations, identified under the Programme, investigate and report back to the Commission via the IOTC Secretariat, the findings of their investigations, within three (3) months of the end of the 20th 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 India, as necessary. The IOTC Secretariat shall, at the end of the three (3) months, notify the Commission via a Circular, of the response provided.

*Summary report on the IOTC record of authorised vessels*

CoC13.09 ([Para 74](#)) The CoC **RECOMMENDED** that the issues raised in paper IOTC–2016–CoC13–10 be considered in the context of one of the Recommendation of the first IOTC Performance Review Panel, which called for the development of a harmonised MCS system for the IOTC.

***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 – Resolution 11/03***

CoC13.10 ([Para 78](#)) The CoC **RECOMMENDED** that the vessels listed in para 74 remain on the IOTC IUU Vessels List as no further information was provided to the CoC13 during its deliberations.

CoC13.11 ([Para 80](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, GREESHMA, BOSIN, BENAIAH, CARMAL MARTA, DIGNAMOL I, DIGNAMOL II, KING JESUS, ST MARYS I, ST MARYS II, and **NOTING** that India did not respond to the IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessels, GREESHMA, BOSIN, BENAIAH, CARMAL MARTA, DIGNAMOL I, DIGNAMOL II, KING JESUS, ST MARYS I, ST MARYS II, at its 20th Session.

CoC13. 12 ([Para 85](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, BEO HINGIS, and that India did not respond to the IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessels, BEO HINGIS, at its 20th Session.

CoC13. 13 ([Para 87](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, JOSHVA, and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, JOSHVA, at its 20th Session.

CoC13.14 ([Para 89](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, JOSHVA NO.1 and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, JOSHVA NO.1, at its 20th Session.

CoC13. 15 ([Para 91](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, VACHANAM and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, VACHANAM, at its 20th Session.

CoC13. 16 ([Para 93](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, SACRED HEART, and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, SACRED HEART, at its 20th Session.

CoC13. 17 ([Para 95](#)) **NOTING** that India was not present during the CoC13 to discuss the proposed IUU listing for the vessels, WISDOM, and that India did not respond to IOTC Circular 2016-053 – 2016 Provisional IUU list, the CoC **RECOMMENDED** that the Commission IUU list the vessel, WISDOM, at its 20th Session.

CoC13. 18 ([Para 99](#)) The CoC **RECOMMENDED** that the vessel formerly known as (NAHAM 4) at the moment she was seized be kept on the IOTC Provisional IUU Vessels List, in accordance with Paragraph 14 of IOTC Resolution 11/03.

***Review of drifting FAD management plans – Resolution 15/08***

CoC13.19 ([Para 107](#)) The CoC **RECOMMENDED** that those CPCs whose DFAD Management Plans does not meet the standard set out in the guideline in Annex 1 of Resolution 15/08, to submit a revised DFAD Management Plan during the 2016/17 intersessional period.

CoC13.20 ([Para 108](#)) Excluding Mauritius, the CoC **RECOMMENDED** that the WG on FADs starts its activities in coordination with similar groups in other RFMOs as soon as possible.

***Update on progress regarding the performance review – compliance related issues***

CoC13.21 ([Para 111](#)) The CoC **RECOMMENDED** that the Commission note the current status of implementation for each of the recommendations arising from the Report of the First IOTC Performance Review Panel, relevant to the CoC, as provided in [Appendix VII](#). These recommendations should be updated, following the endorsement by the Commission of the recommendations of the Second Performance review.

***Harmonized Terms and Definitions for IOTC Conservation and Management Measures***

CoC13.22 ([Para 114](#)) The CoC **RECOMMENDED** that further work is undertaken in the future to ensure a harmonized set of Terms and Definitions is developed for the Commission and its subsidiary bodies.

*Review of progress made on elaborating a proposal for an IOTC High Seas Boarding and Inspection Scheme*

CoC13.23 ([Para 117](#)) The CoC **RECOMMENDED** that a decision on the future work of the working group is considered by the Commission.

*Activities by the IOTC Secretariat in support of capacity building for developing CPCs – Resolution 12/10*

CoC13.24 ([Para 125](#)) The CoC **RECOMMENDED** that the IOTC Secretariat continue with those capacity building activities and strengthen activities that would allow CPCs to address the issue of mandatory statistics and the implementation of the Regional Observer Scheme.

*Review of requests for access to the status of Cooperating Non-Contracting Party – Appendix III of the IOTC Rules of Procedure (2014)*

CoC13.25 ([Para 137](#)) The CoC **RECOMMENDED** that the Commission considers renewing the status of Liberia as Cooperating Non-Contracting Party of the IOTC.

CoC13.26 ([Para 138](#)) **NOTING** that Djibouti was not present during the CoC13 to present their application for Cooperating Non-Contracting Party status, the CoC **RECOMMENDED** that the Commission considers the application by Djibouti for the status of Cooperating Non-Contracting Party of the IOTC (IOTC–2016–CoC13–CNCP02) at its 20th Session, bearing in mind paragraph 82 of the Report of the 19th Session of the Commission.

CoC13.27 ([Para 139](#)) **NOTING** that Panama was not present during the CoC13 to present their application for Cooperating Non-Contracting Party status, the CoC **RECOMMENDED** that the Commission consider the application by Panama for the status of Cooperating Non-Contracting Party of the IOTC (IOTC–2016–CoC13–CNCP03) at its 20th Session, bearing in mind paragraph 82 of the Report of the 19th Session of the Commission.

CoC13.28 ([Para 140](#)) The CoC **RECOMMENDED** that the Commission consider renewing the status of Senegal as Cooperating Non-Contracting Party of the IOTC.

CoC13.29 ([Para 141](#)) **NOTING** that Bangladesh was not present during the CoC13 to present their application for Cooperating Non-Contracting Party status, the CoC **RECOMMENDED** that the Commission consider the application by Bangladesh for the status of Cooperating Non-Contracting Party of the IOTC (IOTC–2016–CoC13–CNCP05) at its 20th Session, bearing in mind paragraph 82 of the Report of the 19th Session of the Commission.

*Adoption of the report of the 13th Session of the Compliance Committee*

CoC13.30 ([Para 148](#)) The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC13, provided at [Appendix VIII](#).