
CLARIFICATIONS ON THE CROSS-LISTING PROCEDURES OF VESSELS LISTED ON THE IUU VESSELS LIST OF SELECTED ORGANISATIONS

Prepared by IOTC Secretariat, 21 MAY, 2019

PURPOSE

To seek the advice of the Compliance Committee on the difficulties encountered by the IOTC Secretariat to implement the cross-listing procedures of vessels listed on the IUU Vessels List of the Organisations listed in paragraph 31 of IOTC Resolution 18/03.

BACKGROUND

In 2018 the Commission adopted IOTC Resolution 18/03 *On Establishing a List of Vessels Presumed to Have Carried out Illegal Unreported and Unregulated Fishing in the IOTC Area of Competence*. IOTC Resolution 18/03 effectively amended IOTC Resolution 17/03 to specifically provide for a procedure to enable the IOTC to cross-list vessels that have been IUU listed by seven Organisations.

The IOTC Executive Secretary shall maintain appropriate contacts, *inter alia*, with the Secretariats of the following organisations in order to obtain their latest IUU vessel lists and any other relevant information regarding the list in a timely manner upon adoption or amendment: the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South East Atlantic Fisheries Organisation (SEAFO), the Southern Indian Ocean Fisheries Agreement (SIOFA), the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC). *Para 31, IOTC Resolution 18/03*

The concept of cross-listing vessels between the five tuna-RFMOs was put forward in 2007 under the joint tuna regional fisheries management organization process, also known as the *Kobe process* (Kobe 1). This recommendation, had as its objective the harmonising and making compatible the procedures and criteria for the listing and delisting from the respective RFMO IUU Lists, with the aim of developing a global IUU list. This recommendation was taken up during the first and second *Performance Reviews* of the IOTC, and was given effect through the adoption of IOTC Resolution 18/03.

THE ISSUES

In considering the latest IUU Vessels Lists of six of the above seven Organisations, it was concluded that three Organisations (ICCAT, SEAFO and SIOFA) have vessels on their lists which have been cross-listed from other Organisations, and three Organisation (CCAMLR, SPRFMO and WCPFC) have only vessels which have been directly listed by these Organisations. CCSBT currently does not have any vessels on its IUU Vessels List.

The issue that arises from the IUU Vessels Lists of ICCAT, SEAFO and SIOFA is that they include vessels cross-listed from other Organisations not listed in paragraph 31 of IOTC Resolution 18/03.

Therefore, the IOTC Secretariat would like to seek guidance from the Compliance Committee on whether IOTC's IUU Vessels List should contain vessels directly listed by these seven Organisations or whether vessels cross-listed by these Organisations should also be included.

A second issue relates to the availability of supporting evidence for listed vessels. In the initial contacts that the IOTC Secretariat have had with the Secretariats of some of the seven Organisations, there have been clear indications that documents containing evidence of activities that led to the vessels being listed are not in the public domain. The effect of this is that the Secretariats of the concerned Organisations would require approval from their Members in order to release such documents to the IOTC, and presumably that will be on the understanding that the IOTC will afford the same level of confidentiality to the documents; a practice not in line with the current IOTC process.

Given the above, and mindful of paragraphs 35 and 36 of IOTC Resolution 18/03, which calls on the Compliance Committee to examine cases where an objection for cross-listing is lodged, the IOTC Secretariat would also like

to seeks the guidance of the Compliance Committee on whether it considers the IUU listing procedures of the seven Organisations to be robust enough not to necessitate opening a debate among the IOTC CPCs on the merit of cross-listing vessels included in the IUU Vessels Lists of the seven Organisations.

RECOMMENDATION/S

That the CoC16:

- 1) **NOTE** paper IOTC-2019-CoC16-13, which describes the issues associated with the cross-listing procedures of vessels listed on the IUU Vessels List of the Organisations listed in paragraph 31 of IOTC Resolution 18/03.
- 2) **NOTE** the clarifications being sought by the IOTC Secretariat.
- 3) Provide its **RECOMMENDATIONS** on:
 - a. whether only vessels directly IUU listed by the seven Organisations should be considered for cross-listing by the IOTC;
 - b. whether it considers the IUU listing procedures of the seven Organisations to be robust enough not to necessitate opening a debate among the IOTC CPCs; or,
 - c. in the alternative, how to handle confidential documents that may be provided by some of these other Organisations.