
REPORT OF THE SEVENTH SESSION OF THE COMPLIANCE COMMITTEE

1) OPENING OF THE SESSION

1. The Seventh Session of the Compliance Committee of the Indian Ocean Tuna Commission was held during the 14th Session of the Commission. The Committee elected Mr Roberto Cesari (EU) as Chairman for the next biennium.

2) ADOPTION OF THE AGENDA

2. The Compliance Committee adopted the Agenda as presented in Annex I to this report. The documents before the Committee are listed in Appendix to the main report.

3) NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

3. The Committee noted the national reports provided by Australia, Belize, China, European Union, France Territories, Indonesia, Japan, Republic of Korea, Mauritius, Philippines, Seychelles, South Africa and the United Kingdom (OT).
4. The Committee thanked the Secretariat for preparing the national report template, noting that, in spite of this, the number of reports presented is still very low. It was noted that only six out of the thirteen CPC referred to above had presented reports before the deadline. Several members indicated that they had had difficulties to complete the template in time, due to the limited time available since the release of the template by the Secretariat.
5. The Committee requested that those CPC who have not submitted their national report should do so as soon as possible and that the Secretariat should follow-up with the CPC which have not submitted their report.
6. The Committee stressed the need for all IOTC CPC to present reports, in particular those CPC that cannot send delegates to the IOTC Session. The Committee emphasized the importance of the national reports and reminded Members of their obligation under Art X.2 of the IOTC Agreement to provide them no later than 60 days before the Session.

4) STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES

Review of compliance with IOTC Resolution 08/01 on mandatory fisheries statistics requirements for IOTC members

7. The Secretariat presented document IOTC-2010-S14-CoC11-Rev2 describing the status of reporting of statistical data by CPC's and non-CPC's for the year 2008.
8. The Committee reiterated its concern that many data sets received from Members were incomplete, in particular catch-and-effort and size frequency data. The Committee urged all CPCs to take the necessary steps to meet IOTC fisheries data requirements.
9. The EU informed that information concerning the number of Fish Aggregating Devices used by EU fleets is being compiled and will be reported during the intersessional period to the Secretariat.
10. Indonesia and Maldives informed that they have implemented the IOTC logbook on vessels under their flag and will be reporting catch-and-effort data as per IOTC standards in the early future.
11. Japan indicated that they will provide size frequency data for their fleets soon and the UK that it will provide data for its recreational fishery.

Review of compliance with Resolution 07/02 on the IOTC record of authorised vessels

12. The Secretariat presented document IOTC-2010-S14-CoC12-Rev1 describing the status of reporting by CPC's in accordance with IOTC Resolution 07/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area.*

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13. The Committee expressed concern about reports from third parties including several vessels from IOTC CPC, in particular Pakistan and Sri Lanka, presumed to have fished illegally for IOTC species within the EEZ of such parties, noting that none of these CPC have Authorized vessels under their flag to operate within the IOTC Area of Competence.
 14. The Committee noted that many authorized vessel records do not contain the time period that the vessels are authorized for fishing or transshipping, as required in resolution 07/02, and called on CPC to make a special effort to provide this information as soon as possible.
 15. The Committee also reiterated the importance of reporting vessel volume as Gross Tonnage (GT) instead of GRT, as GT is the standard measurement of vessel volume, in accordance with Resolution 07/02.
 16. The Committee noted that some parties have consistently failed to report information concerning the length overall of some of their authorized vessels urging these parties to complete this information as soon as possible.
 17. Indonesia informed the Committee that, at present, there is no obligation for vessels registered in Indonesia to provide length overall measurement as the current Regulation requires that GT is reported. Indonesia indicated that it has implemented a vessel marking programme and will consider collecting and reporting this information in the future.
 18. The Committee noted that some parties have been authorizing vessels that are not likely to operate outside the EEZ, due to their small size. The Committee requested that CPC make every possible effort to authorize vessels under their flag as per the standards specified in IOTC Resolution 07/02.

Review of compliance with IOTC Resolution 07/04 on the IOTC list of active vessels

19. The Secretariat presented document IOTC-2010-S14-CoC15-Rev1 on the status of reporting by CPC and non-CPC, in accordance with IOTC Resolution 07/04 (previously 05/04 and 98/04) *Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area*.
20. The Committee expressed its concern that some members have not provided all the data required for this Resolution for the years 2006 through 2008, and noted that unless these data are provided, the Commission will be unable to meet the objectives of Resolution 09/02 concerning the limitation of fishing capacity for vessels targeting tropical tunas, and swordfish and albacore.
21. China informed the Committee that it will provide detailed information on its active vessels in 2008 soon.
22. Tanzania informed the Committee that it will report its list of active vessels soon.
23. India informed the Committee that it had not licensed any foreign vessels to operate in India during 2008.
24. Indonesia informed that it had reported data on active vessels in 2010 and will complete this information for previous years soon.
25. Vanuatu indicated that it had no vessels fishing for IOTC species in the Indian Ocean.
26. The Committee noted that at present it is not possible to determine the levels of activity of vessels in the IOTC List of Active vessels during a particular year as this information is not requested in the Resolution. The Committee recommended that the Commission considers amending IOTC Resolution 07/04 to incorporate the period of activity of each vessel active during the year concerned.
27. The Committee expressed great concern about the low levels of compliance of some CPC, including non-presentation of national reports and non-reporting of authorized and active vessels by some parties, recommending that the Commission considers addressing a letter to the countries involved urging them to provide the information required within the shortest time possible.

Review of compliance with IOTC Resolution 09/02 on the limitation of fishing capacity and fleet development plans

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28. The Secretariat presented document IOTC-2010-S14-CoC17-rev2 describing the status of reporting by CPC in accordance with IOTC Resolution 09/02.
29. The Committee noted that only five CPC had provided lists of active vessels or fleet development plans as requested by this Resolution. The Committee stressed the need for this information to be complete for the Commission to be able to assess the levels of activity of vessels in the Indian Ocean and fleet development plans from developing coastal countries and territories, urging all CPC concerned to report this information before the next meeting of the Compliance Committee.
30. Australia informed that it had implemented a new fleet management plan that incorporates provisions to limit the number of its vessels active in the Indian Ocean, in agreement with IOTC Resolution 09/02. Australia informed that it will submit the fleet management plan to the IOTC Secretariat soon.
31. India informed that it is currently preparing its fleet development plan and will make it available within the next three months.
32. Madagascar informed that they will submit its fleet development plan soon.
33. Indonesia and Thailand informed that they will submit their fleet development plans within 3 month.
34. Mauritius and Seychelles informed that it will update its fleet development plan soon.
35. South Africa informed that it is having difficulties to incorporate vessels according to the timeline specified in its fleet development plan, indicating that it intends to incorporate these vessels in the future.
36. Maldives informed that it is considering to restructure its fishing fleet and will submit a fleet development plan if the Commission grant Maldives Cooperating Non-Contracting Party status.
37. The Committee considered an application from Belize to authorize a purse seiner under its flag to fish within the IOTC Area. It was noted that, at present, Belize cannot increase the number of its active vessels targeting tropical tunas, or total GT for those vessels, beyond the level of active vessels in 2006, as specified in IOTC Resolution 09/02. The Committee invited Belize to incorporate this vessel provided that its addition does not represent an increase to the total GRT (1235) for Belize in 2006.
38. The Committee recommended that the Commission consider:
- To set up a deadline for all CPC concerned to submit their lists of active vessels and fleet development plans.
 - To request that all CPC having fleet development plans submit information concerning the total GT, fishing gear and target species for the vessels that they plan to incorporate into their fisheries.
 - To instruct the IOTC Secretariat to assess changes in capacity for IOTC CPC having active vessels in the IOTC Area, in particular those CPC having implemented schemes to reduce their fishing capacity in the Indian Ocean.
 - To request that all CPC provide information on the actual implementation of their fleet development plan in the past.
39. The committee requested additional information on the level of reporting with regards to the reference capacity for tropical tunas (2006) and albacore and swordfish (2007), and the level of implementation for those CPC which have previously presented fleet development plans to the commission. Following consultations with the concerned CPC, the secretariat produced table 1, which is presented in Appendix III. Australia and South Africa informed the Secretariat that they will require additional time to confirm the reference capacities of their vessels that have fished for tropical tunas and/or for albacore and swordfish. Indonesia, Mauritius, Seychelles and South Africa also requested additional time for them to confirm the timeline for implementation of their fleet development plan or to provide revised or new fleet development plans. India, Kenya, Madagascar and Tanzania informed that they will be submitting their fleet development plans soon.

Review of compliance with IOTC Resolution 05/03 on port inspections

40. The Secretariat presented document IOTC-2010-S14-CoC09 describing the status of reporting by CPC in accordance with IOTC Resolution 05/03 *Relating to the establishment of an IOTC programme of inspection in port*.
41. The Committee thanked Mauritius, Seychelles and South Africa for submitting lists of foreign vessels unloading catches of IOTC species in their ports. The Committee reiterated its concern about the overall lack of reporting by CPC receiving foreign vessels in their ports.
42. Thailand indicating that it is compiling lists of foreign vessels that unloaded catches in ports within its territory during 2008 and will submit this information soon.
43. The Committee noted the activities of vessels from non-IOTC CPC in ports of IOTC CPC, instructing the Secretariat to work with the CPC concerned in order to obtain more information about the activities of such vessels and report the results of this work to the next Session of the Compliance Committee.

Review of compliance with IOTC Resolution 01/06 concerning the IOTC bigeye tuna statistical document programme

44. The Secretariat presented document IOTC-2010-S14-CoC08-Rev3, describing the status of reporting by CPC in accordance with IOTC Resolution 01/06 *concerning the IOTC bigeye tuna statistical document programme*.
45. The Committee noted that only four CPC have reported imports of bigeye tuna into their territory urging other parties concerned to report the information requested as soon as possible.
46. The Committee noted that according to FAO records Malaysia, Oman and Sri Lanka had imported bigeye tuna products from the Indian Ocean in 2008 but none of these countries had submitted information concerning Resolution 01/06.
47. Oman indicated that it will investigate this issue and report back on its findings after the IOTC Session.
48. The Committee requested that the IOTC Secretariat contact Malaysia and Sri Lanka in order to inform them about this issue, urging these countries to join the programme as soon as possible.
49. China informed that its administration has devoted a considerable amount of time and resources to establishing statistical document programmes for bigeye tuna, swordfish and southern bluefin tuna, indicating that China might be able to submit the complete information requested from July 2010.
50. India informed that it had not imported bigeye tuna products into its territory during 2008.

Review of compliance with IOTC Resolution 06/03 concerning the vessel monitoring programme

51. The Secretariat presented document IOTC-2010-S14-CoC07-Rev2 describing the status of reporting by CPC in accordance with IOTC Resolution 06/03 *on establishing a vessel monitoring programme*.
52. The Committee expressed concern that, despite the Secretariat's effort in providing a VMS reporting template, only a few CPC have reported information on their VMS system.
53. The Committee noted that some of the CPC that had not reported information on their VMS systems to the IOTC had reported this information to the FAO. The Committee urged all CPC that had not presented reports on their VMS systems to the IOTC to do so as soon as possible.
54. The Committee expressed concern that it had received information from IOTC CPC including evidence of fishing activities of vessels from Sri Lanka and Pakistan outside their respective EEZ. It was noted that Pakistan and Sri Lanka have not authorized any of their vessels to operate in the IOTC Area and have not implemented VMS on their fleets. The Committee requested the Secretariat to contact Pakistan and Sri Lanka in order to clarify this issue and report the results of this work at the next session of the Compliance Committee.

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55. In addition, the Committee noted that five CPC that have vessels in the IOTC Record of Authorized Vessels have not submitted VMS reports, namely Kenya, Guinea, Iran, Philippines and Thailand.
56. Kenya indicated that it is implementing a VMS system at present.
57. Philippines informed that it has implemented a VMS system on vessels under its flag operating in the Pacific Ocean, noting that this system had been extended to cover its vessels in the Indian Ocean.
58. Thailand informed that it had implemented a Vessel Monitoring system to cover its purse seine fleet. It indicated that it receives daily reports from longliners under its flag that include the GPS location. Thailand informed that it is currently drafting a new Regulation that will make compulsory the use of VMS systems, in agreement with IOTC requirements.
59. Indonesia informed that, according to national regulation, it has made compulsory for all fishing vessels greater than 60GT to have a VMS, while implementation of a VMS for fishing vessels between 30 and 60GT is supported by the Government. .
60. South Africa indicated that, since 1998, the use of VMS is mandatory for all vessels under its flag and for all foreign vessels operating under charter agreement.
61. The Committee reminded CPC that the use of VMS is mandatory for all vessels in the IOTC Record of Authorized vessels that are greater than 15 m length overall, urging all CPC that have not implemented VMS to do so within the shortest delay possible.

Review of compliance with IOTC Resolution 08/02 on establishing a programme for transshipment by large-scale fishing vessels

62. The Secretariat presented document IOTC-2010-S14-CoC10-Rev1 informing the Committee on the implementation of the programme as well as details of the transshipments undertaken to date.
63. The Committee expressed concern about information provided by observers under the IOTC Scheme indicating that vessels from Indonesia, Kenya and Oman had been involved in transshipment operations during 2009, noting that none of these CPC participates in the IOTC transshipment programme.
64. Indonesia informed that it has not received reports from the companies involved in transshipment operations indicating that it will pursue this matter and inform the IOTC Secretariat as soon as it receives information from the companies concerned.
65. Kenya indicated that it has taken steps to address this issue and will inform the IOTC Secretariat about its decision soon.
66. Oman informed about its plans to participate fully in the IOTC Transshipment Programme as soon as the administrative procedures initiated by the government of Oman are finalized.
67. Thailand noted that piracy threats in the Western Indian Ocean have been precluding its fleet of purse seiners from unloading catches in ports in this region, requesting that the Committee considers granting Thailand a temporary derogation on the ban on transshipments to purse seine vessels under its flag.
68. The Committee agreed to grant Thailand derogation on the ban of transshipments for its purse seine vessels until the next meeting of the Compliance Committee on the condition that all carrier vessels receiving catches at-sea from Thai purse seiners are monitored through observers under the framework of the IOTC transshipment programme. Notwithstanding this, the Committee noted that other CPC having purse seine vessels in the Indian Ocean should refrain from using the same approach for their fleets.
69. The Committee noted that, according to information reported by observers, some of the vessels inspected were not authorized to operate in the Indian Ocean by the flag states concerned, requesting that the Secretariat compiles this information and reports it to the Commission.
70. In addition, South Africa noted that information provided by observers concerning the weight of shark fins and total weight of sharks retained on board confirmed the difficulties that CPC have to assess

implementation of the 5% fin-to-weight ratio measure. South Africa reiterated the need for the Commission to consider amending IOTC Resolution 05/05 to accommodate its concerns.

71. France drew the attention of CPCs on point 7.3 of document IOTC-2010-S14-CoC10-Add1 « Waste disposal ». It shares the opinion expressed in this document about the need for a study on waste disposal, in particular on their impact on tuna and tuna-like species.

5) IOTC IUU VESSELS LIST

Deliberations in relation to Resolution 09/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area.

Parsian Shila

72. The Secretariat presented document IOTC-2010-S14-CoC13 including the nomination of the purse seiner *Parsian Shila*, from the Islamic Republic of Iran, for the IOTC IUU vessel list.

73. Seychelles informed that this vessel requested entry in Port Victoria in June 2009. Seychelles indicated that, at the time of its entry in port, the vessel was not Authorized to fish for IOTC species in the IOTC Area. Seychelles indicated that, upon inspection of the *Parsian Shila* in port, tuna was found onboard and the logbooks inspected provided evidence that such tuna had been caught in the Indian Ocean, which constitutes evidence of IUU activities. Seychelles noted that it informed the government of Iran and the IOTC Secretariat about the results of the inspection and presumed IUU activities of the vessel *Parsian Shila* in the IOTC Area, indicating that it did not receive any reply from Iran about this issue.

74. The Committee agreed that the evidence presented by Seychelles constitute proof of presumed IUU activities, regretting the fact that no delegates from Iran were present at the meeting. The Committee recommended that the Commission consider listing the vessel *Parsian Shila* in the IOTC IUU List.

Rwad 1

75. UK presented information for the nomination of the longliner *Rwad 1*, from the Sultanate of Oman, for the IOTC IUU vessel list.

76. UK indicated that, in September 2009, it had received an innocent passage report from this vessel on its passage through the BIOT, stating that the vessel had IOTC species onboard. The UK noted that the vessel was not registered in the IOTC Record of Authorized vessels. The UK noted that it informed the government of Oman about the referred facts in September 2009. In December 2009 the government of Oman informed the UK that the fish onboard the vessel *Rwad 1* had not been caught in the BIOT but failed to report evidence about the origin of the fish. The UK noted that Oman had authorized the vessel *Rwad 1* to operate in the Indian Ocean at a later time and that such vessel is now in the IOTC record of authorized vessels.

77. Oman informed that the company Marine 88 had requested registration in Oman of the vessel *Rwad 1* through the Ministry of Transportation. It noted that the vessel called to port in Oman before its passage through BIOT and was inspected by Oman authorities. The inspectors notified that, although the vessel had IOTC species onboard, its skipper failed to provide evidence on the origin of the fish inspected. Oman indicated that, in light of this facts, the Ministry of Fish Wealth of Oman denied the request from the vessel to unload catches in port. Subsequently, the vessel left port and sailed to Singapore to drydock, sailing through BIOT waters on its way, where the transiting report was sent to the UK. Oman indicated that it had authorized this vessel to operate in the IOTC Area at a later time.

78. Oman apologized for its late reply to the letter sent by the UK Government and its insufficient implementation of port inspection procedures in this particular case. Oman reiterated that it is fully committed to implement IOTC management measures, in particular those relating with IUU activities. Oman expressed its commitment to ascertain the origin of the fish onboard the vessel and inform the Commission on its findings as soon as possible. For this reason, Oman requested that the Committee defers consideration of this issue until such a time where Oman obtains additional information about the activities of this vessel.

79. The Committee noted that Oman had not applied port inspection procedures in full, expressing concern that Oman authorities, upon inspection of the vessel *Rwad 1*, had not requested the skipper of such vessel to present evidence about the origin of the fish onboard. Notwithstanding this, the Committee acknowledged Oman's efforts to implement IOTC Management and Conservation measures. The Committee agreed to put this vessel under probation for a period of three months, within which Oman should provide evidence about the origin of the catches onboard. In addition, the Committee requested Oman to request the vessel *Rwad 1* to stop fishing until a final decision is taken about this issue.

80. The Committee requested that the Commission considers listing the vessel *Rwad 1* in the IOTC IUU List if Oman fails to implement the measures requested within the next three months.

Jupiter 1

81. Madagascar presented information for including the nomination of the longliner *Jupiter 1*, from Vanuatu, for the IOTC IUU vessel list.

82. Madagascar indicated that this vessel had been observed fishing illegally within the EEZ of Madagascar. Madagascar informed that the skipper of the vessel refused inspection, escaping from the area. Madagascar noted that its Minister of Fisheries had addressed a letter to the owner of the vessel containing information about the illegal activities of this vessel in the EEZ of Madagascar and escape from prosecution, indicating that it had not received any reply to date. Madagascar indicated that it seeks compensation from Vanuatu concerning the referred IUU activities.

83. Vanuatu confirmed the illegal activities of the vessel in the EEZ of Madagascar informing that its government had taken measures against the owner and the skipper of the fishing vessel, including a fine of USD 50,000 and the suspension of the vessel captain. Vanuatu indicated that the vessel is currently operating in the Pacific Ocean. Vanuatu recalled the attention of the Committee to the provisions in paragraph 10(b) of IOTC Resolution 09/03, "*The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the Flag State demonstrates that: (b) It has taken effective action in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity...*", indicating that it believed the approach taken by Vanuatu is in agreement with those provisions.

84. The Committee noted that while no provisions exist in IOTC Resolution 09/03 concerning the compensation of countries in which the illegal activities take place, measures put in place by other RFMO contain such provisions. The Committee agreed to bring this matter to the Commission for consideration, and both Madagascar and Vanuatu agreed to make every possible effort to reach an agreement in due course.

85. The Committee agreed to put the vessel *Jupiter 1* under probation for a period of three months, within which the following actions shall be undertaken:

- Vanuatu to deregister the vessel from the IOTC Record of Authorized Vessels.
- The Chairman of the Commission to inform the WCPFC about the situation of this vessel and its current activity in the WCPFC Area of Competence.

86. Vanuatu expressed its commitment to undertake the above actions. Vanuatu's letter of Commitment is presented in Appendix II.

87. The Committee noted that the two previous cases shall not constitute precedent for future considerations on IUU issues indicating that it had granted special consideration to the requests from Oman and Vanuatu not to list the vessels at this time. The Committee stressed the need for CPC having vessels allegedly involved in IUU activities to address these issues as soon as possible. The Committee recommended that, in the future, CPCs shall provide the evidence requested relating to accusations of IUU activities brought against vessels under their flag before the deadline specified in IOTC Resolution 09/03, so that it can be reviewed at the meeting of the Compliance Committee. Where evidence is not provided in time, the vessel will be automatically listed.

88. The Committee noted that, while IOTC Resolution 09/03 contains provisions for the delisting of vessels from the IOTC IUU List at any particular time, it does not contain provisions for the listing of

vessels, which can only occur during IOTC Sessions. The Committee recommended that this fact be brought to the attention of the Commission for consideration.

Other presumed IUU fishing activities reported by CPCs

89. The Committee reviewed reports from Seychelles, Mozambique, Mauritius, Tanzania and Maldives concerning fourteen cases of presumed IUU activities in the IOTC Area, as presented in document IOTC-2010-S14-CoC13-add1-Rev3.
90. The Committee thanked the above countries for bringing these cases to its attention. It noted that the above countries had not presented formal reports regarding the IUU activities of vessels within their EEZ as these cases were still under consideration in the countries concerned. The Committee encouraged the CPC concerned to expedite consideration of these cases and present the evidence required at the next meeting of the Compliance Committee.
91. The Committee further noted that CPC having vessels involved in IUU activities should notify the Commission on the measures taken to address these cases.

92. The following cases were considered:

Balena

93. South Africa presented information for including the nomination of the longliner *Balena*, from Vanuatu, for the IOTC IUU vessel list.
94. South Africa informed that this vessel was found with fish admittedly caught in the Indian Ocean while operating without authorization from the flag state. It was not possible to prosecute the vessel for illegally fishing in the Indian Ocean as it would have been regarded as entrapment. The skipper was charged for underdeclaring the catch which was confiscated and the case was settled out of court. However, South Africa still believes that the situation warranted consideration for inclusion in the IUU list.
95. Vanuatu notified the Committee that it had taken severe measures to rectify the situation including deletion of the vessel from the Vanuatu registry, decommissioning and scrapping of the vessel and suspending the skipper. Vanuatu agreed to distribute the relevant documentation as requested.
96. The Committee agreed to recommend the inclusion of the *Balena*, under unknown flag, in the IUU List, until such time where Vanuatu provide the scrapping certificate for this vessel.

Lingsar 08

97. The EU presented information for including the nomination of the longliner *Lingsar 08*, from Indonesia, for the IOTC IUU vessel list (IOTC-2010-S14-CoC13-add1[E] – AnnexA Rev3).
98. This vessel was caught flying the flag of Mauritius in EU waters of La Reunion, and fishing without a license, in October 2009. A letter was sent to Indonesian authorities, to which it had received no reply, followed by a request for inclusion in the IUU List.
99. Indonesia indicated that it had sent its report on the case to the Secretariat, which indicated that during fishing operations it had experienced a breakdown of engine and GPS, and that the vessels had subsequently drifted into the waters of La Reunion, where it was arrested. The vessel has been authorized to fish for tunas in the Indian Ocean since July 2009, until January 2011. Indonesia further noted that the authorities of La Reunion had allowed the vessel to depart following the payment of the fine assessed. Indonesia requested that further evidence be presented as to the flag used by the vessel at the time it was arrested.
100. The Committee recommended that, in the future, replies by the states be also submitted to the CPC who reported the incident, in addition to sending it to the Secretariat. The Committee also noted that an effective use of VMS would have helped to identify the situation of the vessel.
101. The Committee agreed with Mauritius on the seriousness of the infractions, considering, in particular, that the vessel has been caught flying the flag of Mauritius, a CPC different from the flag state. Therefore, the Committee agreed to recommend the inclusion of the *Lingsar 08* in the IUU List.

Hoom Xiang 11

102. The EU presented information for including the nomination of the longliner *Hoom Xiang 11*, from Malaysia, for the IOTC IUU vessel list (IOTC-2010-S14-CoC13-add1[E] – AnnexA Rev3).
103. The EU reported an incident concerning this vessel, also in waters of La Reunion. The vessel was caught without a flag and fishing without a license to fish in waters of La Reunion. The vessel refused to stop when spotted by an aerial patrol and fled the area. A letter reporting the incident was submitted to the flag state, but no reply was received by the reporting CPC.
104. Malaysia responded with a communication to the Secretariat, providing an alternative explanation of the incident. Nevertheless, the Committee agreed that the vessel be recommended for inclusion in the IUU List.

Tawariq 1

105. Tanzania presented information concerning the illegal activities of the vessel *Tawariq 1*, of unknown flag, informing that the vessel had been arrested and was currently in custody. Tanzania informed that it will take a final decision on the course of action to follow in this matter after the decision from Tanzania's Court.
106. Japan reminded the Committee that two years ago it had provided information indicating that this vessel had a history of IUU activities, requesting that the vessel is not included in the IOTC Record of Authorized vessels, noting that this request was not properly considered at the time.
107. In addition the Republic of Korea stated that this vessel was not under Korean ownership at the time it committed IUU activities and was arrested.
108. The Committee thanked Japan and the Republic of Korea for providing this information.

Illegal activities of gillnet vessels from the Islamic Republic of Iran

109. Maldives and Seychelles presented information concerning the illegal activities of six gillnet vessels from Iran within their respective EEZ.
110. The Committee noted that reports from Maldives indicated that the vessels apprehended were using drifting gillnets up to 10 km long. The Committee noted that the UN ban on the use of drifting gillnets, in force since 1991, establishes that gillnets should not exceed 2.5 km in length, noting that the use of 10 km gillnets by these vessels represents a clear infringement of international law.
111. The Committee recommended that the Chair of the Commission contact Iran authorities requesting clarification about this issue.

Victory 1

112. Seychelles provided information on the activities of the vessel *Victory 1* that requested deregistration from the Seychelles record and subsequently presented documents that indicated it had been scrapped in Mauritius. Seychelles noted that, after the scrapping of this vessel, it had received reports that a vessel under the same name had requested entry in a port in Namibia indicating that Seychelles is currently investigating this matter.

Shuenn Man No.232

113. Seychelles indicated that, following reports of illegal activities concerning the vessel *Shuenn Man No.232*, flagged in Seychelles, it had confirmed the veracity of these reports and taken subsequent action against this vessel, including fining of the vessel and deregistration of the Seychelles record.
114. The Committee noted that the governments of Seychelles and France had cooperated closely in the identification and prosecution of this vessel, stressing the importance of regional cooperation in the fight against IUU activities.

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

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115. The Committee reviewed information presented by the IOTC Secretariat concerning alleged IUU activities by five vessels involved in transshipment operations, as reported by observers under the IOTC Transshipment Programme (IOTC-2010-S14-CoC13-add1-Rev3, Table 3).
116. Oman thanked the Secretariat for bringing the case of the vessel *Naham 4* to its attention indicating that it will investigate this issue and report back to the Secretariat about its findings. Oman requested that the Secretariat provide all the information available on this transshipment to its government, in order to speed-up this process as much as possible.
117. The Committee agreed this information can be helpful in the identification of IUU activities. The Committee agreed that it needed more information from the Commission concerning the status of the information provided by observers, in particular the confidentiality rules to be applied.
118. The Committee recommended that the Commission considers informing the flag states involved and all port states in the IOTC Region about the activities of these vessels.

Presumed IUU fishing activities reported by the United Kingdom

119. The Committee reviewed information presented by the UK concerning IUU activities by fifty vessels, flagged in Sri Lanka, in the BIOT during the years 2002-2009 (CoC13-add2_Rev1).
120. The UK indicated that, in the past, vessels from IOTC CPC were not eligible to be nominated for the IOTC IUU List, as the IUU Resolution had no provisions to list vessels under the flag of CPC. The UK noted that they had informed the Ministry of Fisheries and Aquatic Resources of Sri Lanka about these cases, indicating that the governments of the UK and Sri Lanka are currently looking into this matter.
121. The Committee noted that Sri Lanka has never authorized vessels under its flag to operate in the Indian Ocean, expressing great concern that a high number of Sri Lankan vessels may be operating on the high seas without authorization.
122. The Committee recommended that, in order to resolve this issue, the Chairman of the Commission informs Sri Lanka and Iran about the concerns expressed by the Committee.
123. The Committee recommended that the Commission considers instructing the Executive Secretary to visit Iran and Sri Lanka in order to inform these countries about the issues considered by the Committee and seek clarification from their governments.
124. The Committee recommended that the Commission adopt the provisional IUU list.

6) REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY

Senegal

125. The Secretariat introduced the request of Senegal, noting that the Senegal authorities had submitted, in addition to an initial letter of request and a report of the actions taken in compliance to IOTC Resolutions, a second letter apologizing for the difficulties encountered to participate in the Session, and requesting that their absence be not an impediment for the Cooperating Status to be granted.
126. The Committee noted the request and decided to recommend to the Commission that Senegal be renewed as Cooperating non-Contracting Party for another year.

South Africa

127. South Africa noted that unfortunately, it had not been able to complete its process of accession to the IOTC, but that it expected to do so before the end of the year. South Africa renew its commitment to sustainability noting that it had fully complied with all IOTC resolutions as indicated in their Report of Implementation.
128. The Committee noted the request and decided to recommend to the Commission that South Africa be renewed as Cooperating non-Contracting Party.

Maldives

129. Maldives indicated its intention to become a full Member of IOTC in the very near future, as soon as the ongoing internal ratification procedures are completed. Maldives reported on the measures taken to ensure full compliance with IOTC measures, including administrative arrangements to initiate the licensing of its vessels, implementation of a pilot VMS system, catch-and-effort reporting and an inspection and compliance scheme. In addition, Maldives has submitted data about fishing activities since several years ago, and Maldivian scientists participate in the work of the Commission.
130. The Committee welcomed Maldives to the IOTC community, noting that this is the first time Maldives requests the status of Cooperating non-Contracting Party and recommended to the Commission that the status be granted.

Uruguay

131. Uruguay noted that, regrettably, it had not been able to send the request for renewal in time, due to administrative difficulties originated partly in the recent change of administration in Uruguay. Nevertheless, Uruguay remains committed to full compliance with all IOTC measures, and to cooperate with IOTC in any relevant matters, while noting that it has no vessels currently operating in the IOTC Area, and in the future, will contemplate becoming a full Member of the Commission.
132. Some Members expressed their concern at the late application of Uruguay and the lack of participation in the IOTC activities, but also noted that in other *fora* Uruguay demonstrated its commitment and willingness to cooperate on fisheries management issues.
133. The Committee noted the request and decided to recommend to the Commission that Uruguay be renewed as Cooperating non-Contracting Party.

7) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

134. The report of the Seventh Session of the Compliance Committee of the Indian Ocean Tuna Commission was adopted on 05 March 2010.

APPENDIX I
AGENDA

1. OPENING OF THE SESSION
2. ADOPTION OF THE AGENDA
3. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES
4. STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES
 - a. REPORTING OF MANDATORY STATISTICS – RES 08/01
 - b. RECORD OF AUTHORIZED VESSELS – RES 07/02
 - c. RECORD OF VESSELS ACTIVE DURING 2008 – RES 07/04
 - d. RECORD OF ACTIVE VESSELS IN 2006 TARGETING TROPICAL TUNAS – RES 09/02
 - e. RECORD OF ACTIVE VESSELS IN 2007 TARGETING SWORDFISH AND ALBACORE – RES 09/02
 - f. REPORT ON THE IMPLEMENTATION OF THE FLEET DEVELOPMENT PLANS – RES 03/01 & 09/02
 - g. REPORT ON PORT INSPECTIONS – RES 05/03
 - h. BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME – RES 01/06
 - i. PROGRESS ON IMPLEMENTATION OF VMS – RES 06/03
 - j. REPORT ON THE PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS – RES 08/02
 - k. OTHER
5. REVIEW OF INFORMATION RELATING TO ILLEGAL FISHING ACTIVITIES IN THE IOTC AREA – RES 09/03
6. REVIEW OF THE DRAFT IUU VESSELS LIST – RES 09/03
7. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY
8. ANY OTHER MATTERS
9. ADOPTION OF THE REPORT

APPENDIX II
LETTER OF COMMITMENT BY VANUATU REGARDING THE VESSEL JUPITER 1

GOVERNMENT OF THE
REPUBLIC OF VANUATU

MINISTRY OF AGRICULTURE,
QUARANTINE, FORESTRY AND
FISHERIES

PMB 9039,
PORT VILA - VANUATU
PHONE: (678) 23406
Fax: (678) 27498



OFFICE OF THE VANUATU
INTERNATIONAL FLEET
ADMINISTRATOR
AND GOVERNMENT AGENT
FOR FISHERIES

P.O. Box 1640,
PORT VILA - VANUATU
PHONE: (678) 29012- 77 40219
E-mail: tunafishing@vanuatu.com.vu

Pusan, 4th March 2010

Executive Secretary
Mr. Alejandro Anganuzzi
IOTC

Dear Sir,

RE: JUPITER 1 – VANUATU COMMITMENTS FOLLOWING OITC 14TH SESSION

In line with the commitments made during the compliance committee session on the 3rd and 4th of March 2010 with regard to the above mentioned Vanuatu vessel Jupiter 1 (attached as annex 1 is the Permanent Certificate of Jupiter 1 for information), Vanuatu wishes, in strict application of Art 10(b) of Resolution 09/03 an abstract of which is reproduced below...:

*Art 10. The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the **Flag State demonstrates that:***

(b) It has taken effective action in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity. CPCs will report any actions and measures they have taken in accordance with Resolution 07/01, in order to promote compliance by vessels of CPCs with IOTC conservation and management measures.

...states the following¹

- The Capt. Wu Yan-Bin of the said vessel was banned from every Vanuatu vessel (the Administration of Vanuatu shall inform the WCPFC Secretariat accordingly copied to the IOTC Secretariat) and replaced by Capt Yen Yung Chang;
- The vessel was requested to leave the IOTC region to the WCPFC region;
- The shipowner was fined USD 50 000 and payment was received by the Government of Vanuatu;
- Official request has been made to the IOTC Secretariat to remove the vessel from the list of Authorized vessels (attached as annex 2 is the Vanuatu official request to the IOTC Secretariat to remove Jupiter 1 from the IOTC List of Authorized Vessels);

¹ Vanuatu Administration shall provide proves of the below facts not later than 4th April 2010.

-
- The IOTC Secretariat shall officially inform the WCPFC Secretariat to closely monitor this vessel for an interim period;
 - The vessel shall have an observer on board at all time in accordance with the Vanuatu Management Plan implemented in 2009 and WCPFC regulations.
 - The vessel has been mandated to be equipped with a VMS E Log-Book as soon as possible within the coming weeks (attached as Annex 3 is an official correspondence from CLS, E-Log Book equipment provider dated 1st March 2010).

Considering the above, the Compliance Committee has agreed not to list the vessel in the Provisional IUU vessels list in accordance with Art 10 of Resolution 03/09.

We believe the above clearly reflects the commitments Vanuatu made during the 14th Session of the IOTC session and we invite you to circulate the content of this letter with their attachments to the attention of the IOTC CPCs.

Yours respectfully.

Christophe Emelee
Fleet Administrator
International Fisheries

APPENDIX III
CONCERNING FISHING CAPACITY IN THE INDIAN OCEAN

Table 1. Corresponding overall capacity of CPC whose fleets targeted tropical tunas during the year 2006 – 2008 and CPC who will confirm the timeline of implementation and/or introduce new vessels, through fleet development plans, to target tropical tunas. *A blank indicates no data was received.*

CPC		Tropical Tunas	Fleet Development Plan						
		Reference capacity	2009	2010	2011	2012	2013	2014	2015
Australia	Numbers	10	Reference capacity to be confirmed in the next six months						
	Capacity (GRT)	3,312							
Belize	Numbers	8							
	Capacity (GRT)	1,235							
China	Numbers	67							
	Capacity (GRT)	27,216							
Comoros	Numbers	0							
	Capacity (GT)	0							
Eritrea	Numbers	0							
	Capacity (GT)	0							
European Union	Numbers	49							
	Capacity (GT)	31,467							
France (OT) ¹	Numbers	2	1	1	1	1	-	-	15
	Capacity (GT)	4,638	2,319	2,319	2,319	2,319	-	-	1,286
Guinea	Numbers	3							
	Capacity (GRT)	1,439							
India	Numbers	70	Fleet development plan to be submitted in the next three months						
	Capacity (GRT)	32,789							
Indonesia	Numbers	1,202	Provisional fleet development plan submitted and to be confirmed within three months						
	Capacity (GT)	124,135							
Iran	Numbers	752							
	Capacity (GRT)	56,949							
Japan	Numbers	227							
	Capacity (GT)	139,818							
Kenya	Numbers		To submit its fleet development plan in the next three months						
	Capacity (GT)								
Korea, Republic of ²	Numbers	38							
	Capacity (GT)	15,274							

¹ France (OT) has indicated that seven existing longliners currently configured to target toothfish, will in the future be converted to fish for tunas. No specific time-line for the introduction of these vessels has been provided. This will contribute to an increase in capacity of 8,230 GT.

² The reference capacity for the Republic of Korea for Tropical Tunas is that of the year 2000.

CPC		Tropical Tunas	Fleet Development Plan						
		Reference capacity	2009	2010	2011	2012	2013	2014	2015
Madagascar	Numbers	2	To submit its fleet development plan in the next three months						
	Capacity (GT)	263							
Malaysia	Numbers	28	16	21	23	24			
	Capacity (GRT)	2,299	-	-	-	-			
Mauritius	Numbers	8		2	2	4	2	1	1
	Capacity (GRT)	1,931		400	400	800	400	200	200
Oman	Numbers	24	To confirm the timeline of the implementation of its fleet development plan						
	Capacity (GRT)	3,126							
Pakistan	Numbers		30	30					
	Capacity (GT)		-	-					
Philippines	Numbers	18							
	Capacity (GT)	10,304							
Seychelles	Numbers	34	To confirm the timeline of the implementation of its fleet development plan						
	Capacity (GT)	41,735							
Sierra Leone	Numbers	0							
	Capacity (GT)	0							
Sri Lanka	Numbers								
	Capacity (GT)								
Sudan	Numbers								
	Capacity (GT)								
Tanzania	Numbers	0	To submit its fleet development plan in the next three months						
	Capacity (GT)	0							
Thailand	Numbers	9	Fleet development plan to be submitted in the next three months						
	Capacity (GT)	13,771							
U. K. (I.O. Territories)	Numbers	0							
	Capacity (GT)	0							
Vanuatu	Numbers		Has no intention to introduce a fleet development plan in the IOTC Area						
	Capacity (GT)								
Senegal	Numbers	3							
	Capacity (GRT)	1,251							
South Africa	Numbers	13	Reference capacity to be confirmed in the next six months and the timeline of the implementation of its fleet development plan to be confirmed						
	Capacity (GRT)	3,013							
Uruguay	Numbers	1							
	Capacity (GT)	1,016							
Total	Numbers	2,568	47	54	26	29	2	1	16
	Capacity (GT/GRT)	516,981	2,319	2,719	2,719	3,119	400	200	1,486

Table 2. Corresponding overall capacity of CPC whose fleets targeted swordfish and albacore tuna during the year 2007 - 2008 and CPC who will confirm the timeline of implementation and/or introduce new vessels, through fleet development plans, to target swordfish and albacore tuna. A blank indicates no data was received.

CPC		Swordfish & Albacore	Fleet Development Plan						
		Reference capacity	2009	2010	2011	2012	2013	2014	2015
Australia	Numbers	9	Reference capacity to be confirmed in the next six months						
	Capacity (GRT)	3,002							
Belize	Numbers	10							
	Capacity (GRT)	1,620							
China	Numbers	2	5	3					
	Capacity (GRT)	314	1,745	438					
Comoros	Numbers	0							
	Capacity (GT)	0							
Eritrea	Numbers	0							
	Capacity (GT)	0							
European Union ³	Numbers	72			15				
	Capacity (GT)	21,922			3375				
France (OT)	Numbers	0							
	Capacity (GT)	0							
Guinea	Numbers	0							
	Capacity (GRT)	0							
India	Numbers	0	Fleet development plan to be submitted in the next three months						
	Capacity (GRT)	0							
Indonesia	Numbers	0							
	Capacity (GT)	0							
Iran	Numbers								
	Capacity (GRT)								
Japan	Numbers	0							
	Capacity (GT)	0							
Kenya	Numbers		To submit its fleet development plan in the next six months						
	Capacity (GT)								
Korea, Republic of	Numbers	0							
	Capacity (GT)	0							
Madagascar	Numbers	0	To submit its fleet development plan in the next six months						
	Capacity (GT)	0							
Malaysia	Numbers								

³ To be introduced in the fleet of La Réunion.

CPC	Swordfish & Albacore		Fleet Development Plan						
	Reference capacity		2009	2010	2011	2012	2013	2014	2015
	Capacity (GRT)								
Mauritius	Numbers	10		2	3	1	2	1	3
	Capacity (GRT)	2,444		400	600	200	400	200	600
Oman	Numbers	29	To confirm the timeline of the implementation of its fleet development plan						
	Capacity (GRT)	3,121							
Pakistan	Numbers								
	Capacity (GT)								
Philippines	Numbers	0							
	Capacity (GT)	0							
Seychelles	Numbers	1	To confirm the timeline of the implementation of its fleet development plan						
	Capacity (GT)	536							
Sierra Leone	Numbers	0							
	Capacity (GT)	0							
Sri Lanka	Numbers								
	Capacity (GT)								
Sudan	Numbers								
	Capacity (GT)								
Tanzania	Numbers	0	To submit its fleet development plan in the next six months						
	Capacity (GT)	0							
Thailand	Numbers	0							
	Capacity (GT)	0							
U. K. (I.O. Territories)	Numbers	0							
	Capacity (GT)	0							
Vanuatu	Numbers		Has no intention to introduce a fleet development plan in the IOTC Area						
	Capacity (GT)								
Senegal	Numbers								
	Capacity (GRT)								
South Africa	Numbers	14	Reference capacity to be confirmed in the next six months and the timeline of the implementation of its fleet development plan to be confirmed						
	Capacity (GRT)	3,213							
Uruguay	Numbers								
	Capacity (GT)								
Total	Numbers	147	5	5	3	18	2	1	3
	Capacity (GT/GRT)	36,172	1,745	838	600	3975	400	200	600

APPENDIX IV
PROVISIONAL IOTC IUU VESSELS LIST
(5 March 2010)

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
Ocean Lion	Unknown (Equatorial Guinea)	June 2005	7826233	-				Contravention of IOTC Resolution 02/04, 02/05, 03/05.
Yu Maan Won	Unknown (Georgia)	May 2007						
Gunuar Melyan 21	Unknown	June 2008						
Parsian Shila	Iran		9404285	Yes. Refer to the report from Seychelles	9BKI	Salem Chabahar Product Food Co.		Contravention of IOTC Resolution 07/02, 09/03
Rwad 1⁴ (Marine 88)	Oman (St. Kitts)				A4DD9	Rwad Al-Ibtkar Est. Trading		Contravention of IOTC Resolution 07/02, 09/03
Balena	Unknown (Vanuatu)				YJSV8	Long Bow Fishing Co. Ltd.		Contravention of IOTC Resolution 07/02, 09/03
Lingsar 08	Indonesia			Yes. Refer to the report of the European Union		Buana Lingsar Samudra, PT		Contravention of IOTC Resolution 09/03
Hoom Xiang 11	Malaysia			Yes. Refer to the report of the European Union		Hoom Xiang Industries Sdn. Bhd.		Contravention of IOTC Resolution 09/03

⁴ vessel under probation for a period of three months, within which Oman should provide evidence about the origin of the catches onboard