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## **IMPLEMENTATION OF RECOMMENDATIONS RELEVANT TO THE COMPLIANCE COMMITTEE**

**PREPARED BY: IOTC SECRETARIAT, 05 SEPTEMBER 2020**

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### **PURPOSE**

To provide the Compliance Committee with an opportunity to consider the progress made during the intersessional period, in relation to the recommendations for actions by CPCs, the Chair of the Compliance Committee and/or the IOTC Secretariat.

### **BACKGROUND**

In 2019, the Commission endorsed eighteen (18) **RECOMMENDATIONS**, from the Compliance Committee (CoC17), which require actions by CPCs, the Chair of the Compliance Committee or the IOTC Secretariat. The Commission (S23) also made one recommendation that required intersessional action by the IOTC Secretariat. These actions and the status of their implementation during the intersessional period are detailed below.

### **RECOMMENDATIONS REQUIRING ACTION**

#### **1) Reporting requirement for nominal catch.**

CoC16.01 (Para 11) The CoC **RECOMMENDED** to the Secretariat to include this measure in the compliance report and **NOTED** the engagement of all present members to transmit this table for next year.

**Progress of Implementation:** The measure has been included in the country-based Compliance Report, at section 5.4. All CPCs have been assessed against this measure, for the 2019 reporting cycle; i.e. data pertaining to 2018. Document IOTC-2020-CoC17-05 notes a minor increase in the level of reporting under this measure, with the majority of CPCs still failing to meet this reporting obligation.

#### **2) Reporting requirement for nominal catch.**

CoC16.02 (Para 12) The CoC **RECOMMENDED** that those CPCs not compliant with Resolution 18/07 complete the form 1DR, available at the following link [https://www.iotc.org/sites/default/files/documents/data/Form\\_1DR.zip](https://www.iotc.org/sites/default/files/documents/data/Form_1DR.zip), and submit it to the IOTC Secretariat as soon as possible for the 2017 data. The CoC **REMINDED** CPCs that the 2018 data is due in accordance with the reporting deadline specified in Resolution 15/02.

**Progress of Implementation:** No additional reports related to the implementation of Resolution 18/07 (Form\_1DR) has been received by the IOTC Secretariat following CoC16/S23.

#### **3) Submission of mandatory statistic in accordance with the deadlines of Resolution 15/02.**

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CoC15.03 (Para 19) The CoC **RECOMMENDED** CPCs to provide their overdue statistics for the year 2017 and to provide all future mandatory statistics in accordance with the deadlines of Resolution 15/02.

**Progress of Implementation:** No additional statics related to the 2017 data has been received by the IOTC Secretariat following CoC16/S23.

**4) Review of the standard applicable for sampling for size frequency.**

CoC16.04 (Para 20) The CoC reiterated its **RECOMMENDATION** to the Scientific Committee to provide advice on the applicability of the IOTC requirements related to size frequency data (i.e. for each species measure one fish per metric tonne), and if required, provide possible alternatives to ensure representative sampling.

**Progress of Implementation:** This recommendation was supposed to be addressed by the WPDCS15 (2019) and reviewed by SC22 (2019). Both the WPDCS and the SC did not address this issue in their 2019 meeting.

**5) Review of the standard applicable for sampling for size frequency.**

CoC16.05 (Para 21) The CoC **RECOMMENDED** that the Working Party on ecosystem and bycatch and the Scientific Committee provide advice on the applicability of the IOTC requirement related to size frequency data on sharks when the fisheries do not retain sharks, and furthermore if CPCs should have to report any size data in such cases.

**Progress of Implementation:** This recommendation was supposed to be addressed by the WPEB15 (2019) and reviewed by SC22 (2019). Both the WPEB and the SC did not address this issue in their 2019 meeting.

**6) Support by ECOFISH to some projects of IOTC.**

CoC16.06 (Para 22) The CoC **RECOMMENDED** that the IOTC Secretariat contact the European Union funded program ECOFISH, to determine whether there is a possibility that it supports some projects of the IOTC.

**Progress of Implementation:** The Executive Secretary participated in the first meeting of the Steering Committee of the ECOFISH, which was held at the beginning of February 2020. The ECOFISH programme has relevant activities to support the implementation of activities contributing to the achievement of the objectives of RFMOs; however, the project is currently targeting other RFMOs (e.g. inland RFMOS) and the IOTC appears unlikely to play a major role in the project. A positive outcome from the project is expected to be improved capacity of the participating countries to engage with RFMOs, including the IOTC.

**7) Possible infractions detected under the IOTC Regional Observer Programme to monitor at-sea transshipments.**

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CoC16.08 (Para 31) Notwithstanding the timing of the WPICMM meeting and the deadline for responses, the CoC **RECOMMENDED** that the responses to the possible infractions be analysed by the IOTC Secretariat.

**Progress of Implementation:** The Compliance Section initiated the process in early August 2019 by informing the fleets participating in the ROP of the departure from standard practice for analysing the responses to possible infractions recorded under the Regional Observer Programme to monitor at-sea transshipments. All responses available to the Secretariat on the 15<sup>th</sup> January 2020, were analysed and presented to the WPICMM03, which was held in February 2020.

**8) Staffing requirement for the Secretariat’s Compliance Section.**

CoC16.09 (Para 32) The CoC **RECOMMENDED** that the IOTC Secretariat recruit a new staff member to the Compliance Section and **ENCOURAGED** CPCs to support this process through their representation to the FAO representatives.

**Progress of Implementation:** A Compliance Manager was appointed in May 2020 and a vacancy announcement was placed in early August 2020, for the position of Compliance Coordinator.

**9) Implementation of Resolution 13/06 – Prohibition to retain onboard, tranship, land or store any part or whole carcass of oceanic whitetip sharks caught on the high seas.**

CoC16.10 (Para 35) The CoC **RECOMMENDED** that CPCs having failed to implement the ban on oceanic whitetip sharks into national legislation take actions to transpose this requirement.

**Progress of Implementation:** A reminder on this recommendation was sent, on 14<sup>th</sup> August 2019 by the IOTC Secretariat, to eight CPCs (Bangladesh, Comoros, Eritrea, Kenya, Oman, Sudan, Tanzania and Yemen) assessed as partially or not compliant with this measure in 2019. Kenya and Tanzania have now introduced measures to implement this prohibition.

**10) Assessment of compliance with Resolution 10/10.**

CoC16.11 (Para 39) The CoC **RECOMMENDED** that the IOTC Secretariat should not include the evaluation of the requirement of paragraph 1 of Resolution 10/10 in future compliance assessment, and further **RECOMMENDED** that a CPC submit a proposal to revise this Resolution.

**Progress of Implementation:** The assessment of this measure has been removed from the 2020 CPCs Compliance Report.

**11) Mandatory documents to be provided upon request for inclusion of vessels in the IOTC Record of Authorised Vessels.**

CoC16.12 (Para 44) The CoC **RECOMMENDED** that, in a future revision of Resolution 15/04, CPCs shall submit mandatory documents, such as official authorisation to fish outside national jurisdiction and national registration certificate, to be able to register vessels on the IOTC record of authorised vessels.

**Progress of Implementation:** Resolution 15/04 was amended in 2019 and is now Resolution 19/04. However, the recommendation to include provision of mandatory documents (official authorisation to

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fish outside national jurisdiction and national registration certificate) were not included in the proposal that was adopted.

12) **Reporting on the activities of vessels under chartering arrangements.**

CoC16.13 (Para 48) The CoC **RECOMMENDED** that the general rule apply: activity of chartered vessels shall be reported by the flag State, under Resolution 10/08.

**Progress of Implementation:** All three flag CPCs that had vessels under chartering arrangements in 2019 reported these vessels in their list of active vessels in 2019, as per Resolution 10/08.

13) **Continued absence of Eritrea and its lack of engagement in the Commission's work.**

CoC16.16 (Para 53) The CoC **NOTED** the continued absence of Eritrea and its lack of engagement in the Commission's work and **RECOMMENDED** that the chair of the Commission write to Eritrea to ascertain its intentions with respect to its participation to IOTC in the future and that the letter is also copied to the FAO.

**Progress of Implementation:** No response has been received to date.

14) **Membership of Sierra Leone.**

CoC16.17 (Para 57) The CoC **RECOMMENDED** that the SCAF and the Commission consider whether or not Sierra Leone's membership from the IOTC should be withdrawn.

**Progress of Implementation:** Both the SCAF and the Commission considered the recommendation of the CoC16. The Commission **REQUESTED** the IOTC Chairperson to write to Sierra Leone and ascertain its intentions with respect to participating in the IOTC as a Member, or possibly as a CNCP. *IOTC-2019-S23-R\_rev1, paragraph 92*. No response has been received to date.

15) **Availability of Compliance Committee meeting documents.**

CoC16.18 (Para 60) The CoC **RECOMMENDED** that the IOTC Secretariat provide the meeting documents at the latest 15 days before the CoC.

**Progress of Implementation:** Being implemented for CoC 17.

16) **Information on activities that undermine Conservation and Management Measures adopted by the Commission.**

CoC16.19 (Para 68) The CoC **RECOMMENDED** that CPCs continue to provide information on activities that undermine Conservation and Management Measures adopted by the Commission to future meetings of the Compliance Committee, and

CoC16.20 (Para 69) The CoC **RECOMMENDED** that all CPCs provide the Compliance Committee with information on actions they undertake to combat fishing practices that undermine the effectiveness of CMMs adopted by the IOTC.

**Progress of Implementation:** During the intersessional period, four CPCs provided information on IUU fishing or possible IUU fishing activities, and on vessels listed in the IOTC IUU Vessels List (European Union, South Africa, Thailand and the United Kingdom ("BIOT")).

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17) **Capacity building activities by the Secretariat.**

CoC16.28 (Para 98) 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.

**Progress of Implementation:** Two consultants were recruited under the externally funded SWIOFish 2 Project - IOTC Component (funded by the World Bank), to conduct compliance related capacity building activities related to implementation of IOTC CMMs and flag State responsibilities. The consultants have undertaken missions to Kenya, Seychelles and Tanzania. Due to the COVID-19 pandemic, further missions have been postponed. Capacity building activities to assist CPCs to meet their obligations to mandatory statistics were conducted in Oman and Pakistan during 2019. Training on the usage of the IOTC ROS electronic tools for observer data collection and management was conducted for Kenya, during the delivery of the ROS training programme.

18) **Cross-listing of IUU vessels from seven organisations listed in Resolution 18/03.**

CoC16.37 (Para 119) The CoC **NOTED** paper IOTC-2019-CoC16-13 which sought guidance from the CoC with regards to the cross-listing of IUU vessels from the seven organisations listed in Resolution 18/03. The CoC **RECOMMENDED** that all vessels featuring on the lists of these organisations be cross-listed by IOTC.

**Progress of Implementation:** The first IOTC IUU Vessels List which included cross-listed vessels was published on 16<sup>th</sup> December 2019.

19) **How IOTC might operationalize the FAO voluntary guidelines on the marking of fishing gear.**

S23 (Para 53) Regarding PropL, the Commission **REQUESTED** the Secretariat to initiate a process to develop draft guidelines on how IOTC might operationalize the FAO voluntary guidelines on the marking of fishing gear. The process should utilize the expertise of IOTC technical bodies and review the guidelines by electronic means, before being made available to the Commission in 2020.

**Progress of Implementation:** The IOTC Secretariat, in conjunction with the Fishing Operations and Technology Branch (FIAO) of the FAO, have developed an initial draft of the ToR to operationalize the FAO voluntary guidelines on the marking of fishing gear, which was circulated through IOTC Circular 2020-22. Four CPCs provided comments (Australia, the European Union, Japan and Thailand) from which a final draft version of the ToR was consolidated. This is presented in document IOTC-2020-CoC17-14, for the consideration of CoC17.

**RECOMMENDATION**

- That the CoC17 **NOTE** the progress made in implementing the recommendations of CoC16 and S23.