
Call for the IOTC Contracting Parties, Cooperating non-Contracting Parties and observers to support stronger transparency and anti-IUU measures

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The Environmental Justice Foundation (EJF), Oceana, The Nature Conservancy, The Pew Charitable Trusts and WWF are working together in a coalition of non-governmental organisations to ensure that the EU's engagement with Regional Fisheries Management Organisations (RFMOs) and key partners leads to strong transparency and anti-illegal, unreported and unregulated (IUU) fishing measures worldwide.

In a coalition report titled "[Achieving transparency and combating IUU fishing in RFMOs](#)", we outline the minimum transparency and anti-IUU fishing measures that we consider essential for RFMO Contracting Parties, Cooperating non-Contracting Parties (CPCs) and fishing entities to adopt and implement in order to end IUU fishing.

This document details vital measures for discussion and adoption at the next meeting of the Indian Ocean Tuna Commission (IOTC).

To promote transparency and tackle IUU fishing, we ask IOTC CPCs to prioritise the following actions:

- **Adopt a transparent compliance mechanism by amending Appendix V of the IOTC Rules of Procedure (2014) - the Compliance Committee Terms of Reference and Rules of Procedure**

As stated in the 2016 Report of the 2nd IOTC Performance Review, "*the sense of accountability within IOTC seems to be very low; therefore more accountability is required*". Reinforcing compliance reporting by CPCs as well as developing a better structured and integrated approach to evaluating their compliance in the annual meeting report of the Compliance Committee (CoC) should be an urgent priority. This will allow the CoC to treat non-compliance issues in accordance with their seriousness and reflect the diversity of situations to provide specific support in enforcement if needed.

In this regard, the annual meeting report of the CoC should include greater details on the following:

- Recommendations to the Commission regarding any remedial action taken or proposed to be taken by the concerned CPC;
- Priority obligations to be monitored and reviewed;
- Any other relevant action suggested.

In addition, if any CPC requests additional time for submitting further information to the CoC, its compliance status should reflect the information available at the time, noting that more information will be forthcoming from the CPC. The compliance analysis should be reported country-by-country as well as measure-by-measure, rather than presented in a summarised format. Similar mechanisms and reporting practices have already been implemented in other RFMOs such as the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the General Fisheries Commission for the Mediterranean (GFCM).

Following the above compliance exercise, the CoC should evaluate the response of concerned CPCs to any incidences of non-compliance, along with any new information, and propose to the Commission to review the compliance status of any relevant CPC as needed. In these cases, the Commission shall recommend appropriate measures aimed at resolving situations of persistent non-compliance which could include non-discriminatory trade measures.

- **Adopt a new Recommendation to improve traceability through an electronic Catch Documentation Scheme**

RFMOs need to deliver effective enforcement mechanisms and create a culture of compliance with fishing regulations among their CPCs. One of the most effective mechanisms for monitoring catches

and preventing IUU fishing is the adoption of electronic Catch Documentation Schemes (CDS). Although a CDS may not prevent all forms of IUU fishing, it can complement other monitoring, control and enforcement efforts, and significantly improve traceability along the value chain.

In 2019, the IOTC approved a decision to form a working group to guide the development of a CDS for IOTC (IOTC Circular 2019-50). CPCs should prioritise the continued development and subsequent adoption of an electronic CDS for all IOTC species, with overfished species initially prioritised as identified by the Scientific Committee, using the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines for Catch Documentation Schemes¹ as a basis.

Additionally, we encourage IOTC to:

- Implement near real time electronic reporting to observe the catch of all commercial species caught by IOTC's CPCs for all fisheries. Other RFMOs, such as CCAMLR and the International Commission for the Conservation of Atlantic Tunas (ICCAT), have already adopted electronic monitoring practices.
- Link the future IOTC e-CDS to IOTC's electronic Port State Measures (e-PSM) system, as well as other activities that monitor and verify fishing vessel catches to cross-check data for risk-based analysis to ascertain that only legally-caught fish can reach markets.
- Ensure a minimum level of compatibility of CDS standards with those of other RFMOs to facilitate information sharing and better integration and monitoring of such systems worldwide.

• **Amend Resolution 19/06 to improve monitoring of transshipment activities and reduce opportunities for the laundering of IUU fishing products.**

Clear rules for transshipment are essential to ensure a strong, legal and verifiable seafood supply chain and reduce opportunities for illicit fishing products to be laundered during transport. According to the Secretariat's reports², at-sea transshipment events increased by 94 percent between 2014 and 2018, and the amount of fish transferred rose by 54 percent during that same period. Coupled with this steadily increasing activity is the fact that Resolution 19-06 itself "...expresses grave concern that a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels..."

As transshipment events continue to increase, there is a corresponding need to ensure that each event is properly monitored and regulated by relevant authorities. Recent Commission transshipment reports demonstrate insufficient monitoring of transshipment activities and compliance with regulations, including mis-declarations of transhipped southern bluefin tuna, discrepancies between observer and Secretariat reports, and inadequate monitoring of non-contracting parties' carrier vessels. If these trends continue, the IOTC should consider banning all transshipment activity at sea within the Convention Area and limit transshipment to ports until adequate control measures are in place to address these issues.

We therefore recommend that the IOTC adopt the following recommendations to improve monitoring and control of transshipments within the region and in relation to large scale tuna longline vessels (LSTLVs):

- Only authorise carrier vessels flagged to CPCs.
- Require that IMO numbers be included in transshipment notifications and declarations and that this is reflected accordingly in Annexes I and III.
- Mandate submission of transshipment reports from the LSTLV within 24 hours of event completion down from 15 days as currently provided.
- Ensure the IOTC Executive and relevant coastal State authority (if transshipping in coastal State waters) receive a copy of all transshipment notifications, declarations and observer reports.
- Standardise reporting requirements for in-port and at-sea transshipments.
- Require that transshipment declarations accompany all transhipped products wherever they are landed or imported.

• **Amend Resolution 14/05 to increase transparency of reported information**

Resolution 14/05 requires CPCs to share an annual report on private and public fishing access agreements with the Secretariat, due to the need to ensure transparency among CPCs and to facilitate joint efforts to combat IUU fishing. Nonetheless, this information is not made public unlike in ICCAT, where the same requirements are in place but the reported information is publicly available.

We urge IOTC CPCs to strengthen transparency by amending Resolution 14/05 to include a public reporting mechanism on access agreements. This should include information on foreign fishing or fishing related activities (including chartering and any private contracts) concerning IOTC-managed species.

We urge IOTC CPCs to consider via the VMS Working Group, the outcomes of the 2019 Options Paper For Strengthening the IOTC Vessel Monitoring System,³ which in part recommends increasing consistency of VMS practices across CPCs and developing a partially centralised VMS over the next few years.

- **Adopt a (partially) centralised Vessel Monitoring System**

IOTC Resolution 15/03 requires vessels 24m or above or, in the case of vessels less than 24m, those operating in waters outside the EEZ of the flag State fishing for IOTC species in its Area of Competence, to be monitored by VMS. However, there is no regional centralised system for VMS and no requirement for data sharing between flag and coastal States. VMS data from the IOTC Area of Competence is not shared with the IOTC Secretariat, for both enforcement and scientific purposes.

Monitoring of vessel movements should be mandated for all vessels of any size and type that are authorised to fish in areas beyond national waters or which are carrying out fishing-related activities. This includes fishing and associated support vessels, including but not limited to fishing carriers and bunkering vessels, as these vessels are typically authorised to engage in fishing related operations, such as transshipment.

Additionally, the IOTC Secretariat (or alternatively, any responsive entity with this mandate) should work as real time repositories of all VMS signals of fishing vessels active in the Area of Competence and for species under its purview.

RFMOs and other regional organisations, such as the Forum Fisheries Agency in the Pacific, increasingly choose to manage a centralised and data-secure VMS on behalf of multiple members to collect vessel information. This centralisation improves the timeliness and technical capabilities of VMS, greatly enhances cost-efficiencies and limits opportunities for tampering, deliberate manipulation or altering of data. Such systems eliminate redundant, separate and costly satellite transmissions to multiple authorities by providing the same data automatically, securely, and in near real time to relevant RFMO member countries and the RFMO Secretariat.

- **Amend Resolution 07/01 in order to prevent nationals from further deriving benefits from or supporting IUU fishing**

Resolution 07/01 promotes compliance by nationals of CPCs with IOTC conservation and management measures. Currently, its applicability is limited to any natural or legal persons subject to their jurisdiction (nationals) that are found to be engaging in IUU fishing activities. Other RFMOs, including CCAMLR, GFCM, the South Pacific Regional Fisheries Management Organisation (SPRFMO), and the Southern Indian Ocean Fisheries Agreement (SIOFA), have recently adopted measures that explicitly extend the mandate of their CPCs to verify and take appropriate action when nationals are found to be otherwise benefiting from or supporting the activities of IUU vessels through for example, the provision of services.

As RFMO IUU vessel lists are publicly accessible and widely available, avoiding business contracts with IUU vessels and denying them access to services is fully achievable and has the potential to significantly impede the activities of IUU fishing vessel operators.

We urge IOTC CPCs to amend Paragraph 1(i) of Resolution 07/01 by explicitly stating that CPCs must investigate allegations and/or reports concerning any natural or legal persons subject to their jurisdiction from not only engaging in, but also *being responsible for, benefiting from or supporting IUU fishing activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers).*

- **Endorse the establishment of the IOTC Electronic Monitoring ad hoc working party**

Resolution 11/04 on the IOTC Regional Observer Scheme requires only 5% observer coverage for scientific data across all fleets. However, the Scientific Committee (SC) and members expressed that this level of observer coverage is too low to provide accurate operational and catch data.

Electronic monitoring (EM) provides a viable solution that can complement human observers and increase overall observer coverage within IOTC fisheries to 100%. This will ensure that data is fully representative and compliance objectives are met while promoting a level playing field. Recognising this, the scientific staff commissioned the development of EM minimum standards, which were presented to the Working Party on Data Collection and Statistics and the SC meetings in 2020. Subsequently, the SC recommended the development of an ad hoc working party to finalise these EM minimum standards so they can be adopted by the Commission.

Acknowledging that the current COVID-19 restrictions on fisheries monitoring further highlights the importance of developing an EM program, **we urge the IOTC to endorse the SC recommendation to establish an EM ad hoc working party, support the implementation of an electronic observers' system (including adoption of minimum standards) and push for the development of options for increasing observer coverage levels to 100% for Indian Ocean Fisheries.**

- **Adopt a new Recommendation on reporting on operational incidents at sea and consider taking other measures to ensure safe and decent working and living conditions on board vessels**

As acknowledged by the Member States of the International Maritime Organization (IMO), the International Labour Organization (ILO), and the FAO during the 4th FAO/ILO/IMO Joint Working Group meeting on IUU Fishing and other related matters in Torremolinos, Spain, on 23-25 October 2019, vessels with substandard safety and working conditions for fishers and observers are frequently linked to IUU fishing activities. Widespread implementation of relevant minimum international standards and full reporting of safety and labour-related incidents will allow for the identification and potential mitigation of dangerous situations and indirectly help to reduce IUU fishing activity.

To date, IOTC has not taken appropriate action to ensure full and transparent reporting, and to catalogue operational incidents at sea.

We urge CPCs to develop a new measure requiring regular data collection and reporting on safety and labour-related incidents that occur in the Convention Area. These could be based on the best practices developed in other RFMOs such as WCPFC.

In addition, we urge CPCs to adopt, ratify and/or implement measures consistent with the international minimum standards outlined in the ILO Work in Fishing Convention (C188) and the 2012 IMO Cape Town Agreement on fishing vessel safety, to ensure safe and decent working and living conditions for all fishers and fisheries observers on board vessels flying their flag and operating within the Convention Area.

¹ <http://www.fao.org/3/a-i8076e.pdf>

² https://www.iotc.org/sites/default/files/documents/2019/05/IOTC-2019-CoC16-04a_E_-_Report_on_Transhipments.pdf and https://www.iotc.org/sites/default/files/documents/2019/05/IOTC-2019-CoC16-04b_E_-_IOTC_ROP_Contractor.pdf

³ https://www.ccsbt.org/sites/default/files/userfiles/file/temp/Temp_for_CC14/IOTC-2019-WPICMM02-VMS_Study.pdf