

Summary of the implementation process and the progress of the legal scrubbing of the IOTC Resolutions

PREPARED BY: IOTC SECRETARIAT¹, 28 JANUARY 2022

PURPOSE

To assist participants at the Working Party on the Implementation of Conservation and Management Measures (WPICMM) to review the legal scrubbing of IOTC Resolutions.

BACKGROUND

Component 17 / sub-component 17.2 of the work Plan of the WPICMM comprise the following activities:

17	Review of the glossary of definitions and key terms used in IOTC Resolutions
17.2	<i>Legal scrubbing of IOTC active Resolutions</i>
17.2.1	Submission of the recommendations to the Compliance Committee to conduct a Legal scrubbing of IOTC active Resolutions and draft a ToR
17.2.2	WPICMM to finalise the ToR for the purpose to conduct a legal scrubbing of the IOTC Resolutions

DISCUSSION

This paper presents the result of the legal scrubbing of IOTC Resolutions as extracted from the consultant's report, IOTC-2020-WPICMM03-Legal scrubbing of IOTC Resolutions and following two rounds of comments as requested in the roadmap for the implementation process for the legal scrubbing of IOTC. The road map is presented below:

APPENDIX 8 REVISED DRAFT ROADMAP FOR THE IMPLEMENTATION PROCESS FOR THE LEGAL SCRUBBING OF IOTC RESOLUTIONS

(REVISED ANNEX 4 OF IOTC-2020-WPICMM03-R)

- CPCs send their comments on Annex 1 and 2 of the consultant report, IOTC-2020-WPICMM03 *REPORT - Legal Scrub of IOTC Resolutions and Recommendations*, on the legal scrubbing of IOTC Resolutions by 31st of January 2021.
- Secretariat will incorporate first round of comments. Secretariat to circulate a consolidated draft with the comments made by the CPCs by means of a circular within 10 working days.
- CPCs send their comments on the second draft by 15th March 2021.
- Secretariat will incorporate second round of comments. Secretariat to circulate a consolidated version of the legal scrubbing of IOTC Resolutions as a meeting document for consideration by the Compliance Committee (2021-CoC18).
- The Compliance Committee (2021-CoC18) considers proposing a final consolidated text for potential adoption by the Commission (2021 - S25). This final text should only include the Resolutions adopted or amended by the Commission before 2020.

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At its seventeenth session, the Compliance Committee endorsed the road map, as revised by the WPICMM03:

133. The CoC **RECOMMENDED** that work on the glossary of definitions and key terms to be used in IOTC Resolutions be suspended and that the relevance of this exercise be reconsidered by the Compliance Committee once the work on the legal scrubbing is completed.

134. The CoC **RECOMMENDED** amendments to the timeline of the roadmap ([Appendix 8](#)) to conduct the legal scrubbing for consideration of the Commission for adoption.

At its eighteenth session, the Compliance Committee reviewed the progress on the legal scrubbing of IOTC Resolutions:

109. The CoC **NOTED** paper [IOTC–2020–WPICMM03_Rev1](#), prepared by the IOTC Secretariat, which summarised progress on the legal scrubbing work.

110. The CoC **NOTED** that the vast majority of CPCs did not provided their feedback on the legal scrubbing document and several of them expressed their desire to have the opportunity to contribute to this work.

111. The CoC **NOTED** the disappointment of the CPCs having provided their comments for the lack of participation of other CPCs, and **FURTHER NOTED** that all CPCs had the opportunity to provide their contributions under the revised roadmap for this work.

112. The CoC **REMINDED** CPCs that the legal scrubbing work does not consist in re-working or amending the existing CMMs, but to address incoherencies.

Following the review of the progress on the legal scrubbing of IOTC Resolutions, at its eighteenth session, the Compliance Committee made the following recommendations:

113. The CoC **RECOMMENDED** that the CPCs who have not provided their feedback on the legal scrubbing to do so at least one month in advance of the next WPICMM, after which other comments will not be taken into consideration.

114. The CoC **RECOMMENDED** that the WPICMM shall conclude the work on the legal scrubbing at its next session with the comments received.

After the two rounds of comments on the legal scrubbing was concluded, four CPCs have provided comments.

RECOMMENDATION/S

That the WPICMM05:

- 1) **NOTE** paper IOTC–2022–WPICMM05–12, which presents the result of the legal scrubbing of IOTC Resolutions as extracted from the consultant’s report, IOTC-2020-WPICMM03-Legal scrubbing of IOTC Resolutions.
- 2) **NOTE** that four CPCs have provided comments on the legal scrubbing of IOTC Resolutions.
- 3) **CONCLUDE** the work on the legal scrubbing as recommended by the Compliance Committee and endorsed by the Commission.