
IMPLEMENTATION OF RECOMMENDATIONS RELEVANT TO THE COMPLIANCE COMMITTEE

PREPARED BY: IOTC SECRETARIAT, 23 APRIL 2022

PURPOSE

To provide the Compliance Committee with an opportunity to consider the progress made during the intersessional period, in relation to the recommendations and requests for actions by CPCs and/or the IOTC Secretariat, made by the Compliance Committee (CoC18).

BACKGROUND

In 2021, the Commission endorsed thirteen (13) **RECOMMENDATIONS** and nine (9) **REQUESTS**, from the Compliance Committee (CoC18), which required actions by CPCs and/or the IOTC Secretariat. These actions and the status of their implementation during the intersessional period are detailed below.

RECOMMENDATIONS AND REQUESTS REQUIRING ACTIONS

1) Availability of meeting documents for the Compliance Committee meetings.

CoC18 (Para 15) The CoC **RECOMMENDED** that all CoC meeting documents should be made available at 15 days before the start of CoC meetings.

Progress of Implementation: Implementation planned for CoC19. Target date for all CoC19 documents has been set for 23 April 2022, except for the Draft IUU Vessels List document which cannot be finalised until 10 days before the Compliance Committee meeting, in line with paragraph 11 of Resolution 18/03.

2) Organisation of workshops on mandatory data reporting requirements.

CoC18 (Para 32) The CoC **RECOMMENDED** that the IOTC Secretariat organise a workshop for personnel in the national administrations, to explain the mandatory data reporting requirements and format for data submission, for CPCs with such needs.

Progress of Implementation: The WPDCS17 considered, with favour, the possibility of the IOTC Secretariat delivering remote or face-to-face workshops focusing on the compilation of statistical data submissions for interested CPCs (para. 25 of IOTC-2021-WPDCS17-R[E]). The Data Section of the Secretariat has planned to organize 1-2 workshops in 2022 through webinars.

3) Sharks' species identification guides to assists field samplers.

CoC18 (Para 41) The CoC **NOTED** the request from a CPC for the IOTC Secretariat to provide it with sharks' species identification guides to assists its field samplers to better identify sharks and to improve its reporting on sharks.

Progress of Implementation: In December 2021, at the SC24 meeting, the Secretariat informed all CPCs that funding had been made available through the Japanese OFCF to ship ID guides to any CPC requiring them. A Circular ([IOTC CIRCULAR 2022-07: SPECIES IDENTIFICATION CARDS FOR IOTC FISHERIES — A SPECIAL OFFER ON SHIPPING](#)) was sent out to all CPCs in January 2022. Multiple CPCs responded and ID cards for multiple taxa were sent to all CPCs who had put in a request.

- 4) **CoC18 (Para 42)** The CoC **RECOMMENDED** that the difficulties faced by CPCs in complying with shark data, for the CPCs who do not have a shark fishery or have banned the landing of sharks in national legislation, be raised by the Working Party on Data Collection and Statistics (WPDCS) and the Working Party on the Implementation of Conservation and Management Measures (WPICMM).

Progress of Implementation: The issue was discussed at the WPEB17 (paras. 23-24 of [IOTC-2021-WPEB17\(AS\)-R\[E\]](#)) which noted that these constraints should be properly taken into account when assessing the level of compliance of such CPCs with respect to size data reporting requirements and requested that the matter be further discussed at the next WPDCS. The issue was further discussed at the WPDCS17 (para. 118 of [IOTC-2021-WPDCS17-R](#)), which made a recommendation for the SC24 to further discuss this issue.

As there were several data-related recommendations from the WPDCS, the SC24 (para. 136 of [IOTC-2021-SC24-R](#)) made the following general recommendation:

*“NOTING that the WPDCS identified aspects of several data-related resolutions that are either unclear or inconsistent (15/01, 15/02 and 19/02) the SC **RECOMMENDED** that the Commission consider how to best address these issues at the next revision of each resolution.”*

- 5) **Presentation of EMS CPCs pilot project to the Compliance Committee.**

CoC18 (Para 52) The CoC **RECOMMENDED** that the different CPCs with ongoing EMS pilot projects present the results of their analyses of the projects to the next Compliance Committee meeting or any working group that the Commission might create, where EMS shall be discussed further.

Progress of Implementation: A reminder was sent 31 March 2022, together with WPICMM05 Report, which contains a suggested format for reporting to CoC19.

- 6) **The Commission should encourage Panama to apply for the Cooperating Non-Contracting Party status.**

CoC18 (Para 58) The CoC **RECOMMENDED** that the Commission should encourage Panama to apply for the Cooperating Non-Contracting Party status to the IOTC.

Progress of Implementation: A letter from the Chair of the Commission was sent to the General Manager of Aquatic Resources Authority of Panama. At the time of finalising this document only and acknowledgement of the letter had been received from Panama.

7) Participation of all ROP fleets into the WPICMM meetings.

CoC18 (Para 63) The CoC **RECOMMENDED** that all fleets participating in the regional observer programme attend the WPICMM.

Progress of Implementation: Only Oman was not represented in WPICMM05 (2022).

8) Intersessional actions by CPCs regarding outstanding data and information.

CoC18 (Para 69) The CoC **RECOMMENDED** that those CPCs that have not responded on the Secretariat's letter concerning intersessional actions do so, as soon as possible.

Progress of Implementation: Letters were sent on 21 July 2021 with regards to follow-ups on the IOTC Regional Observer Scheme to the following CPCs: Bangladesh, Eritrea, Iran, Madagascar, Oman, Pakistan, Sudan, Somalia and Yemen. No response or acknowledgement was received.

Letters were sent on 26 July 2021 with regards to follow-ups on the missing mandatory information and data for the 2019 reporting cycle, to the following CPCs: Bangladesh, China, Eritrea, Iran, Madagascar, Oman, Pakistan, Somalia, South Africa, Sudan, Tanzania and Yemen. One CPC, China, responded and provided the missing data.

Letters were sent on 26 July 2021 with regards to follow-ups on the implementation of port State measures, to the following CPCs: Eritrea, Mozambique, Seychelles, Somalia, South Africa, Sudan, and Yemen. One CPC, Seychelles, acknowledged the letter.

9) Indonesia's pilot project for at-sea transshipments.

CoC18 (Para 73) The CoC **ALSO RECOMMENDED** that Indonesia contact the IOTC Secretariat, as was originally required, before pursuing the pilot project and to provide reports covering the different phases of the project.

Progress of Implementation: Secretariat initiated a proposal for consultation with Indonesia on 08 July 2021; IOTC Ref 2021-151. A first virtual meeting took place on 19 October in which the Secretariat explained the procedures in place for implementing the Regional Observer Programme (Resolution 19/06, superseded by Resolution 21/02). A document elaborating the Standards (administrative and operational requirements) that Indonesia should adopt or adapt, in order for its national programme to offer the same level of assurances as those provided by Regional Observer Programme (ROP), was provided to Indonesia. The Standards provide a checklist of the ROP requirements, workflow and actions required by Indonesia. Of the 19 requirements provided in the Standards, Indonesia has provided responses to 12 requirements, and also provided some documentations related to their pilot project. At the time of preparing this document, the Secretariat had not received any observer reports from the rescheduled pilot project.

10) Updates from Sri Lanka on three vessels included in the IOTC IUU Vessels List.

CoC18 (Para 83) The CoC **REQUESTED** that Sri Lanka provides the IOTC Secretariat with information to circulate to CPCs, on when these vessels have been installed with VMS transceivers, for IMULA 0564 NBO; IMULA 0790 KLT; IMULA 1552 MTR, confirmation that the administrative penalty has been paid and for all five vessels when their periods of detention will come to an end.

Progress of Implementation: Sri Lanka provided two updates to the IOTC Secretariat, which have been circulated via [Circular 2022-15](#) of 02 March 2022 and [Circular 2022-27](#).

11) Analysis by Sri Lanka on the effectiveness of the measures that it applies as a flag State.

CoC18 (Para 85) The CoC **REQUESTED** that Sri Lanka conducts an analysis and provides an update to the Secretariat of the effectiveness of the measures that it applies as a flag State, in particular; those concerning the installation of VMS on its fishing vessels, the law for prosecuting owners and masters of fishing vessels, and on any other pertinent measures to deter and eliminate illegal, unreported and unregulated fishing activities.

Progress of Implementation: Sri Lanka provided an update to the Secretariat, which was circulated to CPCs via Circular 2022-28 rev1.

12) Request from Senegal to provide Certificate of Deletion of the MARIO 11.

CoC18 (Para 93) The CoC **REQUESTED** Senegal to provide a copy of the Certificate of Deletion of the MARIO 11 to the IOTC Secretariat, so that it can be made available to Commission when it considers adopting an IUU Vessels List.

Progress of Implementation: No information was provided by Senegal for S25. Evidence obtained from International Commission for the Conservation of Atlantic Tunas (ICCAT) provides confirmation by Senegal of cancellation of Provisional Certificate of Registration and subsequent re-registration of the vessel to Namibia, and the name change of the vessel from MARIO 11 to HALIFAX. The record was updated in the IOTC IUU Vessels List on 25 February 2022.

13) Verification of the details of two vessels in the 2021 Draft IOTC IUU Vessels List and on the Draft List.

CoC18 (Para 94) The CoC **REQUESTED** the IOTC Secretariat to verify the details of the two vessels, SUMMER REFER and ZHI MING, included in the list of vessels to be cross-listed, as they may be vessels that are already included in the IOTC IUU Vessels List under different names.

Progress of Implementation: Changes were made to the IUU List before adoption at the 25th Session of the Commission, in 2021; please refer to document [IOTC-2021-S25-08](#).

14) Verification of possible double entries in the IOTC IUU Vessels List.

CoC18 (Para 96) The CoC **REQUESTED** that the IOTC Secretariat verify the details of the following vessels for possible double entries in the current IOTC IUU Vessels List:

- a. LABIKO/CLAUDE MOINIER
- b. FU HSIANG FA
- c. OCEAN LION/XING HAI FENG

Progress of Implementation: Changes were made to the IUU List before adoption at the 25th Session of the Commission, in 2021; please refer to document [IOTC-2021-S25-08](#).

15) Registration status of the vessel, MARWAN 1.

CoC18 (Para 97) The CoC **REQUESTED** the IOTC Secretariat to follow-up with Somalia on the registration status of the vessel, MARWAN 1.

Progress of Implementation: Letter IOTC2021-144 was sent to Somalia on 24 June 2021. Somalia responded by email on 24 June 2021 indicating, “*that the vessel, MARWAN 1, is neither legally licensed nor registered by Ministry of Ports and Marine tranzas [sic] we have already informed to your esteemed office by our earlier email correspondences.*” The IOTC Secretariat responded on 25 June 2021 with the following request for clarifications, “*May we kindly enquire, when (date/e-mail address) were the earlier email correspondences sent?*”. No clarification has been provided to date, and the vessel remain in the IOTC IUU Vessels List as flagged to Somalia.

16) Request for Tanzania to provide a copy of the Certificate of Deletion of the vessel, BAROON.

CoC18 (Para 99) The CoC **REQUESTED** that Tanzania provide a copy of the Certificate of Deletion of the BAROON to the IOTC Secretariat so that it can be made available to Commission when it considers adopting an IUU Vessels List.

Progress of Implementation: Changes were made to the IUU List before adoption at the 25th Session of the Commission, in 2021; please refer to document [IOTC-2021-S25-08](#).

17) Feedback on the legal scrubbing.

CoC18 (Para 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.

CoC18 (Para 114) The CoC **RECOMMENDED** that the WPICMM shall conclude the work on the legal scrubbing at its next session with the comments received.

Progress of Implementation: A reminder for CPCs to submit their feedback/comments on the legal scrubbing document was sent on 5 January 2022. No additional comments/feedback was received by the IOTC Secretariat.

A document was presented at WPICMM05 and the following recommendation was made by WPICMM05: *The WPICMM05 **ENDORSED** the proposals of the legal scrubbing and **RECOMMENDED** Compliance Committee 19 be presented the version of the legal scrubbing, where suggested changes opposed by CPCs are removed.*

A clean version of the legal scrubbing document is available for the CoC19’s consideration, as document [IOTC-2022-CoC19-13](#).

18) Photographs of logbooks provided for clarifications on possible infractions shall not be placed in the public part of the IOTC website.

CoC18 (Para 133) The CoC **RECOMMENDED** that the provision of photographs intended to provide clarifications on possible infractions observed under the transshipment regional observer programme, should be done in line with domestic law on confidentiality. The CoC **FURTHER RECOMMENDED** that photographs submitted for such purpose shall not be placed in the public part of the IOTC website.

Progress of Implementation: The recommendation was implemented for the last WPICMM05 meeting, in February 2022.

19) Early invitations to participants of Working Groups.

CoC18 (Para 136) The CoC **FURTHER RECOMMENDED** that the Chair of the Working Group sends out early invitations to participants, in order to increase participation in its meeting, together with a clearly defined workplan that will allow participants to properly prepare for the meetings.

Progress of Implementation: Meeting dates and draft Workplan were communicated by email to the Chairperson of VMSWG on 30 June 2021; ten weeks before the VMSWG02. Compliance related Working Groups' meeting pages are now routinely created in the IOTC website at least two weeks ahead meetings and Provisional Agenda are posted to the meeting pages shortly thereafter.

20) Legal advice on if the IOTC can adopt a resolution on high seas boarding and inspection scheme.

CoC18 (Para 148) The CoC **REQUESTED** the IOTC Secretariat to seek the advice of the FAO (Legal Office) on whether the IOTC Agreement can limit the Commission from adopting a resolution on high seas boarding and inspection scheme, since it predates the UN Fish Stocks Agreement.

Progress of Implementation: The FAO Legal Office considers that the IOTC Commission can adopt measures such as boarding and inspection on the high seas in order to enforce its CMMs concerning the stocks described above. The Commission, through its members, derives these rights and duties primarily from the LOSC. The UNFSA did not only restate and elaborate such rights but also recognizes them regardless of when such regional organizations – such as the IOTC – were established. Notwithstanding the fact that the IOTC Agreement predates the UNFSA, the parties to the IOTC Agreement - adopted in accordance with the Vienna Convention on the Law of Treaties - have established rights and duties which they can exercise and discharge (in accordance with international law) irrespective of whether or not they are parties to the LOSC and the UNFSA.

21) Intersessional consultations between CPCs to progress the work on a high seas boarding and inspection scheme.

CoC18 (Para 149) The CoC **RECOMMENDED** that CPCs engage in intersessional consultations with the view of progressing this work.

Progress of Implementation: The Secretariat is not aware of any intersessional consultations between CPCs. However, the European Union requested documents from work conducted previously by the *ad hoc* Working Group on the High Seas Boarding and Inspection Scheme. A point has been added to the CoC19 Agenda for discussing this issue, and the European Union has submitted a proposal to establish a high seas boarding and inspection (HSBI) scheme in the IOTC, for discussions at the 26th Session of the Commission (2022).

RECOMMENDATION/S

- That the CoC19 **NOTE** the progress made in relation to the recommendations and the requests from CoC18.
- That the CoC19 **NOTE** the extremely low-level of responses received in relation to the reminders sent to CPCs with regards to submission of missing information and data for the 2019 reporting cycle, and feedback on challenges to implement the IOTC Resolutions on port State measures and regional observer scheme.
- That the CoC19 **NOTE** the extremely low number of CPCs who have provided feedback and comments on the legal scrubbing document.