



Call for the IOTC to support stronger transparency and anti-IUU measures

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The Environmental Justice Foundation (EJF), Oceana, 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. The report's annexes are updated annually to reflect the progress achieved in RFMOs in adopting these key measures.

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:

1) 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.

We urge IOTC CPCs to support the EU's proposal to amend Appendix V of the IOTC Rules of Procedure.

2) Amend Resolution 21/02 Establishing a Programme for Transshipment by Large-Scale Fishing Vessels to further improve monitoring, control and surveillance and reduce opportunities for IUU fishing activities

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 reports in 2022¹, at-sea transshipment events increased by 118 percent between 2014 and 2021, and the amount of fish transferred rose by 31 percent during that same period. As transshipment events continue to increase, there is a corresponding need to ensure that each event is properly monitored and regulated by relevant authorities. While Resolution 21/02 has improved the regulatory regime, there is still room for much improvement in strengthening monitoring control and surveillance, closing loopholes, increasing transparency and further discouraging IUU fishing activity.

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):

- Mandate the submission of transshipment reports from the LSTLV to the IOTC Executive within 24 hours of event completion. This should cover transshipment events that involve any Commission-managed species, regardless of location. Furthermore, ensure that all relevant actors receive a copy of these reports, such as the flag, coastal and/or port State.
- Require that IMO numbers be included in transshipment notifications and declarations for both fishing and carrier vessels and that this is reflected accordingly in the relevant annexes, including I and III.
- Update Annex III of the transshipment declaration to include geographic location(s) of transshipment events to better address the requirement under Annex I.
- Level the playing field, if necessary in a phased manner, by removing country-specific exemptions in the transshipment measure, ensuring consistency for all members and vessels.
- Increase transparency by making publicly available the record of fishing and carrier vessels authorised to tranship.
- Require that all vessels involved in transshipment events, including carrier vessels, be flagged to a CPC in order to be included on the IOTC-authorized vessel records.

3) 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

¹ https://www.iotc.org/sites/default/files/documents/2022/04/IOTC-2022-CoC19-04a_E_-_Report_on_Transshipments.pdf and https://www.iotc.org/sites/default/files/documents/2022/04/IOTC-2021-CoC19-04b_E_-_IOTC_ROP_Contractor.pdf

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. **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 Schemes² 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 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.

To support this, the EU IUU Fishing Coalition has published a report to assess the strengths and weaknesses of existing multilateral CDS systems, and propose a way forward for a globally harmonised system. The report is available [here](#).

4) Amend Resolution 14/05 Concerning a Record of Licensed Foreign Vessels Fishing for IOTC Species in the IOTC Area of Competence and Access Agreement Information 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, in particular to facilitate joint efforts to combat IUU fishing. Nonetheless, this information is not made public, despite the best practice of other RFMOs, such as ICCAT, whose Secretariat reports on access agreements to the Commission during its Annual meeting, according to ICCAT Recommendation 14-07.

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.

5) Adopt a (partially) centralised Vessel Monitoring System

Current 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 and the resolution is recognised as in need of updating.

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

² <http://www.fao.org/3/a-i8076e.pdf>

bunkering vessels, as these vessels are typically authorised to engage in fishing related operations, such as transshipment.

In the IOTC Area of Competence, CPCs have different levels of accuracy, reporting and polling requirements and frequencies but, above all, VMS data is not shared appropriately with the RFMO, for both enforcement and scientific purposes. The IOTC Secretariat (or alternatively, any responsible 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. This can improve continuous port-to-port operation and secure communications systems that are type-approved and tamper-proof, as well as sealed, fully automatic and have adequate backup and recovery procedures to ensure reliability.

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.

We commend the recent work and progress by the IOTC VMS Working Group. We call the Commission to further support its work with the aim of providing an advice by the Commissions meeting in 2023 for the implementation 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.

6) Support the work of the IOTC Working Group on the Development of Electronic Monitoring Standards by endorsing its terms of reference and work plan

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, also taking into consideration that IOTC is one of the largest tuna RFMOs, covering nearly about 20% of the Earth's surface and manages fisheries worth US\$8.6 billion a year⁴.

Electronic monitoring (EM) provides a viable solution that can complement human observers and increase overall observer coverage within IOTC fisheries to 100% in a cost-effective way. This will ensure that data is fully representative and compliance objectives are met while promoting a level playing field. In response, the SC commissioned ISSF to develop EM minimum standards, which were presented to the Working Party on Data Collection and Statistics and the SC meetings in 2020 and recommended an EM ad hoc working party to finalise these EM minimum standards. We commend the work of the SC and CPCs' decision to create such a working group (WG EMS) as well as for the adoption of terms of reference and work plan in 2021 for the WG EMS to develop EM minimum data standards by 2023 and EM program standards by 2025.

We call on the IOTC to continue supporting the work of the WG EMS to support the implementation of an electronic observers' system, including the adoption of minimum standards by the agreed deadline and push for the development of options for increasing observer coverage levels to eventually 100% for Indian Ocean fisheries.

In the meantime, we urge IOTC CPCs to make use of electronic observers' systems to, inter alia, improve the collection of scientific data and further contribute to efforts at ensuring the enforcement of IOTC's conservation and management measures.

7) Amend Resolution 07/01 To Promote Compliance by Nationals of CPCs with IOTC Conservation and Management Measures 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.

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

⁴ <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/10/netting-billions-2020-a-global-tuna-valuation>

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 to expand CPCs requirement to investigate allegations and/or reports concerning any natural or legal persons subject to their jurisdiction from, currently just those persons *engaged* in IUU fishing activities, to also those *responsible for, benefiting from or supporting* such activities (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers).

8) 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.

9) Enforce Resolution 19/04 Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence to increase transparency and enhance capacity to fight against IUU fishing

Resolution 19/04 concerning the IOTC record of vessels requires CPCs to include information on beneficial ownership of their fishing vessels that are registered on the IOTC record of vessels. It also requires CPCs to submit colour photographs of their vessels. Access to this information is essential to bolster the capacity of CPCs and stakeholders to fight against IUU fishing activities and enable action against those who benefit from it.

Submission rates of such information by CPCs remain low⁵ and impede access, de facto hindering efforts to identify and sanction vessels engaging in IUU fishing activities and their ultimate beneficiaries.

We urge IOTC CPCs to effectively implement Resolution 19/04 concerning the IOTC record of vessels.

⁵ <https://www.iotc.org/documents/analyses-beneficial-owners-information-authorized-vessels-0>