
IMPLEMENTATION OF RECOMMENDATIONS AND REQUESTS RELEVANT TO THE COMPLIANCE COMMITTEE

PREPARED BY: IOTC SECRETARIAT, 27 MARCH 2023

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 the IOTC Secretariat, made by the Compliance Committee (CoC19).

BACKGROUND

In 2022, the Commission endorsed three (3) **RECOMMENDATIONS** and ten (10) **REQUESTS**, from the Compliance Committee (CoC19), which required actions by the IOTC Secretariat. These actions and the status of their implementation during the intersessional period are detailed below.

RECOMMENDATIONS AND REQUESTS REQUIRING ACTIONS

1) **Effective fishing capacity of the vessels on the Record of Authorised Vessels (RAV).**

CoC19 (Para 13) The CoC19 **NOTED** that in the past fishing capacity had been provided and **REQUESTED** the IOTC Secretariat report on effective fishing capacity of the vessels on the RAV for consideration by the future Compliance Committee meetings.

Progress of Implementation: Document IOTC-2023-CoC20-06 provides information on the challenges that the IOTC Secretariat faces to deliver on this request. However, the document provides a table of the capacity of fishing vessels in the RAV, similar to the capacity tables produced for the evaluation of the implementation of Resolution 15/11 *On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties*.

2) **Missing information for the Record of Authorised Vessels (RAV).**

CoC19 (Para 22a) The CoC19 **RECOMMENDED** that the IOTC Secretariat work with the concerned CPCs to provide missing information for the Record of Authorised Vessels.

Progress of Implementation: CPCs that had mandatory information missing for their vessels on the RAV were informed when they made a request to update/add vessel(s) to the RAV. The level of response through this process has been high, resulting in the update of 2,478 vessels' records and 99 deletions.

3) **Removal of vessels with authorisation periods that have elapsed two or more years, from the RAV.**

CoC19 (Para 22b) The CoC19 **RECOMMENDED** that the IOTC Secretariat remove from the current Record of Authorised Vessels those vessels whose periods of authorisation have elapsed over two years.

Progress of Implementation: This is work in progress. It will be implemented through an automated process in the RAV online application, which is currently under development.

4) **Analysis highlighting problems and possible solutions on the implementation of Resolution 19/04.**

CoC19 (Para 22c) The CoC19 **RECOMMENDED** that the IOTC Secretariat provide within six months an analysis highlighting problems and possible solutions on the implementation of Resolution 19/04 to guide CPCs on its possible review.

Progress of Implementation: The results of the analyses were communicated to the Heads of Delegations by e-mail on 29 November 2022 and was presented to the Sixth meeting of the Working Party on the Implementation of Conservation and Management Measure, in February 2023. Document [IOTC-2023-WPICMM06-11](#) is available to download.

5) **IOTC Secretariat contact CPCs (Sudan, Yemen) with a view to receiving information.**

CoC19 (Para 26) The CoC19 **NOTED** the low rate of compliance and repeated non-compliance of some CPCs and **REQUESTED** the IOTC Secretariat contact CPCs (Sudan, Yemen) with a view to receiving information.

Progress of Implementation: Since the rollout of the e-Maris application at the beginning of 2023, the IOTC Secretariat has tried to engage with Sudan to assist them with their submission of the Compliance Questionnaire, but to no avail. Sudan has submitted credentials for its participation in the 2023 Commission meeting.

Since the IOTC Secretariat's attempt to conduct a virtual Compliance Support Mission with Yemen in October 2021, several attempts have been made to engage with Yemen, but to no avail. The latest attempts were in June 2022, regarding two IOTC organised capacity building events, which in the end the nominees did not participate in. An official letter (IOTC2023-089) was sent to Yemen in March 2023 with the aim of initiating the re-engagement of Yemen with the IOTC and regarding Yemen's commitment to being a Member of the IOTC. No response has been received to date. Yemen submitted a letter of Credentials for the February 2023 meeting of the IOTC Technical Committee on Allocation Criteria, but the nominee did not participate in the meeting.

6) **Reminder for outstanding Feedback letters.**

CoC19 (Para 38) The CoC19 **REQUESTED** the IOTC Secretariat remind CPCs that have not submitted feedback letter to date, to do so.

Progress of Implementation: No reminder was sent to the five CPCs (Eritrea, Pakistan, Somalia, Sudan and Yemen) to remind them to submit their response to the Feedback Letter issued in 2021. Reminders for submission of response to Feedback Letters are now set in the e-Maris application at 60, 30 and 5 days before they are due.

7) **The 2021 Charter Agreement of South Africa.**

CoC19 (Para 43) The CoC19 **NOTED** that South Africa had not provided information on its charter agreements and because it did not attend the CoC19, **REQUESTED** the IOTC Secretariat follow up with South Africa.

Progress of Implementation: A request was made for South Africa to submit its 2021 Charter Agreement, and South Africa has duly complied by submitting the 2021 Charter Agreement.

8) Distribution of survey forms designed for observers active on the high seas of the Indian Ocean.

CoC19 (Para 79) The CoC19 **REQUESTED** the Regional Observer Programme consortium share the survey designed for observers active on the high seas of the Indian Ocean with the observers of the IOTC Regional Observer Programme, and **FURTHER REQUESTED** CPCs to encourage their observers to cooperate with the initiative.

Progress of Implementation: In mid-June 2022 the Consortium confirmed that they were organising the distribution of the survey to observers accredited to the IOTC Regional Observer Programme.

9) Publication of personal data in meeting documents.

CoC19 (Para 95) The CoC19 **REQUESTED** that in the future, information relating to personal data shall only be accessible to the Secretariat, to the flag CPC and to the inspection CPC.

Progress of Implementation: This request was made in the context personal data of government officials in email communications published in meeting documents. Further guidance is sought from the Compliance Committee on whether such request should be extended to non-government official, including publication of documents such as identification cards of people in reports on suspected illegal fishing activities.

10) Contact Panama to ascertain whether the vessel LEXMAR009 is still flagged to Panama.

CoC19 (Para 98) The CoC19 **REQUESTED** the IOTC Secretariat contact Panama to ascertain whether the vessel LEXMAR009 is still flagged to Panama.

Progress of Implementation: Panama has confirmed the vessel, LEXMAR009, was flagged to Panama on a “single voyage certificate” for delivery, which upon the vessel reaching its delivery destination became invalid. However, Panama’s response did not provide information on where the vessel was subsequently registered after delivery.

11) Investigations into the flagging of vessels LEXMAR 009 and HONGDONGFISHERY 12.

CoC19 (Para 100) The CoC19 **REQUESTED** the IOTC Secretariat to continue investigations into the flagging of vessels LEXMAR 009 and HONGDONGFISHERY 12, by liaising with Panama and cross-referencing the information made available, in particular via the International Maritime Organization's Integrated Global Maritime Intelligence System.

Progress of Implementation: Panama has confirmed that at the time of the incidents the two vessels were flagged to Panama on a “single voyage certificate” for delivery, which upon the vessels reaching their delivery destination became invalid. As indicated in Panama’s letter, available in document [IOTC-2023-CoC20-08](#), the vessels delivery destination was Luanda, Angola. However, the letter does not provide information on where the two vessels subsequently registered after delivery. The IOTC Secretariat does not have access to the International Maritime Organization's Integrated Global Maritime Intelligence System.

12) Information on regulations regarding transit and innocent passage.

CoC19 (Para 105) The CoC19 **NOTED** that one CPC requested the IOTC Secretariat to circulate the information on regulations regarding transit and innocent passage to all CPCs.

Progress of Implementation: No coastal CPC provided their regulation on transit and/or innocent passage, including notice form and contact details, to the IOTC Secretariat during the intersessional period.

13) Contact Panama with a view to becoming a Cooperating Non-Contracting Party (CNCP).

CoC19 (Para 179) The CoC19 **REQUESTED** the IOTC Secretariat to contact Panama with a view to becoming a CNCP.

Progress of Implementation: An official letter was sent to Panama in advance of the CoC19 meeting (IOTC2022-051 – 01 April 2022), to which no response has been received to date. Post CoC19/S26 Panama was informed (e-mail 27 May 2022) that the Commission had reiterated its request for the IOTC Secretariat to contact Panama with a view to becoming a Cooperating Non-Contracting Party. Again, no response to that specific subject has been received. However, there has been a noticeable increase in the number of queries that the IOTC Secretariat has received from Panama during the intersessional period. These range from requests/information to confirm that vessels seeking to register under the flag of Panama does not have a history of IUU fishing in the IOTC Area, authorisation of vessels transshipping at sea to Panamanian carrier vessels, receipt of transshipment declarations, confirmation of vessels' authorisation to operate in the IOTC Area and vessels that have purportedly operated in a manner that undermines conservation and management measures adopted by the Commission.

RECOMMENDATION/S

- That the CoC20 **NOTE** the progress made in relation to the recommendations and the requests from CoC19.
- That the CoC20 **NOTE** that no coastal CPC provided their regulation on transit and/or innocent passage, including notice form and contact details, to the IOTC Secretariat during the intersessional period.
- That the CoC20 **NOTE** that Panama has not responded to the Commission's invitation to apply for the status of Cooperating Non-Contracting Party to the IOTC, despite the high number (35) of carrier vessels authorised to participate in the IOTC Regional Observer Programme.
- That the CoC20 **NOTE** the high level of interactions between Panama and the IOTC Secretariat during the intersessional period.