



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 coalition¹ 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](#)"², 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. Out of the 20 indicators evaluated, only 6 have so far been adopted by IOTC.

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

At the outset, the EU IUU Fishing Coalition would like to express its serious concern about the increased use of objections and opt outs without a robust justification in meetings. This particularly includes objections and opt outs for proposals CPCs have had multiple opportunities to discuss and submit their views. The right to object should be used sparingly, as a measure of last resort, and transparently, otherwise it severely hinders IOTC's mission, generates frustration and loss of momentum. It also further jeopardises the recovery of overfished stocks and thus the livelihoods and food security of coastal communities in the region.

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

- 1) Strengthen compliance by adopting 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 and improving implementation of Resolution 19/04 concerning the IOTC record of vessels authorised to operate in the IOTC area of competence**

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*".³ 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 should be an urgent priority. This will allow the Committee to treat non-compliance issues in line with their gravity and the diversity of situations, in order to provide specific support in enforcement if needed.

¹ <http://www.iuuwatch.eu>

² <http://www.iuuwatch.eu/2019/06/new-report-achieving-transparency-and-combating-iuu-fishing-in-rfmos/>

³ <http://www.iotc.org/documents/report-2nd-iotc-performance-review>

In this regard, **the annual meeting report of the Compliance Committee 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;
- Key suggestions for new actions and processes suggested by the Compliance Committee

In addition, if any CPC requests additional time for submitting further information to the Compliance Committee, 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 regional fisheries bodies, 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 Compliance Committee 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.

The EU IUU Fishing Coalition commends the EU's determination since 2018 for the IOTC to adopt a measure in line with the above, and urges CPCs to support the EU proposal to amend Appendix V of the IOTC Rules of Procedure.

The effective implementation of Resolution 19/04 concerning the IOTC record of vessels authorised to operate in the IOTC area of competence, is crucial to control fishing in the IOTC area and eliminate the IUU fishing activities, particularly that of large scale tuna fishing vessels. In recent years, the IOTC Compliance Committee has highlighted several times the decrease in compliance rates with Resolution 19/04 and commissioned an [analysis](#).⁴ **The findings are alarming.** As of June 2022, **only 4%** of more than 6000 fishing vessels are fully compliant with the data requirements of Resolution 19/04.⁵ Crucial data fields, like vessel photographs, IMO numbers, company ownership information (including beneficial ownership) are amongst those with the lowest rates of compliance.

The EU IUU Fishing Coalition therefore urges CPCs to endorse all recommendations of the reports including:

- **Removing from the current record of authorised vessels (RAV) those vessels whose periods of authorisation have elapsed by more than two years.**
- **Adopting an electronic system to facilitate data upload and update.**
- **Authorising the Secretariat to automatically remove all vessels from the RAV that do not provide full information following a warning.**
- **Agreeing on a definition of a beneficial owner to prevent any misinterpretations.**

⁴ <https://iotc.org/sites/default/files/documents/2023/01/IOTC-2023-WPICMM06-11 - Problems Solutions Implementation R19-04 E.pdf>

⁵ Incomplete vessel records comprised 12 (44%) data fields fully provided and common to all records, and 15 (56%) data fields missing to a lesser or greater extent. The data fields with the lowest rates of compliance are those related to vessel photographs (18%-21%), hold volume (27%) and, crucially, IMO numbers (27%, with two thirds of these vessels corresponding to one single CPC alone). Company and ownership information was also found as severely lacking. Only 40% of the registered vessels had full company details in the record, whereas 80% of the total declared that the information was "not available". While owner and operator details (name and address) had very high compliance rates, information on beneficial ownership, however, was fully provided for less than half of the vessels. For the purposes of the analysis, fields marked as "not available" were counted as complete. This means that the true level of data completeness (i.e. where actual information is provided) is lower than the percentages mentioned.

2) 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. Many other RFMOs, including CCAMLR, GFCM, SPRFMO, SIOFA, and most recently, ICCAT, have 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.

The EU IUU Fishing Coalition urges 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 just those persons engaged in IUU fishing activities, to include 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).

3) Strengthen Resolution 22/02 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 2022⁶, at-sea transshipment events increased by 118% between 2014 and 2021, and the amount of fish transferred rose by 49% during that same period.⁷ As transshipment events and tonnage transfers continue to increase, there is a corresponding need to ensure that each event is properly monitored and regulated by relevant authorities. The adoption of Resolution 22/02 helped improve the transshipment regulatory regime, for instance through the requirement of IMO numbers in transshipment notifications and in the IOTC record of carrier vessels. Nonetheless, there is room for improvement, notably to align the IOTC measures with the Food and Agricultural Organization of the United Nations (FAO) Voluntary Guidelines for Transshipment.⁸

The EU IUU Fishing Coalition therefore recommends that the IOTC adopts the following recommendations to improve monitoring and control of transshipments, in line with the FAO guidelines and in relation to large scale tuna longline vessels (LSTLVs):

- **Mandate the submission of transshipment reports from the LSTLV to the IOTC Secretariat within 24 hours of event completion. This should cover transshipment events that involve any Commission-managed species, regardless of location. Furthermore, ensure that all**

⁶ https://www.iotc.org/sites/default/files/documents/2022/04/IOTC-2022-CoC19-04a_E_-_Report_on_Transshipments.pdf;
https://www.iotc.org/sites/default/files/documents/2022/04/IOTC-2022-CoC19-04b_E_-_IOTC_ROP_Contractor.pdf;
<https://www.iotc.org/documents/iotc-regional-observer-programme-sea-transshipments-%E2%80%93-secretariat%E2%80%99s-report>

⁷ 41,192.34 tonnes in 2014
(https://www.iotc.org/sites/default/files/documents/2015/03/IOTC-2015-CoC12-04a_E_-_Report_on_Transshipment_Res_14-06.pdf) and
61,524.97 tonnes in 2021

(https://www.iotc.org/sites/default/files/documents/2022/04/IOTC-2022-CoC19-04a_E_-_Report_on_Transshipments.pdf)

⁸ <https://www.fao.org/documents/card/en/c/cc1964en>

- relevant actors receive a copy of these reports, such as the flag, coastal and/or port State.
- **Update Paragraph 8 and the corresponding form in Annex III of the transshipment declaration to include the precise geographic location(s) of transshipment events.**
- **Remove country-specific exemptions in the transshipment measure to ensure consistency for all members and vessels.**
- **Require that all vessels involved in transshipment events, including carrier vessels, be flagged to a CPC, or at the very least, to a CNCP, in order to be included on the IOTC-authorised vessel records.⁹**
- **Adopt a letter of intent with SIOFA to improve understanding and prevent misreporting of the transshipment of valuable tuna species under the guise of transfers of non-IOTC managed species.**

4) 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 (e-CDS). CDS offer a cooperative, systematic and collaborative way to ensure the legal provenance of catches throughout the supply chain. 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. Electronic CDS can enable real-time monitoring of import documentation controls, while simplifying and speeding-up procedures by reducing the administrative burden of authorities, ultimately benefiting all actors of the supply chain.

In 2019, the IOTC approved a decision to form a working group to guide the development of a CDS for IOTC. Regrettably, CPCs' engagement is severely lacking, with only few questionnaires having been submitted. This not only delays the process but also risks resulting in lowered ambition, leading to an ineffective, sub-par system.

The EU IUU Fishing Coalition urges CPCs to:

- **Prioritise and expedite the development of an electronic CDS for all IOTC species with overfished species initially prioritised as identified by the Scientific Committee.** The proposed measure should use the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines for Catch Documentation Schemes¹⁰ as a basis.
- **Agree on the proposed CDS Strategy and commit to its proposed timeline of milestones, including on adopting an IOTC CDS Resolution by the end of 2024 at the latest.**

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 reporting 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.
- Given the recent progress being made with the Global Information Exchange System (GIES) for the UN FAO's Port State Measures Agreement (PSMA), the Commission should support the automated connection between the e-PSM application and the GIES, in order to enable exchange of information that is critical to the implementation of the PSMA.

⁹ Acknowledging the complexities associated with Taiwan, Province of China.

¹⁰ <http://www.fao.org/3/a-i8076e.pdf>

- 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 proposal for a way forward for a globally harmonised system.¹¹

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 fish carriers and bunkering vessels, as these vessels are typically authorised to engage in fishing related operations, such as transshipment. This can improve continuous port-to-port operation through 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.

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 repository of all VMS signals of fishing vessels active in the Area of Competence and for species under its purview and be able to use them for enforcement and scientific purposes.

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.

The EU IUU Fishing Coalition commends the recent work and progress by the IOTC VMS Working Group. We call on CPCs to further support its work with the aim of

- **Adopting a measure by the 2024 Commission for the implementation of the 2019 Options Paper For Strengthening the IOTC Vessel Monitoring System,¹² which in part recommends increasing consistency of VMS practices across CPCs and developing a partially centralised VMS.**
- **Agreeing on a timeline with specific milestones such as the launch of a pilot VMS project.**

¹¹ <http://www.iuuwatch.eu/2021/12/seafood-traceability-aligning-rfmo-catch-documentation-schemes-to-combat-iuu-fishing/>

¹² https://www.ccsbt.org/sites/default/files/userfiles/file/temp/Temp_for_CC14/IOTC-2019-WPICMM02-VMS_Study.pdf

- **Finalise the revision of Resolution 15/03 On The Vessel Monitoring System (VMS) Programme by including amendments in line with the above recommendations.**

6) Endorse adoption of the IOTC Working Group on the Development of Electronic Monitoring Standards' program standards, technical standards, and terms and definitions

Resolution 22/04 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 representative operational and catch data, also taking into consideration that IOTC is one of the largest tuna RFMOs, covering nearly 20% of the Earth's surface and manages fisheries worth US\$8.6 billion a year.¹³

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. We commend the creation and work conducted by the IOTC Working Group on the Development of Electronic Monitoring Standards' (WGEMS).

The EU IUU Fishing Coalition calls on CPCs to continue supporting the work of the WGEMS and endorse the adoption of the developed EM terms and definitions, EM program standards, and EM system data standards. Upon adoption, members should push for the development of options for increasing observer coverage levels to 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.

¹³ <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/10/netting-billions-2020-a-global-tuna-valuation>