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

April 2024

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).

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

1. **Adopt a (partially) centralised Vessel Monitoring System**
2. **Adopt a new Recommendation to improve traceability through an electronic Catch Documentation Scheme**
3. **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**
4. **Enhance compliance of beneficial ownership requirements under Resolution 19/04 Concerning the IOTC Record of Vessels Authorised to Operate in the IOTC Area of Competence**
5. **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**
6. **Establish a high seas boarding and inspection scheme to strengthen monitoring, control and surveillance in the Agreement Area**
7. **Adopt measures for safety and security of human observers on large-scale, industrial tuna vessels, providing for transparent reporting of operational incidents at sea and for the crew members involved**

1 <http://www.iuuwatch.eu>

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

1. 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 a 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 regrets that, despite seven meetings since 2021, progress has been slow and the timeline lacks ambition and expeditiousness for such an important monitoring and controlling tool. The development of a (partially) centralised VMS must be a priority for IOTC. We call on CPCs to:

- **Prioritise the work on VMS by increasing engagement with the WG, agree on and launch the pilot project as soon as possible and as part of a broader ambitious timeline.**
- **Adopt a measure during the 2024 Commission meeting 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.**
- **Finalise the revision of Resolution 15/03 On the Vessel Monitoring System (VMS) Programme by including amendments in line with the above recommendations as well as best practices on the access and use of VMS data, such as for investigating IUU fishing cases.**

2. 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. **The development of an electronic CDS for all IOTC species (with overfished species initially prioritised as identified by the Scientific Committee) must be a priority for CPCs.**

In 2019, the IOTC approved a decision to form a working group to guide the development of a CDS for IOTC. Since then, the working group has held 9 meetings. Regrettably, these have been generally poorly attended, and necessary funding to conduct crucial work on the matter has been difficult to secure. Nonetheless, a **4th iteration of the IOTC CDS Strategy** has been published, including clear guidance on the scope and objectives, initial species covered and, importantly, clear time-bound next steps. We therefore urge CPCs to implement this strategy and adopt, as per the timeline, an IOTC CDS Resolution during the 2024 meeting of the Commission.

The EU IUU Fishing Coalition therefore urges CPCs to:

- **Support the timely elaboration of the eCDS concept paper, to be endorsed by mid-2024 at the latest.**
- **Agree on and implement the latest IOTC CDS Strategy, and therefore adopt, by the end of 2024 at the latest, an IOTC CDS Resolution, as per the proposed timeline.**
- **Invest additional capacity in the development of an electronic CDS for all IOTC species, starting with the three tropical tunas and swordfish, as per the latest Strategy.**
- **Consider the transition to a fishery based CDS in early 2026, as per the Strategy's timeline, moving to this system as soon as possible and no later than in 2028.** The proposed measure should use the Food and Agriculture Organization of the United Nations (FAO) Voluntary Guidelines for Catch Documentation Schemes⁴ 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 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.
- 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 a proposal for a way forward for a globally harmonised baseline of key data elements.⁵

3. 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).**

4. Enhance compliance of beneficial ownership requirements under Resolution 19/04 Concerning the IOTC Record of Vessels Authorised to Operate in the IOTC Area of Competence

Ensuring accurate and reliable vessel' ownership information is critical to prevent and combat IUU fishing within the IOTC Convention Area. Resolution 19/04 mandates the submission of comprehensive information regarding the beneficial owner (BO) of a fishing vessel - the person or entity who profits most from the vessel's activities. While article 3.I requires CPCs to submit data on the "Name and address of beneficial owner(s), if known and different from vessel owner/operator or indicate non-availability", the practical implementation has encountered challenges. Regrettably, most CPCs are struggling to share this crucial information, and in many cases what is submitted is inaccurate, or often limited to the registered owner, as demonstrated in the summary compliance reports of 2021-2023.

According to the Compliance Committee and WPICMM reports⁶ and the E-RAV vessel registry, out of the 22 contracting parties and where information exists for the 2021-2023 period, just a third have self-reported 100% compliance at any one time,⁷ and several have not reported beneficial ownership information for their vessels.⁸ All other

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

5 http://www.iuuwatch.eu/wp-content/uploads/2021/12/EU-IUU-Fishing-Coalition_Seafood-Traceability-Report_Dec-2021-1.pdf

6 IOTC-2021-CoC18-03_Rev3 [E], IOTC-2022-WPICMM05-11, IOTC-2022-CoC19-03 [E] and IOTC-2023-CoC20-03 [E].

7 Australia, Kenya, Mauritius, Tanzania and Thailand in 2021, Mozambique in 2021-2023, India in 2022, plus Spain from the EU in 2021-2023.

8 Iran and Philippines, plus France, Italy, Portugal and The Netherlands from the EU for 2021-2023.

parties' reporting has fluctuated in between. Furthermore, there is no clarity on the specific obstacles each contracting party faces and which prevent their compliance.

The EU IUU Fishing Coalition urges IOTC to intensify efforts aimed at enhancing compliance with Resolution

19/04 through the work of the Compliance Committee and WIPCOMM by

- **Seeking clarification from CPCs with 0% compliance on the specific reasons of non-compliance, including the relevant national regulation preventing them from reporting beneficial ownership information.**
- **Working with the CPCs that partially comply to better understand their situation and encourage 100% compliance.**
- **Requesting CPCs to report their national definition of beneficial owner, if defined in their national law, and by considering initiating a discussion on an IOTC working definition of beneficial ownership, taking into account existing national definitions and/or international guidance, such as that of the Financial Action Task Force (FATF)⁹ and OECD.¹⁰**

5. Strengthen Resolution 23/05 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 2022,¹¹ at-sea transshipment events increased by 118% between 2014 and 2021, and the amount of fish transferred rose by 49% during that same period.¹² 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.¹³

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 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-authorized vessel records.¹⁴**

6. Establish a high seas boarding and inspection scheme to strengthen monitoring, control and surveillance in the Agreement Area

Duly established high seas boarding and inspection procedures, as called for in articles 21 and 23 of the UN Fish Stocks Agreement, are crucial to ensure compliance with conservation and management measures. CCAMLR and other RFMOs, like NAFO and more recently SIOFA, have adopted a scheme to ensure effective, transparent, and consistent high seas boardings and inspections in their respective area. Others, like ICCAT, have initiated discussions on expanding relevant pilot projects. The explicit requirement for the establishment of boarding and inspection schemes in certain RFMOs' conventions or agreements is a recognition of their added value in ensuring effective control of fishing activities.

At its 2022 annual meeting, the Commission agreed that the IOTC Working Group on High-Seas Boarding and Inspection (WGHSBI) must be revived, and that Terms of Reference will be developed to define its mandate. **The EU IUU Fishing Coalition calls on all CPCs to actively engage in this**

⁹ <https://www.fatf-gafi.org/en/pages/fatf-glossary.html>

¹⁰ https://www.oecd.org/tax/transparency/documents/effective-beneficial-ownership-frameworks-toolkit_en.pdf

¹¹ 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/sites/default/files/documents/2015/03/IOTC-2015-CoC12-04a_E_-Report_on_Transshipment_Res_14-06.pdf

¹² 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)

¹³ <https://www.fao.org/documents/card/en/cc1964en>

¹⁴ Acknowledging the complexities associated with Taiwan, Province of China.

process, in order to promptly finalise the drafting of these Terms of Reference and begin its work. We urge all CPCs to support the work of the WGHSBI in order to enable the adoption of a high seas boarding and inspection scheme in a timely manner and thereby align with best practices observed in other RFMOs.

7. Adopt measures for safety and security of human observers on large-scale, industrial tuna vessels, providing for transparent reporting of operational incidents at sea and for the crew members involved

Observers play a vital role in ensuring fishing takes place in compliance with applicable conservation and management measures, but these important responsibilities come with high risks of abuse, intimidation, and even physical violence. More generally, fishing remains one of the most dangerous jobs, with reportedly more than 100,000 fishing-related deaths occurring every year, and with IUU fishing one of the main drivers.

Sadly, increasing instances of fisheries observer deaths, as well as violations of fishing crew welfare, have been reported to authorities and NGOs in recent years. IOTC CPCs have a responsibility to minimise these risks within their fleets and jurisdictions, transparently report any operational incidents at sea, and guarantee a safe working environment for human observers.

The EU IUU Coalition calls on CPCs to:

- **Adopt a Conservation and Management Measure for Observer Safety and Security following best practice examples such as WCPFC's (CMM 2017-01 and, building on the Resolution 2018-01) and develop binding Labour Standards for Crew on Fishing Vessels that also address crew welfare;**
- **Ensure transparent reporting by vessel operators and fishery managers by providing 100% transparency and accountable reports that include all aspects of fishing of public resources in general, and investigations into human and labour rights violation in particular;**
- **Ensure licensing authorities keep accurate records on vessels and their crew, taking proactive measures to prevent incidents which violate human and labour rights;**
- **Propose and adopt a new recommendation encouraging Contracting Parties to ratify and effectively implement international instruments such as the ILO C188 on Working in Fishing and IMO Cape Town Agreement on Fishing Vessel Safety.**