

Report of the Ninth Session of the Compliance Committee

Fremantle, Australia 18–20 April, 2012

DISTRIBUTION:

Participants in the Session
Members of the Commission
Other interested Nations and International Organizations
FAO Fisheries Department
FAO Regional Fishery Officers

BIBLIOGRAPHIC ENTRY

IOTC 2012. Report of the Ninth Session of the
Compliance Committee. Fremantle, Australia, 18–20
April 2012.
IOTC–2012–CoC09–R[E], 34 pp

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Indian Ocean Tuna Commission or the Food and Agriculture Organization of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

This work is copyright. Fair dealing for study, research, news reporting, criticism or review is permitted. Selected passages, tables or diagrams may be reproduced for such purposes provided acknowledgment of the source is included. Major extracts or the entire document may not be reproduced by any process without the written permission of the Executive Secretary, IOTC.



The Indian Ocean Tuna Commission has exercised due care and skill in the preparation and compilation of the information and data set out in this publication. Notwithstanding, the Indian Ocean Tuna Commission, employees and advisers disclaim all liability, including liability for negligence, for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying upon any of the information or data set out in this publication to the maximum extent permitted by law.

Contact details:

Indian Ocean Tuna Commission
Le Chantier Mall
PO Box 1011
Victoria, Mahé, Seychelles
Ph: +248 225 494
Fax: +248 224 364
Email: secretariat@iotc.org
Website: <http://www.iotc.org>

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
1. OPENING OF THE SESSION	5
2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION.....	5
3. ADMISSION OF OBSERVERS	5
4. OVERVIEW OF THE IMPLEMENTATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES... 	5
5. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES	7
6. REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS – RES. 10/09.....	7
7. REVIEW OF ADDITIONAL INFORMATION RELATED TO IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE.....	8
8. REVIEW OF THE PROVISIONAL IUU VESSELS LIST AND OF THE INFORMATION SUBMITTED BY CPCs RELATING TO ILLEGAL FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE – RES. 11/03.....	11
9. UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW	12
10. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY.	12
11. OTHER BUSINESS.....	13
12. REVIEW OF THE DRAFT AND ADOPTION OF THE REPORT OF THE NINTH SESSION OF THE COMPLIANCE COMMITTEE	14
APPENDIX I LIST OF PARTICIPANTS	15
APPENDIX II AGENDA FOR THE NINTH SESSION OF THE COMPLIANCE COMMITTEE	19
APPENDIX III LIST OF DOCUMENTS.....	20
APPENDIX IV REFERENCE FISHING CAPACITY AND FLEET DEVELOPMENT PLANS	23
APPENDIX V STATEMENTS OF MAURITIUS AND THE UNITED KINGDOM (OT).....	28
APPENDIX VI CoC: UPDATE ON PROGRESS REGARDING RESOLUTION 09/01 – ON THE PERFORMANCE REVIEW FOLLOW–UP.....	29
APPENDIX VII CONSOLIDATED SET OF RECOMMENDATIONS OF THE NINTH SESSION OF THE COMPLIANCE COMMITTEE (18–20 APRIL, 2012) TO THE COMMISSION	33

EXECUTIVE SUMMARY

The Ninth Session of the Compliance Committee (CoC) of the Indian Ocean Tuna Commission (IOTC) was held in Fremantle, Australia for the on 18–20 April 2012. The meeting was opened by the Chair, Mr Roberto Cesari (European Union). Delegates from 24 Members of the Commission, 0 Cooperating non-Contracting Parties and 9 Observers attended the Session.

The CoC **AGREED** that the purpose of the meeting should be to strengthen compliance among Members, i.e. Contracting Parties, and Cooperating Non-Contracting Parties (CPCs) by firstly reviewing progress made during the 2011/2012 intersessional period, identifying outstanding issues of non-compliance as well identifying the challenges and difficulties that each CPC and notably developing coastal States are facing in enforcing and complying with IOTC Conservation and Management Measures (CMMs), and finally to encourage such improvement during the next intersessional period.

The CoC **NOTED** that the trends in overall fishing capacity can be assessed by comparing the active capacity in 2011 with the reference active capacity in 2006 or 2007. Capacity in 2011 reflects the possible increases in fishing pressure, relative to 2006 or 2007 levels, coming from the implementation of the Fleet Development Plans. In case of differences between CPCs records and IOTC records of active capacity for reference years, CPCs are encouraged to work with the Secretariat to resolve those differences as soon as possible.

The CoC **NOTED** that in 2012, a total of 28 national Reports of Implementation were provided by CPCs (26 Members and 2 Cooperating Non-Contracting Parties), up from 21 in 2011. The CoC stressed the importance of the timely submission of national Reports of Implementation by all CPCs and urged those CPCs who did not meet their reporting obligations in this regard (Eritrea, Guinea, Sierra Leone and Sudan), to provide a national Reports of Implementation to the Secretariat as soon as possible.

The CoC **WELCOMED** the progress made by each CPC on compliance with IOTC CMMs and encouraged each CPC to continue their efforts to improve compliance during the intersessional period.

The CoC **AGREED** that the individual compliance status should be summarized and will constitute the content of the ‘feedback letters on compliance issues’, that will be addressed to the Heads of Delegation during the 16th Session of the Commission (S16) by the Chair of the Commission, including the challenges being experienced by CPCs in implementing the IOTC CMMs.

The CoC **NOTED** paper IOTC-2012-CoC09-08a which outlines reports of IUU fishing activities in the IOTC area of competence from three CPCs. Since the reporting CPCs have not requested that the concerned vessels be placed on the IOTC Draft IUU Vessels List, the information is for the consideration of CPCs and for them to take any action that they may feel is appropriate, at the 9th Session of the Compliance Committee.

The CoC **RECOMMENDED** that those CPCs identified in paper IOTC-2012-CoC09-08c, a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), as well as those CPCs involved in additional cases as referred to in para. 55, investigate and report back to the IOTC via the Secretariat, the findings of their investigations, within three months of the end of the 16th Session of the Commission, by submitting reports on the follow-up on the irregularities identified.

The CoC **RECOMMENDED** that the Commission note that a new Performance Review was intended to occur every five years, and given that the previous review was completed in 2009, the next review should be completed by 2014.

The CoC **RECOMMENDED** that the Commission considers the application for the status of Cooperating Non-Contracting Party of the IOTC by the Democratic People’s Republic of Korea during the 16th Session of the Commission.

The CoC **RECOMMENDED** that the Commission considers the application for renewing the status of Senegal as a Cooperating Non-Contracting Party during the 16th Session of the Commission

The CoC **RECOMMENDED** that the Commission considers the application for renewing the status of South Africa as a Cooperating Non-Contracting Party during the 16th Session of the Commission.

1. OPENING OF THE SESSION

1. The Ninth Session of the Compliance Committee (CoC) of the Indian Ocean Tuna Commission (IOTC) was held in Fremantle, Australia on 18–20 April 2012. The meeting was opened by the Chair, Mr. Roberto Cesari (European Union).
2. The CoC **AGREED** that the purpose of the meeting should be to strengthen compliance among Members, i.e. Contracting Parties, and Cooperating Non-Contracting Parties (CPCs) by firstly reviewing progress made during the 2011/2012 intersessional period, identifying outstanding issues of non-compliance as well identifying the challenges and difficulties that each CPC and notably developing coastal States are facing in enforcing and complying with IOTC Conservation and Management Measures (CMMs), and finally to encourage such improvement during the next intersessional period.
3. Delegates from 24 Members of the Commission, 0 Cooperating non-Contracting Parties and 9 Observers attended the Session. The list of participants is provided at Appendix I.

2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

4. The CoC **ADOPTED** the Agenda as provided at Appendix II. The documents presented to the CoC are listed at Appendix III.

3. ADMISSION OF OBSERVERS

5. Noting Rule XII.2 of the IOTC Rules of Procedure which states that ‘*The procedures of subsidiary bodies of the Commission established in accordance with paragraph 5 of Article XII of the Agreement shall be governed mutatis mutandis by the Rules of procedure of the Commission.*’ and pursuant to Article VII of the Agreement establishing the IOTC, the CoC **ADMITTED** the following observers, as defined in Rule XIII of the IOTC Rules of Procedure:

- i. Russian Federation
- ii. United States of America
- iii. Indian Ocean Commission (IOC)
- iv. International Sustainable Seafood Foundation (ISSF)
- v. Organisation for the Promotion of Responsible Tuna Fisheries (OPRT)
- vi. PEW Charitable Trusts (PEW)
- vii. Greenpeace International
- viii. Southwest Indian Ocean Fisheries Project (SWIOFP)
- ix. US–Japan Research Institute

Invited experts

- i. Invited experts from Taiwan, Province of China

4. OVERVIEW OF THE IMPLEMENTATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES

4.1 General review of the implementation of CMMs

6. The CoC **NOTED** paper IOTC–2012–CoC09–03 which summarised the level of compliance by IOTC Members and Cooperating non-Contracting Parties (CPCs) to some of the more prominent IOTC CMMs. The report is based on information available to the Secretariat as of 22nd March, 2012.
7. The CoC **NOTED** that there are still some CPCs not meeting their obligations to provide information under the various CMMs covered in the paper. Some of the required information is not only important to ensure the completeness of datasets, but also to allow the CoC to fully assess the level of compliance of CPCs with the CMMs to monitor the capacity of fleets actively fishing for tropical tunas, swordfish and albacore.
8. The CoC **ENCOURAGED** all CPCs to respect the deadlines of the process established in Resolution 10/09 *Concerning the functions of the Compliance Committee*, para. 4.

Recommendation/s

9. Noting the specific issues identified during the CoC09, which many CPCs were encountering difficulty in implementing, specifically meeting the 5% minimum observer coverage level, minimum data reporting requirements, implementing the port state measures and a vessel monitoring scheme (particularly for small scale fisheries), and difficulties in interpreting some IOTC's CMMs, the CoC **RECOMMENDED** that CPCs continue efforts in improving their compliance status and in doing so utilize the knowledge and experience available at the IOTC Secretariat to assist them in ensuring they fully understand their obligations as outlined in the various CMMs of the Commission.
10. The CoC also **RECOMMENDED** that due consideration be given to challenges and difficulties of developing CPCs in implementing existing CMMs when drafting new ones.

4.2 IOTC regional observer programme for at-sea transshipments

11. The CoC **NOTED** paper IOTC–2012–CoC09–04a and 4b which provided reports on establishing an observer programme to monitor at-sea transshipment by large-scale fishing vessels in the IOTC area of competence and in particular the alleged cases of non-compliance (see section 7).
12. The CoC **NOTED** that nine fleets have submitted information on carrier vessels authorised to receive at-sea transshipments from their large-scale tuna longline fishing vessels (LSTLVs). This represents a total of 56 carrier vessels that have been expressly authorised to receive at-sea transshipments from participating fleets in the programme.
13. The CoC **NOTED** that in 2011, a total of 42 observer deployments were approved; this excluded deployments that were approved in late 2010, but continued into 2011. A total of 770 transshipment operations were observed, in which 37,443 t of fish were transhipped. Overall, tuna and billfishes accounted for approximately 72% of all species transhipped. In comparison to 2010, the quantity of fish transhipped during 2011 has decreased by 3.5% (1,360 t).

4.3 Review of reference fishing capacity and fleet development plans

14. The CoC **NOTED** papers IOTC–2012–CoC09–05 and 05 Add_1 Rev_1, which summarise the information available to the Secretariat in accordance with IOTC Resolution 09/02 *On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties*, to assist CPCs in assessing compliance with the limitation on fishing capacity, in particular with the provisions of paragraphs 1, 6, 7 and 8.
15. The CoC **NOTED** that the trends in overall fishing capacity can be assessed by comparing the active capacity in 2011 with the reference active capacity in 2006 or 2007. Capacity in 2011 reflects the possible increases in fishing pressure, relative to 2006 or 2007 levels, coming from the implementation of the Fleet Development Plans. In case of differences between CPCs records and IOTC records of active capacity for reference years, CPCs are encouraged to work with the Secretariat to resolve those differences as soon as possible.
16. The CoC **NOTED** that some CPCs have yet to provide a list of their active vessels in 2011, and agreed that these CPCs should do so during the current Session in consultation with the Secretariat.
17. The CoC **NOTED** that in relation to tropical tunas, the results indicate that the active capacity in 2011 (595,495 tons – GRT+GT) seems to have increased slightly relative to the baseline capacity of 2006 (579,899 Tons), but is below the reference limit capacity of 742,520 tons, that was expected for 2011. The lower than expected value is the results of reductions in capacity in most distant water fishing nations, especially those with longline fleets, that have been most affected by piracy in the western Indian Ocean. However, three CPCs that have not recorded a baseline capacity for this fishery have also had vessels targeting tropical tunas in 2011. A revised table containing information provided by CPCs during the CoC09 is provided at Appendix IV.

5. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

18. The CoC **NOTED** that in 2012, a total of 28 national Reports of Implementation were provided by CPCs (26 Members and 2 Cooperating Non-Contracting Parties), up from 21 in 2011. The CoC stressed the importance of the timely submission of national Reports of Implementation by all CPCs and urged those CPCs who did not meet their reporting obligations in this regard (Eritrea, Guinea, Sierra Leone and Sudan), to provide a national Reports of Implementation to the Secretariat as soon as possible.
19. The CoC **REMINDED** CPCs of their obligation under Article X.2 of the IOTC Agreement to transmit to the Commission a national Reports of Implementation on the actions it has taken to make effective the provisions of the IOTC Agreement and to implement Conservation and Management Measures adopted by the Commission. Such Reports of Implementation shall be sent to the Secretary of the Commission not later than 60 days before the date of the following regular session of the Commission.
20. The CoC **AGREED** that specifics relating to each national Reports of Implementation would be considered in conjunction with Agenda item 6, on the country based Compliance Reports prepared by the Secretariat.

Recommendation/s:

21. The CoC **RECOMMENDED** that those CPCs who have not submitted their national Report of Implementation for 2012 should do so as soon as possible. The Secretariat shall follow-up with each such CPC to ensure a national Reports of Implementation is submitted for publication on the IOTC website.

6. REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS – RES. 10/09

6.1 Review of individual CPC Compliance Status against IOTC Conservation and Management Measures

22. The CoC **NOTED** the country based Compliance Reports (IOTC-2012-CoC09-CR01 to CR32) for each CPC, and thanked the Secretariat for developing the reports.
23. The CoC **AGREED** that the development of these reports, based on the Compliance Questionnaire, in addition to the discussion on the identification of areas of non-compliance, was aimed at improving the understanding and implementation of IOTC Conservation and Management Measures by all CPCs. The CoC **AGREED** to individually assess Contracting Parties and Cooperating non-Contracting Parties (CPCs) for their respective compliance with IOTC CMMs and associated reporting requirements. Based on the CPC presentations, and the examination of the country based Compliance Report and the national Reports of Implementation, the CoC noted substantial variations in the degree of compliance by the CPCs.
24. The CoC **WELCOMED** the progress made by each CPC on compliance with IOTC CMMs and encouraged each CPC to continue their efforts to improve compliance during the intersessional period.
25. The CoC **NOTED** the statements from Mauritius and the United Kingdom (OT) provided at Appendix V.
26. The CoC **INVITED** the Secretariat to present information on the fleets from Taiwan, Province of China operating in the IOTC area of competence. Taiwan, Province of China has a large fleet of longliners operating in the Indian Ocean, landing around 85,000 t of tuna and tuna-like species annually. The CoC asked the invited experts from Taiwan, Province of China to provide an overview of the actions that they have taken to comply with all IOTC Conservation and Management Measures.
27. The CoC **NOTED** the actions taken by the fleet of longliners from Taiwan, Province of China, to comply with IOTC Conservation and Management Measures. The CoC was informed that a Report of Implementation had been made available to the Secretariat and could be made available to CPCs upon request.

6.2 Identification of eventual non-compliance cases, CPC information on their Compliance Status (reasons, problems, etc.)

28. The CoC **NOTED** the responses from CPCs on non-compliance issues and agreed to include responses and difficulties in implementation being experienced by each CPC.

6.3 Discussion on follow-up on individual compliance status (intersessional process, and 2013 Compliance Committee discussions)

29. The CoC **AGREED** that the individual compliance status should be summarized and will constitute the content of the 'feedback letters on compliance issues', that will be addressed to the Heads of Delegation during the 16th Session of the Commission (S16) by the Chair of the Commission, including the challenges being experienced by CPCs in implementing the IOTC CMMs.
30. The CoC **NOTED** that eight CPCs (Belize, Eritrea, Guinea, Sierra Leone, Sudan, Senegal, South Africa and Tanzania) were not present at CoC09 and **AGREED** that attendance by all CPCs at each CoC meeting is essential to the effective operation of the Commission.

Recommendation/s

31. The CoC **AGREED** that the Chair of the CoC would provide questions in writing to each of the CPCs who were not in attendance at the CoC meeting. For those CPCs who attend S16, this would be done during the first day of the meeting. For those CPCs who do not attend S16, the 'letter of feedback on compliance issues' would be sent by the IOTC Chair following the Commission meeting and would include an expression of concern given the CPCs absence from the IOTC meetings.
32. The CoC **RECOMMENDED** that the Commission agree to the development and distribution of letters of feedback by the IOTC Chair, highlighting areas of non-compliance to relevant CPCs, together with the difficulties and challenges being faced.
33. The CoC **RECOMMENDED** that the Commission consider developing follow-up actions on the issues contained in Appendix IV, including potential capacity building activities to address these matters, particularly for developing coastal States.

7. REVIEW OF ADDITIONAL INFORMATION RELATED TO IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE

34. The CoC **NOTED** paper IOTC-2012-CoC09-08a which outlines reports of IUU fishing activities in the IOTC area of competence from three CPCs. Since the reporting CPCs have not requested that the concerned vessels be placed on the IOTC Draft IUU Vessels List, the information is for the consideration of CPCs and for them to take any action that they may feel is appropriate, at the 9th Session of the Compliance Committee.

Sudharma and Speed Bird 7

35. The CoC **NOTED** the information provided by Madagascar regarding the IUU activities of two longline and gillnet fishing vessels found fishing whose catch included sharks in the Madagascar EEZ without a valid fishing license, flying the flag of Sri Lanka.

Jin Shyang Yih 666

36. The CoC **NOTED** the information provided by Mauritius regarding the IUU activities of a longline fishing vessel found fishing in the Mauritian EEZ without a valid fishing license, flying the flag of Belize.

Ruang Lap no 8

37. The CoC **NOTED** the information provided by Mauritius regarding the IUU activities of a gillnet fishing vessel, flying the flag of Thailand, found fishing in the Mauritian EEZ without a valid fishing license.

Tawariq 1

38. The CoC **NOTED** the details of the sanctions, included their severity, provided by Tanzania regarding the IUU activities of a longline fishing vessel found fishing in the Tanzanian EEZ without a valid fishing license, not on the IOTC Record of Vessels and without nationality.

Follow-up actions on the decisions of the 15th Session of the Commission

39. The CoC **NOTED** paper IOTC-2012-CoC09-08a Add1 Rev_1, which outlined follow-up actions carried out during the intersessional period by Iran, Oman and Sri Lanka on several issues that were identified by the CoC at its 8th Session in 2011.
40. The CoC **NOTED** that additional information was provided by Malaysia during the intersessional period, and deferred discussion on this matter to agenda item 8 as that information was not satisfactory to the CoC.
41. The CoC **NOTED** paper IOTC-2012-CoC09-08b which provides information from the United Kingdom on IUU fishing in the waters of the Chagos archipelago by fishing vessels flagged to Sri Lanka.
42. The CoC **NOTED** that in 2011 the UK(OT) presented eleven Sri Lankan vessels for IUU listing and outlined previous incidences of IUU fishing by Sri Lankan vessels. Paragraph 74 of the Report of the 15th Session of the Commission, 2011, records the Commission's decision:

'74. The Commission agreed on the severity of the cases under consideration. Notwithstanding the lack of consensus, the Commission agreed to not list the 11 vessels flagged in Sri Lanka in the IOTC IUU Vessels List. In addition, the Commission requested Sri Lanka to report every month, through the IOTC Secretariat, information on the whereabouts of each vessel; as well as communicating final decision from the Sri Lankan Court and fate of each fishing vessel, where applicable. The Commission further agreed that, in the case that any of such vessels is involved in IUU activities in the future, it shall be automatically listed in the IOTC IUU Vessels List.'

43. The CoC **NOTED** that a bilateral exchange of information between the UK(OT) and Sri Lanka has occurred since the 2011 Commission meeting, and welcomed the closer collaboration. However, the UK(OT) indicated that the various initiatives undertaken have failed to address IUU fishing in the waters of the Chagos archipelago.
44. The CoC **NOTED** that since the 2011 Commission meeting a further eleven Sri Lankan vessels have been arrested for illegally fishing in waters of the Chagos archipelago one of which has not yet been reported formally to IOTC. The Sri Lankan Authorities have taken subsequent action with respect to eight vessels and as a result UK(OT) has not recommended that these vessels are included on the IUU list. The UK(OT) nevertheless retains concerns about the ability of the Sri Lankan competent Authorities to control its vessels and meet international obligations. The UK(OT) has requested that two of these vessels be placed on the IOTC IUU Vessels List (see section 8, para. 68 and 71 below).
45. The CoC **NOTED** the UK(OT) statement that Sri Lanka has not complied with the decision of the Commission in 2011 on monthly reporting, producing monthly reports in May, June, July and September 2011 and a summary report on 13 March 2012 only; and, that although Sri Lanka has in excess of 3000 vessels on the IOTC list of authorised vessels, it has failed to comply with its international obligations and those required under IOTC.
46. The CoC **NOTED** the response from Sri Lanka that additional reports were not provided due to no new information being available. However, Sri Lanka committed that it would provide monthly reports in a standardised format into the future, irrespective of whether new information had become available, for each of the vessels identified by the UK(OT). Sri Lanka also committed to provide evidences in a standardised format of the actions undertaken against each vessel engaged in IUU activity when responding to any new events.

Recommendations/s

47. The CoC **RECOMMENDED** that Sri Lanka provide monthly reports including evidences of the actions it had taken against IUU vessels in a standardised format into the future, irrespective of whether new information had become available, for each of the vessels reported to IOTC for IUU fishing.

48. The CoC **RECOMMENDED** that Sri Lanka provide information on their schedule (road map) for the implementation of the vessel monitoring scheme, and regular updates on the passage of new domestic requirements for a high-seas licencing regime, to the Secretariat for circulation to the Commission.

Presumed IUU fishing activities reported by observers under the IOTC Transshipment Programme

49. The CoC **NOTED** paper IOTC-2012-CoC09-08c which provided a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), as recorded by observers deployed under the Programme during 2011, in line with the requirement of IOTC Resolution 11/05 *On establishing a programme for transshipment by large-scale fishing vessels*.
50. The CoC **NOTED** that a total of 84 possible infractions were recorded and these were communicated to the concerned fleets participating in the Programme by the Secretariat, consisting of the following:
- a. 28 inspections where vessel skippers failed to provide valid fishing licenses or authorizations to fish.
 - b. 16 vessels where there was either no VMS on board or where the VMS was not in operation.
 - c. 40 cases where vessel skippers failed to provide fishing logbooks for inspection, or the logbooks were not complete.
51. The CoC **NOTED** that all observer reports for the IOTC at sea transshipment Programme, are forwarded to the countries concerned for information. In this regard, the CoC asked countries to review the reports and follow-up on the irregularities identified, where required. In order to facilitate this task, the CoC requested the IOTC Secretariat to highlight the issues identified by observers when sending the reports to the flag states concerned.
52. The CoC **NOTED** the following responses on the results of investigations of cases of possible infractions that were provided by Indonesia, Korea, Seychelles and Taiwan, Province of China. The CoC noted that the response of Seychelles only partially addressed the cases. The CoC noted that Malaysia, Oman and Thailand had not provided any response. Oman and Thailand made a commitment to provide its results of investigation for the cases involving Omani and Thai flagged vessels.
53. The CoC **NOTED** the commitment from Taiwan, Province of China to provide the following elements on each vessel for use by the observers and vessel Masters: 1) translated material into a language used by the vessel Masters, 2) VMS diagrams including the terminal numbers and the location of each terminal in the wheelhouse and 3) information concerning the necessity for Masters to complete logbooks.
54. The CoC **ENCOURAGED** Thailand and other CPCs experiencing similar situations to follow the same approach as detailed in point one of para. 53.
55. The CoC **NOTED** that in addition to 84 cases contained in paper IOTC-2012-CoC09-08c there are several cases to be investigated by flag CPCs. These are: *i*) at -sea transshipments made by Malaysia and Tanzania without participating in the IOTC ROP ; *ii*) at-sea transshipments made by two carrier vessels, *Futagami* and *Asian Rex*, inside coastal Members EEZs ; *iii*) vessels transferring large amount of catch ; and *iv*) possible infractions reported at the 2011 CoC meeting to which no explanation has been made by the flag CPCs. The Secretariat shall inform the relevant flag CPCs of cases in *iii* and *iv*.

Recommendations/s

56. The CoC **RECOMMENDED** that those CPCs identified in paper IOTC-2012-CoC09-08c, a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), as well as those CPCs involved in additional cases as referred to in para. 55, investigate and report back to the IOTC via the Secretariat, the findings of their investigations, within three months of the end of the 16th Session of the Commission, by submitting reports on the follow-up on the irregularities identified. In order to assist with the comprehensive evaluation of any alleged infringement, copies of the logbooks, VMS plots, licenses and any other relevant documents should be provided by the flag States.

Other presumed IUU fishing activities reported by CPCs

57. The CoC **NOTED** paper IOTC-2012-CoC09-08c which provided comments from Japan on vessels repeating possible infractions observed during at-sea transshipments.

58. The CoC **NOTED** the comments and agreed that the elements that were not addressed by the various CPCs should be incorporated into the 'letters of feedback on compliance issues', to be developed by the Commission.

8. REVIEW OF THE PROVISIONAL IUU VESSELS LIST AND OF THE INFORMATION SUBMITTED BY CPCs RELATING TO ILLEGAL FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE – RES. 11/03

59. The CoC **NOTED** paper IOTC-2012-CoC09-07 which outlined the Provisional IUU Vessels List, and includes both the current list of IUU vessels as well as those proposed for inclusion in the IOTC IUU Vessels list, in accordance with Paragraph 7 of IOTC Resolution 11/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area*.

Ocean Lion

60. The CoC **NOTED** that no new information was available regarding the *Ocean Lion*.

Recommendation/s

61. The CoC **RECOMMENDED** that the *Ocean Lion* remain on the IOTC IUU Vessels List as no further information was provided to the CoC09 during its deliberations.

Yu Maan Won

62. The CoC **NOTED** that no new information was available regarding the *Yu Maan Won*.

Recommendation/s

63. The CoC **RECOMMENDED** that the *Yu Maan Won* remain on the IOTC IUU Vessels List as no further information was provided to the CoC09 during its deliberations.

Gunuar Melyan 21

64. The CoC **NOTED** that no new information was available regarding the *Gunuar Melyan 21*.

Recommendation/s

65. The CoC **RECOMMENDED** that the *Gunuar Melyan 21* remain on the IOTC IUU Vessels List as no further information was provided to the CoC09 during its deliberations.

Hoom Xiang II

66. The CoC **NOTED** that no new information had been provided on the new flag of this vessel.

Recommendation/s

67. The CoC **RECOMMENDED** that the *Hoom Xiang II* remain on the IOTC IUU Vessels List and the government of Malaysia make further efforts to identify the new flag of this vessel.

Consideration of other vessels

68. The CoC **NOTED** both the evidence provided for the inclusion of new vessels on the IOTC IUU Vessels List, and the response received from the flag State.

Speed Bird 3

69. The CoC **NOTED** the information provided by the United Kingdom (OT) in support of a proposed IUU listing for the *Speed Bird 3*, a longline fishing vessel flying the flag of Sri Lanka.
70. The CoC **NOTED** the information provided by Sri Lanka on the *Speed Bird 3* which described the actions that have been taken against the vessel (fines and current legal action) as well as actions that had been taken in order to prevent such situations in the future. On the basis of the information presented, Sri Lanka requested that the CoC not list the vessel on the IOTC IUU Vessels List.

Recommendation/s

71. The CoC **RECOMMENDED** that the Commission consider retaining the *Speed Bird 3* on the Provisional IOTC IUU Vessels List, as permitted under Resolution 11/03 para. 14, until legal proceedings against the vessel have been finalised, and the outcomes communicated to the Commission via the Secretariat. The Commission will then undertake the intersessional decision process established in Resolution 11/03 para.14, with a view to taking a final decision on the vessel.

Muthukumari

72. The CoC **NOTED** the information provided by the United Kingdom (OT) in support of a proposed IUU listing for the *Muthukumari*, a longline fishing vessel flying the flag of Sri Lanka.
73. The CoC **NOTED** the information provided by Sri Lanka on the *Muthukumari* which described the actions that have been taken against the vessel (revoking of the license) as well as actions that had been taken in order to prevent such situations in the future. On the basis of the information presented, Sri Lanka requested that the CoC not list the vessel on the IOTC IUU Vessels List.
74. The CoC **RECALLED** that the change of ownership should be completed while the vessel is still on the Provisional IOTC IUU Vessels List and delisting will not be recommended until this occurs and the relevant information is received by the Secretariat.
75. The CoC **AGREED** that if Sri Lanka were to provide documentation certifying a change of ownership, the vessel could be delisted during the intersessional period, as permitted in Resolution 11/03 para 20-24.

Recommendation/s

76. The CoC **RECOMMENDED** that the Commission consider retaining the *Muthukumari* on the Provisional IOTC IUU Vessels List, as permitted under Resolution 11/03 para. 14, until actions against the vessel have been finalised, and the outcomes communicated to the Commission via the Secretariat. The Commission will then undertake the intersessional decision process established in Resolution 11/03 para. 20-24, with a view to taking a final decision on the vessel.

9. UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW

77. The CoC **NOTED** paper IOTC-2012-CoC09-06 which outlined the current status of implementation for each of the recommendations arising from the Report of the IOTC Performance Review Panel, relevant to the CoC.
78. The CoC **UPDATED** the status table by including a workplan with proposed timelines and priorities for each recommendation relevant to the work of the CoC, for the Commission's consideration.

Recommendation/s:

79. The CoC **RECOMMENDED** that the Commission note the current status of implementation for each of the recommendations arising from the Report of the IOTC Performance Review Panel, relevant to the CoC, as provided in Appendix VI.
80. The CoC **RECOMMENDED** that the Commission note that a new Performance Review was intended to occur every five years, and given that the previous review was completed in 2009, the next review should be completed by 2014.

10. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY***Democratic People's Republic of Korea***

81. The CoC **NOTED** that the Democratic People's Republic of Korea was not present during the CoC09 to present their application for Cooperating Non-Contracting Party status (IOTC-2012-CoC09-CNCP01). As such, the CoC referred this application to the 16th Session of the Commission.

Recommendation/s

82. The CoC **RECOMMENDED** that the Commission considers the application for the status of Cooperating Non-Contracting Party of the IOTC by the Democratic People's Republic of Korea during the 16th Session of the Commission.

Senegal

83. The CoC **NOTED** that Senegal was not present during the CoC09 to present their application for Cooperating Non-Contracting Party status (IOTC-2012-CoC09-CNCP02). As such, the CoC referred this application to the 16th Session of the Commission.

Recommendation/s

84. The CoC **RECOMMENDED** that the Commission considers the application for renewing the status of Senegal as a Cooperating Non-Contracting Party during the 16th Session of the Commission.

South Africa, Republic of

85. The CoC **NOTED** that South Africa was not present during the CoC09 to present their application for Cooperating Non-Contracting Party status (IOTC-2012-CoC09-CNCP03). As such, the CoC referred this application to the 16th Session of the Commission.

Recommendation/s

86. The CoC **RECOMMENDED** that the Commission considers the application for renewing the status of South Africa as a Cooperating Non-Contracting Party during the 16th Session of the Commission.

11. OTHER BUSINESS*11.1 Date and place of the tenth session of the Compliance Committee*

87. The CoC **NOTED** the options available to it in terms of whether the next Session should be held immediately prior to the Commission meeting or at another time in the year.
88. The CoC **RECOMMENDED** that the next Tenth Session of the CoC be held immediately prior to the 17th Session of the Commission. The exact dates and location would be decided by the Commission at its 16th Session.

11.2 Election of a chair and a vice-chair of the Compliance Committee for the next biennium

89. The CoC **CALLED** for nominations for the positions of Chair and Vice-Chair for the next biennium. Mr. Roberto Cesari (European Union) was nominated and re-elected for a second term as Chair, and Dr Damitha de Zoysa (Sri Lanka) was nominated and elected as Vice-Chair of the CoC for the next biennium.

*11.3 Proposals for Conservation and Management Measures to be considered by the 16th Session of the Commission**On an IOTC tropical tunas – yellowfin, bigeye, skipjack – catch documentation programme*

90. The CoC **CONSIDERED** the proposal from the European Union On an IOTC Tropical Tunas - Yellowfin, Bigeye, Skipjack - Catch Documentation Programme (IOTC-2012-S16-PropT Rev_1). The EU advised that this proposal aims at better controlling the catches and trade of the tropical tunas caught in the IOTC area of competence and to combat the IUU fishing in the area and would supersede Resolution 01/06 concerning the IOTC Bigeye tuna Statistical Document Programme. The EU noted that the proposed CDS is identical to the CDS required by the EU under its IUU Regulation (EC 1005/2008) and would therefore constitute no additional burden for the CPCs currently exporting to the EU. The EU also underlined the success of a CDS system in combatting IUU fishing in other RFMOs.
91. The CoC **NOTED** the concerns expressed by several CPCs regarding the implementation of the proposal and deferred further discussion to the 16th Session of the Commission.

On penalties to be applied in case of non fulfilment of reporting obligations in the IOTC

92. The CoC **CONSIDERED** the proposal from the European Union On Penalties to be applied in Case of Non Fulfillment of Reporting Obligations in the IOTC (IOTC-2012-S16-PropU). The EU advised that this proposal would establish a process whereby the Commission may decide, following appropriate review, a system to penalise CPCs who fail to report mandatory nominal catch data.
93. The CoC **NOTED** the concerns expressed by several CPCs regarding the implementation of the proposal and deferred further discussion to the 16th Session of the Commission.

12. REVIEW OF THE DRAFT AND ADOPTION OF THE REPORT OF THE NINTH SESSION OF THE COMPLIANCE COMMITTEE

94. The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC09, provided at Appendix VII.
95. The report of the Ninth Session of the Compliance Committee of the Indian Ocean Tuna Commission was adopted on 20 April 2012.

APPENDIX I

LIST OF PARTICIPANTS

IOTC MEMBERS

AUSTRALIA

Head of Delegation

Mr. Gordon Neil
Department of Agriculture, Fisheries and Forestry
Email: gordon.neil@daff.gov.au

Alternate(s)

Ms. Anna Willock
Department of Agriculture, Fisheries and Forestry, Canberra
Email: anna.willock@daff.gov.au

Ms. Claire van der Geest

Department of Agriculture, Fisheries and Forestry
Email: claire.vandergeest@daff.gov.au

Advisor(s)

Dr. Karen Arthur
Department of Sustainability, Environment, Water, Population and Communities
Email: karen.arthur@environment.gov.au

Mr. Steve Auld

Australian Fisheries Management Authority
Email: Steve.Auld@afma.gov.au

Ms. Elise Clark

Australian Fisheries Management Authority
Email: elise.clark@afma.gov.au

Observer

Ms. Aurélie Buthod
Australian National University
Email:

CHINA

Head of Delegation

Mr. Chen Wan
Division of Distant Water Fishing Bureau of Fisheries
Ministry of Fisheries of China
Email: bofdwf@agri.gov.cn

Alternate(s)

Ms. Mengjie Xiao
Distant Water Fisheries Branch of China Fisheries Association
Email: mengjie.xiao@gmail.com

Advisor(s)

Mr. Liuxiong Xu
Shanghai Ocean University
Email: lx Xu@shou.edu.cn

COMOROS

Head of Delegation

Mr. Ahmed Said Soilihi
Ministère de l'Agriculture, de la Pêche, de l'Environnement, de l'Energie, de l'Industrie et de l'Artisanat
Email: ahmed.ndevou@yahoo.fr

Alternate(s)

Mr. Said Boina
Centre National de Contrôle et des Surveillances des Pêches
Email: saidboina@hotmail.com

EUROPEAN UNION (MEMBER ORGANIZATION)

Head of Delegation

Mr. Roberto Cesari
DG Maritime Affairs and Fisheries
Email: roberto.cesari@ec.europa.eu

Alternate(s)

Mr. Orlando Fachada
DG Maritime Affairs and Fisheries
Email: Orlando.fachada@ec.europa.eu

Ms. Aleksandra Kordecka

DG Maritime Affairs and Fisheries
Email: Aleksandra.kordecka@ec.europa.eu

Mr. Michael Parker

DG Maritime Affairs and Fisheries
Email: michael.parker@ec.europa.eu

Advisor(s)

Ms. Maria Moset Martinez
Ministry of Agriculture, Spain
E-mail: smosetma@magrama.es

Mr. Juan-José Areso

Spanish Fisheries Office
Email: jjareso@seychelles.net

Mr. Julio Morón

OPAGAC
Email: opagac@arrakis.es

FRANCE

Head of Delegation

Mr. Nicolas Gorodetska
Email: nicolas.gorodetska@agriculture.gouv.fr

INDIA

Head of Delegation

Dr. Vijayakumaran Kandachamy
Fishery Survey of India
Department of Animal Husbandry, Dairying and Fisheries
Email: vijayettan@yahoo.com

INDONESIA

Head of Delegation

Mr. Agus A. Budhiman
Director for Fisheries Resources Management

Email: budhiman2004@yahoo.com / budhiman.aab@gmail.com

Alternate(s)

Ms. Erni Widjajanti
Ministry of Marine Affairs and Fisheries
Email: erwijaya@yahoo.com

Mr.s. Fifi Rifiani

Ministry of Marine Affairs and Fisheries
Email: rangga.16111989@yahoo.com

Mr.s. Elvi Wijayanti

Ministry of Marine Affairs and Fisheries
Email:

Mr. Wisnu Dwinanto

Indonesia Consulate General
E-mail: wisnudwinanto@yahoo.co.id

Mr. Yohanis Kambuaya

Indonesian Consulate General-Perth
Email: jsorong05@yahoo.com

Ms. Sere Alina Tampubolon

Ministry of Marine Affairs and Fisheries
E-mail: serealinat@yahoo.com

Mahrus

Ministry of Marine Affairs and Fisheries
E-mail: mahrus_mmaf@yahoo.com

IRAN (ISLAMIC REPUBLIC OF)

Head of Delegation

Mr. Ali Asgar Mojahedi
Iran Fisheries Organization
Email: a_mojahedi@hotmail.com

JAPAN

Head of Delegation

Mr. Shingo Ota
Fisheries Agency
E-mail: shingo_oota@nm.maff.go.jp

Alternate

Mr.s. Miwako Takase
Fisheries Agency
E-mail: miwako_takase@nm.maff.go.jp

Experts and Advisor(s)

Mr. Tsunehiko Motooka
Fisheries Agency
Email: tsunehiko_motooka@nm.maff.go.jp

Dr. Tsutomu Nishida

National Research Institute of Far Seas Fisheries
Email: tnishida@affrc.go.jp

Mr. Masaaki Nakamura

Japan Tuna Fisheries Co-operative Association
Email: gvojyo@japantuna.or.jp

Mr. Nozomu **Miura**
Japan Tuna Fisheries Co-operative
Association
Email: goyojo@japantuna.or.jp

Mr. Sakae **Terao**
Japan Far Seas Purse Seine Fishing
Association
Email: japan@kaimaki.or.jp

KENYA

Head of Delegation
Mr. Godfrey Vincent **Monor**
Ministry of Fisheries Development
Email: monorgv@gmail.com

MADAGASCAR

Head of Delegation
Mr. Désiré **Tilahy**
Directeur Général de la Pêche et des
Ressources Halieutiques
Email: tilahydesire@yahoo.fr

Alternate(s)
Mr. Tantely **Razafindrajery**
Directeur de la Pêche et des Ressources
Halieutiques
Email: jery.tantely@yahoo.fr

Expert

Mr. Harimandimdy **Rasolonjatovo**
Chef du Centre de Surveillance de la
Pêche
Email: rasolo.vevey@blueline.mg

MALAYSIA

Head of Delegation
Mr. Mohd Noor **Noordin**
Department of Fisheries Malaysia
Email: nnn@dof.gov.my

Alternate(s)
Mr. Samsudin **Basir**
Department of Fisheries Malaysia
Email: s_basir@yahoo.com

MALDIVES

Head of Delegation
Dr. Hussain Rasheed **Hassan**
Ministry of Fisheries and Agriculture
Email: hussain.hassan@fishagri.gov.mv

Alternate(s)
Dr. Mohammed Shiham **Adam**
Ministry of Fisheries and Agriculture
Email: msadam@mrc.gov.mv

MAURITIUS

Head of Delegation
Mr. Sreenivasan **Soondron**
Ministry of Fisheries Mauritius
Email: Ssoondron@mail.gov.mu

Alternate(s)
Mr. Mauree **Daroomalingum**
Email: dmauree@mail.gov.mu

Mr. Sunil Panray **Beeharry**
Ministry of Fisheries
MAURITIUS
E-mail: sbeeharry@mail.gov.mu

MOZAMBIQUE

Head of Delegation
Mr. Simeao **Lopes**
National Fisheries Administration
Ministry of Fisheries
Email: slopes@adnap.gov.mz

Alternate(s)
Mr. Manuel **Castiano**
Ministry of Fisheries
Email: mcastiano@mozpesca.gov.mz

Advisor(s)
Ms. Paula Santana **Afonso**
Ministry of Fisheries

Mr. Peter **Flewelling**
Ministry of Fisheries
Email: peteflewelling@yahoo.ca

Mr. Avelino **Munwane**
National Directorate of Fisheries
Administration
Email: avelinoalfiadi@hotmail.com

OMAN

Head of Delegation
Dr. Ahmed Mohammed **Al-Mazrouai**
Ministry of Agriculture and Fisheries
Email: ahmed.mazroui@mofw.gov.om
Ahmed483@omantel.net.com

Advisor(s)
Mr. Tarik Marhoon **Al Mamari**
Fisheries Development Specialist
Email: tariq_almamari@yahoo.com
Almamari1@hotmail.com

PAKISTAN

Head of Delegation
Mr. Agha Sarwar Raza **Qazilbash**
Ministry of Ports & Shipping
Email: secretary@mops.gov.pk

Alternate(s)
Mr. Muhammad **Hafeez**
Fisheries Development Commissioner
Email:

Mr. Shaukat **Hussain**
Marine Fisheries Department
Email: director_mfd@yahoo.com

PHILIPPINES

Head of Delegation
Mr. Benjamin **Tabios Jr.**
Assistant Director for Administrative
Services
Bureau of Fisheries and Aquatic
Resources
Email: btabios@bfar.da.gov.ph

Alternate(s)
Mr. Severino **Escobar Jr.**
Supervising Fishing Regulations Officer
Bureau of Fisheries and Aquatic
Resources
Email: jojo_escobar@yahoo.com

REPUBLIC OF KOREA

Head of Delegation
Jong Hwa **Bang**
Deputy Director for International
Fisheries Division
Korea
Email: icdmomaf@chol.com

Alternate(s)
Mr. Jeongseok **Park**
Fisheries Negotiator
Email: jspark3985@paran.com
icdmomaf@chol.com

Ms. Min-seo **Park**
Ministry of Foreign Affairs and Trade
E-mail: miniheeme@mofat.go.kr

Mr. Zang Guen **Kim**
National Fisheries research and
Development
Email: zgkim@nfrdi.go.kr

Advisor(s)
Mr. Il-Kang **Na**
Korea Overseas Fisheries Association
Email: ikna@kosfa.org

Mr. Sung Deok **Moon**
Sajo Industries
Email: sdmoon@sajo.co.kr

SEYCHELLES

Head of Delegation
Mr. Roy **Clarisse**
Seychelles Fishing Authority
Email: royc@sfa.sc

Advisor(s)
Mr. Vincent **Lucas**
Seychelles Fishing Authority
Email: vlucas@sfa.sc

Ms. Elisa **Socrate**
Seychelles Fishing Authority
Email: esocrate@sfa.sc

SRI LANKA

Head of Delegation
Dr. Damitha **de Zoysa**
Ministry of Fisheries & Aquatic
Resources Dev.
Email: secfisheries@gmail.com

Alternate(s)
Mr. Indra **Ranasinghe**
Ministry of Fisheries and Aquatic
Resources Development
Email: iranapiu@yahoo.com

Advisor(s)

Dr. Chamari **Dissanayake**
National Aquatic Resources Research and
Development Agency (NARA)
Email: chami_dt@yahoo.com

Mr. Nimal **Hettiarachchi**
Department of Fisheries and Aquatic
Resources
Email: nimalhetti@gmail.com

Dr. S. **Subasinghe**
Ministry of Fisheries
Aquatic Research Development
Email: drsuba@hotmail.com

Mr. A.D.P.C. **Wijegoonawardana**
Department of Fisheries and Aquatic
Resources
Email: vrdfar@gmail.com

THAILAND

Head of Delegation
Mr. Pirochana **Saikliang**
Department of Fisheries
Email: pirochas@hotmail.com

Alternate(s)

Mr.s Pattira **Lirdwitayaprasit**
Department of Fisheries
Email: pattiral@hotmail.com

UNITED KINGDOM

Head of Delegation
Dr. Christopher **Mees**
MRAG Ltd.
Email: c.mees@mrage.co.uk

VANUATU

Head of Delegation
Mr. Moses John **Amos**
Department of Fisheries
Email: mjatinapua@gmail.com

Mr. Kevin Lin
Industry Representative
E-mail: kevin.mdfc@msa.hinet.net

COOPERATING NON-CONTRACTING PARTIES

SENEGAL
ABSENT

SOUTH AFRICA
ABSENT

OBSERVERS
RUSSIAN FEDERATION

Dr. Sergey **Leontiev**
Russian Research Institute of
Fisheries and Oceanography
Email: leon@vniro.ru

UNITED STATES OF AMERICA

Dr. Randall **Robinson**
Foreign Service Officer
US Department of State
Email: RobinsonR2@state.gov

FAO

Mr. Franck **Chopin**
FAO
Email: Francis.chopin@fao.org

INDIAN OCEAN COMMISSION

Jude **Talma**
Commission de l'Océan Indien
Email: jude.talma@coi-ioc.org

SWIOFP

Mr. Rondolph **Payet**
SWIOFP
Email: rpayet@gmail.com

**INTERNATIONAL SEAFOOD
SUSTAINABILITY FOUNDATION**

Dr. Kathryn **Matthews**
ISSF
Email: kmatthews@iss-foundation.org

OPRT

Kuan-Ting **Lee**
OPRT
Email: simon@tuna.org.tw

PEW ENVIRONMENT GROUP

Ms. Kristin **Von Kistowski**
Pew Environment Group
Email: kristin@kistowski.de

GREENPEACE INTERNATIONAL

Mr. Sebastian **Losada**
Greenpeace International
Email: slosada@greenpeace.org

US-JAPAN RESEARCH INSTITUTE

Prof Atsushi **Ishii**
Researcher
Email: ishii@cneas.tohoku.ac.jp

Prof Isao **Sakaguchi**
Researcher
Email: 20050137@gakushuin.ac.jp

INVITED EXPERTS

Wallace M.G **Chow**
Email: mgchow@mofa.gov.tw

Dr. Shih-Ming **Kao**
National Sun Yat-Sen University

Chi-Chao **Liu**
Email: chichao@msl.fao.gov.tw

Ms. Shu-Min **Lee**
Email: shumin@msl.fao.gov.tw

Mr. Wei-Yang **Liu**
Email: weiyang@ofdc.org.tw

OFFICER OF THE COMMITTEE ON COMPLIANCE AT THE 9TH SESSION
CHAIRPERSON

Mr. Roberto **Cesari**
DG Maritime Affairs and Fisheries
Email: roberto.cesari@ec.europa.eu

IOTC SECRETARIAT

Mr. Alejandro **Anganuzzi**
Executive Secretary
Indian Ocean Tuna Commission
aa@iotc.org

Dr. David **Wilson**
Deputy Secretary/ Science Manager
Indian Ocean Tuna Commission

dw@iotc.org

Mr. Gerard **Domingue**
Compliance Coordinator
Indian Ocean Tuna Commission
Email: gd@iotc.org

Mr. Julien **Million**
Fisheries Officer

Indian Ocean Tuna Commission
jm@iotc.org

Mr. Florian **Giroux**
Fishery Officer
Indian Ocean tuna Commission
Email: fg@iotc.org

Mr. Raschad **Al-Khafaji**
Liaison and Meetings Officer
Food and Agriculture Organization
of the United Nations (**FAO**)
Email: Raschad.ALKhafaji@fao.org

Ms. Claudia **Marie**
Programme Assistant
Indian Ocean Tuna Commission
Email: cm@iotc.org

Mr. Olivier **Roux**
Translator
Email: Olivier@otolithe.com

SUPPORT STAFF

Mr. Johnathon **Davey**
Email: johnathon.davey@daff.gov.au

Ms. Rebecca **Prasad**
Email: rebecca.prasad@daff.gov.au

INTERPRETERS

Mr. Bertold **Schmitt**
Email: b.schmitt@aiic.net

Mr. Manuel **Pastor**
Email: manuelpastor@bigpond.com

Ms. Axelle **Chazal**
Email: axelle.chazal@gmail.com

Mr. Jean-Pierre **Allain**
Email: jp.allain@aiic.net

Ms. Suzanne **Kobine-Roy**
Email: suzanne@in-other-words.cc

Ms. Sabine **Bouladon**
Email: sabinebouladon@grapevine.net.au

APPENDIX II

AGENDA FOR THE NINTH SESSION OF THE COMPLIANCE COMMITTEE

- 1. OPENING OF THE SESSION (Chair)**
- 2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION (Chair)**
- 3. ADMISSION OF OBSERVERS (Chair)**
- 4. OVERVIEW OF THE IMPLEMENTATION OF IOTC CONSERVATION OF MANAGEMENT MEASURES (Chair)**
- 5. NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (Chair)**
- 6. REVIEW OF THE COUNTRY BASED COMPLIANCE REPORTS - RES.10/09 (Chair)**
- 7. REVIEW OF ADDITIONAL INFORMATION RELATED TO IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE (Chair)**
- 8. REVIEW OF THE PROVISIONAL IUU VESSELS LIST AND OF THE INFORMATION SUBMITTED BY CPCs RELATING TO ILLEGAL FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE – RES.11/03 (Chair)**
- 9. UPDATE ON PROGRESS REGARDING THE PERFORMANCE REVIEW (Chair)**
- 10. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY**
- 11. OTHER BUSINESS (Chair)**
 - 11.1 Date and place of the tenth session of the Compliance Committee.
 - 11.2 Election of a Chair and a Vice-chair of the Compliance Committee for the next biennium.
 - 11.3 Proposals for Conservation and Management Measures to be considered by the 16th Session of the Commission.
- 12. REVIEW OF THE DRAFT AND ADOPTION OF THE REPORT OF THE NINTH SESSION OF THE COMPLIANCE COMMITTEE (Chair)**

APPENDIX III
LIST OF DOCUMENTS

Document	Title	Availability
IOTC-2012-CoC09-01a	Draft agenda for the Ninth Session of the Compliance Committee	31 January & 10 April, 2012
IOTC-2012-CoC09-01b	Draft annotated agenda for the Ninth Session of the Compliance Committee	10 April, 2012
IOTC-2012- CoC09-02	Draft list of documents for the Ninth Session of the Compliance Committee	26 March, 2012
IOTC-2012- CoC09-03 Rev_2	Review of the implementation of IOTC Conservation and Management Measures	28 March, 12 April & 16 April 2012
IOTC-2012- CoC09-04a Rev_1	IOTC Regional Observer Programme for at-sea transshipments – Secretariat’s Report	23 March & 6 April 2012
IOTC-2012- CoC09-04b	IOTC Regional Observer Programme for at-sea transshipments – Contractor’s Report	7 March, 2012
IOTC-2012- CoC09-05	Review of reference fishing capacity and fleet development plans	7 April, 2012
IOTC-2012-CoC09-05 Add_1 Rev_1	Collection of fleet development plans	13 April & 17 April 2012
IOTC-2012- CoC09-06	Update on progress regarding the Performance Review (Resolution 09/01).	31 January, 2012
IOTC-2012- CoC09-07	Review of the Provisional IUU Vessels List	4 April, 2012
IOTC-2012- CoC09-08a	Complementary elements for discussion under item 8 of the agenda for the Compliance Committee	23 March, 2012
IOTC-2012- CoC09-08a Add_1	Concerning the follow-up actions on the decisions of the 15th session of the commission	17 April, 2012
IOTC-2012- CoC09-08b	A note on IUU Fishing in BIOT waters by fishing vessels flagged in Sri Lanka submitted to the 9 th IOTC Compliance Committee Meeting – <i>prepared by the UK</i>	23 March, 2012
IOTC-2012- CoC09-08c Rev_1	Summary report on possible infractions observed under the Regional Observer Programme	23 March, 13 April 2012
IOTC-2012- CoC09-08c Add_1	Japan’s Comments on Possible Infractions Observed during At-sea Transshipment submitted to the 9 th IOTC Compliance Committee Meeting	17 April, 2012
<i>Requests for the of Cooperating non-Contracting Party status</i>		
IOTC-2012- CoC09-CNCP01	Request for the status of Cooperating non-Contracting Party by the Democratic Peoples’ Republic of Korea	21 September, 2011
IOTC-2012- CoC09- CNCP02	Request for the status of Cooperating non-Contracting Party by Senegal	2 February, 2012
IOTC-2012- CoC09- CNCP03	Request for the status of Cooperating non-Contracting Party by South Africa, Republic of	26 March, 2012
<i>Compliance Reports – Members</i>		
IOTC-2012-CoC09-CR01 Rev_1	Australia	16 March, 13 April 2012
IOTC-2012-CoC09-CR02 Rev_1	Belize	16 March, 13 April 2012
IOTC-2012-CoC09-CR03 Rev_2	China	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR04 Rev_1	Comoros	16 March, 17 April 2012

IOTC-2012-CoC09-R[E]

IOTC-2012-CoC09-CR05	Eritrea	16 March, 2012
IOTC-2012-CoC09-CR06 Rev_2	European Union	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR07 Rev_1	France (territories)	16 March, 13 April 2012
IOTC-2012-CoC09-CR08 Rev_1	Guinea	16 March, 13 April 2012
IOTC-2012-CoC09-CR09 Rev_2	India	16 March, 13 & 17 April 2012
IOTC-2012-CoC09-CR10 Rev_1	Indonesia	16 March, 13 April 2012
IOTC-2012-CoC09-CR11 Rev_3	Iran, Islamic Republic of	16 & 19 March, 17 April 2012
IOTC-2012-CoC09-CR12 Rev_1	Japan	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR13 Rev_2	Kenya	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR14 Rev_1	Korea, Republic of	16 March, 13 April 2012
IOTC-2012-CoC09-CR15 Rev_1	Madagascar	16 March, 13 April 2012
IOTC-2012-CoC09-CR16 Rev_1	Malaysia	16 & 19 March, 2012
IOTC-2012-CoC09-CR17 Rev_1	Maldives	16 & 19 March, 2012
IOTC-2012-CoC09-CR18 Rev_2	Mauritius	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR19 Rev_1	Mozambique	16 March, 13 April 2012
IOTC-2012-CoC09-CR20 Rev_2	Oman	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR21 Rev_1	Pakistan	16 March, 13 April 2012
IOTC-2012-CoC09-CR22 Rev_2	Philippines	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR23 Rev_2	Seychelles	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR24 Rev_1	Sierra Leone	16 & 19 March, 2012
IOTC-2012-CoC09-CR25 Rev_2	Sri Lanka	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR26	Sudan	16 March, 2012
IOTC-2012-CoC09-CR27 Rev_2	Tanzania, United Republic of	16 & 19 March, 13 April 2012
IOTC-2012-CoC09-CR28 Rev_1	Thailand	16 March, 13 April 2012
IOTC-2012-CoC09-CR29 Rev_1	United Kingdom (territories)	16 & 19 March, 2012
IOTC-2012-CoC09-CR30 Rev_2	Vanuatu	16 & 19 March, 13 April 2012
<i>Compliance Reports – Cooperating non-Contracting Parties</i>		
IOTC-2012-CoC09-CR31 Rev_1	Senegal	16 March, 13 April 2012
IOTC-2012-CoC09-CR32 Rev_1	South Africa	16 March, 13 April 2012
<i>Implementation Reports – Members</i>		
IOTC-2012-CoC09-IR01	Australia	23 February, 2012
IOTC-2012-CoC09-IR02	Belize	6 March, 2012

IOTC-2012-CoC09-R[E]

IOTC-2012-CoC09-IR03 Rev_1	China	22 February & 9 March, 2012
IOTC-2012-CoC09-IR04	Comoros	23 February, 2012
IOTC-2012-CoC09-IR05	Eritrea	Overdue
IOTC-2012-CoC09-IR06 Rev_1	European Union	15 February & 6 March, 2012
IOTC-2012-CoC09-IR07	France (territories)	12 April, 2012
IOTC-2012-CoC09-IR08	Guinea	Overdue
IOTC-2012-CoC09-IR09	India	30 March, 2012
IOTC-2012-CoC09-IR10	Indonesia	9 April, 2012
IOTC-2012-CoC09-IR11	Iran, Islamic Republic of	28 February, 2012
IOTC-2012-CoC09-IR12	Japan	17 February, 2012
IOTC-2012-CoC09-IR13	Kenya	28 March, 2012
IOTC-2012-CoC09-IR14	Korea, Republic of	17 February, 2012
IOTC-2012-CoC09-IR15	Madagascar	27 March, 2012
IOTC-2012-CoC09-IR16	Malaysia	7 March, 2012
IOTC-2012-CoC09-IR17	Maldives	8 March, 2012
IOTC-2012-CoC09-IR18	Mauritius	20 March, 2012
IOTC-2012-CoC09-IR19	Mozambique	12 March, 2012
IOTC-2012-CoC09-IR20	Oman	19 April, 2012
IOTC-2012-CoC09-IR21	Pakistan	15 March, 2012
IOTC-2012-CoC09-IR22 Rev_1	Philippines	6 & 24 March, 2012
IOTC-2012-CoC09-IR23 Rev_1	Seychelles	24 February, 2012 & 1 March, 2012
IOTC-2012-CoC09-IR24	Sierra Leone	Overdue
IOTC-2012-CoC09-IR25 Rev_1	Sri Lanka	8 & 13 March, 2012
IOTC-2012-CoC09-IR26	Sudan	Overdue
IOTC-2012-CoC09-IR27	Tanzania, United Republic of	22 March, 2012
IOTC-2012-CoC09-IR28	Thailand	28 February, 2012
IOTC-2012-CoC09-IR29	United Kingdom (territories)	5 March, 2012
IOTC-2012-CoC09-IR30	Vanuatu	20 April, 2012
Implementation Reports – Cooperating non-Contracting Parties		
IOTC-2012-CoC09-IR31	Senegal	16 April, 2012
IOTC-2012-CoC09-IR32	South Africa	18 April, 2012

APPENDIX IV
REFERENCE FISHING CAPACITY AND FLEET DEVELOPMENT PLANS

Table 1. The reference limits on fishing capacity based on the tonnage of vessels declared as active in 2006 – for tropical tunas.

CPCs		A. Reference 2006	B. Planned FDPs 2007- 2011	Reference capacity at 2011 (A+B)	Active capacity in 2011	Capacity planned to be added under Fleet Development Plan									
						2012	2013	2014	2015	2016	2017	2018	2019	2020	2025
Australia	(GRT)	3,312		3,312	2,528										
Belize	(GT)		2,000	2,000											
China	(GT)	27,216		27,216	7,086										
Comoros															
Eritrea															
European Union	(GT)	94,450	4,923	99,373	60,345										
France (OT)	(GT)	1,390	9,276	10,666	12,632				1286					2,143	
Guinea	(GRT)	1,439		1,439											
India	(GRT)	32,950	1,400	34,350	14,749	1,400	1,400	1,800	1,800	1,250	1,250	1,100	600	600	
Indonesia	(GT)	124,011	63,484	187,495	(180,895)	6,600	6,600	6,600	6,270						
Iran	(GT)	92,653	10,950	103,603	98,071	8,850	15,500	22,150							
Japan	(GT)	91,076		91,076	43,287										
Kenya	(GT)				(670)										
Korea, Republic of	(GT)	15,274		15,274	2,833										
Madagascar	(GT)	263		263	274										
Malaysia	(GRT)	2,299	2,627	4,926	(904)	4,404									
Maldives	(GT)		698	698	(15,808)	68	90	68	68	68	68	68	45	45	
Mauritius	(GRT)	1,931	8,163	10,094	4,007	8,163	8,163	8,163	8,163						
Mozambique	(GRT)				406										
Oman	(GT)	3,126	4,819	7,945	(7,661)	1,146	1,146	1,146	1,146						5,730
Pakistan	(GT)		10,000	10,000	1,130	10,000	10,000	10,000	10,000						
Philippines	(GRT)	10,304		10,304	1,683										
Seychelles	(GT)	41,735	4,955	46,690	34,541	18,556	18,556	18,556	18,556	18,556					
Sierra Leone															
Sri Lanka	(GT)	18,436	9,760	28,196	(63,183)	10,800	45,156	67,000	94,000						
Sudan															
Tanzania	(GT)				(2,411)										
Thailand	(GT)	13,771	6,375	20,146	14,248	12,750	10,625	10,625							
U. K. (OT)	(GT)														
Vanuatu	(GT)		25,875	25,875	(21,558)										
Senegal	(GRT)	1,250		1,250	(1,250)										
South Africa	(GRT)	3,013	3,800	6,813	(3,335)										
Total	(GRT + GT)	579,899	169,105	749,004	595,495	82,737	117,236	146,108	141,289	19,874	1,318	1,168	645	2,788	5,730
Difference relative to 2006 Baseline				129%	103%										219%

The European Union, France (OT) and Iran (IR. of) have informed that they will verify their figures for the FDP and revert back to the Secretariat after the 16th IOTC Session N.B. Estimates of capacity, figures in brackets, for CPCs that have not reported their active vessels list for 2011 are based on their list of authorised vessels on 30th March, 2012.

Table 2. The reference limits on fishing capacity based on the number of vessels declared as active in 2006 – for tropical tunas.

CPCs	A. Reference 2006	B. Planned FDPs 2007- 2011	Reference capacity at 2011 (A+B)	Active capacity in 2011	Capacity to be added under Fleet Development Plan									
					2012	2013	2014	2015	2016	2017	2018	2019	2020	2025
Australia	10		10	9										
Belize		1	1											
China	67		67	16										
Comoros														
Eritrea														
European Union	40	24	64	27										
France (OT)	2	4	6	5				15					25	
Guinea	3		3											
India	70	12	82	51	12	12	12	12	7	7	6	5	5	
Indonesia	1,201	509	1,710	(1,202)	60	60	60	57						
Iran	1,016	14	1,030	1,251	11	20	29							
Japan	227		227	70										
Kenya				(2)										
Korea, Republic of	38		38	7										
Madagascar	2		2	4										
Malaysia	28	32	60	(9)	24									
Maldives	0	31	31	(711)	3	4	3	3	3	3	3	2	2	
Mauritius	8	15	23	4	15	15	15	15						
Mozambique				1										
Oman	24	37	61	(41)	7	7	7	7						35
Pakistan	0	30	30	10	30	30	30	30						
Philippines	18		18	3										
Seychelles	34	11	45	31	11	11	11	11	11					
Sierra Leone														
Sri Lanka	1,001	130	1,131	(3,307)	250	296	220	300						
Sudan														
Tanzania				(8)										
Thailand	9	30	39	(14)	30	25	25							
U. K. (OT)														
Vanuatu		48	48	(40)										
Senegal	3		3	(3)										
South Africa	13	10	23	(12)										
Total	3,814	938	4,752	6,838	453	480	412	450	21	10	9	7	32	35

The European Union, France (OT) and Iran (IR. of) have informed that they will verify their figures for the FDP and revert back to the Secretariat after the 16th IOTC Session.

N.B. Estimates of number of vessels, figures in brackets, for CPCs that have not reported their active vessels list for 2011 are based on their number of authorised vessels on 30th March, 2012.

Table 3. The reference limits on fishing capacity based on the tonnage of vessels declared as active in 2007 – for swordfish and albacore.

CPCs		A. Reference 2007	B. Planned FDPs 2008- 2011	Reference capacity at 2011 (A+B)	Active capacity in 2011	Capacity to be added under Fleet Development Plans			
						2012	2013	2014	2015
Australia	(GRT)				506				
Belize	(GRT)	1,620	200	1,820	1,256	200	200	200	200
China	(GT)		2,941	2,941	1,745				
Comoros									
Eritrea									
European Union	(GT)	21,922	3,375	25,297	10,482				
France (OT)	(GT)								
Guinea	(GRT)								
India	(GRT)								
Indonesia	(GT)								
Iran	(GT)								
Japan	(GT)								
Kenya	(GT)								
Korea, Republic of	(GT)								
Madagascar	(GT)								
Malaysia	(GRT)								
Maldives	(GT)								
Mauritius	(GRT)				245				
Mozambique	(GRT)								
Oman	(GT)								
Pakistan	(GT)								
Philippines	(GRT)								
Seychelles	(GT)	536		536					
Sierra Leone									
Sri Lanka	(GT)								
Sudan									
Tanzania	(GT)								
Thailand	(GT)								
U. K. (OT)	(GT)								
Vanuatu	(GT)								
Senegal	(GRT)								
South Africa	(GRT)		100	100		449	499		
Total	(GRT+GT)	24,078	6,616	30,694	14,234	649	699	200	200
Difference relative to 2007 Baseline				127%	59%				135%

Table 4. The reference limits on fishing capacity based on the number of vessels declared as active in 2007 – for swordfish and albacore

CPCs	A. Reference 2007	B. Planned FDPs 2008- 2011	Reference capacity at 2011 (A+B)	Active capacity in 2011	Capacity to be added under Fleet Development Plans			
					2012	2013	2014	2015
Australia				4				
Belize	10	1	11	7	1	1	1	1
China		10	10	5				
Comoros								
Eritrea								
European Union	72	15	87	47				
France (OT)								
Guinea								
India								
Indonesia								
Iran								
Japan								
Kenya								
Korea, Republic of								
Madagascar								
Malaysia								
Maldives								
Mauritius				4				
Mozambique								
Oman								
Pakistan								
Philippines								
Seychelles	1		1					
Sierra Leone								
Sri Lanka								
Sudan								
Tanzania								
Thailand								
U. K. (OT)								
Vanuatu								
Senegal								
South Africa		1	1		3	2		
Total	83	27	110	67	4	3	1	1

APPENDIX V
STATEMENTS OF MAURITIUS AND THE UNITED KINGDOM (OT)

“The Government of the Republic of Mauritius does not recognize the so-called “British Indian Ocean Territory” (“BIOT”) which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its independence. This excision was carried out in violation of United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

The Government of the Republic of Mauritius reiterates that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius under both Mauritian law and international law.

The Government of the Republic of Mauritius does not also recognize the existence of the ‘marine protected area’ which the United Kingdom has purported to establish around the Chagos Archipelago. On 20 December 2010, Mauritius initiated proceedings against the United Kingdom under Article 287 and Annex VII to the United Nations Convention on the Law of the Sea to challenge the legality of the ‘marine protected area.’”

“The UK has no doubt about its sovereignty over the British Indian Ocean Territory which was ceded to Britain in 1814 and has been a British dependency ever since. As the UK Government has reiterated on many occasions, we have undertaken to cede the Territory to Mauritius when it is no longer needed for defence purposes.”

APPENDIX VI

CoC: UPDATE ON PROGRESS REGARDING RESOLUTION 09/01 – ON THE PERFORMANCE REVIEW FOLLOW-UP

(NOTE: NUMBERING AND RECOMMENDATIONS AS PER APPENDIX I OF RESOLUTION 09/01)

ON CONSERVATION AND MANAGEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Data collection and sharing				
4. The deadline to provide data on active vessels be modified to a reasonable time in advance of the meeting of the Compliance Committee. This deadline is to be defined by the Compliance Committee.	<i>Compliance Committee</i>	Completed: Resolutions 10/07 and 10/08 have modified the reporting date for active vessels, which is now in the month preceding the meeting of the Compliance Committee. Resolution 10/08 establishes February 15 th as the new deadline for submission of the list of active vessels for the previous year.	Periodic review of Resolutions.	Low
7. Non-compliance be adequately monitored and identified at individual Member level, including data reporting.	<i>Compliance Committee</i>	Ongoing: Resolution 10/09 has partially been developed for this purpose. Reports on compliance with data reporting requirements have been regularly reviewed by the Compliance Committee, as well as discussed at the species Working Parties, the Working Party on Data Collection and Statistics and the Scientific Committee. For the Compliance Committee meetings, country-based reports have been prepared for this purpose since the 2011 meeting. A first implementation of this approach took place in the Compliance Committee meeting 2011 (Colombo, Sri Lanka). There remains a need to setup a scheme of penalties and incentives.	Annual review at Compliance Committee meeting	High
8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>	Ongoing: The Terms of Reference of the Compliance Committee was revised in 2010 (Resolution 10/09) and provides for the assessment of compliance by CPCs. The Secretariat, via the Compliance Section, maintains contact with national officers to determine the reasons for non-compliance, in particular, concerning data reporting. The identification of non-compliance causes started with the country based approach (Compliance Committee meeting 2011 – Colombo, Sri Lanka).	Review annually at the Compliance Committee meeting	High

9. When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not comply be adequately sanctioned (such as market related measures).	<i>Compliance Committee</i>	Pending: Resolution 10/10 provides the necessary framework in which to apply market related measures, following an appropriate process. Reductions in future quota allocation have been proposed as deterrents for non-compliance. Process still to be implemented	Review annually at the Compliance Committee meeting	High
17. The obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).	<i>Compliance Committee</i>	Completed: Resolutions 10/07 and 10/08 address the reporting requirements of flag and coastal States responsibilities, with regards to vessels that are active in the IOTC Area.	Review annually at the CoC meetings	Medium
Quality and provision of scientific advice				
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>	Ongoing: The Working Party on Data Collection and Statistics and the species Working Parties evaluate the availability and quality of data, and make recommendations to the Scientific Committee on how to improve data quality. The country-based compliance report submitted to the Compliance Committee provides information on the timeliness and completeness of the reporting of data required by the various Resolutions of the Commission.	Review annually at the CoC meeting.	High
ON COMPLIANCE AND ENFORCEMENT	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Monitoring, Control and Surveillance				
51. IOTC should develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such a possible on-board regional observers' scheme, a possible catch documentation scheme as well as a possible system on boarding and inspection.	<i>Compliance Committee</i>	Ongoing: IOTC already has an extensive number of MCS related measures. However, the implementation of these measures are the duty and responsibility of the CPCs. Proposals to introduce a catch documentation scheme, especially for the major IOTC species, have until now been rejected by CPCs. Resolution 11/04 – observers and field samplers are required to monitor the landing and unloading of catches respectively	Review annually at IOTC meetings.	High
Follow-up on infringements				

53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>	Ongoing: The Compliance Committee, under its revised terms of reference, was in a better position to assess such cases through the country-based Compliance Reports, and will continue to do so in 2012.	Review annually at IOTC meetings	High
54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.	<i>Compliance Committee</i>	Pending: The Compliance Committee, under its revised terms of reference, shall develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs.	Commence in 2012. Small working group of CPCs to lead.	High
Cooperative mechanisms to detect and deter non-compliance				
56. A structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force should be developed by the Compliance Committee.	<i>Compliance Committee</i>	Ongoing: Since the 2011 Compliance Committee meeting, country-based reports have been prepared for this purpose on the basis of the Resolution 2010/09.	Review annually at the CoC meeting	High
57. CPCs should be reminded of their duty to implement in their national legislations the conservation and management measures adopted by IOTC.	<i>Compliance Committee</i>	Ongoing: CPCs are reminded annually about the responsibility of integrating IOTC conservation and management measures in their national legislation. The Reports of Implementation, mandated in the IOTC Agreement, provide a mechanism to monitor progress of implementation at the national level.	Review annually at IOTC meetings	High
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>	Ongoing: Reminders are sent to CPCs prior to the Commission meeting and a template has been developed by the Secretariat to facilitate the preparation of national reports on implementation of IOTC measures. Compliance with this requirement is assessed in the country-based compliance reports.	Review annually at IOTC meetings	High
59. The sense of accountability within IOTC seems to be very low; therefore more accountability is required. There is probably a need for an assessment of the performance of CPCs.	<i>Compliance Committee</i>	Ongoing: The revised terms of reference of the Compliance Committee now facilitates this assessment in the form of the country reports prepared for the Compliance Committee meeting.	Review annually at IOTC meetings	High

60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>	Ongoing: Resolution 11/05 provides for an observer programme to monitor at sea transshipments, by placing observers on carrier vessels. Resolution 11/04 (superseding Resolution 09/04 and 10/04) establishes a Regional Observer Scheme that includes observers on board fishing vessels and port sampling for artisanal fisheries. Implementation remains pending for a number of CPCs.	Review annually at IOTC meetings	Medium
ON INTERNATIONAL COOPERATION	RESPONSIBILITY	UPDATE/STATUS	WORKPLAN/TIMELINE	PRIORITY
Relationship to non cooperating non Members				
70. When non-cooperation is identified and all reasonable efforts to improve the situation are exhausted, any non-Members continuing not to cooperate should be adequately sanctioned by, for example, market related measures.	<i>Compliance Committee</i>	Ongoing: Resolution 10/10 provides the necessary framework in which to apply market related measures. Actions are to be taken by the Compliance Committee, under its revised terms of reference. However, the creation of a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs is still pending .	Review annually at IOTC meetings	High

APPENDIX VII
CONSOLIDATED SET OF RECOMMENDATIONS OF THE NINTH SESSION OF THE
COMPLIANCE COMMITTEE (18–20 APRIL, 2012) TO THE COMMISSION

- CoC09.01 (para. 9) Noting the specific issues identified during the CoC09, which many CPCs were encountering difficulty in implementing, specifically meeting the 5% minimum observer coverage level, minimum data reporting requirements, implementing the port state measures and a vessel monitoring scheme (particularly for small scale fisheries), and difficulties in interpreting some IOTC's CMMs, the CoC **RECOMMENDED** that CPCs continue efforts in improving their compliance status and in doing so utilize the knowledge and experience available at the IOTC Secretariat to assist them in ensuring they fully understand their obligations as outlined in the various CMMs of the Commission.
- CoC09.02 (para. 10) The CoC also **RECOMMENDED** that due consideration be given to challenges and difficulties of developing CPCs in implementing existing CMMs when drafting new ones.
- CoC09.03 (para. 21) The CoC **RECOMMENDED** that those CPCs who have not submitted their national Report of Implementation for 2012 should do so as soon as possible. The Secretariat shall follow-up with each such CPC to ensure a national Reports of Implementation is submitted for publication on the IOTC website.
- CoC09.04 (para. 32) The CoC **RECOMMENDED** that the Commission agree to the development and distribution of letters of feedback by the IOTC Chair, highlighting areas of non-compliance to relevant CPCs, together with the difficulties and challenges being faced.
- CoC09.05 (para. 33) The CoC **RECOMMENDED** that the Commission consider developing follow-up actions on the issues contained in Appendix IV, including potential capacity building activities to address these matters, particularly for developing coastal States.
- CoC09.06 (para. 47) The CoC **RECOMMENDED** that Sri Lanka provide monthly reports including evidences of the actions it had taken against IUU vessels in a standardised format into the future, irrespective of whether new information had become available, for each of the vessels reported to IOTC for IUU fishing.
- CoC09.07 (para. 48) The CoC **RECOMMENDED** that Sri Lanka provide information on their schedule (road map) for the implementation of the vessel monitoring scheme, and regular updates on the passage of new domestic requirements for a high-seas licencing regime, to the Secretariat for circulation to the Commission.
- CoC09.08 (para. 56) The CoC **RECOMMENDED** that those CPCs identified in paper IOTC–2012–CoC09–08c, a summary of possible infractions of IOTC regulations by large-scale fishing vessels (LSTLVs/carrier vessels), as well as those CPCs involved in additional cases as referred to in para. 55, investigate and report back to the IOTC via the Secretariat, the findings of their investigations, within three months of the end of the 16th Session of the Commission, by submitting reports on the follow-up on the irregularities identified. In order to assist with the comprehensive evaluation of any alleged infringement, copies of the logbooks, VMS plots, licenses and any other relevant documents should be provided by the flag States.
- CoC09.09 (para. 61) The CoC **RECOMMENDED** that the *Ocean Lion* remain on the IOTC IUU Vessels List as no further information was provided to the CoC09 during its deliberations.
- CoC09.10 (para. 63) The CoC **RECOMMENDED** that the *Yu Maan Won* remain on the IOTC IUU Vessels List as no further information was provided to the CoC09 during its deliberations.
- CoC09.11 (para. 65) The CoC **RECOMMENDED** that the *Gunuar Melyan 21* remain on the IOTC IUU Vessels List as no further information was provided to the CoC09 during its deliberations.

- CoC09.12 (para. 67) The CoC **RECOMMENDED** that the *Hoom Xiang II* remain on the IOTC IUU Vessels List and the government of Malaysia make further efforts to identify the new flag of this vessel.
- CoC09.13 (para. 71) The CoC **RECOMMENDED** that the Commission consider retaining the *Speed Bird 3* on the Provisional IOTC IUU Vessels List, as permitted under Resolution 11/03 para. 14, until legal proceedings against the vessel have been finalised, and the outcomes communicated to the Commission via the Secretariat. The Commission will then undertake the intersessional decision process established in Resolution 11/03 para.14, with a view to taking a final decision on the vessel.
- CoC09.14 (para. 76) The CoC **RECOMMENDED** that the Commission consider retaining the *Muthukumari* on the Provisional IOTC IUU Vessels List, as permitted under Resolution 11/03 para. 14, until actions against the vessel have been finalised, and the outcomes communicated to the Commission via the Secretariat. The Commission will then undertake the intersessional decision process established in Resolution 11/03 para. 14, with a view to taking a final decision on the vessel.
- CoC09.15 (para 79) The CoC **RECOMMENDED** that the Commission note the current status of implementation for each of the recommendations arising from the Report of the IOTC Performance Review Panel, relevant to the CoC, as provided in Appendix VI.
- CoC09.16 (para. 80) The CoC **RECOMMENDED** that the Commission note that a new Performance Review was intended to occur every five years, and given that the previous review was completed in 2009, the next review should be completed by 2014.
- CoC09.17 (para. 82) The CoC **RECOMMENDED** that the Commission considers the application for the status of Cooperating Non-Contracting Party of the IOTC by the Democratic People's Republic of Korea during the 16th Session of the Commission.
- CoC09.18 (para. 84) The CoC **RECOMMENDED** that the Commission considers the application for renewing the status of Senegal as a Cooperating Non-Contracting Party during the 16th Session of the Commission.
- CoC09.19 (para. 86) The CoC **RECOMMENDED** that the Commission considers the application for renewing the status of South Africa as a Cooperating Non-Contracting Party during the 16th Session of the Commission.
- CoC09.20 (para. 88) The CoC **RECOMMENDED** that the next Tenth Session of the CoC be held immediately prior to the 17th Session of the Commission. The exact dates and location would be decided by the Commission at its 16th Session.
- CoC09.21 (para. 94) The CoC **RECOMMENDED** that the Commission consider the consolidated set of recommendations arising from CoC09, provided at Appendix VII.