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IOTC CIRCULAR 2010/52

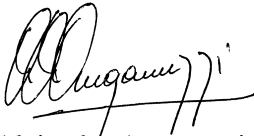
SUBJECT: Commitments undertaken by IOTC CPCs during the Compliance Committee/Commission meeting held in Busan, South Korea.

Dear Sir / Madam,

At the request of the Chairman of the IOTC Compliance Committee, I would like to invite you to review the letter in Attachment 1.

As you will also note, the IOTC Secretariat has also been requested to provide information on the actions it has taken in relation to some of these commitments. A summary of the activities undertaken by the Secretariat in this respect is presented in Attachment 2.

Yours sincerely,



Alejandro Anganuzzi
Executive Secretary

Attachments:

- 1. Letter from the Chairman of the Compliance Committee
- 2. Summary of actions by CPCs and the Secretariat

Distribution

IOTC Members: Australia, Belize, China, Eritrea, European Community, India, Indonesia, Iran, Japan, Kenya, Korea, Malaysia, Mauritius, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, United Kingdom, Vanuatu.

IOTC Chairperson

IOTC Compliance Committee Chairperson

Cooperating non contracting parties: Maldives, South Africa, Uruguay

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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
INTERNATIONAL AFFAIRS AND MARKETS
International Affairs, Law of the Sea and Regional Fisheries Organisations

Brussels, **01 JUL. 2010**
MARE B-1 OF/mp ARES (2010)

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&

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Dear IOTC Chairman and Executive Secretary,

In my position of IOTC Compliance Committee (CoC) Chairman, I would like to remind you about the commitments taken by the Indian Ocean Tuna Commission and IOTC's Contracting Parties and Cooperating non Contracting parties (CPCs) during the CoC meeting held in Busan-South Korea that you find a summary herewith.

1- Provision of the national reports (article X.2 of the IOTC Agreement).

The following CPC have been requested to present their national reports as soon as possible: Comoros, Eritrea, Guinea, India, Iran, Kenya, Madagascar, Malaysia, Oman, Pakistan, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, Vanuatu, Senegal and Uruguay.

2- Record of authorised vessels (Resolution 2007/02).

CPCs in general are invited to complete missing information as the period that the vessels are authorised for fishing or transshipping, GT, length overall and possible small size vessels operating out of their EEZ.

Moreover, it should also be highlighted that several vessels from some CPCs, in particular from Pakistan and Sri Lanka, presumed to have fished illegally for IOTC species within the EEZ of other CPCs, noting that none of these CPC have authorized vessels under their flag to operate within the IOTC Area of Competence.

3- List of active vessels and licences to foreign vessels (ex-Resolution 2007/04, replaced by 2010/07 and 2010/08).

Some CPCs have not provided all the data required for the Resolution 2007/04 for the years 2006 through 2008. The following CPCs committed to submit shortly the above mentioned pieces of information or detailed information on its activities: China, Tanzania and Indonesia.

The CoC recommended that the Commission (IOTC Chair) considers addressing a letter to the CPCs not fully complying with this Resolution, as well as with the Agreement provisions referring to national reports and the Resolution 2007/02 (authorized vessels) urging them to provide the information required within the shortest time possible.

4- Limitation of fishing capacity and fleet development plans (Resolution 2009/02).

Only 5 CPCs have provided lists of active vessels or fleet development plans. Those who have vessels active in the IOTC area of competence and/or possible fleet development plans, which have not been provided so far are invited to do so as soon as possible (including total GT, fishing gear and target species).

The following CPCs committed to submit shortly the above mentioned pieces of information: India, Kenya, Madagascar, Indonesia, Thailand, Tanzania, South Africa and Maldives.

In addition the CoC recommended that the i) Commission sets up a deadline for all CPC concerned to submit their lists of active vessels and fleet development plans, and ii) to instruct the IOTC Secretariat to assess changes in capacity for CPCs having active vessels in the IOTC area, in particular those CPC having implemented schemes to reduce their fishing capacity in the Indian Ocean.

5- Port inspections (Resolution 2005/03).

The Committee reiterated its concern about the overall lack of reporting by CPC receiving foreign vessels in their ports and invite those not complying with the provisions of this Resolution to provide the related information to the secretariat as soon as possible.

Thailand indicated that it is compiling lists of foreign vessels that unloaded catches in ports within its territory during 2008 and will submit this information soon.

6- Bigeye statistical document (Resolution 2001/06).

The Committee noted that only four CPC have reported imports of bigeye tuna into their territory urging other parties concerned to report the requested information as soon as possible.

The Committee also referred that according to FAO records Malaysia, Oman and Sri Lanka had imported bigeye tuna products from the Indian Ocean in 2008 but none of these countries had submitted information concerning Resolution 01/06. Oman indicated that it will investigate this issue and report back on its findings. The Committee requested that the IOTC Secretariat contact Malaysia and Sri Lanka in order to inform them about this issue, urging these countries to join the programme as soon as possible.

China informed the national authority might be able to submit the complete information requested from July 2010.

7- Vessel monitoring programme (Resolution 2006/03).

Only a few CPC have reported information on their VMS system. The CoC urged all CPC that had not presented reports on their VMS systems to the IOTC (some reported this information to FAO) to do so as soon as possible.

There is some evidence of fishing activities of vessels from Sri Lanka and Pakistan - which have not authorized any of their vessels to operate in the IOTC Area and have not implemented VMS on their fleets - in other CPCs EEZ. The Committee requested the Secretariat to contact Pakistan and Sri Lanka in order to clarify this issue.

Kenya, Guinea, Iran, Philippines and Thailand that have vessels in the IOTC Record of Authorized Vessels have not submitted VMS. The Committee reminded CPC that the use of VMS is mandatory for all vessels in the IOTC Record of Authorized vessels that are greater than 15 m length overall, urging all CPC that have not implemented VMS to do so within the shortest delay possible.

8- Programme for transshipment by large scale fishing vessels (Resolution 2008/022).

Vessels from Indonesia, Kenya and Oman had been involved in transshipment operations during 2009 but these CPC did not participate in the IOTC transshipment programme. Indonesia informed that it has not received reports from the companies involved in transshipment operations indicating that it will pursue this matter and inform the IOTC Secretariat as soon as it receives information from the companies concerned. Kenya indicated that it has taken steps to address this issue and will inform the IOTC Secretariat about its decision soon. Oman informed about its plans to participate fully in the IOTC Transshipment Programme as soon as the administrative procedures initiated by the government of Oman are finalized.

Some of the vessels inspected were not authorized to operate in the Indian Ocean by the flag states concerned, the Secretariat has been requested to compile this information and report it to the Commission.

May I kindly ask the secretariat to circulate the state of play of the actions that should have been undertaken by the CPCs and by IOTC. I would also invite you to remind those CPCs not fulfilling the referred obligations and not satisfying the commitments taken to report the requested pieces of information as soon as possible.

Last but not least, I would also like the secretariat to inform CPCs about the state of preparation and implementation of supporting/assessment missions to some countries (particularly Sri Lanka) with major problems to comply with IOTC measures and not participating in its plenary.

Yours sincerely,


Roberto CESARI
Chairman of Compliance Committee

Attachment 2

Summary of actions by CPCs and the Secretariat to address issues identified during the Compliance Committee meeting, held in Busan, South Korea.

1. *Report of Implementation by CPCs (Article X.2 of the IOTC Agreement)*: CPCs that did not submit their *Report of Implementation* for the consideration of the 14th Session of the Commission were contacted in May, 2010. Of the countries listed in the communication from the Chairman of the Compliance Committee, it should be noted that the Comoros had submitted its *Report of Implementation*. Of the 17 CPCs contacted, only two CPCs, Sierra Leone and Vanuatu, informed the Secretariat that they were compiling their report. No response has been received from the other 15 CPCs.
 2. *Record of Authorised Vessels (Resolution 07/02)*: The list of CPCs with incomplete information for their vessels listed on the IOTC Record of Authorised Vessels is being compiled and will be sent to the respective CPCs shortly.
 3. *List of active vessels (Resolution 07/04, superseded by Resolutions 2010/07 and 2010/08)*: China submitted its list of active vessels for 2008, on 24th March 2010. No information has been received from Tanzania and Indonesia.
 4. *Limitation of fishing capacity and fleet development plans (Resolution 09/02)*: No action has been taken by the Secretariat with regards to CPCs that have not provided information on their fishing capacity and fleet development plans. It should be noted that the Commission agreed that the deadline for submission of fleet development plans be set for 31st December, 2010, for those CPCs that had not indicated a time-line for the submission of their fleet development plans.
 5. *Port inspections (Resolution 05/03)*: The Secretariat has not yet received information from Thailand with regards to this resolution. The Secretariat has requested clarifications from Malaysia on a vessel reported to be flagged to a non-IOTC CPC that made a port call in Malaysia. The Secretariat has not yet received a feedback from Malaysia.
 6. *Bigeye Tuna Statistical Document Programme (Resolution 01/06)*: The Secretariat has received some information with regards to imports of bigeye tuna by Malaysia and Sri Lanka. Information for Malaysia indicates that 1,082 MT of frozen bigeye tuna were imported by Malaysia over the period 2007 and 2008. Information for Sri Lanka indicates that the imports are for fresh bigeye tuna, which does not fall under the control of the IOTC Bigeye Tuna Statistical Programme. The Secretariat will follow up with both CPCs to ensure that, when applicable, imports of bigeye tuna by these CPCs are done in conformity with Resolution 01/06.
 7. *Vessel Monitoring Systems Programme (Resolution 06/03)*: The Secretariat has contacted Pakistan on this issue, who indicated that they had not been aware of the requirement for vessels under 24 m LOA to be fitted with VMS systems, and their system currently covers larger vessels. Sri Lanka confirmed that their vessels are not currently equipped with VMS systems.
 8. *Programme for at-sea transshipment by large-scale fishing vessels (Resolution 08/02)*: The list of vessels which did not have a valid authorization on board at the time of inspection by the observer has been compiled by the Secretariat. However, it should be noted that in many cases the authorization/license were faxed through to the carrier vessels after the inspection of the fishing vessel. Language barrier is also noted as one of the problems that could have hampered the observer's access to a copy of the authorization/license. To address the issue of language problem, the Secretariat together with the contractor is working to develop a template of the different authorizations/license issued by the fleets participating in the programme. This compilation of model authorization/license will be provided to the observers to help them in identifying the correct document. However, some of the participating fleets have yet to provide the Secretariat with their copy of the authorization/license.
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With regards to the specific actions aimed at Sri Lanka and Iran, the Secretariat is expected to undertake missions to both countries in the coming weeks to discuss the issues identified by the Compliance Committee/Commission with the concerned officials.
