

TRANSPARENCY

PREPARED BY: IOTC SECRETARIAT, 15 JANUARY 2015

REVIEW AREA: *International cooperation*

GENERAL CRITERION: *Transparency*

DETAILED CRITERIA:

- 1) Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.
- 2) Extent to which IOTC decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.

SUPPORTING INFORMATION

1. *Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.*

The IOTC operates formal procedures and practices that appear to be consistent with UNFSA Art 12 and the Code of Conduct Art 7.1.9. Refer to:

IOTC Agreement: <http://www.iotc.org/sites/default/files/documents/2012/5/25/IOTC%20Agreement.pdf>; and

IOTC Rules of Procedure (2014): <http://www.iotc.org/documents/indian-ocean-tuna-commission-rules-procedure-2014>.

2. *Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.*

The IOTC makes all materials underpinning its decisions publically available via the IOTC website. Specific details are provided below:

Science Process: All aggregated data sets, papers and reports are made available on the IOTC website, which is in the public domain.

Data sets for use in CPUE series and stock assessments

The science process requires data for stock assessments to be made available no later than 30 days prior to a meeting, with 60 and 90 days being preferable. Specifically, in 2011, and supported in subsequent years, the Scientific Committee has made the following recommendation in this regard (note that encouraged is not mandatory, while a Recommendation is):

- The Scientific Committee **ENCOURAGED** data to be used in stock assessments, including CPUE standardisations, be made available not less than three months before each meeting by CPCs.
- The Scientific Committee **ENCOURAGED** that where possible, data summaries be provided no later than two months prior to each meeting, from the IOTC Secretariat.
- The Scientific Committee **RECOMMENDED** that data to be used in stock assessments, including CPUE standardisations be made available not less than 30 days before each meeting by CPCs.

Guidelines for the presentation of CPUE standardisations and stock assessment models

The Scientific Committee has adopted, and periodically revised, a set of 'Guidelines for the presentation of CPUE standardisations and stock assessment models'. These guidelines attempt to ensure greater transparency and facilitate peer-review of models employed in the provision of advice on the status of the stocks. Scientists presenting stock assessment model runs should provide to the IOTC Secretariat a copy of all input and output files, for all runs presented, and of the executable file or files used within 10 days of the end of each meeting. These will be archived for future testing and replication. Scientists are encouraged to freely share the source code of the methods used. The IOTC Stock assessment expert/s will support CPC's in meeting these guidelines.

These guidelines are provided in support of this paper and are also posted to each of the IOTC working Party meeting pages at the beginning of the year, so that scientists developing CPUE series or stock assessments may use them as a reference. An example is provide for the next upcoming species working party: <http://iotc.org/meetings/5th-working-party-neritic-tunas-wpnt05>.

Submission of papers for consideration at each Session of the IOTC Scientific Committee

Since 2010, the Scientific Committee has required all papers to be considered at its annual Session and that of its Working Parties, to be submitted no later than 15 days prior to the start of the meeting. Any documents submitted less than 15 days prior, shall be considered for information purposes only. The 15 day rule was incorporated into the IOTC Rules of Procedure (2014), Appendix IV, para. 9.

For the SC, this is strictly enforced, however for the Working Parties there are still some papers being submitted and accepted by the Chair of the Working Party for consideration. In cases where stock assessments are modified during a Working Party meeting, the authors are required to submit a fully revised (Rev_) version which is placed on the meeting page, either during or soon after the meeting for transparency.

Compliance Process: All papers and reports are made available on the IOTC website, which is in the public domain. The compliance process is managed through the Compliance Committee, which is an advisory body of the Commission, which was set up in 2003. With more emphasis being placed on compliance in the recent years, the Commission decided to strengthen the Compliance Committee in 2009, by redefining its terms of reference: <http://www.iotc.org/documents/indian-ocean-tuna-commission-rules-procedure-2014>, Appendix V.

Administration and Finance Process: Meeting reports of the Standing Committee on Finance and Administration provide that all the discussions and decisions of the Commissions regarding its finances and administrative matters. These reports are available on the IOTC website, which is in the public domain: <http://www.iotc.org/about-iotc/scaf>. The financial process is governed by the IOTC financial regulations: <http://www.iotc.org/sites/default/files/documents/2012/5/25/IOTC%20Financial%20Regulations.pdf>.

Commission: All papers and reports are made available on the IOTC website, which is in the public domain.

As some Commissioners are not mandated to agree on specific actions unless they have been examined by their relevant authorities in advance of a Session of the Commission, at its 15th Session held in 2011 and reiterated each year since (including 2014), the Commission agreed that only proposals received thirty (30) days before the Session, at the latest, would be considered.

“Paragraph 111 of the S18 report (2014), which states: “The Commission RECALLED its previous decision that the 30 day rule shall continue to be strictly applied for all future Sessions unless otherwise agreed. Specifically, no proposals for new or revised Conservation or Management Measures shall be accepted by the Secretariat for the Commission’s consideration, if received after the 30 day deadline.”

Proposals for Conservation and Management Measures are also made publically available on the IOTC website 30 days in advance of the Session.

1. Extent to which the RFMO is operating in a transparent manner, as reflected in UNSFA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9.

Note, UNSFA Article 12 and Code of Conduct Article 7.1.9 are provided in [Appendix I](#). The code of conduct article is covered by UNSFA Article 12 and subsequently is not explicitly referred to below.

UNSFA Article 12: Transparency in activities of subregional and regional fisheries
Transparency in activities of subregional and regional fisheries management organizations and arrangements
 Art 12.1. States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organizations and arrangements.

All IOTC processes are described in the IOTC Agreement, the IOTC Rules of Procedure (2014) and the various Conservation and Management Measures adopted by the Commission. These documents are publically available on the IOTC website and improvements to the way in which this information can be readily accessed is ongoing. An example is the new CMM database: <http://iotc.org/cmms>, whereby any member of the public may search the lists of active and superseded CMMs, for download. The new Compendium of CMMs also provides a readily accessible composite of all Active CMMs and the links among them.

Art 12.2. Representatives from other intergovernmental organizations and representatives from non-governmental organizations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall have timely access to the records and reports of such organizations and arrangements, subject to the procedural rules on access to them.

Article VII of the IOTC Agreement (OBSERVERS) provides a mechanism for the participation of non-members at IOTC meetings:

- 1. Any Member or Associate Member of FAO that is not a Member of the Commission may, upon its request, be invited to be represented by an observer at sessions of the Commission. It may submit memoranda and participate without vote in the discussions.*
- 2. States which, while not Members of the Commission nor Members or Associate Members of FAO, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson and to the provisions relating to the granting of observer status to nations adopted by the Conference of FAO, be invited to attend sessions of the Commission as observers.*
- 3. The Commission may invite intergovernmental or, on request, non-governmental organizations having special competence in the field of activity of the Commission to attend such of its meetings as the Commission may specify.*

Rule XIV of the IOTC Rules of Procedure (2014) (Rule XIV) provides a mechanism by which observers can be admitted to IOTC meetings.

To-date there has been few rejections of an observer to IOTC. This was due to the applicants applying for observer status well after the 30 days deadline, as detailed in the IOTC Rules of Procedure.

At the 2012 Commission members agreed that meetings of the Commission and its subsidiary bodies should be open to participation by observers from all those who have attended the current and/or previous sessions of the Commission. Applications by new Observers should continue to follow the procedure as outlined in Rule XIV of the IOTC Rules of Procedure (note: new Rules were adopted at S18).

Meetings of all of the subsidiary bodies of the Commission are also open to observers under the same rules as the Commission. The list of current, pre-approved observers who have attended IOTC meeting to-date are as follows:

- Food and Agriculture Organisation of the United Nations
- Democratic People's Republic of Korea
- Russian Federation
- United Arab Emirates
- United States of America

Intergovernmental organizations:

- Agreement on the Conservation of Albatrosses and Petrels (ACAP)
- Indian Ocean Commission (IOC)
- Southwest Indian Ocean Fisheries Commission (SWIOFC)

Non-governmental organizations

- Birdlife International (BI)
- Conservation International (CI)
- Greenpeace International (GI)
- International Fund for Animal Welfare (IFAW)
- International Game Fish Association (IGFA)
- International Pole-and-line Foundation (IPNLF)
- Indian Ocean – South East Asian Marine Turtle MOU (IOSEA)
- International Seafood Sustainability Foundation (ISSF)
- Organisation for the Promotion of Responsible Tuna Fisheries (OPRT)
- Marine Stewardship Council (MSC)
- PEW Charitable Trusts (PEW)
- Rain Forest Rescue International, Sri Lanka (RFRI)

- Southeast Asian Fisheries Development Center (SEAFDEC)
- Southwest Indian Ocean Fisheries Project (SWIOFP)
- Shark Advocates International (SAI)
- Shark Alliance (SA)
- US–Japan Research Institute – New
- World Wide Fund for Nature (a.k.a World Wildlife Fund, WWF)

Invited experts

- Taiwan, China

Attendance by any of the above Observers to particular meetings of the Commission or its subsidiary bodies are clearly recorded in the meeting reports for transparency purposes.

2. Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.

Art12.2. *Representatives from other intergovernmental organizations and representatives from non-governmental organizations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall have timely access to the records and reports of such organizations and arrangements, subject to the procedural rules on access to them.*

Technical documents:

Available technical meeting reports are posted on the IOTC website prior to the commencement of the meeting (see section above). All reports from a meeting are made permanently available after the meeting via the IOTC website. Reports are freely available upon request, and are typically posted to the website and relevant mailing lists within 2 weeks of the end of the meeting, frequently sooner.

Commission documents:

Available Commission meeting documents are posted on the IOTC website prior to the commencement of the meeting. Typically, only the report of the meeting is made available on the web after the meeting. The report is freely available upon request, and typically posted to the IOTC website and to mailing lists within 30 days of the end of the Session.

IOTC Conservation and Management Measures (Resolutions and Recommendations)

Available on the IOTC website: <http://iotc.org/cmms> (see section above for more details).

Status of the stocks

Documents describing the status of the stocks (Executive Summaries) are updated annually and are publically available on the IOTC website. This is detailed in paper IOTC-2015-PRIOTC02-CM01.

IUU Vessels List / Lists of Authorised vessels

Are available on the IOTC website: <http://iotc.org/vessels>

Budgets – financial performance

Available in the annual report of the Commission and drafts via the Standing Committee on Administration and Finance meeting page: http://iotc.org/meetings/search?s=&field_meeting_tid_i18n=111&field_meeting_year_tid=All

Business of the Commission

All official communications to IOTC Contracting Parties and Cooperating Non-Contracting Parties are available on the IOTC website, and are freely accessible and searchable by the general public: <http://iotc.org/documents/circulars>

Fisheries data and disseminating information in general

Public domain fisheries data and information is available on the website: <http://iotc.org/data-and-statistics>; including catch by fleet (Scientific Committee reports).

The IOTC Secretariat also participates in selected conferences, academia, workshops and meetings in order to publicise the Commission and convey particular management objectives e.g. compliance, data collection etc. It also provides information to various internet sites relating to fisheries e.g. stock status information to FAO websites site;

vessel lists to Tuna-org (a web site that serves as an informal framework for sharing information from tuna RFMOs). Details are publically available and regularly updated via the IOTC website news feed and meeting pages.

APPENDIX I

UNSFPA

TRANSPARENCY IN ACTIVITIES OF SUBREGIONAL AND REGIONAL FISHERIES

Article 12

Transparency in activities of subregional and regional fisheries management organizations and arrangements

1. States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organizations and arrangements.
2. Representatives from other intergovernmental organizations and representatives from non-governmental organizations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall have timely access to the records and reports of such organizations and arrangements, subject to the procedural rules on access to them.

FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

Article 7 - FISHERIES MANAGEMENT

7.1 General

7.1.9 States and subregional or regional fisheries management organizations and arrangements should ensure transparency in the mechanisms for fisheries management and in the related decision-making process.