

Call for the SIOFA Contracting Parties, Cooperating non-Contracting Parties and observers to support stronger transparency and anti-IUU measures

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The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together in a coalition of non-governmental organisations to ensure that the EU's engagement with Regional Fisheries Management Organisations (RFMOs) and key partners leads to strong transparency and anti-illegal, unreported and unregulated (IUU) fishing measures worldwide.

In a coalition report titled **"Achieving transparency and combating IUU fishing in RFMOs"**,¹ we outline the minimum transparency and anti-IUU fishing measures that we consider essential for RFMO Contracting Parties, Cooperating non-Contracting Parties (CPCs) and fishing entities to adopt and implement in order to end IUU fishing.

This document details vital measures for discussion and adoption at the next meeting of the South Indian Ocean Fisheries Agreement (SIOFA).

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

Amend CMM 2019/07 For Vessel Authorisation and Notification to Fish (Vessel Authorisation) to require public reporting of target species or species groups and to align data reporting requirements with the recently expanded IMO numbering eligibility criteria

The Conservation and Management Measure (CMM) 2019/07 stipulates that the Meeting of the Parties shall establish a SIOFA Record of Authorised Vessels for fishing vessels authorised to fish in the Agreement Area (Paragraph 1). The current register does not provide information on the type of authorisation, including target species or species group. In other RFMOs such as the International Commission for the Conservation of Atlantic Tunas (ICCAT), this information must be provided, reinforcing transparency and good governance.

Furthermore, CMM 2019/07 requires CPCs to submit to the SIOFA Secretariat the list of vessels flying their flag that are authorised to operate in the Agreement Area, together with other relevant information (Paragraph 2).

The latter includes, amongst other data fields, "IMO Number (if issued)". On 18 December 2017, the International Maritime Organization (IMO) Assembly adopted Resolution A.1117(30), expanding the IMO Number eligibility criteria to all motorised inboard fishing vessels, including wooden ones, of less than 100 gross tonnage down to a size limit of 12 metres authorised to operate outside waters under the national jurisdiction of the flag State. Since then, a number of RFMOs, such as the Western and Central Pacific Fisheries Commission (WCPFC), the Inter-American Tropical Tuna Commission (IATTC), and the Indian Ocean Tuna Commission (IOTC) have amended their resolutions to align with the new criteria.

We urge CPCs to amend CMM 2019/07 in order to require public reporting of target species or species groups and to change the IMO number qualifier from "(if issued)" to "(if eligible)" to better align with international best practice and the new IMO eligibility criteria as well as the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR).

Amend CMM 2017-08 Establishing a Port Inspection Scheme (Port Inspection) to require an information exchange schemes

In 2009, the FAO Port State Measures Agreement (FAO PSMA) was adopted to establish a global information exchange system. Such information includes *"whether such vessels have ever been denied entry into, or the use of other ports, whether they have a track record of poor compliance in the past, and outcomes of any inspections conducted"*. This information especially aims at allowing the swift detection of illegal, unreported and unregulated (IUU) fishing activities.

CMM 2017-08 established a Port inspection Scheme. Nonetheless, the important element of information exchange in line with the FAO PSMA, whether electronic or not, is missing.

Therefore, we urge CPCs to amend CMM 2017-08 to require such an information exchange scheme.

Amend CMM 2019/10 For the Monitoring of Fisheries in the Agreement Area (Monitoring) to make all data on transshipments publicly available

CMM 2019/10 requires notification to the Secretariat and annual reporting of transshipment activities. However, the data is not publicly accessible, as Paragraph 18 of the measure restricts it to the “secure section” of the SIOFA website, which is inaccessible to external stakeholders. This is despite Article 14 of the SIOFA Agreement calling for transparency regarding activities carried out by Contracting parties.

We recommend that CPCs amend Article 18 of CMM 2019/10 to make all data on transshipments publicly available.

Amend CMM 2018/11 For the Establishment of a Southern Indian Ocean Fisheries Agreement (SIOFA) Compliance Monitoring Scheme (Compliance Monitoring Scheme) to further reinforce the deterrence framework by including, for instance, non-discriminatory trade measures

Paragraph 2 of Annex 1 to CMM 2018/11 sets out corrective actions that may be considered as part of follow-up actions in cases of critical non-compliance by a CPC. Nonetheless, “*limiting access to fisheries resources until the issue is addressed and resolved to the satisfaction of the Meeting of the Parties*” falls short from establishing a comprehensive and deterrent framework.

We recommend that CPCs further reinforce the deterrence framework by including, for instance, non-discriminatory trade measures.

In addition, we ask SIOFA Contracting Parties to consider the following actions:

Amend the SIOFA Agreement to improve transparency in the decision-making process

Article 8 on decision-making within the SIOFA Agreement requires consensus, defined as “*the absence of any formal objection made at the time a decision is taken*.” The agreement does not impose any obligation for opposing parties to publicly justify any objection, nor does it set up criteria on acceptable grounds for objection. Such a decision-making process may lead to opaque, dead-end situations, leading to failure to adopt necessary measures. Transparent and flexible decision-making arrangements can facilitate an organisation’s functioning and delivery of its core mission by providing CPCs with the tools to overcome instances of impasse.

We recommend that CPCs amend the SIOFA Agreement to provide for 2/3 or 3/4 majority voting, in line with modern RFMO practice including the South Pacific Regional Fisheries Management Organisation (SPRFMO). Failing this, SIOFA should at least require objecting parties to justify their decision and publish this justification.

Adopt a new Recommendation to improve traceability through a Catch Documentation Scheme

RFMOs need to deliver effective enforcement mechanisms and create a culture of compliance among their CPCs and in regard to fishing regulations. One of the most effective mechanisms to monitor catches and prevent IUU fishing is the widespread adoption of electronic Catch Documentation Schemes (CDS). Although a CDS may not prevent all forms of IUU fishing, it can significantly improve traceability along the value chain.

CPCs should prioritise the adoption of electronic CDS for all priority species identified by the Scientific Advisory Committee, such as the Patagonian toothfish or “key species of concern” like the Deepwater chondrichthyans, using the FAO CDS Voluntary Guidelines as a basis. When such e-CDS already exist, as is the case in the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR), SIOFA CPCs should consider using them to avoid duplication of efforts. As in RFMOs such as CCAMLR, there should be a mechanism in place to electronically monitor the catches of certain species of main fleets in close to real time in order to take action when catches exceed quotas, if necessary.

Finally, a key step for an effective CDS is the linkage with port state measures and other activities that monitor and verify fishing vessel catches in order to cross-check data for risk-based analysis. In addition, a minimum level of compatibility of CDS standards with other regions when implementing this tool is essential to allow better integration and monitoring of such systems worldwide. To date, SIOFA is one of the few RFMOs without a CDS in place.

Regarding labour issues, in December 2018, the WCPFC was the first RFMO to adopt a Resolution on Labour Standards for Crew on Fishing Vessels. Although this measure is a non-binding resolution, this is the first time that a labour proposal was tabled at any RFMO. Therefore, we urge SIOFA CPCs to follow this example and develop a new measure requiring regular data collection and reporting on both safety and labour-related incidents for observers and crew that occur in the Convention Area.

Adopt a new Recommendation requiring the reporting of operational incidents at sea and consider taking other measures to ensure safe and decent working and living conditions on board vessels

As acknowledged by the member states of the IMO, the International Labour Organization (ILO), and the Food and Agriculture Organization of the United Nations (FAO) during the 4th FAO/ILO/IMO Joint Working Group meeting on IUU Fishing and other related matters in Torremolinos, Spain, on 23-25 October 2019, vessels with substandard safety and working conditions of fishers and fisheries observers on vessels are frequently linked to IUU fishing activities. Widespread implementation of relevant minimum international standards and full reporting of safety and labour-related incidents will allow for the identification and potential mitigation of dangerous situations for both fishers and fisheries observers, and indirectly help to reduce IUU fishing activity.

To date, the SIOFA has not taken adequate action to ensure a full and transparent reporting and cataloguing process with regards to operational incidents at-sea and people involved. This threatens the proper application of conservation measures, as well as the safety of observers at sea. Some RFMOs have already adopted measures to ensure robust reporting of incidents at sea, such as ICCAT, and WCPFC.

¹ EU IUU Coalition (2019). Achieving transparency and combating IUU Fishing in RFMOs. Reinforcing the EU's multilateral actions to promote best practices. http://www.iuuwatch.eu/wp-content/uploads/2019/05/RFMO-report_EN_May-2019_FINAL.pdf

The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts and WWF are working together to promote EU leadership in improving global fisheries transparency and governance to end illegal, unreported and unregulated (IUU) fishing.

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