

## MEMBERSHIP OF ERITREA, SUDAN AND YEMEN IN THE IOTC

PREPARED BY: IOTC SECRETARIAT, 23 MARCH 2016

### PURPOSE

To submit for the consideration of the Standing Committee on Administration and Finance (SCAF), options for handling non-paying **coastal State** Contracting Parties (Members) of the IOTC.

### BACKGROUND

In 2015 and 2016 to date, the IOTC Secretariat has not received any communications from Eritrea, Sudan or Yemen regarding their continued involvement in the IOTC and payment for the outstanding contributions, despite repeated attempts made by the IOTC Secretariat.

Provided below are the Membership details and outstanding contributions for each of the three long-term, non-paying coastal State Contracting Parties:

| Contracting Party | Acceptance      | Last contribution made | World Bank classification | 3 year average catch (2012-14) | 2016 Contribution due | Outstanding contributions (9 March 2016) |
|-------------------|-----------------|------------------------|---------------------------|--------------------------------|-----------------------|--|
| Eritrea           | 9 August 1994   | 1997                   | Low income                | 217 t (<400 t)                 | US\$28,384            | US\$224,277                              |
| Sudan             | 3 December 1996 | Nil                    | Middle income             | 34 t (<400 t)                  | US\$46,910            | US\$324,697                              |
| Yemen             | 20 July 2012    | Nil                    | Middle income             | 54,583 t                       | US\$87,884            | US\$281,275                              |
| <b>TOTAL</b>      |                 |                        |                           |                                | <b>US\$163,178</b>    | <b>US\$830,249</b>                       |

As the per Article IV (4) on Membership of the Agreement, “If any Member of the Commission ceases to meet the criteria set out in paragraphs 1 or 2 above [reproduced below] for two consecutive calendar years, the Commission may, after consultation with the Member concerned, determine that the Member is deemed to have withdrawn from this Agreement effective as from the date of that determination”.

“1. Membership in the Commission shall be open to Members and Associate Members of FAO

(a) that are:

- (i) coastal States or Associate Members situated wholly or partly within the Area;
- (ii) States or Associate Members whose vessels engage in fishing in the Area for stocks covered by this Agreement; or
- (iii) regional economic integration organizations of which any State referred to in subparagraphs (i), or (ii) above is a member and to which that State has transferred competence over matters within the purview of this Agreement;

and

(b) that accept this Agreement in accordance with the provisions of paragraph 1 of Article XVII.

2. The Commission may, by a two-thirds majority of its Members, admit to membership any other States that are not Members of FAO, but are Members of the United Nations, or of any of its Specialized Agencies or of the International Atomic Energy Agency, provided that such States:

(a) are

- (i) coastal States situated wholly or partly within the Area; or
- (ii) States whose vessels engage in fishing in the Area for stocks covered by this Agreement; and

*(b) have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of acceptance in accordance with paragraph 2 of Article XVII.”*

The following is a chronological list of communication attempts for the three Contracting Parties (Eritrea, Sudan and Yemen).

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***Eritrea:***

**2013:**

- **17 June 2013:** The 2014 Call for funds was issued on 17 June 2013, addressed to the Minister of Foreign Affairs, the Minister for Marine Resources, and the **Eritrea** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2014:**

- **4 February 2014:** A reminder letter, requesting that the outstanding balance be paid, was sent from the IOTC Secretariat addressed to the Minister of Foreign Affairs, the Minister for Marine Resources, and the **Eritrea** Permanent Representative to FAO in Rome.
  - **Response:** Nil.
- **5 December 2014:** The 2015 Call for funds was issued on 5 December 2014, addressed to the Minister of Foreign Affairs, the Minister for Marine Resources, and the **Eritrea** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2015:**

- **18 September 2015:** The 2016 Call for funds was issued on 18 September 2015, addressed to the Minister of Foreign Affairs, the Minister for Marine Resources, and the **Eritrea** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

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***Sudan:***

**2013:**

- **17 June 2013:** The 2014 Call for funds was issued on 17 June 2013, addressed to the Federal Minister for Foreign Affairs, the Federal Minister for Livestock, Fisheries and Rangelands, and the **Sudan** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2014:**

- **4 February 2014:** A reminder letter, requesting that the outstanding balance be paid, was sent from the IOTC Secretariat addressed to the addressed to the Federal Minister for Foreign Affairs, the Federal Minister for Livestock, Fisheries and Rangelands, and the **Sudan** Permanent Representative to FAO in Rome.
  - **Response:** Nil.
- **5 December 2014:** The 2015 Call for funds was issued on 5 December 2014, addressed to the Federal Minister for Foreign Affairs, the Federal Minister for Livestock, Fisheries and Rangelands, and the **Sudan** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2015:**

- **18 September 2015:** The 2016 Call for funds was issued on 18 September 2015, addressed to the Federal Minister for Foreign Affairs, the Federal Minister for Livestock, Fisheries and Rangelands, and the **Sudan** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

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***Yemen:***

**2013:**

- **17 June 2013:** The 2014 Call for funds was issued on 17 June 2013, addressed to the Minister for Foreign Affairs, the Minister for Fish Wealth, and the **Yemen** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2014:**

- **4 February 2014:** A reminder letter, requesting that the outstanding balance be paid, was sent from the IOTC Secretariat addressed to the addressed to the Minister for Foreign Affairs, the Minister for Fish Wealth, and the **Yemen** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2014:**

- **5 December 2014:** The 2015 Call for funds was issued on 5 December 2014, addressed to the Minister for Foreign Affairs, the Minister for Fish Wealth, and the **Yemen** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**2015:**

- **18 September 2015:** The 2016 Call for funds was issued on 18 September 2015, addressed to the Minister for Foreign Affairs, the Minister for Fish Wealth, and the **Yemen** Permanent Representative to FAO in Rome.
  - **Response:** Nil.

**DISCUSSION*****Eritrea:***

The repeated attempts to seek a response from Eritrea have been unsuccessful. Specifically, no reply has been received, to date, by written or verbal communication from Eritrea.

Over the three year period from 2012-14, Eritrea has not reported any fishing activity in the IOTC area of competence. The current estimated average catch of 217 t for the period 2012-14 is an estimate made by the IOTC Secretariat for Eritrea's subsistence fisheries. Thus, for the purposes of the IOTC budget, Eritrea is deemed **not** to have fishing operations within the IOTC area of competence.

***Sudan:***

The repeated attempts to seek a response from Sudan have been unsuccessful. Specifically, no reply has been received, to date, by written or verbal communication from Sudan.

Over the three year period from 2012-14, Sudan has not reported any fishing activity in the IOTC area of competence. The current estimated average catch of 347 t for the period 2012-14 is an estimate made by the IOTC Secretariat for Sudan's subsistence fisheries. Thus, for the purposes of the IOTC budget, Sudan is deemed **not** to have fishing operations within the IOTC area of competence.

***Yemen:***

The repeated attempts to seek a response from Yemen have been unsuccessful. Specifically, no reply has been received, to date, by written or verbal communication from Yemen.

Over the three year period from 2012-14, Yemen has not reported any fishing activity in the IOTC area of competence. The current estimated average catch of 54,583 t for the period 2012-14 is an estimate made by the FAO for Yemen's coastal fisheries. For the purposes of the IOTC budget, Yemen is deemed **to have** fishing operations within the IOTC area of competence.

**CONCLUSION**

In accordance with Article IV of the IOTC Agreement, if any Member of the Commission ceases to meet the criteria set out in Article IV, paragraphs 1 or 2 for two consecutive calendar years, the Commission may, after consultation with the Member concerned, determine that the Member is deemed to have withdrawn from this Agreement, effective as of the date of that determination.

As the Commission has consulted and received no reply from Eritrea, Sudan or Yemen, it may determine that they have **withdrawn** from the IOTC Agreement based on their lack of involvement in Commission meetings,

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contribution obligations, fishing operations (Eritrea and Sudan) and non-response to the communication attempts made.

**RECOMMENDATION/S**

That the SCAF **NOTE** paper IOTC–2016–SCAF13–06, which outlines options for handling non-paying coastal State Contracting Parties (Members) of the IOTC, and to **RECOMMEND** a course of action to the Commission.