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## MEMBERSHIP OF SIERRA LEONE AND THE REP. OF GUINEA IN THE IOTC

PREPARED BY: IOTC SECRETARIAT, 22 MARCH 2016

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### PURPOSE

To update the Standing Committee on Administration and Finance (SCAF), on the Membership status of Sierra Leone and the Rep. of Guinea in the IOTC.

### BACKGROUND

Following discussions at the SCAF12 in 2015, the SCAF made the following recommendation to the Commission:

SCAF12–06 ([para. 38](#)) *NOTING the financial implications of the continuing membership of Sierra Leone and Guinea, the SCAF **RECOMMENDED** that the Commission consider whether Sierra Leone and Guinea should be deemed to have withdrawn their membership therefrom effective from the date of receipt of the communication to this effect and any and all future contributions due from Sierra Leone and Guinea shall cease to be effective from the date of the receipt of such communication. Past dues from both Governments shall be pursued, in conjunction with FAO Finance.*

Subsequently, at the 19<sup>th</sup> Session of the Commission, Members agreed to the following:

*(S19 Report, para 90) **NOTING** that neither Sierra Leone nor Guinea have been active in fisheries related activities in the IOTC area of competence, nor participated in IOTC processes for the last two years, the Commission, acting under Article IV, paragraph 4 of the IOTC Agreement, **AGREED** that Sierra Leone and Guinea should be deemed to have withdrawn their membership. Recovery of past dues from both Governments shall be pursued. The process for the implementation of this decision, including any further consultation with the concerned countries, shall be carried out in association with the FAO Legal Office and communicated to all CPCs by the Depositary or IOTC Circular as appropriate, prior to final confirmation.*

### DISCUSSION

Subsequent to the 19<sup>th</sup> Session of the Commission, the IOTC Secretariat, in consultation with the FAO Legal Office made several attempts to contact representatives from both Sierra Leone and Guinea, with the following outcomes:

**Sierra Leone:** The Commission, at its 13<sup>th</sup> Session, discussed the accession of Sierra Leone to the Commission and considered that Sierra Leone did not meet the eligibility criteria listed in Article IV of the IOTC Agreement. Specifically, that, Sierra Leone is not a coastal State situated in the IOTC area of competence, and it has not reported any fishing activity in the IOTC area of competence in recent years. Under these circumstances, the Members considered that FAO, in its role as depositary of the IOTC Agreement, should have sought advice from the Members before accepting the instrument of accession from Sierra Leone.

Following the decision by the Commission in 2015 (stated above), that Sierra Leone should be deemed to have withdrawn their membership, the IOTC Secretariat and FAO Legal office have made several attempts to contact representatives from Sierra Leone to request a formal letter of withdrawal from the IOTC Agreement. Unfortunately, these attempts have been unsuccessful.

The outstanding contributions from Sierra Leone remain at US\$38,391. As agreed by the Commission in 2015, recovery of past dues from Sierra Leone shall continue to be pursued, though no contributions shall be applicable for the years 2016 nor 2017 as the Commission has already deemed that Sierra Leone has withdrawn from the IOTC Agreement.

**Rep. of Guinea:** As communicated in IOTC Circular 2016–039, the Republic of Guinea submitted a formal letter of withdrawal from the IOTC Agreement, which was received by the FAO-DG on 22 February 2016. Pursuant to Article XXI (1) of the IOTC Agreement, the withdrawal will become effective on 31 December 2017.

The outstanding contributions from the Rep. of Guinea remain at US\$143,308. As agreed by the Commission in 2015, recovery of past dues from the Rep. of Guinea shall continue to be pursued, though no contributions shall be

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applicable for the years 2016 nor 2017 as the Commission has already deemed the Rep. of Guinea to have withdrawn from the Agreement.

**RECOMMENDATION/S**

That the SCAF:

- a) **NOTE** paper IOTC–2016–SCAF13–07, regarding the Membership of Sierra Leone and the Rep. of Guinea to the IOTC;
- b) **RECOMMEND** that the IOTC Secretariat and the FAO Legal Office continue to seek a formal letter of withdrawal from the IOTC Agreement from Sierra Leone.