



COLLECTION OF RESOLUTIONS AND RECOMMENDATIONS BY THE INDIAN OCEAN TUNA COMMISSION

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1998 - THIRD SESSION OF THE IOTC - VICTORIA, SEYCHELLES

RESOLUTION 98/01

MANDATORY STATISTICAL REQUIREMENTS FOR IOTC MEMBERS

(SUPERSEDED BY RESOLUTION 01/05)

CATCH AND EFFORT DATA

Surface fisheries: catch and effort data of the surface fisheries, catch weight and fishing days at least (purse seine, baitboat, troll, drift nets) should be provided to the IOTC by 1° grid area and month strata. Purse seine fishery data should be stratified by type of school. Those data should preferably be extrapolated to the national monthly catches of each gear. The raising factors used, corresponding to the logbook coverage, should be given routinely to the IOTC.

Longline fisheries: catch and effort data of the longline fisheries should be provided to the IOTC by 5° grid area and month strata, preferably in numbers and in weight. The fishing effort should be given in numbers of hooks. Those data should preferably be extrapolated to the national monthly catches. The raising factors used, corresponding to the logbook coverage, should be given routinely to the IOTC.

The catches, efforts and sizes of the **artisanal, small scale and sport fisheries** should also be submitted on a monthly basis, but using the best geographical areas used to collect and process those data.

SIZE DATA

Considering that size data are of key importance for most tuna stock assessment, length data should be routinely submitted to the IOTC on a 5° grid area and month basis, by gear and fishing mode (e.g. free/log schools for the purse seiners). Size data should be provided for all gears and for all species covered by the IOTC. Size data sampling should preferably be run under strict and well described random sampling schemes which are necessary to provide unbiased figures of the sizes taken. The exact recommended level of sampling could vary between species (as a function of various parameters), but the specific level of recommended sampling needs to be established by the working party on statistics. More detailed size data, for instance size by individual samples, should also be made available to the IOTC when requested by specific working groups, but under strict rules of confidentiality.

TIMELINESS OF DATA SUBMISSION TO THE IOTC

It is essential that all the fishery data be available in due time to allow the monitoring of stocks and analysis of the data. It is thus recommended that the following rules should be applied as standard obligation:

Surface fleets and other fleets operating in coastal zone must provide their fishery data at the earliest possible date but no later than the 30th of June each year (previous year data).

Longline fleets operating in the high seas must provide the **provisional** fishery data at the earliest date, but **no later than before June 30th** (for the previous year data). They must provide the **final estimate** of their fishery data **before December 30th each year** (for the previous year data).

The delays presently required to submit statistics could be reduced in the future because of the development of communication and data processing technologies, which should reduce the present data processing delays.

RESOLUTION 98/02

DATA CONFIDENTIALITY POLICY AND PROCEDURES

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the need for confidentiality at the commercial and organisational levels for data submitted to IOTC, the following policy and procedures on confidentiality of data will apply:

DATA SUBMITTED TO THE SECRETARIAT

1. The policy for releasing catch-and-effort and length-frequency data will be as follows:
2. Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries stratified by fishing nation are considered to be in the public domain, provided that the catch of no individual vessel can be identified within a time/area stratum. In cases when an individual vessel can be identified, the data will be aggregated by time, area or flag to preclude such identification, and will then be in the public domain.
3. Catch-and-effort and length-frequency data grouped at a finer level of time-area stratification will only be released with written authorisation from the sources of the data. Each data release will require the specific permission of the Secretary.
4. A Working Party will specify the reasons for which the data are required.
5. Individuals requesting the data are required to provide a description of the research project, including the objectives, methodology and intentions for publication. Prior to publication, the manuscript should be cleared by the Secretary. The data are released only for use in the specified research project and the data must be destroyed upon completion of the project. However, with authorisation from the sources of the data, catch-and-effort and length-frequency data may be released for long-term usage for research purposes, and in such cases the data need not be destroyed.
6. The identity of individual vessels will be hidden in fine-level data unless the individual requesting this information can justify its necessity.
7. Both Working Parties and individuals requesting data shall provide a report of the results of the research project to IOTC for subsequent forwarding to the sources of the data.

PROCEDURES FOR THE SAFEGUARD OF RECORDS

Procedures for safeguarding records and databases will be as follows:

1. Access to logbook-level information will be restricted to IOTC staff requiring these records for their official duties. Each staff member having access to these records will be required to sign an attestation recognising the restrictions on the use and disclosure of the information.
2. Logbook records will be kept locked, under the specific responsibility of the Data Manager. These sheets will only be released to authorised IOTC personnel for the purpose of data input, editing or verification. Copies of these records will be authorised only for legitimate purposes and will be subjected to the same restrictions on access and storage as the originals.
3. Databases will be encrypted to preclude access by unauthorised persons. Full access to the database will be restricted to the Data Manager and to senior IOTC staff requiring access to these data for official purposes, under the authority of the Secretary. Staff entrusted with data input, editing and verification will be provided with access to those functions and data sets required for their work.

DATA SUBMITTED TO WORKING PARTIES

Data submitted to Working Parties will be retained by the Secretariat or made available for other analyses only with the permission of the source.

The above rules of confidentiality will apply to all members of Working Parties.

RESOLUTION 98/03
ON SOUTHERN BLUEFIN TUNA

The Indian Ocean Tuna Commission (IOTC),

MINDFUL that southern bluefin tuna (SBT) is a highly migratory species whose range includes, but extends beyond, the Indian Ocean,

RECALLING the competence of the IOTC, under the Agreement for the Establishment of the Indian Ocean Tuna Commission (the Agreement), for tunas in the Indian Ocean, including SBT most of whose range falls within the IOTC area of competence,

RECALLING ALSO that the objective of the Convention for the Conservation of Southern Bluefin Tuna (the Convention) is to ensure, through appropriate management, the conservation and optimum utilization of SBT throughout its entire range,

FURTHER RECALLING Article XV of the Agreement and Article 12 of the Convention, each of which provides for cooperation between the IOTC or the Commission for the Conservation of Southern Bluefin Tuna (the CCSBT) respectively, and other relevant international organizations, while also seeking to avoid duplication with respect to their work,

BEARING IN MIND that the recognition by the IOTC of the prime responsibility of CCSBT for conservation and management of SBT, recorded at paragraph 31 of the Report of the First Special Session of the IOTC, was taken at a time when a total allowable catch (TAC) for SBT was in force under the Convention,

CONCERNED at the difficulties between CCSBT member States, due mainly to differences on SBT stock status assessments and projections, as reported to the IOTC by its Scientific Committee in the Report of its First Session, which are currently preventing the CCSBT from agreeing to a TAC,

CALLS upon the CCSBT member States urgently to overcome their difficulties in order to achieve the objective of the Convention and, to this end, offers to them the good offices of the IOTC Chairman, the Chairman of the Scientific Committee and the Secretary, or their nominees, who may invite the contribution of other experts if appropriate, to advise on means to achieve this objective.

AGREES to review, at its fourth session, the progress made in overcoming those difficulties, and, if necessary, to decide whether a Working Party on SBT or on temperate tunas should be established to advance the effective conservation and optimum utilization of SBT.

RESOLUTION 98/04
CONCERNING REGISTRATION AND EXCHANGE OF INFORMATION ON VESSELS,
INCLUDING FLAG OF CONVENIENCE VESSELS, FISHING FOR TROPICAL TUNAS IN THE
IOTC AREA OF COMPETENCE
(SUPERSEDED BY RESOLUTION 05/04, RESOLUTION 07/04)

The Indian Ocean Tuna Commission (IOTC),

NOTING the Research Recommendations of the 7th Expert Consultations on Indian Ocean Tunas regarding the need to collect data on fishing effort;

NOTING the Report of the First Session of the Scientific Committee and its general recommendation on the need to make a comprehensive list of all vessels of all gears catching bigeye;

RECOMMENDS, in accordance with the provisions of Article IX, paragraph 8, of the Agreement establishing the IOTC, that:

All Contracting Parties and Non-Contracting Parties cooperating with the IOTC with vessels fishing for tropical tunas in the IOTC Area of Competence (hereinafter referred to as 'the Area'), by 30 June every year:

shall submit to the Secretary a list of their respective vessels greater than 24 m LOA that have fished for tropical tunas in the Area during the previous year;

may submit to the Secretary, on a voluntary basis, a list of their respective vessels of less than 24 m LOA that have fished for tropical tunas in the Area during the previous year.

These lists shall contain the following information for each vessel:

Name and registration number;

Previous flag (if any);

International radio call sign;

Vessel type, length, and gross registered tonnage or gross tonnage;

Name and address of owner, and/or charterer, and/or operator.

Contracting Parties which issue licences to foreign flag vessels to fish for tropical tunas in the Area shall submit to the Secretary the same information on all vessels to which such licences have been issued, according to the same timetable.

The Secretary shall circulate this information annually, or upon request, to all Contracting Parties and Non-Contracting Parties cooperating with the IOTC.

The Contracting Parties and Non-Contracting Parties cooperating with the IOTC shall notify the Secretary of any information concerning fishing vessels not covered in paragraph 1 but known or presumed to be fishing for tropical tunas in the Area.

The Secretary shall request the flag State of a vessel covered in paragraph 5 to take the measures necessary to prevent the vessel from fishing for tropical tunas in the Area.

The Secretary shall compile for future consideration by the Commission information on vessels covered in paragraph 5 whose flag is not identified.

RESOLUTION 98/05
ON COOPERATION WITH NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING that the international community has an important responsibility to conserve the tuna and tuna-like resources of the Indian Ocean for present and future generations;

RECOGNIZING that the problem of ensuring such sustainability cannot be resolved properly unless all nations fishing these species work together cooperating through the Commission;

RECALLING that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks has emphasized the importance of ensuring the conservation of highly migratory species through international fisheries organizations such as the Commission;

Therefore DECIDES to:

Instruct the Chairman of IOTC to send the attached letter to all non-Contracting Parties known to have vessels fishing in the Area for species covered by the Agreement to urge them to become Contracting Parties.

Instruct the Secretary to provide to non-Contracting Parties referred to in paragraph 1 above copies of all relevant Resolutions adopted by IOTC at its Third Session.

DRAFT LETTER

(Courtesy formula)

The Indian Ocean Tuna Commission (IOTC) is a regional fisheries organization, created in 1996, which to date includes 16 States and one Organization for regional economic integration.

The principal objective of the IOTC is to promote the conservation and management of the migratory species covered by the Agreement establishing the IOTC (hereinafter referred to as ‘the Agreement’).

The contracting parties of the IOTC have decided to cooperate among themselves to implement this objective.

In order to achieve this goal, the IOTC has, *inter alia*, the responsibility of constantly monitoring the status of and changes in the stocks covered by the Agreement and to collect, analyse and disseminate scientific information, statistics of catches and fishing effort and other data useful for the conservation and management of these stocks.

This function can be implemented only if non-Contracting Parties of the IOTC cooperate with the Commission and exchange information on fishing activities relating to the stocks covered by the Agreement.

The Chairman of the IOTC draws the attention of the Authorities of whose vessels exploit the stocks covered by the Agreement in its area of competence, to the need to cooperate for the purposes of conservation and management of these stocks.

With this need in mind, the Chairman of the Commission invites the Authorities of to become party to the Agreement establishing the IOTC by sending to the Director-General of FAO an instrument of acceptance, or at least to cooperate with the Commission, through the exchange of information and statistical data on fishing activities on the stocks falling within the remit of the Commission.

(Courtesy formula)

1999 - FOURTH SESSION OF THE IOTC - KYOTO, JAPAN

RESOLUTION 99/01
ON THE MANAGEMENT OF FISHING CAPACITY AND ON THE REDUCTION OF THE
CATCH OF JUVENILE BIGEYE TUNA BY VESSELS, INCLUDING FLAG OF
CONVENIENCE VESSELS, FISHING FOR TROPICAL TUNAS IN THE IOTC AREA OF
COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

NOTING that the FAO Code of Conduct for Responsible Fishing provides that States should take measures to prevent or eliminate excessive fishing capacity,

CONCERNED that the fleets fishing for tropical tunas in the IOTC area of competence continue to increase rapidly, and that current capacity may exceed the level of fishing effort appropriate for sustainable use of the high value tuna resources of the Indian Ocean,

FURTHER CONCERNED that, for example, the biomass of adult bigeye in the Indian Ocean has shown a continual and severe decrease, as reported by the Scientific Committee, as a result of increasing catches by both longliners and purse seiners,

FURTHER CONCERNED that currently about 70% by number of the total bigeye catch is taken by the purse-seine fleet, and consists mainly of juvenile fish, and that 80% of the catch in weight is taken by the longline fleet, and consists mainly of adult fish,

RECALLING that in February 1999 the FAO Committee on Fisheries adopted the International Plan of Action for the Management of Fishing Capacity (in application of the Code of Conduct), calling for immediate action to reduce fishing capacity in major international fisheries,

FURTHER RECALLING that the Rome Declaration on the Implementation of the Code, adopted by the FAO Ministerial Meeting on Fisheries in March 1999, underlines the important role of regional fishery management organizations in respect of the implementation of the Code of Conduct,

NOTING that the Scientific Committee has considered that, on the basis of certain indicators, if the catches continue at high levels, the stock of bigeye tuna is likely to become overexploited and, taking account of the precautionary approach, there is a need for immediate management action,

FURTHER NOTING that the Scientific Committee has recommended that the increase in catches of the stock of bigeye tuna by all gears should be halted immediately, and that the increase in catches of small bigeye tuna associated with floating objects should also be halted,

RECOGNIZING Japan's initiative to implement the FAO Plan of Action by a reduction in the number of long-distance longline vessels by 20% (132 vessels), and the need for possible, concerted and appropriate actions by other States or fishing entities,

CONSIDERING that the Scientific Committee concluded that establishing area and seasonal closures of fishing grounds to fishing on floating objects would appear to be the best option to reduce the catches of juvenile bigeye tuna by purse seiners,

RECALLING the Resolution of the Third Session of IOTC concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC area of competence,

VERY CONCERNED that illegal, unregulated and unreported (IUU) fishing activities by large-scale tuna vessels in the IOTC area of competence have continued to increase, severely diminishing the potential effectiveness of conservation and management measures adopted by IOTC and impeding adequate stock assessment by the Scientific Committee:

1. UNDERTAKES TO ADOPT concerted actions to limit the fishing capacity of the fleet of large-scale vessels fishing for tropical tunas in the IOTC area of competence, to ensure the long-term sustainable exploitation of tuna stocks. As a first step, at its Session in 2000 IOTC will consider, on the basis of the scientific advice referred to in paragraph 3 below, the limitation of the capacity of the fleet of large-scale tuna vessels to the appropriate level.
2. ENGAGES TO ADOPT, at its Session in 2000, a season and area closure of the use of floating objects in the IOTC area of competence, on the basis of the scientific advice referred to in paragraph 3 below.

3. ASKS the Scientific Committee to present, at the Session of IOTC in 2000, recommendations on:
 - The best estimate, on the basis of existing data and analyses, of the optimum fishing capacity of the fishing fleet which will permit the sustainable exploitation of tropical tunas.
 - Precise areas, periods and conditions for a moratorium on the use of floating objects that would bring about a reduction of the fishing mortality of juvenile bigeye. The Scientific Committee should present various options, with estimates of their likely effects on the catch rates of the three species of tropical tunas.
4. URGES Contracting Parties and non-contracting Parties cooperating with IOTC to fulfil their obligations concerning the transmission of the list of vessels fishing for tropical tunas according to the Resolution of the Third Session.
5. REGARDLESS of the full application of this resolution, Contracting Parties will have due regard to the interests of all countries concerned, in conformity with the rights and obligations of those countries under international law and, in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to their entry into the high seas fisheries in the IOTC area of competence.

RESOLUTION 99/02
CALLING FOR ACTIONS AGAINST FISHING ACTIVITIES BY LARGE SCALE FLAG OF
CONVENIENCE LONGLINE VESSELS

The Indian Ocean Tuna Commission (IOTC),

RECALLING that IOTC adopted at its 1998 meeting the Recommendation Concerning Registration and Exchange of Information on Vessels, including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence,

CONCERNED that fishing activities by large scale flag of convenience (FOC) tuna longline fishing vessels in the IOTC Areas have continued and increased, and that such activities diminish the effectiveness of IOTC conservation and management measures,

RECOGNIZING that there is evidence to indicate that many owners of vessels engaged in such fishing activities have reflagged their vessels to avoid compliance with IOTC conservation and management measures,

AWARE that most of these vessels are owned and operated by Taiwan Province of China (TPC) entities while almost all of their products are being exported to Japan,

WELCOMING the work now underway in FAO to develop an international Plan of Action to combat illegal, unregulated and unreported (IUU) fishing including FOC,

DETERMINED that further action must be taken to deter FOC fishing activities,

RESOLVES as follows:

1. The Contracting Parties and non-Contracting Parties Cooperating with the IOTC shall ensure that large-scale tuna longline vessels under their registry do not engage in IUU fishing activities (e.g. by means of denying such vessels a license to fish).
2. The Contracting Parties and non-Contracting Parties Cooperating with the IOTC shall refuse landing and transshipment by FOC vessels which are engaged in fishing activities diminishing the effectiveness of measures adopted by IOTC.
3. The Contracting Parties and non-Contracting Parties Cooperating with the IOTC shall take every possible action, consistent with their relevant laws,
 - to urge their importers, transporters and other concerned business people to refrain from transacting in and transshipping tunas and tuna-like species caught by vessels carrying out FOC fishing activities
 - to inform their general public of FOC fishing activities by tuna longline vessels which diminish the effectiveness of IOTC conservation and management measures and urge them not to purchase fish harvested by such vessels, and
 - to urge their manufacturers and other concerned business people to prevent their vessels and equipment/devices from being used for FOC longline fishing operations.
4. The Commission urges all non-contracting parties, entities or fishing entities not referred to above to act in conformity with operative paragraphs 1, 2 and 3 of this Resolution.
5. The Commission encourages monitoring and exchange of information concerning FOC fishing activities including the port sampling activity conducted by the Secretariat,
6. The Commission urges States and fishing entities whose FOC fishing vessels are engaged in fishing activities diminishing the effectiveness of measures adopted by IOTC, to repatriate or scrap such vessels. The Commission also urges Japan, in cooperation with such states and fishing entities, to scrap Japan-built vessels engaged in FOC fishing activities.
7. The Commission instructs the Secretariat to prepare possible measures including trade restrictive measures to prevent or eliminate FOC fishing activities.
8. The legal joint venture operation of vessels by Contracting Parties should not be construed as FOC fishing as long as it does not diminish the effectiveness of measures adopted by IOTC.
9. Due consideration shall be given to the interests of coastal nations.

RESOLUTION 99/03

ON THE ELABORATION OF A CONTROL AND INSPECTION SCHEME FOR IOTC

The Indian Ocean Tuna Commission (IOTC),

CONSIDERING that the control and effective implementation of the management measures constitutes an essential element for the success of these measures;

NOTING that IOTC does not have at present a control and inspection scheme adapted to the characteristics of tuna fisheries in the region;

REALIZING that international law is evolving, especially as far as international control and inspection are concerned, and that IOTC must take the necessary steps to adapt itself to this evolution;

CONSIDERING that such a future control and inspection scheme should take into account the characteristics of the fisheries, the particularities of the different geographical zones within the IOTC area of competence, and the characteristics of the conservation and management measures to be adopted, with due regard to the cost effectiveness of the scheme;

CONCERNED that the activity of “flag of convenience” vessels will undermine every effort on stock conservation taken by IOTC Parties;

RECOGNIZING that this is a complex task that should be started as soon as possible, to ensure that the system is in place by the time IOTC adopts management measures:

The Commission will engage in the elaboration of a control and inspection scheme containing all the necessary elements to ensure adequate control and enforcement of management measures for both Contracting and non-Contracting Parties.

For this purpose, the Commission establishes the following schedule of activities:

- Prior to the IOTC Session in 2000, Contracting Parties will submit to the Secretariat their proposals and suggestions for such a scheme. The Secretariat will circulate these proposals to other Contracting Parties.
- At the Session in 2000, a discussion will take place on the elements that could constitute the package of control measures.
- If necessary, during 2001 an intersessional meeting will be held to advance in the definition of the scheme.
- At the Session in 2001, the Commission will consider the adoption of the scheme.

RESOLUTION 99/04
ON THE STATUS OF COOPERATING NON-CONTRACTING PARTIES
(SUPERSEDED BY RESOLUTION 03/02)

The Indian Ocean Tuna Commission (IOTC),

NOTING the imperative international responsibility concerning the conservation of the resources of tunas and tuna-like species in the Indian Ocean for the needs of present and future generations;

NOTING that this sustainability can be ensured only if all the Parties which fish for these species cooperate with the Commission, which is the competent international body for the conservation and management of these species within its area of competence;

BEARING IN MIND that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks has underlined the importance of ensuring the conservation and optimum utilisation of highly migratory species through the action of regional fishery bodies such as the IOTC;

RECALLING the resolution of the Third Session of the IOTC concerning the registration and exchange of information on vessels, including those flying flags of convenience, which fish for tropical tunas in its area of competence;

RECALLING ALSO the resolution of the Third Session of the IOTC on cooperation with non-contracting Parties;

RESOLVES, in conformity with the provisions of Article IX, paragraph 1, of the IOTC Agreement, that:

1. Any non-Contracting Party that voluntarily ensures that vessels flying its flag fish in a manner which is in conformity with the conservation measures adopted by IOTC be defined as a Non-Contracting Cooperating Party.
2. The Secretary of IOTC contact every year all Non-Contracting Parties known to be fishing for species which fall within the mandate of IOTC, in order to encourage them to become Contracting Parties of IOTC or to accede to the status of Cooperating Party. The Secretary shall attach to these communications copies of all relevant resolutions and recommendations adopted by IOTC.
3. Any non-contracting Party wishing to become a Cooperating Party will make a request to that effect to the Secretary. When submitting this request, and every year thereafter, the candidate Party will confirm to IOTC its firm commitment with respect to the conservation and management measures adopted by the Commission. It will undertake to transmit to IOTC all the data that Contracting Parties are obliged to submit to IOTC, as specified in the recommendations adopted by the Commission. Any request should be received by IOTC at least ninety (90) days before the annual Session of the Commission.
4. At its annual Sessions, the Commission will examine requests for the status of Cooperating Party and decide whether or not to grant a candidate Party the status of Cooperating Party. The Commission must also evaluate every year the activities of Cooperating Parties to determine whether they conform to the criteria required to maintain this status.
5. Non-Contracting Parties which continue to fish for tunas in the area of competence of IOTC and do not become Cooperating Parties will be informed that pursuing their fishing activities in contravention of the management measures of IOTC, including failure to respect the obligation to declare their catches, undermines the effect of these measures.
6. The Commission will, at its future Sessions, analyze the possibility of introducing concrete measures to inhibit the activities of vessels of non-Contracting, non-Cooperating Parties, including preventing landings and transshipments of catches of vessels of non-Contracting Parties fishing in a manner which is not in conformity with the conservation and management measures of IOTC, and measures which could be taken against non-Contracting and non-Cooperating Parties through a specific action plan.

2000 - FIFTH SESSION OF THE IOTC - VICTORIA, SEYCHELLES

RESOLUTION 00/01

ON COMPLIANCE WITH MANDATORY STATISTICAL REQUIREMENTS FOR IOTC MEMBERS AND REQUESTING COOPERATION WITH NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission,

RECOGNIZING that fisheries information is essential for all scientific work including stock assessments and for proper fisheries management in IOTC,

RECALLING that "Mandatory Statistical Requirements for IOTC Members" were introduced at the 3rd Session of IOTC in 1998,

EXPRESSING CONCERN that many IOTC members fail to fully comply with such requirements,

EXPRESSING FURTHER CONCERN that there are significant fishing activities carried out by non-Contracting Parties in the IOTC Area and that, in particular, 70% of data from longline operations are still not reported to the IOTC,

RESOLVES that,

1. All Contracting Parties and Cooperating Non-Contracting Parties shall comply with the Resolution 98/01, "Mandatory Statistical Requirements for IOTC Members" adopted at the 3rd Session of IOTC in 1998.
2. The Secretary shall consider options to encourage the timely collection and provision of fisheries data to improve the compliance of data requirements and report them to the 2001 IOTC Scientific Committee and Commission meetings.
3. The Commission shall request Contracting and Non-Contracting Parties, to cooperate by submitting all required fisheries data before the beginning of the next Working Party.

RESOLUTION 00/02
ON A SURVEY OF PREDATION OF LONGLINE CAUGHT FISH

The Indian Ocean Tuna Commission (IOTC),

CONVINCED that the proper management of all marine resources should be based on scientific finding and on the principle of sustainable use as reflected in the UN Convention on the Law of the Sea, 1982, the Kyoto Declaration and FAO's International Plans of Action and Code of Conduct for Responsible Fisheries,

MINDFUL that the 23rd session of COFI agreed that greater consideration should be given to the development of more appropriate ecosystem approaches to fisheries management, in collaboration with both FAO and regional fisheries bodies,

RECALLING that in 1999, the Commission, recognizing the importance of the ecosystem approach to fisheries management, endorsed a five year research programme on the predation by marine mammals and sharks on tuna caught on longlines, in order to collect comprehensive information, improve catch statistics, find possible methods of preventing predation and explore any possible implications for stock assessment of tunas and the ecosystem approach,

NOTING that preliminary estimates of predation of tuna and tuna-like species caught by the longline fishery indicate damage rates in some parts of the IOTC Area in the range of 10-30 % (IOTC/SC/00/11),

ALSO NOTING that the Scientific Committee agrees that the extent of predation unknown and might have important implications in terms of catch statistics and stock assessments and encourage the participation in the survey of other Member and Non-Member countries,

ENCOURAGES all Contracting Parties and non-Contracting Parties to participate in the survey of predation of longline caught fish and submit the preliminary results to the Secretariat by the end of September 2001,

REQUESTS the Scientific Committee to present the preliminary results of the study on predation for its consideration at the Sixth Session of the IOTC in 2001.

2001 - SIXTH SESSION OF THE IOTC - VICTORIA, SEYCHELLES

RECOMMENDATION 01/01
CONCERNING THE NATIONAL OBSERVER PROGRAMMES FOR TUNA FISHING IN THE
INDIAN OCEAN

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the conclusions of the intersessional meeting on the establishment of a control and inspection scheme which was held in Yaizu, Japan from the 27th to the 29th March 2001, and notably of paragraph 30 relating to the observer programmes,

AWARE of the need to adopt and put into effect, prior to the adoption of an integrated programme of control and inspection, minimum control measures applicable to vessels flying the flag of a Contracting Party undertaking activities in the IOTC zone of competence,

RECOMMENDS in accordance with the provisions of the Agreement Establishing the IOTC, that

- 1 The Contracting Parties, and non-Contracting Parties cooperating with the IOTC are encouraged to present, as appropriate, before the annual meeting to be held in 2002, the national observer programmes that have been put into effect in order to observe and follow the application and compliance with IOTC measures for the vessels of Contracting Parties, non-Contracting Cooperating Parties, and fishing entities in the area of competence of IOTC
- 2 This presentation may include the following elements:
 - a) objectives of the programme (the IOTC measures concerned, the fisheries concerned)
 - b) characteristics of the vessels concerned (overall length, tonnage (GT, GRT), presence of vessel monitoring equipment on board, type of fishing gear, species caught)
 - c) coverage rate by fleet (number of observers on board compared with the number of vessels engaged in fishing, average duration of each trip for each vessel),
 - d) observation reporting model;
 - e) principal results of the observer programme

RESOLUTION 01/02

RELATING TO CONTROL OF FISHING ACTIVITIES

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001.

TAKING NOTE of the willingness to introduce, before the adoption of the integrated control and inspection scheme, minimum control measures applicable to the fishing vessels flying the flag of a Contracting party, and or, of a Cooperating non-Contracting Party, which carry out fishing activities in the area of the competence of the IOTC.

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

ADOPTS, in accordance with the provisions of Article IX of the Agreement establishing the IOTC, the following¹:

1. Each Contracting Party and non-Contracting Party Co-operating with the IOTC shall:
 - a) Authorise the use of fishing vessels flying its flag for fishing activities only where it is able to exercise effectively its responsibilities in respect of such vessels;
 - b) Ensure that fishing vessels flying its flag comply with applicable resolutions adopted under the IOTC Agreement;
 - c) Notify to the Secretariat on an annual basis by 31st January, or in any case before the vessel's entry into the IOTC Area, all fishing vessels greater than 24 meters in overall length (or greater than 20 meters between perpendiculars) authorised to fish in the IOTC Area and notably whether the vessel is authorised to fish one or more regulated resource.

This notification shall include for each vessel:

- I. Name of vessel, registration number;
- II. Previous flag (if any);
- III. International Radio Call Sign;
- IV. Vessel type, length and gross registered tonnage or gross tonnage;
- V. Name and address of owner and/or charter, and/or operator.

Each Contracting Party and Non-Contracting Party co-operating with the IOTC shall notify to the Secretariat of any modifications including suspensions, withdrawals and limitations to this information without delay.

The Secretary shall make available to all Contracting Parties and non-Contracting Parties Co-operating with the IOTC, the information notified under sub-paragraph (c).

2. Each Contracting Party and non-Contracting Party Co-operating with the IOTC shall:
 - a) Ensure that each of its fishing vessels carry on board documents issued and certified by the competent authority of that Contracting Party or of that non-Contracting Party Co-operating with IOTC, including, at a minimum, the following:
 - I. License, permit or authorisation to fish and terms and conditions attached to the licence, permit of authorisation;
 - II. Vessel name;
 - III. Port in which registered and the number(s) under which registered;
 - IV. International call sign;
 - V. Names and addresses of owner(s) and where relevant, the charter;
 - VI. Overall length;
 - VII. Engine power, in KW/horsepower, where appropriate.
 - b) Verify above documents on a regular basis and at least every year;

¹ Paragraph 1 has been superseded by Resolutions [02/05](#), [05/02](#) and [07/02](#)

- c) Ensure that any modification to the documents and to the information referred to in 1.a) is certified by the competent authority of that Contracting Party or of that non-Contracting Party Co-operating with the IOTC
3. Each Contracting Party and non-Contracting Party Co-operating with the IOTC shall ensure that its fishing vessels authorised to fish in the IOTC area are marked in such a way that they can be really identified with generally accepted standards such as the FAO Standard Specification for the Marking and Identification of Fishing vessels.
4. a) Each Contracting Party and non-Contracting Party Co-operating with the IOTC shall ensure that gear used by its fishing vessels authorised to fish in the IOTC Area is marked appropriately, such as, the ends of nets, lines and gear in the sea, shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent.
- b) Marker buoys and similar objects floating and on the surface, and intended to indicate the location of fixed fishing gear, shall be clearly marked at all time with the letter(s) and/or number(s) of the vessel to which they belong.
- c) Fish aggregating devices shall be clearly marked at all time with the letter(s) and / or number(s) of the vessel to which they belong.
5. Each Contracting Party and non-Contracting Party Co-operating with the IOTC shall ensure that all their respective fishing vessels greater than 24 m LOA, and authorized to fish in the IOTC Area keep a bound fishing national logbook with consecutively numbered pages. The original recordings contained in the fishing logbooks shall be kept on board the fishing for a period of at least 12 months.

RESOLUTION 01/03**ESTABLISHING A SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY VESSELS WITH RESOLUTIONS ESTABLISHED BY IOTC**

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001.

TAKING NOTE of the need to fight against illegal, unregulated and unreported fisheries (IUU).

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

ADOPTS, in accordance with the provisions of Article IX of the Agreement creating the IOTC, the following:

1. Any observation by a Contracting Party vessel or aircraft of non-Contracting Party, Entity or fishing Entity vessels, indicating that there are grounds for believing that these vessels are fishing contrary to IOTC conservation or management measures, shall be reported immediately to the appropriate authorities of the flag-State making the observation. The Contracting Party shall then notify immediately the appropriate authorities of the flag-State of the vessel fishing. Each Contracting Party making the observation shall also immediately notify the IOTC Secretariat, which, in turn, shall notify the other Contracting Parties.
2. A vessel flying the flag of a non-Contracting Party, Entity or fishing Entity, which has been sighted in the IOTC Area, in conformity with the conditions of paragraph 1, is presumed to be undermining IOTC conservation and management measures.
3. When a vessel of a non-Contracting Party, Entity or fishing Entity referred to in paragraph 2 enters voluntarily a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of IOTC measures and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, logbooks, fishing gear, catch on board and any other matter relating to the vessel's activities in the IOTC Area.
4. Landings and transhipments of all fish from vessels of a Non-Contracting Party, Entity or fishing Entity which have been inspected pursuant to paragraph 3 shall be prohibited in all Contracting Party ports if such inspection reveals that the vessel has onboard species subject to IOTC conservation or management measures, unless the vessel establishes that the fish were caught outside the IOTC Area or in compliance with the relevant IOTC conservation measures and requirements under the Agreement.
5. Information on the results of all inspections of vessels of non-Contracting Parties, Entities or fishing Entities, conducted in the ports of Contracting Parties, and any subsequent action, shall be transmitted immediately to the Commission. The Secretariat shall transmit this information to all Contracting Parties and to the relevant flag-State(s).

RESOLUTION 01/04
ON LIMITATION OF FISHING EFFORT OF NON MEMBERS OF IOTC WHOSE VESSELS
FISH BIGEYE TUNA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that at the 4th Session of the Scientific Committee it was recommended that a reduction of the catching of Bigeye Tuna by all the fishing gears should be applied as soon as possible.

CONSIDERING that some non-Members of the Agreement establishing the IOTC have increased in a substantial manner their catches and fishing effort on bigeye tuna during recent years and that, consequently, it is necessary for the effective conservation and management of the bigeye stock that these non-Members decrease their fishing effort.

RECOMMENDS, in accordance with the provisions of Article IX of the Agreement on the establishment of the IOTC, the following:

1. Taking into account the urgent need to manage in a global and efficient way the fishing effort on bigeye tuna, the Commission requests non-Members of IOTC to reduce their fishing effort in 2002 in relation to 1999 levels.
2. They are urged to inform the Commission, before 30 June 2002, of the measures they have taken in order to ensure the implementation of this Resolution, including their 1999 fishing effort in terms of catch and effort data, and the number of vessels.
3. The Commission shall review at the 2002 Session the measures taken by non-Members to implement reductions described in paragraph 1 above.
4. The Chairman shall communicate this Resolution to the non-Members concerned.

RESOLUTION 01/05¹
MANDATORY STATISTICAL REQUIREMENTS FOR IOTC MEMBERS
(SUPERSEDED BY RESOLUTION 08/01)

Catch and effort data

Surface fisheries: catch and effort data of the surface fisheries, catch weight and fishing days at least (purse seine, baitboat, troll, drift nets) should be provided to the IOTC by 1° grid area and month strata. Purse seine fishery data should be stratified by type of school. Those data should preferably be extrapolated to the national monthly catches of each gear. The raising factors used, corresponding to the logbook coverage, should be given routinely to the IOTC.

Longline fisheries: catch and effort data of the longline fisheries should be provided to the IOTC by 5° grid area and month strata, preferably in numbers and in weight. The fishing effort should be given in numbers of hooks. Those data should preferably be extrapolated to the national monthly catches. The raising factors used, corresponding to the logbook coverage, should be given routinely to the IOTC.

The catches, efforts and sizes of the **artisanal, small scale and sport fisheries** should also be submitted on a monthly basis, but using the best geographical areas used to collect and process those data.

Size data

Considering that size data are of key importance for most tuna stock assessment, length data, including the total number of fish measured, should be routinely submitted to the IOTC on a 5° grid area and month basis, by gear and fishing mode (e.g. free/log schools for the purse seiners). Size data should be provided for all gears and for all species covered by the IOTC. Size data sampling should preferably be run under strict and well described random sampling schemes which are necessary to provide unbiased figures of the sizes taken. The exact recommended level of sampling could vary between species (as a function of various parameters), but the specific level of recommended sampling needs to be established by the working party on statistics. More detailed size data, for instance size by individual samples, should also be made available to the IOTC when requested by specific working groups, but under strict rules of confidentiality.

Fishing for tunas in association with floating objects including Fish Aggregating Devices (FADs)

It is essential for IOTC to better understand changing patterns in effective fishing effort in respect of fleets operating in the IOTC Area of Competence that more information is obtained. Considering that the activities of supply vessels and the use of Fish Aggregating Devices (FAD) are an integral part of the fishing effort exerted by the purse seine fleet the following information should be routinely submitted to the IOTC:

- a) **Number and characteristics of supply vessels:** (i) operating under their flag, (ii) assisting purse seine vessels operating under their flag, or (iii) licensed to operate in their exclusive economic zones, and that have been present in the IOTC Area of Competence.
- b) **Levels of activity of supply vessels:** including number of days at sea by 1° grid area and month basis.

In addition, Contracting Parties and Cooperating Non-Contracting Parties shall make their best endeavours to provide data on the **total number and type of Fish Aggregating Devices (FADs)** operated by the fleet by 5° grid area and month basis.

Timeliness of data submission to the IOTC

It is essential that all the fishery data be available in due time to allow the monitoring of stocks and analysis of the data. It is thus recommended that the following rules should be applied as standard obligation:

- a) **Surface fleets and other fleets operating in coastal zone** (including in respect of supply vessels) must provide their fishery data at the earliest possible date but **no later than the 30th of June each year** (previous year data).
- b) **Longline fleets operating in the high seas** must provide the **provisional** fishery data at the earliest date, but **no later than before June 30th** (for the previous year data). They must provide the **final estimate** of their fishery data **before December 30th each year** (for the previous year data).

The delays presently required to submit statistics could be reduced in the future because of the development of communication and data processing technologies, which should reduce the present data processing delays.

¹ In practice, this Resolution has superseded Resolution 98/01

RESOLUTION 01/06

CONCERNING THE IOTC BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the authority and responsibility of IOTC to manage bigeye tuna in the IOTC area of competence (“Convention Area”), at the international level,

RECOGNIZING ALSO the nature of the international market for bigeye tuna in the Convention Area,

RECOGNIZING ALSO that there is uncertainty on the catch of bigeye tuna in the Convention Area and that the availability of trade data would greatly assist in reducing such uncertainty,

RECOGNIZING ALSO that bigeye tuna is the main target species of “flag of convenience” fishing operations and that most of the bigeye harvested by such fishing vessels are exported to Contracting Parties, especially to Japan,

RECALLING that the International Commission for the Conservation of Atlantic Tunas (ICCAT) has established its Bluefin Tuna, Bigeye Tuna and Swordfish Statistical Document Programs, and that the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) has also established its Southern Bluefin Tuna Statistical Document Programme,

RECOGNIZING that the Statistical Document Programme is an effective tool to assist the Commission’s effort for the elimination of IUU fishing operations,

RECOMMENDS, in accordance with paragraph 1 of Article IX of the Agreement, that,

- 1 Contracting Parties, by July 1, 2002 or as soon as possible thereafter, require that all bigeye tuna, when imported into the territory of a Contracting Party, be accompanied by an IOTC Bigeye Tuna Statistical Document which meets the requirements described in **Annex 1** or an IOTC Bigeye Tuna Re-export Certificate which meets the requirements described in **Annex 2**. Bigeye tuna caught by purse seiners and pole and line (bait) vessels and destined principally for the canneries in the Convention Area are not subject to this statistical document requirement. The Commission and the Contracting Parties importing bigeye tuna shall contact all the exporting countries to inform them of this Programme in advance of the implementation of the Programme.
- 2 (1) The IOTC Bigeye Tuna Statistical Document must be validated by a government official or other authorized individual or institution of the flag State of the vessel that harvested the tuna, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting state, and;
(2) The IOTC Bigeye Tuna Re-export Certificate must be validated by a government official or other authorized individual or institution of the state that re-exported the tuna.
- 3 Each Contracting Party shall provide to the Secretary sample forms of its statistical document and re-export certificate required with bigeye tuna imports and information on validation in the format specified in **Annex 4**, and inform him/her of any change in a timely fashion.
- 4 The Contracting Parties which export or import bigeye tuna shall compile data from the Programme.
- 5 The Contracting Parties which import bigeye tuna shall report the data collected by the Programme to the Secretary each year by April 1 for the period of July 1 - December 31 of the preceding year and October 1 for the period of January 1 - June 30 of the current year, which shall be circulated to all the Contracting Parties by the Secretary. The formats of the report are attached as **Annex 3**.
- 6 The Contracting Parties which export bigeye tuna shall examine export data upon receiving the import data mentioned in paragraph 5 above from the Secretary, and report the results to the Commission annually.
- 7 The Contracting Parties should exchange copies of statistical documents and re-export certificates to facilitate the examination mentioned in paragraph 6, consistent with domestic laws and regulations.

- 8 The Commission shall request Cooperating Non-Contracting Parties to take the measures described in the above paragraphs.
- 9 The Secretary shall request information on validation from all the non-Contracting Parties/Entities/Fishing Entities fishing and exporting bigeye tuna to Contracting Parties, and request them to inform him/her in a timely fashion of any changes to the information provided.
- 10 The Secretary shall maintain and update information specified in paragraphs 3 and 9 and provide it to all the Contracting Parties, and promptly circulate any changes.
- 11 The Commission shall request the non-Contracting Parties which import bigeye tuna to cooperate with implementation of the Programme and to provide to the Commission data obtained from such implementation.
- 12 Implementation of this Programme shall be in conformity with relevant international obligations.
- 13 At the initial stage of the programme, the statistical documents and the re-export certificates will be required for frozen bigeye products. Prior to implementing this Programme for fresh products, several practical problems need to be solved, such as guidelines to ensure procedures to handle fresh products at customs.
- 14 The statistical documents for bigeye tuna caught by fishing vessels flying the flag of a Member State of the European Community may be validated by the competent authorities of the Member State whose flag the vessel flies or by those of a different Member State where the products are landed, provided the corresponding quantities of bigeye tuna are exported outside the Community from the territory of the Member State of landing.
- 15 Notwithstanding the provisions of Article IX, paragraph 4, of the Agreement, the Contracting Parties shall implement this recommendation by July 1, 2002 or as soon as possible thereafter in accordance with the regulatory procedures of each Contracting Party.

Annex 1

Requirements Concerning the IOTC Bigeye Tuna Statistical Document

- 1 The sample form of the IOTC Bigeye Tuna Statistical Document shall be as in the Appendix.
- 2 Customs or other appropriate government officials will request and inspect all import documentation including the IOTC Bigeye Tuna Statistical Document for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
- 3 Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
- 4 Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Statistical Documents (i.e., improperly documented means that the Bigeye Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IOTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
- 5 The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

Appendix

DOCUMENT NUMBER	IOTC BIGEYE TUNA STATISTICAL DOCUMENT		
EXPORT SECTION			
1.FLAG OF COUNTRY/ENTITY/FISHING ENTITY			
2.NAME OF VESSEL AND REGISTRATION NUMBER (when available)			
3.TRAPS (if applicable)			
4.POINT OF EXPORT (City, State / Province, Country / Entity / Fishing Entity)			
5.AREA OF CATCH (check one of the following)			
(a) Indian (b) Pacific (c) Atlantic			
* In case of (b) or (c) checked, the item 6 and 7 below do not need to be filled out.			
6.DESCRPTION OF FISH			
Product Type (*1)		Gear Code(*2)	Net Weight
F/FR	D/GG/DR/FL/OT		(Kg)
*1= F=Fresh, FR=Frozen, RD=Round, GG=Gilled and Guttred, DR=Dressed, FL=Fillet, OT=Other, describe the type of product *2= When the Gear Code is OT, describe the type of gear.			
7.EXPORTER CERTIFICATION: <i>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</i>			
Name	Company name	Address	Signature Date License Number (if applicable)
8.GOVERNMENT VALIDATION: <i>I validate that information listed above is complete, true, and correct to the best of my knowledge and belief.</i>			
Total weight of the shipment		Kg	
Name & Title	Signature	Date	Government Seal
IMPORT SECTION:			
IMPORTER CERTIFICATION <i>I certify that the above information is complete, true, and correct the best of my knowledge and belief.</i>			
Importer Certification (Intermediate Country / Entity / Fishing Entity)			
Name	Address	Signature	Date License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)			
Name	Address	Signature	Date License # (if applicable)
Final Point of Import			
City	State	Province	Country Entity Fishing Entity

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITIES/FISHING ENTITIES: Fill in the name of the country of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the Recommendation, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state can issue this Document.

(2) NAME OF VESSEL AND REGISTRATION NUMBER (when available): Fill in the name and registration number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (c) or (d) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information.

NOTE: One row should describe one product type

(1) Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.

(3) Net product weight in kilograms.

(7) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).

(8) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block.

(9) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

<i>GEAR CODE</i>	<i>GEAR TYPE,</i>
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LOGLINE
MWT	MID-WATER TRAWL
PS	PURSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

Annex 2**Requirements Concerning
the IOTC Bigeye Tuna Re-export Certificate**

- 1 The sample form of the IOTC Bigeye Tuna Re-export Certificate shall be as in the Appendix.
- 2 Customs or other appropriate government officials will request and inspect all import documentation including the IOTC Bigeye Tuna Re-export Certificate for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
- 3 Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
- 4 A Contracting Party shall be free to validate IOTC Bigeye Tuna Re-export Certificates for bigeye tuna imported by that Contracting Party, to which IOTC Bigeye Tuna Statistical Documents or IOTC Bigeye Tuna Re-export Certificates are attached. IOTC Bigeye Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the IOTC Bigeye Tuna Statistical Document. A copy of the original Bigeye Tuna Statistical Document accompanying the imported bigeye tuna must be attached to an IOTC Bigeye Tuna Re-export Certificate. The copy of the original Bigeye Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the IOTC Bigeye Tuna Statistical Document. When re-exported bigeye tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bigeye tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the IOTC Bigeye Tuna Statistical Document.
- 5 Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Re-export Certificate (i.e., improperly documented means that the Bigeye Tuna Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IOTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
- 6 IOTC Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting bigeye dealer necessary documents (e.g. written sales contracts) which are to certify that the bigeye tuna to be re-exported corresponds to the imported bigeye tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
- 7 The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

Appendix

DOCUMENT NUMBER	IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1.RE-EXPORTING COUNTRY / ENTITY / FISHING ENTITY				
2.POINT OF RE-EXPORT				
3.DESCRPTION OF IMPORTED FISH				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)	Flag country/ Entity/Fishing Entity	Date of Import
4.DESCRPTION OF FISH FOR RE-EXPORT				
F/FR	Product Type(*) RD/GG/DR/FL/OT	Net Weight (Kg)		
* F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Gutted, DR=Dressed, FL=Fillet OT=Other(Describe the type of product)				
5.RE-EXPORTER CERTIFICATION: <i>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</i>				
Name/Company Name Address Signature Date License Number (if applicable)				
6.GOVERNMENT VALIDATION: <i>I validate that the above information is complete, true and correct to the best of my knowledge and belief.</i>				
Name & Title Signature Date Government Seal				
IMPORT SECTION:				
7.IMPORTER CERTIFICATION: <i>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</i>				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name	Address	Signature	Date	License # (if applicable)
Final Point of Import				
City	State/Province	Country / Entity / Fishing Entity		

NOTE: If a language other than English is used in completing this form. Please add the English translation on this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bigeye tuna in the shipment and issued this Certificate. According to the Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bigeye tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bigeye tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the bigeye tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be employed by a competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or other individual or institution authorized to validate such certificates by the competent government authority.

(7) IMPORTER CERTIFICATION

The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

REPORT OF THE IOTC BIGEYE TUNA STATISTICAL DOCUMENT

Period _____ to _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY _____

Month _____ Month _____ Year _____

Flag Country/Entity/F ishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/FL/OT	

Gear Code Gear Type

BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR	Rod & reel
SPHL	Sport Handline
SPOR	Sport fisheries unclassified
SURF	Surface fisheries unclassified
TL	Tended line
TRAP	Trap
TROL	Troll
UNCL	Unclassified methods
OTH	Other type (Indicate the type of gear):

Product type**Area Code**

F	Fresh	ID	Indian Ocean
FR	Frozen	PA	Pacific
RD	Round	AT	Atlantic
GG	Gilled & gutted		
DR	Dressed		
FL	Fillet		
OT	Other form, describe the type of products in the shipment		

REPORT OF THE IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE

Period _____ to _____, IMPORT COUNTRY/ENTITY/FISHING ENTITY _____
 Month _____ Month _____ Year _____

Flag Country/Entity/ y/Fishing Entity	Re-export Country/Entity/ Fishing Entity	Point of Re-export	Product Type		Product Wt.(Kg)
			F/FR	RD/GG/DR/FL/OT	

Product type

F Fresh
 FR Frozen
 RD Round
 GG Gilled & gutted
 DR Dressed
 FL Fillet
 OT Other form, describe the type of products in the shipment

INFORMATION ON VALIDATION OF IOTC STATISTICAL DOCUMENTS

- 1 Flag
- 2 Government/Authority Organization(s) accredited to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

- 3 Other institutions accredited by the government/authority to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Instructions

Contracting Parties, non-Contracting Parties having vessels that harvest species whose international trade must be accompanied by Statistical Documents are requested to submit the information on this sheet to the Secretary of IOTC*, and to ensure that any changes to the above are also transmitted to the Secretary on a timely fashion.

**IOTC; P.O.BOX 1011, Fishing Port, Victoria, Seychelles*

RESOLUTION 01/07
CONCERNING THE SUPPORT OF THE IPOA-IUU PLAN

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the Committee of the Fisheries of FAO adopted on 2 March 2001 the International Plan of Action to prevent, deter and eliminate the illegal, unregulated and unreported fisheries, and that the Council of FAO adopted it on 23 June 2001.

RECALLING that IOTC adopted measures aiming to fight against IUU fishing.

DECIDES:

1. To support the International Plan of Action to prevent, deter and eliminate the illegal, unregulated and unreported fisheries, and to encourage its application.
2. That the identification of the vessels engaged in IUU activities should be made by IOTC through agreed procedures in a fair, transparent and non-discriminatory manner.
3. That the establishment of, and co-operation in, the exchange of information on vessels identified according to the above procedures as engaged in or supporting IUU fishing, including trade information, should be made by IOTC.

2002 - SEVENTH SESSION OF THE IOTC - VICTORIA, SEYCHELLES

RESOLUTION 02/01
RELATING TO THE ESTABLISHMENT OF AN IOTC PROGRAMME OF INSPECTION IN
PORT
(SUPERSEDED BY RESOLUTION 05/03)

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001.

NOTING that there is a general consensus of the Contracting Parties on the fact that the inspection in port is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing.

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

ADOPTS, in accordance with the provisions of Article IX.1, of the Agreement establishing the IOTC, the following:

1. All measures provided for under this recommendation shall be taken in accordance with international law.
2. Measures taken by a Port State in accordance with this Agreement shall take full account of the right and the duty of a Port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.
3. Each Contracting Party may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
4. Each Contracting Party shall, in accordance with the Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with resolutions established by the IOTC, adopt regulations in accordance with international law to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch of the species covered by the Agreement establishing the IOTC has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.
5. In the event that a Port State considers that there has been evidence of a violation by a Contracting Party or a Non-Contracting Party vessel of a conservation and management measure adopted by the Commission, the Port State shall draw this to the attention of the Flag State concerned and, as appropriate, the Commission. The Port State shall provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.
6. Nothing in this recommendation affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.
7. While recognizing that inspection in port should be carried out in a non-discriminatory basis, in a first phase, priority should be given to inspection of vessels from Non-Contracting Parties.

RESOLUTION 02/02
RELATING TO THE ESTABLISHMENT OF A VESSEL MONITORING SYSTEM PILOT
PROGRAMME
(SUPERSEDED BY RESOLUTION 06/03)

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the developments in satellite-based vessel monitoring system (VMS), and the possible utility within IOTC

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and inspection scheme, held in Yaizu, Japan, from 27 to 29 March, 2001

TAKING NOTE that it was agreed that Vessel Monitoring Systems are a valuable element to assure the monitoring of tuna fisheries activities; that nevertheless, it is necessary to incorporate these systems progressively to allow all Contracting Parties to implement this systems at national level;

RESOLVES in accordance with the provisions of Article IX.1 of the Agreement creating the IOTC, that:

1. Each Contracting Party and Cooperating Non Contracting Party with vessels greater than 24 metres in overall length (or greater than 20 metres between perpendiculars) and fishing for IOTC species on the high seas outside the fisheries jurisdiction of any coastal state shall adopt a pilot programme for a satellite-based vessel monitoring system (VMS) for ten percent of such vessels. Those Contracting Parties and Cooperating Non-Contracting Parties with less than ten vessels shall ensure the participation of at least one vessel. The pilot programme will be a flag-state based programme.
2. Each Contracting Party and Cooperating Non Contracting Party shall implement a two-year pilot programme effective 1 July, 2003. Contracting Parties and Cooperating Non Contracting Parties are encouraged to implement the pilot programme earlier, if possible. Exceptionally, Contracting Parties and Cooperating Non Contracting Parties may defer the introduction of the system to 1st January 2004.
3. Information collected shall include:
 - the vessel identification,
 - the most recent geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, at a confidence level of 99%, and
 - the date and time of the fixing of the said position of the vessel.
4. Each Contracting Party and Cooperating non-Contracting Party shall take the necessary measures to ensure that their land-based national Fisheries Monitoring Center (FMC) receives through the VMS the messages requested in paragraph 3
5. Each Contracting Party and Cooperating non-Contracting Party shall ensure that the masters of fishing vessels flying its flag ensure that the satellite tracking device are at all times fully operational and that the information in paragraph 3 is transmitted, preferably once every 6 hours.
6. Each Contracting Party and Cooperating non-Contracting Party shall ensure that a fishing vessel with a defective satellite tracking device shall communicate, at least daily, reports containing the information requested in paragraph 3 to the FMC by other means of communication (radio, telefax or telex).
7. Each Contracting Party and Cooperating non-Contracting Party shall report annually to the Commission on the progress and implementation of its pilot VMS programme or VMS programme.
8. The Commission shall evaluate the pilot programme at its meeting in 2005, with a view to establishing a comprehensive VMS programme

RESOLUTION 02/03

TERMS OF REFERENCE FOR THE IOTC COMPLIANCE COMMITTEE

The Indian Ocean Tuna Commission (IOTC),

ESTABLISHES, in accordance with Article XII(5) of the Agreement creating the IOTC, a Compliance Committee.

The functions of the IOTC Compliance Committee shall be to:

- a) Review compliance with conservation and management measures adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
- b) Review the implementation of measures for monitoring, control, surveillance and enforcement adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness;
- c) Define, develop and make recommendations to the Commission concerning the phased development and implementation of the IOTC Control and Inspection Scheme;
- d) Monitor, review and analyze information pertaining to the activities of Non-Contracting Parties and their vessels which undermine the objectives of the Agreement including, in particular, IUU fishing, and recommend actions to be taken by the Commission to discourage such activities;
- e) Consider the effectiveness and practical aspects of the implementation of the IOTC Statistical Document Programme;
- f) Perform such other tasks as directed by the Commission;

The Compliance Committee will meet during the annual Commission Session.

RESOLUTION 02/04
ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL,
UNREGULATED AND UNREPORTED FISHING IN THE IOTC AREA
(SUPERSEDED BY RESOLUTION 06/01)

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way,

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA – IUU Plan,

RECALLING that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels,

CONCERNED by the fact that IUU fishing activities in the IOTC area continue, and these activities diminish the effectiveness of IOTC conservation and management measures,

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with IOTC management and conservation measures,

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments,

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement,

ADOPTS in accordance with paragraph 1 of article IX of the Agreement, that;

1. For the purposes of this resolution, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unregulated and unreported fishing activities in the IOTC Area, *inter alia*, when a Contracting Party or co-operating non-Contracting Party presents evidence that such vessels:
 - a) Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC list of vessels authorised to fish for tuna and tuna-like species in the IOTC area, or
 - b) Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate, or
 - c) Do not record or report their catches made in the IOTC Area, or make false reports, or
 - d) Take or land undersized fish in contravention of IOTC conservation measures, or
 - e) Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
 - f) Use prohibited fishing gear in contravention of IOTC conservation measures, or
 - g) Tranship with vessels included in the IUU list, or
 - h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels, or
 - i) Are without nationality and harvest tunas or tuna-like species in the IOTC Area, and/or
 - j) Engage in fishing activities contrary to any other IOTC conservation and management measures.
2. Contracting Parties and Co-operating non-Contracting Parties transmit every year to the Secretary before 15th July, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.
3. This list shall be based on the information collected by Contracting Parties and non-Contracting co-operating Parties, entities and fishing entities, *inter alia*, under:
 - *Resolution 98/04 Concerning Registration and Exchange of Information on Vessels Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence;*

- *Resolution 99/02 Calling for Action Against Fishing Activities by Large-Scale Flag of Convenience Longline Vessels;*
 - *Resolution 01/02 Relating to Control of Fishing Activities;*
 - *Resolution 01/03 Establishing a Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Adopted by IOTC;*
 - *Resolution 01/06 Concerning the IOTC Bigeye Tuna Statistical Document Programme;*
 - *Resolution 02/01 Relating to the Establishment of an IOTC Programme of Inspection in Port;*
 - *Resolution 02/05 Concerning the Establishment of an IOTC Record of Vessels over 24 Metres Authorised to Operate in the IOTC Area;*
4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a draft IUU list and shall transmit it together with all the evidence provided to Contracting Parties and Co-operating non-Contracting Parties, Entities and Fishing Entities, as well as to non-Contracting Parties whose vessels are included on these lists before 15 August of each year. Contracting Parties, Co-operating non-Contracting Parties and non-Contracting Parties will transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area, before 30 September to IOTC.
 5. Upon receipt of the draft IUU list, Contracting Parties and Co-operating non-Contracting Parties shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner.
 6. On the basis of the information received pursuant to paragraph 3, the Secretary shall draw up a provisional list which he will transmit 2 weeks in advance to the Commission Meeting to the Contracting Parties and Co-operating non-Contracting Parties and to the non-Contracting Parties concerned together with all the evidence provided.
 7. Contracting Parties and Co-operating non-Contracting Parties may at any time submit to the Secretary any additional information, which might be relevant for the establishment of the IUU list. The Secretariat shall circulate the information, at latest before the annual meeting, to the Contracting Parties and Co-operating non-Contracting Parties and to the non-Contracting Parties concerned, together with all the evidence provided.
 8. The Compliance Committee shall examine, each year, the provisional list, as well as the information referred to in paragraphs 3 and 5.
 9. The Compliance Committee shall remove a vessel from the provisional list if the flag State demonstrates that:
 - a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) It has taken effective action in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
 10. Following the examination referred to in paragraph 6, the Compliance Committee shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the IOTC area.
 11. On adoption of the list, the Commission shall request non-Contracting Parties, whose vessels appear on the IUU list, to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
 12. Contracting Parties and Co-operating non-Contracting Parties shall take all necessary measures, under their applicable legislation:
 - i) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list;
 - ii) So that IUU vessels that enter ports voluntarily are not authorized to land or tranship therein;
 - iii) To prohibit the chartering of a vessel included on the IUU list;
 - iv) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag State determines that granting the vessel its flag will not result in IUU fishing;

- v) To prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;
 - vi) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU lists;
 - vii) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.
13. The Secretary will take any necessary measure to ensure publicity of the IUU vessels list adopted by IOTC pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU vessels list to other regional fisheries organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
14. This recommendation shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2003, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to Contracting Party, Co-operating non-Contracting Party vessels.
15. Without prejudice to the rights of flag states and coastal states to take proper action consistent with international law, the Contracting Parties and Co-operating non-Contracting Parties should not take any unilateral trade measures or other sanctions against vessels provisionally included in the draft IUU list, pursuant to paragraph 3, or which have been already removed from the list, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

RESOLUTION 02/05
CONCERNING THE ESTABLISHMENT OF AN IOTC RECORD OF VESSELS OVER 24
METRES AUTHORISED TO OPERATE IN THE IOTC AREA
(SUPERSEDED BY RESOLUTION 05/02, RESOLUTION 07/02)

The Indian Ocean Tuna Commission (IOTC),

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels,

FURTHER RECALLING that IOTC adopted the Recommendation Concerning the IOTC Bigeye Tuna Statistical Document Programme (Resolution 01/06) at its 2001 meeting,

FURTHER RECALLING that IOTC adopted the Resolution 01/02 Relating to Control of Fishing Activities at its 2001 meeting,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential of operating in the IOTC area without timely registration with the Commission,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

RECOGNIZING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The Commission shall establish and maintain an IOTC Record of fishing vessels larger than 24 metres in length overall (hereinafter referred to as "large scale fishing vessels" or "LSFVs") authorised to fish for tuna and tuna-like species in the IOTC Area. For the purpose of this recommendation, LSFVs not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.

2. Each Contracting Party, and Non-Contracting Party co-operating with IOTC (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the IOTC Secretary by 1 July 2003, the list of its LSFVs that are authorised to operate in the IOTC Area. This list shall include the following information:

- Name of vessel(s), register number(s);
- Previous name(s) (if any);
- Previous flag(s) (if any);
- Previous details of deletion from other registries (if any);
- International radio call sign(s) (if any);
- Type of vessel(s), length and gross registered tonnage (GRT);
- Name and address of owner(s) and operator(s);
- Gear(s) used;
- Time period(s) authorised for fishing and/or transhipping;

CPCs shall indicate, when initially submitting their list of vessels according to this paragraph, which vessels are newly added or meant to replace vessels currently on their list submitted to IOTC pursuant to the *Resolution 01/02 Relating to Control of Fishing Activities*.

The initial IOTC record shall consist of all the lists submitted under this paragraph.

3. Each CPC shall promptly notify, after the establishment of the initial IOTC Record, the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.

4. The IOTC Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.

5. The flag CPCs of the vessels on the record shall:

- a) authorise their LSFVs to operate in the IOTC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its conservation and management measures;
- b) take necessary measures to ensure that their LSFVs comply with all the relevant IOTC conservation and management measures;
- c) take necessary measures to ensure that their LSFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
- d) ensure that their LSFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their LSFVs are not engaged in or associated with IUU fishing;
- e) ensure, to the extent possible under domestic law, that the owners and operators of their LSFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by LSFVs not entered into the IOTC Record in the IOTC Area;

- f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the LSFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2003 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of LSFVS on the IOTC record to take further action to enhance compliance by those vessels to IOTC conservation and management measures.
7.
 - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the LSFVs which are not entered into the IOTC Record.
 - b) To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs shall validate statistical documents only for the LSFVs on the IOTC Record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by LSFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record and,
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.
8. Each CPC shall notify the IOTC Secretary of any factual information showing that there are reasonable grounds for suspecting LSFVs not on the IOTC record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.
9. a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC Area.
- b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Secretary shall compile such information for future consideration by the Commission.
10. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU LSFVs from the Indian Ocean to other oceans.
11. Paragraph 1 of the Resolution 01/02 Relating to Control of Fishing Activities adopted at the 2001 Commission meeting is no more effective when this resolution is entered into force, while paragraph 2,3,4 and 5 of the said Resolution shall stand as they are.

RECOMMENDATION 02/06
ON THE IMPLEMENTATION OF THE RESOLUTION CONCERNING THE IOTC RECORD
OF VESSELS

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING that the Commission adopted Resolution 02/05 *Concerning the Establishment of an IOTC Record of Vessels over 24 metres Authorized to Operate in the IOTC Area* at its 2002 meeting,

BEING CONCERNED that there remain a hundred large-scale tuna longline vessels (LSTLVs) that are believed to continue IUU fishing in the IOTC Area and other areas,

FURTHER RECOGNIZING a need to take measures to prevent those IUU fishing vessels from being entered in the IOTC Record before the said Resolution has entered into force,

REAFFIRMING the right of Contracting Parties and non-Contracting Parties Co-operating with IOTC to determine which fishing vessels over 24 metres will be included on their list of vessels, including new vessels or one to replace old vessels,

RECOMMENDS, in accordance with Article IX of the IOTC Agreement, that:

With respect to the LSTLVs, the Secretary should:

1. Compare the list which was submitted to him in accordance with paragraph 1 of the *Resolution 01/02 Relating to Control of Fishing Activities* (hereinafter referred to as “the LIST”) and the initial IOTC Record to be established by the *Resolution 02/05 Concerning the Establishment of an IOTC Record of Vessels over 24 metres Authorized to operate in the IOTC Area* adopted at the 2002 Commission meeting,
2. Identify the LSTLVs newly appeared on the initial IOTC Record (both net increase from the List and replacements of those previously on the List), and
3. Present a report on the results to the 2003 Commission meeting.
4. The Commission should scrutinize the information in paragraph 1 above to examine possible involvement of the remaining IUU LSTLVs on the IOTC Record

RECOMMENDATION 02/07

CONCERNING MEASURES TO PREVENT THE LAUNDERING OF CATCHES BY IUU LARGE-SCALE TUNA LONGLINE FISHING VESSELS

The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the need to implement the “FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) fishing”, which was adopted at the 24th session of the FAO Committee on Fisheries in 2001,

TAKING INTO ACCOUNT that the Bigeye Tuna Statistical Document Programme is currently being implemented,

EXPRESSING GRAVE CONCERN that a significant amount of catches by the IUU fishing vessels are believed to be transferred under the names of duly licensed fishing vessels,

RECOMMENDS, in accordance with Article IX of the IOTC Agreement, that:

1. Contracting Parties, and Cooperating non-Contracting Parties (hereinafter referred to as the “CPCs”) should ensure that their duly licensed large-scale tuna longline fishing vessels have a prior authorization of at sea or in port transshipment and obtain the validated Statistical Document, whenever possible, prior to the transshipment of their tuna and tuna-like species subject to the Statistical Document Programme. They should also ensure that transshipments are consistent with the reported catch amount of each vessel in validating the Statistical Document and require the reporting of transshipment.
2. CPCs that import tuna and tuna-like species caught by large-scale tuna longline fishing vessels and subject to the Statistical Document Programme should require transporters (which include container vessels, mother vessels, and the like) that intend to land such species in their ports, to ensure that Statistical Documents are issued, whenever possible before the transshipment. Importing CPCs should obligate the transporters to submit necessary documents, including a copy of the validated Statistical Document and other documents, as required under domestic regulation, such as the receipt of transshipment, to the importing CPCs’ authorities immediately after the transshipment.

RESOLUTION 02/08

ON THE CONSERVATION OF BIGEYE AND YELLOWFIN TUNA IN THE INDIAN OCEAN

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING the need for action to ensure the achievement of IOTC objectives to conserve and manage bigeye tuna in the IOTC Area of Competence;

RECALLING that the 5th Session of the Scientific Committee reiterated the recommendation that a reduction in catches of bigeye tuna from all gears should be implemented as soon as possible;

CONCERNED that about 70% by number of the total bigeye catch is taken by the purse-seine fleet, and consist mainly by juvenile fish, and that 80% of the catch in weight is taken by the longline fleet.

RECALLING the conclusion of the 5th Session of the IOTC Scientific Committee that catches of yellowfin tuna are close to or possibly above MSY, that catches by all main gears have been increasing in recent years and that the increase in the fishing pressure on juvenile yellowfin by purse seiners fishing on floating objects is likely to be detrimental to the stock if it continues;

RECALLING that the FAO International Plan of Action for the Management of Fishing Capacity (IPOA) provides in its Objectives and Principles that “States and regional fisheries organisations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, would endeavour initially to limit at present and progressively reduce the fishing capacity applied to affected fisheries”;

RESOLVES to seek technical advice from the Scientific Committee for the next session of the Commission on:

- Potential management measures designed to reduce the fishing mortality on juvenile bigeye and yellowfin tuna. The measures to be investigated should include, but not be restricted to, time and/or area closures on purse seine fishing on floating objects, and other forms of effort reduction or alternative fishing strategies.
- Other potential management measures aimed at maintaining or reducing the effective fishing effort and catches of yellowfin and bigeye tunas by all gears.
- The likely effect of these measures on the future productivity of the stocks of bigeye and yellowfin tunas and their consequences on catches of skipjack tuna.

On the basis of the updated scientific advice, the Commission will seek to adopt appropriate measures to address the recommendations of the Scientific Committee at the 2003 Session of the Commission.

RESOLUTION 02/09
ESTABLISHMENT OF THE STANDING COMMITTEE ON ADMINISTRATION AND
FINANCE (SCAF)

The Standing Committee on Administration and Finance (SCAF) is established by the Commission as follows:

1. The Indian Ocean Tuna Commission hereby establishes in accordance with Article XII.5 of the Agreement a standing Committee on Administration and Finance (SCAF).
2. The Standing Committee shall advise the Commission on such matters of an administrative and financial character as are remitted to it by the Commission and shall annually:
 - a. examine the operation of the budget for the current year; and
 - b. examine the draft budget for the ensuing year.
3. The Standing Committee may draw to the attention of the Commission any matter of an administrative or financial character.
4. The Standing Committee may appoint from amongst its members a smaller, informal group to give preliminary consideration, in consultation with the Executive Secretary, to matters before it.
5. The Standing Committee shall prepare a report of each meeting of the Committee for transmission to the Commission.

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RESOLUTION 03/01
ON THE LIMITATION OF FISHING CAPACITY OF CONTRACTING PARTIES AND
COOPERATING NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission(IOTC),

RECALLING the adoption of FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,

RECOGNISING that paragraph 1 of the Resolution 99/1: 'On the Management of Fishing Capacity and on the Reduction of the Catch of Juvenile Bigeye Tuna by Vessels, including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence', adopted at the 4th session of the Commission, stipulate that the 2000 IOTC Session would consider the limitation of the capacity of the fleet of large-scale tuna vessels (greater than 24 m LOA) to the appropriate level,

RECALLING the adoption by IOTC on 2001 of the Resolution 01/04 on limitation of fishing effort of non-Members of IOTC whose vessels fish bigeye tuna,

RECOGNISING that the Scientific Committee recommended that a reduction in catches of bigeye tuna from all gears should be implemented as soon as possible; that the stock of yellowfin tuna is being exploited close to, or possibly above MSY; and that the level of fishing effort of swordfish should not be increased,

RECOGNISING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) provides, in its Objectives and Principles that "States and Regional Fisheries Organisations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries";

TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to entry into the high-seas fisheries in the IOTC area of competence.

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the Agreement establishing the IOTC, that:

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) which have more than 50 vessels on the 2003 IOTC Record of Vessels, shall limit in 2004 and following years, the number of their fishing vessels larger than 24 meters length overall (hereafter LSFVs) to the number of its fishing vessels registered in 2003 in the IOTC Record of Vessels¹.
2. This limitation of number of vessels shall be commensurate with the corresponding overall tonnage expressed in GRT (Gross Registered Tonnage) or in GT (Gross Tonnage) and, where vessels are replaced, the overall tonnage shall not be exceeded.
3. Other CPCs which have the objective of developing their fleets above those authorizations currently foreseen under administrative processes, will draw up, a fleet development plan in accordance with the provisions of Resolution 02-05. This Plan shall be submitted to the Commission for information and record at the 2004/5 Sessions and should define, *inter alia*, the type, size and origin of the vessels and the programming of their introduction into the fisheries.
4. In relation to the foregoing, the Commission took note of the interests of the developing coastal States, in particular small island developing States and territories within the IOTC Convention Area whose economies depend largely on fisheries.

¹ Including authorisations currently foreseen under administrative process

RESOLUTION 03/02
ON CRITERIA FOR ATTAINING THE STATUS OF CO-OPERATING NON-CONTRACTING PARTY

The Indian Ocean Tuna Commission(IOTC),

NOTING the imperative international responsibility concerning the conservation of the resources of tunas and tuna-like species in the Indian Ocean for the needs of present and future generations;

NOTING that the sustainability can be ensured only if all the Parties which fish for these species cooperate with the Commission, which is the competent international body for the conservation and management of these species within its area of competence;

BEARING IN MIND that the United Nations Conference on Straddling Stocks and Highly Migratory Fish Stocks has underlined the importance of ensuring the conservation and optimum utilisation of highly migratory species through the action of regional fishery bodies such as the IOTC;

RECALLING the resolution of the Third Session of the IOTC concerning the registration and exchange of information on vessels, including those flying flags of convenience, which fish for tropical tunas in the area of competence;

RECALLING ALSO the resolution of the Third Session of the IOTC on cooperation with non-Contracting Parties;

ADOPTS, in conformity with the provisions of Article IX, paragraph 1, of the IOTC Agreement, that:

1. Each year, the Secretary shall contact all non-Contracting Parties known to be fishing in the IOTC Area for species under IOTC competence to urge them to become a Contracting Party to IOTC or attain the status of a Co-operating non-Contracting Party. In doing so, the Secretary shall provide a copy of all relevant Recommendations and Resolutions adopted by the Commission.
2. Any non-Contracting Party requesting the status of a co-operating non-Contracting Party shall apply to the Secretary. Requests must be received by the Executive Secretary no later than ninety (90) days in advance of an Annual Session of the Commission, to be considered at that meeting.
3. Non-Contracting Parties requesting the status of Co-operating non-Contracting Party shall provide the following information in order to have this status considered by the Commission:
 - a) where available, data on its historical fisheries in the IOTC Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
 - b) all the data that Contracting Parties have to submit to IOTC based on the resolutions adopted by IOTC;
 - c) details on current fishing presence in the IOTC Area, number of vessels and vessel characteristics and;
 - d) information on any research programmes it may have conducted in the IOTC Area and the information and the results of this research.
4. An applicant for Co-operating non-Contracting Party shall also:
 - a) confirm its commitment to respect the Commission's conservation and management measures and;
 - b) inform IOTC of the measures it takes to ensure compliance by its vessels of IOTC conservation and management measures
5. The Compliance Committee shall be responsible for reviewing requests for co-operating status and for recommending to the Commission whether or not an applicant should receive co-operating status. In this review, the Compliance Committee shall also consider information regarding the applicant available from other RFMOs as well as data submission of the applicant. Caution shall be used so as not to introduce into the IOTC Area the excessive fishing capacity of other regions or IUU fishing activities by granting cooperating status to the applicant.
6. Co-operating non-Contracting Parties status shall be annually reviewed and renewed unless revoked by the Commission due to non-compliance with IOTC conservation and management measures.
7. The Resolution 99/04 On the Status of Cooperating non-Contracting Parties, adopted at the 1999 Commission meeting, is substituted by this Resolution.

RESOLUTION 03/03
CONCERNING THE AMENDMENT OF THE FORMS OF THE IOTC STATISTICAL
DOCUMENTS

The Indian Ocean Tuna Commission (IOTC),

NOTING that the Resolution 02/05 “Concerning the Establishment of an IOTC Record of Vessels over 24 metres Authorised to Operate in the IOTC Area” prescribes that both exporting and importing CPC shall cooperate to ensure to avoid the forgery or misinformation of the statistical documents;

RECOGNIZING that additional information such as vessel length is necessary for better implementation of Commission’s conservation and management measures and for the smooth implementation of the Resolution 02/05;

ADOPTS, in accordance with paragraph 1 of Article IX of IOTC Agreement, that:

The sample forms of the statistical documents and instruction sheets in the Resolution 01/06 “Recommendation by IOTC concerning the IOTC bigeye tuna statistical document programme” shall be replaced by the attached forms and instructions respectively.

The Commission shall communicate with other relevant regional fishery management bodies which established the statistical document programs and the authorized vessel records and request them to implement the similar reform.

APPENDIX 1:

REQUIREMENTS CONCERNING THE IOTC BIGEYE TUNA STATISTICAL DOCUMENT

1. The sample form of the IOTC Bigeye Tuna Statistical Document shall be as in the Appendix.
2. Customs or other appropriate government officials will request and inspect all import documentation including the IOTC Bigeye Tuna Statistical Document for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
4. Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Statistical Documents (i.e., improperly documented means that the Bigeye Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IOTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
5. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

APPENDIX 1:

DOCUMENT NUMBER	IOTC BIGEYE TUNA STATISTICAL DOCUMENT			
EXPORT SECTION				
1. FLAG OF COUNTRY/ENTITY/FISHING ENTITY				
2. DESCRIPTION OF VESSEL AND REGISTRATION NUMBER (if applicable)				
Vessel Name				
Registration Number				
LOA (m)				
IOTC Record No. (if applicable) :				
3. TRAPS (if applicable)				
4. POINT OF EXPORT (City, State / Province, Country / Entity / Fishing Entity)				
5. AREA OF CATCH (check one of the following)				
(a) Indian (b) Pacific (c) Atlantic				
* In case of (b) or (c) checked, the item 6 and 7 below do not need to be filled out.				
6. DESCRIPTION OF FISH				
Product Type (*1)		Time of Harvest	Gear Code (*2)	Net Weight
F/FR	D/GG/DR/FL/OT	(mm/yy)		(Kg)
*1= F=Fresh, FR=Frozen, RD=Round, GG=Gilled and Gutted, DR=Dressed, FL=Fillet OT=Other, describe the type of product *2= When the Gear Code is OT, describe the type of gear,				
7. EXPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.				
Name:	Company name:	Address:	Signature:	Date: License Number (if applicable):
8. GOVERNMENT VALIDATION I validate that information listed above is complete, true, and correct to the best of my knowledge and belief.				
Total weight of the shipment: Kg				
Name & Title:		Signature:	Date:	Government Seal

IMPORT SECTION:

IMPORTER CERTIFICATION I certify that the above information is complete, true, and correct to the best of my knowledge and belief.

Importer Certification (Intermediate Country / Entity / Fishing Entity)

Name: Address: Signature: Date: License # (if applicable):

Importer Certification (Intermediate Country / Entity / Fishing Entity)

Name: Address: Signature: Date: License # (if applicable):

Final Point of Import

City: State/Province: Country / Entity / Fishing Entity:

NOTE: If a language other than English or French is used in completing this form, please add an English translation of this document...

INSTRUCTIONS:

DOCUMENT NUMBER: Block for the issuing Country to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITIES/FISHING ENTITIES: Fill in the name of the country of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the Recommendation, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state can issue this Document.

(2) DESCRIPTION OF VESSEL (if applicable): Fill in the name and registration number, length overall(LOA) and IOTC Record number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (c) or (d) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information.

NOTE: One row should describe one product type

(1) Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Time of Harvest: Fill in the time of harvest (in month and year) of the bigeye tuna in the shipment

(3) Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.

(4) Net product weight in kilograms.

(5) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).

(6) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block.

(7) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

GEAR CODE	GEAR TYPE,
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LOGLINE
MWT	MID-WATER TRAWL
PS	PURSE SEINE
RR	ROD AND REEL

SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

APPENDIX 2:

REQUIREMENTS CONCERNING THE IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE

1. The sample form of the IOTC Bigeye Tuna Re-export Certificate shall be as in the Appendix.
2. Customs or other appropriate government officials will request and inspect all import documentation including the IOTC Bigeye Tuna Re-export Certificate for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
4. A Contracting Party shall be free to validate IOTC Bigeye Tuna Re-export Certificates for bigeye tuna imported by that Contracting Party, to which IOTC Bigeye Tuna Statistical Documents or IOTC Bigeye Tuna Re-export Certificates are attached. IOTC Bigeye Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the IOTC Bigeye Tuna Statistical Document. A copy of the original Bigeye Tuna Statistical Document accompanying the imported bigeye tuna must be attached to an IOTC Bigeye Tuna Re-export Certificate. The copy of the original Bigeye Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the IOTC Bigeye Tuna Statistical Document. When re-exported bigeye tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bigeye tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the IOTC Bigeye Tuna Statistical Document.
5. Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Re-export Certificate (i.e., improperly documented means that the Bigeye Tuna Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IOTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
6. IOTC Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting bigeye dealer necessary documents (e.g. written sales contracts) which are to certify that the bigeye tuna to be re-exported corresponds to the imported bigeye tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
7. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

APPENDIX 2:

DOCUMENT NUMBER	IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE			
RE-EXPORT SECTION:				
1. RE-EXPORTING COUNTRY / ENTITY / FISHING ENTITY				
2. POINT OF RE-EXPORT				
3. DESCRIPTION OF IMPORTED FISH				
Product Type(*) F/FR RD/GG/DR/FL/OT	Net Weight (Kg)	Flag country/ Entity/Fishing Entity	Date of Import	
4. DESCRIPTION OF FISH FOR RE-EXPORT				
Product Type(*) F/FR RD/GG/DR/FL/OT	Net Weight (Kg)			
*F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Gutted, DR=Dressed, FL=Fillet OT=Other(Describe the type of product)				
5. RE-EXPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name/Company Name	Address	Signature	Date	License Number (if applicable)
6. GOVERNMENT VALIDATION: <u>I validate that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name & Title	Signature	Date	Government Seal	
IMPORT SECTION:				
7. IMPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name:	Address:	Signature:	Date:	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name:	Address:	Signature:	Date:	License # (if applicable)
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name:	Address:	Signature:	Date:	License # (if applicable)
Final Point of Import				
City:	State/Province:	Country / Entity / Fishing Entity:		

NOTE: If a language other than English or French is used in completing this form, please add the English translation of this document.

INSTRUCTIONS

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bigeye tuna in the shipment and issued this Certificate. According to the Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bigeye tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bigeye tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the bigeye tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be employed by a competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or other individual or institution authorized to validate such certificates by the competent government authority.

(7) IMPORTER CERTIFICATION

The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

APPENDIX 3:**REPORT OF THE IOTC BIGEYE TUNA STATISTICAL DOCUMENT**

Period _____ to _____, ____ IMPORT COUNTRY/ENTITY/FISHING ENTITY

Month Month Year

Flag Country/Entity/ Fishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/FL/OT	

Gear Code**Gear Type**

BB	Baitboat
GILL	Gillnet
HAND	Handline
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR	Rod & reel
SPHL	Sport Handline
SPOR	Sport fisheries unclassified
SURF	Surface fisheries unclassified
TL	Tended line
TRAP	Trap
TROL	Troll
UNCL	Unclassified methods
OTH	Other type (Indicate the type of gear):

Product type

F	Fresh
FR	Frozen
RD	Round AT Atlantic
GG	Gilled & gutted
DR	Dressed
FL	Fillet
OT	Other form, describe the type of products in the shipment

Area Code

ID	Indian Ocean
PA	Pacific Ocean

REPORT OF THE IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY

Month _____ Month _____ Year _____

Flag Country/Entity /Fishing Entity	Re-export Country/Entity/F ishing Entity	Point of Re- export	Product Type		Product Wt.(Kg)
			F/FR	RD/GG/DR/FL/OT	

Product type

F	Fresh	ID	Indian Ocean
FR	Frozen	PA	Pacific
RD	Round	AT	Atlantic
GG	Gilled & gutted		
DR	Dressed		
FL	Fillet		
OT	Other form, describe the type of products in the shipment		

APPENDIX 4:**INFORMATION ON VALIDATION OF IOTC STATISTICAL DOCUMENTS**

1. Flag
2. Government/Authority Organization(s) accredited to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

3. Other institutions accredited by the government/authority to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

INSTRUCTIONS:

Contracting Parties, non-Contracting Parties, Entities, Fishing Entities having vessels that harvest species whose international trade must be accompanied by Statistical Documents are requested to submit the information on this sheet to the Secretary of IOTC*, and to ensure that any changes to the above are also transmitted to the Secretary on a timely fashion.

*IOTC; P.O.BOX 1011, Fishing Port, Victoria, Seychelles

RECOMMENDATION 03/04
CONCERNING ENHANCEMENT OF EFFECTIVENESS OF IOTC MEASURES TO
ELIMINATE IUU ACTIVITIES IN THE IOTC AREA

THE INDIAN OCEAN TUNA COMMISSION (IOTC),

RECALLING that the Commission adopted the Resolution 99/02 Calling for Actions against Fishing Activities by Large Scale Flag of Convenience Longline Vessels at its 4th Session;

AWARE that further action was taken between Seychelles, Vanuatu and Japan to eliminate IUU large-scale tuna longline vessels (hereinafter referred to as “LSTLVs”);

RECOMMENDS, in accordance with paragraph 8 of Article IX of the Agreement, that

1. The Commission endorses the cooperative management frameworks concluded between the flag States (Seychelles and Vanuatu) and Japan to legalize 69 IUU-LSTLVs reported by Japan as IOTC-S8-03-13 (revised).
2. The Commission urges Seychelles, Vanuatu and Japan to implement the frameworks properly.
3. The Commission will be informed on an annual basis of the progress of the actions.

RECOMMENDATION 03/05

CONCERNING TRADE MEASURES

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA-IUU Plan,
CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all Contracting Parties and Co-operating Non-contracting Parties (hereinafter CPCs) to respect the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (hereinafter NCPs) to abide by these measures;

NOTING that trade restrictive measures should be implemented only as last resort, where other measures have proven unsuccessful to prevent, deter and eliminate any act or omission that diminishes the effectiveness of IOTC conservation and management measures;

ALSO NOTING that trade restrictive measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and be implemented in a fair, transparent and non-discriminatory manner.

RECOMMENDS, in accordance with the provisions of Article 9, paragraph 8 of the IOTC Agreement, that:

1. CPCs that import tuna and tuna-like fish products or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible and submit the following information to the Commission each year:
 - a) Names of the vessels that caught and produced such tuna or tuna-like species products,
 - b) Flag States of those vessels,
 - c) Species of tuna and tuna-like species of the products,
 - d) Areas of catch (Indian Ocean, or other area),
 - e) Product weight by product type,
 - f) Points of export,
 - g) Names and addresses of owners of the vessels,
 - h) Registration
2. (a) The Commission, through the Compliance Committee should identify each year:
 - (i) The CPCs who have failed to discharge their obligations under the IOTC Agreement in respect of IOTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IOTC conservation and management measures by the vessels flying their flag; and/or
 - (ii) The NCPs who have failed to discharge their obligations under international law to co-operate with IOTC in the conservation and management of tuna and tuna-like species, in particular, by not taking measures or exercising effective control to ensure that their vessels do not engage in any activity that undermines the effectiveness of IOTC conservation and management measures.
- (b) These identifications should be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on these species obtained from National Statistics; the IOTC statistical document programme; the list of the IUU vessels adopted by the IOTC, as well as any other information obtained in the ports and on the fishing grounds.
- (c) In deciding whether to make identification, the Compliance Committee should consider all relevant matters including the history, and the nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of IOTC conservation and management measures.

3. The Commission should request CPCs and NCPs concerned to rectify the act or omission identified under paragraph 2 so as not to diminish the effectiveness of the IOTC conservation and management measures. The Commission should notify identified CPCs and NCPs of the following:
 - a) the reason(s) for the identification with all available supporting evidence;
 - b) the opportunity to respond to the Commission in writing at least 30 days prior to the annual meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation;
 - b) and in the case of a NCP, an invitation to participate as an observer at the annual meeting where the issue will be considered.
4. CPCs are encouraged jointly and individually to request the CPC/NCPs concerned to rectify the act or omission identified under paragraph 2 so as not to diminish the effectiveness of the IOTC conservation and management measures
5. The Secretary should, by more than one means of communication, transmit the Commission's request to the identified CPC or NCP. The Secretary should seek to obtain confirmation from the CPC or the NCP that it received the notification.
6. The Compliance Committee should evaluate the response of the CPCs or NCPs, together with any new information, and propose to the Commission to decide upon one of the following actions:
 - a) the revocation of the identification;
 - b) the continuation of the identification status of the CPC or NCP; or
 - c) the adoption of non-discriminatory trade restrictive measures.

In the case of CPCs, actions such as the reduction of existing quotas or catch limits should be implemented to the extent possible before consideration is given to the application of trade restrictive measures. Trade measures should be considered only where such actions either have proven unsuccessful or would not be effective.

7. If the Commission decides upon the action described in paragraph 6 c), it should adopt, pursuant to Article IX paragraph 1 of the IOTC Agreement, to take non-discriminatory trade restrictive measures, consistent with their international obligations. The Commission should notify the CPCs and NCPs concerned of the decision and the underlying reasons in accordance with the procedures specified in paragraph 5.
8. CPCs should notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with paragraph 7.
9. In order for the Commission to adopt the lifting of trade restrictive measures, the Compliance Committee should review each year all trade restrictive measures adopted in accordance with paragraph 7. Should this review show that the situation has been rectified the Compliance Committee should recommend to the Commission the lifting of the non-discriminatory trade restrictive measures. Such decisions should also take into consideration whether the CPCs and/or NCPs concerned have taken concrete measures capable of achieving lasting improvements of the situation.
10. Where exceptional circumstances so warrant or where available information clearly shows that, despite the lifting of trade-restrictive measures, the CPC or NCP concerned continues to diminish the effectiveness of IOTC conservation and management measures, the Commission may immediately decide on action including, as appropriate, the imposition of trade-restrictive measures in accordance with paragraph 7. Before making such a decision, the Commission should request the CPC or NCP concerned to discontinue its wrongful conduct and should provide the CPC or NCP with a reasonable opportunity to respond.
11. The Commission should establish annually a list of CPCs and NCPs that have been subject to a trade restrictive measure pursuant to paragraph 7 and, with respect to NCPs, are considered as Non Co-operating Non Contracting Parties to IOTC.

RECOMMENDATION 03/06

**RECOMMENDATION TO COMMISSION A REPORT ON MANAGEMENT OPTIONS FOR
TUNA AND TUNA-LIKE SPECIES**

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING the need for action to ensure the achievement of the IOTC's objectives to conserve and manage tuna and tuna-like species in the IOTC Area of Competence.

ACKNOWLEDGING the diversity of participants in the IOTC, including their varying geographic, political, social and economic situations,

RECOGNISING that since its 4th session the Scientific Committee has recommended that a reduction in catches of Bigeye tuna from all fishing gears should be implemented as soon as possible, and has at its 6th session expressed concern over current catches of Yellowfin tuna and Swordfish,

AGREES in accordance with Article IX paragraph 8 of the IOTC Agreement that:

1. Contracting and Cooperating Non-Contracting Parties will work in the intersessional period before the Ninth Session of the IOTC to develop Terms of Reference for a Working Group of the Commission that will meet in 2005 to consider conservation and management options that may be applicable to the highly migratory fish stocks of the Indian Ocean.

RESOLUTION 03/07
RECOGNIZING THE CONTRIBUTIONS OF DAVID ARDILL

SEYCHELLES, DECEMBER 2003

The Indian Ocean Tuna Commission,

HAVING responsibility for the sustainable utilisation of tunas and tuna-like fishes in the Indian Ocean,

ACKNOWLEDGING the complexities of managing these high-visibility international fisheries on a rational and scientific basis, particularly given substantial diplomatic, political, economic and public influences,

RECALLING the great economic and social importance of the tuna fisheries to the coastal and island states of the Indian Ocean and other participants in these fisheries,

REAFFIRMING the commitment of all the Members and of others participating in this fishery to the principles of ensuring the sustainability of the tuna resource,

OBSERVING that the success of the many activities developed and implemented, both before and after the establishment of the Commission in 1996, has earned the praise, recognition, respect and admiration of participants, multilateral fisheries management organizations, non-governmental organizations and fishers from around the world,

UNDERSTANDING that the success and recognition of these activities has become a source of pride for all participants in the Commission and its programmes, particularly when the Indian Ocean fisheries are viewed in the context of the many troubled fisheries of the world,

ACKNOWLEDGING that the management of the Indian Ocean tuna fisheries demands the support and commitment of all participants, but that the success of its activities ultimately rests on the shoulders of its executive secretary, on his dynamism, creativity, integrity, and professional expertise,

CONCLUDING that, to a degree that is impossible to quantify, these notable successes, international recognition and the pride of the Members are ultimately attributable to a person who has dedicated a substantial part of his professional life to lead us to where we are today,

THEREFORE RESOLVES that David Ardill be recognized and commended for his excellent service to our common goals and their aforementioned success; and that the great respect, admiration and gratitude of its members be extended to David Ardill by the Commission.

2005 - NINTH SESSION OF THE IOTC - VICTORIA, SEYCHELLES

RESOLUTION 05/01

ON CONSERVATION AND MANAGEMENT MEASURES FOR BIGEYE TUNA

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING the need for action to ensure the achievement of the IOTC's objectives to conserve and manage tuna and tuna-like species in the IOTC area of competence,

RECALLING the adoption by IOTC of Resolution 01/04 in relation to the limitation of fishing capacity on bigeye tuna of contracting parties and cooperating non-contracting parties (CPC's),

ACKNOWLEDGING that the limitation of fishing capacity alone will not be sufficient to limit effort or total catch of tuna and tuna-like species, particularly bigeye tuna,

AWARE that due to illegal activity and underestimation of the total mortality of bigeye the current assessment of the status of the stock is likely to be overly optimistic, and

RECOGNISING that the Scientific Committee has recommended that a reduction in the catches of bigeye tuna from all fishing gears should be implemented as soon as possible

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting and co-operating non-contracting parties (CPC's) shall limit their catch of bigeye tuna to their recent levels of catch reported by the Scientific Committee.
2. The Commission shall request Taiwan Province of China to limit their annual bigeye catch in the IOTC area to 35,000 tonnes.
3. At the 10th Session of the Commission shall establish, for a three year period, interim catch levels for CPC's catching more than 1000t of bigeye tuna.
4. CPC's, including developing coastal states, in particular small island developing states and territories, with catches under 1000 tonnes who intend to substantially increase these catches will be allowed to submit 'Fleet Development Plans' during the 3 year interim period referred to in paragraph 3 above.
5. During this three year period the Commission shall develop a mechanism to allocate, for specific time periods, bigeye tuna quotas for all CPC's.
6. Future access to the tuna and tuna-like resources found within the area of competence of the IOTC will, in part, be determined on the level of responsibility shown by CPC's in relation to this measure.
7. The Scientific Committee be tasked to provide advice, including advice on;
 - the effects of different levels of catch on the SSB (in relation to MSY or other appropriate reference point);
 - the impact of misreported and illegal catch of bigeye tuna on the stock assessment and required levels of catch reduction; and
 - evaluation of the impact of different levels of catch reduction by main gear types.
8. In relation to the foregoing, the Commission took note of the developing coastal states, in particular small island developing states and territories within the IOTC convention area whose economies depend largely on fisheries.

RESOLUTION 05/02
CONCERNING THE ESTABLISHMENT OF AN IOTC RECORD OF VESSELS AUTHORISED
TO OPERATE IN THE IOTC AREA
(SUPERSEDED BY RESOLUTION 07/02)

The Indian Ocean Tuna Commission (IOTC),

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels,

FURTHER RECALLING that IOTC adopted the *Recommendation Concerning the IOTC Bigeye Tuna Statistical Document Programme (Resolution 01/06)* at its 2001 meeting,

FURTHER RECALLING that IOTC adopted the *Resolution 01/02 Relating to Control of Fishing Activities* at its 2001 meeting,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential of operating in the IOTC area without timely registration with the Commission,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

RECOGNIZING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The Commission shall establish and maintain an IOTC Record of fishing vessels that are:
 - a) larger than 24 metres in length overall, or
 - b) in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state, and that are authorised to fish for tuna and tuna-like species in the IOTC Area (hereinafter referred to as 'authorized fishing vessels', AFV. For the purpose of this recommendation, AFVs that are not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.
2. Each Contracting Party, and Non-Contracting Party co-operating with IOTC (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the IOTC Secretary by 1 July 2003 for those vessels referred to 1.a) and 1 July 2006 for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC Area. This list shall include the following information:
 - Name of vessel(s), register number(s);
 - Previous name(s) (if any);
 - Previous flag(s) (if any);
 - Previous details of deletion from other registries (if any);
 - International radio call sign(s) (if any);
 - Operating port
 - Type of vessel(s), length and gross registered tonnage (GRT);
 - Name and address of owner(s) and operator(s);
 - Gear(s) used;
 - Time period(s) authorised for fishing and/or transhipping;

CPCs shall indicate, when initially submitting their list of vessels according to this paragraph, which vessels are newly added or meant to replace vessels currently on their list submitted to IOTC pursuant to the *Resolution 01/02 Relating to Control of Fishing Activities*.

The initial IOTC record shall consist of all the lists submitted under this paragraph.

3. Each CPC shall promptly notify, after the establishment of the initial IOTC Record, the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.
4. The IOTC Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
5. The flag CPCs of the vessels on the record shall:

- a) authorise their AFVs to operate in the IOTC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its conservation and management measures;
 - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC conservation and management measures;
 - c) take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
 - d) ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by AFVs not entered into the IOTC Record in the IOTC Area;
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2003 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC record to take further action to enhance compliance by those vessels to IOTC conservation and management measures.
7. a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transhipment and landing of tuna and tuna-like species by the AFVs which are not entered into the IOTC Record.
- b) To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
- i) Flag CPCs shall validate statistical documents only for the AFVs on the IOTC Record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record and,
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.
8. Each CPC shall notify the IOTC Secretary of any factual information showing that there are reasonable grounds for suspecting AFVs not on the IOTC record to be engaged in fishing for and/or transhipment of tuna and tuna-like species in the IOTC Area.
9. a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC Area.
- b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Secretary shall compile such information for future consideration by the Commission.
10. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU AFVs from the Indian Ocean to other oceans.
11. Paragraph 1 of the Resolution 01/02 Relating to Control of Fishing Activities adopted at the 2001 Commission meeting is no more effective when this resolution is entered into force, while paragraph 2,3,4 and 5 of the said Resolution shall stand as they are.
12. Paragraph 1 b) shall apply initially to longline and purse seine fishing vessels.
13. IOTC Resolution 02/05 *Concerning the establishment of an IOTC record of vessels over 24 metres authorised to operate in the IOTC area* is superseded by this Resolution.

RESOLUTION 05/03
RELATING TO THE ESTABLISHMENT OF AN IOTC PROGRAMME OF INSPECTION IN
PORT

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001.

NOTING that there is a general consensus of the Contracting Parties on the fact that the inspection in port is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing.

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. All measures provided for under this resolution shall be taken in accordance with international law.
2. Measures taken by a Port State in accordance with this Agreement shall take full account of the right and the duty of a Port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.
3. Each Contracting Party and Cooperating Non-contracting Parties (hereinafter referred to as CPC's) may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
4. Each CPC shall, in accordance with the Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with resolutions established by the IOTC, adopt regulations in accordance with international law to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch of the species covered by the Agreement establishing the IOTC has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.
5. In the event that a Port State considers that there has been evidence of a violation by a Contracting Party or a Non-Contracting Party vessel of a conservation and management measure adopted by the Commission, the Port State shall draw this to the attention of the Flag State concerned and, as appropriate, the Commission. The Port State shall provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.
6. Nothing in this recommendation affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.
7. While recognizing that inspection in port should be carried out in a non-discriminatory basis, in a first place, priority should be given to inspection of vessels from Non-Contracting Parties.
8. Each CPC shall submit electronically to the Secretary by 1 July of each year, the list of foreign fishing vessels which have landed in their ports tuna and tuna like species caught in the IOTC area in the preceding year. This information shall detail the catch composition by weight and species landed.
9. IOTC Resolution 02/01 *Relating to the establishment an IOTC programme of inspection in port* is superseded by this Resolution.

RESOLUTION 05/04
CONCERNING REGISTRATION AND EXCHANGE OF INFORMATION ON VESSELS,
INCLUDING FLAG OF CONVENIENCE VESSELS, FISHING FOR TROPICAL TUNAS AND
SWORDFISH IN THE IOTC AREA OF COMPETENCE
(SUPERSEDED BY [RESOLUTION 07/04](#))

The Indian Ocean Tuna Commission (IOTC),

NOTING the Research Recommendation of the 7th Expert Consultations on Indian Ocean Tunas regarding the need to collect data on fishing effort;

NOTING the Report of the First Session of the Scientific Committee and its general recommendation on the need to make a comprehensive list of all vessels of all gears catching bigeye;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. All Contracting Parties and Cooperating non-Contracting Parties (CPCs) with vessels fishing for tropical tunas and swordfish in the IOTC Area of Competence (hereinafter referred to as “the Area”), by 30 June every year:
 - Shall submit to the Secretary a list of their respective vessels greater than 24 m LOA that have fished for tropical tunas and swordfish in the Area during the previous year;
 - Shall submit to the Secretary a list of their respective vessels of less than 24 m LOA that have fished for tropical tunas and swordfish outside of their EEZ during the previous year.
2. These lists shall contain the following information for each vessel:
 - Name and registration number;
 - Previous flag (if any);
 - International radio call sign;
 - Vessel type, length, and gross registered tonnage or gross tonnage;
 - Name and address of owner, and/or charterer, and/or operator.
3. CPCs which issue licences to foreign flag vessels to fish for tropical tunas and swordfish in the Area shall submit to the Secretary the same information on all vessels to which such licences have been issued, according to the same timetable.
4. The Secretary shall circulate this information annually, or upon request, to all CPCs.
5. The CPCs shall notify the Secretary of any information concerning fishing vessels not covered in paragraph 1 but known or presumed to be fishing for tropical tunas and swordfish in the Area.
6.
 - a) The Secretary shall request the flag State of a vessel covered in paragraph 5 to take the measures necessary to prevent the vessel from fishing for tropical tuna and swordfish in the Area.
 - b) The Secretary shall compile for future consideration by the Commission information on vessels covered in paragraph 5 whose flag is not identified.
7. IOTC Resolution 98/04 Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC Area of competence is superseded by this Resolution.

RESOLUTION 05/05
CONCERNING THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH
FISHERIES MANAGED BY IOTC

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organisations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks (defined as elasmobranchs);

CONSIDERING that many sharks are part of pelagic ecosystems in the IOTC area, and that tunas and tuna-like species are captured in fisheries targeting sharks;

RECOGNISING the need to collect data on catch, effort, discards and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement that:

1. Contracting Parties, Cooperating non-Contracting Parties (CPCs) shall annually report data for catches of sharks, in accordance with IOTC data reporting procedures, including available historical data.
2. In 2006 the Scientific Committee (in collaboration with the Working Party on Bycatch) provide preliminary advice on the stock status of key shark species and propose a research plan and timeline for a comprehensive assessment of these stocks.
3. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
4. CPCs shall require their vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.
5. The ratio of fin-to-body weight of sharks described in paragraph 4 shall be reviewed by the scientific committee and reported back to the Commission in 2006 for revision, if necessary.
6. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this Resolution.
7. In fisheries that are not directed at sharks, CPCs shall encourage the release of live sharks, especially juveniles and pregnant sharks, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
8. CPCs shall, where possible, undertake research to identify ways to make fishing gears more selective (such as the implications of avoiding the use of wire traces).
9. CPCs shall, where possible, conduct research to identify shark nursery areas.
10. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.
11. This resolution applies only to sharks caught in association with fisheries managed by the IOTC.
12. This provision to apply without prejudice to many artisanal fisheries which traditionally do not discard carcasses.

RECOMMENDATION 05/06
CONCERNING THE TERMS OF REFERENCES FOR AN IOTC WORKING PARTY ON
MANAGEMENT OPTIONS

The Indian Ocean Tuna Commission (IOTC),

RECALLING the IOTC Recommendation 03/06 to commission a report on management options for tuna and tuna-like species that may be applicable to the highly migratory fish stocks of the Indian Ocean;

RECOGNISING that since its 4th session the Scientific Committee has recommended that a reduction in catches of Bigeye tuna from all fishing gears should be implemented as soon as possible, and has at its 6th session expressed concern over current catches of Yellowfin tuna and Swordfish.

1. An *ad hoc* Working Party on Management Options is hereby established.
2. The Working Party should be composed of a combination of scientific and management experts designated by every Member of the Commission.
3. The Working Party on Management Options is instructed to:
4. provide the Commission with a comprehensive assessment of management options and indicate the most suitable measures to ensure the management of fisheries in the Indian Ocean under the mandate of the Commission, having in consideration Control and Compliance matters :
 - a) Take account of recent assessments and best available advice on management options for tuna and tuna-like species.
 - b) provide particular advice on the conservation and the sustainable exploitation of the tuna and tuna like species covered by IOTC Agreement and demonstrate that options considered in subparagraph (a) manage and alleviate the concerns expressed by the Scientific Committee to stock levels related to these species;
 - c) also provide appropriate advice on feasible implementation for every set of management options, as well as analyse the economic and socioeconomic impacts for the implementation of any management option on the corresponding fleets;
 - d) indicate impediments based on compliance and monitoring requirements and scientific analysis required for the implementation of the measures outlined in subparagraph (a) and consider the possible impacts IUU fishing may have on the implementation of management measures;
 - e) identify the best combination of the measures outlined in subparagraph (a), in terms of highest benefits for the stocks involved together with the lesser socioeconomic and logistic impact for the fleets.

RECOMMENDATION 05/07**CONCERNING A MANAGEMENT STANDARD FOR THE TUNA FISHING VESSELS****The Indian Ocean Tuna Commission (IOTC),**

RECALLING that the Commission has actively taken various measures and actions to eliminate illegal, unregulated and unreported (IUU) fishing activities by large-scale tuna longline vessels in the IOTC Area;

FURTHER RECALLING that FAO has been taking initiatives to eliminate IUU fishing activities;

RECOGNIZING that large-scale tuna vessels shift fishing grounds very easily from the IOTC Area to other Oceans and vice versa and that this highly mobile nature of this fishery makes control and management of this fishery difficult;

FURTHER RECOGNIZING that their catches are transferred from the fishing grounds to the market directly without going through the flag countries;

BEING AWARE that most of their bigeye and yellowfin tuna catches are exported to Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as CPCs);

NOTING, with grave concern, that many IUU large-scale tuna vessels still survive by shifting their flags from non-Contracting Parties to CPC's with less management ability, and by changing their vessel names and nominal owners to evade international efforts to eliminate these vessels;

FURTHER NOTING that the lack of a minimum management standard of the Commission allows such shifting to CPCs; and

RECOGNIZING the urgent necessity of undertaking due measures so as not to use Contracting Parties as shelters of such vessels,

RECOMMENDS, in accordance with paragraph 8 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) should take measures to meet the minimum management standard (Attachment I) when they issue fishing licenses to their "authorised fishing vessels" (AFVs as defined in Resolution 05/02).
2. All CPCs should cooperate with those CPCs which issue licenses to their AFVs to meet the above standard.
3. The CPC flag states which issues licenses to their AFVs should report annually to the Commission all measures taken according to paragraph 1 using the format shown in Attachment II.

IOTC Management Standard for the AFVs

The Contracting Parties and Cooperating non-Contracting Parties, should:

Management in the fishing grounds

- i* Monitor and inspect, where appropriate through patrol boats and maintain surveillance of the activities of its vessels in order to ensure compliance with IOTC's conservation and management measures.
- ii* Deploy if appropriate, scientific observers on-board the vessels according to the Commission's Resolution ;
- iii* Require the installation of satellite-based vessel monitoring systems on board the AFVs operating in the IOTC Area according to the Commission's Resolution 02/02;
- iv* Require a report of their entry/exit to and from the management areas and the IOTC Area, unless otherwise indicated through use of a vessel monitoring system.
- v* Require a daily or periodical report of the vessel's catches of species to which catch limits are applicable;

Management of transshipment (from the fishing grounds to the landing ports)

- i* Require a report of any transshipment of the vessel's catches by species and by management area;
- ii* Conduct port inspection according to the Commission's Resolution 05/03;
- iii* Implement statistical document programs according to the Commission's Resolution's 01/06 and 03/03;

Management at landing ports

- i* Collect landing and transshipment data to verify catch data, if appropriate, through cooperation with other Contracting Parties and Cooperating non-Contracting Parties.
- ii* Require a report of landings of their catches by species and by management area.

*Attachment II***Model format for annual reporting of implementation of the IOTC management standard for AFVs****a. Management in the fishing grounds**

	<i>Scientific Observer boarding</i>	<i>Satellite-based vessel monitoring system</i>	<i>Daily or required periodic catch report</i>	<i>Entry/Exit report</i>
Yes, No				
Note	%	% or number of vessels	Method	Method

b. Management of transshipment (from the fishing grounds to the landing ports)

	<i>Transshipment report</i>	<i>Port inspection</i>	<i>Statistical document program</i>
Yes, No			
Note	Method	Method	

c. Management at landing ports

	<i>Landing inspection</i>	<i>Landing reporting</i>	<i>Cooperation with other Parties</i>
Yes, No			
Note	Method	Method	

RECOMMENDATION 05/08

ON SEA TURTLES

The Indian Ocean Tuna Commission (IOTC),

NOTING the need to improve the collection of scientific data regarding all sources of mortality for sea turtle populations, including but not limited to, data from fisheries within the IOTC Area to enhance the proper conservation of sea turtles;

RECOGNISING that at the 26th FAO-COFI Session in March 2005, the Guidelines to Reduce Sea Turtle Mortality in Fishing Operation (hereinafter referred to as “the Guidelines”) was adopted,

ACKNOWLEDGING the activities undertaken to conserve marine turtles and the habitats on which they depend, within the framework of the Indian Ocean – South-East Asian Marine Turtle Memorandum of Understanding (IOSEA MoU); noting the decision of the 22 IOSEA Signatory States to establish a voluntary reporting mechanism to monitor implementation of the Guidelines; and noting further IOSEA MoU Resolution 3.1 regarding collaboration with IOTC on marine turtle by-catch issues;

RECOMMENDS, in accordance with paragraph 8 of Article IX of the IOTC Agreement, that:

1. The Commission encourages Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) to implement the Guidelines, *inter alia*, the necessary measures for vessels fishing for tuna and tuna-like species in the IOTC Area to mitigate the impact of fishing operations on sea turtles:
 - A. General**
 - i) Requirements for appropriate handling, including resuscitation or prompt release of all bycaught or incidentally caught (hooked or entangled) sea turtles.
 - ii) Retention and use of necessary equipment for appropriate release of bycaught or incidentally caught sea turtles.
 - B. Purse seine**
 - i) Avoid encirclement of sea turtles to the extent practical.
 - ii) Develop and implement appropriate gear specifications to minimize bycatch of sea turtles.
 - iii) If encircled or entangled, take all possible measures to safely release sea turtles.
 - iv) For fish aggregating devices (FADs) that may entangle sea turtles, take necessary measures to monitor FADs and release entangled sea turtles, and recover these FADs when not in use.
 - C. Longline**
 - i) Development and implementation of appropriate combinations of hook design, type of bait, depth, gear specifications and fishing practices in order to minimize bycatch or incidental catch and mortality of sea turtles.
 - ii) Retention and use of necessary equipment for appropriate release of bycaught and incidentally caught sea turtles, including de-hooking, line cutting tools and scoop nets.
2. The Commission encourages CPCs to collect and voluntarily provide the Scientific Committee with all available information on interactions with sea turtles in fisheries targeting the species covered by the IOTC Agreement, including successful mitigation measures, incidental catches and other impacts on sea turtles in the IOTC Area, such as the deterioration of nesting sites and swallowing of marine debris.
3. Encourages CPCs to coordinate their respective IOTC and IOSEA implementation measures, where applicable; and urges the respective secretariats to intensify their collaboration and exchange of information in this area.
4. CPCs are encouraged to support developing countries in their implementing the Guidelines.

RECOMMENDATION 05/09
ON INCIDENTAL MORTALITY OF SEABIRDS

The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries;

RECOGNISING the need to evaluate the incidental mortality of seabirds during longline fishing operations for tunas and tuna-like species;

NOTING that fisheries other than longline fisheries targeting tuna and tuna-like species may also contribute to the incidental mortality of seabirds;

FURTHER NOTING that other factors, such as swallowing marine debris, are also responsible for seabird mortality.

RECOMMENDS, in accordance with paragraph 8 of Article IX of the Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) should inform the Scientific Committee, if appropriate, and the Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries. The Commission should urge CPCs to implement, if appropriate, the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries if they have not yet done so.
2. CPCs should be encouraged to collect and voluntarily provide Scientific Committee with all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of IOTC.
3. When feasible and appropriate, Scientific Committee should present to the Commission an assessment of the impact of incidental catch of seabirds resulting from the activities of all the vessels fishing for tunas and tuna-like species, in the IOTC Area.
4. CPCs are encouraged to support developing countries in their implementing the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries.

2006 - TENTH SESSION OF THE IOTC - GOA, INDIA

RESOLUTION 06/01
ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL,
UNREGULATED AND UNREPORTED FISHING IN THE IOTC AREA
(SUPERSEDED BY RESOLUTION 09/03)

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way,

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA - IUU Plan,

RECALLING that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels,

CONCERNED by the fact that IUU fishing activities in the IOTC area continue, and these activities diminish the effectiveness of IOTC conservation and management measures,

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with IOTC management and conservation measures,

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments,

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement,

ADOPTS in accordance with paragraph 1 of article IX of the IOTC Agreement, that:

Definition of IUU Fishing Activities

1. For the purposes of this resolution, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unregulated and unreported fishing activities in the IOTC Area, *inter alia*, when a Contracting Party or Co-operating non-Contracting Party (hereinafter referred to as "CPC's") presents evidence that such vessels:
 - a. Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area, or
 - b. Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate, or
 - c. Do not record or report their catches made in the IOTC Area, or make false reports, or
 - d. Take or land undersized fish in contravention of IOTC conservation measures, or
 - e. Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
 - f. Use prohibited fishing gear in contravention of IOTC conservation measures, or
 - g. Tranship with, or participate in joint operations such as re-supplying or re-fuelling vessels included in the IUU Vessels List, or
 - h. Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels, or
 - i. Are without nationality and harvest tunas or tuna-like species in the IOTC Area, or
 - j. Engage in fishing activities contrary to any other IOTC conservation and management measures.

Information on Alleged IUU Fishing Activities

2. CPC's transmit every year to the Secretary at least 120 days before the Annual Meeting, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.
3. This list shall be based on the information collected by CPC's, *inter alia*, under:
 - *Resolution 99/02 Calling for Action Against Fishing Activities by Large-Scale Flag of Convenience Longline Vessels;*
 - *Resolution 01/02 Relating to Control of Fishing Activities;*
 - *Resolution 01/03 Establishing a Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Adopted by IOTC;*
 - *Resolution 01/06 Concerning the IOTC Bigeye Tuna Statistical Document Programme;*
 - *Resolution 02/01 Relating to the Establishment of an IOTC Programme of Inspection in Port;*

- *Resolution 05/02 Concerning the Establishment of an IOTC Record of Vessels over 24 Metres Authorised to Operate in the IOTC Area*
- *Resolution 05/04 Concerning Registration And Exchange Of Information On Vessels, Including Flag Of Convenience Vessels, Fishing For Tropical Tunas And Swordfish In The IOTC Area Of Competence*

Draft IUU Vessels List

4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Draft IUU Vessels List. This list shall be drawn up in conformity with Annex I. The Secretary shall transmit it together with the current IUU Vessels List as well as all the evidence provided to CPC's and to non-Contracting Parties whose vessels are included on these lists before at least 90 days before the Annual Meeting. CPC's and non-Contracting Parties will transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area, at least 30 days before the Annual Meeting to IOTC.
5. The Flag State shall notify the owner of the vessels of its inclusion in the Draft IUU Vessels List and of the consequences that may result from their inclusion being confirmed in the IUU Vessels List adopted by the Commission.
6. Upon receipt of the Draft IUU Vessels list, CPC's shall closely monitor the vessels included in the Draft IUU Vessels List in order to determine their activities and possible changes of name, flag and or registered owner.

Provisional IUU Vessels List

7. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Provisional IUU Vessels List and transmit it two weeks in advance to the Commission Meeting to the CPC's and to the non-Contracting Parties concerned together with all the evidence provided. This list shall be drawn up in conformity with Annex I.
8. CPC's may at any time submit to the Secretary any additional information, which might be relevant for the establishment of the IUU Vessels List. The Secretariat shall circulate the information, at latest before the annual meeting, to CPC's and to the non-Contracting Parties concerned, together with all the evidence provided.
9. The Compliance Committee shall examine each year the Provisional IUU Vessels List, as well as the information referred to in paragraphs 3, 4 and 7.
10. The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the Flag State demonstrates that:
 - a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) It has taken effective action in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
11. Following the examination referred to in paragraph 9, at each IOTC Annual meeting, the IOTC Compliance Committee shall:
 - a) adopt a Provisional IUU Vessels List following consideration of the Draft IUU Vessels List and information and evidence circulated under paragraphs 4, 7 and 8. The Provisional IUU Vessels List shall be submitted to the Commission for approval.
 - b) recommend to the Commission which, if any, vessels should be removed from the IUU Vessels List adopted at the previous IOTC Annual meeting, following consideration of that List, of the information and evidence circulated under paragraph 8 and the information supplied by Flag States in accordance with paragraph 17.

IUU VESSELS LIST

12. On adoption of the IOTC IUU Vessels List, the Commission shall request non-Contracting Parties, whose vessels appear on the list,
 - a) to notify the owner of the vessel identified on the IUU Vessels List of its inclusion on the list and the consequences which result from being included on the list, as referred to in paragraph 13
 - b) to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
13. CPC's shall take all necessary measures, under their applicable legislation:
 - i) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels on the IUU Vessels list;
 - ii) So that IUU vessels that enter ports voluntarily are not authorized to land, tranship, re-fuel, re-supply, or engage in other commercial transactions ;
 - iii) To prohibit the chartering of a vessel included on the IUU Vessels List;
 - iv) To refuse to grant their flag to vessels included in the IUU Vessels List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or having taken into account all relevant facts, the Flag State determines that granting the vessel its flag will not result in IUU fishing;

- v) To prohibit the imports, landing or transshipment, of tuna and tuna-like species from vessels included in the IUU Vessels List;
 - vi) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU Vessels List;
 - vii) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of detecting, controlling and preventing false import/export certificates for tunas and tuna-like species from vessels included in the IUU Vessels List.
14. The Secretary will take any necessary measure to ensure publicity of the IUU Vessels List adopted by IOTC pursuant to paragraph 11, in a manner consistent with any applicable confidentiality requirements, and through electronic means, including placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU Vessels List to other regional fisheries management organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
 15. This Resolution shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2007, review and, as appropriate, revise this resolution with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to CPC vessels.
 16. Without prejudice to the rights of Flag States and coastal states to take proper action consistent with international law, the CPC's should not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft IUU Vessels List, pursuant to paragraph 4, or which have been already removed from the IUU Vessels List, pursuant to paragraph 10, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessels List

17. A non-Contracting Party whose vessel appears on the IUU Vessels List may request the removal of this vessel from the list during the inter-sessional period by providing the following information:
 - a) it has adopted measures such that the vessel conforms with all IOTC conservation measures
 - b) it is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the IOTC Area
 - c) it has taken effective action in response to the IUU fishing activities in question including prosecution and imposition of sanctions of adequate severity.
 - d) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.

Inter Sessional Modification of the IUU Vessels List

18. The non-Contracting Party shall send its request for the removal of a vessel from the IUU Vessels List to the IOTC Secretary accompanied by the supporting information referred to in paragraph 17.
19. On the basis of the information received in accordance with paragraph 17, the Secretary will transmit the removal request, with all the supporting information to the Contracting Parties within 15 days following the notification of the removal request.
20. The Contracting Parties will examine the request to remove the vessel and arrive at a conclusion to either remove the vessel from, or keep the vessel on the IUU Vessels List by mail within 30 days following the notification by the Secretary. The result of this examination will be checked by the Secretary at the end of the 30-day period following the date of the notification by the Secretary referred to in paragraph 19.
21. The Secretary will communicate the result of the examination to all Contracting Parties.
22. If the result of the exercise indicates that there is a two-thirds majority of the Contracting Parties in favour of removing a vessel from the IUU Vessels List, the Chairperson of the IOTC, on behalf of the IOTC, will communicate the result to all the Contracting Parties and to the non-Contracting Party which requested the removal of its vessel from the IUU Vessels List. In the absence of a two-thirds majority, the vessel will be maintained on the IUU Vessels List and the Secretary will inform the non-Contracting Party accordingly.
23. The Secretary will take the necessary measures to remove the vessel concerned from the IOTC IUU Vessels List, as published on the IOTC website. Moreover, the Secretary will forward the decision of removal of the vessel to other regional fishery management organisations.
24. Resolution 02/04 *On Establishing A List Of Vessels Presumed To Have Carried Out Illegal, Unregulated And Unreported Fishing In The IOTC Area* is superseded by this Resolution.

RESOLUTION 06/01 - ANNEX I
INFORMATION TO BE INCLUDED IN ALL IOTC IUU VESSELS LISTS
(DRAFT, PROVISIONAL AND FINAL)

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

- name of the vessel and previous name/s, if any;
- flag of the vessel and previous flag/s, if any;
- owner of the vessel and previous owner/s, including beneficial owners, if any;
- operator of the vessel and previous operator/s, if any;
- call sign of the vessel and previous call sign/s, if any;
- Lloyds/IMO number;
- photographs of the vessel, where available;
- date the vessel was first included on the IOTC IUU Vessels List;
- summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidence.

RESOLUTION 06/02
ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING
VESSELS
(SUPERSEDED BY [RESOLUTION 08/02](#))

The Indian Ocean Tuna Commission,

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transshipment operations at sea, all transshipment operations of tuna and tuna like species in the IOTC Area must take place in port.
2. The Flag Contracting Party, Cooperating non Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex 1 when transhipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transshipment at sea which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transshipments from these vessels at sea. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the flag CPC authorizes the at-sea transshipment by its flag LSTLVs, such transshipment should be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA

5. The Commission shall establish and maintain an IOTC Record of (Carrier) Vessels authorized to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transshipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2008 the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLVs in the IOTC Area. This list shall include the following information:
 - 1 The flag of the vessel
 - 2 Name of vessel, register number
 - 3 Previous name (if any)
 - 4 Previous flag (if any)
 - 5 Previous details of deletion from other registries (if any)
 - 6 International radio call sign
 - 7 Type of vessels, length, gross tonnage (GT) and carrying capacity
 - 8 Name and address of owner(s) and operator(s)
 - 9 Time period authorised for transhipping
7. Each CPC shall promptly notify the IOTC Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
8. The IOTC Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
9. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

Flag State Authorization

11. LSTLVs are not authorized to tranship at sea, unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its Flag State authorities at least 24 hours in advance of an intended transhipment:
- a) the name of the LSTLV and its number in the IOTC Record of Vessels,
 - b) the name of the carrier vessel and its number in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transhipment,
 - e) the geographic location of the tuna catches

13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transhipment, the IOTC transhipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IOTC transhipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorized to receive transhipment in the IOTC area, within 24 hours of the completion of the transhipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transhipment declaration, along with its number in the IOTC Record of Carrier Vessels authorized to receive transhipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

16. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, not later than 1 January 2009, in accordance with the IOTC Regional Observer Programme in Annex 3. The IOTC observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transhipment declaration.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area without an IOTC regional observer on board, except in cases of 'force majeure' duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

18. To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
- a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transhipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transhipment declaration.
19. The CPCs shall report annually before 15 September to the Secretary:
- a) The quantities by species transhipped during the previous year.
 - b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year.
 - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transhipment from their LSTLVs.
20. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transhipment declaration until the first sale has taken place.

21. Each year, the Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
22. These provisions will be applicable from July 1st, 2008.

RESOLUTION 06/02 - ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTVs

General

1 Transhipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the Captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:
 - a) the name of the LSTV and its number in the IOTC record of fishing vessels,
 - b) the name of the carrier vessel, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transhipment,
 - e) the major fishing grounds of the tuna and tuna like species catches
- 2.2 The Captain of a LSTV shall, at the time of the transhipment, inform its Flag State of the following:
 - a) The products and quantities involved
 - b) the date and place of the transhipment
 - c) the name, registration number and flag of the receiving carrier vessel
 - d) the geographic location of the tuna and tuna like species catches.
- 2.3 The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex 2 not later than 15 days after the transhipment.

Receiving vessel:

- 3 Not later than 24 hours before the beginning and at the end of the transhipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of tuna and tuna-like species transhipped to his vessel, and complete and transmit the IOTC transhipment declaration, to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transhipment declaration, to the competent authorities of the Landing State where the landing takes place.
- 5 The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

RESOLUTION 06/02 - ANNEX 2
IOTC TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
Departure	_ _	_ _	from	_ _ _				
Return	_ _	_ _	to	_ _ _		Signature:	Signature:	Signature :
Transhipment	_ _	_ _	_ _	_ _ _				

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_____| kilograms

LOCATION OF TRANSHIPMENT

Species	Port	Sea	Type of product										
			Whole	Gutted	Headed	Filleted							

If transhipment effected at sea, IOTC Observer Name and Signature:

RESOLUTION 06/02 - ANNEX 3

IOTC REGIONAL OBSERVER PROGRAMME

- 1 Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC Area and which tranship at sea, to carry an IOTC observer during each transshipment operation in the Convention area.
- 2 The Secretary shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the IOTC Area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating Parties that implement the IOTC observer program.

Designation of the observers

- 3 The designated observers shall have the following qualifications to accomplish their tasks:
 - a) sufficient experience to identify species and fishing gear;
 - b) satisfactory knowledge of the IOTC conservation and management measures;
 - c) the ability to observe and record information accurately;
 - d) a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

- 4 Observers shall:
 - a) have completed the technical training required by the guidelines established by IOTC;
 - b) be nationals of one of the CPCs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
- 5 The observer tasks shall be in particular to:
 - a) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transhipped;
 - iv. verify and record the name of the LSTLV concerned and its IOTC number;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration;
 - vii. countersign the transshipment declaration;
 - b) issue a daily report of the carrier vessel's transshipping activities;
 - c) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - e) exercise any other functions as defined by the Commission.
- 6 Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
- 7 Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
- 8 Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

- 9 The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
 - a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;

- b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i) satellite navigation equipment;
 - ii) radar display viewing screens when in use;
 - iii) electronic means of communication;
 - c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.
- 10 The Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip.
- 11 The Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

Observer fees

- 12 The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat and the IOTC Secretary shall manage the account for implementing the program;
- 13 No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

RESOLUTION 06/03
ON ESTABLISHING A VESSEL MONITORING SYSTEM PROGRAMME

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and inspection scheme, held in Yaizu, Japan, from 27 to 29 March, 2001,

RECOGNIZING the value of satellite-based Vessel Monitoring Systems (VMS) for the Commission's conservation and management programmes, including compliance,

RECOGNIZING IOTC Resolution 02/02 which called for the adoption of a pilot satellite-based vessel monitoring system (VMS) by 1st January 2004,

TAKING NOTE that the Resolution 02/02 has allowed the progressive incorporation of these systems to accommodate Contracting Parties that lack sufficient capacity for immediate implementation at a national level,

RECOGNISING that this Resolution 02/02 provides a process for developing States of the region to build the capacity to implement this Resolution,

AWARE that many Parties have established VMS systems and programmes for their fleets and that their experience may be very helpful in supporting the conservation and management programmes of the Commission;

ADOPTS in accordance with the provisions of Article IX paragraph 1 of the IOTC Agreement, that:

1. Each Contracting Party and Cooperating Non Contracting Party (CPC) shall adopt a satellite-based vessel monitoring system (VMS) for all vessels greater than 15 metres in length overall registered on the IOTC Record of Vessels which operate in the IOTC Area and which fish on the high seas (outside the fisheries jurisdiction of any coastal state) for species covered by the IOTC Agreement by 1 July 2007.
2. The Commission may establish guidelines for the registration, implementation and operation of VMS in the IOTC Area with a view to standardizing VMS adopted by CPCs.
3. Information collected shall include:
 - a. the vessel identification;
 - b. the current geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, at a confidence level of 99%; and
 - c. the date and time (expressed in UTC) of the fixing of the said position of the vessel.
4. Each CPC shall take the necessary measures to ensure that their land-based national Fisheries Monitoring Center (FMC) receives through the VMS the information required in paragraph 3, and that the FMC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each CPC shall provide for backup and recovery procedures in case of system failures.
5. Each CPC shall ensure that the information in paragraph 3 is transmitted to the FMC at least once every 4 hours. Each CPC shall ensure the masters of fishing vessels flying its flag ensure that the satellite tracking device(s) are at all times fully operational.
6. Each CPC as a Flag State shall ensure that the vessel monitoring device(s) on board its vessels are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:
 - a. be located within a sealed unit; and
 - b. be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.

7. The responsibilities concerning the satellite-tracking devices and requirements in case of technical failure or non-functioning of the satellite-tracking devices are established in Annex I.
8. Until 1 July 2008, fishing vessels referred to in paragraph 1 which are not yet equipped with VMS shall report to their FMC at least daily by email, facsimile, telex, telephone message or radio. Such reports must include, inter alia, information required in paragraph 3 when transmitting the report, to their competent authorities, as well as:
 - a. the geographic position at the beginning of the fishing operation;
 - b. the geographic position at the end of the fishing operation.
9. CPCs that cannot fulfill the obligations as outlined in this resolution shall report to the IOTC Secretariat (i) the systems and infrastructure and capabilities existing with respect to the implementation this resolution, and (ii) the hindrances for implementation of such a system and (iii) requirements for implementation.
10. Each CPC shall provide to the IOTC Secretariat, by 30 June each year, a report on the progress and implementation of its VMS programme in accordance with this resolution. The Secretariat shall compile reports prior to the annual Session of the Commission and present a report to the Compliance Committee. Based on these reports, the Commission will discuss how best to proceed with future consideration of VMS to support its conservation and management measures.
11. CPCs are encouraged to extend the application of this Resolution to their fishing vessels not provided for in paragraph 1 if they consider this to be appropriate to ensure the effectiveness of IOTC conservation and management measures.
12. Resolution 02/02 *Relating to the Establishment of a Vessel Monitoring System Pilot Programme* is superseded by this Resolution.

RESOLUTION 06/03 - ANNEX 1
RESPONSIBILITIES CONCERNING THE SATELLITE-TRACKING DEVICES AND
REQUIREMENTS IN CASE OF TECHNICAL FAILURE OR NON-FUNCTIONING OF THE
SATELLITE-TRACKING DEVICES

- A) In the event that a CPC has information to suspect that on-board vessel monitoring device(s) do not meet the requirements of paragraph 2, or have been tampered with, it shall immediately notify the Secretary and the vessel's Flag State.
- B) Masters and owners/licensees of fishing vessels subject to VMS shall ensure that the vessel monitoring device(s) on board their vessels within the IOTC Area are at all times fully operational. Masters and owners/licensees shall in particular ensure that:
 - a) VMS reports and messages are not altered in any way;
 - b) the antennae connected to the satellite monitoring device(s) are not obstructed in any way;
 - c) the power supply of the satellite monitoring device(s) is not interrupted in any way; and
 - d) the vessel monitoring device(s) are not removed from the vessel.
- C) A vessel monitoring device shall be active within the IOTC Area. It may, however, be switched off when the fishing vessel is in port for a period of more than one week, subject to prior notification to, and approval of, the Flag State, and if the Flag State so desires also to the Secretariat, provided that the first position report generated following the re-powering (activating) shows that the fishing vessel has not changed position compared to the last report.
- D) In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel is not authorized to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorized to commence a fishing trip without the satellite tracking device having been repaired or replaced.
- E) In the event of a technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall communicate immediately to the FMC of the Flag State, and if the Flag State so desires also to the Secretariat, stating the time that the failure or the non-functioning was detected or notified in accordance with paragraph F of this Annex. In the event of a technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall also communicate to the FMC of the Flag State the information required in paragraph 3 of the Resolution every four hours, by email, facsimile, telex, telephone message or radio.
- F) When the Flag State has not received for 12 hours data transmissions referred to in paragraphs 5 of the Resolution and E of this Annex, or has reasons to doubt the correctness of the data transmissions under paragraphs 5 of the Resolution and E of this Annex, it shall as soon as possible notify the master or the owner or the representative thereof. If this situation occurs more than two times within a period of one year in respect of a particular vessel, the Flag State of the vessel shall investigate the matter, including having an authorised official check the device in question, in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the IOTC Secretariat within 30 days of its completion.
- G) With regard to paragraphs E and F of this Annex, each CPC shall, as soon as possible but no later than two working days following detection or notification of technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, forward the geographical positions of the vessel to the Secretariat, or shall ensure that these positions are forwarded to the Secretariat by the master or the owner of the vessel, or their representative.

RESOLUTION 06/04
ON REDUCING INCIDENTAL BYCATCH OF SEABIRDS IN LONGLINE FISHERIES
(SUPERSEDED BY RESOLUTION 08/03)

The Indian Ocean Tuna Commission (IOTC),

RECALLING *Recommendation 05/09 On Incidental Mortality of Seabirds*;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Indian Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organisation (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds), and the IOTC Working Party on Bycatch objectives;

ACKNOWLEDGING that to date some Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) have identified the need for, and have either completed or are near finalising, their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, which opened for signatures at Canberra on 19 June 2001, has entered into force;

NOTING that the ultimate aim of the IOTC and the CPCs is to achieve a zero bycatch of seabirds, especially threatened albatross and petrel species, in longline fisheries;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The Commission shall, within a year, develop effective mechanisms to enable CPCs to record and exchange data on seabird interactions, including regular reporting to the Commission, and seek agreement to implement all mechanisms as soon as possible thereafter.
2. CPCs shall collect and provide all available information to the Secretariat on interactions with seabirds, including incidental catches by their fishing vessels.
3. CPCs shall seek to achieve reductions in levels of seabird bycatch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.
4. All vessels fishing south of 30°S shall carry and use bird-scaring lines (tori poles):
 - Tori poles shall be in accordance with agreed tori pole design and deployment guidelines (provided for in Annex 1);
 - Tori lines are to be deployed prior to longlines entering the water at all times south of 30°S;
 - Where practical, vessels are encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
 - Back-up tori lines shall be carried by all vessels and be ready for immediate use.
5. Surface longline vessels, whilst targeting swordfish, utilising the “American longline system”¹ and equipped with a line-throwing device, shall be exempted from the requirements of paragraph 4 of this Resolution.
6. The Commission shall, upon receipt of information from the Scientific Committee, consider, and if necessary, refine, the area of application of the mitigation measures specified in paragraph 4.
7. The Commission shall consider adopting additional measures for the mitigation of any incidental catch of seabirds (including those applied and tested by the Convention on the Conservation of Antarctic Marine Living Resources) at its annual meeting in 2007.

¹ “American longline system” shall be taken to mean the use of light monofilament gear components for both mainline and droplines, incorporating light sticks. By design, baits will sink rapidly when this gear is set.

RESOLUTION 06/04 - ANNEX 1

SUGGESTED GUIDELINES FOR DESIGN AND DEPLOYMENT OF TORI LINES

Preamble

These guidelines are designed to assist in preparation and implementation of tori line regulations for longline vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. Ongoing improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.

Tori Line Design

1. It is recommended that a tori line 150 m in length be used. The diameter of the section of the line in the water may be greater than that of the line above water. This increases drag and hence reduces the need for greater line length and takes account of setting speeds and length of time taken for baits to sink. The section above water should be a strong fine line (e.g. about 3 mm diameter) of a conspicuous colour such as red or orange.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. The line is best attached to the vessel with a robust barrel swivel to reduce tangling of the line.
4. The streamers should be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) suspended from a robust three-way swivel (that again reduces tangles) attached to the tori line, and should hang just clear of the water.
5. There should be a maximum of 5-7 m between each streamer. Ideally each streamer should be paired.
6. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.
7. The number of streamers should be adjusted for the setting speed of the vessel, with more streamers necessary at slower setting speeds. Three pairs are appropriate for a setting speed of 10 knots.

Deployment of Tori Lines

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with fishing gear. Greater pole height provides greater bait protection. For example, a height of around 6 m above the water line can give about 100 m of bait protection.
2. The tori line should be set so that streamers pass over baited hooks in the water.
3. Deployment of multiple tori lines is encouraged to provide even greater protection of baits from birds.
4. Because there is the potential for line breakage and tangling, spare tori lines should be carried onboard to replace damaged lines and to ensure fishing operations can continue uninterrupted.
5. When fishers use a bait casting machine (BCM) they must ensure coordination of tori line and machine by:
 - a) ensuring the BCM throws directly under the tori line protection and
 - b) when using a BCM that allows throwing to port and starboard, ensure that two tori lines are used.
6. Fishers are encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.

RESOLUTION 06/05
ON THE LIMITATION OF FISHING CAPACITY, IN TERMS OF NUMBER OF VESSELS, OF
IOTC CONTRACTING PARTIES AND CO-OPERATING NON CONTRACTING PARTIES
(SUPERSEDED BY RESOLUTION 09/02)

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that the Scientific Committee has expressed concerns on the status of the main tuna stocks in the IOTC Area;

TAKING NOTE in particular of the Scientific Committee's recommendation that a reduction in catches of bigeye tuna by all gears, eventually to the level of MSY, be started as soon as possible and that fishing effort should be reduced or, at least, that it should not increase further;

CONSCIOUS of the further Scientific Committee recommendation that management measures focused on controlling and/or reducing effort in the fishery targeting swordfish in the south west Indian Ocean be implemented;

AWARE that the issue of excess fishing capacity is of worldwide concern and is the subject of an International Plan of Action developed by the United Nations Food and Agriculture Organization;

NOTING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) stipulates in its Objectives and Principles that States and Regional Fisheries Organisations confronted with an overcapacity problem which is undermining the achievement of long-term sustainability outcomes, should endeavour initially to limit at the present level and progressively reduce the fishing capacity applied to affected fisheries;

UNDERSTANDING that excess fishing capacity in a region makes it more difficult for Governments to agree on and implement effective conservation and management measures for the fisheries of that region;

RECALLING *Resolution 01/04 on Limitation of Fishing Effort of non-Members of IOTC whose Vessels Fish Bigeye Tuna* adopted at the 2001 meeting;

RECALLING *Resolution 03/01 on the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties* adopted at the 2003 meeting;

RECALLING *Resolution 05/01 on conservation and management measures for bigeye tuna* adopted at the 2005 meeting;

RECALLING *Resolution 05/04 concerning the registration and exchange of information on vessels, fishing for tropical tunas and swordfish in the IOTC area of competence* adopted at the 2005 meeting;

BELIEVING that it is important to limit fishing capacity in the IOTC area in order to help ensure that the tuna fisheries in the region are conducted at a sustainable level;

SEEKING TO ADDRESS the problem of excess capacity in the tuna purse-seine and longline fleets operating in the IOTC area by limiting capacity to a level which, in harmony with other agreed management measures and projected and actual levels of catch, will ensure that tuna and swordfish fisheries in the region are conducted at sustainable levels,

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating Non-Contracting Parties (hereafter named CPCs) shall limit the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for tropical tunas in the IOTC Area, to the number of their vessels notified to IOTC for 2006 in accordance with IOTC Resolution 05/04 *Concerning Registration And Exchange Of Information On Vessels, Including Flag Of Convenience Vessels, Fishing For Tropical Tunas and swordfish in the IOTC Area Of Competence*.^{5,6}
2. This limitation of number of vessels shall be commensurate with the corresponding overall tonnage expressed in GRT (Gross Registered Tonnage) or in GT (Gross Tonnage) and, where vessels are replaced, the overall tonnage shall not be exceeded.
3. In notifying their vessels fishing for tropical tunas in the area in 2006, the CPCs shall verify the effective presence and fishing activities of their vessels in the IOTC area in 2006, through their VMS records, catch reports, port calls, or other means. The IOTC Secretariat shall have access to such information upon request.
4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of IOTC Resolution 03/01 *On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties* and paragraph 4 of Resolution 05/01 *On Conservation and Management Measures for Bigeye Tuna*. In the application of the Fleet

⁵ The Commission will take into account authorizations to construct vessels currently under administrative process, on-going and already authorized constructions in the year 2006, and the development programmes already notified to the Commission

⁶ Acknowledging that the catch levels and vessels presence in 2006 of certain Members is not representative of their historical presence, and consequently that these Members may increase the number of vessels present during the period of application of the Resolution to a maximum level operating in a season or year since 2000.

- Development Plans, each CPC should implement a reasonable programme for the phasing-in of the increase of its fleet.
5. Within the period of application of this Resolution, CPCs may change the number of their vessels, by gear type, provided that they can demonstrate to the Commission, under the advice of the Scientific Committee, that the change in the number of vessels, by gear type, does not lead to an increase of fishing effort on the fish stocks involved.
 6. CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels or on the Record of vessels of other Tuna Regional Fisheries Organisations. No vessels on an IUU vessels list of any Regional Fisheries Management Organisation may be transferred.
 7. This Resolution is applicable during the years 2007, 2008 and 2009. The Commission shall review its implementation at the 2009 IOTC Session.
 8. With regard to the swordfish fisheries, the CPCs take the commitment to adopt at the 2007 IOTC Annual Session a similar capacity limitation for vessels of 24 metres overall length or over, and vessels under 24 metres when they fish in international waters in the IOTC Area.
 9. The provisions of this Resolution will not prejudice future discussions on quota allocation for tuna and tuna-like species, taking into account, *inter alia*, legitimate aspirations of the Coastal States to develop their fishing capacity.

2007 - ELEVENTH SESSION OF THE IOTC - GRAND BAIE, MAURITIUS

RESOLUTION 07/01
TO PROMOTE COMPLIANCE BY NATIONALS OF CONTRACTING PARTIES AND
COOPERATING NON-CONTRACTING PARTIES WITH IOTC CONSERVATION AND
MANAGEMENT MEASURES

The Indian Ocean Tuna Commission (IOTC),

CONVINCED that illegal, unreported and unregulated (IUU) fishing compromises the objectives of the Agreement for the Establishment of the IOTC,

CONCERNED that some flag States do not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the IOTC Area of Competence, and that as a result these vessels are not under the effective control of such flag States,

AWARE that the lack of effective control facilitates fishing by these vessels in the Area of Competence in a manner that undermines the effectiveness of IOTC conservation and management measures, and can lead to IUU fishing activities,

CONCERNED that vessels that carry out activities in the Area of Competence which do not comply with the IOTC conservation and management measures are benefiting from the support provided by persons subject to the jurisdiction of Contracting Parties and Cooperating non-Contracting Parties (CPCs), including, *inter alia*, through participation in transshipment, transport and trade of illegally harvested catches or engagement on board or in the management of these vessels,

NOTING that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing calls on States to take measures to discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures,

RECALLING that CPCs should cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Agreement,

DESIRING, as a first step, to enhance cooperation between CPCs through facilitating measures being taken against natural or legal persons, subject to their jurisdiction, that have engaged in IUU fishing activities;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Without prejudice to the primacy of the responsibility of the flag State, the CPCs shall take appropriate measures, subject to and in accordance with their applicable laws and regulations:

- (i) to investigate allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction in the activities described, *inter alia*, in paragraph 1 of the *Resolution 06/01 on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing in the IOTC Area*;
- (ii) to take actions in response to any verified activities referred to in paragraph 1(i); and
- (iii) to cooperate for the purpose of implementing the measures and actions referred to in paragraph 1(i).

To this end, relevant agencies of CPCs should cooperate to implement IOTC conservation and management measures and CPCs shall seek the cooperation of the industries within their jurisdiction.

2. To assist with the implementation of this Resolution, CPCs shall submit reports subject to the national laws of confidentiality to the IOTC Secretariat and other CPCs on the actions and measures taken in accordance with paragraph 1, in a timely fashion.

3. These provisions shall be applicable from 1 July 2008. CPCs may voluntarily decide to implement these provisions prior to this date.

RESOLUTION 07/02
CONCERNING THE ESTABLISHMENT OF AN IOTC RECORD OF VESSELS
AUTHORISED TO OPERATE IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels,

FURTHER RECALLING that IOTC adopted the *Resolution 01/06. Recommendation Concerning the IOTC Bigeye Tuna Statistical Document Programme* at its 2001 meeting,

FURTHER RECALLING that IOTC adopted the *Resolution 01/02 Relating to Control of Fishing Activities* at its 2001 meeting,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential to operate in the IOTC Area without timely registration with the Commission,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

RECOGNIZING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The Commission shall establish and maintain an IOTC Record of fishing vessels that are:
 - a) larger than 24 metres in length overall, or
 - b) in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state,
 and that are authorised to fish for tuna and tuna-like species in the IOTC Area (hereinafter referred to as 'authorized fishing vessels', or AFVs). For the purpose of this Resolution, AFVs that are not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.
2. Each Contracting Party, and Cooperating non-Contracting Party (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the Secretary by 1 July 2003 for those vessels referred to 1.a) and 1 July 2006 for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC Area. This list shall include the following information:

- Name of vessel(s), register number(s);
- IMO number if available
- Previous name(s) (if any);
- Previous flag(s) (if any);
- Previous details of deletion from other registries (if any);
- International radio call sign(s) (if any);
- Operating port
- Type of vessel(s), length and gross tonnage (GT);
- Name and address of owner(s) and operator(s);
- Gear(s) used;
- Time period(s) authorised for fishing and/or transshipping.

CPCs shall indicate, when initially submitting their list of vessels according to this paragraph, which vessels are newly added or meant to replace vessels currently on their list submitted to IOTC pursuant to the *Resolution 01/02 Relating to Control of Fishing Activities*.

The initial IOTC record shall consist of all the lists submitted under this paragraph.

3. Each CPC shall promptly notify, after the establishment of the initial IOTC Record, the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.
4. The IOTC Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
5. The flag CPCs of the vessels on the record shall:
 - a) authorise their AFVs to operate in the IOTC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its conservation and management measures;
 - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC conservation and management measures;
 - c) take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
 - d) ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by AFVs not entered into the IOTC Record in the IOTC Area;
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2003 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC record to take further action to enhance compliance by those vessels to IOTC conservation and management measures.
7.
 - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the AFVs which are not entered into the IOTC Record.
 - b) To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs shall validate statistical documents only for the AFVs on the IOTC Record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record and,

- iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.
8. Each CPC shall notify the Secretary of any factual information showing that there are reasonable grounds for suspecting AFVs not on the IOTC Record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.
9. a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC Area.
- b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Secretary shall compile such information for future consideration by the Commission.
10. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU AFVs from the Indian Ocean to other oceans.
11. Paragraph 1 of the *Resolution 01/02 Relating to Control of Fishing Activities* adopted at the 2001 Commission meeting is no more effective when this resolution is entered into force, while paragraph 2,3,4 and 5 of the said Resolution shall stand as they are.
12. Paragraph 1 b) shall apply initially to longline and purse seine fishing vessels.
13. *Resolution 05/02 Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area* is superseded by this Resolution.

RESOLUTION 07/03
CONCERNING THE RECORDING OF CATCH BY FISHING VESSELS IN THE IOTC AREA
(SUPERSEDED BY [RESOLUTION 10/03](#))

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Inter-sessional Meeting on an Integrated Control and Inspection Scheme held in Yaizu, Japan from 27 to 29 March 2001;

CONSIDERING the provisions set forth in *Resolution 01/05 Mandatory Statistical Requirements for IOTC Members*, and in particular the requirements set out for surface fisheries/purse-seine fleets adopted by the Commission in 2001;

CONSIDERING the deliberations of the 9th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 6 to 10 November 2006 where it agreed that a standardised logbook would be advantageous and agreed on the minimum data requirements for all purse-seine and bait boat fleets operating in the IOTC Area of Competence, in order to harmonize data gathering and provide a common basis for scientific analysis for all IOTC Contracting Parties and Cooperating non-Contracting Parties (CPCs);

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that

1. Each flag CPC shall ensure that all purse-seine vessels flying its flag and authorized to fish species managed by IOTC be subject to a data recording system. Within the IOTC Area of Competence, all purse-seine vessels over 24 metres length and those under 24 metres if they fish outside the EEZs of their flag States shall keep a bound or electronic logbook to provide data for use by Working Parties and the Scientific Committee that includes, as a minimum requirement, the information and data in the logbook set forth, for illustrative purposes, in Annex I.
2. The logbook data shall be provided by the fishing masters to the flag State administration, as well as to the coastal State administration where the vessel has fished in that coastal State's EEZ. The flag State and the States which receive this information shall provide all the data for any given year to the IOTC Secretariat and the Scientific Committee by June 30th of the following year on an aggregated basis. The confidentiality rules set out in Resolution 98/02 *Data Confidentiality Policy and Procedures* for fine-scale data shall apply.
3. With regard to all longline vessels over 24 metres length and those under 24 metres if they fish outside the EEZ of their flag State, CPCs commit to adopt at the 2008 Annual Session a minimum standard for logbooks for the same purposes, based on a model to be elaborated by the IOTC Scientific Committee at its 10th Session.

Annex I. LOGBOOK TEMPLATE// Annexe I.MODÈLE DE FICHES DE PÊCHE

DEPART / SALIDA / DEPARTURE				ARRIVEE / LLEGADA / ARRIVAL				NAVIRE / BARCO / VESSEL				PATRON / PATRON / MASTER				FEUILLE HOJA / SHEET N°							
PORT / PUERTO / PORT DATE / FECHA / DATE HEURE / HORA / HOUR LOCH / CORREDERA / LOCH				PORT / PUERTO / PORT DATE / FECHA / DATE HEURE / HORA / HOUR LOCH / CORREDERA / LOCH																			
DATE FECHA DATE	POSITION (chaque calée ou midi) POSICION (cada lance o mediadia) POSITION (each set or midday)	CALEE LANCE SET			CAPTURE ESTIMEE ESTIMACION DE LA CAPTURA ESTIMATED CATCH										ASSOCIATION ASOCIACION ASSOCIATION				COMMENTAIRES OBSERVACIONES COMMENTS		T° Mer / Mar / Sea	COURANT CORRIENTE CURRENT	
		Portant / Positivo / Successful Nul / Nulo / Nil	Heure / Hora / Time préciser/especificar/specify TU+	N° Cuve / Cuba / Well	1 ALBACORE RABIL YELLOWFIN		2 LISTAO LISTADO SKIPJACK		3 PATUDO PATUDO BIGEYE		AUTRE ESPECE préciser le/les nom(s) OTRA ESPECIE dar el/los nombre(s) OTHER SPECIES give name(s)		REJETS préciser le/les nom(s) DESCARTES dar el/los nombre(s) DISCARDS give name(s)		Banc libre/Banco libre/Free school Epave / Objeto / Log N (naturelle/natural). A (artificielle/artificial)	Bateau d'assistance Barco de apoyo / Supply	Balise / Baliza / Beacon	Requin Baleine Tiburón Ballena / Shark Whale	Baleine / Ballena / Whale	Route/Recherche, problèmes divers, type d'épave (naturelle/artificielle, balisée, bateau), prise accessoire, taille du banc, autres associations, ... Ruta/Busca, problemas varios, tipo de objeto (natural/artificial, con baliza, barco), captura accesoria, talla del banco, otras asociaciones, ... Steaming/Searching, miscellaneous problems, log type (natural/artificial, with radio beacon, vessel), by catch, school size, other associations, ...		Direction / Direccion / Direction Degrés / Grados / Degree	Vitesse / Velocidad / Speed Nœuds / Nudos / Knots
					Taille Talla Size	Capture Captura Catch	Taille Talla Size	Capture Captura Catch	Taille Talla Size	Capture Captura Catch	Nom Nombre Name	Taille Talla Size	Capture Captura Catch	Nom Nombre Name									
Une calée par ligne / Uno lance cada línea / One set by line																							

Instructions for filling the logbook form (EU purse seine and baitboats template) Notice explicative pour utiliser la fiche de pêche (senneurs et canneurs, modèle UE)
EN-TÊTE / CABECERA / HEADING
DEPART / SALIDA / DEPARTURE <ul style="list-style-type: none"> ✓ Port / Puerto / Port ✓ Date / Fecha / Date ✓ Heure / Hora / Hour ✓ Loch / Corredera / Loch ARRIVEE / LLEGADA / ARRIVAL <ul style="list-style-type: none"> ✓ Port / Puerto / Port ✓ Date / Fecha / Date ✓ Heure / Hora / Hour ✓ Loch / Corredera / Loch NAVIRE / BARCO / VESSEL PATRON / PATRON / MASTER FEUILLE / HOJA / SHEET N° <p><i>Remplir l'information correspondante au départ et au retour. Le loch au départ et au retour permettent d'estimer la distance parcourue par le navire pendant sa marée, et donc indirectement la surface prospectée. Les feuilles seront numérotées de 1 à n pour chaque marée.</i></p> <p><i>Fill in the corresponding information at departure and arrival of the boat. Loch at departure and arrival allows to estimate the distance run during the trip, and indirectly the prospected surface. Sheets will be numbered from 1 and following for each trip.</i></p>
DONNÉES SUR LA PÊCHE / DATOS SOBRE LA PESCA / FISHING DATA
<p><i>Toute les informations concernant les activités, captures, incidents, ... qui se sont produits pendant la marée doivent être reportées aussi précisément que possible.</i></p> <p><i>All information regarding activities, catches, incidents, ...which occurred during the trip should be reported as precisely as possible.</i></p> DATE/FECHA/DATE <p><i>Remplir au moins une ligne par jour, même s'il n'y a pas eu d'activité de pêche (cape, avarie, ...).</i></p> <p><i>Fill in at least one line by day, even in case of no fishing activities.</i></p> POSITION (chaque calée ou midi)/POSICION (cada lance o mediadia)/POSITION (each set or midday) <p><i>Utiliser une ligne différente pour chaque calée (y compris les calées nulles), et noter la position de cette calée. S'il n'y a pas eu de pêche, noter la position aux environs de midi. Si nécessaire, les informations sur la calée peuvent utiliser plusieurs lignes sans changer les informations générales (date, position, ...).</i></p> <p><i>Use one line for each set (including negative ones), and note its position. If no set have been made, note the position around midday. If necessary, information for one set can use several lines, without changing the general information (date and position).</i></p> CALEE /LANCE .SET <ul style="list-style-type: none"> ✓ Portant / Positivo / Successful ✓ Nul / Nulo / Nil <p><i>Cocher la case correspondante selon que le coup est nul ou portant.</i></p> <p><i>Tick the corresponding column according that the set was positive or not.</i></p> <ul style="list-style-type: none"> ✓ Heure / Hora / Time : Préciser / Especificar / Specify (TU+ ?) <p><i>Mettre l'heure de début de la calée ; préciser le cas échéant l'heure utilisée par le bord (TU+ ??).</i></p> <p><i>Indicate the time at the beginning of the set ; if necessaty, precise the time used on board (TU+ ??).</i></p> <ul style="list-style-type: none"> ✓ N° Cuve / Cuba / Well <p><i>Indiquer le numéro de la/les cuve(s) où la capture sera stockée.</i></p> <p><i>Indicates the well number where the catch will be stored.</i></p> CAPTURE ESTIMEE / ESTIMACION DE LA CAPTURA / ESTIMATED CATCH <ul style="list-style-type: none"> ✓ ALBACORE / RABIL / YELLOWFIN <ul style="list-style-type: none"> • Taille / Talla / Size • Capture / Captura / Catch ✓ LISTAO / LISTADO / SKIPJACK <ul style="list-style-type: none"> • Taille / Talla / Size

- Capture / Captura / Catch
- ✓ PATUDO / PATUDO / BIGEYE
- Taille / Talla / Size
- Capture / Captura / Catch

Pour chacune des principales espèces de thons mentionnées, indiquer la capture estimée ainsi que la taille/poids moyen ou la gamme de taille/poids des poissons (par exemple 5-15 kg, 10kg, >30 kg, ...). Si la distinction entre espèces n'est pas connue, remplir à cheval sur les 3 colonnes.

For each of the main tuna species indicated, note the estimated catch as well as the average size/weight or size/weight range (for example, 5-15 kg, 10 kg, > 30 kg, ...). In case you cannot separate species, fill in on the 3 columns.

- ✓ AUTRE ESPECE (préciser le/les nom(s))/OTRA ESPECIE (dar el/los nombre(s))/OTHER SPECIES (give name(s))
- Nom / Nombre / Name
- Taille / Talla / Size
- Capture / Captura / Catch

Remplir comme pour les espèces de thons, en précisant en plus le/les nom(s) de/des espèce(s) pêchées.

Fill in as for tuna species, indicating also the name(s) of the fished species.

- ✓ REJETS (préciser le/les nom(s))/DESCARTES (dar el/los nombre(s))/DISCARDS (give name(s))
- Nom / Nombre / Name
- Taille / Talla / Size
- Capture / Captura / Catch

Remplir comme pour les espèces de thons, en précisant en plus le/les nom(s) de/des espèce(s) rejetées.

Fill in as for tuna species, indicating also the name(s) of the discarded species.

ASSOCIATION / ASOCIACION / ASSOCIATION

- ✓ Banc libre/Banco libre/Free school
- ✓ Epave / Objeto / Log : N (naturelle/natural), A (artificielle/artificial)
- ✓ Bateau d'assistance / Barco de apoyo / Supply
- ✓ Balise / Baliza / Beacon
- ✓ Requin Baleine / Tiburon Ballena / Shark Whale
- ✓ Baleine / Ballena / Whale

Cocher la colonne correspondant au type d'association observé. Pour une pêche sur épave, préciser si elle est naturelle (N) ou artificielle (A), ainsi que si elle a ou non une balise. Indiquer également si on a travaillé en association avec un bateau d'assistance. Plusieurs associations sont bien sur possibles, et on peut signaler d'autres associations dans la rubrique « Commentaires »..

Tick the case corresponding to the association type observed. For log sets, indicates if the log is natural (N) or artificial (A), as well as if there bear or not a beacon. Indicates also if fishing was done in association with a supply. Of course, several associations are possible, and others than indicated may be mentioned in the "Comments" field.

COMMENTAIRES / OBSERVACIONES / COMMENTS

Route/Recherche, problèmes divers, type d'épave (naturelle ou artificielle, balisée, bateau), prise accessoire, taille du banc, autres associations,

Steaming/Searching, miscellaneous problems, log type (natural or artificial, with radio beacon, vessel), by catch, school size, other associations,

T° Mer / Mar / Sea

Indiquer la température de la mer (au 1/10 de degré) si elle est disponible.

Indicates the sea surface temperature (1/10 degree) if known.

COURANT / CORRIENTE / CURRENT

Direction / Direccion / Direction (Degrés / Grados / Degree)

Vitesse / Velocidad / Speed (Nœuds / Nudos / Knots)

Indiquer la vitesse et la direction du courant si disponible.

Indicates the current speed and direction if known.

RESOLUTION 07/04
CONCERNING REGISTRATION AND EXCHANGE OF INFORMATION ON VESSELS
FISHING FOR TUNAS AND SWORDFISH IN THE IOTC AREA
(SUPERSEDED BY [RESOLUTION 10/07](#) AND [RESOLUTION 10/08](#))

The Indian Ocean Tuna Commission (IOTC),

NOTING the Research Recommendation of the 7th Expert Consultations on Indian Ocean Tunas regarding the need to collect data on fishing effort;

NOTING the Report of the First Session of the Scientific Committee and its general recommendation on the need to make a comprehensive list of all vessels of all gears catching bigeye;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. All Contracting Parties and Cooperating non-Contracting Parties (CPCs) with vessels fishing for tropical tunas, albacore and swordfish in the IOTC Area of Competence (hereinafter referred to as “the Area”), by 30 June every year:
 - Shall submit to the Secretary a list of their respective vessels greater than 24 m LOA that have fished for tropical tunas, albacore and swordfish in the Area during the previous year;
 - Shall submit to the Secretary a list of their respective vessels of less than 24 m LOA that have fished for tropical tunas, albacore and swordfish outside of their EEZ during the previous year.
2. These lists shall contain the following information for each vessel:
 - Name and registration number;
 - IMO number if available;
 - Previous flag (if any);
 - International radio call sign;
 - Vessel type, length, and gross tonnage;
 - Name and address of owner, and/or charterer, and/or operator;
 - Main target species.
3. CPCs which issue licences to foreign flag vessels to fish for tunas and swordfish in the Area shall submit to the Secretary the same information on all vessels to which such licences have been issued, according to the same timetable.
4. The Secretary shall circulate this information annually, or upon request, to all CPCs.
5. The CPCs shall notify the Secretary of any information concerning fishing vessels not covered in paragraph 1 but known or presumed to be fishing for tunas and swordfish in the Area.
6. (a) The Secretary shall request the flag State of a vessel covered in paragraph 5 to take the measures necessary to prevent the vessel from fishing for tunas and swordfish in the Area.
(b) The Secretary shall compile for future consideration by the Commission information on vessels covered in paragraph 5 whose flag is not identified.
7. IOTC Resolution 05/04 Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC Area of competence is superseded by this Resolution.

RESOLUTION 07/05
LIMITATION OF FISHING CAPACITY OF IOTC CONTRACTING PARTIES AND
COOPERATING NON-CONTRACTING PARTIES IN TERMS OF NUMBER OF LONGLINE
VESSELS TARGETING SWORDFISH AND ALBACORE
(SUPERSEDED BY RESOLUTION 09/02)

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that the Scientific Committee has expressed concerns on the status of the swordfish stock in the IOTC Area;

TAKING NOTE in particular of the Scientific Committee's recommendation that a reduction in catches of swordfish by longline gear, eventually to the level of MSY, be started as soon as possible and that fishing effort should be reduced or, at least, that it should not increase further;

TAKING NOTE of the significant quantities of swordfish by-catch present in the longline fisheries targeting albacore;

CONSCIOUS of the further Scientific Committee recommendation that management measures focused on controlling and/or reducing effort in the fishery targeting swordfish in the Indian Ocean, and, in particular, in the South West Indian Ocean, be implemented;

AWARE that the issue of excess fishing capacity is of worldwide concern and is the subject of an International Plan of Action developed by the United Nations Food and Agriculture Organization;

NOTING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) stipulates in its Objectives and Principles that States and Regional Fisheries Management Organisations confronted with an overcapacity problem which is undermining the achievement of long-term sustainability outcomes, should endeavour initially to limit at the present level and progressively reduce the fishing capacity applied to affected fisheries;

UNDERSTANDING that excess fishing capacity in a region makes it more difficult for Governments to agree on and implement effective conservation and management measures for the fisheries of that region;

RECALLING *Resolution 01/04 on Limitation of Fishing Effort of non-Members of IOTC whose Vessels Fish Bigeye Tuna* adopted at the Sixth Session;

RECALLING *Resolution 03/01 on the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties* adopted at the Eighth Session;

RECALLING *Resolution 05/01 on conservation and management measures for bigeye tuna* adopted at the Ninth Session;

RECALLING *Resolution 07/04 concerning the registration and exchange of information on vessels, fishing for tunas and swordfish in the IOTC area of competence* adopted at the 11th Session;

RECALLING *Resolution 06/05 on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating non-Contracting Parties* adopted at the Tenth Session;

BELIEVING that it is important to limit fishing capacity in the IOTC Area of Competence in order to ensure that the tuna and tuna-like fisheries in the region are conducted at a sustainable level;

SEEKING TO ADDRESS the problem of excess capacity in the purse-seine and longline fleets operating in the IOTC Area of Competence by limiting capacity to a level which, in harmony with other agreed management measures and projected and actual levels of catch, will ensure that tuna and swordfish fisheries in the region are conducted at sustainable levels,

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating Non-Contracting Parties (hereafter named CPCs) shall limit the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for swordfish and albacore in the IOTC Area of Competence, to the number of their vessels notified to IOTC for 2007 in accordance with *IOTC Resolution 07/04 Concerning Registration And Exchange Of Information On Vessels, Fishing For Tunas and swordfish in the IOTC Area Of Competence*⁷
2. This limitation of number of vessels shall be commensurate with the corresponding overall tonnage expressed in GT (Gross Tonnage) and, where vessels are replaced, the overall tonnage shall not be exceeded.
3. In notifying their vessels fishing for swordfish in the area in 2007, the CPCs shall verify the effective presence and fishing activities of their vessels in the IOTC Area of Competence in 2007, through their VMS records, catch reports, port calls, or other means. The IOTC Secretariat shall have access to such information upon request.
4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of *IOTC Resolution 03/01 On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties*. In particular the

⁷ The Commission will take into account authorisation to construct vessels currently under administrative process, ongoing and already authorised constructions in the year 2007, and the Fleet Development Plans already notified to the Commission

coastal states not targeting swordfish will continue to explore the resources in their EEZs and develop their capacity in accordance with their Fleet Development Plans, which include a reasonable programme for the phasing-in of the increase of their fleet.

5. Within the period of application of this Resolution, CPCs may change the number of their vessels, by gear type, provided that they can either demonstrate to the Commission, under the advice of the Scientific Committee that the change in the number of vessels, by gear type, does not lead to an increase of fishing effort on the fish stocks involved or where they are directly limiting catches using individual transferable quotas under a comprehensive national management plan which has been provided to the Commission.
6. CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels or on the Record of Vessels of other tuna Regional Fisheries Management Organisations. No vessels on the List of IUU Vessels of any Regional Fisheries Management Organisation may be transferred.
7. CPCs with less than ten active vessels targeting albacore in 2007 in the Area of Competence, are allowed to introduce a Fleet Development Plan to the Compliance Committee for review in 2008 at the 12th IOTC plenary Session. These Fleet Development Plans will be reviewed in 2009 by the Commission, in light of the Scientific Committee recommendations on the status of the albacore stock.
8. This Resolution is applicable during the years 2008, 2009 and 2010. The Commission shall review its implementation at the 2010 Session.
9. CPCs shall provide the Secretary, by 30 April 2008, with complete data on the presence of their active vessels targeted by this Resolution in the IOTC Area of Competence during the year 2007.

2008 - TWELFTH SESSION OF THE IOTC - MUSCAT, OMAN

RESOLUTION 08/01
MANDATORY STATISTICAL REQUIREMENTS FOR IOTC MEMBERS AND
COOPERATING NON-CONTRACTING PARTIES (CPC'S)
(SUPERSEDED BY [RESOLUTION 10/02](#))

The Indian Ocean Tuna Commission (IOTC)

GIVEN that the Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) encourages coastal States and fishing States on the high seas to collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort.

NOTING that the United Nations Food and Agricultural Organisation (FAO) Code of Conduct for Responsible Fishing provides that States should compile fishery-related and other supporting scientific data relating to fish stocks covered by subregional or regional fisheries management organizations and provide them in a timely manner to the organization.

RECALLING the commitment made by members under Article V of the IOTC Agreement to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by the Agreement.

COGNISANT that the above commitment can only be achieved when members meet the requirements of Article XI of the IOTC Agreement i.e. to provide statistical and other data and information to minimum specifications and in a timely manner.

ACKNOWLEDGING that the IOTC Scientific Committee has repeatedly stressed the importance of the timeliness of data submissions.

GIVEN that the activities of supply vessels and the use of Fish Aggregating Devices (FAD) are an integral part of the fishing effort exerted by the purse seine fleet.

RESOLVES in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. CPC's shall provide the following information to the IOTC Secretariat according to the timelines specified in paragraph 6:

2. Nominal catch data:

Estimates of the total annual catch by species and gear for all species under the IOTC mandate.

3. Catch and effort data:

(a) **For surface fisheries:** catch weight by species and fishing effort shall be provided by 1° grid area and month strata. Purse seine fishery data shall be stratified by fishing mode (e.g. free swimming schools or schools in association with floating objects). The data shall be extrapolated to the total national monthly catches for each gear. Documents describing the extrapolation procedures (including raising factors corresponding to the logbook coverage) shall also be submitted routinely.

(b) **Longline fisheries:** catch by species, in numbers or weight, and effort as the number of hooks deployed shall be provided by 5° grid area and month strata. Documents describing the extrapolation procedures (including raising factors corresponding to the logbook coverage) shall also be submitted routinely. For the work of relevant working parties under the IOTC Scientific Committee, longline data should be of a resolution of 1° grid area and month or finer. These data would be for the exclusive use of IOTC scientists, subject to the approval of the data owners and IOTC Resolution 98/02 Data confidentiality policy and procedures (Resolution 98/02), and should be provided for scientific use in a timely fashion.

(c) **For coastal fisheries:** available catch by species, fishing gear and fishing effort shall be submitted frequently and may be provided using an alternative geographical area if it better represents the fishery concerned.

These provisions, applicable to tuna and tuna-like species, shall also be applicable to the most commonly caught shark species and, where possible, to the less common shark species. CPC's are also encouraged to record and provide data on species other than sharks and tunas taken as bycatch.

4. Size data:

Size data shall be provided for all gears and for all species covered by the IOTC mandate according to the guidelines set out by the IOTC Scientific Committee. Size sampling shall be run under strict and well described random sampling schemes which are necessary to provide unbiased figures of the sizes taken. Length data by species, including the total number of fish measured, shall be submitted by a 5° grid area by month, by gear and fishing mode (e.g. free swimming schools or schools in association with floating objects for the purse seiners).

5. Given that the activities of supply vessels and the use of **Fish Aggregating Devices** (FAD) are an integral part of the fishing effort exerted by the purse seine fleet, the following data shall be provided:

- (a) The number and characteristics of supply vessels: (i) operating under their flag, (ii) assisting purse seine vessels operating under their flag, or (iii) licensed to operate in their exclusive economic zones, and that have been present in the IOTC Area.
- (b) Number of days at sea by supply vessels by 1° grid area and month to be reported by the flag state of the supply vessel.
- (c) The total number and type of FADs set by the supply vessel and purse seine fleet per quarter. Types of FADs are defined as 1) drifting log or debris, 2) drifting raft or fad with a net, 3) drifting raft or fad without a net, 4) other (e.g. Payao, dead animal etc). All types monitored by a tracking system.

These data would be for the exclusive use of IOTC scientists, subject to the approval of the data owners and Resolution 98/02 *Data confidentiality policy and procedures*, and should be provided in a timely fashion.

6. Timeliness of data submission to the IOTC Secretariat:

- (a) Longline fleets operating in the high seas shall provide provisional data for the previous year no later than 30 June. Final data shall be submitted no later than 30 December.
- (b) All other fleets (including supply vessels) shall submit their final data for the previous year no later than 30 June.
- (c) In case where the final statistics cannot be submitted by that date, at least preliminary statistics should be provided. Beyond a delay of two years, all revisions of historical data should be formally reported and duly justified. These reports should be made on forms provided by the Secretariat and reviewed by the Scientific Committee. The Scientific Committee will advise the Secretariat if revisions are then accepted for scientific use.

7. This Resolution supersedes *Resolution 01/05 Mandatory statistical requirements for IOTC Members*

RESOLUTION 08/02

ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

The Indian Ocean Tuna Commission,

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transshipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

SECTION 1. GENERAL RULE

1. Except under the special conditions outlined below in Section 2 for transshipment operations at sea, all transshipment operations of tuna and tuna like species in the IOTC Area must take place in port.
2. The Flag Contracting Party, Cooperating non Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex 1 when transshipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transshipment at sea which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transshipments from these vessels at sea. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the flag CPC authorizes the at-sea transshipment by its flag LSTLVs, such transshipment should be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA

5. The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorized to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transshipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2008 the list of the carrier vessels that are authorized to receive at-sea transshipments from its LSTLVs in the IOTC Area. This list shall include the following information:
 - i) The flag of the vessel
 - ii) Name of vessel, register number
 - iii) Previous name (if any)
 - iv) Previous flag (if any)
 - v) Previous details of deletion from other registries (if any)
 - vi) International radio call sign

- vii) Type of vessels, length, gross tonnage (GT) and carrying capacity
 - viii) Name and address of owner(s) and operator(s)
 - ix) Time period authorised for transshipping
7. Each CPC shall promptly notify the IOTC Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
 8. The IOTC Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
 9. Carrier vessels authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

Flag State Authorization

11. LSTLVs are not authorized to tranship at sea, unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its Flag State authorities at least 24 hours in advance of an intended transshipment:
 - a) The name of the LSTLV and its number in the IOTC Record of Vessels,
 - b) The name of the carrier vessel and its number in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area, and the product to be transhipped,
 - c) The tonnage by product to be transhipped,
 - d) The date and location of transshipment,
 - e) The geographic location of the tuna catches

13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, within 24 hours of the completion of the transshipment.
15. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

16. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, not later than 1 January 2009, in accordance with the IOTC Regional Observer Programme in Annex 3. The IOTC observer shall observe the compliance with this

Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transshipment declaration.

17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area without an IOTC regional observer on board, except in cases of 'force majeure' duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

18. To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
 - b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme.
 - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.
19. The CPCs shall report annually before 15 September to the Secretary:
 - a) The quantities by species transhipped during the previous year.
 - b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year.
 - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
20. All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.
21. Each year, the Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
22. These provisions will be applicable from July 1st, 2008.
23. *Resolution 06/02 On establishing a programme for transshipment by large-scale fishing vessels* is superseded by this Resolution.

RESOLUTION 08/02 - ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTVS

General

- 1 Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the Captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:
 - a) the name of the LSTV and its number in the IOTC record of fishing vessels,
 - b) the name of the carrier vessel, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,
 - e) the major fishing grounds of the tuna and tuna like species catches
- 2.2 The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State of the following:
 - a) The products and quantities involved
 - b) the date and place of the transshipment
 - c) the name, registration number and flag of the receiving carrier vessel
 - d) the geographic location of the tuna and tuna like species catches.
- 2.3 The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex 2 not later than 15 days after the transshipment.

Receiving vessel:

- 3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of tuna and tuna-like species transhipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the Landing State where the landing takes place.
- 5 The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

RESOLUTION 08/02 - ANNEX 2

IOTC TRANSHIPMENT DECLARATION

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag state license number:	Flag state license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

	Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTV:	Master's name of Carrier:
Departure	_ _	_ _	_ _	from	_ _ _ _			
Return	_ _	_ _	_ _	to	_ _ _ _	Signature:	Signature:	Signature :
Transshipment	_ _	_ _	_ _		_ _ _ _			

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_____| kilograms

LOCATION OF TRANSHIPMENT

Species	Port		Sea	Type of product									
				Whole	Gutted	Headed	Filletted						

If transshipment effected at sea, IOTC Observer Name and Signature:

RESOLUTION 08/02 - ANNEX 3**IOTC REGIONAL OBSERVER PROGRAMME**

- 1 Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC Area and which tranship at sea, to carry an IOTC observer during each transshipment operation in the Convention area.
- 2 The Secretary shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the IOTC Area from LSTLVs flying the flag of Contracting Parties and of Cooperating non-Contracting Parties that implement the IOTC observer program.

Designation of the observers

- 3 The designated observers shall have the following qualifications to accomplish their tasks:
 - a) sufficient experience to identify species and fishing gear;
 - b) satisfactory knowledge of the IOTC conservation and management measures;
 - c) the ability to observe and record information accurately;
 - d) a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

- 4 Observers shall:
 - a) have completed the technical training required by the guidelines established by IOTC;
 - b) not be, to the extent possible, nationals of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
- 5 The observer tasks shall be in particular to:
 - a) On the Fishing Vessel intending to tranship to the carrier vessel and before the transshipment takes place, the observer shall:
 - i. check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna like species in the IOTC area;
 - ii. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
 - iii. check that the VMS is functioning and examine the logbook;
 - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;
 - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel master.
 - vi. report the results of these duties on the fishing vessel in the observer's report.
 - b) On the Carrier Vessel:

Monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:

 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;

- iii. observe and estimate products transhipped;
 - iv. verify and record the name of the LSTLV concerned and its IOTC number;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration;
 - vii. countersign the transshipment declaration;
 - viii. issue a daily report of the carrier vessel's transshipping activities;
 - ix. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - x. submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - xi. exercise any other functions as defined by the Commission.
- 6 Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;
- 7 Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
- 8 Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

- 9 The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
 - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i. Satellite navigation equipment;
 - ii. Radar display viewing screens when in use;
 - iii. Electronic means of communication;
 - c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
 - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
 - e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.
- 10 The Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip.

Obligations of LSTLV during transshipment

- 11 Observers shall be allowed to visit the fishing vessel, if weather conditions permit it, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
- 12 The Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

Observer fees

- 13 The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat and the IOTC Secretary shall manage the account for implementing the program;
- 14 No observer shall be assigned to a vessel for which the fees, as required under paragraph 13, have not been paid.

RESOLUTION 08/03
ON REDUCING THE INCIDENTAL BYCATCH OF SEABIRDS IN
LONGLINE FISHERIES

(SUPERSEDED BY [RESOLUTION 10/06](#))

The Indian Ocean Tuna Commission (IOTC),

RECALLING *Resolution 06/04 On reducing Incidental Bycatch of Seabirds in longline fisheries*, and in particular, its paragraph 7:

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Indian Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

NOTING the recommendations of the IOTC Working Party on Ecosystems and Bycatch (WPEB) on measures to mitigate seabird interactions as outlined in their 2007 Report;

ACKNOWLEDGING that to date some Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) have identified the need for, and have either completed or are near finalizing, their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, which opened for signatures at Canberra on 19 June 2001, has entered into force;

NOTING that the ultimate aim of the IOTC and the CPCs is to achieve a zero bycatch of seabirds for fisheries under the purview of the IOTC, especially threatened albatrosses and petrel species in longline fisheries;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. CPCs shall seek to achieve reductions in levels of seabird bycatch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.
2. Fishing operations shall be conducted in such a way that hooklines¹ sink beyond the reach of seabirds as soon as possible after they are put in the water.
3. CPCs shall ensure that all longline vessels fishing south of 30°S use at least two of the mitigation measures in Table 1 below, including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.
4. In all other areas, CPCs may require that longline vessels use at least one of the measures in Table 1.
5. Mitigation measures used shall conform to the minimum technical standards for the measures as shown in Annex 1.
6. The design and deployment for bird scaring lines shall meet the specifications provided in Annex 2.
7. CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them. This is to including details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC area of competence.

¹ Hookline is defined as the groundline or mainline to which the baited hooks are attached by snoods.

Table 1: Seabird mitigation measures

Column A	Column B
Night setting with minimum deck lighting	Night setting with minimum deck lighting
Bird-scaring lines (Tori Lines)	Bird-scaring lines (Tori Lines)
Weighted branch lines	Weighted branch lines
	Blue-dyed squid bait
	Offal discharge control
	Line shooting device

8. The Scientific Committee, based notably on the work of the WPEB and information from CPCs, will analyse the impact of this Resolution on seabird bycatch no later than for the 2011 meeting of the Commission. It shall advise the Commission on any modifications that are required, based on experience to date of the operation of the Resolution and/or further international studies or research on the issue, in order to make the Resolution more effective.
9. *Resolution 06/04. On Reducing Incidental Bycatch of Seabirds in Longline Fisheries* is superseded by this Resolution.

ANNEX I

Mitigation Measure	Description	Specification
Night setting with minimum deck lighting	No setting between nautical dawn and before nautical dusk. Deck lighting to be kept to a minimum	Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date. Minimum deck lighting should not breach minimum standards for safety and navigation.
Bird-scaring lines (tori lines)	A bird-scaring line shall be deployed during longline setting to deter birds from approaching the branch line.	Design and deployment for bird-scaring lines are provided in Annex 2 of this Resolution.
Weighted branch lines	Weights must be attached to all branch lines in accordance with specifications provided	<ul style="list-style-type: none"> – minimum of 45 grams weight attached to all branch lines; – less than 60 grams weight must be within 1 metre of the hook; – 60 grams or greater and less than 98 grams must be within 3.5 metres of the hook; and – 98 grams or greater must be within 4 metres of the hook
Blue-dyed squid bait	All bait must be dyed to the colour and shade shown in the placard provided by the IOTC Secretariat.	The standardized colour shall be equivalent to bait dyed using “Brilliant Blue” food dye (Colour Index 42090, also known as Food Additive Number E133) mixed at 0.5% for a minimum of 20 minutes.
Management of offal discharge	No offal discharge during setting. Strategic offal discharge may occur during hauling.	No offal discharge during setting. Offal discharge during hauling should be avoided if possible. If offal discharge is essential during hauling, it must be from the opposite side of the boat to hauling activity.
Line-setter or line-shooter	Permits a mainline to be set slack (no tension astern)	<p>Position line-setter as close to the water line as feasible.</p> <p>Ensure mainline is pulled at a constant speed and slightly faster than the speed of vessel during line-setting, to ensure lines are set slack to aid sinking rate. Avoid setting into propwash.</p>

ANNEX II

DESIGN AND DEPLOYMENT OF BIRD SCARING LINES (TORI LINES)

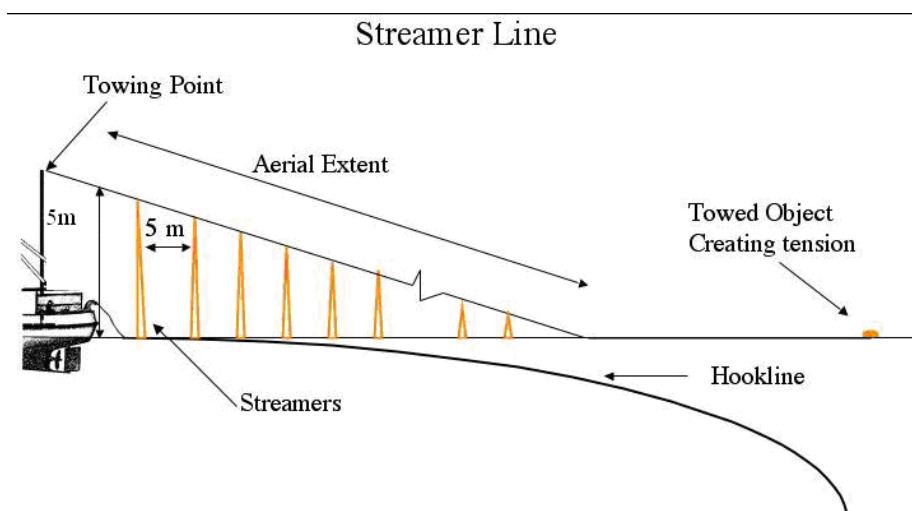
Bird-Scaring Line Design

1. The bird-scaring line shall be a minimum of 100 m in length and if less than 150 m in length will include an object towed at the seaward end to create tension to maximise aerial coverage. The section above water shall be a strong fine line of a conspicuous colour such as red or orange.
2. The above water section of the line shall be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. Streamers for the bird-scaring line shall be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) and shall be suspended in pairs from a robust three-way swivel attached to the bird scaring line and shall hang just clear of the water.
4. There shall be a maximum of 5 m between each streamer pair.
5. The number of streamers shall be adjusted for the setting speed of the vessel, with more streamers necessary at slower setting speeds.

Deployment of Bird scaring Lines

1. The line shall be deployed before longlines enter into the water.
2. The line should have an aerial coverage of at least 100 metres. To achieve this coverage the line shall be suspended from a point a minimum of 5 metres above the water at the stern on the windward side of the point where the branch line enters the water.
3. The bird scaring line shall be set so that streamers pass over baited hooks in the water. The position of the object towed shall be maintained so as to ensure, even during crosswinds, that the aerial extent of the bird-scaring line is over the branch line as far astern of the vessel as possible.
4. Because there is the potential for line breakage and tangling, spare bird scaring lines shall be carried onboard to replace damaged lines and to ensure fishing operations can continue uninterrupted.

Figure 1. Diagram of Bird-scaring Streamer Line.



RESOLUTION 08/04
CONCERNING THE RECORDING OF CATCH BY LONGLINE FISHING VESSELS IN THE
IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Inter-sessional Meeting on an Integrated Control and Inspection Scheme held in Yaizu, Japan from 27 to 29 March 2001;

CONSIDERING the provisions set forth in Resolution 01/05 Mandatory Statistical Requirements for IOTC Members, and in particular the requirements set out for surface fisheries/purse-seine fleets adopted by the Commission in 2001;

CONSIDERING the deliberations of the 9th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 6 to 10 November 2006 where it agreed that a standardised logbook would be advantageous and agreed on the minimum data requirements for all purse-seine and bait boat fleets operating in the IOTC Area of Competence, in order to harmonize data gathering and provide a common basis for scientific analysis for all IOTC Contracting Parties and Cooperating non-Contracting Parties (CPCs);

CONSIDERING the IOTC Resolution 07/03 *Concerning the Recording of Catch by Fishing Vessels in the IOTC Area*, and in particular its paragraph 3, whereby the CPCs committed themselves to adopt at 2008 annual session a minimum standard for logbooks for all longline vessels over 24 metres and those under 24 metres if they fish outside the EEZ of their flag State;

FURTHER CONSIDERING the works of the small task force created by the IOTC Scientific Committee during its 10th Session held in Seychelles in November 2007, in order to harmonise the various forms currently used by the fleets and the IOTC Scientific Committee agreement on the minimum standard requirements for all longline fleets as well as the produced logbook template;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement, that

1. Each flag CPC shall ensure that all long line fishing vessels flying its flag and authorized to fish species managed by IOTC be subject to a data recording system. Within the IOTC Area of Competence, all long line vessels over 24 metres length and those under 24 metres if they fish outside the EEZs of their flag States shall keep a bound or electronic logbook to provide data for use by Working Parties and the Scientific Committee that includes, as a minimum requirement, the information and data in the logbook set forth in Annex I and II. Annex III provides a logbook template for illustrative purposes only.
2. This logbook format consists of two parts, Annex I and Annex II.

Annex I includes information on vessel, trip and gear configuration, and should be written once for each trip.

Annex II, which contains information of longline operation and catch, should be filled for each set.
3. The logbook data shall be provided by the fishing masters to the flag State administration, as well as to the coastal State administration where the vessel has fished in that coastal State's EEZ. The flag State and the States which receive this information shall provide all the data for any given year to the IOTC Secretariat and the Scientific Committee by June 30th of the following year on an aggregated basis. The confidentiality rules set out in Resolution 98/02 *Data Confidentiality Policy and Procedures* for fine-scale data shall apply.

ANNEX I**Record once in one cruise****1-1 INFORMATION OF REPORT**

- 1) Date of the submission of logbook.
- 2) Name of reporting person

1-2 VESSEL INFORMATION

- 1) Vessel name
- 2) Call sign: If call sign is not available, other identical code as registration number should be used.
- 3) Vessel size: Gross tonnage (in MT) and/or overall length (in m)

1-3 CRUISE INFORMATION

- 1) Departure date and port
- 2) Arrival date and port

1-4 GEAR CONFIGURATION

- 1) Average Branch line length (m): Straight length in meter between snap and hook. See Figure 1.
- 2) Average Float line length (m): Straight length in meter from the float to the snap
- 3) Average Length between branch (m): Straight length of main line in meter between successive branch lines.
- 4) Main line material classified into four categories, Thick rope (Cremona rope), Thin rope (PE or other materials), Nylon braided and Nylon monofilament.

ANNEX II

Record one record for each set

2-1 OPERATION

- 1) Date of set (YYYY/MM/DD).
- 2) Position in latitude and longitude: either at noon (local time) position or position of start of gear setting, area code of operation (e.g.. Seychelles EEZ, High Seas, etc.) may be used optionally;
- 3) Local Time (24hr) of starting setting gear;
- 4) Sea surface temperature at noon with one decimal point, if available (XX.X °C);
- 5) The number of hooks between floats: If different hooks between floats were used in a single set, record the most representative one;
- 6) The number of hooks used in the set;
- 7) Number of lighsticks used in the set;
- 8) Type of bait used in the set

2-2 CATCH / CAPTURES

- 1) Catch in number and weight by species per set for each of the species and form of processing in section 2-3

2-3 SPECIES / ESPÈCES

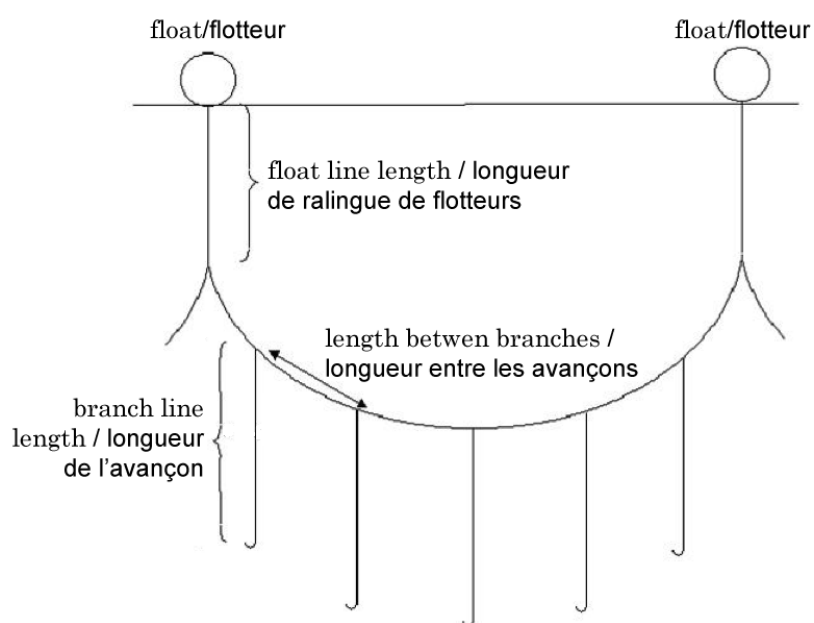
- 1) Southern bluefin,
- 2) Albacore,
- 3) Bigeye,
- 4) Yellowfin,
- 5) Skipjack
- 6) Swordfish
- 7) Marlins
- 8) Shortbill spearfish
- 9) Sailfish
- 10) Blue shark
- 11) Porbeagle
- 12) Mako shark
- 13) Other sharks
- 14) Other fishes

2-4 REMARKS / REMARQUES

- 1) Discard of tuna, tuna-like fish and sharks should be recorded in the remarks.
- 2) Other information is also written in the remarks.

Note a: These species included in the logbook is regarded as minimum requirement. Optionally other shark and/or fish species should be added. Maybe, other shark and fish species caught frequently would be different by area and fishery.

Figure 1. Schematic diagram of longline gear / Diagramme schématique d'une palangre.



ANNEX III - ILLUSTRATIVE PURPOSES ONLY
LOGBOOK TEMPLATE: Tuna Longliners / MODÈLE DE FICHE DE PÊCHE: palangriers thoniers

Flag country / Pavillon			
Date reported / Date de déclaration †		Name of captain / Nom du capitaine	
Reporting person / Personne déclarante	Name / Nom		Phone / Téléphone
Departure date / Date de départ †		Departure port / Port de départ	
Arrival date / Date d'arrivée †		Arrival port / Port d'arrivée	

Name of boat / nom du navire		
Vessel size / Taille du navire	GT (tons)/TB (tonnes)	LOA (m) / LHT (m)
License number / Numéro de licence		
Call sign / Indicatif radio		
Number of crew / Effectif équipage		

† use YYYY/MM/DD for dates / utilisez AAAA/MM/JJ pour les dates

Gear configuration / configuration de l'engin	
Branch line length / Longueur des avancons (m)	
Float line length / longueur des ralingues de flotteurs (m)	
Length between branch lines / longueur entre les avancons (m)	
Target / cibles	1. Tuna/thons () 2. Swordfish/espadon () 3. Other/ autres ()

Type of weight / type de poids

- ☐ whole / entier
☐ processed / transformé

In each set, catch should be given both in number and weight (in kg) in upper and lower row, respectively

Pour chaque calée, les captures doivent être indiquées en nombre et poids (kg) respectivement dans les lignes supérieure et inférieure.

Date	Position								Tunas / thons					Billfishes / Portes-p'e					Sharks / requins				Remarks (discard or other information) / remarques (rejets ou autres informations)	
	Latitude		Longitude						southern bluelin / thon rouge	albacore / germon	bigeye / patudo	yellowfin / albacore	skipjack / listao	Swordfish / espadon	Stripped marlin / marlin ray	blue marlin / marlin bleu	black marlin / marlin noir	Sailfish / voilier	Shortbill spearfish / marlin □ rostre court	Blue shark / Peau bleue	Porbeagle / requin taupe	Mako / petite taupe		Other / autres
	Degree / Degr's a	NS	Degree / Degr's a	EW																				
		N S		E W																				
		N S		E W																				
		N S		E W																				
		N S		E W																				

for dates, use the YYYY/MM/DD format / pour les dates, utiliser le format AAAA/MM/JJ

a for positions, use the format: / pour les positions, utiliser le formatZ: XX.□XX'

** for SST, use a value with one decimal point / pour la SST, utiliser une valeur □ une d'cimale

2009 - THIRTEENTH SESSION OF THE IOTC - BALI, INDONESIA

RESOLUTION 09/01
ON THE PERFORMANCE REVIEW FOLLOW-UP

The Indian Ocean Tuna Commission,

CONSIDERING the course of action agreed at the meeting of the five Tuna Regional Fisheries Management Organizations (RFMOs) held in Kobe in January 2007, and in particular the commitment to undertake Performance Reviews of each Tuna RFMOs in order to strengthen the effectiveness of the Organizations;

TAKING NOTE of the decision taken by the IOTC at its 11th Plenary session in May 2007 to undertake an IOTC Performance Review;

CONSIDERING the report of the IOTC Performance Review Panel (PRP) as analyzed by the Commission at its 13th Plenary session held in Bali (Indonesia) in March/April 2009;

RECOGNISING that a number of the recommendations arising from the PRP report can be progressed by individual Members, including through proposing draft resolutions for consideration by the Commission, while other initiatives may benefit from consideration by relevant committees of the Commission;

RESOLVES:

1. That all deficiencies in the IOTC Agreement inhibiting the Commission's ability to perform its mandate consistent with internationally-agreed principles of fisheries conservation and management must be addressed, in accordance with international law.
2. In considering options to address all deficiencies in the current Agreement, all avenues recommended by the PRP in its report should be explored by IOTC Members in order to achieve the objective determined in paragraph 1.
3. With respect to the list of recommendations arising from the PRP report and annexed to this Resolution, Members are encouraged to bring forward draft resolutions for the consideration by the Commission at its session in 2010.
4. That the Scientific Committee (SC), the Compliance Committee (CoC) and the Standing Committee on Administration and Finance (SCAF) be tasked with producing a work plan, including identifying priorities and a timetable, in accordance with Annex I.
5. The three Committees shall provide their respective work plans to the Commission for consideration at its session in 2011.
6. If necessary, in order to consider some specific issues, IOTC Heads of Delegation meetings could be convened.
7. IOTC Members can undertake inter-sessional consultations on issues of common interest related to the IOTC Performance Review.

APPENDIX I

ON THE IOTC AGREEMENT – A LEGAL ANALYSIS	
1. The final conclusion of the Panel is that the Agreement is outdated and there are many areas for improvement. The weaknesses and gaps identified are, or have a potential to be, major impediments to the effective and efficient functioning of the Commission and its ability to adopt and implement measures aimed at long-term conservation and sustainable exploitation of stocks, according to model fisheries management instruments. More fundamentally, these deficiencies are likely to prevent the Commission from achieving its basic objectives.	<i>Commission and Members</i>
2. Consequently, the Panel recommends that the IOTC Agreement either be amended or replaced by a new instrument. The decision on whether to amend the Agreement or replace it should be made taking into account the full suite of the deficiencies identified.	<i>Commission and Members</i>
ON CONSERVATION AND MANAGEMENT	
Data collection and sharing	
<i>The Panel identified a poor level of compliance by many IOTC Members. with their obligations, notably those related to the statistical requirements on artisanal fisheries and sharks, and recommends that:</i>	
3. The timing of data reporting be modified to ensure that the most recent data are available to the working parties and the Scientific Committee.	<i>Scientific Committee</i>
4. The deadline to provide data on active vessels be modified to a reasonable time in advance of the meeting of the Compliance Committee. This deadline is to be defined by the Compliance Committee.	<i>Compliance Committee</i>
5. The scheduling of meetings of the working parties and Scientific Committee be investigated based on the experience of other RFMOs. This should bear in mind the optimal delivery of scientific advice to the Commission.	<i>Scientific Committee</i>
6. The Commission task the Scientific Committee with exploring alternative means of communicating data to improve timeliness of data provision.	<i>Scientific Committee</i>
7. Non-compliance be adequately monitored and identified at individual Member level, including data reporting.	<i>Compliance Committee</i>
8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>

9. When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not -comply be adequately sanctioned (such as market related measures).	<i>Compliance Committee</i>
10. There is a need to improve the quality and quantity of the data collected and reported by the Members, including the information necessary for implementing the ecosystem approach. The most immediate emphasis should be placed on catch, effort and size frequency. The Panel also recommends that:	<i>Scientific Committee</i>
11. Support for capacity building be provided to developing States - the Commission should enhance funding mechanisms to build developing country CPCs' capacity for data collection, processing and reporting infrastructures, in accordance with the Commission requirements.	<i>Standing Committee on Administration and Finance and Finance</i>
12. A regional scientific observer programme to enhance data collection (also for non-target species) and ensure a unified approach be established, building on the experience of other RFMOs, Regional standards on data collection, data exchanged and training should be developed.	<i>Scientific Committee</i>
13. Actions be taken so that fishing fleets, especially Maldives, Taiwan, Province of China and Yemen participate in data collection and reporting.	<i>Commission</i>
14. A relationship with Taiwan, Province of China be developed in order to have data access when needed, to all its fleet data as well as historical series, and address the problems deriving from the current legal framework.	<i>Commission and Members</i>
15. The Secretariat's capacity for data dissemination and quality assurance be enhanced, including through the employment of a fisheries statistician.	<i>Standing Committee on Administration and Finance via Scientific Committee Commission</i>
16. A statistical working party be established to provide a more efficient way to identify and solve the technical statistical questions.	<i>Scientific Committee</i>
17. The obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).	<i>Compliance Committee</i>

<i>In relation to non-target species, the panel recommends that:</i>	<i>Commission</i>
18. The list of shark species for which data collection is required in Recommendation 08/04 be expanded to include the five species identified by the Scientific Committee (blue shark, shortfin mako, silky shark, scalloped hammerhead, oceanic whitetip), and apply to all gear types.	
19. The Secretariat's capacity to provide support to developing States' Members should be enhanced.	<i>Commission and Standing Committee on Administration and Finance</i>
20. Cooperative capacity building efforts amongst Members and, as appropriate external organizations, should be encouraged.	<i>Members and Secretariat</i>
21. Innovative or alternative means of data collection (e.g. port sampling) should be explored and, as appropriate, implemented.	<i>Scientific Committee</i>
22. Avenues to collect data from non-Members should be explored.	<i>Secretariat</i>
Quality and provision of scientific advice	
23. For species with little data available, the Scientific Committee should be tasked with making use of more qualitative scientific methods that are less data intensive.	<i>Scientific Committee</i>
24. More emphasis should be given to adherence to data collection requirements.	<i>Compliance Committee</i>
25. Confidentiality provisions and issues of accessibility to data by the scientists concerned needs to be clearly delineated, and/or amended, so that analysis can be replicated.	<i>Scientific Committee</i>
26. The resources of the IOTC Secretariat should be increased. Even though some progress will be made with recruitment of the stock analysis expert, some additional professional staffing is required.	<i>Standing Committee on Administration and Finance on advice from Committees and the Commission</i>

27. To enhance the quality of scientific advice and the technical soundness of the papers being considered by the Scientific Committee and its working parties, and to encourage publication of IOTC scientific papers in relevant journals, future consideration should be given to the establishment of a scientific editorial board within the Scientific Committee	<i>Scientific Committee</i>
28. An online IOTC Data Summary should be established	<i>Secretariat</i>
29. Ongoing peer review by external experts should be incorporated as standard business practice of working parties and the Scientific Committee.	<i>Scientific Committee</i>
30. New guidelines for the presentation of more user friendly scientific reports in terms of stock assessments should be developed. In this respect, Kobe plots are considered to be the most desirable method of graphical presentation, especially to non-technical audience.	<i>Scientific Committee</i>
31. A special fund to support the participation of scientists from developing States should be established.	<i>Standing Committee on Administration and Finance</i>
32. The Commission should renew efforts to convene meetings of the Working Party on Neritic Tunas	<i>Commission</i>
Adoption of conservation and management measures	
33. As the IOTC has faced the management of the main targeted stock under its purview only through a regulation of the fishing effort; other approaches should be explored, such as those envisioned in Resolution 05/01, including catch limits, total allowable catch (TAC) or total allowable effort (TAE).	<i>Commission</i>
34. Within the system of the freezing of fishing effort in terms of number of vessels and correspondent capacity in gross tonnage, a deadline should be agreed for the implementation of fleet development plans.	<i>Commission</i>
35. IOTC should consider developing a framework to take action in the face of uncertainty in scientific advice.	<i>Scientific Committee and Commission</i>
36. IOTC should use the full range of decision making processes available to it under the Agreement.	<i>Commission</i>
37. The IOTC Agreement needs to be amended or replaced in order to incorporate modern fisheries management principles, such as the precautionary approach.	<i>Commission and Members</i>
38. Pending the amendment or replacement of the Agreement, the Commission should implement the precautionary approach as set forth in the UNFSA.	<i>Commission</i>

39. Measures to regulate shark fisheries should be considered by the Commission.	<i>Commission</i>
40. There is a need to develop and take into account modern principles for fisheries management, including ecosystem based approach, protection of marine biodiversity and reducing the harmful impacts of fishing on marine environment.	<i>Commission and Members</i>
41. These concepts should be integrated in the IOTC Agreement.	<i>Commission and Members</i>
Capacity management	
42. IOTC should establish a stronger policy on fishing capacity to prevent or eliminate excess fishing capacity.	<i>Working Party on Fishing Capacity Scientific Committee Commission</i>
43. Loopholes in the current systems of fishing capacity limitation, such as the establishment of fleet development plans and exemptions for vessels less than 24 meters, should be closed.	<i>Working Party on Fishing Capacity Commission</i>
44. IOTC should endorse the recommendation of the Scientific Committee to create a Working Group on Fishing Capacity.	<i>Commission</i>
Compatibility of management measures	
45. IOTC Members should be invited to promptly implement IOTC conservation and management measures through their national legislation.	<i>Secretariat Commission</i>
Fishing allocations and opportunities.	
46. IOTC should explore the advantages and disadvantages of implementing an allocation system of fishing quota, expressed as TAC or TAE system. Such an investigation should include consideration of how significant catches by current non-Members would be accounted for.	<i>Commission</i>

ON COMPLIANCE AND ENFORCEMENT	
Flag State duties	
47. Any amendment to or replacement of the IOTC Agreement should include specific provisions on Member's duties as flag States, drawing on the relevant provisions of the UNFSA.	<i>Commission and Members</i>
Port State measures	
48. Any amendment to or replacement of the IOTC Agreement should include specific provisions on Member's duties as port States.	<i>Commission and Members</i>
49. IOTC should explore the possible implementation of the FAO Model Scheme on Port State Measures.	<i>Commission</i>
50. The IOTC should duly note the outcome of the current process for establishment of a globally binding agreement on port State measures.	<i>Commission</i>
Monitoring, Control and Surveillance	
51. IOTC should develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such a possible on-board regional observers' scheme, a possible catch documentation scheme as well as a possible system on boarding and inspection.	<i>Compliance Committee</i>
Follow-up on infringements	
52. The current IUU resolution should be amended to allow the inclusion of vessels flagged to Members.	<i>Commission</i>
53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>
54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.	<i>Compliance Committee</i>
55. Provisions for follow-up on infringement should be included in any amended/replaced Agreement.	<i>Commission and Members</i>

Cooperative mechanisms to detect and deter non-compliance	
56. A structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force should be developed by the Compliance Committee.	<i>Compliance Committee</i>
57. CPCs should be reminded of their duty to implement in their national legislations the conservation and management measures adopted by IOTC.	<i>Compliance Committee</i>
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>
59. The sense of accountability within IOTC seems to be very low; therefore more accountability is required. There is probably a need for an assessment of the performance of CPCs.	<i>Compliance Committee</i>
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>
Market related measures	
61. As IOTC action in terms of measures relating to the exercise of rights and duties of its Members as market States are very weak, the non-binding market related measure should be transformed into a binding measure.	<i>Commission</i>
62. -The bigeye statistical document programme should be applied to all bigeye products (fresh and frozen). Catch documentation schemes for target species of high commercial value should be considered. Alternatively, expanding the scope of the current statistical document programme to address current loopholes should be considered.	<i>Commission</i>
ON DECISION MAKING AND DISPUTE SETTLEMENT	
Decision making	
63. In order to improve the IOTC practices of decision making and adoption of measures, when every effort to achieve consensus has been exhausted, invoking the procedure of voting should be explored	<i>Commission</i>
64. Amending the objection procedure so that it is more rigorous, and in line with other RFMO Conventions, featuring restricted grounds for the bases to object is recommended.	<i>Commission and Members</i>
Dispute settlement	
65. A provision on dispute settlement should be amended in line with the requirements of UNFSA.	<i>Commission and Members</i>

ON INTERNATIONAL COOPERATION	
Transparency	
66. The active vessels list should be made available on the IOTC website.	<i>Commission Secretariat</i>
67. The Commission, in consultation with the Scientific Committee, should review the availability of critical data sets used in development of scientific advice and take steps to assure that these data are held at the Secretariat and available for validation of analyses, subject to the appropriate confidentiality requirements.	<i>Commission</i>
Relationship to cooperating non Members	
68. The legal framework of the IOTC Agreement should be amended or replaced in order to enable fishing players active in the area to discharge their obligations in line with the UNFSA.	<i>Commission and Members</i>
Relationship to non cooperating non Members	
69. Although the IOTC has strengthened its action towards non-Members in order to have all important fishing players included under its remit, diplomatic approaches should be made by IOTC Members to non-Members with active vessels in the area.	<i>Commission</i>
70. When non-cooperation is identified and all reasonable efforts to improve the situation are exhausted, any non-Members continuing not to cooperate should be adequately sanctioned by, for example, market related measures.	<i>Compliance Committee</i>
Cooperation with other RFMOs	
71. IOTC should establish mechanisms for a mutual recognition of IUU lists with other RFMOs.	<i>Commission</i>
72. IOTC should develop cooperative mechanisms, such as MoUs, to work in a coordinated manner on issues of common interest, in particular non-target species and an ecosystem approach with other RFMOs especially with SIOFA.	<i>Commission</i>
73. IOTC should annually agree on a Member attending other tuna RFMO meetings as an observer on its behalf and reporting back to the Commission on matters of interest	<i>Commission</i>
Special requirements of developing States	
74. A specific fund to assist capacity building should be put in place.	<i>Standing Committee on Administration and Finance</i>

75. Members, that are Parties of UNFSA, should make use of the part VII Fund, established under UNFSA.	<i>Members</i>
Participation	
76. Financial support, in particular for attendance in the scientific activities to developing States, is needed.	<i>Standing Committee on Administration and Finance</i>
77. The legal framework of the IOTC should be amended or replaced in order to enable fishing players active in the area to discharge their obligations in line with the UNFSA.	<i>Commission and Members</i>
ON FINANCIAL AND ADMINISTRATIVE ISSUES	
Availability of resources for RFMO activities -efficiency and cost-effectiveness	
78. The IOTC Agreement as well as financial management rules should be amended or replaced in order to increase Members' as well as Secretariat's control of all the budget elements, including staff costs of the budget. This would also improve transparency.	<i>Standing Committee on Administration and Finance</i> <i>Commission and Members</i>
79. Prior to the Commission assuming full control of the budget, the Commission meeting at which the budget is considered should be held as close as possible to the commencement of the financial year to which this budget relates and if possible in advance of that year.	<i>Commission</i>
80. A fee system should be considered as a possible funding mechanism for possible new activities.	<i>Commission</i>
81. The agreed external financial audit should be implemented as soon as possible, and should include a focus on whether IOTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat.	<i>Standing Committee on Administration and Finance</i> <i>Commission</i>

RESOLUTION 09/02
ON THE IMPLEMENTATION OF A LIMITATION OF FISHING CAPACITY OF
CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission (IOTC),

NOTING that the IOTC Scientific Committee during its Eleventh Session agreed that the total overcapacity is a major concern in all Oceans;

RECALLING the adoption by IOTC in 2003 of the Resolution 03/01 on the limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties; the adoption in 2006 of the Resolutions of the Resolution 06/05 on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating Non Contracting Parties, and the adoption in 2007 of the Resolution 07/05 *on limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties in terms of number of vessels targeting swordfish and Albacore*;

RECOGNISING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) provides, in its Objectives and Principles that "States and Regional Fisheries Organisations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries";

TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to entry into the high-seas fisheries in the IOTC area of competence;

RECOGNISING the need to ensure the proper implementation of the Resolutions 03/01, 06/05 and 07/05, in order to allow the stabilisation of the level of fishing capacity active on the stocks of high commercial value under the IOTC responsibility, and to facilitate the work of the Scientific Committee to be able to provide the Commission with sound scientific advice;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) shall notify to the IOTC Secretariat, by 31 December 2009, the lists of vessels, by gear type, over 24 meters overall length and over, and under 24 meters if the fished outside their EEZs, and corresponding overall capacity in GT, which have actively fished in accordance with the provision of IOTC Resolution 07/04:
 - for tropical tunas during the year 2006¹
 - for swordfish and albacore during the year 2007

Both lists shall include the vessel at that time considered under administrative process of construction.

2. In notifying their vessels fishing for tropical tunas in the area in 2006, and for swordfish and albacore in 2007, the CPCs shall confirm that they have verified the effective presence and fishing activities of their vessels in the IOTC area in 2006 and in 2007, through their VMS records, catch reports, port calls, or other means. The IOTC Secretariat shall have access to such information upon request.

¹ Acknowledging that the catch levels and vessels presence in 2006 of certain Members is not representative of their historical presence, and consequently that these Members may increase the number of vessels present during the period of application of the Resolution to a maximum level operating in a season or year since 2000. These Members shall provide the Commission the identified number of vessels and corresponding capacity in GT by 31 December 2009.

3. This provision does not apply to those vessels included in the lists, but considered under administrative process of construction in 2006 and in 2007.
4. Within the period of application of this Resolution, CPCs may change the number of their vessels, by gear type, provided that they can either demonstrate to the Commission, under the advice of the Scientific Committee that the change in the number of vessels, by gear type, does not lead to an increase of fishing effort on the fish stocks involved or where they are directly limiting catches using individual transferable quotas under a comprehensive national management plan which has been provided to the Commission.
5. CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels or on the Record of Vessels of other tuna Regional Fisheries Management Organizations. No vessels on the List of IUU Vessels of any Regional Fisheries Management Organization may be transferred.
6. The other CPCs which had the objective of developing their fleets following the provisions of IOTC Resolution 03/01, through the introduction to the IOTC of a fleet development plan, shall confirm, by 31 December 2009, *inter alia*, the type, size, gear and origin of the vessels included in the Fleet Development Plans and the programming (precise calendar for the forthcoming 10 years) of their introduction into the fisheries). All future fishing efforts shall be in accordance with such development Plans of the concerned CPCs.
7. The CPCs which have introduced a Fleet Development Plan, and have confirmed the information on the vessels included in those plans according to the provision of paragraph 3, shall implement their Plans according to their programming. Regarding CPCs which fail to introduce vessels in accordance with their Fleet Development Plans, the IOTC Compliance Committee and the IOTC Commission will give annual consideration to the problems related to the implementation of Fleet Development Plans.
8. The IOTC Compliance Committee shall verify, at any IOTC Plenary Session, the compliance of CPCs with the provisions of this Resolution, including the implementation, according to the notified programming, of the Fleet Development Plans.
9. In relation to the foregoing, the Commission will give due consideration to the interests of the developing coastal States, in particular small islands developing States and territories within the IOTC Convention Area.
10. The IOTC Resolution 06/05 *on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating Non Contracting Parties*, and the Resolution 07/05 *on limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties in terms of number of vessels targeting swordfish and Albacore* are superseded by this Resolution.
11. This Resolution is applicable during the years 2010 and 2011. The Commission shall review its implementation at the 2012 IOTC Session.

RESOLUTION 09/03

ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way;

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA-IUU;

RECALLING that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels engaged in IUU fishing;

RECALLING that the IOTC adopted Resolution 07/01 to promote compliance by nationals of Contracting Parties and Cooperating Non-contracting Parties with IOTC conservation and management measures;

RECALLING ALSO that the IOTC adopted Resolution 07/02 to enhance the implementation of IOTC conservation and management measures through establishing a Record of fishing vessels authorised to operate in the IOTC Area;

CONCERNED by the fact that IUU fishing activities in the IOTC area continue, and these activities diminish the effectiveness of IOTC conservation and management measures;

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities who have re-flagged their vessels to avoid compliance with IOTC management and conservation measures;

DETERMINED to address the challenge of an increase in IUU fishing activities by way of countermeasures to be applied in respect of the vessels engaged in IUU fishing, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments;

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

Definition of IUU Fishing Activities

1. For the purposes of this resolution, fishing vessels are presumed to have carried out illegal, unreported and unregulated fishing activities in the IOTC Area, inter alia, when a Contracting Party or Co-operating non-Contracting Party (hereinafter referred to as “CPC’s”) presents evidence that such vessels:
 - (a) Harvest tuna or tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area, in accordance with Resolution 07/02, or
 - (b) Harvest tuna or tuna-like species in the IOTC Area, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable, or
 - (c) Do not record or report their catches made in the IOTC Area in accordance with IOTC reporting requirements, or make false reports, or

- (d) Take or land undersized fish in contravention of IOTC conservation measures, or
- (e) Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
- (f) Use prohibited fishing gear in contravention of IOTC conservation measures, or
- (g) Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List, or
- (h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringe the coastal state's laws and regulations, (this is without prejudice to the sovereign rights of coastal States to take measures against such vessels), or
- (i) Are without nationality and harvest tuna or tuna-like species in the IOTC Area, or
- (j) Engage in fishing, including transshipping, re-supplying or re-fuelling, contrary to any other IOTC conservation and management measures.

Information on Alleged IUU Fishing Activities

2. CPCs shall transmit every year to the Secretary at least 120 days before the Annual Meeting, a list of the vessels presumed to have been carrying out IUU fishing activities in the IOTC Area during the current and previous year, accompanied by evidence supporting the presumption of IUU fishing activity. The IOTC Reporting Form for Illegal Activity (Annex I) shall be used.
3. This list and evidence shall be based on information collected by CPCs from all relevant sources including but not limited to:
 - (a) Relevant resolutions of the IOTC, as adopted and amended from time to time;
 - (b) Reports from CPCs Parties relating to IOTC conservation and management measures in force;
 - (c) Trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics; and
 - (d) Any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented.

Draft IUU Vessels List

4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Draft IUU Vessels List. This list shall be drawn up in conformity with Annex II. The Secretary shall transmit it together with the current IUU Vessels List as well as all the evidence provided to CPCs and to non-Contracting Parties whose vessels are included on these lists at least 90 days before the Annual Meeting. CPCs and non-Contracting Parties will transmit any comments to the Secretary at least 30 days before the Annual Meeting of the IOTC, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area.
5. The Flag State shall notify the owner of the vessels of their inclusion in the Draft IUU Vessels List and of the consequences that may result from their inclusion being confirmed in the IUU Vessels List adopted by the Commission.
6. Upon receipt of the Draft IUU Vessels list, CPCs shall closely monitor the vessels included in the Draft IUU Vessels List in order to determine their activities and possible changes of name, flag and or registered owner.

Provisional IUU Vessels List

7. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Provisional IUU Vessels List and transmit it two weeks in advance to the Commission Meeting to the CPCs and to the non-Contracting Parties concerned together with all the evidence and any comments provided. This list shall be drawn up in conformity with Annex II.
8. CPCs and non-Contracting Parties may at any time submit to the Secretary any additional information, which might be relevant to the establishment of the IUU Vessels List. The Secretariat shall circulate the information before the annual meeting to CPCs concerned, together with all the evidence provided.
9. The Compliance Committee shall examine each year the Provisional IUU Vessels List, as well as the information referred to in paragraphs 2, 3, 4, 7 and 8.
10. The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the Flag State demonstrates that:
 - (a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - (b) It has taken effective action in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity. CPCs will report any actions and measures they have taken in accordance with Resolution 07/01, in order to promote compliance by vessels of CPCs with IOTC conservation and management measures.
11. Following the examination referred to in paragraph 9, at each IOTC Annual meeting, the IOTC Compliance Committee shall:
 - a) Adopt a Provisional IUU Vessels List following consideration of the Draft IUU Vessels List and information and evidence circulated under paragraphs 4, 7 and 8. The Provisional IUU Vessels List shall be submitted to the Commission for approval;
 - b) Recommend to the Commission which, if any, vessels should be removed from the IUU Vessels List adopted at the previous IOTC Annual meeting, following consideration of that List, of the information and evidence circulated under paragraph 8 and the information supplied by Flag States in accordance with paragraph 16.

IUU Vessels List

12. On adoption of the IOTC IUU Vessels List, the Commission shall request CPCs, whose vessels appear on the list:
 - a) To notify the owner of the vessel identified on the IUU Vessels List of its inclusion on the list and the consequences which result from being included on the list, as referred to in paragraph 13;
 - b) To take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
13. CPCs shall take all necessary measures, under their applicable legislation:
 - a) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels on the IUU Vessels list;
 - b) So that IUU vessels that enter ports voluntarily are not authorized to land, tranship, refuel, re-supply, or engage in other commercial transactions;
 - c) to prohibit the chartering of a vessel included on the IUU Vessels List;
 - d) To refuse to grant their flag to vessels included in the IUU Vessels List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or having taken into account all relevant facts, the Flag State determines that granting the vessel its flag will not result in IUU fishing;

- e) To prohibit the imports, landing or transshipment, of tuna and tuna-like species from vessels included in the IUU Vessels List;
 - f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU Vessels List;
 - g) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of detecting, controlling and preventing false import/export certificates for tunas and tuna-like species from vessels included in the IUU Vessels List.
14. The Secretary will take any necessary measure to ensure publicity of the IUU Vessels List adopted by IOTC pursuant to paragraph 11, in a manner consistent with any applicable confidentiality requirements, and through electronic means, including placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU Vessels List to other regional fisheries management organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
15. Without prejudice to the rights of Flag States and coastal states to take proper action consistent with international law, the CPCs should not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft IUU Vessels List, pursuant to paragraph 4, or which have been already removed from the IUU Vessels List, pursuant to paragraph 10, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessels List

16. A CPC whose vessel appears on the IUU Vessels List may request the removal of this vessel from the list during the inter-sessional period by providing the following information and supporting evidence:
- a) It has adopted measures such that the vessel conforms with all IOTC conservation measures;
 - b) It is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the IOTC Area;
 - c) It has taken effective action in response to the IUU fishing activities in question including prosecution and imposition of sanctions of adequate severity;
 - d) The vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.

Inter Sessional Modification of the IUU Vessels List

17. The CPC shall send its request for the removal of a vessel from the IUU Vessels List to the IOTC Secretary accompanied by the supporting information referred to in paragraph 16.
18. On the basis of the information received in accordance with paragraph 16, the Secretary will transmit the removal request, with all the supporting information to the Contracting Parties within 15 days following the notification of the removal request.
19. The Contracting Parties will examine the request to remove the vessel and notify the Secretary of their conclusion to either remove the vessel from, or keep the vessel on, the IUU Vessels List, by mail within 30 days following the notification by the Secretary. The result of this examination will be checked by the Secretary at the end of the 30-day period following the date of the notification by the Secretary referred to in paragraph 18.

20. The Secretary will communicate the result of the examination to all CPCs and any non-Contracting Party that may have an interest.
21. If the result of the exercise indicates that there is a two-thirds majority of the Contracting Parties in favour of removing a vessel from the IUU Vessels List, the Secretary of the IOTC will communicate the result to any CPC Party which requested the removal of its vessel from the IUU Vessels List. In the absence of a two-thirds majority, the vessel will be maintained on the IUU Vessels List and the Secretary will inform the CPC accordingly.
22. Where the Commission decides to remove a vessel from the IUU Vessels list pursuant to paragraph 21, the Secretary will take the necessary measures to remove the vessel concerned from the IOTC IUU Vessels List, as published on the IOTC website. Moreover, the Secretary will forward the decision of removal of the vessel to other regional fishery management organisations.
23. Resolution 06/01 *On Establishing A List Of Vessels Presumed To Have Carried Out Illegal, Unregulated And Unreported Fishing In The IOTC Area* is superseded by this Resolution.

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 2009/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area*, attached are details of illegal activity recorded in

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	
b	Current Flag (previous flag/s, if any)	
c	Date first included on IOTC IUU Vessel List (if applicable)	
d	Lloyds IMO Number, if available	
e	Photo	
f	Call Sign (previous call sign, if any)	
g	Owner / Beneficial Owner/s (previous owner/s, if any)	
h	Operator (previous operator/s, if any) and Master/Fishing	
i	Date of alleged IUU fishing Activities	
j	Position of alleged IUU fishing Activities	
k	Summary of alleged IUU Activities (see section B for more)	
l	Summary of any Actions known to have been Taken in	
m	Outcome of Actions Taken	

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 2009/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC Area	
b	Harvest tuna or tuna-like species in the IOTC Area, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area in accordance with IOTC reporting requirements, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures,	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List,	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes the coastal state's laws and regulations,	
i	Are without nationality and harvest tuna or tuna-like species in the IOTC Area	
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag state.	
c	Recommended for inclusion on IOTC IUU list	

ANNEX II**INFORMATION TO BE INCLUDED IN ALL IOTC IUU VESSELS LISTS**

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

- name of the vessel and previous name/s, if any;
- flag of the vessel and previous flag/s, if any;
- owner of the vessel and previous owner/s, including beneficial owners, if any;
- operator of the vessel and previous operator/s, if any;
- call sign of the vessel and previous call sign/s, if any;
- Lloyds/IMO number, if available;
- photographs of the vessel, where available;
- date the vessel was first included on the IOTC IUU Vessels List;
- summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidence

RESOLUTION 09/04
ON A REGIONAL OBSERVER SCHEME
(SUPERSEDED BY [RESOLUTION 10/04](#))

The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the need to increase the scientific information, in particular to provide the IOTC Scientific Committee working material in order to improve the management of the tuna and tuna-like species fished in the Indian Ocean;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all Contracting Parties and Co-operating Non-contracting Parties (hereinafter CPCs) to fully comply with the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (NCPs) to abide by these measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for tuna and tuna-like species;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

Objective

1. The objective of the IOTC observer scheme shall be to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area.

Observer Scheme

2. In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC Area of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs shall be covered by this

- observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above mentioned coverage should be achieved progressively by January 2013.
3. When purse seiners are carrying an observer as stated in paragraph 1, this observer shall also monitor the landing at port to identify the composition of bigeye catches. The requirement for the observer to monitor landings at port is not applicable to CPCs already having a port sampling, with at least the above mentioned coverage
 4. The number of the artisanal fishing vessels landings shall also be monitored at port by observers. The indicative level of the coverage of the artisanal fishing vessels should progressively increase towards 5% of the total landings.
 5. CPCs shall:
 - a) Have the primary responsibility to obtain qualified observers. Each CPC may choose to use either deployed national or non-national of the flag State of the vessel on which they are deployed;
 - b) Endeavour that the minimum level of coverage is met and that the observed vessels are a representative sample of the gear types active in their fleet;
 - c) Take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
 - d) Endeavour to ensure that the observers alternate vessels between their assignments. Observers are not to perform duties, other than those described in paragraphs 9 and 10 below;
 - e) Ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment at the same level as the officers, where possible. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.
 6. The cost of the observer scheme in paragraph 2 and 3 shall be met by each CPC.
 7. The observer scheme referred in paragraph 4 will be covered by the Commission's accumulated funds and voluntary contribution on a provisional basis. The Commission will consider at its 14th Annual meeting an alternative for the financing of this scheme.
 8. If the coverage referred in paragraphs 2 and 3 is not met by a CPC, any other CPC may, subject to the consent of the CPC who has not met its coverage, place an observer to fulfil the tasks defined in the paragraphs 1 and 2 until that CPC provides a replacement or the target coverage level is met.
 9. CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels on which observers were placed and the coverage achieved by gear type in accordance with the provisions of this Resolution.
 10. Observers shall:
 - (a) Record and report fishing activities, verify positions of the vessel;
 - (b) Observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;
 - (c) Record the gear type, mesh size and attachments employed by the master;
 - (d) Collect information to enable the cross-checking entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and
 - (e) Carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee.
 11. The observer shall, within 30 days of completion of each trip, provide a report to the CPCs of the vessel. The CPCs shall send within 90 days the report, which is recommended to be provided with 1°x1° format to the Executive Secretary, who shall make the report available to

- the Scientific Committee upon request. In a case where the vessel is fishing in the EEZ of a coastal state, the report shall equally be submitted to that Coastal State.
12. The confidentiality rules set out in the resolution 98/02 *Data confidentiality policy and procedures* for fine-scale data shall apply.
 13. The funds available from the IOTC balance of funds may be used to support the implementation of this programme in developing States, notably the training of observers.
 14. The entry into force of this Resolution is 1 July 2010.
 15. The elements of the Observer Scheme, notably those regarding its coverage, are subject to review and revision, as appropriate, for application in 2012 and subsequent years. Basing on the experience of other Tuna RFMOs, the Scientific Committee will elaborate an observer working manual, a template to be used for reporting (including minimum data fields) and a training program at its 2009 session.

RESOLUTION 09/05
TO PROHIBIT THE USE OF LARGE-SCALE DRIFTNETS ON THE HIGH SEAS IN THE
IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing;

NOTING that a number of vessels continue to engage in large-scale high seas driftnet fishing in the Indian Ocean area (Convention Area);

MINDFUL that any vessel fishing with large-scale driftnets on the high seas in the Convention Area, or configured to conduct large-scale high seas driftnet operations, has the capacity to take species of concern to the IOTC and is likely to undermine the effectiveness of IOTC conservation and management measures;

NOTING with concern that recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, sharks, and other species covered by the Convention; and that associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on these species of concern and the marine environment;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The use of large-scale driftnets¹ on the high seas within the Convention Area shall be prohibited.
2. Each Contracting Party and Cooperating Non-Contracting party (hereinafter referred to as CPCs) shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area.
3. A CPC-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the Convention Area if it is found operating on the high seas in the Convention Area and is configured² to use large-scale driftnets.
4. Paragraph 3 shall not apply to a CPC-flagged vessel duly authorized to use large-scale driftnets in their EEZs. While on the high seas in the Convention Area all of such driftnets and related fishing equipment shall be stowed or secured in such a manner that they are not readily available to be used for fishing.
5. CPCs shall include in their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the Convention Area.
6. The IOTC shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used on the high seas in the Convention Area. The first such assessment shall take place in 2012.
7. Nothing in this measure shall prevent CPCs from applying more stringent measures to regulate the use of large-scale driftnets.

¹ “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

² “Configured” to use large-scale drift-nets means having on board assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets.

RESOLUTION 09/06 ON MARINE TURTLES

The Indian Ocean Tuna Commission (IOTC),

RECALLING Recommendation 05/08 *On Sea Turtles*;

AWARE that the populations of the six species of marine turtles under the *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia* (IOSEA MoU) are listed as vulnerable, endangered or critically endangered on the IUCN - The World Conservation Union Red List of Threatened Species;

RECOGNISING that the 26th FAO-COFI Session in March 2005 adopted the *Guidelines to Reduce Sea Turtle Mortality in Fishing Operation* (hereinafter referred to as “the FAO Guidelines”) and recommended their implementation by regional fisheries bodies and management organizations;

RECOGNISING that some fishing operations carried out in the Indian Ocean can adversely impact marine turtles and the need to implement measures to manage the adverse effects of fishing in the Indian Ocean on marine turtles;

ACKNOWLEDGING the activities undertaken to conserve marine turtles and the habitats on which they depend within the framework of the IOSEA MoU in particular its *Resolution to Promote the Use of Marine Turtle Bycatch Reduction Measures by IOSEA Signatory States* adopted by the Fifth Meeting of the Signatory States.

NOTING the Scientific Committee’s concern that the expansion of gillnet fishing from traditional fishing grounds into high seas might increase the interaction with marine turtles and lead to increased mortality;

FURTHER NOTING the Scientific Committee’s adoption of a status report on marine turtles at its eleventh session and its finding that there is an urgent need to quantify the effects of Indian Ocean fisheries on non-target (bycatch) species and to develop mitigation measures to reduce adverse effects on these species;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) will implement, as appropriate, the FAO Guidelines.
2. CPCs shall collect (including through logbooks and observer programs) and provide to the Scientific Committee all data on their vessels’ interactions with marine turtles in fisheries targeting the species covered by the IOTC Agreement. CPC shall also furnish available information to the Scientific Committee on successful mitigation measures and other impacts on marine turtles in the IOTC Area, such as the deterioration of nesting sites and swallowing of marine debris.
3. CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.
4. CPCs shall require fishermen on vessels targeting species covered by the IOTC Agreement to bring aboard, if practicable, any captured hard shelled turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water. CPCs shall ensure that fishermen are aware of and use proper mitigation and handling techniques and keep on board all necessary equipment for the release of turtles, in accordance with guidelines to be adopted by the IOTC.
5. CPCs with gillnet vessels that fish for species covered by the IOTC Agreement shall:

- (a) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks¹ and report such incidents to the appropriate authorities of the CPC;
 - (b) Provide the results of the reporting under paragraph 5(a) to the Commission as part of the reporting requirement of paragraph 2.
- 6. CPCs with longline vessels that fish for species covered by the IOTC Agreement shall:
 - (a) Ensure that the operators of all longline vessels carry line cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled, and that they do so in accordance with IOTC Guidelines to be developed. CPCs shall also ensure that operators of such vessels are required to carry and use, where appropriate, dip-nets, in accordance with guidelines to be adopted by the IOTC;
 - (b) Encourage the use of whole finfish bait where appropriate;
 - (c) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks² and report such incidents to the appropriate authorities of the CPC;
 - (d) Provide the results of the reporting under paragraph 6(c) to the Commission as part of the reporting requirement of paragraph 2.
- 7. CPCs with purse seine vessels that fish for species covered by the IOTC Agreement shall:
 - (a) Ensure that operators of such vessels, while fishing in the IOTC Area:
 - (i) To the extent practicable, avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle.
 - (ii) To the extent practicable, release all marine turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
 - (iii) If a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
 - (iv) Carry and employ dip nets, when appropriate, to handle turtles.
 - (b) Encourage such vessel to adopt FAD designs which reduce the incidence of entanglement of turtles;
 - (c) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks³ and report such incidents to the appropriate authorities of the CPC;
 - (d) Provide the results of the reporting under paragraph 7(c) to the Commission as part of the reporting requirement of paragraph 2.
- 8. All CPCs are requested to:
 - (a) Where appropriate undertake research trials of circle hooks, use of whole finfish for bait, alternative FAD designs, alternative handling techniques, gillnet design and fishing practices and other mitigation methods which may improve the mitigation of adverse effects on turtles;

¹ This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release

² This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release

³ This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release

(b) Report the results of these trials to the Scientific Committee (SC), at least (60 days) in advance of the annual meetings of the SC.

9. The Scientific Committee shall request the Working Party on Ecosystems and Bycatch to:

- (a) Develop recommendations on appropriate mitigation measures for gillnet, longline and purse-seine fisheries in the IOTC Area;
- (b) Develop guidelines for the appropriate handling and release of marine turtles that are impacted by fisheries under the purview of the IOTC;
- (c) Develop regional standards covering data collection, data exchange and training;
- (d) Produce a marine turtle identification guide for the Indian Ocean.

The recommendations of the Working Party on Ecosystems and Bycatch shall be provided to the Scientific Committee for consideration at its annual session in 2010. In developing its recommendations, the Working Party on Ecosystems and Bycatch shall examine and take into account the information provided by CPCs in accordance with paragraph 8 of this measure, other research available on the effectiveness of various mitigation methods in the IOTC area, mitigation measures and guidelines adopted by other relevant organizations and, in particular, those of the Western and Central Pacific Fisheries Commission. The Working Party on Ecosystems and Bycatch will specifically consider the effects of circle hooks on target species catch rates, marine turtle mortalities and other bycatch species.

- 10. At its annual session in 2011 the Commission shall consider the recommendations of the Scientific Committee, together with socio-economic considerations, with a view to adopting further measures to mitigate interactions with marine turtles in fisheries covered by the IOTC Agreement.
- 11. CPCs should continue to undertake research and development to improve the mitigation of adverse affects on marine turtles and provide research outcomes to the Scientific Committee.
- 12. In researching new mitigation methods, consideration should be given to ensuring that methods do not cause greater harm than they prevent and do not adversely impact other species (particularly threatened species) and/or the environment.
- 13. CPCs are encouraged to collaborate with the IOSEA and take into account the IOSEA MoU including the provisions of the Conservation and Management Plan in the implementation of bycatch mitigation measures for marine turtles.
- 14. The IOTC and IOSEA secretariats are encouraged to intensify their collaboration and exchange of information on marine turtle issues in accordance with the protocols agreed by the Commission.
- 15. CPCs are encouraged to support developing countries in their implementation of the FAO Guidelines and this Resolution.
- 16. The Scientific Committee shall annually review the information reported by CPCs pursuant to this measure and, as necessary, provide recommendations to the Commission on ways to strengthen efforts to reduce marine turtle interactions with IOTC fisheries.

2010 - FOURTEENTH SESSION OF THE IOTC - BUSAN, REPUBLIC OF KOREA

RESOLUTION 10/01
FOR THE CONSERVATION AND MANAGEMENT OF TROPICAL TUNAS STOCKS IN THE
IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that based on past experience in the fishery, the potential production from the resource can be negatively impacted by excessive fishing effort;

TAKING INTO ACCOUNT the available scientific information and advice, in particular the IOTC Scientific Committee conclusions whereby the yellowfin and bigeye tuna stocks might have been over or fully exploited in recent years;

RECOGNISING that during the 12th IOTC scientific meeting held in Seychelles from 30 November to 04 December 2009, the Scientific Committee recommended that yellowfin and bigeye tuna catches should not exceed the MSY levels which have been estimated at 300,000 tonnes for yellowfin and at 110,000 tonnes for bigeye tuna;

ACKNOWLEDGING that the implementation of a TAC without a quota allocation would result in an inequitable distribution of the catches and fishing opportunities among the IOTC Members and Cooperating non-Contracting Parties (CPCs) and non CPCs;

FURTHER RECOGNISING that the tuna artisanal fisheries sector needs strengthening in terms of catch statistics reporting in order to more closely follow the catch situations and notwithstanding improvement in the industrial fishery catch statistics reporting requirements;

NOTING the importance of applying the precautionary approach for the management of the tropical tuna and swordfish stock, in particular yellowfin and bigeye tuna in the Indian Ocean;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. This resolution is applicable in 2011 and 2012 to all vessels of 24 meters overall length and over, and under 24 meters if they fish outside their EEZ, fishing within the IOTC area of competence.
2. With the view to decreasing the pressure on the main targeted stocks and in particular on the yellowfin tuna and bigeye tuna in the IOTC area of competence for the years 2011 and 2012, the area defined by the following coordinates (Annex1) will be closed for longline vessels in each year from 0000 hours on 1 February to 2400 hours on 1 March, and for purse-seine vessels in each year from 0000 hours on 1 November to 2400 hours on 1 December:

0 ° - 10° North

40° and 60° East

3. All vessels fishing within the IOTC area of competence in 2011 and 2012, regardless of the flag under which they operate or whether they change flag during the year, shall observe the area and period closure.
4. CPCs flag states shall monitor the compliance of their vessels with this Resolution, notably through VMS, and will provide a summary of VMS records related to their fleet operation in the previous year for the consideration of the Compliance Committee.

5. Fishing vessels that do not comply with IOTC Resolution 06/03 "*On establishing a vessel monitoring system programme*" are not allowed to be active in the IOTC area of competence.
6. Landings, transshipments and commercial transactions of all species, and their products, that have been positively identified as originating from fishing activities that contravene this resolution, are prohibited.
7. Each CPC shall no later than 45 days before the date of entry into force of a closure:
 - a) take the necessary legal and administrative measures to implement the closure;
 - b) inform all interested parties and their national tuna and tuna-like species industries of the closure,
 - c) inform the IOTC Secretary that these steps have been taken.
8. In order to have a more extensive knowledge of the exploitation rate of these species and also the assessment of the feasibility of near real time reporting, the IOTC CPCs agree to implement as soon as possible a pilot project within the framework of the port sampling programme under Resolution 09/04, with a view to enhancing the gathering of catch data related to the activities of the artisanal fishery sector and to establishing a catch reporting system.

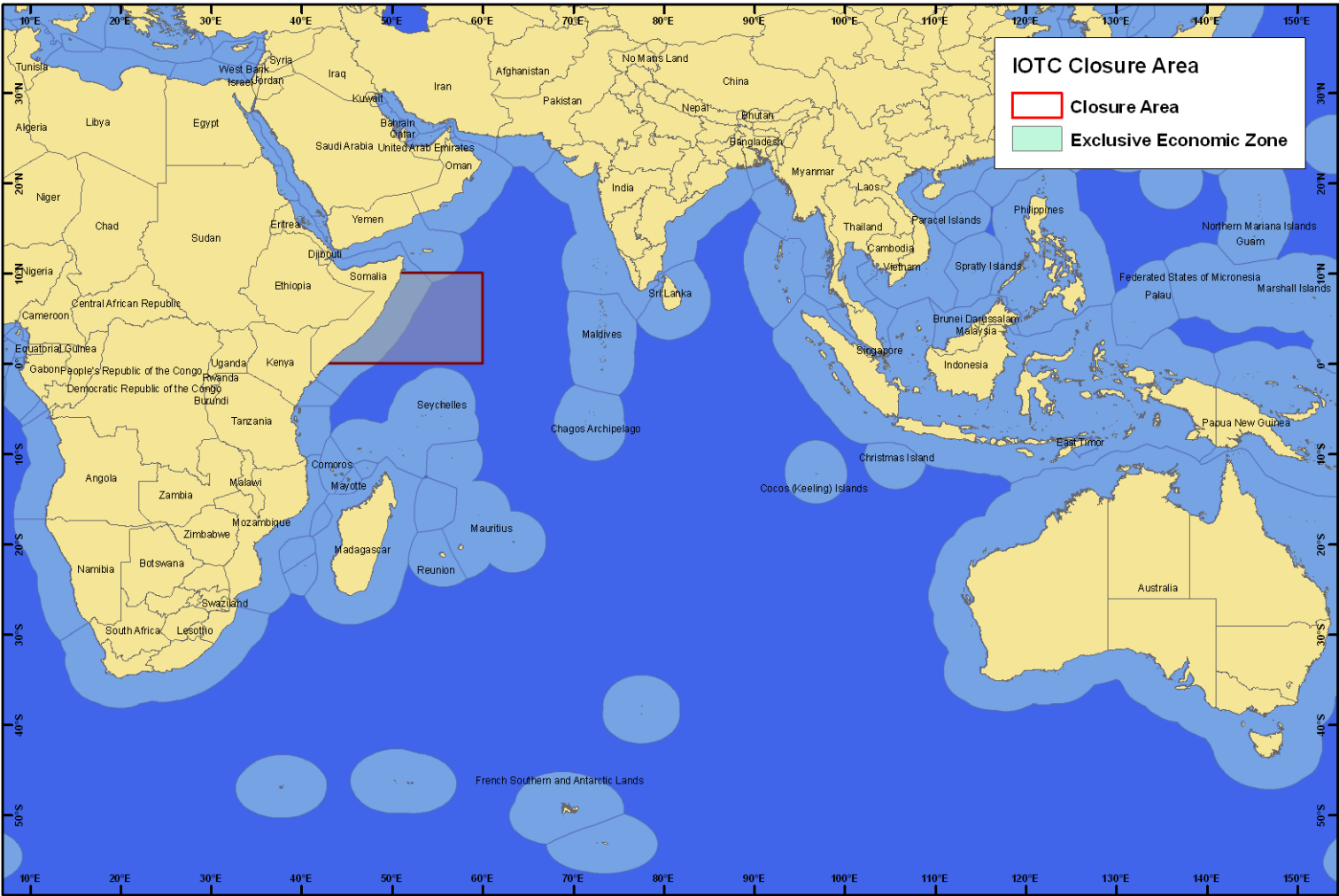
The pilot project shall be implemented for a 12 months period by the IOTC Secretariat in collaboration with the CPCs concerned.

The pilot project will contribute relevant information to the work of the Scientific Committee in future revision of stock estimates and in the assessment of the reporting requirements in respect of catch quota reporting, particularly in the artisanal fisheries.

The Scientific Committee will examine the results of the pilot project at its 2011 meeting and provide management advice to the Commission.
9. The Scientific Committee will provide at its 2010 plenary Session any appropriate management options based on the Kobe II matrix (Annex 2) for the consideration of the Commission.
10. The Scientific Committee will provide at its 2011 Plenary session:
 - a) an evaluation of the closure area, specifying in its advice if a modification is necessary, its basic scientific rationale with an assessment of the impact of such a closure on the tropical tuna stocks, notably yellowfin and bigeye;
 - b) an evaluation of the closure time periods, specifying in its advice if a modification is necessary, its basic scientific rationale with an assessment of the impact of such a closure on the tropical tuna stocks, notably yellowfin and bigeye;
 - c) an evaluation of the impact on yellowfin and bigeye tuna stocks by catching juveniles and spawners taken by all fisheries. The Scientific Committee shall also recommend measures to mitigate the impacts on juvenile and spawners;
 - d) any other advice on possible different management measures based on the Kobe II matrix, on the main targeted species under the IOTC competence.
11. CPCs shall implement the following action plan:

1. establishment of an allocation system (Quota) or any other relevant measures based on the Scientific Committee recommendations for the main targeted species under the IOTC competence;
 2. advice on the best reporting requirement of the artisanal tuna fisheries and implementation of an appropriate data collection system;
 3. the pilot project as specified in paragraph 8.
12. A technical committee meeting shall be held prior to the Commission Plenary session in 2011 to discuss on allocation criteria for the management of the tuna resources of the Indian Ocean and recommend an allocation quota system or any other relevant measures. CPCs are encouraged to submit proposals one month prior to the meeting.
13. The Commission shall adopt an allocation quota system or any other relevant measure for the yellowfin and bigeye tunas at its plenary session in 2012.

Annex 1



Annex 2

Strategy Matrix for Setting Management Measures

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Fishing Mortality Target>	In x years				
	In y years				
	In z years				

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Biomass Target>	In x years				
	In y years				
	In z years				

Management Target		Probability of Maintaining Status Quo			Data Rich/ Data Poor
		A%	B%	C%	
<Status Quo>					

RESOLUTION 10/02
**MANDATORY STATISTICAL REQUIREMENTS FOR IOTC MEMBERS AND COOPERATING NON-
CONTRACTING PARTIES (CPC'S)**

The Indian Ocean Tuna Commission (IOTC)

GIVEN that the Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) encourages coastal States and fishing States on the high seas to collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort.

NOTING that the United Nations Food and Agricultural Organisation (FAO) Code of Conduct for Responsible Fishing provides that States should compile fishery-related and other supporting scientific data relating to fish stocks covered by subregional or regional fisheries management organizations and provide them in a timely manner to the organization.

RECALLING the commitment made by members under Article V of the IOTC Agreement to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other data relevant to the conservation and management of the stocks and to fisheries based on the stocks covered by the Agreement.

COGNISANT that the above commitment can only be achieved when members meet the requirements of Article XI of the IOTC Agreement i.e. to provide statistical and other data and information to minimum specifications and in a timely manner.

ACKNOWLEDGING that the IOTC Scientific Committee has repeatedly stressed the importance of the timeliness of data submissions.

GIVEN that the activities of supply vessels and the use of Fish Aggregating Devices (FAD) are an integral part of the fishing effort exerted by the purse seine fleet.

CONSIDERING the provisions set forth in *Resolution 08/01 on mandatory statistical requirements for IOTC Members and Cooperating non-Contracting parties (CPCs)*, adopted by the Commission in 2008;

CONSIDERING the deliberations of the 12th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. CPC's shall provide the following information to the IOTC Secretariat according to the timelines specified in paragraph 6:
2. **Nominal catch data:**
Estimates of the total annual catch by species and gear for all species under the IOTC mandate.
3. **Catch and effort data:**
 - a) **For surface fisheries:** catch weight by species and fishing effort shall be provided by 1° grid area and month strata. Purse seine fishery data shall be stratified by fishing mode (e.g. free swimming schools or schools in association with floating objects). The data shall be extrapolated to the total national monthly catches for each gear. Documents describing the extrapolation procedures (including raising factors corresponding to the logbook coverage) shall also be submitted routinely.
 - b) **Longline fisheries:** catch by species, in numbers or weight, and effort as the number of hooks deployed shall be provided by 5° grid area and month strata. Documents describing the extrapolation procedures (including raising factors corresponding to the logbook coverage) shall also be submitted

routinely. For the work of relevant working parties under the IOTC Scientific Committee, longline data should be of a resolution of 1° grid area and month or finer. These data would be for the exclusive use of IOTC scientists, subject to the approval of the data owners and IOTC Resolution 98/02 *Data confidentiality policy and procedures*, and should be provided for scientific use in a timely fashion.

c) **For coastal fisheries:** available catch by species, fishing gear and fishing effort shall be submitted frequently and may be provided using an alternative geographical area if it better represents the fishery concerned.

These provisions, applicable to tuna and tuna-like species, shall also be applicable to the most commonly caught shark species and, where possible, to the less common shark species. CPC's are also encouraged to record and provide data on species other than sharks and tunas taken as bycatch.

4. **Size data:**

Size data shall be provided for all gears and for all species covered by the IOTC mandate according to the guidelines set out by the IOTC Scientific Committee. Size sampling shall be run under strict and well described random sampling schemes which are necessary to provide unbiased figures of the sizes taken. Sampling coverage shall be set to at least one fish measured by ton caught, by species and type of fishery, with samples being representative of all the periods and areas fished. Alternatively, size data for longline fleets may be provided as part of the Regional Observer Scheme where such fleets have at least 5% observer coverage of all fishing operations. Length data by species, including the total number of fish measured, shall be submitted by a 5° grid area by month, by gear and fishing mode (e.g. free swimming schools or schools in association with floating objects for the purse seiners). Documents covering sampling and raising procedures shall also be provided, by species and type of fishery.

5. Given that the activities of supply vessels and the use of **Fish Aggregating Devices (FAD)** are an integral part of the fishing effort exerted by the purse seine fleet, the following data shall be provided:

- a) The number and characteristics of supply vessels: (i) operating under their flag, (ii) assisting purse seine vessels operating under their flag, or (iii) licensed to operate in their exclusive economic zones, and that have been present in the IOTC Area.
- b) Number of days at sea by supply vessels by 1° grid area and month to be reported by the flag state of the supply vessel.
- c) The total number and type of FADs set by the supply vessel and purse seine fleet per quarter. Types of FADs are defined as 1) drifting log or debris, 2) drifting raft or fad with a net, 3) drifting raft or fad without a net, 4) other (e.g. Payao, dead animal etc). All types monitored by a tracking system.

These data would be for the exclusive use of IOTC scientists, subject to the approval of the data owners and Resolution 98/02 *Data confidentiality policy and procedures*, and should be provided in a timely fashion.

6. **Timeliness of data submission to the IOTC Secretariat:**

- (a) Longline fleets operating in the high seas shall provide provisional data for the previous year no later than 30 June. Final data shall be submitted no later than 30 December.
- (b) All other fleets (including supply vessels) shall submit their final data for the previous year no later than 30 June.
- (c) In case where the final statistics cannot be submitted by that date, at least preliminary statistics should be provided. Beyond a delay of two years, all revisions of historical data should be formally reported and duly justified. These reports should be made on forms provided by the Secretariat and reviewed by the Scientific Committee. The Scientific Committee will advise the Secretariat if revisions are then accepted for scientific use.

7. This Resolution supersedes Resolution 08/01 on *Mandatory statistical requirements for IOTC Members and Cooperating non-Contracting parties (CPCs)*

RESOLUTION 10/03
CONCERNING THE RECORDING OF CATCH BY FISHING VESSELS IN THE IOTC
AREA

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Inter-sessional Meeting on an Integrated Control and Inspection Scheme held in Yaizu, Japan from 27 to 29 March 2001;

CONSIDERING the provisions set forth in *Mandatory Statistical Requirements For IOTC Members and Cooperating non-Contracting Parties (CPCs)* , and in particular the requirements set out for surface fisheries/purse-seine fleets adopted by the Commission in 2001;

CONSIDERING the deliberations of the 9th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 6 to 10 November 2006 where it agreed that a standardised logbook would be advantageous and agreed on the minimum data requirements for all purse-seine and bait boat fleets operating in the IOTC Area of Competence, in order to harmonize data gathering and provide a common basis for scientific analysis for all IOTC Members and Cooperating non-Contracting Parties (CPCs);

CONSIDERING the provisions set forth in *Resolution 07/03 concerning the recording of catch by fishing vessels in the IOTC area*, adopted by the Commission in 2007;

CONSIDERING the deliberations of the 12th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. Each flag CPC shall ensure that all purse-seine vessels flying its flag and authorized to fish species managed by IOTC be subject to a data recording system. Within the IOTC Area of Competence, all purse-seine vessels 24 metres length overall or greater and those under 24 metres if they fish outside the EEZs of their flag States shall keep a bound or electronic logbook to provide data for use by Working Parties and the Scientific Committee that includes, as a minimum requirement, the information and data in the logbook set forth, for illustrative purposes, in Annex I.
2. The logbook data shall be provided by the fishing masters to the flag State administration, as well as to the coastal State administration where the vessel has fished in that coastal State's EEZ. The flag State and the States which receive this information shall provide all the data for any given year to the IOTC Secretariat and the Scientific Committee by June 30th of the following year on an aggregated basis. The confidentiality rules set out in Resolution 98/02 *Data Confidentiality Policy and Procedures* for fine-scale data shall apply.
3. This Resolution supersedes Resolution 07/03 *concerning the recording of catch by fishing vessels in the IOTC area*

Annex I. LOGBOOK TEMPLATE/ / Annexe I. MODÈLE DE FICHES DE PÊCHE

[illegible]

Instructions for filling the logbook form (EU purse seine and baitboats template) Notice explicative pour utiliser la fiche de pêche (senneurs et canneurs, modèle UE)
EN-TÊTE / CABECERA / HEADING
DEPART / SALIDA / DEPARTURE <input checked="" type="checkbox"/> Port / Puerto / Port <input checked="" type="checkbox"/> Date / Fecha / Date <input checked="" type="checkbox"/> Heure / Hora / Hour <input checked="" type="checkbox"/> Loch / Corredera / Loch ARRIVEE / LLEGADA / ARRIVAL <input checked="" type="checkbox"/> Port / Puerto / Port <input checked="" type="checkbox"/> Date / Fecha / Date <input checked="" type="checkbox"/> Heure / Hora / Hour <input checked="" type="checkbox"/> Loch / Corredera / Loch NAVIRE / BARCO / VESSEL PATRON / PATRON / MASTER FEUILLE / HOJA / SHEET N° <p><i>Remplir l'information correspondante au départ et au retour. Le loch au départ et au retour permettent d'estimer la distance parcourue par le navire pendant sa marée, et donc indirectement la surface prospectée. Les feuilles seront numérotées de 1 à n pour chaque marée.</i></p> <p><i>Fill in the corresponding information at departure and arrival of the boat. Loch at departure and arrival allows to estimate the distance run during the trip, and indirectly the prospected surface. Sheets will be numbered from 1 and following for each trip.</i></p>
DONNÉES SUR LA PÊCHE / DATOS SOBRE LA PESCA / FISHING DATA
<p><i>Toute les informations concernant les activités, captures, incidents, ... qui se sont produits pendant la marée doivent être reportées aussi précisément que possible.</i></p> <p><i>All information regarding activities, catches, incidents, ... which occurred during the trip should be reported as precisely as possible.</i></p> DATE/FECHA/DATE <p><i>Remplir au moins une ligne par jour, même s'il n'y a pas eu d'activité de pêche (cape, avarie, ...).</i></p> <p><i>Fill in at least one line by day, even in case of no fishing activities.</i></p> POSITION (chaque calée ou midi)/POSICION (cada lance o mediadia)/POSITION (each set or midday) <p><i>Utiliser une ligne différente pour chaque calée (y compris les calées nulles), ou chaque DCP déployé, et noter leur position. S'il n'y a pas eu de pêche et qu'aucun DCP n'a été déployé au cours de la journée, noter la position aux environs de midi. Si nécessaire, les informations sur la calée peuvent utiliser plusieurs lignes sans changer les informations générales (date, position, ...).</i></p> <p><i>Use one line for each set (including negative ones), or each FAD deployed, and note its position. If no set have been made and FADs have not been deployed during the day, note the position around midday. If necessary, information for one set can use several lines, without changing the general information (date and position).</i></p> CALÉE / LANCE / SET ou/o/ou DEPLOIEMENT DE DCP / PLANTANDO DE OBJETO / DEPLOYMENT OF FAD <input checked="" type="checkbox"/> Portant / Positivo / Successful <input checked="" type="checkbox"/> Nul / Nulo / Nil <p><i>Cocher la case correspondante selon que le coup est nul ou portant.</i></p> <p><i>Tick the corresponding column according that the set was positive or not.</i></p> <input checked="" type="checkbox"/> Heure / Hora / Time : Préciser / Especificar / Specify (TU+ ?) <p><i>Mettre l'heure de début de la calée ou de déploiement de DCP ; préciser le cas échéant l'heure utilisée par le bord (TU+ ??).</i></p> <p><i>Indicate the time at the beginning of the set or at the time the FAD was deployed; if necessary, precise the time used on board (TU+ ??).</i></p> <input checked="" type="checkbox"/> N° Cuve / Cuba / Well <p><i>Indiquer le numéro de la/les cuve(s) où la capture sera stockée.</i></p> <p><i>Indicates the well number where the catch will be stored.</i></p> CAPTURE ESTIMÉE / ESTIMACION DE LA CAPTURA / ESTIMATED CATCH <input checked="" type="checkbox"/> ALBACORE / RABIL / YELLOWFIN <ul style="list-style-type: none"> Taille / Talla / Size Capture / Captura / Catch <input checked="" type="checkbox"/> LISTAO / LISTADO / SKIPJACK <ul style="list-style-type: none"> Taille / Talla / Size Capture / Captura / Catch <input checked="" type="checkbox"/> PATUDO / PATUDO / BIGEYE <ul style="list-style-type: none"> Taille / Talla / Size Capture / Captura / Catch <p><i>Pour chacune des principales espèces de thons mentionnées, indiquer la capture estimée ainsi que la taille/poids moyen ou la gamme de taille/poids des poissons (par exemple 5-15 kg, 10kg, >30 kg, ...). Si la distinction entre espèces n'est pas connue, remplir à cheval sur les 3 colonnes.</i></p> <p><i>For each of the main tuna species indicated, note the estimated catch as well as the average size/weight or size/weight range (for example,</i></p>

5-15 kg, 10 kg, > 30 kg, ...). In case you cannot separate species, fill in on the 3 columns.

✓ AUTRE ESPECE (préciser le/les nom(s))/OTRA ESPECIE (dar el/los nombre(s))/OTHER SPECIES (give name(s))

- Nom / Nombre / Name
- Taille / Talla / Size
- Capture / Captura / Catch

Remplir comme pour les espèces de thons, en précisant en plus le/les nom(s) de/des espèce(s) pêchées.

Fill in as for tuna species, indicating also the name(s) of the fished species.

✓ REJETS (préciser le/les nom(s))/DESCARTES (dar el/los nombre(s))/DISCARDS (give name(s))

- Nom / Nombre / Name
- Taille / Talla / Size
- Capture / Captura / Catch

Remplir comme pour les espèces de thons, en précisant en plus le/les nom(s) de/des espèce(s) rejetées.

Fill in as for tuna species, indicating also the name(s) of the discarded species.

ASSOCIATION / ASOCIACION / ASSOCIATION

- ✓ Banc libre/Banco libre/Free school
- ✓ Epave / Objeto / Log : N (naturelle/natural), A (artificielle/artificial)
- ✓ Bateau d'assistance / Barco de apoyo / Supply
- ✓ Balise / Baliza / Beacon
- ✓ Requin Baleine / Tiburon Ballena / Shark Whale
- ✓ Baleine / Ballena / Whale

Cocher la colonne correspondant au type d'association observé. Pour une pêche sur épave ou pour le déploiement d'un DCP, préciser si elle est naturelle (N) ou artificielle (A), ainsi que si elle a ou non une balise. Indiquer également si la calée a été réalisée après l'appel d'un bateau d'assistance. Plusieurs associations sont bien sur possibles, et on peut signaler d'autres associations dans la rubrique « Commentaires »..

Tick the case corresponding to the association type observed. For log sets or deployment of FADs indicate if the log is natural (N) or artificial (A), as well as if there bear or not a beacon. Indicates also if fishing set was done after the call of a supply vessel. Of course, several associations are possible, and others than indicated may be mentioned in the "Comments" field.

COMMENTAIRES / OBSERVACIONES / COMMENTS

Route/Recherche, problèmes divers, type d'épave (naturelle ou artificielle, balisée, bateau), prise accessoire, taille du banc, autres associations,

Steaming/Searching, miscellaneous problems, log type (natural or artificial, with radio beacon, vessel), by catch, school size, other associations,

T° Mer / Mar / Sea

Indiquer la température de la mer (au 1/10 de degré) si elle est disponible.

Indicates the sea surface temperature (1/10 degree) if known.

COURANT / CORRIENTE / CURRENT

Direction / Direccion / Direction (Degrés / Grados / Degree)

Vitesse / Velocidad / Speed (Nœuds / Nudos / Knots)

Indiquer la vitesse et la direction du courant si disponible.

Indicates the current speed and direction if known.

RESOLUTION 10/04
ON A REGIONAL OBSERVER SCHEME

The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the need to increase the scientific information, in particular to provide the IOTC Scientific Committee working material in order to improve the management of the tuna and tuna-like species fished in the Indian Ocean;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all IOTC Members and Co-operating Non-contracting Parties (hereinafter CPCs) to fully comply with the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (NCPs) to abide by these measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for tuna and tuna-like species;

CONSIDERING the provisions set forth in *Resolution 09/04 on a Regional Observer Scheme*, adopted by the Commission in 2009;

CONSIDERING the deliberations of the 12th Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

Objective

1. The objective of the IOTC observer scheme shall be to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area.

Observer Scheme

2. In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC Area of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above mentioned coverage should be achieved progressively by January 2013.
3. When purse seiners are carrying an observer¹ as stated in paragraph 1, this observer shall also monitor the catches at unloading to identify the composition of bigeye catches. The requirement for the observer to monitor catches at unloading is not applicable to CPCs already having a sampling scheme, with at least the coverage set out in paragraph 2.
4. The number of the artisanal fishing vessels landings shall also be monitored at the landing place by field samplers². The indicative level of the coverage of the artisanal fishing vessels should progressively increase towards 5% of the total levels of vessel activity (i.e. total number of vessel trips or total number of vessels active).
5. CPCs shall:

¹ Observer: a person that collects information on board fishing vessels. Observer programmes can be used for quantifying species composition of target species, bycatch, by-products and dead discards, collecting tag returns, etc.

² Field sampler: a person that collects information on land during the unloading of fishing vessels. Field sampling programmes can be used for quantifying catch, retained bycatch, collecting tag returns, etc.

- a) Have the primary responsibility to obtain qualified observers. Each CPC may choose to use either deployed national or non-national of the flag State of the vessel on which they are deployed;
 - b) Endeavour that the minimum level of coverage is met and that the observed vessels are a representative sample of the gear types active in their fleet;
 - c) Take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
 - d) Endeavour to ensure that the observers alternate vessels between their assignments. Observers are not to perform duties, other than those described in paragraphs 10 and 11 below;
 - e) Ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment at the same level as the officers, where possible. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.
6. The cost of the observer scheme in paragraph 2 and 3 shall be met by each CPC.
 7. The sampling scheme referred in paragraph 4 will be covered by the Commission's accumulated funds and voluntary contribution on a provisional basis. The Commission will consider at its 14th Annual meeting an alternative for the financing of this scheme.
 8. If the coverage referred in paragraphs 2 and 3 is not met by a CPC, any other CPC may, subject to the consent of the CPC who has not met its coverage, place an observer to fulfil the tasks defined in the paragraphs 1 and 2 until that CPC provides a replacement or the target coverage level is met.
 9. CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.
 10. Observers shall:
 - a) Record and report fishing activities, verify positions of the vessel;
 - b) Observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;
 - c) Record the gear type, mesh size and attachments employed by the master;
 - d) Collect information to enable the cross-checking entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and
 - e) Carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee.
 11. The observer shall, within 30 days of completion of each trip, provide a report to the CPCs of the vessel. The CPCs shall send within 90 days the report, which is recommended to be provided with 1°x1° format to the Executive Secretary, who shall make the report available to the Scientific Committee upon request. In a case where the vessel is fishing in the EEZ of a coastal state, the report shall equally be submitted to that Coastal State.
 12. The confidentiality rules set out in the resolution 98/02 Data confidentiality policy and procedures for fine-scale data shall apply.
 13. Field samplers shall monitor catches at the landing place with a view to estimating catch-at-size by type of boat, gear and species, or carry out such scientific work as requested by the IOTC Scientific Committee.
 14. The funds available from the IOTC balance of funds may be used to support the implementation of this programme in developing States, notably the training of observers and field samplers.
 15. The entry into force of this Resolution is 1 July 2010.

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16. The elements of the Observer Scheme, notably those regarding its coverage, are subject to review and revision, as appropriate, for application in 2012 and subsequent years. Basing on the experience of other Tuna RFMOs, the Scientific Committee will elaborate an observer working manual, a template to be used for reporting (including minimum data fields) and a training program at its 2009 session.
 17. This Resolution supersedes Resolution 09/04 on a *Regional Observer Scheme*.

RESOLUTION 10/05**ON THE ESTABLISHMENT OF A MEETING PARTICIPATION FUND FOR DEVELOPING IOTC MEMBERS AND NON-CONTRACTING COOPERATING PARTIES (CPCs)****The Indian Ocean Tuna Commission (IOTC),**

RECOGNISING that Article 25 paragraph 3 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) describes, *inter alia*, forms of cooperation with developing states and the need for assistance relating to collection, reporting, verification, exchange and analysis of fisheries data and related information; and stock assessment and scientific research;

RECALLING that the IOTC Scientific Committee has noted with concern the lack of participants from developing States at its meetings and those of its subsidiary bodies since 2004;

RECALLING ALSO that these concerns have been acknowledged by the Commission since its Seventh Session, and by the IOTC Performance Review Panel in 2009, who reiterated these concerns and recommended that a special fund be established to support the participation of scientists from developing States;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following

1. A special Meeting Participation Fund (MPF) be established for the purposes of supporting scientists and representatives from IOTC Members and Cooperating non-Contracting Parties (CPCs) who are developing States to attend and/or contribute to the work of the Commission, the Scientific Committee and its Working Parties.
2. The MPF shall be financed from an initial allocation of USD200,000 from IOTC's accumulated funds, and subsequently by voluntary contributions from Members and such other sources as the Commission may identify. The Commission will identify, at its 15th Session, a procedure for supplying funds to the MPF in the future.
3. The Fund will be administered by the Secretary, in accordance with the same financial controls as regular budget appropriations.
4. The Secretary shall establish a process for notifying CPCs annually of the level of available funds in the MPF, and provide a timeline and describe the format for the submission of applications for assistance.
5. The Secretary shall submit an annual report to the Commission on the status of the Fund, including a financial statement of contributions to and disbursements from the Fund;
6. The Fund would be utilized, as a first priority, to support the participation of scientists from developing CPCs in scientific meetings of the IOTC, including Working Parties. Those eligible scientists may submit an application for assistance from the Fund. Applicants will be selected by a panel including the Chair of the scientific body concerned, the Secretariat and the Chair of the Scientific Committee, in accordance with the process established in 4 above. Priority will be given to those applicants that will contribute a scientific document on a subject of interest to the meeting they wish to attend. The decision by the Panel shall also take into account the size of the fund and the need for cost-effectiveness. Consideration of applications shall also include an assessment of whether any alternative sources of assistance are available.
7. The remainder of the Fund will be used to finance the participation of one representative per developing CPC to a non-scientific meeting of the Commission, including regular Sessions, if the CPC intends to present reports relevant to the meeting in question, and provided that the CPC is not eligible for support under the fund established under part VII of the UNFSA.

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8. The Fund will be allocated in such a way that no more than 25% of the expenditures of the Fund in one year is used to fund attendance to non-scientific meetings.
 9. Applicants should note that alternative avenues of funding are available to developing State Members who wish to send scientists to IOTC scientific meetings. For example, a fund has been established under Part VII of UNFSA to assist developing States that are signatories of the UNFSA to implement its provisions, including participation in the work of Regional Fisheries Management Organisations. For those eligible Members of IOTC, this could provide for an alternative source of funding to participate in meetings of the Commission and subsidiary bodies or to fund attendance at IOTC meetings as training and capacity building required to fulfil the obligations under the UNFSA.

RESOLUTION 10/06

ON REDUCING THE INCIDENTAL BYCATCH OF SEABIRDS IN LONGLINE FISHERIES

The Indian Ocean Tuna Commission (IOTC),

RECALLING *Resolution 08/03 On reducing Incidental Bycatch of Seabirds in longline fisheries*, and in particular, its paragraph 8;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Indian Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organization (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds);

NOTING the recommendations of the IOTC Working Party on Ecosystems and Bycatch (WPEB) on measures to mitigate seabird interactions as outlined in their 2007 and 2009 Reports;

ACKNOWLEDGING that to date some IOTC Members and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) have identified the need for, and have either completed or are near finalizing, their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, which opened for signatures at Canberra on 19 June 2001, has entered into force;

NOTING that the ultimate aim of the IOTC and the CPCs is to achieve a zero bycatch of seabirds for fisheries under the purview of the IOTC, especially threatened albatrosses and petrel species in longline fisheries;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. CPCs shall seek to achieve reductions in levels of seabird bycatch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.
2. Fishing operations shall be conducted in such a way that hooklines¹ sink beyond the reach of seabirds as soon as possible after they are put in the water.
3. CPCs shall as soon as possible and, at the latest before 1 November 2010, ensure that all longline vessels fishing south of 25°S use at least two of the mitigation measures in Table 1 below, including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.
Until 31 October 2010, CPCs shall ensure that all longline vessels fishing south of 30°S use at least two of the mitigation measures in Table 1 below, including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.
4. In all other areas, CPCs may require that longline vessels use at least one of the measures in Table 1.
5. Mitigation measures used shall conform to the minimum technical standards for the measures as shown in Annex 1.
6. The design and deployment for bird scaring lines shall meet the specifications provided in Annex 2.
7. CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them.

¹ Hookline is defined as the groundline or mainline to which the baited hooks are attached by snoods.

This is to including details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC area of competence.

8. The Scientific Committee, based notably on the work of the WPEB and information from CPCs, will analyse the impact of this Resolution on seabird bycatch no later than for the 2011 meeting of the Commission. It shall advise the Commission on any modifications that are required, based on experience to date of the operation of the Resolution and/or further international studies or research on the issue, in order to make the Resolution more effective.
9. *Resolution 08/03. On Reducing Incidental Bycatch of Seabirds in Longline Fisheries* is superseded by this Resolution.

Table 1: Seabird mitigation measures

Column A	Column B
Night setting with minimum deck lighting	Night setting with minimum deck lighting
Bird-scaring lines (Tori Lines)	Bird-scaring lines (Tori Lines)
Weighted branch lines	Weighted branch lines
	Blue-dyed squid bait
	Offal discharge control
	Line shooting device

ANNEX I

Mitigation Measure	Description	Specification
Night setting with minimum deck lighting	No setting between nautical dawn and before nautical dusk. Deck lighting to be kept to a minimum	Nautical dusk and nautical dawn are defined as set out in the Nautical Almanac tables for relevant latitude, local time and date. Minimum deck lighting should not breach minimum standards for safety and navigation.
Bird-scaring lines (tori lines)	A bird-scaring line shall be deployed during longline setting to deter birds from approaching the branch line.	Design and deployment for bird-scaring lines are provided in Annex 2 of this Resolution.
Weighted branch lines	Weights must be attached to all branch lines in accordance with specifications provided	<ul style="list-style-type: none"> – minimum of 45 grams weight attached to all branch lines; – less than 60 grams weight must be within 1 metre of the hook; – 60 grams or greater and less than 98 grams must be within 3.5 metres of the hook; and – 98 grams or greater must be within 4 metres of the hook
Blue-dyed squid bait	All bait must be dyed to the colour and shade shown in the placard provided by the IOTC Secretariat.	The standardized colour shall be equivalent to bait dyed using “Brilliant Blue” food dye (Colour Index 42090, also known as Food Additive Number E133) mixed at 0.5% for a minimum of 20 minutes.
Management of offal discharge	No offal discharge during setting. Strategic offal discharge may occur during hauling.	No offal discharge during setting. Offal discharge during hauling should be avoided if possible. If offal discharge is essential during hauling, it must be from the opposite side of the boat to hauling activity.
Line-setter or line-shooter	Permits a mainline to be set slack (no tension astern)	<p>Position line-setter as close to the water line as feasible.</p> <p>Ensure mainline is pulled at a constant speed and slightly faster than the speed of vessel during line-setting, to ensure lines are set slack to aid sinking rate. Avoid setting into propwash.</p>

ANNEX II

DESIGN AND DEPLOYMENT OF BIRD SCARING LINES (TORI LINES)

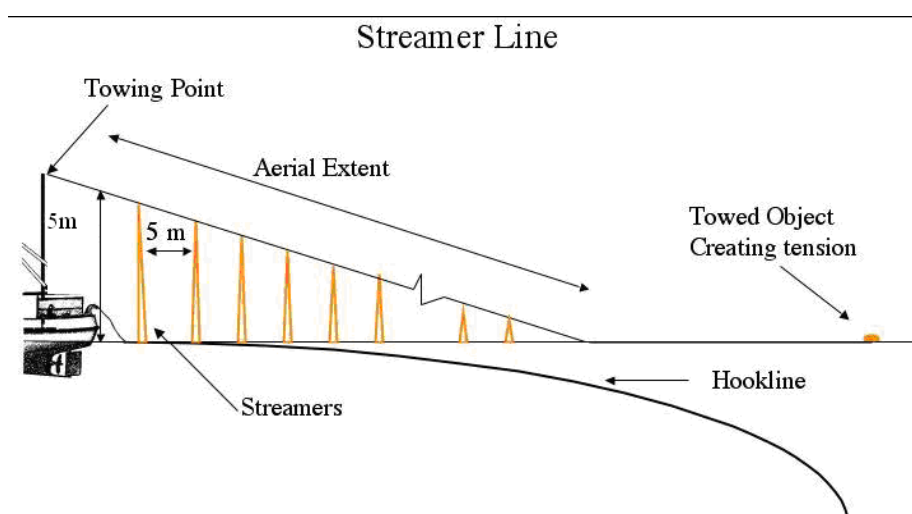
Bird-Scaring Line Design

1. The bird-scaring line shall be a minimum of 100 m in length and if less than 150 m in length will include an object towed at the seaward end to create tension to maximise aerial coverage. The section above water shall be a strong fine line of a conspicuous colour such as red or orange.
2. The above water section of the line shall be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. Streamers for the bird-scaring line shall be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) and shall be suspended in pairs from a robust three-way swivel attached to the bird scaring line and shall hang just clear of the water.
4. There shall be a maximum of 5 m between each streamer pair.
5. The number of streamers shall be adjusted for the setting speed of the vessel, with more streamers necessary at slower setting speeds.

Deployment of Bird scaring Lines

1. The line shall be deployed before longlines enter into the water.
2. The line should have an aerial coverage of at least 100 metres. To achieve this coverage the line shall be suspended from a point a minimum of 5 metres above the water at the stern on the windward side of the point where the branch line enters the water.
3. The bird scaring line shall be set so that streamers pass over baited hooks in the water. The position of the object towed shall be maintained so as to ensure, even during crosswinds, that the aerial extent of the bird-scaring line is over the branch line as far astern of the vessel as possible.
4. Because there is the potential for line breakage and tangling, spare bird scaring lines shall be carried onboard to replace damaged lines and to ensure fishing operations can continue uninterrupted.

Figure 1. Diagram of Bird-scaring Streamer Line.



RESOLUTION 10/07

CONCERNING A RECORD OF LICENSED FOREIGN VESSELS FISHING FOR TUNAS AND SWORDFISH IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC):

RECOGNISING that coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to their natural resources;

CONCIOUS of the provisions of Article 62 of the United Nations Convention on the Law of the Sea;

NOTING that the information on vessels licensed to fish in the exclusive economic zone (EEZ) of IOTC Members and Cooperating non-Contracting Parties (CPCs), constitutes a means to identify potential unreported fishing activities;

MINDFUL of the recommendation 17 of the Performance Review Panel, as listed in Resolution 09/01 On the performance review follow-up, that the obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their EEZs.

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. All CPCs which issue licenses to foreign flag vessels to fish for tunas and swordfish in the portion of their EEZ that falls within the IOTC Area of Competence (hereinafter referred to as “the Area”), by 15 February every year:
 - Shall submit to the Secretary a list of all foreign flag vessels to which such licences have been issued during the previous year;
2. This list shall contain the following information for each vessel:
 - IOTC Number;
 - Name and registration number;
 - IMO number, if available;
 - The flag at the time of issuing the licence;
 - International radio call sign (if any);
 - Vessel type, length, and gross tonnage (GT);
 - Name and address of owner, and/or charterer and/or operator;
 - Main target species,
 - Period of licence.
3. The Secretary shall circulate this information annually, or upon request, to all CPCs.
4. The CPCs shall notify the Secretary of any information concerning foreign flag fishing vessels that requested a license but are not included in the Record of Authorized Vessels,
5. The information to be provided, shall include for each vessel:
 - a. Name and registration number;
 - b. IMO number, if available;
 - c. The flag at the time of requesting for a license;
 - d. International radio call sign (if any);
 - e. Vessel type, length, and gross tonnage (GT);
 - f. Name and address of owner, and/or charterer and/or operator,
 - g. Main target species.
6. The Secretary shall compile for future consideration by the Compliance Committee information on vessels covered in paragraph 5 whose flag is not identified.

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7. IOTC Resolution 07/04 *Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area* is superseded by this Resolution.

RESOLUTION 10/08
CONCERNING A RECORD OF ACTIVE VESSELS FISHING FOR TUNAS AND
SWORDFISH IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC):

CONSCIOUS of the duties of every State to exercise effectively its jurisdiction and control over vessels flying its flag;

RECALLING the responsibilities incumbent on States whose vessels fish for highly migratory fish stocks on the high seas;

NOTING that the information about the size of active fleets for implementing the limitation of fishing capacity as set forth in Resolution 09/02 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties;

MINDFUL of the recommendation 17 of the Performance Review Panel, as listed in Resolution 09/01 On the performance review follow-up, that the obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. All IOTC Members and Cooperating non-Contracting Parties (CPCs) with vessels fishing for tunas and swordfish in the IOTC Area of Competence (hereinafter referred to as “the Area”), shall submit to the Secretary by 15 February every year a list of their respective vessels that were active in the Area during the previous year and that are:
 - a. larger than 24 metres in length overall, or
 - b. in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state,
2. These lists shall contain the following information for each vessel:
 - The IOTC number;
 - Name and registration number;
 - IMO number, if available;
 - Previous flag (if any);
 - International radio call sign (if any);
 - Vessel type, length, and gross tonnage (GT);
 - Name and address of owner, and/or charterer, and/or operator;
 - Main target species,
 - Period of authorisation
3. The Secretary shall maintain the IOTC Record of Active Vessels, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
4. The Secretary shall compile, for consideration by the Compliance Committee, a report on the information submitted by CPCs.
5. The objective of the report shall be to provide the Compliance Committee with an independent evaluation of the level of compliance to this resolution, and other pertinent IOTC resolution(s), by the concerned CPCs.
6. The Compliance Committee shall after its evaluation of the Secretary’s report, make appropriate recommendations to the Commission on actions that should be pursued against the non-complying CPCs. These should include, *inter alia*, taking actions under Resolution 10/10.

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7. IOTC Resolution 07/04 *Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area* is superseded by this Resolution.

RESOLUTION 10/09

CONCERNING THE FUNCTIONS OF THE COMPLIANCE COMMITTEE

The Indian Ocean Tuna Commission (IOTC),

CONCERNED that in general the level of compliance within the Commission need to be improved in order to insure the sustainability and a sound management of the IOTC fishing resources.

CONCERNED that the performance Review Panel concluded that there is a poor record of compliance and limited tools for addressing non-compliance.

RECALLING that the Commission expressed its concern about some specific matters and urged all IOTC Members and Cooperating non-Contracting Parties (CPCs) to take the necessary steps to meet IOTC fisheries data requirements:

RECALLING, that the Performance Review Panel found that it is imperative to strengthen the ability of the Compliance Committee to monitor non-compliance and advise the Commission on actions which might be taken in response to non-compliance and sanction mechanisms for non-compliance and provisions for follow-up on infringements should be developed.

AFFIRMING the urgent need that all CPCs ensure the proper implementation of the IOTC legislation.

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following Terms of reference for the Compliance Committee:

1. Meetings of the Compliance Committee

The meetings of the Compliance Committee shall be held for a period of at least Two (2) days in the week preceding the meeting of the Commission, to assess individual IOTC Members and Co-operating non-Contracting Parties' (hereinafter referred to as "CPCs") compliance and enforcement with their obligations as Members and Cooperating non Members of IOTC. Compliance Committee sessions might also be held, if necessary, during the days of the plenary sessions.

2. Mandate and Objectives of the Compliance Committee

2.1. The Compliance Committee shall be responsible for reviewing all aspects of CPCs individual compliance with IOTC conservation and management resolutions in the IOTC Area.

2.2. The Compliance Committee shall report directly to the Commission on its deliberations and recommendations.

2.3. The Compliance Committee shall cooperate closely with other IOTC subsidiary bodies in order to remain informed on all issues concerning compliance with IOTC conservation and management resolutions.

2.4. The work of the Compliance Committee shall be guided by the following overall objectives:

2.4.1. To provide a structured forum for discussion of all problems related to effective implementation of, and compliance with, IOTC conservation and management resolutions in the IOTC Area;

2.4.2. To gather and review information relevant to compliance with IOTC conservation and management resolutions from IOTC subsidiary bodies, and from Reports of Implementation submitted by CPCs,

2.4.3. To identify and discuss problems related to the implementation of, and compliance with, IOTC conservation and management resolutions, and to make recommendations to the Commission on how to address these problems.

3. The terms of reference of the Compliance Committee shall be to:

3.1 Review each individual CPC's compliance with conservation and management resolutions adopted by the Commission and make such recommendations to the Commission as may be necessary to ensure their effectiveness, notably in relation to:

- i) The mandatory statistical requirements and all issues related to obligatory reporting and data providing, including non targeted species;
- ii) The level of CPC's conformity with conservation resolutions;
- iii) The CPC's conformity with the resolutions concerning the limitation of the fishing capacity;
- iv) The status of implementation of resolutions for monitoring, control, surveillance and enforcement adopted by the Commission (Port inspections, VMS, follow-up on infringements and market related measures);
- v) The reporting on authorised as well as active vessels in IOTC area of competence, in particular in relation to the fishing effort limitation IOTC Resolutions;

3.2 The Compliance Committee shall also be tasked to:

- i) Compile reports, with the help of the IOTC Secretariat, based on information submitted by CPCs in accordance to the various Resolutions adopted by the Commission and, which will form the basis for the compliance examination process;
- ii) Develop a structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force. The Chairman of the Compliance Committee, assisted by the IOTC Secretariat, will identify, select and transmit the significant non compliance issues to each CPC and submit them for discussion at the Compliance Committee meeting;
- iii) Issue its opinion on the compliance status of each CPC at the end of the meeting. Non compliance with the IOTC conservation and management resolutions will lead to a declaration of non compliance by the Compliance Committee and recommend suitable actions for consideration of the Commission;
- iv) Develop a scheme of incentives and sanctions and a mechanism for their application to encourage compliance by all CPCs,
- v) Perform such other tasks as directed by the Commission.

4. Compliance Committee preparatory works:

4.1 In preparation for the meeting of the Compliance Committee the IOTC Secretariat will:

- i) send each CPC, 4 months prior to the annual meeting, a standard questionnaire on compliance with the various IOTC resolutions governing conservation and management for receiving comments and answers from the concerned CPCs within 45 days;
- ii) circulate to all CPCs, 2 months prior the annual meeting, the comments and answers provided by each CPC in response to the questionnaire and invite comments and possible questions from all other CPCs;
- iii) compile CPCs' initial replies to the questionnaire and comments and questions provided by other CPCs in the form of tables that will form the basis for the compliance examination process. These tables will be distributed to CPCs for discussion during the Compliance Committee session.

4.2 The Chairman of the Compliance Committee, assisted by the Secretariat of IOTC, will identify, select and transmit the significant non compliance issues to each concerned CPC and submit them for discussion in the Compliance Committee meeting at least 30 days in advance.

5. Opinion of the Compliance Committee

At the end of the meeting the Compliance Committee shall issue its opinion on the compliance status of each CPC.

6. IOTC Resolution 02/03 concerning *Terms of Reference for the IOTC Compliance Committee* is superseded by this Resolution.

RESOLUTION 10/10
CONCERNING MARKET RELATED MEASURES

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA-IUU Plan,

RECALLING the IOTC Recommendation 03/05 concerning Trade Related Measures and its non-binding nature;

CONSIDERING the calls of the United Nation General Assembly, included in particular in the UNGA Resolutions on Sustainable Fisheries N° 61/105 of 6 December 2006 and N° 62/177 of 18 December 2007, urging States, individually and through Regional Fisheries Management Organisation to adopt and implement trade measures in accordance with international law, including principles, rights and obligations established in World Trade Agreements;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all IOTC Members and Co-operating Non-contracting Parties (hereinafter CPCs) to respect the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (NCPs) to abide by these measures;

NOTING that market related measures should be implemented only as last resort, where other measures have proven unsuccessful to prevent, deter and eliminate any act or omission that diminishes the effectiveness of IOTC conservation and management measures;

ALSO NOTING that market related measures should be adopted and implemented in accordance with international law, including principles, rights and obligations established in WTO Agreements, and be implemented in a fair, transparent and non-discriminatory manner.

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

Identification

1. CPCs that import tuna and tuna-like fish products, from the IOTC Area of competence, or in whose ports those products are landed or transhipped, should, as much as possible, collect and examine all relevant data on import, landing or transhipment and associated information and submit the following information to the Commission each year at least 60 days prior to the annual meeting of the Commission:
 - i. Names of the vessels that caught, landed and/or transhipped such tuna or tuna-like species products,
 - ii. Flag States of those vessels,
 - iii. Species of tuna and tuna-like species of the products,
 - iv. Areas of catch (Indian Ocean, or other area),
 - v. Product weight by product type,

- vi. Points of export,
 - vii. Names and addresses of owners of the vessels,
 - viii. Registration number.
2. (a) The Commission, through the Compliance Committee should identify each year:
- i) The CPCs who have repeatedly failed, as stated by the Commission in its annual Plenary, to discharge their obligations under the IOTC Agreement in respect of IOTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IOTC conservation and management measures by the vessels flying their flag; and/or
 - ii) The NCPs who have failed to discharge their obligations under international law to co-operate with IOTC in the conservation and management of tuna and tuna-like species, in particular, by not taking measures or exercising effective control to ensure that their vessels do not engage in any activity that undermines the effectiveness of IOTC conservation and management measures.
- (b) These identifications should be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on these species obtained from National Statistics; the IOTC statistical document programme; the list of the IUU vessels adopted by the IOTC, as well as any other information obtained in the ports and on the fishing grounds.
- (c) In deciding whether to make identification, the Compliance Committee should consider all relevant matters including the history, and the nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of IOTC conservation and management measures.

Notification

3. The Commission should request CPCs and NCPs concerned to rectify the act or omission identified under paragraph 2 so as not to diminish the effectiveness of the IOTC conservation and management measures.

The Commission should notify identified CPCs and NCPs of the following:

- a) the reason(s) for the identification with all available supporting evidence;
 - b) the opportunity to respond to the Commission in writing at least 30 days prior to the annual meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and
 - c) in the case of a NCP, an invitation to participate as an observer at the annual meeting where the issue will be considered.
4. The Secretariat should transmit without delay the Commission's request referred to in paragraph 3 to the identified CPC or NCP. The Secretary should seek to obtain confirmation from the CPC or the NCP that it received the notification. Absence of response from the CPC or NCP concerned within the time limit shall not prevent action from the Commission.

Evaluation and possible actions

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5. The Compliance Committee should evaluate the response of the CPCs or NCPs referred to in paragraph 3 b), together with any new information, and propose to the Commission to decide upon one of the following actions:
 - a) the revocation of the identification;
 - b) the continuation of the identification status of the CPC or NCP; or
 - c) the adoption of non-discriminatory WTO-consistent market related measures in accordance with Article IX paragraph 1 of the IOTC Agreement.

In the case of CPCs, actions such as the reduction of existing quotas or catch limits should be implemented to the extent possible before consideration is given to the application of market related measures referred to in subparagraph c). Market related measures should be considered only where such actions either have proven unsuccessful or would not be effective.
 6. The Commission, through the Secretariat, should notify the CPCs and NCPs concerned of its decision and the underlying reasons in accordance with the procedures specified in paragraph 4.
 7. CPCs should notify the Commission of any measures that they have taken for the enforcement of the non-discriminatory market related measures adopted in accordance with paragraph 5.
 8. The Commission should establish annually a list of CPCs and NCPs that have been subject to a non-discriminatory market-related measure pursuant to paragraph 5 and, with respect to NCPs, are considered as Non Co-operating Non Contracting Parties to IOTC.

Review of market related measures

9. In order for the Commission to adopt the possible lifting of market related measures, the Compliance Committee should review each year all non-discriminatory market related measures adopted in accordance with paragraph 5. Should this review show that the situation has been rectified the Compliance Committee should recommend to the Commission the lifting of the non-discriminatory market related measures. Such decisions should in particular take into consideration whether the CPCs and/or NCPs concerned have demonstrated by submitting the necessary evidence that the conditions that led to the adoption of non-discriminatory market related measures are no longer met.
10. Where exceptional circumstances so warrant or where available information clearly shows that, despite the lifting of non-discriminatory market related measures adopted in accordance with paragraph 9, the CPC or NCP concerned continues to diminish the effectiveness of IOTC conservation and management measures, the Commission may immediately decide on action including, as appropriate, the imposition of non-discriminatory market related measures in accordance with paragraph 5. Before making such a decision, the Commission should request the CPC or NCP concerned to discontinue its wrongful conduct and, after verification through the Secretariat that the CPC or NCP concerned has received such communication, should provide the CPC or NCP with an opportunity to respond within 10 working days. Absence of response from the CPC or NCP concerned within the time limit shall not prevent action from the Commission.

RESOLUTION 10/11
ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL,
UNREPORTED AND UNREGULATED FISHING

The Indian Ocean Tuna Commission (IOTC):

DEEPLY CONCERNED about the continuation of illegal, unreported and unregulated fishing in the IOTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Small Island Developing States, and the increasing need for food security in the region,

CONSCIOUS of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

RECOGNIZING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

RECOGNIZING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing,

AWARE of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures,

RECOGNIZING the need for assistance to developing countries, in particular Small Island Developing States to adopt and implement port State measures,

TAKING NOTE OF the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the IOTC Area, ,

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, IOTC Members and Cooperating non-Contracting Parties (CPCs) may adopt more stringent measures, in accordance with international law,

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention,

RECALLING the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Resolutions by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

PART 1

GENERAL PROVISIONS

1. *Use of terms*

For the purposes of this Resolution:

- (a) “fish” means all species of highly migratory fish stocks covered by the IOTC Agreement;
- (b) “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
- (c) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- (d) “illegal, unreported and unregulated fishing” refers to the activities set out in paragraph 1 of the Resolution 2009/03;
- (e) “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying; and
- (f) “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

2. *Objective*

The objective of this Resolution is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IOTC Area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

3. *Application*

3.1 Each CPC shall, in its capacity as a port State, apply this Resolution in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:

- (a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing ; and
- (b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.

3.2 This Resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.

4. *Integration and coordination at the national level*

Each CPC shall, to the greatest extent possible:

- (a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- (b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and

(c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Conservation and Management Resolution.

PART 2

ENTRY INTO PORT

5. *Designation of ports*

5.1 Each CPC shall designate and publicize the ports to which vessels may request entry pursuant to this Resolution. Each CPC shall provide a list of its designated ports to IOTC Secretariat before 31 December 2010, which shall give it due publicity on the IOTC website.

5.2 Each CPC shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with point 5.1 has sufficient capacity to conduct inspections pursuant to this Resolution.

6. *Advance request for port entry*

6.1 Each CPC shall require the information requested in Annex 1 to be provided before granting entry to a vessel to its port.

6.2 Each CPC shall require the information referred to in point 6.1 to be provided at least 24 hours before entering into port or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours. For the latter, the port State must have enough time to examine the above mentioned information.

7. *Port entry, authorization or denial*

7.1 After receiving the relevant information required pursuant to section 6, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, each CPC shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.

7.2 In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the CPC upon the vessel's arrival at port.

7.3 In the case of denial of entry, each CPC shall communicate its decision taken pursuant to point 7.1, to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States and IOTC secretariat. The IOTC Secretariat may, if deemed appropriate to combat IUU fishing at global level, communicate this decision to Secretariats of other RFMO's.

7.4 Without prejudice to point 7.1, when a CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, the CPC shall deny that vessel entry into its ports.

7.5 Notwithstanding points 7.3 and 7.4, a CPC may allow entry into its ports of a vessel referred to in those points exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.

7.6 Where a vessel referred to in points 7.4 or 7.5 is in port for any reason, a CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, *inter alia*, refueling and resupplying, maintenance and drydocking. Points 9.2 and 9.3 of section 9 apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

8. *Force majeure or distress*

Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

PART 3
USE OF PORTS

9. *Use of ports*

9.1 Where a vessel has entered one of its ports, a CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Conservation and management resolution, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and drydocking, if:

- a) the CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
- b) the CPC finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that State;
- c) the CPC receives clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
- d) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization; or
- e) the CPC has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing, including in support of a vessel referred to in point 7.4, unless the vessel can establish:
 - i. that it was acting in a manner consistent with relevant IOTC resolutions; or
 - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in point 4 of paragraph 7.

9.2 Notwithstanding point 9.1, a CPC shall not deny a vessel referred to in that point the use of port services:

- a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
- b) where appropriate, for the scrapping of the vessel.

9.3 Where a CPC has denied the use of its port in accordance with this paragraph, it shall promptly notify the flag State and, as appropriate, relevant coastal States, IOTC or other regional fisheries management organizations and other relevant international organizations of its decision.

9.4 A CPC shall withdraw its denial of the use of its port pursuant to point 9.1 in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.

9.5 Where a CPC has withdrawn its denial pursuant to point 9.4, it shall promptly notify those to whom a notification was issued pursuant to point 9.3.

PART 4
INSPECTIONS AND FOLLOW-UP ACTIONS

10. *Levels and priorities for inspection*

10.1 Each CPC shall carry out inspections of at least 5% of landings or transshipments in its ports during each reporting year.

10.2 Inspections shall involve the monitoring of the entire discharge or transshipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped. When the landing or transshipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.

10.3 National inspectors shall make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.

10.4 The port CPC may invite inspectors of other CPC to accompany their own inspectors and observe the inspection of landings or transshipment operations of fishery resources caught by fishing vessels flying the flag of another CPC.

11. Conduct of inspections

11.1 Each CPC shall ensure that its inspectors carry out the functions set forth in Annex 2 as a minimum standard.

11.2 Each CPC shall, in carrying out inspections in its ports:

- a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to section 14;
- b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
- c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management resolutions;
- d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
- e) in case of appropriate arrangements with the flag State of the vessel, invite the flag State to participate in the inspection;
- f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
- g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
- h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
- i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

12. Results of inspections

Each CPC shall, as a minimum standard, include the information set out in Annex 3 in the written report of the results of each inspection.

13. Transmittal of inspection results

13.1 The port State CPC shall, within three full working days of the completion of the inspection, transmit by electronic means a copy of the inspection report and, upon request, an original or a certified copy thereof, to the master of the inspected vessel, to the flag State, to the IOTC Secretariat and, as appropriate, to:

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- a) the flag State of any vessel that transhipped catch to the inspected vessel;
 - b) the relevant CPCs and States, including those States for which there is evidence through inspection that the vessel has engaged in IUU fishing, or fishing related activities in support of such fishing, within waters under their national jurisdiction; and
 - c) the State of which the vessel's master is a national.

13.2 The IOTC Secretariat shall without delay transmit the inspection reports to the relevant regional fisheries management organizations, and post the inspection report on the IOTC website.

14. Training of inspectors

Each CPC shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex 5. CPC shall seek to cooperate in this regard.

15. Port State actions following inspection

15.1 Where, following an inspection, there are clear grounds for believing that a vessel has engaged IUU fishing or fishing related activities in support of such fishing, the inspecting CPC shall:

- a) promptly notify the flag State, the IOTC Secretariat and, as appropriate, relevant coastal States, and other regional fisheries management organizations, and the State of which the vessel's master is a national of its findings; and
- b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Conservation and Management Resolution.

15.2 Notwithstanding point 15.1, a CPC shall not deny a vessel referred to in that point the use of port services essential for the safety or health of the crew or the safety of the vessel.

15.3 Nothing in this Resolution prevents a CPC from taking measures that are in conformity with international law in addition to those specified in points 15.1 and 15.2, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

16. Information on recourse in the port State

16.1 A CPC shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CPC pursuant to sections 7, 9, 11 or 15, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CPC.

16.2 The CPC shall inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse. Where other Parties, States or international organizations have been informed of the prior decision pursuant to sections 7, 9, 11 or 15, the CPC shall inform them of any change in its decision.

PART 5

ROLE OF FLAG STATES

17. Role of CPCs flag States

17.1 Each CPCs shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Resolution.

17.2 When a CPC has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Resolution.

17.3 Each CPC shall encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Resolution. CPCs are encouraged to develop fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Resolution.

17.4 Where, following port State inspection, a flag State CPC receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.

17.5 Each CPC shall, in its capacity as a flag State, report to other CPCs, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.

17.6 Each CPC shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in point 3.1.

PART 6

REQUIREMENTS OF DEVELOPING STATES

18. Requirements of developing States

18.1 CPCs shall give full recognition to the special requirements of CPCs developing States in relation to the implementation of this Resolution. To this end, IOTC should provide assistance to CPCs developing States in order to, *inter alia*:

- a) enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;
- b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
- c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.

18.2 18.2 IOTC shall give due regard to the special requirements of developing CPCs port States, in particular the least-developed among them and small island developing States, to ensure that a disproportionate burden resulting from the implementation of this Resolution is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, CPCs shall cooperate to facilitate the implementation by the relevant CPCs developing States of specific obligations under this Resolution.

18.3 IOTC shall assess the special requirements of CPCs developing States concerning the implementation of this Resolution.

18.4 IOTC CPCs shall cooperate to establish appropriate funding mechanisms to assist CPCs developing States in the implementation of this Resolution. These mechanisms shall, *inter alia*, be directed specifically towards:

- a) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
- b) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
- c) listing CPCs developing States with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Resolution.

PART 7

DUTIES OF THE IOTC SECRETARIAT

19. Duties of the IOTC Secretariat

19.1 The IOTC Secretariat shall without delay post on the IOTC website:

- a) the list of designated ports,
- b) the prior notification periods established by each CPC,
- c) the information about the designated competent authority in each port State CPC,
- d) the blank copy of the IOTC Port inspection report form.

19.2 The IOTC Secretariat shall without delay post on the secure part of the IOTC website copies of all Port inspection reports transmitted by port State CPCs.

19.3 All forms related to a specific landing or transshipment shall be posted together.

19.4 The IOTC Secretariat shall without delay transmit the inspection reports to the relevant regional fisheries management organizations.

20. This Resolution enters into force the 01 March 2011 and shall be applied to CPCs' ports within the IOTC area of competence. The CPCs situated outside the IOTC area of competence shall endeavour to apply this Resolution.

ANNEX 1**Information to be provided in advance by vessels requesting port entry**

1. Intended port of call								
2. Port State								
3. Estimated date and time of arrival								
4. Purpose(s)								
5. Port and date of last port call								
6. Name of the vessel								
7. Flag State								
8. Type of vessel								
9. International Radio Call Sign								
10. Vessel contact information								
11. Vessel owner(s)								
12. Certificate of registry ID								
13. IMO ship ID, if available								
14. External ID, if available								
15. IOTC ID								
16. VMS	No		Yes: National		Yes: RFMO(s)		Type:	
17. Vessel dimensions	Length		Beam		Draft			
18. Vessel master name and nationality								
19. Relevant fishing authorization(s)								
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>			
20. Relevant transshipment authorization(s)								
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>				
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>				
21. Transshipment information concerning donor vessels								
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID</i>	<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>Quantity</i>
22. Total catch onboard						23. Catch to be offloaded		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>			<i>Quantity</i>		

ANNEX 2

Port State inspection procedures

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or IOTC Secretariat or other relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.

ANNEX 3
IOTC Port inspection report form

1. Inspection report no		2. Port State	
3. Inspecting authority			
4. Name of principal inspector		ID	
5. Port of inspection			
6. Commencement of inspection	YYYY	MM	DD HH
7. Completion of inspection	YYYY	MM	DD HH
8. Advanced notification received	Yes		No
9. Purpose(s)	LAN	TRX	PRO OTH (specify)
10. Port and State and date of		YYYY	MM DD
11. Vessel name			
12. Flag State			
13. Type of vessel			
14. International Radio Call Sign			
15. Certificate of registry ID			
16. IMO ship ID, if available			
17. External ID , if available			
18. Port of registry			
19. Vessel owner(s)			
20. Vessel beneficial owner(s), if			
21. Vessel operator(s), if different			
22. Vessel master name and nationality			
23. Fishing master name and nationality			
24. Vessel agent			
25. VMS	No	Yes: National	Yes: RFMOs Type:
26. Status in IOTC, including any IUU vessel listing			
Vessel	RFMO	Flag State	Vessel on authorized Vessel on IUU vessel list

27. Relevant fishing authorization(s)						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
28. Relevant transshipment authorization(s)						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
29. Transshipment information concerning donor vessels						
<i>Name</i>	<i>Flag State</i>	<i>ID no</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
30. Evaluation of offloaded catch (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
31. Catch retained onboard (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
32. Examination of logbook(s) and other documentation				<i>Yes</i>	<i>No</i>	<i>Comments</i>
33. Compliance with applicable catch documentation scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
34. Compliance with applicable trade information scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
35. Type of gear used						
36. Gear examined in accordance with paragraph e) of Annex 2			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)						
39. Comments by the master						
40. Action taken						
41. Master's signature						
42. Inspector's signature						

ANNEX 4**Information systems on port State measures**

In implementing this Conservation and Management Resolution, each CPC shall:

- a) seek to establish computerized communication;
- b) establish, to the extent possible, websites to publicize the list of ports designated in accordance with point 5.1 and the actions taken in accordance with the relevant provisions of this Conservation and Management Resolution;
- c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;
- d) utilize, to the extent possible, the international coding system below in Annexes 1 and 3 and translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
vessel types:	ISSCFV code (known as FAO alpha code)
gear types:	ISSCFG code (known as FAO alpha code)

ANNEX 5

Guidelines for the training of inspectors

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;
2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and conservation and management resolutions of the IOTC, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.

RESOLUTION 10/12
ON THE CONSERVATION OF THRESHER SHARKS (FAMILY ALOPIIDAE) CAUGHT IN
ASSOCIATION WITH FISHERIES IN THE IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the IOTC Resolution 05/05 concerning the conservation of sharks caught in association with fisheries managed by IOTC;

CONSIDERING that thresher sharks of the family Alopiidae are caught as by-catch in the IOTC Agreement area;

NOTING that at its 2009 Meeting of the Working Party on Ecosystem and Bycatch recognized that full stock assessments on sharks may not be possible because of data limitations and that it is essential that some stock assessment evaluation should be carried out;

NOTING that the international scientific community points out that the bigeye thresher shark (*Alopias superciliosus*) is particularly endangered and vulnerable;

CONSIDERING that it is difficult to differentiate between the various species of thresher sharks without taking them on board and that such action might jeopardize the survival of the captured individuals;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. This measure shall apply to all fishing vessels on the IOTC Record of authorised Vessels.
2. Fishing Vessels flying the flag of an IOTC Member and Cooperating non-Contracting Parties (CPCs) are prohibited from retaining on board, transshipping, landing, storing, selling or offering for sale any part or whole carcass of thresher sharks of all the species of the family Alopiidae.
3. CPCs shall require vessels flying their flag to promptly release unharmed, to the extent practicable, thresher sharks when brought along side for taking on board the vessel.
4. CPCs shall encourage their fishermen to record incidental catches as well as live releases. These data will be then kept at the IOTC secretariat.
5. Recreational and sport fishing shall release alive all caught animals of thresher sharks of all the species of the family Alopiidae. In no circumstances specimen shall be retained on board, transshipped, landed, stored, sold or offered for sale. The CPCs shall ensure that both recreational and sport fishermen carrying out fishing with high risk of catching thresher sharks are equipped with instruments suitable to release alive the animals.
6. CPCs shall, where possible, implement research on sharks of the species *Alopias* spp, in the Convention area in order to identify potential nursery areas. Based on this research, CPCs shall consider time and area closures and other measures, as appropriate.
7. The Contracting Parties, Co-operating non-Contracting Parties, especially those directing fishing activities for sharks, shall submit data for sharks, as required by IOTC data reporting procedures (including estimates of dead discard and size frequencies), in advance of the 2011 Scientific Committee meeting.

RECOMMENDATION 10/13
ON THE IMPLEMENTATION OF A BAN ON DISCARDS OF SKIPJACK TUNA, YELLOW
FIN TUNA, BIGEYE TUNA AND NON TARGETED SPECIES CAUGHT BY PURSE
SEINERS

The Indian Ocean Tuna Commission (IOTC):

RECOGNIZING the need for action to ensure the achievement of IOTC objectives to conserve and manage skipjack, yellow fin and bigeye tuna in the IOTC Area of Competence;

RECOGNIZING that the international community has recognized both ethical concerns and policy regarding discards of species in several international instruments and statements, including United Nations General Assembly resolutions (A/RES/49/118 (1994); A/RES/50/25 (1996); A/RES/51/36 (1996); A/RES/52/29 (1997); A/RES/53/33 (1998); A/RES/55/8 (2000); and A/RES/57/142 (2002)), United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement); The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995; the Code of Conduct for Responsible Fisheries, the FAO International Plan of Action (IPOA) on sharks; the Convention on Biological Diversity (CBD);

RECALLING that the United Nations Fish Stock Agreement has underlined the importance of ensuring the conservation and optimum utilization of highly migratory species through the action of regional fishery bodies such as the IOTC, and provides that “*States should minimize ... discards, ..., catch of non target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species ...*”;

RECALLING that The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995, provides that “*States should...reduce bycatches, fish discards...*”;

RECALLING that the FAO Code of Conduct for Responsible Fisheries provides that “*States should take appropriate measures to minimize waste, discards...collect information on discards ...; ... take account of discards (in the precautionary approach) ...; develop technologies that minimize discards ...; use of selective gear to minimize discards*”;

CONCERNED about the morally unacceptable waste and the impact of unsustainable fishing practices upon the oceanic environment, represented by the discarding of tunas and non-target species in the purse-seine fishery for tunas in the Indian Ocean;

CONSIDERING the important volume of tuna and non targeted species discarded in the purse-seine fishery for tunas in the Indian Ocean;

RECOMMENDS, in accordance with the provisions of Article IX, paragraph 8 of the IOTC Agreement, the following:

Retention of tuna species

1. Contracting Parties and Cooperating non-Contracting Parties should encourage all purse-seine vessels to retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption.
2. Procedures for the implementation of full retention requirements include:
 - a) No bigeye, skipjack, and/or yellowfin tuna caught by purse-seine vessels may be discarded after the point in the set when the net is fully pursed and more than one half of the net has been retrieved. If equipment malfunctions affect the process of pursing and retrieving the net in such a way that this rule cannot be complied with, the crew must make efforts to release the tuna as soon as possible.
 - b) The following two exceptions to the above rule shall apply:

i. Where it is determined by the captain of the vessel that tuna (bigeye, yellowfin or skipjack) caught are unfit for human consumption, the following definitions shall be applied:

- "unfit for human consumption" includes, but is not limited to, fish that:
 - is meshed or crushed in the purse-seine; or
 - is damaged due to depredation; or
 - has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive;
- "unfit for human consumption" does not include fish that:
 - is considered undesirable in terms of size, marketability, or species composition; or
 - is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.

ii. Where the captain of a vessel determines that tuna (bigeye, yellowfin or skipjack) was caught during the final set of a trip and there is insufficient well space to accommodate all tuna (bigeye, yellowfin or skipjack) caught in that set. This fish may only be discarded if:

- the captain and crew attempt to release the tuna (bigeye, yellowfin or skipjack) alive as soon as possible
- and no further fishing is undertaken after the discard until the tuna (bigeye, yellowfin or skipjack) on board the vessel has been landed or transshipped.

Retention of species other than those specified under Para 2, a)

3. Contracting Parties and Cooperating non-Contracting Parties should encourage all purse-seine vessels to retain on board and then land all non targeted species (other tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda) except fish considered unfit for human consumption (as defined in paragraph 2, b), i). A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the fish caught in that set.

Implementation

4. Contracting Parties and Cooperating non-Contracting Parties should encourage full compliance by their respective fleets with the requirements of this recommendation.
5. Contracting Parties and Cooperating non-Contracting Parties are encouraged to take appropriate actions to promote better data collection and reporting on discards from all gears, to allow the WPEB to estimate the level of discards of both purse seine and longline fisheries.
6. The Scientific Committee is encouraged to provide advice at its 2010 session, on the management of discards in both purse seine and longline fisheries.