

April 8<sup>th</sup> 2009

**IOTC CIRCULAR: 2009-11**

**CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY IOTC AT ITS THIRTEENTH REGULAR SESSION**

Dear Sir/ Madam,

I have the honour to transmit to you the texts of six Resolutions adopted by the Commission at its 13<sup>th</sup> regular Session in Bali, Indonesia.

Pursuant to Article IX.4 of the IOTC Agreement, the following Resolutions shall become binding on Members 120 days from the date of this notification, i.e. 6 August 2009.

- Resolution 09/01 On the performance review follow-up
- Resolution 09/02 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties
- Resolution 09/03 On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area
- Resolution 09/04 On a Regional observer scheme
- Resolution 09/05 To prohibit the use of large-scale driftnets on the high seas in the IOTC area of competence
- Resolution 09/06 On marine turtles

The texts of the Resolutions follow herewith.

Yours sincerely



Alejandro Anganuzzi  
*Executive Secretary*

**Attachments:**

- Resolutions adopted in 2009

**Distribution**

**IOTC Members:** Australia, Belize, China, Comoros, Eritrea, European Community, France, Guinea, India, Indonesia, Iran, Japan, Kenya, Korea, Madagascar, Malaysia, Mauritius, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, United Kingdom, Vanuatu.

**IOTC Chairperson.**

**Cooperating non contracting parties:** Senegal, South Africa, Uruguay.

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**RESOLUTION 2009/01**  
**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 11<sup>th</sup> 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 13<sup>th</sup> 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

<b>ON THE IOTC AGREEMENT – A LEGAL ANALYSIS</b>	
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>
<b>ON CONSERVATION AND MANAGEMENT</b>	
<b>Data collection and sharing</b>	
<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</i> <i>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>

<p><i>In relation to non-target species, the panel recommends that:</i></p> <p>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.</p>	<p><i>Commission</i></p>
<p>19. The Secretariat's capacity to provide support to developing States' Members should be enhanced.</p>	<p><i>Commission and Standing Committee on Administration and Finance</i></p>
<p>20. Cooperative capacity building efforts amongst Members and, as appropriate external organizations, should be encouraged.</p>	<p><i>Members and Secretariat</i></p>
<p>21. Innovative or alternative means of data collection (e.g. port sampling) should be explored and, as appropriate, implemented.</p>	<p><i>Scientific Committee</i></p>
<p>22. Avenues to collect data from non-Members should be explored.</p>	<p><i>Secretariat</i></p>
<p><b>Quality and provision of scientific advice</b></p>	
<p>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.</p>	<p><i>Scientific Committee</i></p>
<p>24. More emphasis should be given to adherence to data collection requirements.</p>	<p><i>Compliance Committee</i></p>
<p>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.</p>	<p><i>Scientific Committee</i></p>
<p>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.</p>	<p><i>Standing Committee on Administration and Finance on advice from Committees and the Commission</i></p>

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>
<b>Adoption of conservation and management measures</b>	
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>
<b>Capacity management</b>	
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>
<b>Compatibility of management measures</b>	
45. IOTC Members should be invited to promptly implement IOTC conservation and management measures through their national legislation.	<i>Secretariat Commission</i>
<b>Fishing allocations and opportunities.</b>	
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>

<b>ON COMPLIANCE AND ENFORCEMENT</b>	
<b>Flag State duties</b>	
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>
<b>Port State measures</b>	
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>
<b>Monitoring, Control and Surveillance</b>	
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>
<b>Follow-up on infringements</b>	
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>

<b>Cooperative mechanisms to detect and deter non-compliance</b>	
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>
<b>Market related measures</b>	
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>
<b>ON DECISION MAKING AND DISPUTE SETTLEMENT</b>	
<b>Decision making</b>	
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>
<b>Dispute settlement</b>	
65. A provision on dispute settlement should be amended in line with the requirements of UNFSA.	<i>Commission and Members</i>

<b>ON INTERNATIONAL COOPERATION</b>	
<b>Transparency</b>	
66. The active vessels list should be made available on the IOTC website.	<i>Commission</i> <i>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>
<b>Relationship to cooperating non Members</b>	
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>
<b>Relationship to non cooperating non Members</b>	
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>
<b>Cooperation with other RFMOs</b>	
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>
<b>Special requirements of developing States</b>	
74. A specific fund to assist capacity building should be put in place.	<i>Standing Committee on Administration and</i>

	<i>Finance</i>
75. Members, that are Parties of UNFSA, should make use of the part VII Fund, established under UNFSA.	<i>Members</i>
<b>Participation</b>	
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>
<b>ON FINANCIAL AND ADMINISTRATIVE ISSUES</b>	
<b>Availability of resources for RFMO activities -efficiency and cost-effectiveness</b>	
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 2009/02**  
**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 2006 <sup>1</sup>
- 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.

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<sup>1</sup> 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 2009/03**

### **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	
j	Area without authorisation and/or infringes the coastal state's laws and regulations,	
k	Are without nationality and harvest tuna or tuna-like species in the IOTC Area	
l	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 2009/04**  
**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 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 2009/05**  
**TO PROHIBIT THE USE OF LARGE-SCALE DRIFTNETS ON THE HIGH SEAS IN THE**  
**IOTC AREA OF COMPETENCE**

**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 Tuna Commission Area;

MINDFUL that any vessel fishing with large-scale driftnets on the high seas in the IOTC 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 IOTC Agreement; 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 driftnets<sup>1</sup> on the high seas within the IOTC 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 IOTC Area if it is found operating on the high seas in the IOTC Area and is configured<sup>2</sup> 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 IOTC 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 IOTC 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 IOTC 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.

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<sup>1</sup> “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.

<sup>2</sup> “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 2009/06**  
**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 Indian 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 logbooks<sup>1</sup> 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 logbooks<sup>2</sup> 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 logbooks<sup>3</sup> 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:

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<sup>1</sup> This information should include, where possible, on species, location of capture, conditions, actions taken on board and location of release

<sup>2</sup> This information should include, where possible, on species, location of capture, conditions, actions taken on board and location of release

<sup>3</sup> This information should include, where possible, on species, location of capture, conditions, actions taken on board and location of release

- (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;
- (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.