

March 9<sup>th</sup> 2010

**IOTC CIRCULAR: 2010-22**

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

Dear Sir/ Madam,

I have the honour to transmit to you the texts of twelve Resolutions and one Recommendation adopted by the Commission at its 14<sup>th</sup> regular Session in Busan, Republic of Korea.

**Pursuant to Article IX.4 of the IOTC Agreement, the Resolutions shall become binding on Members 120 days from the date of this notification, i.e. 6 July 2010.**

- Resolution 10/01 For the Conservation and Management of Tropical Tunas Stocks in the IOTC Area of Competence
- Resolution 10/02 Mandatory Statistical Requirements For IOTC Members and Cooperating non-Contracting Parties (CPC's)
- Resolution 10/03 Concerning the recording of catch by fishing vessels in the IOTC area
- Resolution 10/04 On a Regional observer scheme
- Resolution 10/05 On the Establishment of a Meeting Participation Fund for Developing State Members
- Resolution 10/06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries
- Resolution 10/07 Concerning a Record of Licensed Foreign Vessels Fishing for Tunas and Swordfish in the IOTC Area
- Resolution 10/08 Concerning a Record of Active Vessels Fishing for Tunas and Swordfish in the IOTC Area
- Resolution 10/09 Concerning the Functions of the Compliance Committee
- Resolution 10/10 Concerning Market Related Measures
- Resolution 10/11 On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing
- Recommendation 10/12 On the Implementation of a Ban On Discards Of Skipjack Tuna, Yellow Fin Tuna, Bigeye Tuna, And Non Targeted Species Caught By Purse Seiners
- Resolution 10/13 On the Conservation of Thresher Sharks (Family Alopiidae) caught in Association with Fisheries in the IOTC Agreement Area

The texts of the Resolutions follow herewith.

Yours sincerely



Alejandro Anganuzzi  
*Executive Secretary*

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**Attachments:**

- Resolutions and Recommendation adopted in 2010

**Distribution**

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

**IOTC Chairperson.**

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

**Copy:** FAO

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**RESOLUTIONS AND RECOMMENDATION ADOPTED AT THE 14<sup>TH</sup> SESSION**

- Resolution 10/01 For the Conservation and Management of Tropical Tunas Stocks in the IOTC Area of Competence
  - Resolution 10/02 Mandatory Statistical Requirements For IOTC Members and Cooperating non-Contracting Parties (CPC's)
  - Resolution 10/03 Concerning the recording of catch by fishing vessels in the IOTC area
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  - 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
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**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 12<sup>th</sup> 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 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 Agreement establishing the IOTC, the following:

1. This resolution is applicable in 2011 and 2012 to all vessels over 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, 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.

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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.

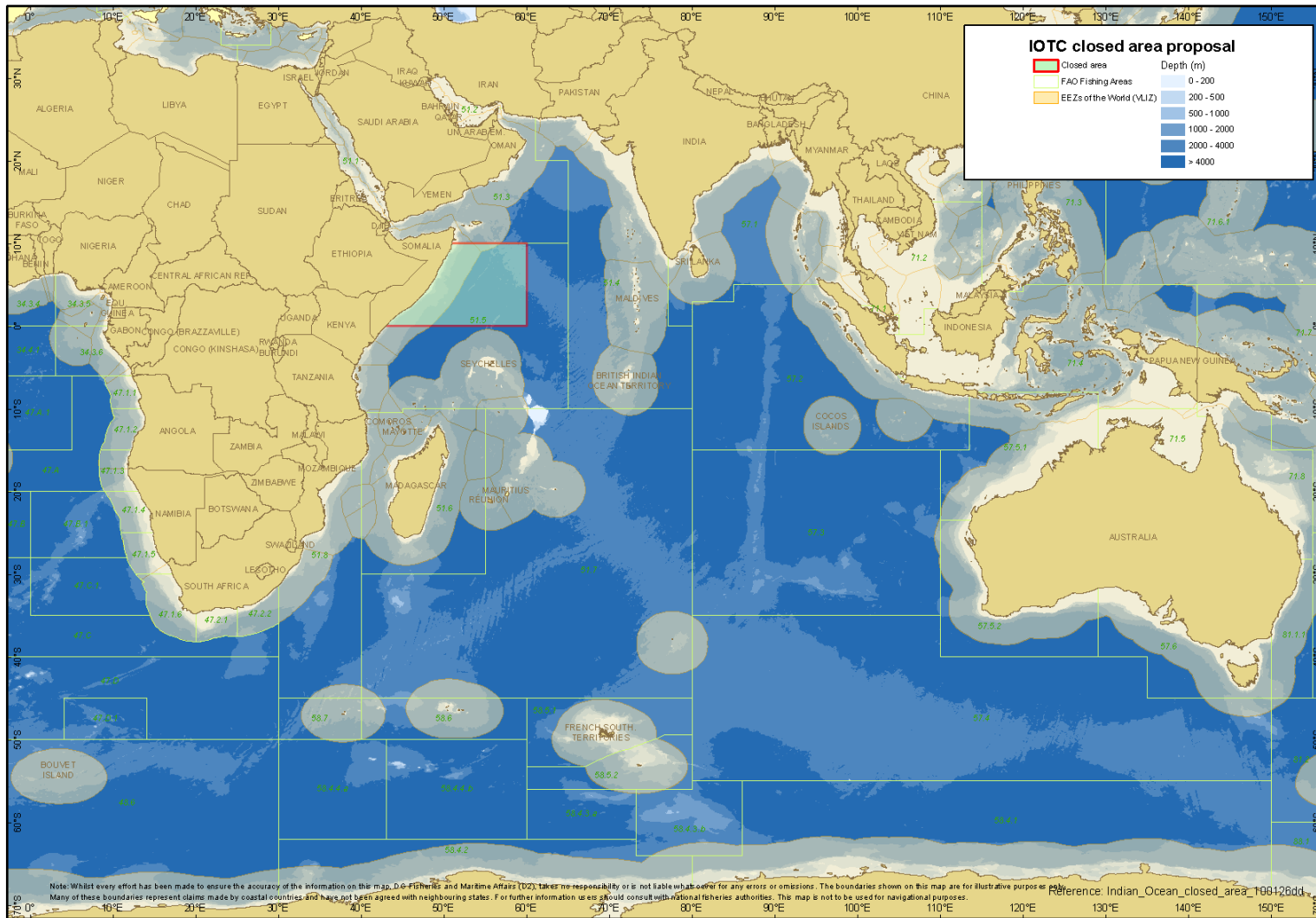
The pilot project shall be implemented for a 12 months period by the IOTC Secretariat in collaboration with the CPCs concerned.

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 (annexed) 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;
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- 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:
- a) 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;
  - b) advice on the best reporting requirement of the artisanal tuna fisheries and implementation of an appropriate data collection system;
  - c) 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.
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# 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>					

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**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 (CPC's)*, adopted by the Commission in 2008;

CONSIDERING the deliberations of the 12<sup>th</sup> Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

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.

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(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. 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.

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7. This Resolution supersedes Resolution 08/01 on *Mandatory statistical requirements for IOTC Members and Cooperating non-Contracting parties (CPC's)*

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**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 (CPC's)* , and in particular the requirements set out for surface fisheries/purse-seine fleets adopted by the Commission in 2001;

CONSIDERING the deliberations of the 9<sup>th</sup> 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 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 12<sup>th</sup> Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

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 30<sup>th</sup> 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.
  4. This Resolution supersedes *Resolution 07/03 concerning the recording of catch by fishing vessels in the IOTC area*
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**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**

- ✓ Port / Puerto / Port
- ✓ Date / Fecha / Date
- ✓ Heure / Hora / Hour
- ✓ Loch / Corredera / Loch

**ARRIVEE / LLEGADA / ARRIVAL**

- ✓ Port / Puerto / Port
- ✓ Date / Fecha / Date
- ✓ Heure / Hora / Hour
- ✓ Loch / Corredera / Loch

**NAVIRE / BARCO / VESSEL**

**PATRON / PATRON / MASTER**

**FEUILLE / HOJA / SHEET N°**

*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.*

*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.*

**DONNÉES SUR LA PÊCHE / DATOS SOBRE LA PESCA / FISHING DATA**

*Toute les informations concernant les activités, captures, incidents, ... qui se sont produits pendant la marée doivent être reportées aussi précisément que possible.*

*All information regarding activities, catches, incidents, ...which occurred during the trip should be reported as precisely as possible.*

**DATE/FECHA/DATE**

*Remplir au moins une ligne par jour, même s'il n'y a pas eu d'activité de pêche (cape, avarie, ...).*

*Fill in at least one line by day, even in case of no fishing activities.*

**POSITION (chaque calée ou midi)/POSICION (cada lance o mediadía)/POSITION (each set or midday)**

*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, ...).*

*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).*

**CALÉE /LANCE/SET ou/o/or DEPLOIEMENT DE DCP/PLANTANDO DE OBJETO/DEPLOYMENT OF FAD**

- ✓ Portant / Positivo / Successful
- ✓ Nul / Nulo / Nil

*Cocher la case correspondante selon que le coup est nul ou portant.*

*Tick the corresponding column according that the set was positive or not.*

- ✓ Heure / Hora / Time : Préciser / Especificar / Specify (TU+ ?)

*Mettre l'heure de début de la calée ou de déploiement de DCP ; préciser le cas échéant l'heure utilisée par le bord (TU+ ??).*

*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+ ??).*

- ✓ N° Cuve / Cuba / Well

*Indiquer le numéro de la/les cuve(s) où la capture sera stockée.*

*Indicates the well number where the catch will be stored.*

**CAPTURE ESTIMÉE / ESTIMACION DE LA CAPTURA / ESTIMATED CATCH**

- ✓ ALBACORE / RABIL / YELLOWFIN
  - Taille / Talla / Size
  - Capture / Captura / Catch
- ✓ LISTAO / LISTADO / SKIPJACK
  - 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 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 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.

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**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 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;

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 12<sup>th</sup> Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

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<sup>1</sup> 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.

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<sup>1</sup> Observer: an person that collects information on board fishing vessels. Observer programmes can be used for quantifying species composition of target species, bycatch, byproducts and dead discards, collecting tag returns, etc.

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4. The number of the artisanal fishing vessels landings shall also be monitored at the landing place by field samplers<sup>2</sup>. 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:
    - 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 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.

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<sup>2</sup> Field sampler: an 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.

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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.
  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*.
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**RESOLUTION 10/05**  
**ON THE ESTABLISHMENT OF A MEETING PARTICIPATION FUND FOR DEVELOPING**  
**STATE MEMBERS**

**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 paragraph 1 of Article IX of the IOTC Agreement, that:

1. A special Meeting Participation Fund (MPF) be established for the purposes of supporting scientists and representatives from Contracting 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 15<sup>th</sup> Session, a procedure for supplying funding 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 SMPF, 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
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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.

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.

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**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 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 hooklines<sup>3</sup> 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,

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<sup>3</sup> Hookline is defined as the groundline or mainline to which the baited hooks are attached by snoods.

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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.

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***

<b>Column A</b>	<b>Column B</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**

<b>Mitigation Measure</b>	<b>Description</b>	<b>Specification</b>
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"> <li>– minimum of 45 grams weight attached to all branch lines;</li> <li>– less than 60 grams weight must be within 1 metre of the hook;</li> <li>– 60 grams or greater and less than 98 grams must be within 3.5 metres of the hook; and</li> <li>– 98 grams or greater must be within 4 metres of the hook</li> </ul>
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>

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## ANNEX II

### DESIGN AND DEPLOYMENT OF BIRD SCARING LINES (TORI LINES)

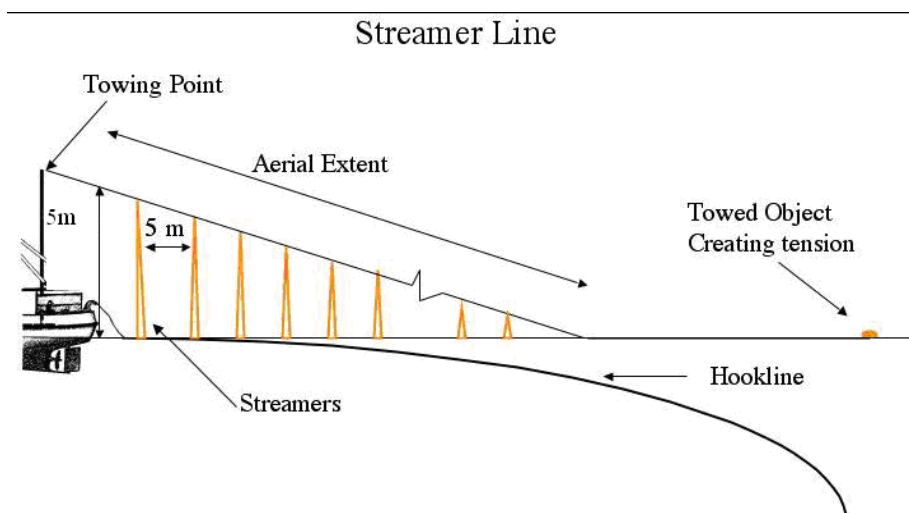
#### Bird-Scaring Line Design

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.*



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**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 Contracting Parties 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 paragraph 1 of Article IX of the IOTC Agreement, that:

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:
    - Name and registration number;
    - IMO number, if available;
    - The flag at the time of requesting for a license;
    - International radio call sign (if any)
    - Vessel type, length, and gross tonnage (GT);
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- Name and address of owner, and/or charterer and/or operator,
  - 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.
  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.
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**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 paragraph 1 of Article IX of the IOTC Agreement, that:

8. All Contracting Parties 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,
  9. 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
  10. 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.
  11. The Secretary shall compile, for consideration by the Compliance Committee, a report on the information submitted by CPCs.
  12. 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.
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13. 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 Recommendation 03/05.
  14. 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.
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**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 Contracting Parties 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 Contracting Parties and Cooperating non-Contracting Parties ensure the proper implementation of the IOTC legislation.

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the Agreement establishing the IOTC, the following Terms of reference for the Compliance Committee:

**1. Meeting 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 Contracting Parties and Co-operating non-Contracting Parties' (hereinafter referred to as "CPC's") 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,

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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.

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**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.

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**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 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 (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 Agreement establishing the IOTC, 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:

- a) Names of the vessels that caught, landed and/or transhipped such tuna or tuna-like species products,
  - b) Flag States of those vessels,
  - c) Species of tuna and tuna-like species of the products,
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- 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 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 [catch documentation schemes]; 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
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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**

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.

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**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, CPC:s 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,

AGREES to adopt the following Resolution in conformity with the Article IX of the Agreement for the Establishment of the IOTC:

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**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 Convention;
- (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
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- 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 1 of this paragraph 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 1 of this paragraph 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 paragraph 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 1 of this paragraph 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 1 of this paragraph, 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 3 and 4 of this paragraph, 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 4 or 5 of this paragraph 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 2 and 3 of paragraph 9 apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

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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 4 of paragraph 7, 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 1 of this paragraph, 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 1 of this paragraph 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 4 of this paragraph, it shall promptly notify those to whom a notification was issued pursuant to point 3 of this paragraph.

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## 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 paragraph 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*

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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:

- 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 1 of this paragraph, 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 1 and 2 of this paragraph, 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 paragraphs 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 paragraphs 7, 9, 11 or 15, the CPC shall inform them of any change in its decision.

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**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 1 of paragraph 3.

**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 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.

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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.

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## ANNEX 1

### Information to be provided in advance by vessels requesting port entry

<b>1. Intended port of call</b>															
<b>2. Port State</b>															
<b>3. Estimated date and time of arrival</b>															
<b>4. Purpose(s)</b>															
<b>5. Port and date of last port call</b>															
<b>6. Name of the vessel</b>															
<b>7. Flag State</b>															
<b>8. Type of vessel</b>															
<b>9. International Radio Call Sign</b>															
<b>10. Vessel contact information</b>															
<b>11. Vessel owner(s)</b>															
<b>12. Certificate of registry ID</b>															
<b>13. IMO ship ID, if available</b>															
<b>14. External ID, if available</b>															
<b>15. IOTC ID</b>															
<b>16. VMS</b>		No		Yes: National		Yes: RFMO(s)		Type:							
<b>17. Vessel dimensions</b>			Length		Beam		Draft								
<b>18. Vessel master name and nationality</b>															
<b>19. Relevant fishing authorization(s)</b>															
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		<i>Fishing area(s)</i>		<i>Species</i>		<i>Gear</i>					
<b>20. Relevant transshipment authorization(s)</b>															
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>											
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>											
<b>21. Transshipment information concerning donor vessels</b>															
<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>							
<b>22. Total catch onboard</b>							<b>23. Catch to be offloaded</b>								
<i>Species</i>		<i>Product form</i>		<i>Catch area</i>		<i>Quantity</i>		<i>Quantity</i>							

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## 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.
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**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	

<b>27. Relevant fishing authorization(s)</b>						
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>	
<b>28. Relevant transshipment authorization(s)</b>						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<b>29. Transshipment information concerning donor vessels</b>						
<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>
<b>30. Evaluation of offloaded catch (quantity)</b>						
<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>	
<b>31. Catch retained onboard (quantity)</b>						
<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>	
<b>32. Examination of logbook(s) and other documentation</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>33. Compliance with applicable catch documentation scheme(s)</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>34. Compliance with applicable trade information scheme(s)</b>				<i>Yes</i>	<i>No</i>	<i>Comments</i>
<b>35. Type of gear used</b>						
<b>36. Gear examined in accordance with paragraph e) of Annex 2</b>			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
<b>37. Findings by inspector(s)</b>						
<b>38. Apparent infringement(s) noted including reference to relevant legal instrument(s)</b>						
<b>39. Comments by the master</b>						
<b>40. Action taken</b>						
<b>41. Master's signature</b>						
<b>42. Inspector's signature</b>						

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## **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 paragraph 5 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)

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## 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.
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**RESOLUTION 10/12**  
**ON THE CONSERVATION OF THRESHER SHARKS (FAMILY ALOPIIDAE) CAUGHT IN**  
**ASSOCIATION WITH FISHERIES IN THE IOTC AGREEMENT AREA**

**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 and hammerhead sharks without taking them on board and that such action might jeopardize the survival of the captured individuals;

AGREES to adopt the following Resolution in conformity with the Article IX of the Agreement for the Establishment of the IOTC:

1. This measure shall apply to all fishing vessels on the IOTC Record of authorised Vessels.
2. Fishing Vessels flying the flag of a CPC 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 families 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 families 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.

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**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 nontarget 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 conformity with the provisions of Article V paragraph 3 of the IOTC Agreement, that:

**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:

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- i. Where it is determined by the captain of the vessel that tuna (bigeye, yellowfin or skipjack) caught are unfit for human consumption, where 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-seiner; 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.