

28 May 2010

IOTC CIRCULAR 2010/38

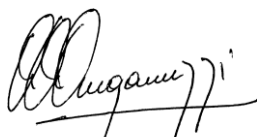
SUBJECT: RESPONSE OF JAPAN CONCERNING IOTC CIRCULAR 2010/35

At the request of the Japanese Commissioner to the IOTC, I would like to invite you to review the letter in Attachment 1. As you will note, the IOTC Secretariat has been requested to clarify two points that have been raised in the letter. Please find below the requested clarifications.

According to information that the Secretariat received from the Sultanate of Oman, on 26th December, 2009, when the request was made to add the vessel *RWAD 1* to the IOTC Record of Authorised Vessels, the *RWAD 1* was previously named *MARINE 88* and was flagged to St. Kitts. Please refer Attachment 2. As also indicated in Attachment 2, the vessel was to be a new addition to the IOTC Record of Authorised Vessels.

The vessel *MARINE 88* has never been registered on the IOTC Record of Carrier Vessels authorised to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs.

Yours sincerely,



Alejandro Anganuzzi
Executive Secretary

Attachments

- 1. Letter from Japan
- 2. Details of RWAD 1

Distribution

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

IOTC Chairperson.

IOTC Compliance Committee Chairperson

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

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FISHERIES AGENCY

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May 18, 2010

Dr. Alejandro Anganuzzi
Secretary
Indian Ocean Tuna Commission
PO BOX 1011,
Victoria, Seychelles

Dear Dr. Anganuzzi:

I am writing to inquire the IOTC Circular 2010/35 dated on 14th May 2010, *Notification of request for the removal of the Omani flagged fishing vessel RWAD1 from the IOTC IUU vessel list*, for our consideration of this matter.

First, I would be grateful if the IOTC Secretariat could clarify the following points:

- What was the flag state of the vessel named "Marine88"? Was this vessel in the IOTC Record of fishing vessels? If so, please provide details of the registered information.
- Was "Marine88" in the IOTC Record of Carrier vessels authorized to receive tuna and tuna like species at sea? If so, please provide details of the registered information.

Second, I would be grateful if the Sultanate of Oman could clarify the following points:

- The attached copy of the catch documentation endorsed by the Malaysian government demonstrates that the fish was caught by three Malaysian vessels and was sold to the owner of the MARINE88 on January 2009 in the high seas. In our understanding, such operation should be regarded as transshipment at sea that shall be conducted in accordance with *the Resolution 08/02 on establishing a programme for transshipment by large-scale fishing vessels*. In other words, any at-sea transshipment of Bigeye and Yellowfin tuna shall be prohibited without an IOTC regional observer on board the carrier vessel, which in this case was MARINE88. If MARINE88 violated the Resolution, it would be a serious infringement of IOTC conservation measures, which means that MARINE88 should be listed as an IUU vessel.
- Since one of the species on board MARINE88 was Bigeye tuna and the fish was actually imported from Malaysia, the Sultanate of Oman shall require that the fish be accompanied by an IOTC Bigeye Tuna Statistical Document validated by the government of Malaysia in accordance with *the Resolution 01/06 concerning the IOTC Bigeye tuna statistical document programme* and *the Resolution 03/03 concerning the amendment of the forms of the IOTC statistical document*. We wonder whether the fish was accompanied by the document. If so, please provide its copy.

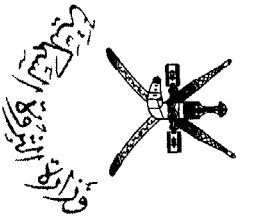
- Paragraph 1 of the Resolution 07/02 concerning the establishment of an IOTC record of vessels authorized to operate in the IOTC area indicates that *Authorized fishing vessels that are not entered into the Record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species.* RWAD1 was not listed on the IOTC Record of vessels as of 15th September 2009 when the vessel was actually carrying the fish. I would be grateful if you would explain the reason why the vessel was not entered into the Record.

I would appreciate it if you could circulate this letter among all the CPCs.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Shingo Ota', written in a cursive style.

Shingo Ota
Japanese Commissioner to IOTC



LIST OF THE OMANI FISHING VESSELS REGISTERED FOR TUNA FISH
2009

No	Name of vessel (s) اسم السفينة	Register number(s) رقم التسجيل البحري	IOTC Record No رقم الهيئة	Previous Name اسم السفينة السابق	Previous Flag (s) علم السفينة السابق	Previous details of deletion from other registries معلومات عن السفينة	International radio call sign(s) الشارة الدناه	Type of vessel(s) length and gross registered tonnage(GRT) نوع السفينة/الطول/الحمولة	Name and address of owner (s) and operator (s) عنوان المالك/الوكيل	Gear (s) used معدات الصيد	Time period (s) authorised for fishing and / or transshipping مدة الصيد المسموح/الإبحار
1	RWAD-1	654	New	MARINE 88	S.T.KITTS	-	A4DD9	Tuna longlines 52.90 mts / 547 Tons	Muscat-p.0300p.c122 RAWAD AL-IBTKAR c.o.l1c	معدات الصيد longlines	From : 20/12/2009 To: ..

APPROVAL

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