

---

**ON AN OBSERVERS' REGIONAL SCHEME**

**SUBMITTED BY THE EUROPEAN COMMUNITY**

---

*Explanatory Memorandum*

**EC PROPOSAL FOR AN**

**IOTC RESOLUTION ON AN OBSERVERS' REGIONAL SCHEME**

The objective of the observer program is to improve the collection of scientific data regarding tuna and tuna-like species in the IOTC Area. All fishing vessels of each CPC - of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs - are required to carry at least one observer 10% at all times while fishing in the IOTC Area.

CPCs are responsible to obtain independent and impartial observers. The observer records fishing activities and reports the catch data, notably scientific related. The observer provides a report to the Secretariat within 30 days following the completion of the assignment.

This Resolution is intended to contribute to the long-term conservation and sustainable use of living marine resources of highly migratory stocks, in the IOTC Area.

In this same context, IOTC has adopted some conservation and management measures aiming the conservation and a responsible exploitation of its stocks, notably to minimize the impact of illegal, unregulated and unreported fishing in the IOTC area.

Flag States have the duty to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures. In addition there is a need for improvement and strict control on all the components involved in IOTC fisheries. Port States remain responsible to promote the effectiveness of management measures adopted by regional fisheries management organizations.

In order to be consistent, notably with the management measures taken in other RFMO, and to improve the results of the measures aiming conservation of the Tuna and tuna like species in the Indian Ocean it is recommended to implement an observer's regional scheme contributing namely to a better management of these stocks.

The scarcity of biological data is one of the main difficulties in the work of the IOTC Scientific Committee. In fact, an improvement of the data collection, of all species, would contribute to a better management of tuna and tuna-like species in the Indian Ocean.

**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 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;

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

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

***Observer Program***

1. In order to improve the collection of scientific data , at least 10% of the vessels of each CPC - of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs - shall carry one observer at all times while fishing in the IOTC Area.

Contracting Parties shall have the primary responsibility to obtain independent and impartial observers and shall take all necessary measures to ensure that observers are able to carry out their duties. Contracting Parties shall ensure that the observers alternate vessels between their assignments. Observers are not to perform duties, other than those described in paragraphs 4 and 5 below.

2. The cost of implementing this program shall be financed by the operators. The fee shall be calculated by the IOTC Secretariat on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat that will manage the account for implementing the program.

Operators not having paid the fee for a period of 12 months, starting at the day of the date that this resolution enter in force, will not be allowed, the following year, to have any fishing activities in IOTC area of competence.

3. In cases where a CPC has not placed an observer on a vessel, any other CPC may, subject to the consent of the CPC of the vessel, place an observer on board until that CPC provides a replacement in accordance with paragraph 1.
4. CPCs shall provide to the Executive Secretary a list of vessels on which observers will be placed in accordance with the provisions of this Resolution by 1 January 2010.
5. Upon placing an observer on board of the vessel, the CPCs shall provide to the Executive Secretary their names.

6. Observers shall:
  - (a) record and report fishing activities, verify positions of the vessel,
  - (b) observe and estimate catches with a view to identifying catch composition and monitoring discards, by-catches and the taking of undersized fish;
  - (c) record the gear type, mesh size and attachments employed by the master;
  - (d) verify entries made to the logbooks (species composition and quantities, live and processed weight, hail and VMS reports, where available); and
  - (e) carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee.
7. The observer shall, within 30 days of completion of each trip, provide a report to the CPCs of the vessel and 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.
8. The vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties including providing access, as required, to the retained catch, and catch which is intended to be discarded.
9. The entry into force of this Resolution is 1 January 2010.
10. The elements of the Observer Program are subject to review and revision, as appropriate, for application in 2010 and subsequent years. Basing on the experience of other Tuna RFMOs, the Scientific Committee will elaborate an observer working manual at its 2009 session.