
**ON THE IMPLEMENTATION OF A LIMITATION OF FISHING CAPACITY
OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING
PARTIES**

SUBMITTED BY THE EUROPEAN COMMUNITY

Explanatory Memorandum

EC DRAFT PROPOSAL FOR

**AN IOTC RESOLUTION ON THE LIMITATION OF FISHING CAPACITY OF
CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES**

Background:

The Scientific Committee of IOTC has been indicating for a number of years its concerns on the level of fishing effort for the tropical tunas as well as swordfish stocks in the Agreement Area, and it has recommended that the fishing effort be reduced or at least stabilised.

Notwithstanding the adoption of various IOTC Resolutions on the limitation of fishing capacity, their implementation has not been properly followed for various reasons, and the IOTC Scientific Committee, during its Eleventh Session in November 2008, reiterated the need to stabilise the capacity levels within the IOTC area of competence, and to ensure that a precise levels of the frozen capacity as well as of the one potentially capable to be deployed following the Fleet Development Plans be determined.

Content:

The proposal foresees the confirmation of the freezing of fishing capacity targeting tropical tunas stocks, swordfish and albacore stocks, respectively at 2006 (tropical tunas) and 2007 (swordfish and albacore) levels of active presence of vessels over 24 metres overall length, and vessels under that length which fish outside the EEZs, with the inclusion of the vessels under construction during those reference years.

At the same time this measure foresees the obligation for the developing States to provide the IOTC with a clear programming (time schedule) of entering into the fisheries of the vessels listed in their fleet development plans, and the further obligation to respect that programming, in order to give a clear and stable perspective of the potential capacity which could be deployed in the Indian Ocean according to a precise calendar.

The measure is foreseen to be in force for the period 2010 – 2011, with a review by the Commission in 2012, and it supersedes the IOTC Resolutions 03/01, 06/05 and 07/05.

The Indian Ocean Tuna Commission (IOTC),

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

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

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

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

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

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

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) shall notify to the IOTC Secretariat, by 30 June 2009, the lists of vessels, by gear type, over 24 meters overall length and over, and under 24 meters if the fished outside their EEZs, and corresponding overall capacity in GT, which have actively fished in accordance with the provision of IOTC Resolution 07/04:
 - for tropical tunas during the year 2006
 - for swordfish and albacore during the year 2007

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

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

This provision does not apply to those vessels included in the lists, but considered under administrative process of construction in 2006 and in 2007.

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