



Report of the Eleventh Session of the Indian Ocean Tuna Commission

Grand Baie, Mauritius, 13-18 May 2007

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AS OF 18 MAY 2007

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EXECUTIVE SUMMARY

The 11th Session of the Indian Ocean Tuna Commission (IOTC) was held in Grand Baie, Mauritius, from 13 to 18 May 2007. Representatives of 23 Members of the Commission, 3 Cooperating Non-contracting Parties, FAO and 7 observers attended the Session.

There was unanimous agreement by IOTC Members on the desirability of creating a more effective and efficient Commission; however, there remained differences in opinion regarding by what steps and procedures should be used to achieve this goal. Notwithstanding, these differences in opinion, in an effort to ensure that the matter was progressed such that it can be better considered at its next session, the Commission issued a statement that invites FAO to take immediate action on the draft amendments in preparation for their further consideration at its 12th Session.

The Commission, noting the concerns expressed by the Scientific Committee on the status of the stocks of the major species and the current high levels of fishing, adopted measures to effectively manage fishing capacity on swordfish and albacore. The Commission also responded to the need to obtain a minimum set of information from industrial purse seine vessels and bait boats for scientific purposes by instituting a logbook on these fleets.

Continuing its efforts to eliminate illegal, unregulated and unreported fishing in the IOTC area, the Commission introduced measures to further discourage nationals of CPC's from supporting and engaging in activities that undermine the effectiveness of IOTC conservation and management measures.

The Commission approved the 2007/08 Program of Work and Budget of the Secretariat, and the schedule of contributions. Indonesia, Senegal, South Africa and Uruguay were granted Cooperating Non-contracting Party status.

The Commission agreed to implement a process of performance review to assist it, through an evaluation process, improve its effectiveness and efficiency in fulfilling its mandate. To this end the Commission agreed on the scope of the review process, a work plan, the composition of the review panel and a set of performance criteria.

Mr Rondolph Payet (Seychelles) was elected as Chairperson of the Commission for the next biennium. Dr Vishnu Somvanshi (India) was elected as Vice-Chairperson.

The following resolutions were adopted by the Commission:

- Resolution 07/01 To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures
- Resolution 07/02 Concerning the establishment of an IOTC Record of Vessels Authorised to operate in the IOTC Area
- Resolution 07/03 Concerning the recording of catch by fishing vessels in the IOTC Area
- Resolution 07/04 Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area
- Resolution 07/05 Limitation of fishing capacity of IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore

1) OPENING OF THE SESSION

1. The Eleventh Session of the Indian Ocean Tuna Commission (IOTC) was held in Grand Baie, Mauritius, 13-18 May 2007. Representatives of 23 Members of the Commission, 3 Cooperating Non-contracting Parties, FAO and 7 observers attended the Session. The list of participants is attached as Appendix I.
2. In the opening ceremony, Mr Munesh Munbodh (Chief Fisheries Officer, Ministry of Agro Industry & Fisheries) made the Welcoming Address, followed by Mr Alejandro Anganuzzi (Secretary IOTC) and Mr John Spencer (Chairperson of IOTC). Mr Spencer's speech is provided in Appendix II. An inaugural address was made by Dr the Hon. A. Boolell (Minister of Agro Industry & Fisheries).

2) ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

3. The Commission adopted the Agenda as presented in Appendix III to this report. The documents before the Commission are listed in Appendix IV.

3) ADMISSION OF OBSERVERS

4. Pursuant to Article VII of the Agreement establishing the IOTC, the Commission admitted observers from the Namibia, the United States of America, Uruguay, the Commission de l'océan Indien (COI), the Organisation for the Promotion of Responsible Tuna Fisheries (OPRT), South Western Indian Ocean Fisheries Commission (SWIOFC) and the Western Central Pacific Fisheries Commission (WCPFC), as well as invited experts from Taiwan, Province of China.

4) CONSIDERATION OF ACTIONS BEING TAKEN TO ACHIEVE A MORE EFFECTIVE AND EFFICIENT COMMISSION PURSUANT TO ARTICLE VII OF THE AGREEMENT ESTABLISHING THE IOTC,

5. The Commission recalled that at its 3rd Special Session it explored ways to achieve a more effective and efficient organisation, notably through a change in the relationship between the IOTC and the FAO. Furthermore, that the Members present at the 3rd Special Session reached consensus on the text of the amendments to the IOTC Agreement and the text of the Rules of Procedure and these would be proposed for adoption at its 11th Session. The Members also agreed to a list of actions to be undertaken inter-sessionally in anticipation of a change procedure being implemented swiftly.
6. The Commission was read a statement by the FAO representative (Appendix V) describing FAO's response to the change process initiated by the Commission after its 3rd Special Session and its proposal for a pro-active change procedure that responds to the wishes of IOTC members. The FAO proposed change process involves (i) the convening of a conference of plenipotentiaries for the adoption of a new agreement, (ii) the implementation of a concomitant process of withdrawal and termination of the existing agreement and the entry into force of a new agreement, as well as (iii) transitional arrangements as required.
7. The statement also included an explanation why the Director-General FAO did not circulate the proposed amendments from the 3rd Special Session as instructed by the Chairperson of IOTC, but instead referred them to the CCLM and the FAO Council. The Commission recalled that, on the instruction from the Members present at the Special Session the Chairperson sent a letter dated 22 December 2006 to the Director General of the FAO requesting him to circulate the draft amendments to all Members of the Commission in accordance with the provisions of Article XX of the Agreement. While the Commission acknowledged the DG-FAO's reasons for not

circulating the draft amendments and his unreserved commitment to facilitate the process that the Commission has decided to accomplish, many Members expressed their strong concerns on this matter.

8. The following text summarises the general views of the Members as expressed during the discussions on the change in the relationship between IOTC and FAO. The Chairperson also invited Members who wished to do so, to provide written Statements on this matter to the Secretariat and these are given in Appendix V.
9. China, India, Iran, Kenya, Malaysia and Vanuatu concurred with the views that , *inter alia*, given the delay in the distribution of the amendments they did not have enough time to properly consider the matter and consequently were not able to put forward an opinion to the Commission at this time.
10. Pakistan and Mauritius concurred with the views that the Commission *inter alia* that there was need for IOTC to remain within the framework of the FAO while a solution is found; and that it was, in their opinion, possible for IOTC to achieve its goals of being more efficient and effective within the framework of FAO.
11. Tanzania stressed the need to safeguard equity and requested FAO to expeditiously take the necessary steps to ensure the political will of the IOTC Members is realised within the shortest possible time.
12. Australia, EC, France, Japan, Korea, Philippines, Sudan and the United Kingdom concurred with the views that the change process should go ahead by implementing the changes to the IOTC Agreement as they were proposed in the 3rd Special Session. *Inter alia* they argued that any binding interpretation of the IOTC Agreement (such as the case that the proposed change could be effected under the current Agreement) can only be made by the IOTC Members; furthermore, the change process is practical, legally acceptable, introduced no new obligations to Members and could be achieved quickly.
13. China requested that the Commission examine both the FAO proposal and the proposal outlined in the 3rd Special Session. China noted the pro-active attitude being shown by FAO regarding the legal issues and paid special mention to their proposal to set up an informal panel of legal experts to examine the legal aspects of the matter. China informed the meeting that considering the reputation and neutrality of FAO and noting that IOTC Members are members of the FAO it pays high respect to the knowledge and talent of FAO. China indicated that full discussions were required before decision can be made on which change procedure should be used.
14. The Philippines and Madagascar similarly expressed their desire to more fully examine the various change processes being proposed to ensure *inter alia* that the process finally chosen has a sound legal basis.
15. At the conclusion of discussions, there was unanimous agreement by IOTC Members on the desirability of creating a more effective an efficient Commission; however, there remained differences in opinion regarding what steps and procedures should be used to achieve this goal. Notwithstanding these differences in opinion, in an effort to ensure that the matter was progressed such that it can be better considered at its next session, the Commission agreed to issue a statement (Appendix VI) that invites FAO to take immediate action on the draft amendments in preparation for their further consideration at its 12th Session.
16. India stated that its final opinion on the matter will be as per the decision of its Government with regard to change from the FAO System.

5) REPORT OF THE 9TH SESSION OF THE SCIENTIFIC COMMITTEE

17. The report of the Ninth Session of the Scientific Committee (IOTC-2006-SC-R) was presented by Dr Francis Marsac (France). The Commission acknowledged the report and considered the following issues.

18. The Commission reiterated its concerns about the low levels of participation at IOTC working parties.
19. The Commission also reiterated its concern about the lack of fisheries data, especially from the artisanal and the fresh tuna longline fisheries, and noted that the absence of information is reducing the quality of the stock assessments for a range of IOTC species, notably yellowfin tuna.
20. The Commission recalled the considerable contribution to data collection that the IOTC-OFCF project made over the last 5 years and noted the Scientific Committee's concerns that further initiatives similar to those undertaken under the IOTC-OFCF project may not be possible in the future unless additional funding is forthcoming. Several CPCs informed the Commission about the advantages of participating in IOTC-OFCF activities and strongly recommended that similar activities be continued.
21. The Commission noted with concern the paucity of data available from several non-member countries that have major fisheries for IOTC species.
22. The EC informed the Commission on the initiatives it is currently undertaking to increase the availability of fisheries data and to increase the collaboration from non-member countries such as Yemen and Maldives.
23. The Commission noted the recent data collection activities being promoted by the SWIOFC and that this presented an opportunity for several IOTC members to improve their data collection systems and ultimately increase the availability of data on IOTC species.
24. The Commission noted the results of the comprehensive stock assessment for bigeye tuna conducted in 2006 were more optimistic than those in previous years and the 2005 catch was close to the MSY. However, the Commission also noted that the current outlook could revert to a more pessimistic one, if the exploitation pattern is to return to the pre-2003 levels, as expected. Changes in the fishery occurred in 2003, 2004 and 2005, but these were due to the exceptional catches of yellowfin, which were likely to be the result of anomalous conditions. The Commission acknowledged the Scientific Committee's recommendation that catches should not exceed the MSY and fishing effort should not increase further from the 2004 levels.
25. The Commission noted the results of the comprehensive stock assessment for yellowfin undertaken in 2005 that indicated that fishing mortality rates between 1999 and 2002 were probably slightly below or around FMSY, and total catches during that period, at an average level of 347,000 t, were probably close to, or possibly above MSY. Total catches in 2003 and 2004 were substantially above MSY. The Commission acknowledged the Scientific Committee's existing advice based on the 2005 assessment that a further increase in both effective fishing effort and catch above average levels in 1999 - 2002 should be avoided.
26. The Commission noted that no new stock assessment for yellowfin had been undertaken since 2005 and there is still uncertainty surrounding the extraordinary high catches of yellowfin in 2003, 2004 and 2005. The Commission recalled that the Scientific Committee has considered that those high catches could be explained as an increase in catchability and/or increase in biomass, and that the two explanations have different implications about the status of the stock. The Commission noted that a stock assessment for yellowfin is scheduled for 2007.
27. The Commission recalled the existing advice from the Scientific Committee on skipjack that range of stock indicators available to the Scientific Committee do not signal that there are any problems in the fishery currently.
28. The Commission recalled the existing advice from the Scientific Committee on albacore that the Commission be very cautious in allowing increases in catch or fishing effort from the 2002 levels until there is more certainty about the status of the stock. The Commission addressed this matter by adopting Resolution 07/05 *Limitation of fishing capacity of IOTC contracting parties and cooperating non contracting parties in terms of number of long liners vessels IOTC swordfish and albacore.*

29. The Commission recalled the existing advice from the Scientific Committee on swordfish that management measures focussed on controlling and/or reducing effort in the fishery targeting swordfish be implemented. The Commission addressed this matter by adopting Resolution 07/05 *Limitation of fishing capacity of IOTC contracting parties and cooperating non contracting parties in terms of number of long liners vessels IOTC swordfish and albacore*.
30. The Commission acknowledged the difficulties currently being faced by the WPBy regarding the development of status indicators for shark species and once again urged Members and national scientists to collect and provide the relevant information.
31. The Commission endorsed the Scientific Committees recommendation to expand the terms of reference of the Working Party and change its name to the Working Party on Ecosystems and Bycatch (WPEB).

6) REPORT OF THE COMPLIANCE COMMITTEE

32. The report of the fourth session of the Compliance Committee was presented by the Chair, Mr Rondolph Payet (Seychelles) (Appendix VII). The Commission noted the report and considered the following matters.

Status of the application of IOTC conservation and management measures

33. The Commission received reports on the review of member compliance with IOTC resolutions 01/05 on mandatory fisheries statistics requirements for IOTC members; 05/02 on the IOTC record of authorised vessels; 05/04 on the IOTC list of active vessels; and 05/03 on port inspections.
34. The Commission noted that several non-member countries have major fisheries for IOTC species and that the availability of fisheries statistics from these countries was generally poor. In response, the Commission requested the Executive Secretary to write to the non-member countries concerned seeking their cooperation in order to improve this situation.
35. The Commission noted the need to obtain a minimum set of information from industrial purse seine vessels and bait boats for scientific purposes and adopted Resolution 07/03 *Concerning the recording of catch by fishing vessels in the IOTC Area*.
36. The Commission discussed draft proposal IOTC-2007-S11-PropE-rev1 on Mandatory statistical requirements for IOTC Members that served to strengthen the obligation on members to provide fisheries statistics. While there was no consensus on some aspects of the proposal, there was agreement in principle that a revision of the mandatory data requirements was appropriate. The Commission requested that the Scientific Committee examine the proposed text and provide advice on which data are required for scientific purposes at its next session. The Commission also noted that any future changes to the mandatory statistics should not diminish in any way the existing requirements; rather it should update and refine the mandatory data requirements of the Commission.
37. To improve the information available to the Commission on the IOTC record of vessels authorised to fish in the IOTC Area, the Commission adopted Resolution 07/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC Area*.

IOTC IUU Vessels list

38. The Commission agreed to the following changes in the IOTC IUU Vessels List based on Document IOTC-2007-S11-CoC14:
 1. Delete the vessels Blue Ocean Marine and Ocean Star Marine
 2. Add the vessel Yu Mann Won

39. The IOTC IUU Vessels List declared by the Commission in 2007 is given in Appendix zz.
40. Regarding the three longliners from Papua New Guinea, (Wang Feng, Feng Jung Chin No.1 and Yu Fu No.11) the Commission recommended that these vessels be retained on the list and requested the Executive Secretary to again contact the Papua New Guinea authorities and request the names and details of the vessels that actually caught and transhipped the fish from the Indian Ocean.
41. Regarding the Ocean Lion, the Commission recommended that this vessel be retained on the list and requested the Executive Secretary to contact the owners in Singapore to clarify the current status of this vessel.
42. Regarding the Yu Mann Won, the Commission requested the Executive Secretary to contact Georgia authorities and inform them that the Yu Mann Won is apparently still using the flag of Georgia, despite its suspension from the Georgia Registry.

Applications for cooperating non-contracting party status

43. The Commission endorsed the recommendations of the Compliance Committee to grant the status of Co-operating Non-Contracting Party to Senegal, Indonesia, South Africa and Uruguay.
44. While the Commission granted CNCP status to Uruguay it noted some serious concerns over the IUU status of one of the vessels in the application. Uruguay committed that it will investigate fully the past fishing operations of the vessel *Paloma V* and will not authorise this vessel to operate within the IOTC Area until it is clear that the current owners of the vessel have not been involved in IUU activities in the past. Uruguay also confirmed that it will not increase the total number of vessels or the approximate gross tonnage of these vessels combined beyond that in the application.
45. The Commission encouraged all cooperating non-contracting party applicants to use the application proforma available from the Secretariat.
46. The Commission strongly encouraged parties that receive Cooperating Non-Contracting Party status to consider becoming members as quickly as possible.

Other conservation and management matters

Transshipment

47. The Commission noted the Compliance Committee's discussions on the proposal to ban at sea transshipments by vessels in the IOTC record and endorsed its recommendation to defer discussions on alternative approaches to managing transshipment until a review of the effectiveness of Resolution 06/02 *On establishing a programme for transshipment by large-scale fishing vessels* is made.

Compliance by nationals of CPC's with IOTC conservation and management measures

48. To further discourage nationals of CPC's from supporting and engaging in activities that undermine the effectiveness of IOTC conservation and management measures the Commission adopted Resolution 07/01 *To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures*.

Election of a Compliance Committee Chairperson and Vice-Chairperson

49. Dr John Kalish (Australia) was elected as Chairperson of the Compliance Committee for the next biennium and Mr Angelo Mouzouropoulos (Belize) was elected as Vice-Chairperson.

7) REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)

50. The report of the fourth meeting of the Standing Committee on Administration and Finance was presented by the Chair, Dr John Kalish (Australia) (Appendix IX). The Commission noted the report and considered the following matters.

Audit report

51. The Commission noted that the FAO had not yet arranged for an External Audit of IOTC to be carried out as requested by the Commission in 2006. The Commission instructed the Chairperson to write to the FAO Financial Committee (copied to the DG-FAO) requesting that such an audit be organised by the FAO as soon as possible.

Programme of work and budget and member contributions

52. Both the Programme of Work and Budget of the Secretariat and the schedule of contributions as presented in Appendix (VIII) were approved in principle, noting the following statements:
53. The Commission discussed a range of issues related to the current procedures used to estimate the levels of Member Contributions.
54. In particular, Vanuatu indicated that it will submit a proposal for an amendment to the IOTC Financial Regulations before the next IOTC session.
55. Belize informed the Commission of an apparent inequity with respect to the limitation of capacity for Belize and the calculations of its contribution for 2007. Belize reminded the Commission that when it was given the status of cooperating non-contracting party in 2006, the Commission requested that Belize did not increase the total number and tonnage of vessels operating in the Indian Ocean or their catches beyond 2005 levels. However, Belize's contribution estimate in 2007 was based on the average catches for the period 2002-2004, when its catches were considerably higher than those set by the Commission.
56. Belize also informed the Commission, that its catch estimates for 2002 included non-IOTC species. The Commission invited Belize to submit its revised catch estimates to the Secretariat and instructed the Secretariat to re-estimate the contributions for 2007.
57. The Commission noted some improvements related to the support given to the Secretariat to report on financial matters over the last year; however concerns still remain regarding the difficulties to accurately estimate the levels of staff costs (excluding salaries) as this makes up a significant proportion of the annual budget. The Commission requested that the Executive Secretary continues to work closely with FAO to improve this situation.
58. The European Community supported the draft budget *ad referendum*, noting it had to consult its authorities before full approval can be given. The EC also acknowledged that the recent problems associated with the reporting of the Commission's finances were largely due to mechanisms and functions beyond the control of the Secretariat.
59. The Commission confirmed that, for the time being, the current accumulated funds could be retained by the Secretariat to be used as a buffer to allow the Secretariat to operate until the annual budget is adopted and contributions are available.
60. The Commission noted with concern that following its decision in 2006 to renew the tenure of the Executive Secretary for 3 years commencing 2007, the FAO extended his contract by only six months. Furthermore, the Commission noted that this effectively made the Executive Secretary ineligible for some basis entitlements (such as home leave) to what the Commission contributes. The FAO representative informed the Commission that such contracts are not uncommon in FAO. Notwithstanding this, he informed the Commission that he would follow up this matter in an effort to ensure that the contracts of each of the staff of the Secretariat are commensurate with the tenure granted by the Commission.

Election of a SCAF Chairperson and Vice-chairperson

61. No nominations were received for the position of Chairperson of the SCAF for the next biennium.

8) CONSERVATION AND MANAGEMENT MEASURES

62. The following conservation and management measures were adopted by the Commission in 2007 (Appendix VII). Each resolution is introduced in a relevant section of this report:
1. Resolution 07/01 To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures
 2. Resolution 07/02 Concerning the establishment of an IOTC Record of Vessels Authorised to operate in the IOTC Area
 3. Resolution 07/03 Concerning the recording of catch by fishing vessels in the IOTC Area
 4. Resolution 07/04 Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area
 5. Resolution 07/05 Limitation of fishing capacity of IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore

9) REPORT FROM THE EXECUTIVE SECRETARY ON THE JOINT MEETING OF TUNA RFMOs HELD IN KOBE IN JANUARY 2007

63. The Chairperson outlined the major outcomes of the joint Tuna RFMO meeting to the Commission (IOTC-2007-S11-INF05). The Commission congratulated Japan for its major role in bring this meeting together. The Commission agreed that there are many common areas of work in which the IOTC and the other tuna RFMOs can benefit from a collaborative approach, and such collaboration will contribute greatly to improving effectiveness and efficiency.
64. The Commission noted several useful practices common to the tuna RFMO's e.g. vessel record, IUU lists and harmonisation of trade information schemes have been initiated through informal, opportunistic meetings of the RFMO's over the years.
65. The Commission acknowledged the 14 key areas and challenges identified by the joint meeting (Appendix X) and agreed that the Commission would continue to support and actively participate in the schedule of work involving the RFMOs over coming years.

10) PERFORMANCE REVIEWS FOR TUNA RFMO'S

66. At the joint meeting of the five tuna RFMO's in January 2007 there was agreement to implement a process of the performance reviews to assist each RFMO, through an evaluation process, improve its effectiveness and efficiency in fulfilling its mandate. Furthermore, this would be conducted as much as possible using a common methodology and a common set of performance criteria.
67. Based on the draft performance criteria developed as a result of the meeting of the Joint Tuna RFMO's in January 2007 (IOTC-2007-S11-08), the Commission adopted a revised set of criteria that was appropriate to IOTC (Appendix XI).
68. The Commission agreed to set up a performance review panel comprising an independent expert scientist and representatives of six IOTC Members including Australia, European Community,

India, Japan, Kenya and Oman. Furthermore, the Commission outlined the scope and the work schedule and agreed that the costs of implementing the initial performance review for IOTC would be met from the accumulated funds currently held by the Secretariat.

11) ANY OTHER MATTERS

Relationships with other Bodies

Southern Indian Ocean Fisheries Agreement

69. The Commission recalled that the IOTC Secretariat receives and stores data on behalf of SIOFA. The Commission noted that to-date only one SIOFA member had reported any data and encouraged those IOTC members that are also members of SIOFA to report data as required

Indian Ocean Commission

70. The Indian Ocean Commission confirmed its commitment to play a major role in the sustainable use of ocean resources and looks forward to further strengthening its collaboration with IOTC in the future. The IOC is an intergovernmental organisation comprising Comoros, Madagascar, Mauritius, Seychelles and France (on behalf of La Réunion) and is the lead agency for maritime-related activities for the several eastern and southern African economic integration organisations. The IOC administers the Regional Tuna Tagging Project. It also manages a Monitoring, Control and Surveillance pilot project which includes updating the administrative and legal framework to permit its Members to respond to the obligations created by IOTC resolutions and other international legal instruments; improving the collection, processing and sharing of statistical and enforcement information; improving the availability and use of tools such as VMS; strengthening regulatory regimes through Port State control measures; and estimating the incidence of IUU fishing. The IOC is soon to start a new project to strengthen the capabilities of its members to police their EEZ's. IOC members have undertaken to ban at-sea transshipment and to ensure that vessels listed as having undermined the RFMO regulatory regimes in any oceans would be denied port facilities. IOC also aims to set up a network of Marine Protected Areas and improve the management of Coastal and marine resources and pollution monitoring and prevention.
71. The IOC, informed the Commission about a IOC, FAO and IOTC Symposium and Workshop on Port State Measures to be held in Mauritius from 18 to 22 June 2007. All the coastal countries of the Indian Ocean and other IOTC members are invited to participate. The Symposium will examine the emerging instruments, tools and State practices in this area and is intended to complement existing Flag State and market measures in fisheries management designed to eliminate IUU fishing.

South West Indian Ocean Fisheries Commission

72. The Commission was informed about the SWIOFC which is a fisheries advisory body focusing on the resources within the EEZ's of its members with an emphasis artisanal fisheries and non-tuna species. The Commission noted that the SWIOFC plays a major role as the steering committee of the South Western Indian Ocean Fisheries Project (SWIOFP), a multi-national fisheries management and development programme initiated by the World Bank and south west Indian Ocean countries under the Global Environment Facility (GEF). The overall goal of the SWIOFP is to develop capability and undertake research that contributes to the sustainability of the west Indian Ocean's marine resources and benefit the region's riparian countries.
73. The Commission expressed its desire to develop a collaborative relationship with both the SWIOFC and SWIOFP; in particular in the areas of data matters and research. The Commission noted that the Third Session of the SWIOFC is to be held in Seychelles in December 2007 followed by a meeting of the SWIOFP Steering Committee and requested that the Executive Secretary attend these meetings on behalf of IOTC. Furthermore the Commission requested the IOTC Chairperson to write to the SWIOFP and make a formal request for IOTC to become a member of the SWIOFP Steering Committee.

IOTC and the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) sign a MOU

74. In acknowledgement of the commonalities between IOTC and the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) the Commission instructed the Chairperson to sign a Memorandum of Understanding between IOTC and WCPFC (Appendix XII) that puts into place arrangements and procedures to promote cooperation between the two organisations and enhance the conservation and sustainable use of species which are within the competence of both organizations.
75. The Commission was unanimous in its thanks to the Government of Mauritius for hosting the 11th Session and paid tribute to the excellent facilities and the wonderful locale and hospitality of Grand Baie.

12) DATE AND PLACE OF THE TENTH SESSION OF THE SCIENTIFIC COMMITTEE AND THE TWELFTH SESSION OF THE COMMISSION

76. The timing of the meeting of the 9th Session of the Scientific Committee will be decided in consultation with IOTC's scientific community and will be notified to members by the Secretary.
77. The Commission agreed that the 12th Session of the Commission will take place from 26 to 30 May 2008 in Seychelles — depending on the numbers of participants.

13) ELECTION OF IOTC CHAIRPERSON AND VICE-CHAIRPERSON

78. The Commission expressed its sincere gratitude and appreciation to the outgoing Chairperson Mr John Spencer (European Community) for his leadership and the significant contribution he made in the work of the Commission over the past four years.
79. In his response, Mr Spencer thanked the Commission for their support and friendship over the years; and made special mention of his appreciation of the excellent work the secretariat does in support of the Commission.
80. Mr Rondolph Payet (Seychelles) was elected as Chairperson of the Commission for the next biennium. Dr Vishnu Somvanshi (India) was elected as Vice-Chairperson.

14) ADOPTION OF THE REPORT

81. The Commission decided to adopt the report of the 11th Session of the Indian Ocean Tuna Commission by correspondence.

APPENDIX I
LIST OF PARTICIPANTS
IOTC MEMBERS/MEMBRES CTOI

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APPENDIX II

OPENING SPEECH BY JOHN SPENCER, CHAIRPERSON, AT THE 11TH SESSION OF THE INDIAN OCEAN TUNA COMMISSION

Honorable Minister, Ambassadors, Distinguished Guests, Distinguished Representatives of Members and Cooperating Non Members, invited observers, ladies and gentlemen;

Good morning to you all.

Firstly, on your behalf I would like to express our deep gratitude to the Government of Mauritius for the kind hosting of this Commission meeting. They have provided indeed excellent facilities for our work.

Let me start by saying what an honour it is for me to be addressing you today on the occasion of the opening of the 11th Session of the Indian Ocean Tuna Commission. I can assure you that I am very conscious of my responsibilities as Chairperson of this organisation over the next five days. As each year goes by, the challenges faced and the questions asked of this Commission by the international community continue to grow.

Indeed, there are legitimate growing demands on regional fisheries organisations, such as the IOTC, to account for their stewardship of the tuna resources of the Indian Ocean. The FAO Committee on Fisheries, the 2005 St Johns Ministerial Declaration, the UN Review Process of the Straddling Stocks, the UNGA 2006 Resolution on Fisheries, the Joint Meeting of Tuna RFMOs in Kobe last January, they all called on RFMOs, to account for their actions in ensuring sustainability of the resources under their responsibility. Each RFMO is being asked to undertake a performance assessment.

This movement is against the background of increasing concerns about the state of the world's fisheries resources. The tuna and swordfish resources, for which IOTC has responsibility, if properly managed, possess a massive potential for the Developing States and small island States in the Indian Ocean. This requires however effective conservation measures applicable to the fisheries.

So how does this Commission measure up to scrutiny in relation to its stewardship of the tuna stocks ?

- Do we have real fishing limits – such as quotas, catch limits or fishing effort measures, in place consistent with the sustainability of the resource ?
- Do we have an inspection and monitoring system in place to monitor the fisheries?
- Do we have measures in place to combat IUU activities – IUU in the proper widest sense – which means illegal, unregulated, unreported fishing activities by both IOTC Members and non Members ?
- Have we introduced schemes to allocate fairly the fishing possibilities in the Indian Ocean;
- Have we helped the Developing Countries and Small Island States in their fisheries ?

I leave to you to judge these criteria and the extent to which the IOTC responds to such criteria.

And there is a crucial other component – the Reform of the IOTC.

How can your authorities ever convince your fishermen and companies to accept new laws, measures and controls, if there are fishermen - not from the region, and non Members and non participants of IOTC - fishing next to them without any controls and outside the power of this Commission in its current framework ?

It is my duty as your Chairperson to put to you the view that the IOTC is failing currently – and indeed has for the last 10 years - in fulfilling its mandate of ensuring the sustainability of the tuna resources.

It will continue to do so, if you, as Members, do not undertake immediately the necessary reform of this organisation. We don't need to undertake a performance review we know what the current situation is.

So, we have a choice, either we turn a blind eye to this reality of this ineffectiveness, or we address it now and save the Commission by introducing changes to address those weaknesses.

I have had the honour of serving as your Chair for the last four sessions – it has been a great honour for the EC, and for me, personally. I have felt the goodwill within the IOTC family and have sought to foster it in a productive manner. We have done good things over the years. But we need to face reality,

The reality is that IOTC will never achieve its objective of sustainability, fair distribution of fishing possibilities – if one of the major players in the fishery, a non member- with hundreds of large- scale industrial vessels - remains outside the IOTC

I mean “outside” in the sense that none of the measures we impose on Members vessels are applicable to their vessels, but “outside” also in the sense that they cannot contribute and participate in the work of IOTC

Reform is the key to the IOTC challenge.

The IOTC is currently a UN/FAO body. It is the UN/FAO which has launched all the calls through UNGA Resolutions and in FAO Ministerial Meetings for RFMOs to become more accountable. It would be indeed ironic therefore if the IOTC – incidentally the only tuna body which is not an independent RFMO - should be the one most clearly failing in its mandate.

We identified last year minimum amendments to the IOTC Agreement – safeguarding all the rights and obligation of Members, but allowing the participation of others because it would be an independent RFMO. We need to agree the amendments this week to ensure that IOTC is a living organisation with real capacity to exercise its conservation mandate and not a “toothless” organisation, which is but a talking shop.

I thank you and look forward to constructive decisions this week. Thank you.

APPENDIX III
AGENDA OF THE 11TH SESSION OF IOTC

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**
- 3. ADMISSION OF OBSERVERS**
- 4. CONSIDERATION OF ACTIONS BEING TAKEN TO ACHIEVE A MORE EFFECTIVE AND EFFICIENT COMMISSION**
- 5. REPORT OF THE 9TH SESSION OF THE SCIENTIFIC COMMITTEE**
- 6. REPORT OF THE COMPLIANCE COMMITTEE**
- 7. REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**
- 8. CONSERVATION AND MANAGEMENT MEASURES**
- 9. PERFORMANCE REVIEWS FOR TUNA RFMO'S**
- 10. ELECTION OF THE CHAIRS AND VICE-CHAIRS FOR THE NEXT BIENNIUM STARTING 2008**
- 11. ANY OTHER MATTERS**
 - i. Relationships with other bodies:
- 12. DATE AND PLACE OF THE 10TH SESSION OF THE SCIENTIFIC COMMITTEE AND THE 12TH SESSION OF THE COMMISSION**
- 13. ADOPTION OF THE REPORT**

APPENDIX IV
LIST OF DOCUMENTS

Reference / Référence	Title / Titre
<i>Session</i>	
IOTC-2007-S11-01	[E] Draft agenda of the Commission - 11th Session [F] Ordre du jour prévisionnel de la 11ième session de la Commission
IOTC-2006-S10-02	[E + F] List of documents / Liste des documents
IOTC-2007-S11-03	[E] Draft Financial Regulations [F] Avant-projet de règlement financier de la CTOI amendé
IOTC-2007-S11-04	[E] Draft Staff Regulations [F] Projet de statut du personnel
IOTC-2007-S11-05	[E] Draft Procedure for Appointment of Executive Secretary [F] Projet de procédure de nomination du secrétaire exécutif de la Commission
IOTC-2007-S11-06	[E] Draft Headquarters Agreement [F] Projet d'accord de siège
IOTC-2007-S11-07	[E] Proposed amendments to the IOTC Agreement [F] Proposition d'amendements à l'accord Portant Création de la CTOI
IOTC-2007-S11-08, rev1	[E] Performance review of tuna Regional Fishery Management Organizations [F] Evaluations des performances des Organisations régionales de gestion des pêche thonières
IOTC-2007-S11-09, rev1	[E] Memorandum of Understanding with Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC) [F] Protocole d'accord avec la Commission pour la conservation et la gestion des stocks de poissons hautement migrateurs dans le Pacifique centre et ouest (WCPFC)
IOTC-2007-S11-PropA, rev1	[E] Concerning the recording of catch by fishing vessels in the IOTC convention area. Submitted by the EC [F] Concernant l'enregistrement des captures par les navires de pêche dans la zone de compétence de la CTOI. Soumise par la CE
IOTC-2007-S11-PropB, rev1 (error), rev2, rev3	[E] Limitation of fishing capacity of IOTC contracting parties and cooperating non contracting parties in terms of number of long liners vessels targeting swordfish and albacore. Submitted by the EC [F] Sur une limitation de la capacité de pêche des parties contractantes et coopérantes non contractantes de la CTOI en termes de nombre de navires palangriers ciblant l'espadon et le germon. Soumise par la CE
IOTC-2007-S11-PropC, rev1	[E] To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures. Submitted by the EC [F] Visant à promouvoir le respect par les ressortissants des parties contractantes et parties coopérantes non contractantes des mesures de conservation et de gestion de la CTOI. Soumise par la CE
IOTC-2007-S11-PropD	[E] Establishing a programme for transshipment by large-scale fishing vessels. Submitted to the Tenth Session (2006) by Comoros, EC, France, Madagascar, Mauritius and Seychelles [F] Etablissant un programme pour les transbordements des grands navires de pêche. Soumise par les Comores, la CE, la France, Madagascar, Maurice et les Seychelles
IOTC-2007-S11-PropE, rev1, rev2	[E] Mandatory statistical requirements for IOTC. Submitted by Seychelles [F] Statistiques exigibles par la CTOI. Proposé par : Seychelles
IOTC-2007-S11-PropF	[E] Proposed amendments to Resolution 05/02 [F] Révision de la proposition d'amendements à la résolution 05/02
IOTC-2007-S11-PropG	[E] Proposed amendments to Resolution 05/04 [F] Révision de la proposition d'amendements à la résolution 05/04
IOTC-2007-S11-PropH, rev1	[E] Statement concerning actions being taken to achieve a more effective and efficient Commission [F] Proposition de résolution concernant les actions prises pour rendre la Commission plus efficace
IOTC-2006-SC-R	[E] Report of the Ninth Session of the Scientific Committee [F] Rapport de la neuvième session du Comité scientifique
IOTC-2007-S11-INF01	Communication from the Chairman of IOTC to the Director-General dated 23 April 2007
IOTC-2007-S11-INF02	Communication from the Director-General to the Chairman of IOTC dated 9 April 2007
IOTC-2007-S11-INF03	CCLM - Report of the Eighty-first session of the Committee on Constitutional and Legal Matters
IOTC-2007-S11-INF04	CCLM - Process for a change in the nature of a statutory body of FAO, established under Article XIV of the Constitution, into a body outside the framework of FAO (change in status of the Indian Ocean Tuna Commission)
IOTC-2007-S11-INF05	Course of actions for RFMOs from the Kobe meeting of joint tuna RFMOs / Lignes de conduite pour les ORAP issues de la réunion conjointe des ORAP thonières
<i>Compliance Committee</i>	
IOTC-2007-S11-CoC01	[E] IOTC Compliance Committee – provisional agenda [F] Ordre du jour prévisionnel du comité D'application
IOTC-2007-S11-CoC02	[E] Application for cooperating non-contracting party status: Belize [F] Candidature à l'accession au statut de partie coopérante non contractante : Belize

Reference / Référence	Title / Titre
IOTC-2007-S11-CoC03	[E] Application for cooperating non-contracting party status: Indonesia [F] Candidature à l'accession au statut de partie coopérante non contractante : Indonésie
IOTC-2007-S11-CoC03-add1	[E] Addendum to Indonesias application for cooperating non-contracting party status: Indonesia [F] Addendum à la Candidature à l'accession au statut de partie coopérante non contractante : Indonésie
IOTC-2007-S11-CoC04	[E] Application for cooperating non-contracting party status: Senegal [F] Candidature à l'accession au statut de partie coopérante non contractante : République du Sénégal
IOTC-2007-S11-CoC05	[E] Application for cooperating non-contracting party status: South Africa [F] Candidature à l'accession au statut de partie coopérante non contractante : Afrique du Sud
IOTC-2007-S11-CoC06	[E] Application for cooperating non-contracting party status: Uruguay [F] Candidature à l'accession au statut de partie coopérante non contractante : Uruguay
IOTC-2007-S11-CoC06-add1	[E] Addendum to Uruguay's application for cooperating non-contracting party status [F] Addendum à la candidature de l'Uruguay au statut de partie coopérante non contractante
IOTC-2007-S11-CoC06-add2	[E] Addendum to Uruguay's application for cooperating non-contracting party status [F] Addendum à la candidature de l'Uruguay au statut de partie coopérante non contractante
IOTC-2007-S11-CoC07	[E] Report on the IOTC fisheries statistics record [F] Rapport sur le registre CTOI de statistiques des pêches
IOTC-2007-S11-CoC08	[E] Report on the IOTC bigeye statistical document record [F] Rapport sur le registre des documents statistiques sur le patudo
IOTC-2007-S11-CoC09	[E] Report on the IOTC record of authorised vessels [F] Rapport sur le Registre CTOI des Navires Autorisés À Pêcher
IOTC-2007-S11-CoC10	[E] Report on the IOTC record of active vessels [F] Rapport sur le registre CTOI des navires en activité
IOTC-2007-S11-CoC10-add1	[E] Addendum to the report on the IOTC record of active vessels: 2006 data [F] Addendum au rapport sur le registre CTOI des navires en activité : données pour 2006
IOTC-2007-S11-CoC11	[E] Report on the IOTC record of port inspections [F] Rapport sur la liste CTOI d'inspection au port
IOTC-2007-S11-CoC12	[E] Concerning the IOTC IUU Vessels List. Prepared by the Secretariat [F] A propos de la liste des navires INN de la Commission des Thons de l'Océan Indien. Préparé par : Secrétariat de la CTOI
IOTC-2007-S11-CoC12-add1	[E] Letter from Georgia concerning the Preliminary IUU Vessels List [F] Lettre de la Géorgie concernant l'avant-projet de liste de navires INN
IOTC-2007-S11-CoC13	[E] Fleet development plans [F] Plans de développement des flottes
IOTC-2007-S11-CoC14	[E] The IOTC IUU Vessels List submitted by the Compliance Committee for consideration by the Commission at its 11th session [F] Liste des navires INN soumise par le Comité d'Application à l'examen de la Commission lors de sa 11e session
<i>Standing Committee on Administration and Finance</i>	
IOTC-2007-S11-SCAF01	[E] IOTC Standing Committee on Administration and Finance – provisional agenda [F] Ordre du jour prévisionnel du comité Permanent Sur L'Administration et Les Finances
IOTC-2007-S11-SCAF02	[E] Progress Report of the Secretariat [F] Rapport d'activité du Secrétariat
IOTC-2007-S11-SCAF03	[E] Programme of work and budget [F] Programme de travail et budget du Secrétariat
IOTC-2007-S11-SCAF03-add1	[E] Addendum to the programme of work and budget [F] Addendum au programme de travail et budget du Secrétariat
IOTC-2007-S11-SCAF03-add2	[E] Addendum to the programme of work and budget [F] Addendum au programme de travail et budget du Secrétariat
IOTC-2007-S11-SCAF03-add3	[E] Addendum to the programme of work and budget [F] Addendum au programme de travail et budget du Secrétariat
IOTC-2007-S11-SCAF04	[E] Financial statement [F] Bilan Financier

APPENDIX V

STATEMENTS MADE IN RELATION TO AGENDA ITEM 4 ON ACHIEVING A MORE EFFECTIVE AND EFFICIENT COMMISSION

1. Statement by the Legal Office of FAO to the 11th Session of IOTC (Mauritius, 13-18 May 2007) Item 4 (Proposed amendments to the IOTC Agreement)

Mr. Chairman,

I should like to clarify briefly the position on this unprecedented matter. A number of documents, including two letters of the Director-General of FAO, explain that position in more detail. I draw the attention of all delegates to such documents.

At the outset, I wish to restate that if the Members of an FAO commission should decide to be no longer in FAO, the wishes of the Members should be safeguarded and FAO should take a pro-active approach to respond to those wishes. This is why we proposed to the Committee on Constitutional and Legal Matters (CCLM) of FAO (i) the convening of a conference of plenipotentiaries for the adoption of a new agreement, (ii) the implementation of a concomitant process of withdrawal and termination of the existing agreement and the entry into force of a new agreement, as well as (iii) such transitional arrangements as required. Incidentally, this new agreement could reflect new developments in the law of the sea which might make the commission more efficient. This option is now, along with another alternative, before the Governing Bodies of FAO of which all IOTC Members are also Members.

Why is FAO concerned about the process under way? Because after review of the matter and consultation with the United Nations system it appears that the procedure envisaged is legally objectionable. First, the IOTC Agreement was negotiated within the Governing Bodies of FAO, and through them all FAO membership, in the course of a process which lasted for some 7 years. For this reason, the change in nature of the IOTC as a statutory body of FAO concerns FAO as a whole. IOTC is “enshrined” in FAO. And as long as that is the case, the matter concerns FAO and all its Members, at least until such time as our Governing Bodies should say that this should no longer be the case. Second, no procedure for the removal of a statutory body under Article XIV of the Constitution to outside FAO was foreseen, either in the Basic Texts, or in the constituent agreements, and the matter could concern potentially a high number of treaties not only within FAO, but also within other organizations of the system. It is essential that the matter be addressed in a proper legal manner, also in order to ensure that the future situation of IOTC is clear in the interest of all concerned parties, and that any possible legal uncertainty or potential liabilities for FAO and its Members be eliminated. Let me ask some simple questions. What happens if a number of IOTC Members refuse to recognize an amended agreement along the proposed lines and decide, under Article XXII, to continue to be bound by the existing IOTC agreement? Are we going to have two agreements? What should the Director-General do? If an IOTC Member disagrees with the procedure, what should the Director-General do if asked why he did not require ‘full powers’ for the adoption of a new agreement?

As an intergovernmental organization of the UN, FAO is driven by all its membership – both coastal and non coastal States, developed and developing States, big and small States - and therefore has to be neutral on the substance of this matter. Should there be any doubt in this respect it must be dispelled. **Our basic concern is about process, in the interest of all Members, not substance.**

In a nutshell, it is envisaged to amend the IOTC Agreement by removing all references to FAO that are an expression of its nature as a statutory body of FAO. Under this logic, once adopted by IOTC through a simplified procedure, the IOTC would cease to be a statutory body of FAO under Article XIV of the Constitution. The Director-General explained in detail why, before circulating the proposed amendments, he decided to refer the matter to the CCLM and the FAO Council.

FAO’s submission to the CCLM explained that the amendment procedure of Article XX of the IOTC Agreement is intended to allow for the amendment of an agreement under Article XIV of the FAO Constitution and operated by FAO. **It has an inherent limitation and this is that it may only concern amendments to an agreement within the framework of FAO which retains that character.** An amendment procedure designed to allow for the modification of an agreement within FAO cannot be used to establish a new agreement outside the framework of FAO and set up a new legal entity, distinct from FAO. It is not legally correct to follow an amendment procedure – **and what is more a simplified amendment procedure** designed to deal essentially with “routine” and technical matters - in order to set up a new international agreement and a new entity. This is the use of a procedure for a purpose other than that for which it was designed; this is what is called in French a “*détournement de procédure*”.

At the same meeting, FAO underlined subsidiarily that the criteria formulated by its Governing Bodies for determining whether or not amendments involve new obligations were applied out of context, since they were never formulated for a situation as the one at hand. The proposed amendments seem to involve indeed new obligations, as confirmed by the need for internal ratification procedures that some countries have to follow and which, furthermore, defeat the very purpose of the process under way.

The legal alternative that IOTC examined at its Special Session in Goa was presented to the CCLM in very much detail by its Chairperson. The CCLM unanimously concluded that the situation was complex and unprecedented and that, therefore, it was essential to make a complete review of the matter, keeping in mind all the implications of any proposed option, including the fact that any decision would set a precedent in international law impacting upon other organizations of the United Nations. In order to be able to review the matter and make a recommendation to the Council, the CCLM requested that the matter be examined by an informal group of legal experts of all the IOTC Members and CCLM Members, as well as representatives of relevant organizations of the United Nations. Subsequently, the CCLM would review the work of the informal group and provide its advice to the Council. The CCLM requested that the informal group meet as soon as feasible, taking into account the calendar of the relevant sessions of the Governing Bodies of FAO.

The matter is before the FAO Governing Bodies, of which all IOTC Members are also Members, in the context of a process that the Director-General explained to you in his letter of 9 May 2007. Let me assure you that FAO shall be taking the required steps to convene the informal group as soon as possible, but taking into account the need for proper preparation of its work, including the necessary documentation, and the effective participation of legal experts of all IOTC Members. Let me insist Mr. Chairman on FAO’s determination to implement this process faithfully.

Mr. Chairman I am prepared to answer any questions that IOTC Members might wish to ask.

Thank you.

2. United Republic of Tanzania

Tanzania will support which will enhance the performance of the Commission .If complete or partial separation from FAO has been found the only best way possible to improve the efficiency and effectiveness of the organization, so be it, but under strict conditions that due procedures are followed so that safe guards for equity are properly addressed .Consequently FAO is requested to expeditiously take necessary measures to ensure the political will of IOTC members is realized within shortest possible time.

3. Views of India

India, in response to the FAO Representative's statement, stated that the FAO Legal Office has raised very important and valid Constitutional legal issues. They require careful consideration by all the Members before proceeding further on the issues amending the IOTC Agreement and de-linking the IOTC from FAO.

It is also stated that the draft amendments as such cannot be adopted, since there are certain loopholes in the draft amendments, which require further clarifications and discussions. Therefore, India is not ready for adoption at this juncture and is ready to discuss all the matters and options at the 12th session.

4. Views of India, Iran, Mauritius and Pakistan

(1) It would be advisable for the IOTC to remain the FAO framework while a solution should be found through a side letter or a side agreement which will enable it to achieve its goals of being more effective and efficient as all parties should be included for a proper management of the tuna stocks.

5. Views of Madagascar on the EC proposal regarding the amendment of the IOTC Agreement

Regarding the issue related to the management of IOTC, the Madagascar delegation cannot easily take position, since it is an economic –and even political– issue.

Nonetheless, Madagascar will support any proposal aiming at making IOTC a more efficient and more effective organization.

Thus, Madagascar supports the proposed amendments to the IOTC Agreement, where they do not impair both equity and legality.

6. India's views on the statement of IOTC to FAO

India mentioned that the final opinion on the matters will be as per final decision of our Government with regard to change from the FAO System.

APPENDIX VI

STATEMENT FROM THE IOTC CONCERNING ACTIONS BEING TAKEN TO ACHIEVE MORE EFFECTIVE AND EFFICIENT COMMISSION

The Indian Ocean Tuna Commission (IOTC)

RECALLING that at the 9th Session of the Commission all Members agreed to convene a special session to explore ways to achieve a more effective and efficient organisation, notably through a change in the relationship between the IOTC and the FAO;

RECALLING FURTHER that at the 3rd Special Session of the Commission the Members present reached consensus on the text of the draft amendments to the Agreement for the establishment of the IOTC to reflect the most appropriate way to achieve a more effective and efficient organisation and proposed to adopt them at the 11th session of the Commission;

NOTING that, on instruction from the Members present at the Special Session and on their behalf, the Chairperson sent a letter dated 22 December 2006 to the Director General of the FAO requesting him to circulate the draft amendments to all Members of the Commission in accordance with the provisions of Article XX of the Agreement;

TAKING NOTE that the Director General of FAO did not circulate the draft amendments as requested, and that he, in his letters to the Chairperson dated 5 February 2007 and 9 May 2007, presented his reasons for not circulating the draft amendments to all Members of IOTC and expressed his unreserved commitment to facilitate the process that the Commission has decided to accomplish;

CONFIRMS that the conservation of tuna and tuna-like species in the Indian Ocean necessitates an effective and efficient functioning of the Commission, not excluding a change in the relationship between the IOTC and the FAO;

REITERATING the importance of continued cooperation between the Commission and the FAO in the conservation of tuna and tuna-like species in the Indian Ocean;

STATES that:

1. The FAO Council and the FAO Director General are invited to take immediate action on the draft amendments to the Agreement agreed at the 3rd Special Session to allow the Commission to consider those draft amendments at its 12th Session.
2. The draft amendments will be considered by the Commission at the 12th Session following the circulation of those draft amendments by the Director General of FAO no less than 120 days before the date of that session.
3. The Chairperson is instructed to send copies of this statement to the FAO Director General, the FAO Council and to all Members of the Commission.

APPENDIX VII

REPORT OF THE FOURTH SESSION OF THE COMPLIANCE COMMITTEE

1) OPENING OF THE SESSION

1. The Fourth Session of the Compliance Committee of the Indian Ocean Tuna Commission was held during the Session 11 of the Commission and chaired by Mr Rondolph Payet (Seychelles).

2) ADOPTION OF THE AGENDA

2. The Compliance Committee adopted the Agenda as presented in an Annex to this report. The documents before the Committee are listed in Appendix III to the main report.

3) STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES BY CONTRACTING AND COOPERATING NON-CONTRACTING PARTIES

Review of member compliance with IOTC resolution 01/05 on mandatory fisheries statistics requirements for IOTC members

3. The Secretariat presented document IOTC-2007-S11-CoC07 describing the status of reporting of statistical data by CPC's and non-CPC's for the year 2005.
4. The Committee noted that levels of reporting by CPC's appeared to improve in 2006; however, the amount of information provided on how the statistics were generated and validated continues to be low. The Committee encouraged members to implement data validation procedures where necessary and in accordance with Resolution 01/05 provide documentation on the procedures used to generate their statistics.
5. The Committee also noted that the availability of fisheries statistics from non-members was generally poor, and in particular that several non-member countries that have major fisheries for IOTC species.
6. The Committee requested that the Executive Secretary writes to the non-member countries concerned seeking their cooperation in order to improve this situation.
7. India informed the Committee that its fisheries statistics for 2005 were incomplete and additional data would be provided to the Secretariat in the near future.
8. Indonesia informed the Committee about a range of activities it is undertaking to improve the fisheries statistics for both their artisanal and industrial fisheries.

Review of member compliance with resolution 05/02 on the IOTC record of authorised vessels

9. The Secretariat presented document IOTC-2007-S11-CoC09 describing the status of reporting by CPC's in accordance with IOTC Resolution 05/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area.*
10. Australia informed the Committee about some technical issues which affect the accuracy of the number of Australian vessels recorded by IOTC. Firstly, Australia's system of management is based on granting a strictly limited number of tradable long term fishing concessions. Secondly, Australia is moving its management system to a system based on individual transferable quotas which limits the amount of fish that can be caught rather than the number of vessels that can fish. Thirdly, Australia has aligned the area of its fishing authorizations with the areas of RFMOs. Because there is an overlap of the WCPFC and IOTC areas off the southern coast of Australia, and the complexities of the domestic management regime, it appears that Australia should also be reporting all vessels authorized for fishing in the WCPFC area to IOTC as well. These combinations of factors mean the number of vessels authorized to fish by Australia is higher than the number that currently appears in the IOTC record. Australia intends to provide details on these additional authorizations in the near future.
11. The Committee discussed several issues regarding the current information requirements for Resolutions 05/02 and 05/04 including vessel identification (use of the unique International Maritime Organisation vessel number) and the tonnage measures (GT and GRT).
12. The Committee noted that while it is not compulsory for fishing vessels to have an IMO number, this number is a valuable tool to track individual vessels because it is unique and does not change with changes in ownership, flag or other vessel identifiers. The Committee further noted that incorporating the IMO number into the information requirements of Resolution 05/02 would make it consistent with other IOTC resolutions.

13. The Committee recalled its recommendation in 2006 with respect to GRT and GT being used inconsistently and that this may adversely affect future attempts to estimate the overall capacity of the fleets operating in the Indian Ocean. The Committee noted that GT has replaced GRT as the standard IMO measurement of vessel volume.
14. The Committee recommended that the following changes be made to the information requested in paragraph 2 of IOTC Resolution 05/02 and that the proposed amendments be provided for the consideration of the Commission.
 - (i) that a request for the IMO number of a vessel when available be added to the list of information, and
 - (ii) that GT replace GRT as the standard measurement of vessel volume.

Review of member compliance with IOTC resolution 05/04 on the IOTC list of active vessels

15. The Secretariat presented document IOTC-2007-S11-CoC10 that described the status of reporting by CPC's and non-CPC's in accordance with IOTC Resolution 05/04 *Concerning registration and exchange on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC area of competence* for the period 2000-2005.
16. The Compliance Committee thanked CPCs for their efforts in reporting the 2006 data ahead of the usual date (IOTC-2007-S11-CoC10-add1). The Commission noted the data contributions from some non-members and paid special mention to Singapore for their continued cooperation in this area.
17. The EC delegation informed the Committee that the high numbers of vessels in both the active and authorised vessels lists is due to the inclusion of vessels below 24 m fishing within the EEZ of EC/Reunion.
18. However, the Committee noted that a considerable amount of data are yet to be reported and urged members to report their data by the due date so useful discussions and evaluation of the progress of Resolution 06/05 *On the limitation of fishing capacity, in terms of number of vessels, of IOTC contracting parties and co-operating non contracting parties* can take place in 2008.

Review of member compliance with IOTC resolution 05/03 on port inspections

19. The Secretariat presented document IOTC-2007-S11-CoC11 describing the status of reporting by CPC's in accordance with IOTC Resolution 05/03 *Relating to the establishment of an IOTC programme of inspection in port*.
20. The Committee noted that only Seychelles reported data for 2005 and urged members to report these data in the future.
21. Australia reminded the Committee about the obligations CPC's have under the UNFSA to implement port state controls over fishing activities including activities such as port inspection. The Committee encouraged all CPC's that have not yet implemented port inspection measures to do so as soon as possible and report any progress to the next session of the Compliance Committee.
22. The Committee recommended that the vessels on which inspection were carried out be identified in the data submissions from CPC's.
23. The Committee also recommended that CPC's provide the details of vessels which are refused entry into ports to the Secretariat for immediate distribution to IOTC CPC's and other relevant RFMO's.

Review of member compliance with IOTC resolution 01/06 concerning the IOTC bigeye tuna statistical document programme

24. The Secretariat presented document IOTC-2007-S11-CoC08 describing the status of reporting by CPC's in accordance with IOTC Resolution 01/06 *Concerning the IOTC bigeye tuna statistical document programme*
25. The Committee was informed that the tuna RFMO's are collaborating to harmonise the existing catch certification schemes.
26. The EC reiterated its call made in 2006 to fully implement the Statistical Document Programme and include fresh tuna products.

General Comment

27. Several CPC's indicated that the figures published in the reports presented by the Secretariat were not up-to-date. The IOTC Secretariat informed the Committee that it generally returns the information that is reported by CPC's soon after the submission in order to ensure that the information reported has been properly processed. The Committee recommended that the CPC's are more proactive in checking that the data they submit has been correctly entered into the Secretariat databases when the Secretariat returns this information.

4) IOTC IUU VESSELS LIST

Deliberations in relation to Resolution 02/04: On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.

28. The Secretariat presented document IOTC-2007-S11-CoC12 relating to the IOTC IUU vessel list. The document contained information on seven vessels.
29. The Committee recalled that the three longliners from Papua New Guinea, according to the information provided by the National Fisheries Authority of Papua New Guinea, had not actually fished for tunas within the IOTC Area but had acted as carrier vessels for bigeye tuna caught in the Indian Ocean by other vessels. The Committee agreed in 2006 to consider the deletion of the vessels *Wang Feng*, *Feng Jung Chin No.1* and *Yu Fu No.11* from the IUU Vessels List on the condition that Papua New Guinea provide the names and details of the vessels that actually caught and transhipped the fish from the Indian Ocean. As no information has been received by the Secretariat to date the Committee recommended that another reminder to be sent to the Papua New Guinea authorities and the vessels be retained on the list (IOTC-2007-S11-CoC14).
30. The Committee was informed by Australia that the Blue Ocean Marine and the Ocean Star Marine which are described as being apparently scrapped on the IOTC IUU list are listed as being destroyed on the World Shipping Register. This was confirmed by Belize after viewing the Lloyds Register. As a result of these findings, the Committee recommended that Blue Ocean Marine and the Ocean Star Marine be deleted from the list (IOTC-2007-S11-CoC14).
31. Regarding the Ocean Lion, Belize informed the Committee that according to the Lloyds Register the Ocean Lion is active and currently flagged by Equatorial Guinea. The Committee recommended that the Ocean Lion be retained on the list (IOTC-2007-S11-CoC14) and requested the Executive Secretary to contact the owners in Singapore to clarify the current status of this vessel.
32. As these vessels have IMO numbers, the Chair asked members having access to the Lloyds Register to provide a definitive statement on the status of these vessels.
33. Regarding the Yu Mann Won, flagged by Georgia; the Committee noted Georgia's response (IOTC-2007-S11-CoC12-add1) to the IUU nomination of the Yu Mann Won indicating that the vessel has been suspended from the Georgia Registry since December 2006. The Committee was informed by Mauritius, that the Yu Mann Won, flying the flag of Georgia, was refused entry into a port in Mauritius in March 2007 to land fish. The Committee concluded that the Yu Mann Won had been fishing illegally in the IOTC Area and recommended that this vessel be added to the IOTC IUU Vessels List (IOTC-2007-S11-CoC14).
34. The Committee also requested the Executive Secretary to contact Georgia authorities and inform them that the Yu Mann Won is still using the flag of Georgia.

5) REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY

Indonesia

35. Indonesia presented its application for status of cooperating non-contracting party to the Committee (IOTC-2007-S11-CoC03 and CoC3-add1). Indonesia informed the Committee that following final approval from the President of Indonesia (Presidential Decree 2007), Indonesia is in the final stages of becoming a Member of the IOTC. Indonesia informed the Committee that it has established a data collection system, research and development programs and monitoring, control and surveillance systems so as to comply with IOTC management measures. The Committee recommended that the Commission grant cooperating non-contracting party status of IOTC to Indonesia until the 12th Session of the Commission.

Senegal

36. Senegal presented its application for status of cooperating non-contracting party to the Committee (IOTC-2007-S11-CoC04). The Committee was informed by Senegal that the Government of Senegal was currently preparing its application for IOTC membership. The Committee recommended that the Commission grant cooperating non-contracting party status of IOTC to Senegal until the 12th Session of the Commission.

South Africa

37. South Africa presented its application for status of cooperating non-contracting party to the Committee (IOTC-2007-S11-CoC05). The Committee recommended that the Commission grant cooperating non-contracting party status of IOTC to South Africa until the 12th Session of the Commission.

Uruguay

38. Uruguay presented its application for status of cooperating non-contracting party to the Committee (IOTC-2007-S11-CoC06). In response to the Committee's request, Uruguay provided a written statement on their commitment and ability to control their vessels fishing in the IOTC Area. The Committee subsequently requested further information on the history of ownership of the vessel currently fishing in the Indian Ocean (the Paloma V) and deferred further consideration of Uruguay's application pending the submission of the above information.

General comments

39. The Committee reiterated its strong preference for cooperating non-contracting party status applications to be delivered in a standardised format according to Resolution 03/02 *On criteria for attaining the status of Cooperating Non-contracting Party* (a template is available from the Secretariat) and encouraged parties that receive Cooperating Non-Contracting Party status to consider becoming full members as quickly as possible.
40. Australia stated that Cooperating Non-contracting status is a privilege and designed as a short-term mechanism; furthermore, the work of the Commission and science is expensive and all those benefitting from the fishery should contribute to these costs. Australia reinforced its view that states should not become free-riders to the benefits offered by the Commission and participation in the fishery.

6) REVIEW OF CONSERVATION AND MANAGEMENT PROPOSALS

Concerning the recording of catch by fishing vessels in the IOTC convention area

41. Resolution proposal IOTC-2007-S11-PropA submitted by the EC was discussed.
42. The Committee agreed that this proposal established the minimum set of information required for scientific purposes from industrial purse seine vessels and bait boats. The Committee recommended that Proposal A-rev1 be adopted by the Commission.

To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures

43. Resolution proposal IOTC-2007-S11-PropC (submitted by the EC) was discussed.
44. The Committee recommended the adoption of Proposal C-rev1 and noted that it may be further strengthened in the future to cover *inter alia* the activities of residents within Members and nationals that are residents and operating from other countries.
45. Australia stated that it was important for Members to develop appropriate domestic legislation to be able to act against their nationals engaged in IUU activity and recognised that Members may be at very different points in the development of relevant legislation. Australia stated that while it supports the resolution, its current ability to take measures against nationals involved in illegal fishing in the Indian Ocean is limited under domestic law. Australia noted its criminal offences for nationals involved in illegal fishing in the WCPFC Area of Competence and stated that all Members should move to expand the application of their ability to take measures against nationals.

Establishing a programme for transshipment by large-scale fishing vessels

46. Resolution proposal IOTC-2007-S11-PropD (submitted by Comoros, EC, France, Madagascar, Mauritius and Seychelles) was discussed.
47. The Committee noted that this proposal calls for a complete ban on transshipments by all vessels in the IOTC record. No consensus was achieved on the acceptance of this proposal. Members were reminded that Resolution 06/02 *On establishing a programme for transshipment by large-scale fishing vessels* will apply from July 2008 and agreed to defer discussions on alternative approaches to managing transshipment until a review of the effectiveness of Resolution 06/02 is made. In the meantime, the Committee requested that members provide information regarding the implementation of a similar programme in the ICCAT convention area at its next session.

Mandatory statistical requirements for IOTC

48. Resolution proposal IOTC-2007-S11-PropE (submitted by Seychelles) was discussed.
49. This proposal provided amendments to Resolution 01/05 *Mandatory statistical requirements for IOTC Members* that served to strengthen the obligation on members to provide fisheries statistics. The Committee accepted this proposal in principle and decided to take the opportunity to further update Resolution 01/05. To this end the chair tasked a small group to make some textual revisions and for a revised Proposal E-rev2 be provided for the consideration of the Commission.
50. Some coastal countries informed the Committee about the difficulties they face in being able to produce statistics in accordance with IOTC requirements and requested that the Commission examine ways of providing assistance to overcome this situation.

7) ANY OTHER MATTERS

51. The SCAF elected Dr John Kalish (Australia) as Chairman and Mr Angelo Mouzouropoulos (Belize) as Vice-Chairman of the Compliance Committee for the next biennium.

8) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

52. The report of the Fourth Session of the Compliance Committee of the Indian Ocean Tuna Commission was adopted on the afternoon of Wednesday 16 May 2007.

ANNEX

COMPLIANCE COMMITTEE AGENDA

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA**
- 3. STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES**
 - a. REPORTING OF CATCH AND SCIENTIFIC DATA– RESOLUTION 01/05
 - b. RECORD OF AUTHORIZED VESSELS– RESOLUTION 05/02
 - c. RECORD OF VESSELS ACTIVE DURING 2005– RESOLUTION 05/04 AND RESOLUTION 06/05
 - d. REPORT ON PORT INSPECTIONS (LIST OF FOREIGN VESSELS AND CATCHES)– RESOLUTION 05/03
 - e. BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME – RESOLUTION 01/06
 - f. OTHER
- 4. REVIEW OF THE DRAFT IUU VESSELS LIST**
- 5. REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY**
 1. Belize
 2. Indonesia
 3. Senegal
 4. South Africa
 5. Uruguay
- 6. CONSERVATION AND MANAGEMENT MEASURES**

Discussions on Conservation and Management proposals as requested by the Commission
- 7. ANY OTHER MATTERS**
- 8. ADOPTION OF THE REPORT**

APPENDIX VIII
RESOLUTIONS ADOPTED DURING THE SESSION

RESOLUTION 07/01

**TO PROMOTE COMPLIANCE BY NATIONALS OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES
WITH IOTC CONSERVATION AND MANAGEMENT MEASURES**

The Indian Ocean Tuna Commission (IOTC),

CONVINCED that illegal, unreported and unregulated (IUU) fishing compromises the objectives of the Agreement for the Establishment of the IOTC,

CONCERNED that some flag States do not comply with their obligations regarding jurisdiction and control according to international law in respect of fishing vessels entitled to fly their flag that carry out their activities in the IOTC Area of Competence, and that as a result these vessels are not under the effective control of such flag States,

AWARE that the lack of effective control facilitates fishing by these vessels in the Area of Competence in a manner that undermines the effectiveness of IOTC conservation and management measures, and can lead to IUU fishing activities,

CONCERNED that vessels that carry out activities in the Area of Competence which do not comply with the IOTC conservation and management measures are benefiting from the support provided by persons subject to the jurisdiction of Contracting Parties and Cooperating non-Contracting Parties (CPCs), including, *inter alia*, through participation in transshipment, transport and trade of illegally harvested catches or engagement on board or in the management of these vessels,

NOTING that the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing calls on States to take measures to discourage nationals subject to their jurisdiction from supporting and engaging in any activity that undermines the effectiveness of international conservation and management measures,

RECALLING that CPCs should cooperate in taking appropriate action to deter any activities which are not consistent with the objective of the Agreement,

DESIRING, as a first step, to enhance cooperation between CPCs through facilitating measures being taken against natural or legal persons, subject to their jurisdiction, that have engaged in IUU fishing activities;

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

1. Without prejudice to the primacy of the responsibility of the flag State, the CPCs shall take appropriate measures, subject to and in accordance with their applicable laws and regulations:

(i) to investigate allegations and/or reports concerning the engagement of any natural or legal persons subject to their jurisdiction in the activities described, *inter alia*, in paragraph 1 of the *Resolution 06/01 on Establishing a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing in the IOTC Area*;

(ii) to take actions in response to any verified activities referred to in paragraph 1(i); and

(iii) to cooperate for the purpose of implementing the measures and actions referred to in paragraph 1(i).

To this end, relevant agencies of CPCs should cooperate to implement IOTC conservation and management measures and CPCs shall seek the cooperation of the industries within their jurisdiction.

2. To assist with the implementation of this Resolution, CPCs shall submit reports subject to the national laws of confidentiality to the IOTC Secretariat and other CPCs on the actions and measures taken in accordance with paragraph 1, in a timely fashion.

3. These provisions shall be applicable from 1 July 2008. CPCs may voluntarily decide to implement these provisions prior to this date.

RESOLUTION 07/02

CONCERNING THE ESTABLISHMENT OF AN IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels,

FURTHER RECALLING that IOTC adopted the *Resolution 01/06. Recommendation Concerning the IOTC Bigeye Tuna Statistical Document Programme* at its 2001 meeting,

FURTHER RECALLING that IOTC adopted the *Resolution 01/02 Relating to Control of Fishing Activities* at its 2001 meeting,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential to operate in the IOTC Area without timely registration with the Commission,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

RECOGNIZING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

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

1. The Commission shall establish and maintain an IOTC Record of fishing vessels 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,and that are authorised to fish for tuna and tuna-like species in the IOTC Area (hereinafter referred to as 'authorized fishing vessels', or AFVs). For the purpose of this Resolution, AFVs that are not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.
2. Each Contracting Party, and Cooperating non-Contracting Party (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the Secretary by 1 July 2003 for those vessels referred to 1.a) and 1 July 2006 for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC Area. This list shall include the following information:
 - Name of vessel(s), register number(s);
 - IMO number if available
 - Previous name(s) (if any);
 - Previous flag(s) (if any);
 - Previous details of deletion from other registries (if any);
 - International radio call sign(s) (if any);
 - Operating port
 - Type of vessel(s), length and gross tonnage (GT);
 - Name and address of owner(s) and operator(s);
 - Gear(s) used;
 - Time period(s) authorised for fishing and/or transshipping.

CPCs shall indicate, when initially submitting their list of vessels according to this paragraph, which vessels are newly added or meant to replace vessels currently on their list submitted to IOTC pursuant to the *Resolution 01/02 Relating to Control of Fishing Activities*.

The initial IOTC record shall consist of all the lists submitted under this paragraph.

3. Each CPC shall promptly notify, after the establishment of the initial IOTC Record, the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.
4. The IOTC Secretary shall maintain the IOTC Record, 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.
5. The flag CPCs of the vessels on the record shall:
 - a) authorise their AFVs to operate in the IOTC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its conservation and management measures;
 - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC conservation and management measures;
 - c) take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
 - d) ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by AFVs not entered into the IOTC Record in the IOTC Area;
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2003 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC record to take further action to enhance compliance by those vessels to IOTC conservation and management measures.
7.
 - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transhipment and landing of tuna and tuna-like species by the AFVs which are not entered into the IOTC Record.
 - b) To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs shall validate statistical documents only for the AFVs on the IOTC Record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record and,
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.

8. Each CPC shall notify the Secretary of any factual information showing that there are reasonable grounds for suspecting AFVs not on the IOTC Record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.
9. a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC Area.
- b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Secretary shall compile such information for future consideration by the Commission.
10. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU AFVs from the Indian Ocean to other oceans.
11. Paragraph 1 of the *Resolution 01/02 Relating to Control of Fishing Activities* adopted at the 2001 Commission meeting is no more effective when this resolution is entered into force, while paragraph 2,3,4 and 5 of the said Resolution shall stand as they are.
12. Paragraph 1 b) shall apply initially to longline and purse seine fishing vessels.
13. *Resolution 05/02 Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area* is superseded by this Resolution.

RESOLUTION 07/03

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 *Resolution 01/05 Mandatory Statistical Requirements for IOTC Members*, and in particular the requirements set out for surface fisheries/purse-seine fleets adopted by the Commission in 2001;

CONSIDERING the deliberations of the 9th 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);

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 30th 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.
3. With regard to all longline vessels over 24 metres length and those under 24 metres if they fish outside the EEZ of their flag State, CPCs commit to adopt at the 2008 Annual Session a minimum standard for logbooks for the same purposes, based on a model to be elaborated by the IOTC Scientific Committee at its 10th Session.

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
<p>DEPART / SALIDA / DEPARTURE</p> <ul style="list-style-type: none"> ✓ Port / Puerto / Port ✓ Date / Fecha / Date ✓ Heure / Hora / Hour ✓ Loch / Corredera / Loch <p>ARRIVEE / LLEGADA / ARRIVAL</p> <ul style="list-style-type: none"> ✓ Port / Puerto / Port ✓ Date / Fecha / Date ✓ Heure / Hora / Hour ✓ Loch / Corredera / Loch <p>NAVIRE / BARCO / VESSEL</p> <p>PATRON / PATRON / MASTER</p> <p>FEUILLE / HOJA / SHEET N°</p> <p><i>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.</i></p> <p><i>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.</i></p>
DONNÉES SUR LA PÊCHE / DATOS SOBRE LA PESCA / FISHING DATA
<p><i>Toute les informations concernant les activités, captures, incidents, ... qui se sont produits pendant la marée doivent être reportées aussi précisément que possible.</i></p> <p><i>All information regarding activities, catches, incidents, ... which occurred during the trip should be reported as precisely as possible.</i></p> <p>DATE/FECHA/DATE</p> <p><i>Remplir au moins une ligne par jour, même s'il n'y a pas eu d'activité de pêche (cape, avarie, ...).</i></p> <p><i>Fill in at least one line by day, even in case of no fishing activities.</i></p> <p>POSITION (chaque calée ou midi)/POSICION (cada lance o mediadía)/POSITION (each set or midday)</p> <p><i>Utiliser une ligne différente pour chaque calée (y compris les calées nulles), et noter la position de cette calée. S'il n'y a pas eu de pêche, 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, ...).</i></p> <p><i>Use one line for each set (including negative ones), and note its position. If no set have been made, note the position around midday. If necessary, information for one set can use several lines, without changing the general information (date and position).</i></p> <p>CALEE / LANCE .SET</p> <ul style="list-style-type: none"> ✓ Portant / Positivo / Successful ✓ Nul / Nulo / Nil <p><i>Cocher la case correspondante selon que le coup est nul ou portant.</i></p> <p><i>Tick the corresponding column according that the set was positive or not.</i></p> <ul style="list-style-type: none"> ✓ Heure / Hora / Time : Préciser / Especificar / Specify (TU+ ?) <p><i>Mettre l'heure de début de la calée ; préciser le cas échéant l'heure utilisée par le bord (TU+ ??).</i></p> <p><i>Indicate the time at the beginning of the set ; if necessary, precise the time used on board (TU+ ??).</i></p> <ul style="list-style-type: none"> ✓ N° Cuve / Cuba / Well <p><i>Indiquer le numéro de la/les cuve(s) où la capture sera stockée.</i></p> <p><i>Indicates the well number where the catch will be stored.</i></p> <p>CAPTURE ESTIMÉE / ESTIMACION DE LA CAPTURA / ESTIMATED CATCH</p> <ul style="list-style-type: none"> ✓ ALBACORE / RABIL / YELLOWFIN <ul style="list-style-type: none"> • Taille / Talla / Size • Capture / Captura / Catch ✓ LISTAO / LISTADO / SKIPJACK <ul style="list-style-type: none"> • 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 appoyo / 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, préciser si elle est naturelle (N) ou artificielle (A), ainsi que si elle a ou non une balise. Indiquer également si on a travaillé en association avec 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, indicates if the log is natural (N) or artificial (A), as well as if there bear or not a beacon. Indicates also if fishing was done in association with a supply. 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.

RESOLUTION 07/04
CONCERNING REGISTRATION AND EXCHANGE OF INFORMATION ON VESSELS FISHING FOR TUNAS AND SWORDFISH IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

NOTING the Research Recommendation of the 7th Expert Consultations on Indian Ocean Tunas regarding the need to collect data on fishing effort;

NOTING the Report of the First Session of the Scientific Committee and its general recommendation on the need to make a comprehensive list of all vessels of all gears catching bigeye;

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

All Contracting Parties and Cooperating non-Contracting Parties (CPCs) with vessels fishing for tropical tunas, albacore and swordfish in the IOTC Area of Competence (hereinafter referred to as “the Area”), by 30 June every year:

- Shall submit to the Secretary a list of their respective vessels greater than 24 m LOA that have fished for tropical tunas, albacore and swordfish in the Area during the previous year;
- Shall submit to the Secretary a list of their respective vessels of less than 24 m LOA that have fished for tropical tunas, albacore and swordfish outside of their EEZ during the previous year.

These lists shall contain the following information for each vessel:

- Name and registration number;
- IMO number if available;
- Previous flag (if any);
- International radio call sign;
- Vessel type, length, and gross tonnage;
- Name and address of owner, and/or charterer, and/or operator;
- Main target species.

CPCs which issue licences to foreign flag vessels to fish for tunas and swordfish in the Area shall submit to the Secretary the same information on all vessels to which such licences have been issued, according to the same timetable.

The Secretary shall circulate this information annually, or upon request, to all CPCs.

The CPCs shall notify the Secretary of any information concerning fishing vessels not covered in paragraph 1 but known or presumed to be fishing for tunas and swordfish in the Area.

6. (a) The Secretary shall request the flag State of a vessel covered in paragraph 5 to take the measures necessary to prevent the vessel from fishing for tunas and swordfish in the Area.

(b) The Secretary shall compile for future consideration by the Commission information on vessels covered in paragraph 5 whose flag is not identified.

7. *IOTC Resolution 05/04 Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC Area of competence* is superseded by this Resolution.

RESOLUTION 07/05
**LIMITATION OF FISHING CAPACITY OF IOTC CONTRACTING PARTIES AND COOPERATING NON-
CONTRACTING PARTIES IN TERMS OF NUMBER OF LONGLINE VESSELS TARGETING SWORDFISH AND
ALBACORE**

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that the Scientific Committee has expressed concerns on the status of the swordfish stock in the IOTC Area;

TAKING NOTE in particular of the Scientific Committee's recommendation that a reduction in catches of swordfish by longline gear, eventually to the level of MSY, be started as soon as possible and that fishing effort should be reduced or, at least, that it should not increase further;

TAKING NOTE of the significant quantities of swordfish by-catch present in the longline fisheries targeting albacore;

CONSCIOUS of the further Scientific Committee recommendation that management measures focused on controlling and/or reducing effort in the fishery targeting swordfish in the Indian Ocean, and, in particular, in the South West Indian Ocean, be implemented;

AWARE that the issue of excess fishing capacity is of worldwide concern and is the subject of an International Plan of Action developed by the United Nations Food and Agriculture Organization;

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

UNDERSTANDING that excess fishing capacity in a region makes it more difficult for Governments to agree on and implement effective conservation and management measures for the fisheries of that region;

RECALLING *Resolution 01/04 on Limitation of Fishing Effort of non-Members of IOTC whose Vessels Fish Bigeye Tuna* adopted at the Sixth Session;

RECALLING *Resolution 03/01 on the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties* adopted at the Eighth Session;

RECALLING *Resolution 05/01 on conservation and management measures for bigeye tuna* adopted at the Ninth Session;

RECALLING *Resolution 07/04 concerning the registration and exchange of information on vessels, fishing for tunas and swordfish in the IOTC area of competence* adopted at the 11th Session;

RECALLING *Resolution 06/05 on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating non-Contracting Parties* adopted at the Tenth Session;

BELIEVING that it is important to limit fishing capacity in the IOTC Area of Competence in order to ensure that the tuna and tuna-like fisheries in the region are conducted at a sustainable level;

SEEKING TO ADDRESS the problem of excess capacity in the purse-seine and longline fleets operating in the IOTC Area of Competence by limiting capacity to a level which, in harmony with other agreed management measures and projected and actual levels of catch, will ensure that tuna and swordfish fisheries in the region are conducted at sustainable levels,

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

1. Contracting Parties and Cooperating Non-Contracting Parties (hereafter named CPCs) shall limit the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for swordfish and albacore in the IOTC Area of Competence, to the number of their vessels

notified to IOTC for 2007 in accordance with IOTC *Resolution 07/04 Concerning Registration And Exchange Of Information On Vessels, Fishing For Tunas and swordfish in the IOTC Area Of Competence*¹

2. This limitation of number of vessels shall be commensurate with the corresponding overall tonnage expressed in GT (Gross Tonnage) and, where vessels are replaced, the overall tonnage shall not be exceeded.
3. In notifying their vessels fishing for swordfish in the area in 2007, the CPCs shall verify the effective presence and fishing activities of their vessels in the IOTC Area of Competence in 2007, through their VMS records, catch reports, port calls, or other means. The IOTC Secretariat shall have access to such information upon request.
4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of IOTC *Resolution 03/01 On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties*. In particular the coastal states not targeting swordfish will continue to explore the resources in their EEZs and develop their capacity in accordance with their Fleet Development Plans, which include a reasonable programme for the phasing-in of the increase of their fleet.
5. 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.
6. 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.
7. CPCs with less than ten active vessels targeting albacore in 2007 in the Area of Competence, are allowed to introduce a Fleet Development Plan to the Compliance Committee for review in 2008 at the 12th IOTC plenary Session. These Fleet Development Plans will be reviewed in 2009 by the Commission, in light of the Scientific Committee recommendations on the status of the albacore stock.
8. This Resolution is applicable during the years 2008, 2009 and 2010. The Commission shall review its implementation at the 2010 Session.
9. CPCs shall provide the Secretary, by 30 April 2008, with complete data on the presence of their active vessels targeted by this Resolution in the IOTC Area of Competence during the year 2007.

¹ The Commission will take into account authorisation to construct vessels currently under administrative process, ongoing and already authorised constructions in the year 2007, and the Fleet Development Plans already notified to the Commission

APPENDIX IX
IOTC IUU VESSELS LIST
AS DECLARED BY THE COMMISSION AT ITS 11TH SESSION
(18 MAY 2007)

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
Ocean Lion	Equatorial Guinea	June 2005	7826233	-				Contravention of IOTC Resolution 02/04, 02/05, 03/05.
Feng Jung Chin 1	Papua New Guinea	June 2005	-	-	-	Coco Enterprises, Papua New Guinea	Sunrise International, Taiwan China	Contravention of IOTC Resolution 02/04: 2003-2004
Wan Feng	Papua New Guinea	June 2005	-	-	-	Coco Enterprises, Papua New Guinea	Sunrise International, Taiwan China	Contravention of IOTC Resolution 02/04: 2003-2004
Yu Fu 11	Papua New Guinea	June 2005	-	-	-	Coco Enterprises, Papua New Guinea	Sunrise International, Taiwan China	Contravention of IOTC Resolution 02/04: 2003-2004
Yu Maan Won	Georgia	May 2007						

APPENDIX X

FINAL REPORT OF THE FOURTH SESSION OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE

1) OPENING OF THE SESSION

1. The Fourth Session of the Standing Committee on Administration and Finance (SCAF) of the Indian Ocean Tuna Commission was held during Session 11 of the Commission and chaired by Dr John Kalish (Australia).

2) ADOPTION OF THE AGENDA

2. The SCAF adopted the Agenda as presented in Annex I to this report. The documents before the SCAF are listed in Appendix IV to the main report.

3) PROGRESS REPORT OF THE SECRETARIAT

3. The Secretary described the Secretariat's activities and other relevant administrative matters in 2006 (IOTC-2007-S11-SCAF02).
4. The SCAF congratulated the Secretariat for the amount and quality of the work carried out since the last meeting.
5. The SCAF requested that in future reports the Secretariat provide more information about the nature of the missions and meetings attended by Secretariat staff, including the objectives, duration and results of each mission.

4) AUDIT REPORT

6. The FAO provided an overview of the internal FAO Financial and Administration Audit of the Secretariat (IOTC Circular 11/07).
7. The SCAF noted with concern that the FAO appears to have not given proper consideration to the Commission's request for an External Audit to be carried out by an independent body and stressed the need for such an audit to be initiated as soon as possible. The SCAF further noted that the FAO had not replied to the letter that was sent by the Chairman of the IOTC requesting for this process to be initiated by the FAO.
8. The FAO informed the SCAF that all FAO bodies are subject to the external audit process and an independent Auditor General determines which bodies will be audited. However, there is a special mechanism by which the FAO Finance Committee may request that a particular body be audited. The FAO recommended that the request for an external audit of IOTC be addressed to the FAO Finance Committee and indicated that they would assist IOTC in the submission process.

5) PROGRAMME OF WORK, BUDGET AND FINANCIAL STATEMENT

9. The Secretary presented the Financial Statement (IOTC-2007-S11-SCAF04) and the Programme of Work and Budget for 2007 (IOTC-2007-S11-SCAF03 and SCAF03-add1).
10. The SCAF noted that the payment of contributions during the last year has improved and the total amount of outstanding contributions has declined from \$756,740 at the end of 2005 to \$390,701 as of May 2007. The SCAF reiterated its encouragement to members to pay their outstanding contributions as soon as possible. Vanuatu and Sudan informed the SCAF that they would pay their outstanding contributions in the near future. SCAF also urged all members to pay their contributions as and when they fall due.
11. The SCAF noted that, each year, the Secretariat is forced to operate using accumulated funds until such time the annual budget is adopted, and when the adoption occurs in the middle of the year (currently May) the Secretariat has difficulty in operating effectively.
12. Some Members expressed their concern regarding a range of problems that affect the Secretariat's ability to manage the financial affairs of the Commission as a body within the FAO framework. The SCAF noted that while some progress in this area has been made over the last year, some important issues regarding transparency and financial reporting need to be addressed urgently.
13. In response to a question about the additional workload being placed on the Secretariat relating to the administration of several FAO projects in Seychelles, the Secretary informed the SCAF that the extra workload was minimal and had virtually no financial implications for the Secretariat.

14. Some Members expressed their concern that the budget appears to continually increase over time despite there being a considerable accumulated fund. Some Members indicated that they would have difficulties in paying increased contributions. The Secretary informed the SCAF that the worsening exchange rate of the US Dollar against the major currencies has greatly increased the operating costs of the Secretariat.
15. The SCAF noted that expenditures for 2006 were below the budgeted figures by 9% and that this was due mainly to unrealized expenditures. The financial position of the Commission was also supported by the contributions by Australia and the EC for the expenditures in support of the Third Special Session. The SCAF noted the suggestion that current accumulated funds should be retained by the Secretariat to be used for contingencies, to reduce the need for extra budgetary requests and as a buffer to allow the Secretariat to operate until the annual budget is adopted and contributions are available. Australia noted that the accumulated surplus should not be used to fund ongoing expenditures which should be factored into the budget.
16. The European Community, taking into account the difficulties outlined by the Secretariat in managing the budget, the lack of transparency due to the current financial rules as well as the increase in its annual contribution, put a general reservation on the SCAF recommendation to the IOTC Plenary to adopt the 2007 budget.
17. In response to questions from some members regarding making changes to the current procedures used to estimate the levels of Member Contributions, the SCAF noted that the financial regulations may be amended by the Commission in accordance with Article VI, paragraph 7 of the IOTC Agreement.
18. In view of the above issues raised by Members, the SCAF deferred the endorsement of the 2007 Programme of Work and adoption of the 2007 IOTC Budget as presented in Annex II and a scale of contribution as presented in Annex III.

6) ANY OTHER MATTERS

19. SCAF noted the request by the Scientific Committee (made at its last session) for a plan to be submitted to the Commission to increase the resources of the Secretariat to an appropriate level given the increasing technical needs of the SC and the need for the Secretariat to provide more technical advice to developing countries in the IOTC region. In response the Secretary gave a brief overview of a plan to develop the capabilities of the Secretariat. This plan also included the need for expansion of the resources of the Secretariat due to the additional obligations placed on the Secretariat issuing from the increasing number of management and conservation measures being put in place by the Commission.

7) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

20. The report of the Fourth Session of the Standing Committee on Administration and Finance of the Indian Ocean Tuna Commission was adopted in the afternoon of Wednesday 16 May 2007.

ANNEX I TO SCAF REPORT

SCAF AGENDA FOR 4TH SESSION

1. OPENING OF THE SESSION
2. ADOPTION OF THE AGENDA
3. PROGRESS REPORT OF THE SECRETARIAT
4. AUDIT REPORT
5. PROGRAMME OF WORK & BUDGET FOR 2007-2008
6. ANY OTHER MATTERS
7. ADOPTION OF THE REPORT

ANNEX II TO THE SCAF REPORT

		USD		
Salary costs		2007(as projected in 2006)	2007	2008
Professional				
	Executive Secretary	228,800	145,037	152,289
	Deputy Secretary	190,300	123,705	129,890
	Data Coordinator	187,000	121,124	127,180
	Data Analyst/ Programmer	176,000	110,382	115,901
	Field Data Manager	126,500	82,422	86,543
	Translator	110,000		
	Tagging Expert	83,600	64,602	67,832
General Service				
	Administrative Assistant	24,200	10,843	11,386
	Publications Assistant	25,300	10,956	11,503
	Database Assistant	20,900	11,720	12,307
	Bilingual Secretary	25,300	7,722	8,109
	Driver	22,000	7,829	8,221
	Cleaner	20,900	6,352	6,669
	Overtime	11,000		
	SUB-TOTAL		702,695	737,830
	Employer contributions to Pension Fund and Health Insurance		199,435	209,407
	Employee contribution to FAO Entitlement Fund		316,627	348,290
	Total staff costs	1,251,800	1,218,757	1,295,526
Operating Expenditures				
	Consultants	27,500	27,500	30250
	Duty travel	93,500	93,500	102850
	Meetings	55,000	63,000	69300
	Interpretation	44,000	69,000	75900
	Equipment	27,500	27,500	30250
	Operating expenses	55,000	55,000	60500
	Miscellaneous	38,500	38,500	42350
	SUB-TOTAL	1,592,800	1,592,757	1,706,926
	Deductions	26,400	26,400	26400
	TOTAL	1,566,400	1,566,357	1,733,326
	FAO Servicing Costs	70,488	70,486	78,000
	GRAND TOTAL	1,636,888	1,636,843	1,811,326

TRUST FUND No. 066028 - MTF/INT/661/MUL -**Indian Ocean Tuna Commission**

Status of Contributions as at 31 December 2006

(expressed in US\$)

Oracle Acc.: TF - FIPLD - TFAA970097099

Member Governments	Outstanding 31/12/05	Contribution Due for 2006	Received up to 31/12/06	Outstanding 31/12/06
AUSTRALIA	0.00	90,673.00	90,663.00	10.00
CHINA	41,385.00	59,977.00	101,362.00	0.00
COMOROS	25,940.86	15,059.00	40,962.10	37.76
ERITREA	51,541.53	5,788.00	-3,992.89	61,322.42
EUROPEAN COMMUNITY	0.00	406,079.00	406,079.00	0.00
France	0.00	83,016.00	83,016.00	0.00
GUINEA b/	7.36	12,834.00	12,828.52	12.84
INDIA	34,068.33	38,454.00	72,512.33	10.00
IRAN	139,511.77	59,211.00	91,122.90	107,599.87
JAPAN	0.00	126,628.00	126,628.00	0.00
KENYA b/	11,441.00	13,165.00	24,606.00	0.00
KOREA, Republic of	70,772.00	81,904.00	137,822.00	14,854.00
MADAGASCAR	15,502.02	15,744.00	27,688.54	3,557.48
MALAYSIA	22.00	33,209.00	33,204.00	27.00
MAURITIUS	5.00	29,443.00	29,438.00	10.00
OMAN d/	30.00	33,815.00	33,815.00	30.00
PAKISTAN	35,217.00	18,924.00	54,116.00	25.00
PHILIPPINES b/	25,257.00	29,629.00	25,257.00	29,629.00
SEYCHELLES a/	31,320.00	44,284.00	75,604.00	0.00
SRI LANKA	80,761.00	59,327.00	79,525.00	60,563.00
SUDAN	58,320.42	5,788.00	0.00	64,108.42
THAILAND	0.00	32,825.00	32,812.00	13.00
UNITED KINGDOM	60,064.00	71,155.00	131,219.00	0.00
VANUATU c/	75,574.00	22,130.00	48,812.96	48,891.04
Other Sources:				
JAPAN (Extra-budgetary contribution for tuna tagging)	0.00,	249,000.00	249,000.00	0.00
AUSTRALIA (Extra-budgetary contribution for a special session of IOTC)	0.00,	0.00	0.00	0.00
EUROPEAN COMMUNITY (Extra-budgetary contribution for tuna tagging)	0.00,	29,528.90	29,528.90	0.00
EUROPEAN COMMUNITY (Add. contribution)	0.00,	68,014.48	68,014.48	0.00
TOTALS	756,740.29	1,735,604.38	2,101,643.84	390,700.83

a/ Contributions paid in local currency

b/ Joined in year 2005

c/ Joined in year 2004 (4th quarter)

d/ Joined in Year 2002 (2nd quarter)

BABY 1: TFAA970197099

ANNEX III TO THE SCAF REPORT

Country	WB Classification	OECD	Average Catch	Contribution
Australia	High	Yes	7898	\$100,310.00
Belize	Middle	No	8970 ²	\$26,184.00
China	Middle	No	139107	\$71,215.00
Comoros	Low	No	10081	\$16,830.00
Eritrea	Low	No	Below 400 t	\$6,427.00
European Community	High	Yes	282888	\$479,034.00
France(Terr)	High	Yes	1570	\$91,595.00
Guinea	Low	No	593	\$14,217.00
India	Low	No	99286	\$41,401.00
Iran, Islamic Republic of	Middle	No	141414	\$71,850.00
Japan	High	Yes	39472	\$143,794.00
Kenya	Low	No	1726	\$14,529.00
Korea, Republic of	High	Yes	4277	\$95,324.00
Madagascar	Low	No	12000	\$17,359.00
Malaysia	Middle	No	18133	\$37,893.00
Mauritius	Middle	No	1722	\$33,372.00
Oman	Middle	No	19182	\$38,182.00
Pakistan	Low	No	24334	\$20,756.00
Philippines	Middle	No	2512	\$33,590.00
Seychelles	Middle	No	77721	\$54,306.00
Sri Lanka	Middle	No	122984	\$66,774.00
Sudan	Low	No	Below 400 t	\$6,427.00
Tanzania	Low	No	2047	\$10,724.00
Thailand	Middle	No	17506	\$37,720.00
United Kingdom(Terr)	High	Yes	Below 400 t	\$81,806.00
Vanuatu	Middle	No	Below 400 t	\$25,272.00
			Total	\$1,636,891

² Belize indicated that the catches for 2002 are under review. Any adjustment in the contribution derived from this review will be reflected in future invoices.

APPENDIX XI

IMPLEMENTATION OF THE PERFORMANCE REVIEW OF THE INDIAN OCEAN TUNA COMMISSION

Composition of the Review Panel:

1. A scientist expert, with expertise on tuna and not affiliated to any of the IOTC Members.
2. Six representatives of IOTC Members as follows: Australia, European Community, India, Japan, Kenya, Seychelles.

The Secretariat will not be a part of the Review Panel but it will act as a facilitator of its activities, providing access to the information and facilities that the Review Panel will require to conduct its work. Panel meetings will take place in Seychelles. Member countries will cover the costs associated with the participations of their representatives.

Scope of the review:

The review will focus on the effectiveness of the Commission to fulfil its mandate, in accordance to the criteria set forth below. The review will not include an audit of the finances of the Commission, as a separate external audit will be conducted independently.

Work schedule:

The report of the Review Panel will be completed and be made available 60 days prior to the next Session of the Commission and published in the IOTC website.

Criteria for Reviewing the Performance of Regional Fisheries Management Organizations (RFMOs)

	AREA	General Criteria	Detailed Criteria
1	<i>Conservation and management</i>	Status of living marine resources	<ul style="list-style-type: none"> • Status of major fish stocks under the purview of the RFMO in relation to maximum sustainable yield or other relevant biological standards. • Trends in the status of those stocks. • Status of species that belong to the same ecosystems as, or are associated with or dependent upon, the major target stocks (hereinafter “non-target species”). • Trends in the status of those species.
		Data collection and sharing	<ul style="list-style-type: none"> • Extent to which the RFMO has agreed formats, specifications and timeframes for data submission, taking into account UNFSA Annex I. • Extent to which RFMO members and cooperating non-members, individually or through the RFMO, collect and share complete and accurate fisheries data concerning target stocks and non-target species and other relevant data in a timely manner. • Extent to which fishing data and fishing vessel data are gathered by the RFMO and shared among members and other RFMOs. • Extent to which the RFMO is addressing any gaps in the collection and sharing of data as required.
		Quality and provision of scientific advice	<ul style="list-style-type: none"> • Extent to which the RFMO receives and/or produces the best scientific advice relevant to the fish stocks and other living marine resources under its purview, as well as to the effects of fishing on the marine environment.
		Adoption of conservation and management measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted conservation and management measures for both target stocks and non-target species that ensures the longterm sustainability of such stocks and species and are based on the best scientific evidence available. • Extent to which the RFMO has applied the precautionary approach as set forth in UNFSA Article 6 and the Code of Conduct for Responsible Fisheries Article 7.5, including the application of precautionary reference points. • Extent to which the RFMO has adopted and is implementing effective rebuilding plans for depleted or overfished stocks. • Extent to which the RFMO has moved toward the adoption of conservation and management measures for previously unregulated fisheries, including new and exploratory fisheries. • Extent to which the RFMO has taken due account of the need to conserve marine biological diversity and minimize harmful impacts of fisheries on living marine resources and marine ecosystems. • Extent to which the RFMO has adopted measures to minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.
		Capacity management	<ul style="list-style-type: none"> • Extent to which the RFMO has identified fishing capacity levels commensurate with long-term sustainability and optimum utilization of relevant fisheries. • Extent to which the RFMO has taken actions to prevent or eliminate excess fishing capacity and effort.
		Compatibility of management measures	<ul style="list-style-type: none"> • Extent to which measures have been adopted as reflected in UNFSA Article 7.
		Fishing allocations and opportunities	<ul style="list-style-type: none"> • Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11.
2	<i>Compliance and enforcement</i>	Flag State duties	<ul style="list-style-type: none"> • Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.
		Port State measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as port States, as reflected in UNFSA Article 23 and the Code of Conduct for Responsible Fisheries Article 8.3. • Extent to which these measures are effectively implemented.

		Monitoring, control and surveillance (MCS)	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted integrated MCS measures (e.g., required use of VMS, observers, catch documentation and trade tracking schemes, restrictions on transshipment, boarding and inspection schemes). • Extent to which these measures are effectively implemented.
		Follow-up on infringements	<ul style="list-style-type: none"> • Extent to which the RFMO, its members and cooperating non-members follow up on infringements to management measures.
		Cooperative mechanisms to detect and deter non-compliance	<ul style="list-style-type: none"> • Extent to which the RFMO has established adequate cooperative mechanisms to both monitor compliance and detect and deter non-compliance (e.g., compliance committees, vessel lists, sharing of information about non-compliance). • Extent to which these mechanisms are being effectively utilized.
		Market-related measures	<ul style="list-style-type: none"> • Extent to which the RFMO has adopted measures relating to the exercise of the rights and duties of its members as market States. • Extent to which these market-related measures are effectively implemented.
3	<i>Decision-making and dispute settlement</i>	Decision-making	<ul style="list-style-type: none"> • Extent to which RFMO has transparent and consistent decision-making procedures that facilitate the adoption of conservation and management measures in a timely and effective manner.
		Dispute settlement	<ul style="list-style-type: none"> • Extent to which the RFMO has established adequate mechanisms for resolving disputes.
4	<i>International cooperation</i>	Transparency	<ul style="list-style-type: none"> • Extent to which the RFMO is operating in a transparent manner, as reflected in UNFSA Article 12 and the Code of Conduct for Responsible Fisheries Article 7.1.9. • Extent to which RFMO decisions, meeting reports, scientific advice upon which decisions are made, and other relevant materials are made publicly available in a timely fashion.
		Relationship to cooperating nonmembers	<ul style="list-style-type: none"> • Extent to which the RFMO facilitates cooperation between members and nonmembers, including through the adoption and implementation of procedures for granting cooperating status.
		Relationship to non-cooperating non-members	<ul style="list-style-type: none"> • Extent of fishing activity by vessels of non-members that are not cooperating with the RFMO, as well as measures to deter such activities.
		Cooperation with other RFMOs	<ul style="list-style-type: none"> • Extent to which the RFMO cooperates with other RFMOs, including through the network of Regional Fishery Body Secretariats.
		Special requirements of developing States	<ul style="list-style-type: none"> • Extent to which the RFMO recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5. • Extent to which RFMO members, individually or through the RFMO, provide relevant assistance to developing States, as reflected in UNFSA Article 26.
		Participation	<ul style="list-style-type: none"> • Number of member coastal states / total number of coastal states • Number of member countries / total number of countries
5	<i>Financial and administrative issues</i>	Availability of resources for RFMO activities	<ul style="list-style-type: none"> • Extent to which financial and other resources are made available to achieve the aims of the RFMO and to implement the RFMO's decisions.
		Efficiency and cost-effectiveness	<ul style="list-style-type: none"> • Extent to which the RFMO is efficiently and effectively managing its human and financial resources, including those of the Secretariat.

APPENDIX XII

MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMISSION FOR THE CONSERVATION AND MANAGEMENT OF HIGHLY MIGRATORY FISH STOCKS IN THE WESTERN AND CENTRAL PACIFIC OCEAN AND THE INDIAN OCEAN TUNA COMMISSION

The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPFC) and the Indian Ocean Tuna Commission (hereafter IOTC);

NOTING that the objective of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (hereafter WCPF Convention) is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific ocean;

NOTING FURTHER that the Agreement for the Establishment of the Indian Ocean Tuna Commission (hereafter IOTC Agreement) seeks to promote cooperation with a view to ensuring, through appropriate management, the conservation and optimum utilization of tuna and tuna-like species and to and encourage the sustainable development of such species within the area of competence of the IOTC;

CONSIDERING that Article 22 of the WCPFC Convention calls upon the WCPFC to make suitable arrangements for consultation, cooperation and collaboration with other relevant organizations, including the IOTC;

CONSIDERING FURTHER that Article 22 of the WCPFC Convention provides that, where the WCPFC Convention Area overlaps with an area under regulation by another fisheries management organization, the WCPFC shall cooperate with such other organization in order to avoid the duplication of measures in respect of species in that area which are regulated by both organizations;

NOTING that Article 22 of the WCPFC Convention specifically calls upon the WCPFC to cooperate with the IOTC and to initiate consultation with the IOTC with a view to reaching agreement on a consistent set of conservation and management measures, including measures relating to monitoring, control and surveillance, for fish stocks that occur in the Convention Areas of both organizations;

NOTING FURTHER that Article XV of the IOTC Agreement calls on the IOTC to cooperate and make appropriate arrangements with other intergovernmental organizations, in particular with any intergovernmental organization or institution dealing with tunas in the area of competence of the IOTC and to seek to promote complementarity and to avoid duplication and conflict;

BEARING IN MIND that there is an overlap of a geographical area that falls within the area of competence of both the WCPFC the IOTC;

CONSCIOUS that some members of the WCPFC and the IOTC are members of both organizations;

AWARE that there are stocks and species covered by both the WCPFC Convention and the IOTC Agreement that migrate through areas of competence of both organizations;

DESIRING to put into place arrangements and procedures to promote cooperation called for by the WCPFC Convention and the IOTC Agreement in order to enhance the conservation and sustainable use of species which are within the competence of both organizations

DESIRING FURTHER to promote complementarity and to avoid duplication in and conflict with the activities of the two organizations;

NOW THEREFORE the WCPFC and the IOTC record the following understandings:

1. AREAS OF COOPERATION

The WCPFC and the IOTC agree to establish and maintain consultation, co-operation and collaboration in respect of matters of common interest to the two organizations, including, but not limited to, the following areas:

- i. exchange of data and information consistent with the information-sharing policies of each Commission;
- ii. collaboration on research efforts relating to stocks and species of mutual interest, including stock assessments; and
- iii. conservation and management measures for stocks and species of mutual interest.

2. MANNER OF COOPERATION

2.1 Cooperation between the WCPFC and the IOTC shall include:

- i. reciprocal participation as observers in relevant meetings of each organization, including those of each organization's subsidiary bodies;
- ii. information sharing about stocks and species of mutual interest;
- iii. development of processes to promote harmonization and compatibility of conservation and management measures, including measures relating to monitoring, control, surveillance and enforcement; and
- iv. active and regular exchange of relevant meeting reports, information, research data and results, project plans, documents, and publications regarding matters of mutual interest.

2.2 Consultative Meeting of Secretariats

To facilitate the effective development and implementation of cooperative measures, the WCPFC and the IOTC agree to establish an annual consultative meeting of the Secretariats to be known as the WCPFC-IOTC Consultative Meeting.

The WCPFC-IOTC Consultative Meeting will attempt to meet at least annually in the margins of meetings at which both Secretariats are represented by appropriate staff.

A report of the each WCPFC-IOTC Consultative Meeting will be circulated to members of both Commissions.

3. MODIFICATION, AMENDMENT

This Memorandum of Understanding is subject to modification and amendment by the mutual consent of both Commissions.

4. TERMINATION

Either organization may terminate this Memorandum of Understanding by giving six months notice of intention to terminate to the other organization.

ARTICLE 5: SIGNATURE

Signed on behalf of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Indian Ocean Tuna Commission:

Glenn Hurry
Chairman, WCPFC
Date:

John Spencer
Chairman, IOTC
Date: 18 May 2007