



---

## MONITORING CONTROL AND SURVEILLANCE

PREPARED BY: IOTC SECRETARIAT, 15 JANUARY 2015

---

**REVIEW AREA:** *Compliance and enforcement*

**GENERAL CRITERION:** *Monitoring Control and Surveillance*

**DETAILED CRITERIA:**

- 1) 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)
- 2) Extent to which these measures are effectively implemented.

**SUPPORTING INFORMATION**

1. *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).*

IOTC has a range of management measures in place that appear to be consistent with the flag State requirements given in UNFSA and the Code of Conduct.

2. *Extent to which these measures are effectively implemented.*

The majority of CPCs (21) that have an active fleet in the IOTC Area have implemented a national VMS, which responds to the requirements of Resolution 06/03. Judging by the lack of reporting to the IOTC Secretariat of information covered under paragraphs E-G, of Annex 1, Section 3 (6), of Resolution 06/03, one can either assume that CPCs have a very effective VMS, or they are failing to fully implement the reporting requirements outlined in paragraphs E-G. Seychelles, Mauritius, Madagascar, Comoros and France (La Reunion) are involved in the Indian Ocean Commission (IOC\_ Regional Surveillance Plan, which, inter alia, aims to improve the availability and use of tools such as VMS to coordinate regional patrols. In addition, the IOC members have undertaken to ban at-sea transshipment in their waters, although one IOC member allows its LSTLVs to tranship at sea under the IOTC Regional Observer Programme. A high seas boarding and inspection scheme is currently being developed for the IOTC Area, with the hope that the Commission will adopt such a scheme in the future.

***IOTC has implemented a VMS programme***

In 2002, IOTC adopted Resolution 02/02 *Relating to the establishment of a vessel monitoring system Pilot programme*. This initiated a two-year pilot programme and evaluation with a view to establishing a comprehensive VMS programme in the future.

In 2006, the IOTC adopted Resolution 06/03 *On establishing a vessel monitoring system programme* ([Appendix I](#)) requiring each Contracting Party and Cooperating Non Contracting Party to adopt a satellite-based vessel monitoring system (VMS) for all vessels greater than 15 metres in length overall registered on the IOTC Record of Vessels which operate in the IOTC Area and which fish on the high seas (outside the fisheries jurisdiction of any coastal state) for species covered by the IOTC Agreement by 1 July 2007.

***Information on the implementation of the VMS programme has been available since June 2008.***

The majority of CPCs that have an active fleet in the IOTC Area have implemented a national VMS, which responds to the requirements of Resolution 06/03. However, there is independent assessment on whether these national VMS responds to the technical requirements laid down in Resolution 06/03. Notable exceptions of CPCs without a national VMS are India and Sri Lanka. Iran uses a combination of satellite-based VMS that provides for almost real time reporting for its industrial fleet, and an offline system, which provide delayed reporting, for its coastal fleet.

***Management of Transshipments involves observers, catch documents***

In 2006, IOTC adopted Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels ([Appendix II](#)). This superseded related resolutions i.e. 06/02, 08/02 and 12/05.

From July 2008, this applies initially to large-scale tuna longline fishing vessels and to carrier vessels authorised to receive transshipments from these vessels at sea. The system includes:

- maintaining a record of (Carrier) Vessels authorized to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs
- Vessels to be authorized to tranship at sea by their flag State
- Masters of the receiving carrier vessel having to complete and transmit documentation
- All carrier vessels transhipping at sea to have on board an IOTC observer (not later than 1 January 2009)
- CPCs reporting annually on the quantities by species transhipped during the previous year, the list of the LSTLVs registered in the IOTC Record of Fishing Vessels, which have transhipped during the previous year and a comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs. Amongst the changes introduced under the various iterations of this resolution, observers now play a more significant role with respect to controls of LSTLVs transhipping at sea. Observers are required to identify and report on possible infractions relating to various measures, including verifications of documents and logbooks on board LSTLVs.
- Observers are also required to ascertain, to the best of their abilities, the origin of the catch that is to be transhipped from the LSTLVs.

***Programme of inspection in port***

In 2002, IOTC adopted Resolution 02/01 *Relating to the establishment an IOTC programme of inspection in port*. This was superseded in 2006 by Resolution 05/03 *Relating to the establishment of an IOTC programme of inspection in port* ([Appendix III](#)).

This enables:

- inspections of documents, fishing gear and catch on board fishing vessels.
- adoption of regulations to prohibit landings and transshipments of illegally caught fish.

In 2010, IOTC adopted Resolution 10/11 *On port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing*. This Resolution, which is inspired by the FAO Agreement, which was approved by the FAO Conference at its Thirty-sixth Session on 22 November 2009. Like the FAO Agreement, the IOTC Resolution aims to prevent illegally caught IOTC species from entering international markets through ports.

This resolution requires that:

- foreign fishing vessels provide advance notice and request permission for port entry
- port States to conduct regular inspections of foreign fishing vessels in accordance with minimum standards
- offending vessels be denied use of port or certain port services.

This Resolution also provides the basis for exchange of information between the port State, flag State and the IOTC Secretariat.

***Some members are involved in an initiative to improve VMS and ban at sea transshipment***

The Indian Ocean Commission (IOC) is managing a Regional Surveillance Plan, which provides for pooling of intelligence gathered through the VMS of the Member States, in order to better coordinate regional patrols for the detection of IUU fishing activities. In 2007 the ministers responsible for fisheries in the five IOC Member States declared a ban on at-sea transshipment in the waters of the IOC countries which is not implemented in its entirety.

***Response to a questionnaire on Flag State Responsibilities***

To assist this background document, the below [Table 1](#) provides information on the implementation of the Resolution relating to Vessel Monitoring System, for 2013.

**Table 1.** Implementation of the Resolution relating to Vessel Monitoring System, for 2013.

CPCs	Status	Res. 06/03	
		Adoption VMS for all vessels greater than 15 metres in length overall	VMS report on the progress and implementation
Australia	Member	C	C
Belize	Member	C	C
China	Member	C	C
Comoros	Member	C	N/A
Eritrea	Member	N/A	N/A
European Union	Member	C	C
France	Member	C	C
Guinea	Member	N/A	N/A
India	Member	PC	NC
Indonesia	Member	C	NC
Iran, Islamic Republic of	Member	PC	C
Japan	Member	C	C
Kenya	Member	C	C
Korea, Republic of	Member	C	C
Madagascar	Member	C	C
Malaysia	Member	C	NC
Maldives	Member	PC	N/A
Mauritius	Member	C	C
Mozambique	Member	C	C
Oman, Sultanate of	Member	C	C
Pakistan	Member	PC	NC
Philippines	Member	C	C
Senegal	Cooperating Party	N/A	N/A
Seychelles	Member	C	C
Sierra Leone	Member	N/A	N/A
South Africa	Cooperating Party	C	NC
Sri Lanka	Member	PC	NC
Sudan	Member	N/A	N/A
Tanzania	Member	C	C
Thailand	Member	C	NC
United Kingdom	Member	N/A	N/A
Vanuatu	Member	C	NC
Yemen	Member	NC	NC

**NOTE:** Not assessed = Somalia became a Contracting Party in 2014 and Djibouti become a Cooperating Non-Contracting Party in 2014.

Key	
C	Compliant
N/A	Not Applicable (No active vessels)
PC	Partially Compliant
NC	Non-Compliant

**APPENDIX I**

**RESOLUTION 06/03**

**ON ESTABLISHING A VESSEL MONITORING SYSTEM PROGRAMME**

**The Indian Ocean Tuna Commission (IOTC),**

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and inspection scheme, held in Yaizu, Japan, from 27 to 29 March, 2001,

RECOGNIZING the value of satellite-based Vessel Monitoring Systems (VMS) for the Commission's conservation and management programmes, including compliance,

RECOGNIZING IOTC Resolution 02/02 which called for the adoption of a pilot satellite-based vessel monitoring system (VMS) by 1<sup>st</sup> January 2004,

TAKING NOTE that the Resolution 02/02 has allowed the progressive incorporation of these systems to accommodate Contracting Parties that lack sufficient capacity for immediate implementation at a national level,

RECOGNISING that this Resolution 02/02 provides a process for developing States of the region to build the capacity to implement this Resolution,

AWARE that many Parties have established VMS systems and programmes for their fleets and that their experience may be very helpful in supporting the conservation and management programmes of the Commission;

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

1. Each Contracting Party and Cooperating Non Contracting Party (CPC) shall adopt a satellite-based vessel monitoring system (VMS) for all vessels greater than 15 metres in length overall registered on the IOTC Record of Vessels which operate in the IOTC Area and which fish on the high seas (outside the fisheries jurisdiction of any coastal state) for species covered by the IOTC Agreement by 1 July 2007.
2. The Commission may establish guidelines for the registration, implementation and operation of VMS in the IOTC Area with a view to standardizing VMS adopted by CPCs.
3. Information collected shall include:
  - a. the vessel identification;
  - b. the current geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres, at a confidence level of 99%; and
  - c. the date and time (expressed in UTC) of the fixing of the said position of the vessel.
4. Each CPC shall take the necessary measures to ensure that their land-based national Fisheries Monitoring Center (FMC) receives through the VMS the information required in paragraph 3, and that the FMC is equipped with computer hardware and software enabling automatic data processing and electronic data transmission. Each CPC shall provide for backup and recovery procedures in case of system failures.
5. Each CPC shall ensure that the information in paragraph 3 is transmitted to the FMC at least once every 4 hours. Each CPC shall ensure the masters of fishing vessels flying its flag ensure that the satellite tracking device(s) are at all times fully operational.
6. Each CPC as a Flag State shall ensure that the vessel monitoring device(s) on board its vessels are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:
  - a. be located within a sealed unit; and
  - b. be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.
7. The responsibilities concerning the satellite-tracking devices and requirements in case of technical failure or non-functioning of the satellite-tracking devices are established in Annex I.

- 
8. Until 1 July 2008, fishing vessels referred to in paragraph 1 which are not yet equipped with VMS shall report to their FMC at least daily by email, facsimile, telex, telephone message or radio. Such reports must include, inter alia, information required in paragraph 3 when transmitting the report, to their competent authorities, as well as:
    - a. the geographic position at the beginning of the fishing operation;
    - b. the geographic position at the end of the fishing operation.
  9. CPCs that cannot fulfill the obligations as outlined in this resolution shall report to the IOTC Secretariat (i) the systems and infrastructure and capabilities existing with respect to the implementation this resolution, and (ii) the hindrances for implementation of such a system and (iii) requirements for implementation.
  10. Each CPC shall provide to the IOTC Secretariat, by 30 June each year, a report on the progress and implementation of its VMS programme in accordance with this resolution. The Secretariat shall compile reports prior to the annual Session of the Commission and present a report to the Compliance Committee. Based on these reports, the Commission will discuss how best to proceed with future consideration of VMS to support its conservation and management measures.
  11. CPCs are encouraged to extend the application of this Resolution to their fishing vessels not provided for in paragraph 1 if they consider this to be appropriate to ensure the effectiveness of IOTC conservation and management measures.
  12. Resolution 02/02 *Relating to the Establishment of a Vessel Monitoring System Pilot Programme* is superseded by this Resolution.

[end]

## APPENDIX II

### RESOLUTION 14/06

#### ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

#### The Indian Ocean Tuna Commission (IOTC),

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the Conservation and Management Measures already adopted by the IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large-scale longline vessels in the IOTC area of competence, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

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

#### SECTION 1. GENERAL RULE

1. Except under the programme to monitor transhipments at sea outlined below in Section 2, all transhipment operations of tuna and tuna-like species and sharks caught in association with tuna and tuna-like fisheries in the IOTC area of competence (hereinafter referred to as “tuna and tuna-like species and sharks”) must take place in port.
2. The flag Contracting Party, Cooperating Non-Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in **Annex I** when transhipping in port.

#### SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3. The Commission hereby establishes a programme to monitor transhipment at sea which applies only to large-scale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transhipments from these vessels at sea. No at-sea transhipment of tuna and tuna-like species and sharks by fishing vessels other than LSTLVs shall be allowed. The Commission shall review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorise their LSTLVs to tranship at sea. However, if the flag CPC authorises the at-sea transhipment by its flag LSTLVs, such transhipment shall be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and **Annexes II** and **III** below.

#### SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA OF COMPETENCE

5. The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorised to receive tuna and tuna-like species and sharks at sea in the IOTC area of competence from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive tuna and tuna-like species and sharks in at-sea transhipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Executive Secretary the list of the carrier vessels that are authorised to receive at-sea transhipments from its LSTLVs in the IOTC area of competence. This list shall include the following information:

- a) The flag of the vessel;
  - b) Name of vessel, register number;
  - c) Previous name (if any);
  - d) Previous flag (if any);
  - e) Previous details of deletion from other registries (if any);
  - f) International radio call sign;
  - g) Type of vessels, length, gross tonnage (GT) and carrying capacity;
  - h) Name and address of owner(s) and operator(s);
  - i) Time period authorised for transhipping.
7. Each CPC shall promptly notify the IOTC Executive Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
  8. The IOTC Executive Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
  9. Carrier vessels authorised for at-sea transhipment shall be required to install and operate a Vessel Monitoring System (VMS).

#### **SECTION 4. AT-SEA TRANSHIPMENT**

10. Transhipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorisation from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

##### **Flag State Authorization**

11. LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their flag State.

##### **Notification obligations**

##### ***Fishing vessel:***

12. To receive the prior authorisation mentioned in paragraph 11 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of an intended transhipment:
  - a) The name of the LSTLV, its number in the IOTC Record of Vessels, and its IMO number, if issued;
  - b) The name of the carrier vessel, its number in the IOTC Record of Carrier Vessels authorised to receive transhipments in the IOTC area of competence, and its IMO number, and the product to be transhipped;
  - c) The tonnage by product to be transhipped;
  - d) The date and location of transhipment;
  - e) The geographic location of the catches.
13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transhipment, the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in **Annex II**.

**Receiving carrier vessel:**

14. Before starting transshipment, the master of the receiving carrier vessel shall confirm that the LSTLV concerned is participating in the IOTC programme to monitor transshipment at sea (which includes payment of the fee in paragraph 13 of **Annex III**) and has obtained the prior authorisation from their flag State referred to in paragraph 11. The master of the receiving carrier vessel shall not start such transshipment without such confirmation.
15. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, within 24 hours of the completion of the transshipment.
16. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, to the competent authorities of the State where the landing takes place.

**Regional Observer Programme:**

17. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, in accordance with the IOTC Regional Observer Programme in **Annex III**. The IOTC observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transshipment declaration.
18. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area of competence without an IOTC regional observer on board, except in cases of “force majeure” duly notified to the IOTC Secretariat.

**SECTION 5. GENERAL PROVISIONS**

19. To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
  - a) In validating the Statistical Document, flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV;
  - b) The flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme;
  - c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the IOTC area of competence, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.
20. The CPCs shall report annually before 15 September to the IOTC Executive Secretary:
  - a) The quantities by species transhipped during the previous year;
  - b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year;
  - c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
21. All tuna and tuna-like species and sharks landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.





22. Each year, the IOTC Executive Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
23. The IOTC Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of **Annex III** to this Resolution, also indicate evidence indicating possible infraction of IOTC regulations by LSTLVs/carrier vessels flagged to that CPC. Upon receiving such evidence, each CPC shall investigate the cases and report the results of the investigation back to the IOTC Secretariat three months prior to the IOTC Compliance Committee meeting. The IOTC Secretariat shall circulate among CPCs the list of names and flags of the LSTLVs/Carrier vessels that were involved in such possible infractions as well as the response of the flag CPCs 80 days prior to the IOTC Compliance Committee meeting.
24. Resolution 12/05 *On establishing a programme for transhipment by large-scale fishing vessels* is superseded by this Resolution.

## ANNEX I

### Conditions relating to in-port transhipment by LSTVs

#### General

1. Transhipment operations in port may only be undertaken in accordance with the procedures detailed below:

#### Notification obligations

2. Fishing vessel:
  - 2.1. Prior to transhipping, the Captain of the LSTV must notify the following information to the port State authorities, at least 48 hours in advance:
    - a) the name of the LSTV and its number in the IOTC record of fishing vessels;
    - b) the name of the carrier vessel, and the product to be transhipped;
    - c) the tonnage by product to be transhipped;
    - d) the date and location of transhipment;
    - e) the major fishing grounds of the tuna and tuna-like species and sharks catches.
  - 2.2. The Captain of a LSTV shall, at the time of the transhipment, inform its Flag State of the following:
    - a) the products and quantities involved;
    - b) the date and place of the transhipment;
    - c) the name, registration number and flag of the receiving carrier vessel;
    - d) the geographic location of the tuna and tuna-like species and sharks catches.
  - 2.3. The captain of the LSTV concerned shall complete and transmit to its flag State the IOTC transhipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in **Annex II** not later than 15 days after the transhipment.

3. Receiving vessel:

Not later than 24 hours before the beginning and at the end of the transhipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of tuna and tuna-like species and sharks

transhipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

***Landing State:***

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the landing State where the landing takes place.
5. The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC of the LSTVs shall include in its annual report each year to IOTC the details on the transshipments by its vessels.



**ANNEX II**

**IOTC Transhipment declaration**

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign:	Name of the Vessel and Radio Call Sign:
Flag:	Flag:
Flag State license number:	Flag State license number:
National Register Number, if available:	National Register Number, if available:
IOTC Register Number, if available:	IOTC Register Number, if available:

Departure  Day  Month  Hour  Year |2\_|0\_| Agent's name: \_\_\_\_\_ Master's name of LSTV: \_\_\_\_\_ Master's name of Carrier: \_\_\_\_\_  
 Return  Day  Month  Hour  Year |2\_|0\_| to \_\_\_\_\_ Signature: \_\_\_\_\_ Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Transhipment  Day  Month  Hour  Year |2\_|0\_| \_\_\_\_\_ Signature: \_\_\_\_\_ Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: \_\_\_\_\_ kilograms

**LOCATION OF TRANSHIPMENT**

Species	Port	Sea	Type of product														
			Whole	Gutted	Headed	Filletted											

If transhipment effected at sea, IOTC Observer Name and Signature: \_\_\_\_\_

**ANNEX III****IOTC Regional Observer Programme**

1. Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transhipments in the IOTC area of competence and which tranship at sea, to carry an IOTC observer during each transhipment operation in the IOTC area of competence.
2. The IOTC Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transhipments in the IOTC area of competence from LSTLVs flying the flag of Contracting Parties and of Cooperating Non-Contracting Parties that implement the IOTC observer program.

**Designation of the observers**

3. The designated observers shall have the following qualifications to accomplish their tasks:
  - a) sufficient experience to identify species and fishing gear;
  - b) satisfactory knowledge of the IOTC Conservation and Management Measures;
  - c) the ability to observe and record information accurately;
  - d) a satisfactory knowledge of the language of the flag of the vessel observed.

**Obligations of the observer**

4. Observers shall:
  - a) have completed the technical training required by the guidelines established by IOTC;
  - b) not be, to the extent possible, nationals of the flag State of the receiving carrier vessel;
  - c) be capable of performing the duties set forth in point 5 below;
  - d) be included in the list of observers maintained by the IOTC Secretariat;
  - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
  - a) On the Fishing Vessel intending to tranship to the carrier vessel and before the transhipment takes place, the observer shall:
    - i. check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna-like species and sharks in the IOTC area of competence;
    - ii. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
    - iii. check that the VMS is functioning and examine the logbook;
    - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;
    - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel's master,
    - vi. report the results of these duties on the fishing vessel in the observers report.
  - b) On the Carrier Vessel:

Monitor the carrier vessel's compliance with the relevant Conservation and Management Measures adopted by the Commission. In particular the observers shall:

- i. record and report upon the transshipment activities carried out;
  - ii. verify the position of the vessel when engaged in transshipping;
  - iii. observe and estimate products transhipped;
  - iv. verify and record the name of the LSTLV concerned and its IOTC number;
  - v. verify the data contained in the transshipment declaration;
  - vi. certify the data contained in the transshipment declaration;
  - vii. countersign the transshipment declaration
  - viii. issue a daily report of the carrier vessels transshipping activities;
  - ix. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information;
  - x. submit to the IOTC Secretariat the aforementioned general report within 20 days from the end of the period of observation;
  - xi. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer.
  7. Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.
  8. Observers shall respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

#### **Obligations of the flag States of carrier vessels**

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
  - a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
  - b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
    - i. Satellite navigation equipment;
    - ii. Radar display viewing screens when in use;
    - iii. Electronic means of communication.
  - c) Observers shall be provided accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;
  - d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
  - e) The flag States shall ensure that captains, crew and vessel owners do not obstruct,

intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

10. The IOTC Executive Secretary, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the flag CPC of the LSTLV, copies of all available raw data, summaries, and reports pertaining to the trip four months prior to the IOTC Compliance Committee meeting.

#### **Obligations of LSTLV during transhipment**

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit it, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.
12. The IOTC Executive Secretary shall submit the observer reports to the IOTC Compliance Committee and to the IOTC Scientific Committee.

#### **Observer fees**

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transhipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat and the IOTC Executive Secretary shall manage the account for implementing the program.
14. No LSTLV may participate in the at-sea transhipment program unless the fees, as required under paragraph 13, have been paid.

[end]

**APPENDIX III****RESOLUTION 05/03****RELATING TO THE ESTABLISHMENT OF AN IOTC PROGRAMME OF INSPECTION IN PORT****The Indian Ocean Tuna Commission (IOTC),**

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001.

NOTING that there is a general consensus of the Contracting Parties on the fact that the inspection in port is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing.

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

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

1. All measures provided for under this resolution shall be taken in accordance with international law.
2. Measures taken by a Port State in accordance with this Agreement shall take full account of the right and the duty of a Port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.
3. Each Contracting Party and Cooperating Non-contracting Parties (hereinafter referred to as CPC's) may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
4. Each CPC shall, in accordance with the Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with resolutions established by the IOTC, adopt regulations in accordance with international law to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch of the species covered by the Agreement establishing the IOTC has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.
5. In the event that a Port State considers that there has been evidence of a violation by a Contracting Party or a Non-Contracting Party vessel of a conservation and management measure adopted by the Commission, the Port State shall draw this to the attention of the Flag State concerned and, as appropriate, the Commission. The Port State shall provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.
6. Nothing in this recommendation affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.
7. While recognizing that inspection in port should be carried out in a non-discriminatory basis, in a first place, priority should be given to inspection of vessels from Non-Contracting Parties.
8. Each CPC shall submit electronically to the Secretary by 1 July of each year, the list of foreign fishing vessels which have landed in their ports tuna and tuna like species caught in the IOTC area in the preceding year. This information shall detail the catch composition by weight and species landed.
9. IOTC Resolution 02/01 *Relating to the establishment an IOTC programme of inspection in port* is superseded by this Resolution.

[end]