
Report of the Tenth Session of the Indian Ocean Tuna Commission

Goa, India, 22-26 May 2006

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EXECUTIVE SUMMARY

The Tenth Session of the Indian Ocean Tuna Commission (IOTC) was held in Goa, India, 22 - 26 May 2006. Representatives of 21 Members of the Commission and 8 observers attended.

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. The Commission also adopted additional measures to reduce incidental bycatch of seabirds in longline fisheries.

Continuing its efforts to eliminate illegal, unregulated and unreported fishing in the IOTC area, the Commission adopted an improved process for handling illegal, unregulated and unreported fishing activities and managing transshipment. The IOTC List of IUU Vessels was updated and currently lists six vessels. The Commission also took significant advances in the establishment of a vessel monitoring programme for IOTC members.

The Commission approved the 2006/07 Program of Work and Budget of the Secretariat, and the schedule of contributions. Belize, Indonesia, Senegal and South Africa were granted Cooperating Non-contracting Party status.

The Commission renewed the tenure of the current IOTC Secretary, Alejandro Anganuzzi for a further three years.

The following resolutions were adopted by the Commission:

1. Resolution 06/01 On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area
2. Resolution 06/02 On establishing a programme for transshipment by large-scale fishing vessels
3. Resolution 06/03 On establishing a Vessel Monitoring System Programme
4. Resolution 06/04 On reducing incidental bycatch of seabirds in longline fisheries
5. 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

1) OPENING OF THE SESSION

1. The Tenth Session of the Indian Ocean Tuna Commission (IOTC) was held in Goa, India, 22 - 26 May 2006. Representatives of 21 Members of the Commission and 8 observers attended the Session. The list of participants is attached as Appendix I.
2. In the opening ceremony, Dr Vishnu Somvanshi (Director General, Fish Survey of India) made the Welcoming Address, followed by Mr Alejandro Anganuzzi (Secretary IOTC) and Mr John Spenser (Chairperson of IOTC). An Inaugural Address was made by Shri. P.M.A. Hakeem (Secretary to the Government of India), followed by a Lighting of the Lamp Ceremony, a vote of thanks by Dr. M.E. John, and the playing of the Indian National Anthem.

2) ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

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

3) ADMISSION OF OBSERVERS

4. Pursuant to Article VII of the Agreement establishing the IOTC, the Commission admitted observers from Belize, the Russian Federation, Senegal, the Commission de l'océan Indien (COI), the International Game Fishing Association (IGFA), the Organization for the Promotion of Responsible Tuna Fisheries (OPRT), and the Southeast Asian Fisheries Development Center (SEAFDEC); as well as invited experts from Taiwan, Province of China.

4) REPORT OF THE THIRD SPECIAL SESSION

5. The Chairman congratulated the participants of the Third Special Session for the progress achieved during their meeting, where the Commission explored ways to achieve a more effective and efficient organisation (IOTC-2006-SS3-R). The Chair recalled that SS3 reached consensus on the texts of the amendments to the IOTC Agreement and the Rules of Procedure; and agreed to a list of actions to be undertaken inter-sessionally with a view to a formal decision at the 11th Session.

5) REPORT OF THE 8TH SESSION OF THE SCIENTIFIC COMMITTEE

6. The Commission observed one minute of silence in remembrance of Dr. Geoffrey Kirkwood (United Kingdom), the Chair of the Scientific Committee who passed away in April 2006. The Commission asked the Chairperson to write to his widow expressing our profound condolences and underling the important contribution Geoff had made over the years to the IOTC.
7. The report of the Eighth Session of the Scientific Committee (IOTC-2005-SC-R) was presented by Mr Kevin McLoughlin (Australia). The Commission acknowledged the report and considered the following issues.
8. The Commission noted with continued concern the reduced participation at IOTC working parties. The Commission reiterated its encouragement to all Members to facilitate as much as possible the participation of their scientists to the Working Parties and recommended that the Scientific Committee identify a range of measures to achieve this.
9. The Commission reiterated its concern about the lack of statistics from several Members and Cooperating non-Contracting Parties and noted the detrimental effects that the lack of statistics (in particular catch and effort and size data) can have on the stock assessments. On a positive note, the Commission acknowledged the valuable contribution the IOTC-OFCF Project was making in the improvement of the fisheries statistics to the Commission. Furthermore, the Commission noted that the IOTC-OFCF project has played its part in boosting participation at working party meetings by assisting coastal countries send scientists to present their country statistics.

10. The Commission noted the concerns of the Scientific Committee regarding the time separating the meetings of the Scientific Committee and the Commission. The Commission indicated its preference to meet around May of each year and advised the Scientific Committee to adjust the timing of its annual meeting to reduce the period of separation but keeping at least a gap of three months.
11. 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 F_{MSY} , 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 recommendation that any further increase in both effective fishing effort and catch above average levels in 1999 - 2002 should be avoided.
12. The Commission noted that the 2005 catches of yellowfin appear to have returned to normal levels after the extraordinary high catches in 2003 and 2004. 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. Therefore, the Commission requested that an attempt to discriminate between the two hypotheses be undertaken when the 2005 fisheries data becomes available.
13. The Commission noted that the results of the stock assessment for bigeye updated in 2005 were more pessimistic than those of previous assessments and acknowledged the Scientific Committee's recommendation that a reduction of catches and effort of bigeye tuna by all gears be achieved as soon as possible.
14. The Commission recalled the management measures addressing similar concerns for bigeye implemented in 2005, and took note of the concerns of the Scientific Committee expressed about further expansions of fishing effort on bigeye, yellowfin, swordfish and albacore.
15. The Commission noted that it is very unlikely that the Working Party on Bycatch would be able to produce definitive status indicators for shark species at its next meeting and that addressing this requirement would only be achieved in the near future if there is a strong commitment on the part of the Members and national scientists to collect and provide the relevant information. To this end the Commission reminded Members about their obligations under Resolution 05/05 *Concerning the Conservation of sharks caught in association with fisheries management by IOTC* to report data on shark catches.

6) REPORT OF THE COMPLIANCE COMMITTEE

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

a). Applications for cooperating non-contracting party status

17. The Commission endorsed the recommendations of the Compliance Committee to grant the status of Co-operating non-Contracting Party to Senegal, Indonesia and South Africa. The Commission instructed the Secretariat to inform these countries of these decisions and in that communication to underline the important role these members could play in implementing IOTC policy.
18. The Commission reviewed the application for Cooperating Non-Contracting Party status from Belize. Belize confirmed to the Commission that it will not increase the total number and tonnage of vessels operating in the Indian Ocean, nor their catches, beyond 2005 levels. It committed to provide verified length measurements of its vessels to the Secretariat. Furthermore, it intended to become a full member as soon as possible. Given these undertakings from Belize, the Commission granted Cooperating non-Contracting Party status to Belize and confirmed it would be only for one year and in that time the Commission expected Belize to become a Member of the Commission.

19. The Commission endorsed the recommendation of the Compliance Committee to defer further consideration of Panama's application pending the receipt of further vessel and statistical information. However, the Commission noted that a large number of Panamanian flagged cargo freezers have been operating in the Indian Ocean in recent years and given the management objectives of Resolution 06/02 *On establishing a programme for transshipment by large-scale fishing vessels* (Appendix V) the Commission is likely to require the cooperation of Panama. The Commission requested that the Secretary contact the relevant authorities in Panama on this matter.
20. The Commission strongly encouraged Cooperating non-Contracting Parties to contribute financially to the Commission, and become full members as quickly as possible.

b). IUU matters

21. The Commission noted the deliberations of the Compliance Committee 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*, and endorsed its recommended List of IUU Vessels (Appendix VI).
22. The modifications made to the IOTC IUU Vessels List in 2006 included the deletion of six purse seiners (TS Elegance, TS Emerald, TS Excellence, TS Prosperity, Ocean Explorer/Ocean Pride Marine and Marine Ocean/Ocean Liberty) and the removal of three longliners from Papua New Guinea (Wang Feng, Feng Jung Chin No.1 and Yu Fu No.11). The latter removals were on the condition that Papua New Guinea provides the names and details of the vessels that actually caught and transhipped the fish from the Indian Ocean.
23. The Commission noted that Papua New Guinea has been importing bigeye tuna from the Indian Ocean and not using the Bigeye Statistical Document Programme. The Commission requested that the Secretary contact the authorities from Papua New Guinea and encourage them to implement the programme as soon as possible.
24. Following the recommendation of the Compliance Committee the Commission adopted Resolution 06/01 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area* (Appendix V) This Resolution revised Resolution 02/04 in order to make the process more efficient and transparent.

c). Transshipment

25. Following the recommendation of the Compliance Committee, the Commission adopted Resolution 06/02 *On establishing a Programme of transshipment by large-scale fishing vessels* (Appendix V).

d). Vessel Monitoring Systems

26. Following the recommendation of the Compliance Committee, the Commission adopted Resolution 06/03 *On establishing a Vessel Monitoring System Programme* (Appendix V).

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

27. The report of the third meeting of the Standing Committee on Administration and Finance was presented by the Chair, Dr John Kalish (Australia) (Appendix VII). The Commission noted the report and considered the following matters.
28. The Programme of Work and Budget of the Secretariat and the schedule of contributions as presented in Appendix (VIII) were approved. Some members noted that the budget in 2006 was considerably higher than the budget in 2005 and expressed their concern about the lack of information available to justify the increases in some of the major budget components. In particular, this related to the absence of pro-forma salary costs and the inability of the FAO financial system to produce reliable estimates of future staff entitlements. This lack of transparency resulted in some members delaying their approval of the budget (from the meeting

of the SCAF) to the Plenary. Members agreed that under current financial administrative arrangements it is unlikely that this situation would be improved.

29. In particular, The European Community expressed its concerns about the lack of transparency and accountability related both to the proposed 2006 budget and 2005 accounts, and indicated that these justified its insistence on the need for an external audit. The EC further noted that it was deeply concerned about the continuous increase in salary levels which it considers are well beyond increases in national administration salaries. The EC stated that it is convinced that, only when the institutional framework of IOTC has changed into an independent Regional Fisheries Management Organisation, will there be the necessary transparency and accountability. Notwithstanding these matters, the EC reluctantly joined the consensus on the adoption of the 2006 budget and indicated it will pay special attention to these issues at the next Commission's meeting.
30. The Commission noted the information provided by FAO on the 2004 administrative audit of the IOTC Secretariat and expressed their concern that only some of the results of the audit were made available to the Commission. The Commission reiterated its request to FAO made at Session for FAO to provide, at least, the financial information from the report and instructed the Chairman to pursue this matter with FAO.
31. The Commission concurred with the SCAF recommendation that regular external financial audits of the Secretariat be undertaken in the pursuit of the highest levels of accountability and transparency in the financial matters of the Secretariat. The Commission instructed the Chairperson to request that FAO, on behalf of the Commission, undertake an external financial audit and report the results to the Commission.
32. The Commission noted that several Members were in arrears in the payment of their contributions and instructed the Secretary to send letters to the Members concerned reminding them of their responsibility to provide these funds and drawing their attention to the consequences for their Membership rights should the contributions not be forthcoming. The Commission agreed that any Member that is two or more years in arrears in at the time of S11, in accordance with Article XIII.8 of the IOTC Agreement, will have their right to vote withdrawn.
33. The Commission noted the following activities relating to the eventual revision of the current IOTC Financial Regulations arising from the SS3.
34. The Secretary is mandated to analyse the necessary legal, financial and administrative steps resulting from the change in the institutional framework between FAO and IOTC and to prepare draft Financial Regulations based on the draft available at this SS3 (listed in Appendix VII of the SS3 report).
35. The results of the analysis and draft Financial Regulations will be circulated by the Secretary to Members three months before the 11th Session of the Commission. Members are invited to submit views by email to the Secretary for circulation to all Members in advance of the 11th Session. The documents will be considered by the Members at the 11th Session with the intention of adopting amended Financial Regulations (following consideration by the Standing Committee on Administration and Finance at the 11th Session).

8) CONSERVATION AND MANAGEMENT MEASURES

36. The Commission, noting the concerns expressed by the Scientific Committee on the status of stocks, and the need to develop a mechanism to establish an effective management of fishing capacity, adopted Resolution 06/05: '*On the limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating Non-contracting Parties*'.
37. The Commission discussed management measures involving the setting of catch quotas for bigeye. The Commission agreed that such an approach is highly complex and more work was needed to further develop the concept.

38. The Commission, aware of the importance of the issue of incidental mortality of seabirds in longline fisheries, adopted Resolution 06/04 '*On reducing incidental bycatch of seabirds in longline fisheries*'.

9) ANY OTHER MATTERS

a) Relationships with other Bodies

Southern Indian Ocean Fisheries Agreement

39. The Commission noted that the Southern Indian Ocean Fisheries Agreement is to be finalised at a meeting in Rome on 6-7 July 2006. The Commission encouraged Members to sign this Agreement.
40. The Secretariat informed the Commission that the Secretariat is now receiving and storing data on behalf of SIOFA.

Indian Ocean Commission

41. 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. IOC is the lead agency for maritime-related activities for the several eastern and southern African economic integration organisations. The IOC is involved in the Regional Tuna Tagging Project and 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. 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.

European Community initiatives on monitoring control and surveillance

42. The EC informed the Commission that it has implemented some new programmes in the COI area to strengthen monitoring control and surveillance and combat IUU fishing.

The International Game Fishing Association

43. The IGFA informed the Commission that it represents anglers and charter boat operators in 123 countries and its members are keen to be informed about the management measures implemented by IOTC to ensure the sustainability of tunas and tuna-like species.

Southeast Asian Fisheries Development Center

44. The SEAFDEC informed the Commission that it is an intergovernmental organisation including south east Asian countries and Japan. SEAFDEC has been participating in a range of tagging projects in the eastern Indian Ocean since 2003 and is collaborating with IOTC programmes in the area. In 2006 SEAFDEC commenced a tag recovery programme. Given the high costs of running their research vessel, SEAFDEC is currently reviewing their future level of participation in the tagging initiatives in the eastern Indian Ocean and will keep IOTC informed of future developments.

b) Other business

45. Japan presented document (IOTC-2006-S10-03) updating the Commission about the joint meeting of Tuna RFMOs scheduled for January 2007 in Kobe, Japan. The Commission noted that this

meeting will cover a range of matters relevant to the IOTC and commended Japan for their initiative in organising the meeting. The Commission instructed the Secretary to attend this meeting and to draft a document to present to the meeting. This document will be distributed to members for comment well in advance of the meeting.

46. The Commission recommended that a meeting of the IOTC Working Party on Management Options be held and instructed the Secretariat to confer with Members to find a suitable time. The Commission thanked Australia for offering to financially support this meeting.

10) RENEWAL OF THE TENURE OF THE SECRETARY

47. In accordance with Rule V.3 of the IOTC Rules of Procedure, the Commission agreed that the tenure of the current IOTC Secretary, Alejandro Anganuzzi, be renewed for a further three years (commencing March 2007). The Chairperson was asked to inform the DG of FAO of this conclusion.

11) DATE AND PLACE OF THE NINTH SESSION OF THE SCIENTIFIC COMMITTEE AND THE ELEVENTH SESSION OF THE COMMISSION

48. 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.
49. The Commission agreed that the 11th Session of the Commission will take place from 14 to 18 May, 2007, in Seychelles.

12) ADOPTION OF THE REPORT

50. The Commission decided to adopt the report of the 10th Session of the Indian Ocean Tuna Commission by correspondence.

APPENDIX I
LIST OF PARTICIPANTS

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APPENDIX II

AGENDA OF THE 10TH SESSION OF IOTC

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**
- 3. ADMISSION OF OBSERVERS**
- 4. REPORT OF THE 8TH SESSION OF THE SCIENTIFIC COMMITTEE**
- 5. REPORT OF THE COMPLIANCE COMMITTEE**
- 6. REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**
- 7. CONSERVATION AND MANAGEMENT MEASURES**
- 8. REPORT OF THE THIRD SPECIAL SESSION**
- 9. RELATIONSHIPS WITH OTHER BODIES**
 - a. SIOFA
 - b. COI
 - c. JOINT MEETING OF TUNA RFMOS.
 - d. OTHER INSTITUTIONS
- 10. ANY OTHER MATTERS**
- 11. DATE AND PLACE OF THE 10TH SESSION OF THE SCIENTIFIC COMMITTEE AND THE 11TH SESSION OF THE COMMISSION**
- 12. ADOPTION OF THE REPORT**

APPENDIX III
LIST OF DOCUMENTS

Reference / Référence	Title / Titre
<i>Plenary</i>	
IOTC-2006-S10-01	[E] Draft agenda of the Commission - 10th Session [F] Ordre du jour previsionnel de la 10eme session de la Commission
IOTC-2006-S10-02	[E + F] List of documents / Liste des documents
IOTC-2006-S10-03	[E] Joint Meeting of Tuna RFMOs - Information Paper [F] Réunion conjointe des ORP thons (document d'information)
IOTC-2006-S10-INF01	[E] Experimental pilot action to reduce by-catch in purse seine fisheries in the Indian Ocean (EC)
IOTC-2006-S10-INF02	[E] Report of the experimental observer program for at-sea transshipment (Japan)
IOTC-2006-SS3-R	[E] Report of the Third Special Session of the Indian Ocean Tuna Commission [F] Rapport de la Troisième Session Extraordinaire de la Commission des thons de l'océan Indien
IOTC-2005-SC-R	[E] Report of the Eighth Session of the Scientific Committee [F] Rapport de la huitième session du Comité scientifique
<i>Compliance Committee</i>	
IOTC-2006-S10-CoC01	[E] IOTC Compliance Committee – draft agenda [F] Ordre du jour previsionnel du Comite D'application
IOTC-2006-S10-CoC02	[E] Report on the IOTC record of authorised vessels [F] Rapport sur le Registre CTOI des Navires Autorisés À Pêcher
IOTC-2006-S10-CoC03	[E] Application for cooperating non-contracting party status: Indonesia [F] Candidature à l'accession au statut de partie coopérante non contractante : Indonesie
IOTC-2006-S10-CoC04	[E] Application for cooperating non-contracting party status: Belize [F] Candidature à l'accession au statut de partie coopérante non contractante : Belize
IOTC-2006-S10-CoC05	[E] Application for cooperating non-contracting party status: Panama [F] Candidature à l'accession au statut de partie coopérante non contractante : République de Panama
IOTC-2006-S10-CoC05add1	[E] Addendum to Application for cooperating non-contracting party status: Panama [F] Addendum à la Candidature à l'accession au statut de partie coopérante non contractante : République de Panama
IOTC-2006-S10-CoC06 • rev1	[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-2006-S10-CoC07	[E] Concerning the IOTC IUU Vessel List [F] À propos de la Liste des navires INN
IOTC-2006-S10-CoC08	[E] Fleet development plans (Seychelles, Pakistan, Thailand and Iran) [F] Plans de développement des flottes (des Seychelles, du Pakistan, de Thaïlande, et de l'Iran)
IOTC-2006-S10-CoC08-add1	[E] France-Territories Fleet Development Plan [F] Plan de développement de la flotte de la France-territoires
IOTC-2006-S10-CoC08-add2	[E] Republic of Vanuatu Fleet Development Plan [F] Plan de développement de la flotte de la République du Vanuatu
IOTC-2006-S10-CoC08-add3	[E] La Réunion Fleet Development Plan [F] Plan de développement de la flotte de la Réunion
IOTC-2006-S10-CoC08-add4	[E] Sultanate of Oman Fleet Development Plan [F] Plan de développement de la flotte du Sultanat D'Oman
IOTC-2006-S10-CoC09	[E] Report on the IOTC record of active vessels [F] Rapport sur le registre CTOI des navires en activité
IOTC-2006-S10-CoC10	[E] Report on the IOTC fisheries statistics record [F] Rapport sur le registre ctoi de statistiques des pêches
IOTC-2006-S10-CoC11	[E] Report on the IOTC bigeye statistical document record [F] Rapport sur le registre des documents statistiques sur le patudo
IOTC-2006-S10-CoC12	[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

Reference / Référence	Title / Titre
<i>Proposals for IOTC Resolutions/Recommendations</i>	
IOTC-2006-S10-PropA	[E] Proposal A (submitted by Japan) Resolution On A Multi-Year Conservation And Management Program For Bigeye Tuna In The Indian Ocean [F] Proposition A (soumise par le Japon) Résolution sur un Programme Pluriannuel de Conservation et de Gestion du Patudo dans L'océan Indien
IOTC-2006-S10-PropB	[E] Proposal B (submitted by Japan) Resolution on fishing capacity transfer [F] Proposition B (soumise par le Japon) Résolution sur le transfert de capacité de pêche
IOTC-2006-S10-PropC • rev1	[E] Proposal C (submitted by the EC) Amendment to Resolution 02-04 on the Establishment of a list of IUU Vessels [F] Proposition C (soumise par la CE) Amendement de la Résolution 02/04 visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illégales, non réglementées et non déclarées dans la zone de la convention
IOTC-2006-S10-PropD • rev1 • rev2 • rev2, corr1 • rev2, corr2 • rev2, corr3	[E] Proposal D (submitted by the EC) Resolution establishing a programme for transshipment by large-scale fishing vessels [F] Proposition D (soumise par la CE) Résolution établissant un programme pour les transbordements des grands navires de pêche
IOTC-2006-S10-PropE	[E] Proposal E (submitted by the EC) Resolution on the introduction of VMS [F] Proposition D (soumise par la CE) Résolution de la CTOI sur l'introduction d'un SSN
IOTC-2006-S10-PropF • rev1	[E] Proposal F (submitted by Australia) Resolution on reducing incidental bycatch of seabirds in longline fisheries [F] Proposition F (soumise par l' Australie) Résolution sur la réduction des captures accidentelles d'oiseaux de mer dans les pêcheries palangrières
IOTC-2006-S10-PropG	[E] Proposal G (submitted by Australia) Resolution on Establishing a Vessel Monitoring System Programme [F] Proposition G (soumise par l' Australie) Résolution sur la mise en place d'un système de surveillance des navires
IOTC-2006-S10-PropH • rev1	[E] Proposal H (submitted by EC) Resolution on the limitation of fishing capacity, in terms of number of vesels, of IOTC Contracting Parties and Co-Operating Non-Contracting Parties. [F] Proposition H (soumise par CE) Résolution sur la limitation de la capacité de pêche, en termes de nombre de navires, des parties contractantes et parties cooperants non contractantes de la CTOI
IOTC-2006-S10-PropI	[E] Proposal I (submitted by Australia) Resolution concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area [F] Proposition I (soumise par l' Australie) Résolution concernant l'établissement d'un registre CTOI des navires autorisés à opérer dans la zone CTOI
IOTC-2006-S10-PropJ • rev1	[E] Proposal J (submitted by Australia and EC) Resolution on Establishing a Vessel Monitoring System Programme [F] Proposition J (soumise par l'Australie et la CE) Résolution sur la mise en place d'un système de surveillance des navires
IOTC-2006-S10-PropK	[E] Proposal K (submitted by Comoros, EC, France, Madagascar, Mauritius and Seychelles) IOTC Resolution establishing a programme for transshipment by large-scale fishing vessels. [F] Proposition K (soumise par les Comores, la CE, la France, Madagascar, Maurice et les Seychelles) Résolution de la CTOI établissant un programme pour les transbordements des grands navires de pêche
<i>Standing Committee on Administration and Finance</i>	
IOTC-2006-S10-SCAF01	[E] IOTC Standing Committee on Administration and Finance – draft agenda [F] Ordre du jour previsionnel du Comite Permanent Sur L'administration Et Les Finances
IOTC-2006-S10-SCAF02	[E] Financial Statement of the Commission [F] Bilan Financier
IOTC-2006-S10-SCAF02-add1	[E] Status of payment of contributions for the past three years [F] État des paiements des contributions pour les trois dernières années
IOTC-2006-S10-SCAF03	[E] Programme of work and budget [F] Programme de travail et budget du Secrétariat
IOTC-2006-S10-SCAF04	[E] Progress Report of the Secretariat [F] Rapport d'activité du secrétariat

**APPENDIX IV
RESOLUTIONS ADOPTED DURING THE SESSION**

RESOLUTION 06/01

**ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED
OUT ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE
IOTC AREA**

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way,

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA - IUU Plan,

RECALLING that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels,

CONCERNED by the fact that IUU fishing activities in the IOTC area continue, and these activities diminish the effectiveness of IOTC conservation and management measures,

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with IOTC management and conservation measures,

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments,

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement,

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

Definition of IUU Fishing Activities

1. For the purposes of this resolution, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unregulated and unreported fishing activities in the IOTC Area, inter alia, when a Contracting Party or Co-operating non-Contracting Party (hereinafter referred to as "CPC's") presents evidence that such vessels:
 - a. Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area, or
 - b. Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate, or
 - c. Do not record or report their catches made in the IOTC Area, or make false reports, or
 - d. Take or land undersized fish in contravention of IOTC conservation measures, or

- e. Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
- f. Use prohibited fishing gear in contravention of IOTC conservation measures, or
- g. Tranship with, or participate in joint operations such as re-supplying or re-fuelling vessels included in the IUU Vessels List, or
- h. Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels, or
- i. Are without nationality and harvest tunas or tuna-like species in the IOTC Area, or
- j. Engage in fishing activities contrary to any other IOTC conservation and management measures.

Information on Alleged IUU Fishing Activities

2. CPC's transmit every year to the Secretary at least 120 days before the Annual Meeting, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.
3. This list shall be based on the information collected by CPC's, *inter alia*, under:
 - *Resolution 99/02 Calling for Action Against Fishing Activities by Large-Scale Flag of Convenience Longline Vessels;*
 - *Resolution 01/02 Relating to Control of Fishing Activities;*
 - *Resolution 01/03 Establishing a Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Adopted by IOTC;*
 - *Resolution 01/06 Concerning the IOTC Bigeye Tuna Statistical Document Programme;*
 - *Resolution 02/01 Relating to the Establishment of an IOTC Programme of Inspection in Port;*
 - *Resolution 05/02 Concerning the Establishment of an IOTC Record of Vessels over 24 Metres Authorised to Operate in the IOTC Area*
 - *Resolution 05/04 Concerning Registration And Exchange Of Information On Vessels, Including Flag Of Convenience Vessels, Fishing For Tropical Tunas And Swordfish In The IOTC Area Of Competence*

Draft IUU Vessels List

4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Draft IUU Vessels List. This list shall be drawn up in conformity with Annex I. The Secretary shall transmit it together with the current IUU Vessels List as well as all the evidence provided to CPC's and to non-Contracting Parties whose vessels are included on these lists before at least 90 days before the Annual Meeting. CPC's and non-Contracting Parties will transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area, at least 30 days before the Annual Meeting to IOTC.

5. The Flag State shall notify the owner of the vessels of its inclusion in the Draft IUU Vessels List and of the consequences that may result from their inclusion being confirmed in the IUU Vessels List adopted by the Commission.
6. Upon receipt of the Draft IUU Vessels list, CPC's shall closely monitor the vessels included in the Draft IUU Vessels List in order to determine their activities and possible changes of name, flag and or registered owner.

Provisional IUU Vessels List

7. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Provisional IUU Vessels List and transmit it two weeks in advance to the Commission Meeting to the CPC's and to the non-Contracting Parties concerned together with all the evidence provided. This list shall be drawn up in conformity with Annex I.
8. CPC's may at any time submit to the Secretary any additional information, which might be relevant for the establishment of the IUU Vessels List. The Secretariat shall circulate the information, at latest before the annual meeting, to CPC's and to the non-Contracting Parties concerned, together with all the evidence provided.
9. The Compliance Committee shall examine each year the Provisional IUU Vessels List, as well as the information referred to in paragraphs 3, 4 and 7.
10. The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the Flag State demonstrates that:
 - a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) It has taken effective action in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
11. Following the examination referred to in paragraph 9, at each IOTC Annual meeting, the IOTC Compliance Committee shall:
 - a) adopt a Provisional IUU Vessels List following consideration of the Draft IUU Vessels List and information and evidence circulated under paragraphs 4, 7 and 8. The Provisional IUU Vessels List shall be submitted to the Commission for approval.
 - b) recommend to the Commission which, if any, vessels should be removed from the IUU Vessels List adopted at the previous IOTC Annual meeting, following consideration of that List, of the information and evidence circulated under paragraph 8 and the information supplied by Flag States in accordance with paragraph 17.

IUU Vessels list

12. On adoption of the IOTC IUU Vessels List, the Commission shall request non-Contracting Parties, whose vessels appear on the list,
 - a) to notify the owner of the vessel identified on the IUU Vessels List of its inclusion on the list and the consequences which result from being included on the list, as referred to in paragraph 13
 - b) to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
13. CPC's shall take all necessary measures, under their applicable legislation:
 - a) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels on the IUU Vessels list;

- b) So that IUU vessels that enter ports voluntarily are not authorized to land, tranship, re-fuel, re-supply, or engage in other commercial transactions ;
 - c) To prohibit the chartering of a vessel included on the IUU Vessels List;
 - d) To refuse to grant their flag to vessels included in the IUU Vessels List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or having taken into account all relevant facts, the Flag State determines that granting the vessel its flag will not result in IUU fishing;
 - e) To prohibit the imports, landing or transshipment, of tuna and tuna-like species from vessels included in the IUU Vessels List;
 - f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU Vessels List;
 - g) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of detecting, controlling and preventing false import/export certificates for tunas and tuna-like species from vessels included in the IUU Vessels List.
14. The Secretary will take any necessary measure to ensure publicity of the IUU Vessels List adopted by IOTC pursuant to paragraph 11, in a manner consistent with any applicable confidentiality requirements, and through electronic means, including placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU Vessels List to other regional fisheries management organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
15. This Resolution shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2007, review and, as appropriate, revise this resolution with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to CPC vessels.
16. Without prejudice to the rights of Flag States and coastal states to take proper action consistent with international law, the CPC's should not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft IUU Vessels List, pursuant to paragraph 4, or which have been already removed from the IUU Vessels List, pursuant to paragraph 10, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessels List

17. A non-Contracting Party whose vessel appears on the IUU Vessels List may request the removal of this vessel from the list during the inter-sessional period by providing the following information:
- a) it has adopted measures such that the vessel conforms with all IOTC conservation measures
 - b) it is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the IOTC Area

- c) it has taken effective action in response to the IUU fishing activities in question including prosecution and imposition of sanctions of adequate severity.
- d) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.

Inter Sessional Modification of the IUU Vessels List

- 18. The non-Contracting Party shall send its request for the removal of a vessel from the IUU Vessels List to the IOTC Secretary accompanied by the supporting information referred to in paragraph 17.
- 19. On the basis of the information received in accordance with paragraph 17, the Secretary will transmit the removal request, with all the supporting information to the Contracting Parties within 15 days following the notification of the removal request.
- 20. The Contracting Parties will examine the request to remove the vessel and arrive at a conclusion to either remove the vessel from, or keep the vessel on the IUU Vessels List by mail within 30 days following the notification by the Secretary. The result of this examination will be checked by the Secretary at the end of the 30-day period following the date of the notification by the Secretary referred to in paragraph 19.
- 21. The Secretary will communicate the result of the examination to all Contracting Parties.
- 22. If the result of the exercise indicates that there is a two-thirds majority of the Contracting Parties in favour of removing a vessel from the IUU Vessels List, the Chairperson of the IOTC, on behalf of the IOTC, will communicate the result to all the Contracting Parties and to the non-Contracting Party which requested the removal of its vessel from the IUU Vessels List. In the absence of a two-thirds majority, the vessel will be maintained on the IUU Vessels List and the Secretary will inform the non-Contracting Party accordingly.
- 23. The Secretary will take the necessary measures to remove the vessel concerned from the IOTC IUU Vessels List, as published on the IOTC website. Moreover, the Secretary will forward the decision of removal of the vessel to other regional fishery management organisations.
- 24. Resolution 02/04 *On Establishing A List Of Vessels Presumed To Have Carried Out Illegal, Unregulated And Unreported Fishing In The IOTC Area* is superseded by this Resolution.

RESOLUTION 06/01 - ANNEX I
INFORMATION TO BE INCLUDED IN ALL IOTC IUU VESSELS LISTS
(DRAFT, PROVISIONAL AND FINAL)

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

- a) name of the vessel and previous name/s, if any;
- b) flag of the vessel and previous flag/s, if any;
- c) owner of the vessel and previous owner/s, including beneficial owners, if any;
- d) operator of the vessel and previous operator/s, if any;
- e) call sign of the vessel and previous call sign/s, if any;
- f) Lloyds/IMO number;
- g) photographs of the vessel, where available;
- h) date the vessel was first included on the IOTC IUU Vessels List;
- i) summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidence.

RESOLUTION 06/02

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

The Indian Ocean Tuna Commission,

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 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 Convention area, 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 special conditions outlined below in Section 2 for transhipment operations at sea, all transhipment operations of tuna and tuna like species in the IOTC Area 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 1 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 initially 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. The Commission shall at its 2010 Annual Meeting, review and, as appropriate, revise this Resolution.
4. The CPCs that flag LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, if the flag CPC authorizes the at-sea transhipment by its flag LSTLVs, such transhipment should be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

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

5. The Commission shall establish and maintain an IOTC Record of (Carrier) Vessels authorized to receive tuna and tuna-like species at sea in the IOTC Area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transhipment operations.
6. Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2008 the list of the carrier vessels that are authorized to receive at-sea transhipments from its LSTLVs in the IOTC Area. This list shall include the following information:
 - 1 The flag of the vessel
 - 2 Name of vessel, register number

- 3 Previous name (if any)
 - 4 Previous flag (if any)
 - 5 Previous details of deletion from other registries (if any)
 - 6 International radio call sign
 - 7 Type of vessels, length, gross tonnage (GT) and carrying capacity
 - 8 Name and address of owner(s) and operator(s)
 - 9 Time period authorised for transhipping
7. Each CPC shall promptly notify the IOTC 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 Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and 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 authorized for at-sea transshipment shall be required to install and operate a Vessel Monitoring System (VMS).

SECTION 4. AT-SEA TRANSHIPMENT

10. Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization 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 authorized to tranship at sea, unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

12. To receive the prior authorization 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 transshipment:
 - a) the name of the LSTLV and its number in the IOTC Record of Vessels,
 - b) the name of the carrier vessel and its number in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area, and the product to be transhipped,
 - c) the tonnage by product to be transhipped,
 - d) the date and location of transshipment,
 - e) the geographic location of the tuna catches
13. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

14. 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 authorized to receive transshipment in the IOTC area, within 24 hours of the completion of the transshipment.

15. 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 authorized to receive transshipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

16. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, not later than 1 January 2009, in accordance with the IOTC Regional Observer Programme in Annex 3. 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.
17. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area without an IOTC regional observer on board, except in cases of 'force majeure' duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

18. 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 Convention area, 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.
19. The CPCs shall report annually before 15 September to the 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.
20. All tuna and tuna-like species 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.
21. Each year, the 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.
22. These provisions will be applicable from July 1st, 2008.

RESOLUTION 06/02 - ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTVs

General

- 1 Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, 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 transshipment,
 - e) the major fishing grounds of the tuna and tuna like species catches
- 2.2 The Captain of a LSTV shall, at the time of the transshipment, inform its Flag State of the following:
 - a) The products and quantities involved
 - b) the date and place of the transshipment
 - c) the name, registration number and flag of the receiving carrier vessel
 - d) the geographic location of the tuna and tuna like species catches.
- 2.3 The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex 2 not later than 15 days after the transshipment.

Receiving vessel:

- 3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of tuna and tuna-like species 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 LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

RESOLUTION 06/02 - ANNEX 2
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:

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

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	Filleted									

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

RESOLUTION 06/02 - ANNEX 3

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 and which tranship at sea, to carry an IOTC observer during each transhipment operation in the Convention area.
- 2 The Secretary shall appoint the observers and shall place them on board the carrier vessels authorized to receive transhipments in the IOTC Area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating 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) be nationals of one of the CPCs and, to the extent possible, not 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 Secretariat of the Commission;
 - 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) 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 transhipment 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 transhipment declaration;
 - vi. certify the data contained in the transhipment declaration;
 - vii. countersign the transhipment declaration;
 - b) issue a daily report of the carrier vessel's transshipping activities;
 - c) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.

- d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - e) 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 behavior 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 Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to 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 raw data, summaries, and reports pertaining to the trip.
- 11 The Secretary shall submit the observer reports to the Compliance Committee and to the Scientific Committee.

Observer fees

- 12 The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment 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 Secretary shall manage the account for implementing the program;
- 13 No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.

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 1st 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.

RESOLUTION 06/03 - ANNEX 1

RESPONSIBILITIES CONCERNING THE SATELLITE-TRACKING DEVICES AND REQUIREMENTS IN CASE OF TECHNICAL FAILURE OR NON-FUNCTIONING OF THE SATELLITE-TRACKING DEVICES

- A) In the event that a CPC has information to suspect that on-board vessel monitoring device(s) do not meet the requirements of paragraph 2, or have been tampered with, it shall immediately notify the Secretary and the vessel's Flag State.
- B) Masters and owners/licenseses of fishing vessels subject to VMS shall ensure that the vessel monitoring device(s) on board their vessels within the IOTC Area are at all times fully operational. Masters and owners/licenseses shall in particular ensure that:
- a) VMS reports and messages are not altered in any way;
 - b) the antennae connected to the satellite monitoring device(s) are not obstructed in any way;
 - c) the power supply of the satellite monitoring device(s) is not interrupted in any way; and
 - d) the vessel monitoring device(s) are not removed from the vessel.
- C) A vessel monitoring device shall be active within the IOTC Area. It may, however, be switched off when the fishing vessel is in port for a period of more than one week, subject to prior notification to, and approval of, the Flag State, and if the Flag State so desires also to the Secretariat, provided that the first position report generated following the re-powering (activating) shows that the fishing vessel has not changed position compared to the last report.
- D) In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month. After this period, the master of a fishing vessel is not authorized to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip lasting more than one month, the repair or the replacement has to take place as soon as the vessel enters a port; the fishing vessel shall not be authorized to commence a fishing trip without the satellite tracking device having been repaired or replaced.
- E) In the event of a technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall communicate immediately to the FMC of the Flag State, and if the Flag State so desires also to the Secretariat, stating the time that the failure or the non-functioning was detected or notified in accordance with paragraph F of this Annex. In the event of a technical failure or non-functioning of the vessel monitoring device on board the fishing vessel, the master or the owner of the vessel, or their representative, shall also communicate to the FMC of the Flag State the information required in paragraph 3 of the Resolution every four hours, by email, facsimile, telex, telephone message or radio.
- F) When the Flag State has not received for 12 hours data transmissions referred to in paragraphs 5 of the Resolution and E of this Annex, or has reasons to doubt the correctness of the data transmissions under paragraphs 5 of the Resolution and E of this Annex, it shall as soon as possible notify the master or the owner or the representative thereof. If this situation occurs more than two times within a period of one year in respect of a particular vessel, the Flag State of the vessel shall investigate the matter, including having an authorised official check the device in question, in order to establish whether the equipment has been tampered with. The outcome of this investigation shall be forwarded to the IOTC Secretariat within 30 days of its completion.
- G) With regard to paragraphs E and F of this Annex, each CPC shall, as soon as possible but no later than two working days following detection or notification of technical failure or non-

functioning of the vessel monitoring device on board the fishing vessel, forward the geographical positions of the vessel to the Secretariat, or shall ensure that these positions are forwarded to the Secretariat by the master or the owner of the vessel, or their representative.

RESOLUTION 06/04
ON REDUCING INCIDENTAL BYCATCH OF SEABIRDS IN LONGLINE FISHERIES

The Indian Ocean Tuna Commission (IOTC),

RECALLING *Recommendation 05/09 On Incidental Mortality of Seabirds*;

RECOGNISING the need to strengthen mechanisms to protect seabirds in the Indian Ocean;

TAKING INTO ACCOUNT the United Nations Food and Agriculture Organisation (FAO) International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds), and the IOTC Working Party on Bycatch objectives;

ACKNOWLEDGING that to date some Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) have identified the need for, and have either completed or are near finalising, their National Plan of Action on Seabirds;

RECOGNISING the concern that some species of seabirds, notably albatross and petrels, are threatened with global extinction;

NOTING that the Agreement on the Conservation of Albatrosses and Petrels, which opened for signatures at Canberra on 19 June 2001, has entered into force;

NOTING that the ultimate aim of the IOTC and the CPCs is to achieve a zero bycatch of seabirds, especially threatened albatross and petrel species, in longline fisheries;

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

1. The Commission shall, within a year, develop effective mechanisms to enable CPCs to record and exchange data on seabird interactions, including regular reporting to the Commission, and seek agreement to implement all mechanisms as soon as possible thereafter.
2. CPCs shall collect and provide all available information to the Secretariat on interactions with seabirds, including incidental catches by their fishing vessels.
3. CPCs shall seek to achieve reductions in levels of seabird bycatch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures.
4. All vessels fishing south of 30°S shall carry and use bird-scaring lines (tori poles):
 - Tori poles shall be in accordance with agreed tori pole design and deployment guidelines (provided for in Annex 1);
 - Tori lines are to be deployed prior to longlines entering the water at all times south of 30°S;
 - Where practical, vessels are encouraged to use a second tori pole and bird-scaring line at times of high bird abundance or activity;
 - Back-up tori lines shall be carried by all vessels and be ready for immediate use.
5. Surface longline vessels, whilst targeting swordfish, utilising the “American longline system”¹ and equipped with a line-throwing device, shall be exempted from the requirements of paragraph 4 of this Resolution.

¹ “American longline system” shall be taken to mean the use of light monofilament gear components for both mainline and droplines, incorporating light sticks. By design, baits will sink rapidly when this gear is set.

6. The Commission shall, upon receipt of information from the Scientific Committee, consider, and if necessary, refine, the area of application of the mitigation measures specified in paragraph 4.
7. The Commission shall consider adopting additional measures for the mitigation of any incidental catch of seabirds (including those applied and tested by the Convention on the Conservation of Antarctic Marine Living Resources) at its annual meeting in 2007.

RESOLUTION 06/04 - ANNEX 1

SUGGESTED GUIDELINES FOR DESIGN AND DEPLOYMENT OF TORI LINES

Preamble

These guidelines are designed to assist in preparation and implementation of tori line regulations for longline vessels. While these guidelines are relatively explicit, improvement in tori line effectiveness through experimentation is encouraged. The guidelines take into account environmental and operational variables such as weather conditions, setting speed and ship size, all of which influence tori line performance and design in protecting baits from birds. Tori line design and use may change to take account of these variables provided that line performance is not compromised. Ongoing improvement in tori line design is envisaged and consequently review of these guidelines should be undertaken in the future.

Tori Line Design

1. It is recommended that a tori line 150 m in length be used. The diameter of the section of the line in the water may be greater than that of the line above water. This increases drag and hence reduces the need for greater line length and takes account of setting speeds and length of time taken for baits to sink. The section above water should be a strong fine line (e.g. about 3 mm diameter) of a conspicuous colour such as red or orange.
2. The above water section of the line should be sufficiently light that its movement is unpredictable to avoid habituation by birds and sufficiently heavy to avoid deflection of the line by wind.
3. The line is best attached to the vessel with a robust barrel swivel to reduce tangling of the line.
4. The streamers should be made of material that is conspicuous and produces an unpredictable lively action (e.g. strong fine line sheathed in red polyurethane tubing) suspended from a robust three-way swivel (that again reduces tangles) attached to the tori line, and should hang just clear of the water.
5. There should be a maximum of 5-7 m between each streamer. Ideally each streamer should be paired.
6. Each streamer pair should be detachable by means of a clip so that line stowage is more efficient.
7. The number of streamers should be adjusted for the setting speed of the vessel, with more streamers necessary at slower setting speeds. Three pairs are appropriate for a setting speed of 10 knots.

Deployment of Tori Lines

1. The line should be suspended from a pole affixed to the vessel. The tori pole should be set as high as possible so that the line protects bait a good distance astern of the vessel and will not tangle with fishing gear. Greater pole height provides greater bait protection. For example, a height of around 6 m above the water line can give about 100 m of bait protection.
2. The tori line should be set so that streamers pass over baited hooks in the water.
3. Deployment of multiple tori lines is encouraged to provide even greater protection of baits from birds.
4. Because there is the potential for line breakage and tangling, spare tori lines should be carried onboard to replace damaged lines and to ensure fishing operations can continue uninterrupted.
5. When fishers use a bait casting machine (BCM) they must ensure coordination of tori line and machine by:

- a) ensuring the BCM throws directly under the tori line protection and
 - b) when using a BCM that allows throwing to port and starboard, ensure that two tori lines are used.
6. Fishers are encouraged to install manual, electric or hydraulic winches to improve ease of deployment and retrieval of tori lines.

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

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that the Scientific Committee has expressed concerns on the status of the main tuna stocks in the IOTC Area;

TAKING NOTE in particular of the Scientific Committees recommendation that a reduction in catches of bigeye tuna by all gears, 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;

CONSCIOUS of the further Scientific Committee recommendation that management measures focused on controlling and/or reducing effort in the fishery targeting swordfish 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 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 2001 meeting;

RECALLING *Resolution 03/01 on the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties* adopted at the 2003 meeting;

RECALLING *Resolution 05/01 on conservation and management measures for big-eye tuna* adopted at the 2005 meeting;

RECALLING *Resolution 05/04 concerning the registration and exchange of information on vessels, fishing for tropical tunas and swordfish in the IOTC area of competence* adopted at the 2005 meeting;

BELIEVING that it is important to limit fishing capacity in the IOTC area in order to help ensure that the tuna fisheries in the region are conducted at a sustainable level;

SEEKING TO ADDRESS the problem of excess capacity in the tuna purse-seine and longline fleets operating in the IOTC area 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 tropical tunas in the IOTC Area, to the number of their vessels notified to IOTC for 2006 in accordance with IOTC Resolution 05/04 *Concerning Registration And Exchange Of Information On Vessels, Including Flag Of*

Convenience Vessels, Fishing For Tropical Tunas and swordfish in the IOTC Area Of Competence.^{2,3}

2. This limitation of number of vessels shall be commensurate with the corresponding overall tonnage expressed in GRT (Gross Registered Tonnage) or in GT (Gross Tonnage) and, where vessels are replaced, the overall tonnage shall not be exceeded.
3. In notifying their vessels fishing for tropical tunas in the area in 2006, the CPCs shall verify the effective presence and fishing activities of their vessels in the IOTC area in 2006, 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* and paragraph 4 of Resolution 05/01 *On Conservation and Management Measures for Bigeye Tuna*. In the application of the Fleet Development Plans, each CPC should implement a reasonable programme for the phasing-in of the increase of its 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 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.
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 Organisations. No vessels on an IUU vessels list of any Regional Fisheries Management Organisation may be transferred.
7. This Resolution is applicable during the years 2007, 2008 and 2009. The Commission shall review its implementation at the 2009 IOTC Session.
8. With regard to the swordfish fisheries, the CPCs take the commitment to adopt at the 2007 IOTC Annual Session a similar capacity limitation for vessels of 24 metres overall length or over, and vessels under 24 metres when they fish in international waters in the IOTC Area.
9. The provisions of this Resolution will not prejudice future discussions on quota allocation for tuna and tuna-like species, taking into account, *inter alia*, legitimate aspirations of the Coastal States to develop their fishing capacity.

² The Commission will take into account authorizations to construct vessels currently under administrative process, on-going and already authorized constructions in the year 2006, and the development programmes already notified to the Commission

³ Acknowledging that the catch levels and vessels presence in 2006 of certain Members is not representative of their historical presence, and consequently that these Members may increase the number of vessels present during the period of application of the Resolution to a maximum level operating in a season or year since 2000.

APPENDIX V

REPORT OF THE THIRD SESSION OF THE COMPLIANCE COMMITTEE

1) OPENING OF THE SESSION

1. The Third Session of the Compliance Committee of the Indian Ocean Tuna Commission was held during the Session 10 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 Statistical Requirements for IOTC members

3. The Secretariat presented document IOTC-2006-S10-CoC10 describing the status of reporting of statistical data by CPC's and non-CPC's for the year 2004.
4. The CoC reiterated its concern about the lack of statistics from several CPC's and noted the detrimental effects that the lack of statistics (in particular catch and effort and size data) can have on the stock assessments carried out by the Working Parties.
5. The CoC congratulated the IOTC-OFCF Project for the progress it has achieved since its implementation. The CoC stressed the need for further training to assist other countries of the region to improve the standards of their fisheries statistics. The CoC encouraged the Government of Japan to consider continuing to provide support to a programme of work such as that carried out by the IOTC-OFCF Project in the future.
6. The CoC noted that very few data on supply vessels have been reported to the Secretariat. Seychelles informed the CoC that they are now beginning to collect and report information on the numbers and activities of the supply vessels supporting Seychelles purse seiners. The CoC reminded all Parties that the provision of data on supply vessels is a requirement as stated in Resolution 01/05.

Review of member compliance 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

7. The Secretariat presented document IOTC-2006-S10-CoC09 that described the status of reporting by CPC's and non-CPC's in accordance with IOTC Resolution 05/04 for the period 1999-2004. The CoC noted that several parties have reported information on the foreign vessels licenced to operate in their EEZ's and those calling to their ports. In order to identify all the flag states fishing in the Indian Ocean, the CoC requested the Secretariat to provide information on the numbers of vessels active in the Indian Ocean separating the vessels reported by the flag countries from foreign vessels reported by third parties as licensed to operate in their EEZ's or calling to its ports.

Review of member compliance with resolution 05/02 Establishment of an IOTC record of vessels authorized to operate in the IOTC Area

8. The Secretariat presented document IOTC-2006-S10-CoC02 describing the status of reporting by CPC's in accordance with IOTC Resolution 05/02.

9. The CoC noted the following matters relating to the information provided by CPC's on the size of vessels: (a) the information on the length of vessels is incomplete; and (b) GRT and GT are being used inconsistently. The CoC expressed concern that these problems may adversely affect future attempts to estimate the overall capacity of the fleets operating in the Indian Ocean. The CoC noted that GT has replaced GRT as the standard IMO measurement of vessel volume and recommended that an amendment be made to Resolution 05/02 to account for this.
10. The CoC noted that vessels in the IOTC record continue to operate under parallel registration. Further on this matter, the CoC noted that under the UNCLOS Article 92, vessels that fly dual flags may be assimilated to a ship without nationality. The CoC recommended that each CPC inform the Secretariat about vessels operating under parallel registration and requested the Secretariat to report on the number of vessels and flags involved at the next Session.
11. Australia presented proposal Resolution IOTC-2006-S10-PropI *Concerning the establishment of an IOTC Record of Vessels Authorized to operate in the IOTC Area*. The CoC agreed on the need to create lists of vessels that support the activities of fishing vessels in the IOTC Record. Nevertheless, the CoC noted that the IOTC Record of Vessels was created to record fishing vessels and agreed that using this record for support vessels might not be appropriate. The CoC agreed to further consider this matter in the context of the transshipment measures being proposed to the Session.

Review of member compliance with IOTC resolution 05/03 on Port Inspections

12. Seychelles, Mauritius and Australia each informed the CoC that they have implemented a range of port inspection and control measures and that the information collected through these schemes will be reported to the Secretariat by the deadline.
13. The CoC encouraged other CPC's to implement port inspection measures as soon as possible and report any progress to the next session of the CoC.
14. The CoC further encouraged CPC's to submit the data requested in this resolution no later than 31 July (2006).
15. The CoC agreed that port control measures are an effective means of reducing IUU fishing, and fully supported the Monitoring Control and Surveillance Programmes currently being implemented in the IOTC region.

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.

16. The Secretariat presented document IOTC-2006-S10-CoC07 relating to the IOTC IUU vessel list. The document contained information on three longliners from Papua New Guinea and six purse seiners, currently operating under the flag of Thailand.
17. The CoC noted 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 CoC agreed 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.
18. Thailand informed the CoC that the six purse seiners now operating under its flag were no longer involved in IUU activities. The CoC noted that these Thai vessels were now registered under different names than those in the IOTC IUU Vessels list. Thailand stated that the vessels are now owned by Thai companies that do not have any links with the previous owner. Furthermore, Thailand Authorities have implemented measures to insure the vessels comply with IOTC conservation and management measures. Notwithstanding this, given the history of

non-reporting by these vessels, the CoC recommended that Thailand pay special attention to the reporting of statistical data by these vessels.

19. The CoC, on the basis of the information provided by Thailand, recommended to the Commission that vessels *TS Elegance*, *TS Emerald*, *TS Excellence*, *TS Prosperity*, *Ocean Explorer/Ocean Pride Marine* and *Marine Ocean/Ocean Liberty* be deleted from the IOTC IUU List.
20. The CoC recommended that Resolution IOTC-2006-S10-propC *Amendment to Resolution 02-04 on the establishment of a list of IUU vessels* be adopted by the Commission.

5) REGULATION OF TRANSHIPMENTS

21. Resolution proposals IOTC-2006-S10-propD (EC) and its subsequent revisions and IOTC-2006-S10-PropK (Comoros, EC, France, Madagascar, Mauritius and Seychelles) were discussed.
22. Proposal K called for a complete ban on transshipments by all vessels in the IOTC record. Some members argued that such measures would assist the elimination of IUU fishing, allow for the collection of statistics in port, and would provide benefits to coastal countries that service the vessels in port.
23. Some members were concerned proposal K was tabled too late, indicating that more time was needed to consider the implications of this proposal. It was noted that the implementation of such a measure might have adverse financial consequences on companies operating longline vessels in the IOTC Area. They also considered that the proposed management measures were unlikely to be effective enough in eliminating IUU activities because they were directed only at CPC's. The CoC could not reach an agreement on this proposal and recommended that the Commission attach proposal K to the S10 report and defer its further consideration of it to the 11th Session.
24. In order to make progress, France is prepared to compromise and express its support for Resolution D, however noting that the following aspects of proposal K need to be included.:
 - the benefit of Coastal States,
 - fighting IUU fishing activities,
 - the efficiency of data collection,
 - the ease of implementation of at port transshipment control.

France requested that Proposal K be deferred for further consideration at the next plenary Session of IOTC. France also pointed out that the delay, as a result of this deferral, would allow the fleets that tranship at sea to reorganise their activities in preparation for the adoption in the future of proposal K, which calls for a total ban of at sea transshipment.

25. The CoC discussed Proposal D which called for transshipments to take place in port, and only allowing for transshipments by longliners to cargo vessels in an IOTC Record of Cargo Vessels if an IOTC observer is aboard the cargo vessel. The CoC agreed in principle with the proposal but did not finalise discussions in the time available. The CoC agreed, for this reason, to defer the further consideration of proposal D to the Commission.
26. Japan informed the CoC about the preliminary results of a pilot observer programme being undertaken on Japanese vessels in the Atlantic Ocean (IOTC-2006-S10-INF02). The CoC noted that the experiences and results gained from this initiative are likely to assist in the development of any future observer programmes that might be implemented in the Indian Ocean.

6) VESSEL MONITORING SYSTEMS

27. Resolution proposals IOTC-2006-S10-propE (EC) and propG (Australia) were combined into IOTC-2006-S10-propJ. The CoC agreed in principle with the proposal but did not finalise discussions in the time available. The CoC agreed, for this reason, to defer the further consideration of proposal J to the Commission.

7) REVIEW OF THE IMPLEMENTATION OF THE BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME

28. The Secretariat reported on the status of the information received for the Bigeye Tuna Statistical Document Programme in accordance with Resolution 01/06 (IOTC-2006-S10-CoC11).
29. The CoC discussed the need to extend the Programme to include fresh product. It was noted that Resolution 01/06 paragraph 13 states that at the initial stage of the Programme, the statistical documents and re-export certificates were to be required for frozen bigeye products only.
30. Several Members considered that as this resolution has been in force for more than four years it was now time to fully implement the Statistical Document Programme and include fresh tuna products. Japan noted it would be unable meet the requirements relating to fresh tuna at this stage, but indicated their commitment to continue to work to solve the problems associated with this.
31. The CoC recommended to defer the further consideration on this item to the Commission, notably on the appropriate time to include fresh bigeye tuna in the IOTC Bigeye statistical Document Programme.

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

32. The CoC noted that out of the five parties requesting status of cooperating non-contracting party status in 2006, only Senegal and Belize were present at the meeting. The CoC reiterated that parties applying for the status of cooperating non-contracting party status in the future should do their best to attend and support their application. Furthermore, the CoC expressed its strong preference for applications to be delivered in a standardised format such as that available from the Secretariat.
33. The CoC encouraged parties that receive Cooperating Non-Contracting Party status to consider becoming full members as quickly as possible.

Belize

34. Belize presented their application to the CoC (IOTC-2006-S10-CoC04). Japan informed the CoC that information collected by Japanese import statistics indicate that Belize pure seiners operating in the Indian Ocean in 2004 caught higher amounts of yellowfin tuna than was stated in the application. On the basis of this, the CoC deferred further consideration of Belize's application to the Commission.

Indonesia

35. The Secretary presented the application from Indonesia to the CoC (IOTC-2006-S10-CoC03). The CoC noted that catch monitoring activities undertaken in collaboration with the IOTC-OFCF Programme and Australian institutions had greatly assisted Indonesia to meet IOTC data requirements.
36. After considering the application, the CoC recommended that the Commission grant cooperating non-contracting party status of IOTC to Indonesia until the 11th Session of the Commission.

Panama

37. The Secretary presented the application from Panama to the CoC (IOTC-2006-S10-CoC05, and add1). The CoC noted that Panama did not provide lists of vessels and statistical data to IOTC standards. In the absence of a representative from Panama to assist the CoC in this matter, the CoC recommended that the Commission defer further consideration of Panama's application until it receives the information above.
38. The CoC noted that a high number of cargo freezers from Panama have been operating in the Indian Ocean in recent years. The CoC further noted that in the event of the implementation of measures to monitor transshipments of vessels in the IOTC Area the Commission might require

the cooperation from Panama and requested, for this reason, that the Secretary contact the relevant authorities in Panama to seek their cooperation.

Senegal

39. Senegal presented its application for status of cooperating non-contracting party to the CoC (IOTC-2006-S10-CoC06; IOTC-2006-S10-CoC06-Rev1). The CoC recommended that the Commission grant cooperating non-contracting party status of IOTC to Senegal until the 11th Session of the Commission.

South Africa

40. The Secretary presented the application from South Africa to the CoC (IOTC-2006-S10-CoC12). The CoC recommended that the Commission grant cooperating non-contracting party status of IOTC to South Africa until the 11th Session of the Commission.

**9) REVIEW OF A STANDARD FORMAT FOR REPORTING ON IUU RESOLUTIONS
PROPOSED BY THE SECRETARIAT**

41. The Secretariat informed the CoC that work was ongoing in the production of a standard format for reporting IUU matters.

10) ANY OTHER MATTERS

42. No other matters were considered.

11) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

43. The report of the Third Session of the Compliance Committee of the Indian Ocean Tuna Commission was adopted in the morning of Thursday 25 May, 2006.

ANNEX TO CoC REPORT:

AGENDA OF THE COMPLIANCE COMMITTEE AT S10

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA**
- 3. STATUS OF THE APPLICATION BY CONTRACTING AND COOPERATING NON-CONTRACTING PARTIES OF IOTC CONSERVATION AND MANAGEMENT MEASURES**
 - a. CATCH AND EFFORT DATA
 - b. SCIENTIFIC DATA
 - c. IOTC RECORD
 - d. DATA ON ACTIVE VESSELS
 - e. PORT INSPECTIONS
 - f. OTHER
- 4. IUU LIST**
- 5. REGULATION OF TRANSHIPMENTS**
- 6. REVIEW OF THE IMPLEMENTATION OF THE BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME**
- 7. REVIEW OF REQUEST FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY.**
- 8. REVIEW OF A STANDARD REPORTING FORMAT FOR REPORTING ON IUU-RESOLUTIONS PROPOSED BY THE SECRETARIAT**
- 9. ANY OTHER MATTERS**
- 10. ADOPTION OF THE REPORT**

APPENDIX VI
IOTC IUU VESSELS LIST
AS DETERMINED BY THE IOTC AT S10 (MAY 2006)

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
Blue Ocean Marine (Lucky Ocean; Ivan Borzov)	<i>Apparently scrapped</i> (Belize, Panama, Russia)	June 2005	7826271	-	V3AF3	-	-	Contravention of IOTC Resolution 02/04, 02/05, 03/05: 28Jun02 – 22Dec03
Ocean Lion		June 2005	7826233	-				Contravention of IOTC Resolution 02/04, 02/05, 03/05.
Ocean star Marine (New Wave I; Tiora)	<i>Apparently scrapped</i> (Belize, Panama, Russia)	June 2005	7817440	-	V3AG3			Contravention of IOTC Resolution 02/04, 02/05, 03/05: 30Mar04 – 12Apr04
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

APPENDIX VII

REPORT OF THE THIRD SESSION OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE

1) OPENING OF THE SESSION

1. The Third Session of the Standing Committee on Administration and Finance (SCAF) of the Indian Ocean Tuna Commission was held during Session 10 of the Commission. The Secretary informed the SCAF that both the current Chair and vice-chair were no longer available to fulfil their roles. The SCAF elected Dr John Kalish (Australia) as chairman for the next period.

2) ADOPTION OF THE AGENDA

2. The Standing Committee adopted the Agenda as presented in Appendix I to this report. The documents before the Committee are listed in Appendix II to the main report.

3) PROGRESS REPORT OF THE SECRETARIAT

3. The Secretary described the Secretariat's activities and other relevant administrative matters in 2005(IOTC-2005-S10-SCAF04).
4. Some Members regretted the fact that a written progress report related to last year's activities was not presented by the Secretariat before the meeting, and stressed the importance for the Commission to have such a report at least 30 days in advance of the Plenary Meeting.
5. The SCAF noted the increasing workload of the Secretariat and acknowledged that any further increase in responsibility (for example, that might arise from new resolutions) is likely to require more staff.
6. The SCAF commended the Secretariat for the high quality of work carried out.
7. Several members informed the SCAF about the valuable contribution the IOTC-OFCE Project was making in the strengthening their ability to provide fisheries statistics to the Commission. The SCAF noted this important contribution and encouraged the Government of Japan to consider continuing to provide support to countries in the Indian Ocean area.
8. Japan informed the SCAF that implementation of a second phase of the IOTC-OFCE project was under consideration, but no commitments could be made at this stage.

4) AUDIT REPORT

9. The FAO presented a report on the actions taken by FAO in response to administrative issues identified by an internal FAO Financial and Administration Audit of the Secretariat (IOTC-2006-SS3-08).
10. The Secretary informed the SCAF that several of the actions implemented by FAO as a result of the audit resulted in improvements to the functioning of the Secretariat.
11. The members expressed their concern that only some information on the administration audit was made available to the Commission.
12. Members stressed the need to have more information, in particular the financial information from the Report. FAO indicated that the report was a FAO internal document. Notwithstanding this, the SCAF asked the Secretary to request that, at least, the financial information from the report be made available to the Commission.
13. The SCAF agreed that they expect the highest levels of accountability and transparency in the financial matters of the Secretariat and recommended the establishment of regular external financial audits. A request was addressed to the Secretariat to officially ask, on behalf of the

Commission for an external financial audit, according to the current FAO rules and to the proper FAO body, and to report to the Commission.

5) PROGRAMME OF WORK, BUDGET AND FINANCIAL STATEMENT

14. The Secretary presented the Programme of Work and Budget for 2006 (IOTC-2005-S10-SCAF03). SCAF noted that the activities proposed for the Secretariat in 2006 and 2007 were similar to those undertaken in 2005.
15. The SCAF expressed concern about the Secretariat having to estimate budget figures because proforma salary costs are not available.
16. The SCAF noted that, each year, the Secretariat is forced to operate using accumulated funds until such time a budget is adopted. As this may limit the Secretariat's ability to operate effectively, the SCAF agreed to consider this matter in the future, including the possibility of changing the financial year of the Commission.
17. The SCAF noted the some members were in arrears of their contributions to the Commission. The SCAF encouraged these members to pay their contributions as soon as possible. Vanuatu informed the SCAF that they would pay their outstanding contribution within the current year
18. The SCAF stressed the need for the Secretariat to make available the financial reports at least 60 days prior to Commission meetings.
19. 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 relevant increase in its annual contribution, put a general reservation on the SCAF recommendation to the IOTC Plenary to adopt the 2006 budget.
20. France also requested that the SCAF defer to the Plenary for adoption of the IOTC Budget.
21. The SCAF recommended that the Commission request the Secretariat to closely follow the situation of the outstanding payments, and encourage Members that have not yet done so, to pay their contribution. The SCAF recommended to the Commission that it gives active consideration to withdraw the right of vote to those Members who have not paid in part or fully their financial contribution for the two last years.
22. The SCAF deferred the endorsement of the 2006 Programme of Work and adoption of the 2006 IOTC Budget as presented in Appendix VIII of the S10 report to the Plenary.

6) ANY OTHER MATTERS

23. The SCAF noted the progress of the 3rd Special Session regarding the amendments to the IOTC Financial Regulations and the timeline of work proposed.

7) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

24. The report of the Third Session of the Standing Committee on Administration and Finance of the Indian Ocean Tuna Commission was adopted in the morning of Thursday 25 May, 2006.

ANNEX TO SCAF REPORT

SCAF AGENDA FOR 3RD SESSION

1. OPENING OF THE SESSION
2. ADOPTION OF THE AGENDA
3. PROGRESS REPORT OF THE SECRETARIAT
4. AUDIT REPORT
5. PROGRAMME OF WORK
6. BUDGET FOR 2006-2007
7. ANY OTHER MATTERS
8. ADOPTION OF THE REPORT

APPENDIX VIII BUDGET AND CONTRIBUTIONS

Table 1. Projected budget for 2006-2007.

	<i>2006(as proposed in 2005)</i>	2006	2007
PROFESSIONAL STAFF			
Secretary - D-1	215,112	208,000	228,800
Deputy Secretary - P-5	183,674	173,000	190,300
Data Coordinator - P-4	161,994	170,000	187,000
Programmer - P-3	139,288	160,000	176,000
Data Manager - P-3	106,348	115,000	126,500
Translator/Editor - P-2	101,509	100,000	110,000
Tagging Expert - P-2	69,750	76,000	83,600
SUB-TOTAL	977,675	1,002,000	1,102,200
ADMIN. SUPPORT			
Administrative Asst. - G-6	23,675	22,000	24,200
Database Assistant G-6	21,663	23,000	25,300
Bilingual secretary - G-4	13,175	19,000	20,900
Publications Assistant G-5	22,694	23,000	25,300
Driver/Messenger - G-2	20,213	20,000	22,000
Messenger/Cleaner - G-1	17,217	19,000	20,900
Overtime	9,900	10,000	11,000
SUB-TOTAL	128,537	136,000	149,600
TOTAL STAFF	1,106,212	1,138,000	1,251,800
Consultants	27,500	25,000	27,500
Duty travel	88,000	85,000	93,500
Meetings	44,000	50,000	55,000
Interpretation	44,000	40,000	44,000
Equipment	22,000	25,000	27,500
Operating expenses	49,500	50,000	55,000
Miscellaneous	33,000	35,000	38,500
SUB-TOTAL	1,414,212	1,448,000	1,592,800
Deductions (staff housing)	26,182	24,000	26,400
TOTAL	1,388,030	1,424,000	1,566,400
FAO Servicing Costs	63,640	65,160	71,676
GRAND TOTAL	1,451,669	1,489,160	1,638,076

Table 2. Indicative Scale of Contributions for 2006 (in US\$)

Country	World Bank Classification	OECD Membership	Average catch for 2001-2003	Contribution
Australia	High	Yes	10,050	\$90,673
China	Middle	No	123,513	\$59,977
Comoros	Low	No	9,296	\$15,059
Eritrea	Low	No	Below 400 t	\$5,788
European Community	High	Yes	262,179	\$406,079
France(Terr)	High	Yes	3,929	\$83,016
Guinea	Low	No	405	\$12,834
India	Low	No	102,803	\$38,454
Iran, Islamic Republic of	Middle	No	120,449	\$59,211
Japan	High	Yes	38,792	\$126,628
Kenya	Low	No	1,726	\$13,165
Korea, Republic of	High	Yes	3,041	\$81,904
Madagascar	Low	No	12,034	\$15,744
Malaysia	Middle	No	16,523	\$33,209
Mauritius	Middle	No	1,472	\$29,443
Oman	Middle	No	18,945	\$33,815
Pakistan	Low	No	24,744	\$18,924
Philippines	Middle	No	2,213	\$29,629
Seychelles	Middle	No	60,789	\$44,284
Sri Lanka	Middle	No	120,914	\$59,327
Sudan	Low	No	Below 400 t	\$5,788
Thailand	Middle	No	14,989	\$32,825
United Kingdom(Terr)	High	Yes	Below 400 t	\$71,155
Vanuatu	Middle	No	Below 400 t	\$22,130