

## IOTC CIRCULAR 2016-054

Dear Sir/Madam,

**SUBJECT: CONSERVATION AND MANAGEMENT MEASURES ADOPTED BY THE IOTC AT ITS 20<sup>TH</sup> SESSION**

I have the honour to transmit to you the texts of the twelve (12) Conservation and Management Measures adopted by the Commission at its 20<sup>th</sup> Session, held in La Réunion, France, from 23 May to 27 May 2016.

**Pursuant to Article IX.4 of the IOTC Agreement, these Conservation and Management Measures shall become binding on Members, 120 days from the date of this notification, i.e. 27 September 2016.**

- Resolution 16/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock*
- Resolution 16/02 *On harvest control rules for skipjack tuna in the IOTC area of competence*
- Resolution 16/03 *On the second performance review follow-up*
- Resolution 16/04 *On the implementation of a Pilot Project in view of Promoting the Regional Observer Scheme of IOTC*
- Resolution 16/05 *On vessels without nationality*
- Resolution 16/06 *On measures applicable in case of non-fulfilment of reporting obligations in the IOTC*
- Resolution 16/07 *On the use of artificial lights to attract fish*
- Resolution 16/08 *On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids*
- Resolution 16/09 *On establishing a Technical Committee on Management Procedures*
- Resolution 16/10 *To promote the implementation of IOTC Conservation and Management Measures*
- Resolution 16/11 *On port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing*
- Resolution 16/12 *Working Party on the Implementation of Conservation and Management Measures (WPICMM)*

The texts of the Conservation and Management Measures adopted are attached herewith.

Yours sincerely



Executive Secretary (*Ad Interim*)

**Attachments:**

Conservation and Management Measures adopted in 2016

Distribution

**IOTC Contracting Parties:** Australia, Belize, China, Comoros, Eritrea, European Union, France (Territories), Guinea, India, Indonesia, Iran (Islamic Rep of), Japan, Kenya, Rep. of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, United Rep. of Tanzania, Thailand, United Kingdom (OT), Yemen.

**Cooperating Non-Contracting Parties:** Bangladesh, Djibouti, Liberia, Senegal.

**Intergovernmental Organisations, Non-Governmental Organisations**

**Chairperson IOTC**

**Copy to:** FAO Headquarters, FAO Representatives to CPCs

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**RESOLUTION 16/01**

**ON INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN THE IOTC AREA OF COMPETENCE**

**Keywords:** Yellowfin tuna, Kobe Process, MSY, Precautionary Approach, Time-area-closures

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

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing states, particularly Small Island developing states in Article 24, of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

RECALLING that Article 5, of UNFSA entitles the conservation and management of highly migratory fish stocks are based on best scientific evidence available and with special reference to Resolution 15/10 for a stock where the assessed status places it within the red quadrant, and with an aim to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible.

FURTHER RECALLING that Article 6, of UNFSA, requires the states to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States.

FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 11- 15 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

FURTHER CONSIDERING the report by International Council for the Exploration of Sea and FAO Working Group on Fishing Technology and Fish Behaviour (2006), Gillnets are considered to be one of the least catch controllable and least environmentally sustainable gears;

FURTHER CONSIDERING the recommendations of the 18<sup>th</sup> Scientific Committee held in Bali, Indonesia, 23 – 27 November 2015 that the catches of yellowfin tuna have to be reduced by 20% of the

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IOTC–2016–S20–Prop–F\_ [E] ADOPTED

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2014 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2024.

NOTING THAT supply vessels contribute to the increase in effort and capacity of purse seiners and that the number of supply vessels has increased significantly over the years.

FURTHER CONSIDERING the discussions of the Working Party on Tropical Tuna held in Montpellier, France, 23 – 28 October 2015 on the limitations and the uncertainties in the stock assessment models due to the unavailability of standardized yellowfin tuna CPUE data;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the states to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing states, including Small Island Developing States (SIDS) as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

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

1. This resolution shall apply to all fishing vessels targeting tuna and tuna like species in the Indian Ocean of 24 meters overall length and over, and those under 24 meters if they fish outside the EEZ of their flag State, within the IOTC area of competence.
2. The CPCs will reduce their catch of yellowfin as follows:
3. Purse seine:
  - a. CPCs whose Purse seine catches of yellowfin reported for 2014 were above 5000 MT to reduce their Purse seine catches of yellowfin by 15 % from the 2014 levels.
  - b. The number of Fish Aggregating Devices (FADs) as defined in Resolution 15/08, paragraph 7, will be no more than 425 active instrumented buoys and 850 acquired annually instrumented buoys per purse seine vessel.
  - c. Supply vessels: The total number of supply vessels by CPC on the IOTC active list shall not exceed half of the number of Purse seine vessels reported per CPC on the IOTC active list for the same year. Complementary to Resolution 15/08 on "*Procedures on FADs Management Plan including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species*" and to Resolution 15/02 "*Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)*", CPC shall report annually which Purse seiners are served by each Supply vessel.

In the light of assessments made available by the Working Group (WG) on FADs and the Scientific Committee, the Commission shall update, if necessary the above limits in point b) and c).

4. Gillnet: CPCs whose Gillnet catches of yellowfin reported for 2014 were above 2000 MT to reduce their Gillnet catches of yellowfin by 10 % from the 2014 levels.
5. Longline: CPCs whose Longline catches of yellowfin reported for 2014 were above 5000 MT to reduce their Longline catches of yellowfin by 10 % from the 2014 levels
6. CPCs' other gears: CPCs whose catches of yellowfin from other gears reported for 2014 were above 5000 MT to reduce their other gear catches of yellowfin by 5 % from the 2014 levels.
7. Flag States will determine appropriate methods for achieving these catch reductions, which could include capacity reductions, effort limits, *etc.*, and will report to the IOTC Secretariat in their Implementation Report, the measures they have taken ,

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8. CPCs shall monitor the yellowfin tuna catches from their vessels in conformity with Resolution 15/01 “*On the recording of catch and effort data by fishing vessels in the IOTC area of competence*” and Resolution 15/02 “*Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)*” and will provide a summary of most-recent yellowfin catches for the consideration of the IOTC Compliance Committee.
9. Each year, the Compliance Committee shall evaluate the level of compliance with the catch limits deriving from this Resolution and shall make recommendations to the Commission accordingly. The Scientific Committee via its Working Party on Tropical Tunas, shall in 2016, conduct a new assessment of the status of the Yellowfin stock using all available data.
10. The Scientific Committee via its Working Party on Tropical Tunas shall in 2018 undertake an evaluation of the effectiveness of the measures detailed in this Resolution, taking into account all sources of fishing mortality and possible alternatives aiming at returning and maintaining biomass levels at the Commission’s target level. After consideration of the results of this evaluation, the Commission shall take corrective measures accordingly.
11. The Commission shall, based on the improved artisanal fishery data and the assessment of the state and impact of the artisanal fishery on the yellowfin stocks, take appropriate measures on the management of the artisanal yellowfin tuna fishery, at its Commission meeting in 2018.
12. The measures contained within this Resolution shall come into force from 1<sup>st</sup> January 2017; it shall be considered as interim measure and will be reviewed by the Commission no later than at its annual Session in 2019.
13. Nothing in this resolution shall pre-empt or prejudice future allocation mechanisms.



## RESOLUTION 16/02

### ON HARVEST CONTROL RULES FOR SKIPJACK TUNA IN THE IOTC AREA OF COMPETENCE

**Keywords:** Skipjack tuna; Reference Points; Harvest Control Rules; Precautionary Approach; Management Strategy Evaluation.

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

NOTING Article V, paragraph 2(c), of the IOTC Agreement is to adopt, in accordance with Article IX and on the basis of scientific evidence, Conservation and Management Measures to ensure the conservation of the stocks covered by the Agreement;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States, Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas and of Article 24 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) regarding recognition of the special requirements of developing states;

RECOGNISING [Resolution 12/01](#) *On the implementation of the precautionary approach* calls on the Indian Ocean Tuna Commission to implement and apply the precautionary approach, in accordance Article 6 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

RECOGNISING the ongoing discussions on allocation and the need to avoid prejudicing future decision of the Commission;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the states to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing states, including Small Island developing States as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States;

TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations for developing countries;

RECALLING Article 6, paragraph 3(b) of UNFSA that calls on States to implement the precautionary approach using the best scientific information available, using stock-specific reference points and outlining the action to be taken if they are exceeded;

FURTHER RECALLING that Article 7.5.3 of the FAO Code of Conduct for Responsible Fisheries also recommends the implementation of stock specific target and limit reference points, inter alia, on the basis of the precautionary approach;

ACKNOWLEDGING that implementing pre-agreed harvest strategies including harvest control rules is considered a critical component of modern fisheries management and international best practices for fisheries management;

FURTHER NOTING that a harvest control rule encompasses a set of well-defined, pre-agreed rules or actions used for determining a management action in response to changes in indicators of stock status with respect to reference points;



NOTING that the Scientific Committee at its 17<sup>th</sup> Session, recommended the Commission consider an alternative approach to identify biomass limit reference points, such as those based on biomass depletion levels, when the MSY-based reference points are difficult to estimate. In cases where MSY-based reference points can be robustly estimated, limit reference points may be based around MSY;

FURTHER NOTING that the Scientific Committee also recommended that in cases where MSY-based reference points cannot be robustly estimated, biomass limit reference points be set at 20% of unfished levels ( $B_{LIM} = 0.2B_0$ );

ACKNOWLEDGING that the IOTC Scientific Committee has initiated a Commission requested process leading to a management strategy evaluation (MSE) process to improve upon the provision of scientific advice on HCRs;

RECALLING obligations and agreements under Resolutions 12/02<sup>1</sup>, 15/01<sup>2</sup>, 15/02<sup>3</sup>, and 15/10<sup>4</sup>;

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

### Objectives

1. To maintain the Indian Ocean Tuna Commission skipjack tuna stock in perpetuity, at levels not less than those capable of producing maximum sustainable yield (MSY) as qualified by relevant environmental and economic factors including the special requirements of Developing Coastal States and Small Island Developing States in the IOTC area of competence and considering the general objectives identified in Resolution 15/10 (or any subsequent revision).
2. To use a pre-agreed harvest control rule (HCR) to maintain the skipjack tuna stock at, or above, the target reference point (TRP) and well above the limit reference point (LRP), specified in Resolution 15/10 (or any subsequent revision).

### Reference Points

3. Consistent with paragraph 2 of Resolution 15/10, the biomass limit reference point,  $B_{lim}$ , shall be 20% of unfished spawning biomass<sup>5</sup> (i.e.  $0.2B_0$ ).
4. Consistent with paragraph 3 of Resolution 15/10, the biomass target reference point,  $B_{targ}$ , shall be 40% of unfished spawning biomass (i.e.  $0.4B_0$ ).
5. The HCR described in paragraphs 6–12 seeks to maintain the skipjack tuna stock biomass at, or above, the target reference point while avoiding the limit reference point.

### Harvest Control Rule (HCR)

6. The skipjack tuna stock assessment shall be conducted every three (3) years, with the next stock assessment to occur in 2017. Estimates of 7(a–c) shall be taken from a model-based stock assessment that has been reviewed by the Working Party on Tropical Tunas and endorsed by the Scientific Committee via its advice to the Commission.
7. The skipjack tuna HCR shall recommend a total annual catch limit using the following three (3) values estimated from each skipjack stock assessment. For each value, the reported median from the reference case adopted by the Scientific Committee for advising the Commission shall be used.
  - a) The estimate of current spawning stock biomass ( $B_{curr}$ );
  - b) The estimate of the unfished spawning stock biomass ( $B_0$ );

1: 12/02: Data Confidentiality, policy and procedures

2: 15/01: On the recording of catch and effort data by fishing vessels in the IOTC Area of competence

3: 15/02: Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non- Contracting Parties (CPCs)

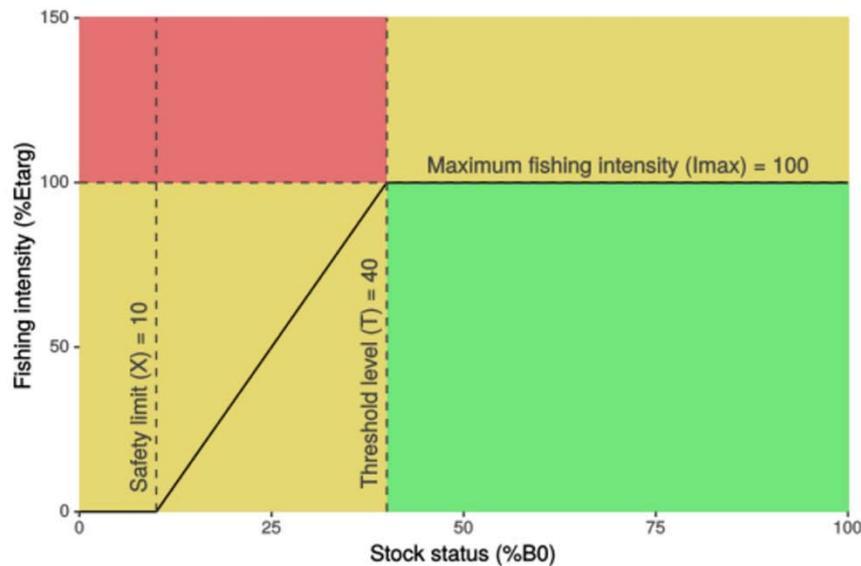
4: 15/10: On Target and Limit Reference Points and a decision framework

5: The symbol B is used to refer to spawning biomass, the total mass of mature fish, i.e.  $B_0$ ,  $B_{lim}$ ,  $B_{targ}$  and  $B_{curr}$  all refer to different levels of spawning biomass.



- c) The estimate of the equilibrium exploitation rate ( $E_{\text{targ}}$ ) associated with sustaining the stock at  $B_{\text{targ}}$ .
8. The HCR shall have five control parameters set as follows:
- a) Threshold level, the percentage of  $B_0$  below which reductions in fishing mortality are required,  $B_{\text{thresh}} = 40\%B_0$ . If biomass is estimated to be below the threshold level, then fishing mortality reductions, as output by the HCR, will occur.
- b) Maximum fishing intensity, the percentage of  $E_{\text{targ}}$  that will be applied when the stock status is at, or above, the threshold level  $I_{\text{max}} = 100\%$ . When the stock is at or above the threshold level, then fishing intensity ( $I$ ) =  $I_{\text{max}}$
- c) Safety level, the percentage of  $B_0$  below which non-subsistence catches are set to zero i.e. the non-subsistence<sup>6</sup> fishery is closed  $B_{\text{safety}} = 10\%B_0$ .
- d) Maximum catch limit ( $C_{\text{max}}$ ), the maximum recommended catch limit = 900,000t. To avoid adverse effects of potentially inaccurate stock assessments, the HCR shall not recommend a catch limit greater than  $C_{\text{max}}$ . This value is based upon the estimated upper limit of the MSY range in the 2014 skipjack stock assessment.
- e) Maximum change in catch limit ( $D_{\text{max}}$ ), the maximum percentage change in the catch limit = 30%. To enhance the stability of management measures the HCR shall not recommend a catch limit that is 30% higher, or 30% lower, than the previous recommended catch limit.
9. The recommended total annual catch limit shall be set as follows:
- a) If the current spawning biomass ( $B_{\text{curr}}$ ) is estimated to be at or above the threshold spawning biomass i.e.,  $B_{\text{curr}} \geq 0.4B_0$ , then the catch limit shall be set at  $[ I_{\text{max}} \times E_{\text{targ}} \times B_{\text{curr}} ]$
- b) If the current spawning biomass ( $B_{\text{curr}}$ ) is estimated to be below the threshold biomass i.e.,  $B_{\text{curr}} < 0.4B_0$ , but greater than the safety level i.e.,  $B_{\text{curr}} > 0.1B_0$ , then the catch limit shall be set at  $[ I \times E_{\text{targ}} \times B_{\text{curr}} ]$ . See Table 1 in Appendix 1 for values of fishing intensity ( $I$ ) for specific  $B_{\text{curr}}/B_0$ .
- c) If the spawning biomass is estimated to be at, or below, the safety level, i.e.  $B_{\text{curr}} \leq 0.1B_0$  then the catch limit shall be at 0 for all fisheries other than subsistence fisheries.
- d) In the case of (a) or (b), the recommended catch limit shall not exceed the maximum catch limit ( $C_{\text{max}}$ ) and shall not increase by more than 30% or decrease by more than 30% from the previous catch limit.
- e) In the case of (c) the recommended catch limit shall always be 0 regardless of the previous catch limit.
10. The HCR described in 8(a-e) produces a relationship between stock status (spawning biomass relative to unfished levels) and fishing intensity (exploitation rate relative to target exploitation rate) as shown below (See Table 1 in **Appendix 1** for specific values):

<sup>6</sup> A subsistence fishery is a fishery where the fish caught are consumed directly by the families of the fishers rather than being bought by middle-(wo)men and sold at the next larger market, per the FAO Guidelines for the routine collection of capture fishery data. FAO Fisheries Technical Paper. No. 382. Rome, FAO. 1999. 113p.



11. The catch limit shall by default, be implemented in accordance with the allocation scheme agreed for skipjack tuna by the Commission. In the absence of an allocation scheme, the HCR shall be applied as follows:
- If the stock is at or above the Threshold level (i.e.,  $B_{curr} \geq 0.4B_0$ ), then the HCR shall establish an overall catch limit.
  - If the stock falls below the Threshold level (i.e.,  $B_{curr} < 0.4B_0$ ), the fishing mortality reductions shall be implemented proportionally by CPCs for catches over 1 percent of the catch limit established by the HCR with due consideration to the aspirations and special requirements of Developing Coastal States and Small Island Developing States.
  - This paragraph shall not pre-empt or prejudice future allocation negotiations.

### Review and exceptional circumstances

- The HCR, including the control parameters, will be reviewed through further Management Strategy Evaluation (MSE), but no later than 2021 (i.e. five years from its implementation). Subject to the result of that review the current HCR may be refined or replaced with an alternative HCR.
- In the case that the estimated spawning biomass falls below the limit reference point, the HCR will be reviewed, and consideration given to replacing it with an alternative HCR specifically designed to meet a rebuilding plan as advised by the Commission.
- The recommended total annual catch produced by the HCR will be applied continuously as set forth in paragraph 11 above, except in case of exceptional circumstances, such as caused by severe environmental perturbations. In such circumstances, the Scientific Committee shall advise on appropriate measures.

### Scientific Advice

- The IOTC Scientific Committee shall:
  - Include the LRP and TRP as part of any analysis when undertaking all future assessments of the status of the IOTC skipjack tuna stock.



- b) Undertake and report to the Commission a model-based skipjack tuna stock assessment every three (3) years, commencing with the next stock assessment in 2017.
- c) Undertake a programme of work to further refine Management Strategy Evaluation (MSE) for the IOTC skipjack tuna fishery as required in paragraph 12 including, but not limited to,
  - i. Refinement of operating model(s)/ used,
  - ii. Alternative management procedures,
  - iii. Refining performance statistics.

**Final Clause**

- 16. The Commission shall review this measure at its annual session in 2019, or before if there is reason and/or evidence to suggest that the skipjack tuna stock is at risk of breaching the LRP.



**Appendix 1**

**Table 1.** Values of fishing intensity for alternative levels of estimated stock status ( $B_{curr}/B_0$ ) produced by the HCR

Stock status ( $B_{curr}/B_0$ )	Fishing Intensity (I)		Stock status ( $B_{curr}/B_0$ )	Fishing Intensity (I)
At or above 0.40	100%		0.24	46.7%
0.39	96.7%		0.23	43.3%
0.38	93.3%		0.22	40.0%
0.37	90.0%		0.21	36.7%
0.36	86.7%		0.20	33.3%
0.35	83.3%		0.19	30.0%
0.34	80.0%		0.18	26.7%
0.33	76.7%		0.17	23.3%
0.32	73.3%		0.16	20.0%
0.31	70.0%		0.15	16.7%
0.30	66.7%		0.14	13.3%
0.29	63.3%		0.13	10.0%
0.28	60.0%		0.12	6.7%
0.27	56.7%		0.11	3.3%
0.26	53.3%		0.10 or below	0%
0.25	50.0%			



**RESOLUTION 16/03**  
**ON THE SECOND PERFORMANCE REVIEW FOLLOW-UP**

**Keywords:** Performance review; IOTC Agreement

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

CONSIDERING the course of action agreed at the meeting of the five Tuna Regional Fisheries Management Organisations (RFMOs) held in Kobe in January 2007, and in particular the commitment to undertake Performance Reviews of each Tuna RFMOs in order to strengthen the effectiveness of the Organisations;

TAKING NOTE of the decision taken by the IOTC at its 18<sup>th</sup> Session in June 2014 to undertake the 2<sup>nd</sup> IOTC Performance Review;

CONSIDERING the report of the 2<sup>nd</sup> IOTC Performance Review Panel (PRIOTC02) as analysed by the Commission at its 20<sup>th</sup> Session held in La Reunion (France) in May 2016;

RECOGNISING that a number of the recommendations arising from the PRIOTC02 report can be progressed by individual Contracting Parties, including through proposing draft Resolutions for consideration by the Commission, while other initiatives may benefit from consideration by relevant committees of the Commission;

FURTHER RECOGNISING that the PRIOTC02 recommended that the Agreement needs to be amended or replaced in order to incorporate modern fisheries management principles, such as the precautionary approach, ecosystem based approaches, inclusions of highly-migratory species caught in IOTC fisheries, protection of marine biodiversity, reducing the harmful impacts of fishing on marine environment and to allow the full participation of all fishing players.

NOTING that the weaknesses and gaps identified by PRIOTC02 are, or have a potential to be, major impediments to the effective and efficient functioning of the Commission and its ability to adopt and implement measures aimed at long-term conservation and sustainable exploitation of stocks, according to model fisheries management instruments and more fundamentally, these deficiencies are likely to prevent the Commission from achieving its basic objectives.

CONSIDERING the 24 recommendations put forth by the 2<sup>nd</sup> Performance Review Panel report to the 20<sup>th</sup> Session of the Commission in 2016;

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

1. The Commission endorses the recommendations of the Panel Report (**Annex I**).
2. To improve the functioning of the IOTC and to address its deficiencies, including the possible need to amend the IOTC Agreement, an ad-hoc Technical Committee (Terms of Reference in **Annex II**) will be set up with the objective of preparing a Program of Work with concrete actions on the recommendations, including priorities, proposed timelines, budgets, and a possible text of a new agreement. The Technical Committee shall complete its work by October 2019 in accordance with its Terms of Reference.
3. The draft Work Plan and the recommendations of the Technical Committee will be reviewed by the Scientific Committee, Compliance Committee and the Standing Committee on Administration and Finance. After this review, the Commission will consider the Work Plan.



4. A Performance Review of the IOTC shall be carried out every five (5) years in line with the recommendations of the Kobe process.
5. This Resolution supersedes Resolution 09/01 *On the performance review follow-up*.

**ANNEX I**  
**RECOMMENDATIONS ARISING FROM THE 2<sup>ND</sup> IOTC PERFORMANCE REVIEW PANEL**  
(*paragraph numbers refer to the Report of the 2<sup>nd</sup> IOTC Performance Review: IOTC-2016-PRIOTC02-R*)

REFERENCE #	RECOMMENDATION	RESPONSIBILITY	UPDATE/STATUS	TIMELINE	PRIORITY
PRIOTC02.01 ( <a href="#">para. 81</a> )	<b><i>Analysis of the IOTC Agreement against other international instruments</i></b> <b>NOTING <a href="#">para 80</a>, the PRIOTC02 RECOMMENDED</b> that the Commission establish an ad-hoc Working Party on the Modernisation of the IOTC Agreement, based on the following scope:	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	a) Develop proposed language for the IOTC Agreement that takes into account modern principles of fisheries management;				
	b) Develop a multi-year Program of Work that outlines the specific priority issues to be discussed using the legal analysis contained in <a href="#">Appendix III</a> of this report to inform the working party deliberations;	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	c) Proposals to enable the participation of all fishing players with direct fishing interests in IOTC;	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	d) That all CPCs should participate in the Working Party and that funds be provided to support the participation of developing coastal States in the meetings;	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD
	e) That the working group meet at least annually and to the extent possible progress its work inter-sessionally using electronic means.	<i>Commission &amp; ad-hoc Working Party</i>	Pending	TBD	TBD

<p>PRIOTC02.02 (<a href="#">para. 86</a>)</p>	<p><b><i>Status of living marine resources</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) while continuing to work on improving data collection and reporting, the Scientific Committee should continue to utilise qualitative stock assessment methodologies for species where these is limited data available, including ecological risk based approaches, and support the development and refinement of data poor fisheries stock assessment techniques to support the determination of stock status.</p>	<p><i>Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) confidentiality provisions and issues of accessibility to data by the scientists involved needs to be clearly delineated, and/or amended if necessary, so that stock assessment analysis can be replicated.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>c) chairpersons and Vice-Chairpersons of the Scientific Committee and respective Working Parties, in conjunction with the IOTC Secretariat, develop guiding principles for the provision of papers to ensure that they are directly related to the Program of Work of the respective Working Party and/or Scientific Committee, as endorsed by the Commission, while still encouraging for new and emerging issues to be presented.</p>	<p><i>Scientific Committee &amp; Working Party Chairs and Vice-Chairs</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) ongoing peer review and input by external scientific experts should be incorporated as standard best practice for Working Parties and included in the Commission’s regular budget.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.03 (<a href="#">para. 96</a>)</p>	<p><b>Data collection and reporting</b> The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission make further investments in data collection and targeted capacity building, which is necessary for further improvement in the provision and quality of data in support of the Commission's objectives, as well as to identify the sources of the uncertainty in data and work towards reducing that uncertainty.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) while there are budgetary implications, the IOTC Secretariat staffing dedicated to data collection and data capacity building activities should be increased from 3 to 5 full-time data staff.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>c) the IOTC Secretariat should facilitate discussions with coastal State non-CPCs and other non-CPCs fishing within the IOTC area of competence to formalise long-term strategies for data submission to the IOTC Secretariat, including all relevant historical data sets.</p>	<p><i>IOTC Secretariat</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) steps to gain access to fine-scale data to be used in joint analysis, with sufficient protection of confidentiality, should be taken.</p>	<p><i>IOTC Secretariat</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>e) where budgets and other resources permit, to encourage data preparatory meetings preceding stock assessment review meetings (Working Parties).</p>	<p><i>Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>f) innovative and/or alternative means of data collection and reporting should be explored and, as appropriate, implemented, including a move towards electronic data collection and reporting for all fleets.</p>	<p><i>Scientific Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

<p>PRIOTC02.04 (<a href="#">para. 102</a>)</p>	<p><b><i>Compliance with data collection and reporting requirements</i></b></p> <p>The Commission, through its Compliance Committee, needs to strengthen its compliance monitoring in relation to the timeliness and accuracy of data submissions. To that end, the PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission review its compliance monitoring program conducted by the Compliance Committee, including identification of priority obligations (e.g. timely and accurate data reporting, catch and effort limits, accuracy of the supplied registered fishing vessel information, etc.).</p>	<p><i>Commission and Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) the compliance monitoring program review all priority obligations and undertake the compliance review by obligation and by CPCs and that the Commission publish a report of each CPCs compliance by obligation and CPC. The reports of all Compliance Missions should be appended to the compliance report of that relevant CPC and where the CPC has identified an action plan, that they not be assessed for that obligation.</p>	<p><i>Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

	<p>c) the Commission develop a scheme of responses (in accordance with the IOTC Rules of Procedure (2014) Appendix V, para. 3b (iv)) to priority non-compliance areas, including the preparation of CPC Implementation Action Plans that outline how the CPC will, over time, implement its obligations and alternative responses to serious violations of IOTC CMMs taking into account the FAOs Voluntary Guidelines for Flag State Performance. Reforms to the compliance monitoring program should include the ability of developing CPCs to identify (through the preparation of an Implementation Action Plan) and seek assistance for obligations that they are currently non-compliant with, including for example requesting capacity assistance, capacity building, resources, etc., to enable, overtime, implement its obligations.</p>	<p><i>Commission and Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) to facilitate thorough reviews of compliance, the Commission should invest in the development and implementation of an integrated electronic reporting program. This should include automatic integration of data from CPCs into the IOTC Secretariat’s databases and automatic cross-referencing obligations and reports for the various obligations, in particular related to the provision of scientific data.</p>	<p><i>Commission and Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



PRIOTC02.05 ( <a href="#">para. 104</a> )	<b>Capacity building (Data Collection)</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the Commission expand its current data support and data compliance missions and that the IOTC Secretariat should be granted increased autonomy to seek and attract external donor funds to support the work approved by the Commission, including supporting actions and/or capacity building initiatives from Compliance Missions that are applicable to more than two CPCs.	<i>Commission</i>	Pending	TBD	TBD
	b) the IOTC should continue the workshop series aimed at Connecting the IOTC Science and Management processes. The aims of the workshop series should be to: 1) improve the level of comprehension among IOTC CPCs on how the scientific process informs the management process for managing of IOTC species and ecosystem-based management; 2) increase the awareness of IOTC Contracting Parties to their obligations, as stipulated in the Commissions' Conservation and Management Measures which are based on rigorous scientific advice; 3) improve the decision making process within the IOTC; and 4) to provide direct assistance in the drafting of proposals for Conservation and Management Measures.	<i>Commission &amp; Secretariat</i>	Pending	TBD	TBD
PRIOTC02.06 ( <a href="#">para. 106</a> )	<b>Non-target species</b> The PRIOTC02 <b>RECOMMENDED</b> that the Commission should continue to improve upon the requirements of data collection and reporting mechanisms of non-IOTC species that interact with IOTC fisheries.	<i>Commission and Scientific Committee</i>	Pending	TBD	TBD



<p>PRIOTC02.07 (<a href="#">para. 112</a>)</p>	<p><b>Quality and provision of scientific advice</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the Scientific Committee should continue the good work undertaken since the PRIOTC01 and strive to make further improvements in the way it communicates information about stock status and future prospects for the stocks to the Commission.</p>	<p><i>Scientific Committee &amp; Working Parties</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) an independent peer review process (and budgeting mechanism) for stock assessments should be implemented if IOTC science is to be considered to be in line with best practice and to maintain a high standard of quality assurance.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>c) the Scientific Committee, through its Working Party on Ecosystems and Bycatch should pursue the application of ecosystem modelling frameworks.</p>	<p><i>Scientific Committee &amp; Working Party on Ecosystems and Bycatch</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>d) continue to develop and adopt robust target and limit reference points, and species or fishery specific harvest control rules through management strategy evaluations, noting that this process has commenced for several species and is specified in IOTC Resolution 15/10 <i>on target and limit reference points and a decision framework</i>. The mandated Resolution 14/03 <i>on enhancing the dialogue between fisheries scientists and managers</i>, will benefit from having communication between the Scientific Committee and the Commission more formally structured, facilitated dialogue to enhance understanding and inform decision making.</p>	<p><i>Scientific Committee &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

	e) the Commission and its subsidiary bodies continue to ensure that meeting schedules and activities are rationalised so that the already heavy workload of those involved, and budgeting constraints, are taken into account.	<i>Commission &amp; Scientific Committee</i>	Pending	TBD	TBD
	f) the Commission fully implements Resolution 12/01 <i>On the implementation of the precautionary approach</i> , so as to apply the precautionary approach, in accordance with relevant internationally agreed standards, in particular with the guidelines set forth in the UNFSA, and to ensure the sustainable utilisation of fisheries resources as set forth in Article V of the IOTC Agreement, including ensuring that a lack of information or increased uncertainty in datasets/stock assessment, is not used as a justification to delay taking management actions to ensure the sustainability of IOTC species and those impacted by IOTC fisheries.	<i>Commission</i>	Pending	TBD	TBD
	g) while there are budgetary implications, the IOTC Secretariat staffing dedicated to scientific analysis should be increased from 2 to 4 full-time science staff.	<i>Commission</i>	Pending	TBD	TBD
PRIOTC02.08 ( <a href="#">para. 123</a> )	<b><i>Adoption of Conservation and Management Measures</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the Commission acknowledge the inherent difficulty in managing small scale and data poor fisheries and continue efforts to adopt adequate fisheries management arrangements and to assist developing coastal States to overcome constraints to implement the CMMs.	<i>Commission</i>	Pending	TBD	TBD

	b) as the IOTC has faced the management of the main targeted stock under its purview only through a regulation of the fishing effort; other approaches should be explored, such as those envisioned in Resolutions 05/01 and 14/02, including catch limits, total allowable catch (TAC) or total allowable effort (TAE).	<i>Commission &amp; Scientific Committee</i>	Pending	TBD	TBD
	c) the Science-Management Dialogue is strengthened to improve understanding of modern approaches to fisheries management, including the implementation of Harvest Strategies through the use of Management Strategy Evaluation. The Commission adopt a formal process of developing and implementing Harvest Strategies within a prescribed timeframe.	<i>Commission &amp; Scientific Committee</i>	Pending	TBD	TBD
PRIOTC02.09 ( <a href="#">para. 129</a> )	<b><i>Fishing capacity management</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should establish a stronger policy on fishing capacity to prevent or eliminate all excess fishing capacity, including options to freeze capacity levels as an interim measure, while alternative management measures are considered. As current capacity limits are generic and apply across all fleets and their ability to control catch of particular species is limited, therefore alternative management measures should be considered which may include spatial-temporal area closures, quota allocation, etc.	<i>Commission</i>	Pending	TBD	TBD

	b) the Commission undertake a formal process to develop transfer mechanisms to developing coastal States, and in particular the least developed among them, with a view to realising their fleet development aspirations within sustainable levels.	<i>Commission</i>	Pending	TBD	TBD
PRIOTC02.10 ( <a href="#">para. 133</a> )	<b><i>Compatibility of management measures</i></b> The PRIOTC02 <b>RECOMMENDED</b> that if needed, CPCs request assistance from other CPCs or PRIOTC02.01 (para. 81) the IOTC Secretariat to assist in the assessment of the legal needs to effectively implement IOTC CMMs, noting that this process has already commenced with a number of IOTC Contracting Parties.	<i>Secretariat &amp; CPCs</i>	Pending	TBD	TBD
PRIOTC02.11 ( <a href="#">para. 136</a> )	<b><i>Fishing allocations and opportunities</i></b> The PRIOTC02 <b>RECOMMENDED</b> that the IOTC develop allocation criteria or any other relevant measures as a matter of urgency through the established Technical Committee on Allocation Criteria (TCAC) process, and that it include consideration of how catches by current non-CPCs would be accounted for. This process should not delay the development and adoption of other management measures, based on the advice of the Scientific Committee.	<i>Commission &amp; Technical Committee on Allocation Criteria</i>	Pending	TBD	TBD
PRIOTC02.12 ( <a href="#">para. 139</a> )	<b><i>Flag State duties</i></b> The PRIOTC02 <b>RECOMMENDED</b> that any amendment to or replacement of the IOTC Agreement should include specific provisions on Member's duties as flag States, drawing on the relevant provisions of the UNFSA and take due note of the FAO Guidelines on flag State performance.	<i>Commission</i>	Pending	TBD	TBD

<p>PRIOTC02.13 (<a href="#">para. 144</a>)</p>	<p><b>Port State measures</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) since port State measures are critical for the control of fishing in the IOTC area and beyond, CPCs should take action to ratify the FAO Agreement on Port State Measures, and the Commission explore possible ways of including ports situated outside the IOTC area known to be receiving IOTC catches in applying port State measures established by the IOTC.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) the Commission, through its port State measures training, support the implementation, including support from FAO and other donors, of the requirements of the FAO PSMA and the IOTC Resolution 10/11 <i>On port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.</i></p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.14 (<a href="#">para. 149</a>)</p>	<p><b>Monitoring, control and surveillance (MCS)</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should continue to develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such as a possible catch documentation scheme, noting the process currently being undertaken within the FAO.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>

	b) as a matter of priority review the IOTC monitoring, control and surveillance (MCS) measures, systems and processes, with the objective of providing advice and guidance on improving the integration of the different tools, identification of gaps and recommendations on how to move forward, taking into consideration the experiences of other RFMOs, and that the review should be used as a basis for strengthening MCS for the purpose of improving the ability of the Commission to deter non-compliance and IUU fishing.	<i>Commission &amp; Compliance Committee</i>	Pending	TBD	TBD
PRIOTC02.15 ( <a href="#">para. 153</a> )	<b>Follow-up on infringements</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should establish a scheme of responses to non-compliance in relation to CPCs obligations, and task the Compliance Committee to further develop a structured approach for cases of infringement.	<i>Commission &amp; Compliance Committee</i>	Pending	TBD	TBD
	b) further develop an online reporting tool to facilitate reporting by CPCs and to support the IOTC Secretariat through the automation of identification of non-compliance.	<i>Commission &amp; Compliance Committee</i>	Pending	TBD	TBD
	c) reasons for the non-compliance should be identified, including whether it is related to the measure itself, a need for capacity assistance or whether it is wilful or repeated non-compliance, and that the Compliance Committee provide technical advice on obligations where there are high level of CPCs non-compliance.	<i>Commission &amp; Compliance Committee</i>	Pending	TBD	TBD



<p>PRIOTC02.16 (<a href="#">para. 159</a>)</p>	<p><b><i>Cooperative mechanisms to detect and deter non-compliance</i></b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that the Commission considers strengthening the intersessional decision making processes in situations where CPCs have not transmitted a response such that a decision can be taken for effective operational cooperative mechanisms and that the Commission encourages the CPCs to be more involved in decision making and for the Commission to collaborate to the greatest extent possible with other RFMOs.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.17 (<a href="#">para. 163</a>)</p>	<p><b><i>Market-related measures</i></b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that:</p> <p>a) the Commission considers strengthening the market related measure (Resolution 10/10 <i>Concerning market related measures</i>) to make it more effective.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) the Commission considers to invite key non-CPCs market States that are the main recipient of IOTC catches as observers to its meetings with the aim of entering into cooperative arrangements.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.18 (<a href="#">para. 169</a>)</p>	<p><b><i>Fishing capacity</i></b></p> <p>The PRIOTC02 <b>RECOMMENDED</b> that the Commission consider non-compliance with fishing capacity related measures as a priority in the scheme of responses to non-compliance, in order to ensure the sustainable exploitation of the relevant IOTC species.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



<p>PRIOTC02.19 (<a href="#">para. 175</a>)</p>	<p><b>Decision-making</b> The PRIOTC02 <b>RECOMMENDED</b> that intersessional processes be utilised (e.g. via formal or informal subsidiary bodies, or through facilitated electronic working groups) such that proposals brought to the Commission have been subject to debate and consideration by all CPCs.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.20 (<a href="#">para. 198</a>)</p>	<p><b>Relationship to Non-Cooperating Non-Members (Non-CPCs)</b> The PRIOTC02 <b>RECOMMENDED</b> that the IOTC continue to strengthen its actions towards coastal State non-CPCs to have all such coastal States included under its remit, and that Contracting Parties take diplomatic missions to coastal State non-CPCs with active vessels in the IOTC area of competence.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.21 (<a href="#">para. 204</a>)</p>	<p><b>Cooperation with other RFMOs</b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC should further develop mutual recognition and possible exploration of cross-listings of IUU lists with other RFMOs to combat IUU activities globally.</p>	<p><i>Commission &amp; Compliance Committee</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) The IOTC should develop cooperative mechanisms, such as MoUs, to work in a coordinated manner on issues of common interest, in particular non-target species and an ecosystem approach with other RFMOs especially with SIOFA.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



<p>PRIOTC02.22 (<a href="#">para. 211</a>)</p>	<p><b><i>Special requirements of developing States</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the continuation and optimisation of the IOTC Meeting Participation Fund indefinitely as part of the IOTC Regular Budget, and that the MPF is used to support participation of all eligible Contracting Parties in order to create a more balanced attendance to both science and non-science meetings of the Commission.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
	<p>b) the IOTC Secretariat in partnership with development agencies and organisations, should develop a five year regional fisheries capacity development program to ensure coordinated capacity building activities across the region.</p>	<p><i>Secretariat &amp; Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
<p>PRIOTC02.23 (<a href="#">para. 228</a>)</p>	<p><b><i>Availability of resources for IOTC activities &amp; Efficiency and cost-effectiveness</i></b> The PRIOTC02 <b>RECOMMENDED</b> that: a) the IOTC continue to strengthen its actions towards non-paying Contracting Parties including consideration of diplomatic missions to non-paying Contracting Parties to encourage payment and to explore other mechanisms to recover the outstanding contributions (debt), and collaborate with FAO to identify the difficulties faced in recovering outstanding contributions.</p>	<p><i>Commission</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>



	<p>b) consistent with best practice governance procedures, that the Commission:</p> <ul style="list-style-type: none"> <li>i. Amend or replace the IOTC Financial Regulations (1999) as a matter of urgency in order to increase Contracting Parties’ as well as the Secretariat’s control of all the budget elements, including staff costs of the budget, consistent with best practice governance procedures.</li> <li>ii. A system of cost-recovery should be considered as a possible funding mechanism for new activities and/or ongoing activities.</li> <li>iii. An annual external financial audit of the organisation be implemented as soon as possible, and include a focus on whether IOTC is efficiently and effectively managing its human and financial resources, including those of the IOTC Secretariat.</li> <li>iv. Develop guidelines for the acceptance of extra-budgetary funds to undertake elements of the Commission’s Program of Work, or those of its subsidiary bodies.</li> <li>v. Explore opportunities to improve efficiency concerning financial contributions, including extra-budgetary funds in support of the Commission’s Program of Work, including the possibility of minimising project support costs.</li> <li>vi. Develop and implement staff development, performance and accountability evaluations and procedures, for inclusion within the IOTC Rules of Procedure (2014).</li> </ul>	<p><i>Commission &amp; Standing Committee on Administration and Finance</i></p>	<p>Pending</p>	<p>TBD</p>	<p>TBD</p>
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	c) the Commission, as a matter of urgency, decide whether remaining inside the FAO structure (as an Article XIV body) provides the most suitable means to effectively deliver upon the IOTC Objectives.		Pending	TBD	TBD
PRIOTC02.24 ( <a href="#">para. 233</a> )	<b>FAO</b> The PRIOTC02 <b>RECOMMENDED</b> that the IOTC would be more appropriate as an independent entity. As such, as a matter of the highest priority, the Commission should decide whether the IOTC should remain within the FAO framework or become a separate legal entity, and as necessary, begin consultations with the FAO on this matter.	<i>Commission</i>	Pending	TBD	TBD



**ANNEX II**  
**TERMS OF REFERENCE - TECHNICAL COMMITTEE ON PERFORMANCE REVIEW**

A Technical Committee is established with the following Terms of Reference:

1. To prepare a Work Plan with concrete actions on the recommendations of the Performance Review Panel Report, including priorities, proposed timelines, budgets.
2. To develop a new text of the IOTC Agreement with respect to the recommendations of the 2PRP and based on the following scope:
  - a) Develop proposed language for the IOTC Agreement that takes into account modern principles of fisheries management;
  - b) Develop a multi-year Program of Work that outlines the specific priority issues to be discussed using the legal analysis contained in this report to inform the Technical Committee deliberations;
  - c) Make proposals to enable the participation of all fishing players in IOTC;
  - d) That all CPCs, wishing so, should participate in this Technical Committee and that funds be provided to support the participation of developing coastal States in the meetings;
  - e) That the Technical Committee meets at least annually and to the extent possible progress on its work inter-sessionally using electronic means.
3. To make a recommendation to the Commission to decide whether the IOTC should remain within the FAO framework or become a separate legal entity, and as necessary as a matter of the highest priority, begin consultations with the FAO. If necessary and appropriate in order to adopt an Agreement as an independent legal identity, the Technical Committee can propose to terminate the IOTC Agreement in accordance to the Article XXII of the of the current Agreement.
4. To report and make recommendations, as appropriate, to the Commission on the progress regarding Resolution 09/01 *on the Performance Review follow-up*.
5. In developing proposed amendments to the current Agreement and producing draft recommendations, to take into account the input of IOTC Contracting Parties, Cooperating Non-Contracting Parties and other IOTC Fishing players.
6. The Technical Committee will carry out its work in accordance with the following Program of Work:

2016–17	2017–18	2018–19
Meet intersessionally to discuss proposed amendments to the Agreement, including draft text, and to produce a recommendation to the Commission to decide whether the IOTC should remain within the FAO framework or become a separate legal entity at the 2018 Annual Meeting.	Meet intersessionally to continue discussion of proposed amendments to the Agreement, and develop consolidated proposed Agreement texts that will serve as a negotiating text for future meeting(s).	Meet intersessionally to finalise, if possible, proposed amendments to the Agreement. Present the final proposed Agreement text for adoption.



**RESOLUTION 16/04**  
**ON THE IMPLEMENTATION OF A PILOT PROJECT IN VIEW OF PROMOTING THE**  
**REGIONAL OBSERVER SCHEME OF IOTC**

**Keywords:** Regional Observer Scheme;

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

TAKING INTO ACCOUNT the need to increase the scientific information, in particular to provide the IOTC Scientific Committee working material in order to improve the management of the tuna and tuna-like species fished in the Indian Ocean;

REITERATING the responsibilities of Flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC Conservation and Management Measures;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all IOTC Contracting Parties and Cooperating Non-Contracting Parties (hereinafter CPCs) to fully comply with the IOTC Conservation and Management Measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's Conservation and Management Measures, and the need to encourage Non-CPCs to abide by these measures;

UNDERLINING that the adoption of this measure is intended to promote the implementation of the Resolution 11/04 *on a Regional Observer Scheme*;

CONSIDERING the deliberations of the 18th Session of the IOTC Scientific Committee held in Bali, Indonesia from 23-27 November 2015, notably that CPCs should comply with IOTC data requirements as requested per Resolution 15/01 and 15/02, respectively *on the recording of catch and effort data by fishing vessels in the IOTC area of competence and on mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting parties (CPCs)*, given the gaps in available information in the IOTC database and the importance of basic fishery data in order to assess the status of stocks and for the provision of sound management advice.

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

1. Create a pilot project aiming to enhance the implementation of the Resolution 11/04 *on a Regional Observer Scheme* and to raise the level of compliance to the implementation of Resolutions 15/01 and 15/02, respectively *on the recording of catch and effort data by fishing vessels in the IOTC area of competence and on mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating non-Contracting parties (CPCs)*.
2. This pilot project will be funded through IOTC budget and/or from voluntary contributions. The pilot project will be prepared taking into account the following elements:
  - a) Identification and selection of voluntary participatory Contracting Parties or Cooperating Non-Contracting Parties (CPCs). Participatory CPCs should indicate their vessels that will participate in the project.



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- b) Terms of Reference (ToR) and selection of scientific observers, according to provisions of the Resolutions 11/04, 15/01 and 15/02.
  - c) Definition of an Action Plan for the observers work, including indicatively, a working calendar and an area of activity.
  - d) Mid-term review and a final term review, the latter should include recommendation on how to expand the experiences and results of the pilot project to all IOTC area of competence.
  - e) Cooperation coordination mechanism between CPCs participating in the project.
  - f) Complementarity with the Regional Observer Scheme actions already in place.
3. The IOTC Scientific Committee will draft guidelines regarding the ToR and work of observers, and an indicative budget for approval by the Commission in 2017. This project will focus on developing states, with priority given to promote the implementation of the ROS to small island developing states (SIDS) and least developed countries (LDC).
  4. Contracting Parties will provide their comments and suggestions within one month after the IOTC Executive Secretary transmission of the draft project, following the Scientific Committee.
  5. The revised draft proposal, including a detailed budget, will be submitted to the Compliance Committee and to the Standing Committee on Administration and Finance for review, and submitted for consideration and approval at the annual meeting of the Commission in 2017.
  6. The pilot project will explore the possibilities offered by electronic observation and observation in port.
  7. The Scientific Committee will evaluate whether electronic observation or observation in port can be used to collect data matching IOTC standards. Scientific Committee will also propose minimum standards for the implementation of Electronic observation systems and how they can be used to increase levels of observer coverage for Indian Ocean fisheries.
  8. The pilot project will not preclude any Regional Observer Scheme's actions already implemented by Contracting Parties or Cooperating non-Contracting Parties and respective fleets.



## **Annex I**

### **Minimal requirements for observers**

#### **Scientific observers**

1. Without prejudice to whatever specific training and qualifications are recommended by the Scientific Committee, the designated observers shall have the following qualifications to accomplish their tasks:
  - a) a satisfactory knowledge of the IOTC Conservation and Management Measures;
  - b) the ability to observe and record information accurately;
  - c) a satisfactory knowledge of the language of the flag of the vessel observed;
  - d) sufficient experience to identify species and fishing gear;
  - e) proven training in security and survival at sea.
2. Observers shall:
  - a) record and report upon the fishing activities carried out;
  - b) observe and estimate catches and check consistency with entries made in the logbook;
  - c) note the position of the vessel when engaged in catching activity;
  - d) carry out scientific work such as collecting of IOTC mandatory statistical information and fulfilment of logbooks;
  - e) report the results of these duties on the fishing vessel in the observers report to the flag state fishing authority,
  - f) submit the observer report to Flag State authorities within 30 days from the end of the period of observation;
  - g) treat as confidential all information with respect to the fishing and transshipment operations of the fishing vessels and accept this requirement in writing as a condition of appointment as an observer;
  - h) 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;
  - i) respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel.

#### **Obligations of the Master**

3. The Master shall allow observers to:
  - a) visit the fishing vessel, if weather conditions permit, and to have access to vessel staff and to the gear and equipment but not interfering with the equipment on-board;



- b) have access to the equipment listed below, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties. This shall be done on a request basis. The equipment concerns
  - i) satellite navigation equipment; (consultation only)
  - ii) radar display viewing screens when in use; (consultation only)
  - iii) electronic means of communication;
- c) Observers shall be provided with 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;

#### **Obligations of the Flag State**

- 4. The Flag States shall ensure that masters, 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.
- 5. No later than two months upon completion of a fishing trip, observer reports will be sent to the IOTC secretariat, who shall manage and keep record of the mentioned observer's reports in a manner consistent with IOTC confidentiality requirements, and will submit copies of the observer reports to the Scientific Committee.
- 6. Data collected in any Coastal State EEZ will also be provided to the Coastal State authorities within the same delays and conditions of the previous paragraph.

#### **Mutual recognition of observers**

- 7. The observers selected to participate in this pilot project will be recognised by all CPCs participating in the project.



**RESOLUTION 16/05**  
**ON VESSELS WITHOUT NATIONALITY**

**Keywords:** Vessels without nationality; stateless vessels; IUU fishing; enforcement; transshipment; port access.

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

RECOGNISING that vessels without nationality operate without governance and oversight;

CONCERNED that fishing in the IOTC area of competence by vessels without nationality undermines the objective of the IOTC Agreement and the work of the Commission;

NOTING Articles 92 and 94 of the United Nations Convention on the Law of the Sea (UNCLOS) relating to the status of ships and the duties of flag States;

RECALLING that the FAO Council has adopted an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (IUU fishing) and has recommended that States adopt measures consistent with international law in relation to fishing vessels without nationality involved in IUU fishing on the high seas;

REAFFIRMING IOTC Resolution 11/03 paragraph 1(i), which states that fishing vessels without nationality harvesting tuna or tuna-like species in the IOTC area of competence are presumed to have carried out IUU fishing;

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

1. A vessel without nationality is a vessel that, under international law, is not entitled to fly the flag of any State or, as referred to in Article 92 of UNCLOS, sails under the flag of two or more States, using them according to convenience.
2. Vessels without nationality that are fishing in the IOTC area of competence undermine the IOTC Agreement and the Conservation and Management Measures adopted by the Commission and are engaged in IUU fishing.
3. Contracting Parties (Members) and Cooperating Non-Contracting Parties (CNCs) are encouraged to take effective action in accordance with international law, including, where appropriate, enforcement action, against vessels without nationality that are engaging, or have engaged, in fishing or fishing related activities in the IOTC area of competence, and to prohibit the landing and transshipment of fish and fish products, and access to port services, by such vessels, except where such access is essential to the safety or health of the crew or the safety of the vessel.
4. Members and CNCs are encouraged to adopt necessary measures, including, where relevant, domestic legislation, to allow them to take the effective action referred to in paragraph 3 to prevent and deter vessels without nationality from engaging in fishing or fishing related activities in the IOTC area of competence.
5. Members and CNCs are encouraged to share information about vessels suspected to be without nationality to assist in clarifying the status of such vessels, and about the activities of vessels without nationality to inform decisions about action to prevent and deter such vessels from engaging in fishing or fishing related activities in the IOTC area of competence. Any sightings of fishing vessels that are suspected of, or confirmed as being, without nationality that may be fishing in the high seas of the IOTC area of competence shall be reported to the IOTC Secretariat as soon as possible by the appropriate authorities of the Member or CNC whose vessel or aircraft made the sighting. The IOTC Secretariat will circulate such information to all Members and CNCs as soon as practicable, and will provide a report to the Annual Session of the Compliance Committee of all such information provided.
6. Members and CNCs are encouraged to cooperate with all flag States to strengthen their legal, operational and institutional capacity to take action against their flagged vessels that have engaged in fishing or fishing related



activities in the IOTC area of competence, including the imposition of adequate sanctions, as an alternative to de-flagging such vessels, thereby rendering such vessels without nationality.



## RESOLUTION 16/06

### ON MEASURES APPLICABLE IN CASE OF NON FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC

**Keywords:** Reporting obligations; data submission; incomplete data; catch

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

GIVEN that following Article XI of the Agreement for the establishment of the IOTC, Contracting Parties agree to provide statistical and other data and information that the Commission may need for the purposes of this Agreement and that nominal catch data, Catch and effort data, size data and fish aggregating devices data should be submitted annually to the IOTC Secretariat by 30 June the year following the fishing activities;

RECALLING Resolutions by IOTC on the Deadlines, Procedures for Data Submission and Statistical Reporting Obligations, notably Resolutions 15/02, 15/01, 14/05, 12/04, 10/11, 11/04, 10/08 and 01/06;

RECOGNISING that funding is available from the Commission for developing CPCs to improve their data collection and submission capabilities;

TAKING INTO ACCOUNT that the Scientific Committee (IOTC–2015–SC18–R) noted with concern the lack of information submitted by CPCs on total catches, catch and effort and size data for various IOTC species, despite their mandatory reporting status, and requested that CPCs comply with IOTC data requirements, given the gaps in available information in the IOTC database and the importance of basic fishery data in order to assess the status of stocks and for the provision of sound management advice;

CONSIDERING that the Scientific Committee recommended that the Commission develop penalty mechanisms through the IOTC Compliance Committee to improve compliance by CPCs that do not currently comply with the submission of basic fishery data requirements as stated in Resolutions 15/01 and 15/02;

NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;

NOTING that Several stocks remain not assessed and some others are assessed with substantial uncertainty, which lead to important risks of depletion of some IOTC species and negative impact in the ecosystem;

FURTHER NOTING that, in order that all IOTC fisheries should be managed in line with the principles of the precautionary approach, it is necessary to take measures aimed at eliminating or reducing non-reporting and misreporting;

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

1. CPCs shall include information in their Annual Reports (*Report of Implementation*) on actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches.
2. Actions taken by CPCs, as described in paragraph 1, shall be reviewed annually by IOTC Compliance Committee.



3. Following the review carried out by the Compliance Committee, the Commission at its annual session, according to the guidelines attached (**Annex I**), and after having given due consideration to the relevant information provided by the concerned CPCs in these cases, may consider to prohibit CPCs that did not report nominal catch data (exclusively), including zero catches, for one or more species for a given year, in accordance with the Resolution 15/02, paragraph 2 (or any subsequent revision), from retaining such species as of the year following the lack or incomplete reporting until such data have been received by the IOTC Secretariat. Priority shall be given to situations of repeated non-compliance. Any CPC unable to meet these reporting obligations owing to engagement in civil conflict shall be exempt from this measure. The CPC concerned will work with the IOTC Secretariat to identify and implement possible alternative methods for data collection, using established FAO data collection methods.



**ANNEX 1**

**Guidelines to facilitate the application of the paragraph 3**

1. The Commission will follow the schedule and steps set forth below to guide application of paragraph 3 of this Resolution:

<i>Data review year (starting in 2016 and annually thereafter)</i>	<i>Following the decision on retention prohibition</i>
<ol style="list-style-type: none"> <li>1. CPCs submit Total catch data to the IOTC Secretariat in accordance with the Resolution 15/02 and Scientific Committee template, including zero catches;</li> <li>2. The IOTC Secretariat, in consultation with the Scientific Committee will include in the compliance report information detailing data submission status by species or stock (e.g. complete, incomplete, or missing) for each CPC;</li> <li>3. Compliance Committee reviews the report on the basis of any other relevant information provided by the IOTC Executive Secretary, the Scientific Committee and CPCs. Based on this review, the Compliance Committee identifies in its report those CPCs that did not submit required data (i.e. data are missing or incomplete) and notifies them that they may be prohibited by the Commission from retaining the concerned species/stock from the relevant fishery as of the following year unless and until the data are provided to the Secretariat.</li> <li>4. Compliance Committee also considers if any other actions consistent with this Resolution should be recommended.</li> </ol>	<ol style="list-style-type: none"> <li>1. CPCs with a finding of "missing" or "incomplete" data submissions cannot retain those species;</li> <li>2. Such CPCs should seek to rectify the situation by sending the missing data to the IOTC Executive Secretary as soon as feasible;</li> <li>3. In consultation, as necessary and appropriate, with the Chairpersons of the Compliance Committee and the Commission, the IOTC Executive Secretary will review the new data submission in a timely manner to determine if it is complete. If the data appear to be complete, the Secretariat will promptly inform the CPC in question that it can resume retention of the concerned species/stock in the relevant fishery.</li> <li>4. At the Annual Meeting following the intersessional provision of data and the decision to permit resumption of retention, the Compliance Committee reviews this decision and, if it considers that data are still incomplete, the Compliance Committee will again take the actions specified in the previous column, paragraphs 3 and 4.</li> </ol>



**RESOLUTION 16/07**  
**ON THE USE OF ARTIFICIAL LIGHTS TO ATTRACT FISH**

**Keywords:** DFADs; fishing vessels; supply, support and auxiliary vessel; lights;

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

AWARE that the Commission is committed to adopt Conservation and Management Measures to reduce juvenile bigeye tuna and yellowfin tuna mortalities from fishing effort on Aggregating Devices;

RECALLING that the objective of the IOTC Agreement is to ensure, through appropriate management, the conservation and optimum utilisation of stocks covered by the mentioned Agreement and encouraging sustainable development of fisheries based on such stocks and minimising the level of bycatch;

RECOGNISING that all gears deployed to target resources under the competence of IOTC should be managed to ensure the sustainability of fishing operations;

MINDFUL of the call upon States, either individually, collectively or through regional fisheries management organisations and arrangements in the United Nations General Assembly Resolution 67/79 on Sustainable fisheries to collect the necessary data in order to evaluate and closely monitor the use of large-scale fish aggregating devices and others, as appropriate, and their effects on tuna resources and tuna behaviour and associated and dependent species, to improve management procedures to monitor the number, type and use of such devices and to mitigate possible negative effects on the ecosystem, including on juveniles and the incidental bycatch of non-target species, particularly sharks and marine turtles;

RECALLING that The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995, provides that “States should...reduce bycatches, fish discards...”;

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

1. Fishing vessels and other vessels including support, supply and auxiliary vessels flying the flag of an IOTC Contracting Party or Cooperating Non-Contracting Party (collectively CPCs) are prohibited from using, installing or operating surface or submerged artificial lights for the purpose of aggregating tuna and tuna-like species beyond territorial waters. The use of lights on DFADs is also already prohibited.
2. CPCs shall prohibit their flagged vessels from intentionally conducting fishing activities around or near any vessel or DFAD equipped with artificial lights for the purpose of attracting tuna and tuna-like species under the mandate of the IOTC and in the IOTC area of competence.
3. DFADs equipped with artificial lights, which are encountered by fishing vessels operating in the IOTC area of competence, should as far as possible be removed and brought back to port.
4. Notwithstanding paragraph 1, CPCs whose fishing vessels currently use such artificial lights for the purpose of aggregating tuna and tuna-like species may continue to allow such vessels to use such lights until 31st December 2017. The CPC that wishes to apply this provision shall so report to the Secretariat within 120 days after the adoption of this resolution.
5. Navigation lights and lights necessary to ensure safe working conditions are not affected by this resolution.
6. This Resolution supersedes Resolution 15/07 *On the use of artificial lights to attract fish to drifting fish aggregating devices*.



## RESOLUTION 16/08

### ON THE PROHIBITION OF THE USE OF AIRCRAFTS AND UNMANNED AERIAL VEHICLES AS FISHING AIDS

**Keywords:** Helicopters, drones, aircraft, unmanned aerial vehicle, fishing, searching, fishing aid, supply vessel, support vessel, fishing vessel.

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

RECALLING that Article 5, paragraph c, of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), establishes the application of the precautionary approach as a general principle for sound fisheries management;

NOTING that recommendations 37 and 38 of the Performance Review Panel, adopted by the Commission as Resolution 09/01, indicate that pending the amendment or replacement of the IOTC Agreement to incorporate modern fisheries management principles, the Commission should implement the precautionary approach as set forth in the UNFSA;

RECOGNISING the need to ensure the sustainability of fisheries for tunas and tuna-like species for food security, livelihoods, economic development, multispecies interactions and environmental impacts in its decisions;

CONSIDERING the resolution 12/01 on the implementation of the precautionary approach, in accordance with relevant internationally agreed standards, in particular with the guidelines set forth in the UNFSA, and to ensure the sustainable utilization of fisheries resources as set forth in article V of the IOTC agreement;

RECALLING that the objective of the IOTC Agreement is to ensure, through appropriate management, the conservation and optimum utilisation of stocks covered by the mentioned Agreement and encouraging sustainable development of fisheries based on such stocks;

RECOGNISING that all gears deployed to target resources under the competence of IOTC should be managed to ensure the sustainability of fishing operations;

GIVEN that “Aircraft” means a contrivance used for navigation of, or flight in the air and specifically includes, but is not limited to, planes, helicopters, and any other device that allows a person to fly or hover above the ground. “Unmanned aerial vehicle” means any device capable of flying in the air which is remotely, automatically or otherwise piloted without an occupant, including but not limited to drones;

RECOGNISING that the use of aircraft and unmanned aerial vehicle as fishing/searching aids significantly contribute to the fishing effort of tuna fishing vessels by increasing their fish detection capacity;

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

1. Contracting Parties and Cooperating Non-Contracting Party (collectively CPCs) shall prohibit their flagged fishing vessels, support and supply vessels from using aircrafts and unmanned aerial vehicles as fishing aids.
2. Notwithstanding paragraph 1, CPCs whose fishing vessels currently use aircrafts and unmanned aerial vehicles as fishing aids may continue to allow such vessels to use them until 31st December 2017. The CPC that wishes to apply this provision shall so report to the Secretariat within 120 days after the adoption of this resolution.
3. Any occurrence of a fishing operation undertaken with the aid of aircraft or any unmanned aerial vehicle in the IOTC area of competence shall be reported to the flag State and the IOTC Executive Secretary, for communication to the Compliance Committee.



4. Aircraft and unmanned aerial vehicles used for scientific and MCS purposes are not subject to the prohibition set out in paragraph 1 of this measure”.



## RESOLUTION 16/09

### ON ESTABLISHING A TECHNICAL COMMITTEE ON MANAGEMENT PROCEDURES

**Keywords:** Reference Points, Harvest Control Rules, Precautionary Approach, Management Strategy Evaluation.

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

HAVING responsibility for the sustainable utilisation of tuna and tuna-like species in the Indian Ocean;

RECOGNISING the need for action to ensure the achievement of IOTC objectives to conserve and manage tuna resources in the IOTC area of competence;

RECALLING Article 6, paragraph 3, of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), on the strengthening of existing organisations and arrangements;

RECALLING that the IOTC Scientific Committee has initiated a process leading to a Management Strategy Evaluation process to improve upon the provision of scientific advice on Harvest Control Rules (HCRs);

FURTHER RECALLING that the IOTC has embarked upon a dialogue process as agreed in Resolution 14/03 *on enhancing the dialogue between fisheries scientists and managers*, which required that a series of three Science and Management Dialogue Workshops is held between 2014 and 2017;

NOTING the need, expressed by the Scientific Committee, to strengthen the communication on the MSE process between the Scientific Committee and the Commission, in order to facilitate consideration of the elements of the MSE that require endorsement by the Commission ;

RECOGNISING that the Scientific Committee RECOMMENDED that the Commission consider establishing a formal communication channel for the science and management dialogue to enhance decision-making through a dedicated Technical Committee on Management Procedures (SC18.18);

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

1. A Technical Committee on Management Procedures (TCMP) co-chaired by the Commission Chair (or designee) and the Scientific Committee Chair (or designee) and facilitated, if possible, by an independent expert, is established with the objective of addressing the priorities identified in Resolutions 14/03 *on enhancing the dialogue between fisheries scientists and managers*, and 15/10 *on target and limit reference points and a decision framework* or any subsequent resolutions addressing Management Strategy Evaluation and Management Procedures.
2. The objectives of the TCMP shall be to:
  - a. Enhance the decision making response of the Commission in relation to management procedures, including recommendations made by the Scientific Committee;
  - b. Enhance communication and foster dialogue and mutual understanding between the Scientific Committee and the Commission on matters relating to management procedures; and
  - c. Assist the Commission to obtain and promote the effective use of scientific resources and information.
3. The TCMP shall meet prior to and in conjunction with the annual Commission Session, to facilitate full attendance by CPCs.



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4. The outcomes of the TCMP will be considered by the annual Commission Session under a standing agenda item for that purpose, as well as through the Commission's consideration of proposals relating to management procedures.
5. The TCMP shall focus on the presentation of results and exchange of information necessary for the Commission to consider possible adoption of Management Procedures. Standard formats for the presentation of results should be used, to facilitate understanding of the material by a non-technical audience.
6. The agenda of the TCMP shall place emphasis on the elements of each Management Procedure that require a decision by the Commission. The adoption of Management Procedures is an iterative process that allows for adjustments as the work, and the understanding of the elements involved, progresses.
7. The TCMP should undertake the following:
  - a. Identifying, evaluating, and discussing management procedures for the IOTC fisheries, which help meet the objectives of the IOTC Agreement, including socioeconomics, food security, etc., identified by the Commission, the ecosystem-based approach to fisheries and the precautionary approach for the consideration of the Commission. Specifically, consideration of the following:
    - i. Overarching management objectives to guide the development of management procedures for the IOTC fisheries;
    - ii. Target and Limit Reference Points with reference to Resolution 15/10 on interim target and limit reference points and a decision framework (or any subsequent revision);
    - iii. Harvest Control Rules (HCRs), including: the extent to which HCRs meet management objectives; the probabilities of achieving target reference points, avoiding limit reference points, or rebuilding; the risks to the fishery and the resource at these limit and target reference points; and allowing, in particular, the implementation of a precautionary approach as required by Resolution 15/10 on interim target and limit reference points and a decision framework (or any subsequent revision);
  - b. Considering current scientific advice relating to management procedures and the need for additional scientific advice to support the Commission's consideration of management procedures.
  - c. Specifications for the roles and responsibilities of the Commission and its subcommittees, particularly the Scientific Committee and working parties, and clarifications for possible interactions and feedback between them, for each step of the management procedure development process (e.g., from technical work to be developed in WP/SC to the decision making process in the Commission).
  - d. Considering data monitoring systems and management procedure implementation mechanisms to assure the effectiveness of any of the management procedures agreed.
8. The need for a continuation of the Technical Committee on Management Procedures shall be reviewed no later than at the Annual Session of the Commission in 2019.
9. This Resolution supersedes Resolution 14/03 *On enhancing the dialogue between fisheries scientists and managers*.



**RESOLUTION 16/10**  
**TO PROMOTE IMPLEMENTATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES**

**Keywords:** Conservation and Management Measures; Capacity building.

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

RECOGNISING the desirability of improving the coherence, interpretation and accessibility of its Conservation and Management Measures;

CONCERNED that IOTC Contracting Parties and Cooperating Non-Contracting Parties (hereinafter referred to as “CPCs”), particularly developing CPCs, seem to find difficulties in implementing Conservation and Management Measures (CMMs) already adopted by the IOTC;

NOTING that among other things the major reasons for this situation seemed to be delivered from:

- Lack of human and financial capacity to implement CMMs;
- Frequent addition of new such measures and modifications to existing ones;
- Complicated structure of CMMs adopted by IOTC;
- Duplication of CMMs on one subject.

CONSIDERING that streamlining of IOTC work and enhancement of capacity building are necessary to drastically promote the implementation of CMMs;

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

**SPECIAL FUND FOR CAPACITY BUILDING**

1. The Commission shall maintain a special fund for capacity building in order to ensure compliance with CMMs adopted by the IOTC. This special fund shall be financed by voluntary contributions and via an IOTC Regular Budget component. The IOTC Secretariat shall contact international organizations, donor agencies and non-governmental organizations to seek voluntary financial contribution.
2. The Special Fund for Capacity Building shall be utilized, over the next five (5) years (2017–2021), focus on, inter alia, (i) to improve data collection in developing CPCs and (ii) to develop capacity in implementation of CMMs.
3. At its plenary meeting in 2021, the Commission shall decide the next priority areas for the period from 2022-2026.

**ARRANGEMENT OF PROPOSALS TO BE SUBMITTED AND LIMITATION TO THE NUMBER OF PROPOSALS TO BE CONSIDERED**

4. To further improve coordination in development process of proposals for new and/or revised CMMs to be considered at the Sessions of the Commission, Contracting Parties are encouraged to submit a provisional title, Contracting Party sponsorship and a focal point for the proposal (including the email address of the focal point), a minimum of 60 days prior to each annual Session so that all Contracting Parties are provided with an opportunity to identify proposals being developed by other CPCs, and as appropriate, cooperate in the development of proposals prior to the Session in which they are to be discussed. Where possible, duplication shall be avoided and consensus may be reached on contentious matters before the Session, thereby improving efficiency during Plenary. Whether such consultation is held or not, proposals shall be submitted 30 days before the Commission



meeting. Except for proposals based on recommendations of the CoC and SCAF, proposals received after the deadline shall be considered by the Commission if agreed by the Commission.

5. The Commission may consider limiting the number of new proposals to be considered at one plenary meeting.

#### **STREAMLINING OF RESOLUTIONS**

6. The Commission shall consider streamlining existing CMMs by:
  - a) Abolishing outdated CMMs and incorporating key elements that remain to be fully implemented into a new CMM.
  - b) Combining multiple CMMs into a single CMM with multiple sections relating to a single broad subject area.
7. This Resolution supersedes Resolution 12/10 *Promote implementation of Conservation and Management Measures already adopted by IOTC.*

**RESOLUTION 16/11**  
**ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL,  
UNREPORTED AND UNREGULATED FISHING**

**Keywords:** Port State Measures; IUU; Ports; Inspections; Port State; Flag State; Port Inspection Reports; landing. **The Indian Ocean Tuna Commission (IOTC),**

DEEPLY CONCERNED about the continuation of illegal, unreported and unregulated fishing in the IOTC Area and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers in particular in Small Island Developing States, and the increasing need for food security in the region;

CONSCIOUS of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources;

RECOGNISING that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing;

RECOGNISING that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing;

AWARE of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures;

RECOGNISING the need for assistance to developing countries, in particular Small Island Developing States to adopt and implement port State measures;

TAKING NOTE OF the binding Agreement on port State measures to combat IUU fishing which was adopted and opened for signature within the framework of FAO in November 2009, and desiring to implement this Agreement in an efficient manner in the IOTC Area;

BEARING IN MIND that, in the exercise of their sovereignty over ports located in their territory, IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) may adopt more stringent measures, in accordance with international law;

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the Convention;

RECALLING the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Resolutions by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries;

RECOGNISING recent achievements in developing a computerised communication system as provided for in Annex IV of [Resolution 10/11](#) *On port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing* referred to as the e-PSM (electronic port State measures) application and the delivery of national training programme on the usage of this application;

ENSURING the uptake and gradual transition to full utilisation of the e-PSM application designed to facilitate compliance with this resolution;

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

## PART 1

### GENERAL PROVISIONS

#### 1. *Use of terms*

For the purposes of this Resolution:

- a) “fish” means all species of highly migratory fish stocks covered by the IOTC Agreement;
- b) “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
- c) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- d) “illegal, unreported and unregulated fishing” refers to the activities set out in paragraph 1 of the Resolution 09/03 ~~[superseded by Resolution 11/03]~~;
- e) “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying; and
- f) “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

#### 2. *Objective*

The objective of this Resolution is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IOTC Area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems.

#### 3. *Application*

- 3.1 Each CPC shall, in its capacity as a port State, apply this Resolution in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:
  - a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing; and
  - b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
- 3.2 This Resolution shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.
- 3.3 Each CPC may utilise the e-PSM system, available via the IOTC website, to implement this Resolution. A trial period of three years from 2016 will be provided to allow for the delivery of a complete training programme and further improvement and development. CPCs shall encourage all stakeholders (vessel representatives, port States and flag States) to utilise, to the greatest extent possible, the e-PSM application to comply with this Resolution and provide feedback and inputs contributing to its development until 1<sup>st</sup> January 2020. At the sixteenth session of the Compliance Committee the success of this application shall be evaluated and consideration shall be given to making the use of this application mandatory and defining a period for implementation. After this

date the possibility to submit an advance request for port entry manually in accordance with Article 6 will remain, should access to the Internet not be possible for any reason.

4. *Integration and coordination at the national level*

Each CPC shall, to the greatest extent possible:

- a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and
- c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Conservation and Management Resolution.

**PART 2**

**ENTRY INTO PORT**

5. *Designation of ports*

- 5.1 Each CPC shall designate and publicise the ports to which vessels may request entry pursuant to this Resolution. Each CPC shall provide a list of its designated ports to IOTC Secretariat before 31 December 2010, which shall give it due publicity on the IOTC website.
- 5.2 Each CPC shall, to the greatest extent possible, ensure that every port designated and publicised in accordance with point 5.1 has sufficient capacity to conduct inspections pursuant to this Resolution.

6. *Advance request for port entry*

- 6.1 Each CPC shall require the information requested in **Annex I** to be provided before granting entry to a vessel to its port.
- 6.2 Each CPC shall require the information referred to in point 6.1 to be provided at least 24 hours before entering into port or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours. For the latter, the port State must have enough time to examine the above mentioned information.

7. *Port entry, authorisation or denial*

- 7.1 After receiving the relevant information required pursuant to section 6, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, each CPC shall decide whether to authorise or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.
- 7.2 In the case of authorisation of entry, the master of the vessel or the vessel's representative shall be required to present the authorisation for entry to the competent authorities of the CPC upon the vessel's arrival at port.
- 7.3 In the case of denial of entry, each CPC shall communicate its decision taken pursuant to point 7.1, to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States and

IOTC Secretariat. The IOTC Secretariat may, if deemed appropriate to combat IUU fishing at global level, communicate this decision to secretariats of other RFMO's.

- 7.4 Without prejudice to point 7.1, when a CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a regional fisheries management organisation in accordance with the rules and procedures of such organisation and in conformity with international law, the CPC shall deny that vessel entry into its ports.
- 7.5 Notwithstanding points 7.3 and 7.44, a CPC may allow entry into its ports of a vessel referred to in those points exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.
- 7.6 Where a vessel referred to in points 7.4 or 7.5 is in port for any reason, a CPC shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking. Points 9.2 and 9.3 of section 9 apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

8. *Force majeure or distress*

Nothing in this Resolution affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

### PART 3

#### USE OF PORTS

9. *Use of ports*

- 9.1 Where a vessel has entered one of its ports, a CPC shall deny, pursuant to its laws and regulations and consistent with international law, including this Conservation and Management Resolution, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and drydocking, if:
- a) the CPC finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by its flag State;
  - b) the CPC finds that the vessel does not have a valid and applicable authorisation to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that State;
  - c) the CPC receives clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
  - d) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organisation; or

- e) the CPC has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing, including in support of a vessel referred to in point 7.4, unless the vessel can establish:
  - i. that it was acting in a manner consistent with relevant IOTC Resolutions; or
  - ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in point 4 of paragraph 7.
- 9.2 Notwithstanding point 9.1, a CPC shall not deny a vessel referred to in that point the use of port services:
  - a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven; or
  - b) where appropriate, for the scrapping of the vessel.
- 9.3 Where a CPC has denied the use of its port in accordance with this paragraph, it shall promptly notify the flag State and, as appropriate, relevant coastal States, IOTC or other regional fisheries management organisations and other relevant international organisations of its decision.
- 9.4 A CPC shall withdraw its denial of the use of its port pursuant to point 9.1 in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.
- 9.5 Where a CPC has withdrawn its denial pursuant to point 9.4, it shall promptly notify those to whom a notification was issued pursuant to point 9.3.

#### PART 4

#### INSPECTIONS AND FOLLOW-UP ACTIONS

- 10. *Levels and priorities for inspection*
  - 10.1 Each CPC shall carry out inspections of at least 5% of landings or transhipments in its ports during each reporting year.
  - 10.2 Inspections shall involve the monitoring of the entire discharge or transhipment and include a cross-check between the quantities by species recorded in the prior notice of landing and the quantities by species landed or transhipped. When the landing or transhipment is completed, the inspector shall verify and note the quantities by species of fish remaining on board.
  - 10.3 National inspectors shall make all possible efforts to avoid unduly delaying a vessel and ensure that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
  - 10.4 The port CPC may invite inspectors of other CPC to accompany their own inspectors and observe the inspection of landings or transhipment operations of fishery resources caught by fishing vessels flying the flag of another CPC.
- 11. *Conduct of inspections*
  - 11.1 Each CPC shall ensure that its inspectors carry out the functions set forth in **Annex II** as a minimum standard.

11.2 Each CPC shall, in carrying out inspections in its ports:

- a) ensure that inspections are carried out by properly qualified inspectors authorised for that purpose, having regard in particular to section 14;
- b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
- c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant Conservation and Management Resolutions;
- d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
- e) in case of appropriate arrangements with the flag State of the vessel, invite the flag State to participate in the inspection;
- f) make all possible efforts to avoid unduly delaying the vessel to minimise interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
- g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
- h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
- i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

12. *Results of inspections*

Each CPC shall, as a minimum standard, include the information set out in **Annex III** in the written report of the results of each inspection.

13. *Transmittal of inspection results*

13.1 The port State CPC shall, within three full working days of the completion of the inspection, transmit by electronic means a copy of the inspection report and, upon request, an original or a certified copy thereof, to the master of the inspected vessel, to the flag State, to the IOTC Secretariat and, as appropriate, to:

- a) the flag State of any vessel that transhipped catch to the inspected vessel;
- b) the relevant CPCs and States, including those States for which there is evidence through inspection that the vessel has engaged in IUU fishing, or fishing related activities in support of such fishing, within waters under their national jurisdiction; and
- c) the State of which the vessel's master is a national.

13.2 The IOTC Secretariat shall without delay transmit the inspection reports to the relevant regional fisheries management organisations, and post the inspection report on the IOTC website.

14. *Training of inspectors*



Each CPC shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in **Annex V**. CPC shall seek to cooperate in this regard.

15. *Port State actions following inspection*

15.1 Where, following an inspection, there are clear grounds for believing that a vessel has engaged IUU fishing or fishing related activities in support of such fishing, the inspecting CPC shall:

- a) promptly notify the flag State, the IOTC Secretariat and, as appropriate, relevant coastal States, and other regional fisheries management organisations, and the State of which the vessel's master is a national of its findings; and
- b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Conservation and Management Resolution.

15.2 Notwithstanding point 15.1, a CPC shall not deny a vessel referred to in that point the use of port services essential for the safety or health of the crew or the safety of the vessel.

15.3 Nothing in this Resolution prevents a CPC from taking measures that are in conformity with international law in addition to those specified in points 15.1 and 15.2, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

16. *Information on recourse in the port State*

16.1 A CPC shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that CPC pursuant to sections 7, 9, 11 or 15, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the CPC.

16.2 The CPC shall inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse. Where other Parties, States or international organisations have been informed of the prior decision pursuant to sections 7, 9, 11 or 15, the CPC shall inform them of any change in its decision.

## PART 5

### ROLE OF FLAG STATES

17. *Role of CPCs flag States*

17.1 Each CPCs shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Resolution.

17.2 When a CPC has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Resolution.

17.3 Each CPC shall encourage vessels entitled to fly its flag to land, tranship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner

consistent with this Resolution. CPCs are encouraged to develop fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Resolution.

- 17.4 Where, following port State inspection, a flag State CPC receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.
- 17.5 Each CPC shall, in its capacity as a flag State, report to other CPCs, relevant port States and, as appropriate, other relevant States, regional fisheries management organisations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.
- 17.6 Each CPC shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in point 3.1.

## PART 6

### REQUIREMENTS OF DEVELOPING STATES

#### 18. *Requirements of developing States*

- 18.1 CPCs shall give full recognition to the special requirements of CPCs developing States in relation to the implementation of this Resolution. To this end, IOTC should provide assistance to CPCs developing States in order to, *inter alia*:
  - a) enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;
  - b) facilitate their participation in any international organisations that promote the effective development and implementation of port State measures; and
  - c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.
- 18.2 IOTC shall give due regard to the special requirements of developing CPCs port States, in particular the least-developed among them and small island developing States, to ensure that a disproportionate burden resulting from the implementation of this Resolution is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, CPCs shall cooperate to facilitate the implementation by the relevant CPCs developing States of specific obligations under this Resolution.
- 18.3 IOTC shall assess the special requirements of CPCs developing States concerning the implementation of this Resolution.
- 18.4 IOTC CPCs shall cooperate to establish appropriate funding mechanisms to assist CPCs developing States in the implementation of this Resolution. These mechanisms shall, *inter alia*, be directed specifically towards:

- a) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
- b) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
- c) listing CPCs developing States with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Resolution.

## PART 7

### DUTIES OF THE IOTC SECRETARIAT

#### 19. *Duties of the IOTC Secretariat*

19.1 The IOTC Secretariat shall without delay post on the IOTC website:

- a) the list of designated ports;
- b) the prior notification periods established by each CPC;
- c) the information about the designated competent authority in each port State CPC;
- d) the blank copy of the IOTC Port inspection report form.

19.2 The IOTC Secretariat shall without delay post on the secure part of the IOTC website copies of all Port inspection reports transmitted by port State CPCs.

19.3 All forms related to a specific landing or transshipment shall be posted together.

19.4 The IOTC Secretariat shall without delay transmit the inspection reports to the relevant regional fisheries management organisations.

20. This Resolution shall be applied to CPCs' ports within the IOTC area of competence. The CPCs situated outside the IOTC area of competence shall endeavour to apply this Resolution.

21. This Resolution supersedes Resolution 10/11 *on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing*.



ANNEX I

Information to be provided in advance by vessels requesting port entry

<b>1. Intended port of call</b>										
<b>2. Port State</b>										
<b>3. Estimated date and time of arrival</b>										
<b>4. Purpose(s)</b>										
<b>5. Port and date of last port call</b>										
<b>6. Name of the vessel</b>										
<b>7. Flag State</b>										
<b>8. Type of vessel</b>										
<b>9. International Radio Call Sign</b>										
<b>10. Vessel contact information</b>										
<b>11. Vessel owner(s)</b>										
<b>12. Certificate of registry ID</b>										
<b>13. IMO ship ID, if available</b>										
<b>14. External ID, if available</b>										
<b>15. IOTC ID</b>										
<b>16. VMS</b>		No		Yes: National		Yes: RFMO(s)		Type:		
<b>17. Vessel dimensions</b>		Length		Beam		Draft				
<b>18. Vessel master name and nationality</b>										
<b>19. Relevant fishing authorization(s)</b>										
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>					
<b>20. Relevant transshipment authorization(s)</b>										
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>						
<b>21. Transshipment information concerning donor vessels</b>										
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID</i>	<i>Species</i>	<i>Product</i>	<i>Catch area</i>	<i>Quantity</i>		
<b>22. Total catch onboard</b>							<b>23. Catch to be offloaded</b>			
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>				<i>Quantity</i>			

**ANNEX II**

**Port State inspection procedures**

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex 1;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or IOTC Secretariat or other relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.



ANNEX III

IOTC Port inspection report form

1. Inspection report no		2. Port State	
3. Inspecting authority			
4. Name of principal inspector			ID
5. Port of inspection			
6. Commencement of inspection		YYYY	MM DD HH
7. Completion of inspection		YYYY	MM DD HH
8. Advanced notification received		Yes	No
9. Purpose(s)		LAN TRX PRO	OTH (specify)
10. Port and State and date of last port call		YYYY	MM DD
11. Vessel name			
12. Flag State			
13. Type of vessel			
14. International Radio Call Sign			
15. Certificate of registry ID			
16. IMO ship ID, if available			
17. External ID, if available			
18. Port of registry			
19. Vessel owner(s)			
20. Vessel beneficial owner(s), if known and different from vessel owner			
21. Vessel operator(s), if different from vessel owner			
22. Vessel master name and nationality			
23. Fishing master name and nationality			
24. Vessel agent			
25. VMS		No	Yes: National Yes: RFMOs Type:
26. Status in IOTC, including any IUU vessel listing			
Vessel identifier	RFMO	Flag State status	Vessel on authorised vessel list Vessel on IUU vessel list
27. Relevant fishing authorisation(s)			
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i> <i>Species</i> <i>Gear</i>
28. Relevant transshipment authorisation(s)			
<i>Identifier</i>		<i>Issued by</i>	<i>Validity</i>
<i>Identifier</i>		<i>Issued by</i>	<i>Validity</i>
29. Transshipment information concerning donor vessels			
<i>Name</i>	<i>Flag State</i>	<i>ID no</i>	<i>Species</i> <i>Product form</i> <i>Catch area(s)</i> <i>Quantity</i>
30. Evaluation of offloaded catch (quantity)			
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i> <i>Quantity offloaded</i> <i>Difference between quantity declared and quantity determined, if any</i>
31. Catch retained onboard (quantity)			
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i> <i>Quantity retained</i> <i>Difference between quantity declared and quantity determined, if any</i>
32. Examination of logbook(s) and other documentation		Yes	No
33. Compliance with applicable catch documentation scheme(s)		Yes	No
34. Compliance with applicable trade information scheme(s)		Yes	No



35. Type of gear used				
36. Gear examined in accordance with paragraph e) of Annex II	Yes	No	Comments	
37. Findings by inspector(s)				
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)				
39. Comments by the master				
40. Action taken				
41. Master's signature				
42. Inspector's signature				



**ANNEX IV**  
**Information systems on port State measures**

In implementing this Conservation and Management Resolution, each CPC shall:

- a) seek to establish computerised communication;
- b) establish, to the extent possible, websites to publicise the list of ports designated in accordance with point 5.1 and the actions taken in accordance with the relevant provisions of this Conservation and Management Resolution;
- c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;
- d) utilise, to the extent possible, the international coding system below in **Annexes I** and **III** and translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
vessel types:	ISSCFV code (known as FAO alpha code)
gear types:	ISSCFG code (known as FAO alpha code)



**ANNEX V**  
**Guidelines for the training of inspectors**

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;
2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and Conservation and Management Resolutions of the IOTC, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilising conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.

**RESOLUTION 16/12**  
**WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES**  
**(WPICMM)**

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

RECALLING the objective of the Agreement (Article V) is ‘*to adopt, in accordance with Article IX and on the basis of scientific evidence, Conservation and Management Measures, to ensure the conservation of the stocks covered by this Agreement and to promote the objective of their optimum utilisation throughout the Area*’;

RECOGNISING the annual level of illegal, unreported and unregulated (IUU) fishing in the IOTC area of competence is estimated to be in the order of many hundreds of dollars and the urgent need to better manage the tuna and tuna-like species under the IOTC mandate;

ALSO RECOGNISING the decision of the Commission to establish the necessary subsidiary bodies to monitor the implementation by CPCs with the Agreement and the Commission’s Conservation and Management Measures, assist CPCs to enhance their compliance capacity and conserve the harvesting levels of tuna and tuna-like species and their associated ecosystems at sustainable levels;

CONSIDERING the fact that the work of the Compliance Committee has increased to a level which can no longer be adequately addressed during its annual session, specifically the technical evaluation and planning elements for supporting CPC implementation of CMMs;

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

1. Pursuant to Article XII.1 of the Agreement, the Commission establishes a permanent Working Party on the Implementation of Conservation and Management Measures (WPICMM) which shall act as an advisory body to the Commission via the Compliance Committee.
2. The terms of reference for the WPICMM are those specified in **Annex I**.
3. This Resolution shall be incorporated within the IOTC Rules of Procedure as its next revision.



## ANNEX I

### TERMS OF REFERENCE FOR A WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (WPICMM)

1. The procedures of the Working Party on the Implementation of Conservation and Management Measures (WPICMM) shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

#### Objectives:

2. The objective of the (WPICMM) is to:
  - a) Alleviate the technical discussions, workload and time pressures on the Compliance Committee, and permit it to focus on higher level compliance implementation strategies in its work for the Commission;
  - b) Enhance the technical capacity of Contracting Party (Member) and Cooperating Non-Contracting Party (CNCP) (collectively termed CPCs) to understand and implement IOTC Conservation and Management Measures (CMMs);
  - c) Prioritise implementation issues and develop operational standards for use by CPCs.

#### Composition:

3. The WPICMM shall be constituted of fisheries compliance officers (or other relevant officer) of the CPCs at an operational decision-making level; each Contracting Party of the Commission shall have the right to appoint a representative and an alternate, if needed, both with suitable qualifications, who may be accompanied by experts and advisers.

#### Mandate:

4. Examine all aspects of CPCs technical implementation of CMMs and recommending ways to enhance the level of implementation;
5. Examine Monitoring, Control and Surveillance (MCS) technical matters in order to provide the Compliance Committee with options for strengthening MCS;
6. Review the reporting requirements contained within CMMs in order to harmonize and streamline;
7. Develop a methodology for the assessment of implementation by CPCs, for producing the Country Compliance Reports provided annually to the Compliance Committee and flag States;
8. Review and assess the effectiveness and practical aspects of implementation of CMMs adopted by the Commission in order to identify deficiencies and implementation constraints faced by CPCs, and to recommend options for amendments;
9. Propose actions to address deficiencies in implementation;
10. Development of minimum regional standards for implementation of CMMs;
11. Develop a harmonized assessment criteria to identify vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities;



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12. Monitor the development of, and recommend further actions for the IOTC list of vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities, including where requested by the Compliance Committee or involved CPCs, a review of the evidence to be presented, where such evidence can be made available to the WPICMM;
13. Monitor the development of, and recommend actions for the list of Large Scale Tuna Longline Vessels (LSTLVs)/carrier vessels presumed to have committed infractions of IOTC CMMs, as recorded by observers deployed under the at-sea transshipment programme;
14. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of national MCS systems;
15. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of enforcement actions to ensure compliance with IOTC CMMs;
16. Development of regional capacity building mechanisms to assist CPCs to meet the regional minimum terms and conditions or standards for implementation of the CMMs;
17. Provide recommendations for the strengthening of the implementation of CMMs and capacity building activities, including compliance support missions, regional/national training courses and workshops, to be funded under the special fund for capacity building or extra budgetary contributions;
18. Develop recommendations and guidelines for a schedule of sanctions for non-compliance with IOTC CMMs for consideration by the CPCs and the Commission.
19. Review compliance with data reporting obligations by CPCs and recommend actions for implementation.
20. Other tasks as assigned by the Compliance Committee or Commission.