

IOTC–2013–S17–PropP[E]

**CONCERNING THE IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA OF
COMPETENCE**

SUBMITTED BY: MOZAMBIQUE, 29 MARCH 2013

Explanatory Memorandum



REPÚBLICA DE MOÇAMBIQUE
MINISTÉRIO DAS PESCAS

MOZAMBIQUE'S PROPOSED REVISIONS TO IOTC RESOLUTION

Revision to Resolution 07/02 *Concerning the Establishment Of An IOTC Record Of Vessels Authorised To Operate In The IOTC Area* – to include submission of the following document to the IOTC Secretariat for publication on their web page:

- the format for CPCs Authorization to fish outside its EEZ;

RESOLUTION 13/XX07/02
CONCERNING THE ~~ESTABLISHMENT OF AN~~ IOTC RECORD OF VESSELS AUTHORISED TO
OPERATE IN THE IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

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

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

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

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

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

RECALLING that the IOTC Record of Active Vessels was established by the Commission on 1 July 2003, via Resolution 07/02 concerning the establishment of an IOTC record of vessels authorized to operate in the IOTC area of competence

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

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

1. The Commission shall ~~establish and~~ maintain an IOTC Record of fishing vessels that are:
 - a) larger than 24 metres in length overall, or
 - b) in case of vessels less than 24 metres, those operating in waters outside the economic exclusive zone of the flag state,and that are authorised to fish for tuna and tuna-like species in the IOTC Area (hereinafter referred to as 'authorized fishing vessels', or AFVs). For the purpose of this Resolution, AFVs that are not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.
2. Each Contracting Party, and Cooperating non-Contracting Party (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the Executive Secretary ~~by 1 July 2003~~ for those vessels referred to 1.a) and ~~1 July 2006~~ for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC aArea of competence. This list shall include the following information:
 - Name of vessel(s), register number(s)
 - IMO number (if available)~~any~~

- Previous name(s) (if any)
- Previous flag(s) (if any)
- Previous details of deletion from other registries (if any)
- International radio call sign(s) (if any)
- ~~Operating p~~Port of Registration
- Type of vessel(s), length and gross tonnage (GT)
- Name and address of owner(s) and operator(s)
- Gear(s) used
- Time period(s) authorised for fishing and/or transshipping

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

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

2. Bis All CPCs which issue authorisations to fish to their flag vessels to fish for species managed by the IOTC shall submit to the Executive Secretary, by 15 February every year, an updated sample of the official authorisation to fish outside National Jurisdictions complete with:

- a) name of the Competent Authority
- b) name and contact of personnel of the Competent Authority
- c) signature of the personnel of the Competent Authority
- d) official stamp of the Competent Authority

The Executive Secretary shall publish the above information in a secure part of the IOTC website for MCS purpose.

- 3. Each CPC shall promptly notify, after the establishment of the ~~ir~~ initial IOTC Record, the ~~IOTC-Executive~~ Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.
- 4. The ~~IOTC-Executive~~ Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
- 5. The flag CPCs of the vessels on the record shall:
 - a) authorise their ~~vessels~~AFVs to operate in the IOTC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures
 - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures

- c) take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship
 - d) ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing
 - e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by ~~AFVs-vessels~~ not entered into the IOTC Record in the IOTC Area
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission ~~at its 2003 meeting and annually thereafter~~. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVS on the IOTC record to take further action to enhance compliance by those vessels to IOTC conservation and management measures.
7. a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the ~~AFVs-vessels~~ which are not entered into the IOTC Record.
- b) To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
- i) Flag CPCs shall validate statistical documents only for the ~~AFVs-vessels~~ on the IOTC Record
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record and
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation
8. Each CPC shall notify the Secretary of any factual information showing that there are reasonable grounds for suspecting ~~AFVs-vessels~~ not on the IOTC Record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.
9. a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Executive Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC Area
- b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Executive Secretary shall compile and circulate such information ~~for future consideration by to all the Commission CPCs, without delay~~.
10. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse

effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU ~~AFVs~~ fishing vessels from the Indian Ocean to other oceans.

- ~~11. Paragraph 1 of the Resolution 01/02 Relating to Control of Fishing Activities adopted at the 2001 Commission meeting is no more effective when this resolution is entered into force, while paragraph 2,3,4 and 5 of the said Resolution shall stand as they are.~~
- ~~12. Paragraph 1 b) shall apply initially to longline and purse seine fishing vessels.~~
- ~~13. This Resolution supersedes Resolution 075/02 Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area is superseded by this Resolution.~~