



**CONCERNING A RECORD OF LICENSED FOREIGN VESSELS FISHING FOR IOTC SPECIES IN THE IOTC AREA
OF COMPETENCE AND ACCESS AGREEMENT INFORMATION**

SUBMITTED BY: MOZAMBIQUE, 29 MARCH 2013

Explanatory Memorandum



REPÚBLICA DE MOÇAMBIQUE

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MOZAMBIQUE'S PROPOSED REVISIONS TO IOTC RESOLUTION

Revision to Resolution 12/07 *Concerning a Record of Licensed Foreign Fishing Vessels Fishing for IOTC Species in the IOTC Area of Competence and Access Agreement Information* – to include submission of the following documents to the IOTC Secretariat for publication on their web page:

- sample format, terms and conditions of CPCs licenses for tuna vessels to fish in their EEZs including information on the Competent Authority, contacts and stamps, in the official language of the coastal State and one of the IOTC official Languages for publishing on the IOTC Web to facilitate port and at-sea inspections;
- To re-introduce provision of information on denial of license under Resolution 10/07 and ensure when a license has been denied that the information is circulated to CPCs to strengthen the fight against IUU;
- To improve the structure of the Resolution (3 parts) and improve the understanding of reporting requirements (private access agreements versus government to government access agreements);
- Correction to update para 8 (this Resolution supersedes Resolution 12/07).

RESOLUTION 1312/XX07
**CONCERNING A RECORD OF LICENSED FOREIGN VESSELS FISHING FOR IOTC SPECIES IN THE
IOTC AREA OF COMPETENCE AND ACCESS AGREEMENT INFORMATION**

The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to their natural resources;

CONCIOUS of the provisions of Article 62 of the United Nations Convention on the Law of the Sea;

NOTING that the information on vessels licensed to fish in the exclusive economic zone (EEZ) of IOTC Members and Cooperating non-Contracting Parties (CPCs), constitutes a means to identify potential unreported fishing activities;

MINDFUL of the recommendation 17 of the Performance Review Panel, as listed in Resolution 09/01 *on the performance review follow-up*, that the obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their EEZs;

AWARE of the data reporting requirements for all CPCs and the importance of complete statistical reporting to the work of the Scientific Community, its Working Parties and the Commission;

MINDFUL of the need to ensure transparency among CPCs, in particular to facilitate joint efforts to combat illegal, unreported, and unregulated fishing;

RECALLING the duties of CPCs concerning IUU fisheries as stated in the Resolution 11/03 *establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*; which requires CPCs to ensure that their vessels do not conduct fishing activities within areas under the national jurisdiction of other States without authorisation and/or infringe the coastal State's laws and resolutions;

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

PRIVATE ACCESS AGREEMENTS:

1. All CPCs which issue licenses to foreign flag vessels to fish in their EEZ for species managed by the IOTC in the IOTC area of competence (hereinafter referred to as “the Area”), shall submit to the Executive Secretary, by 15 February every year, a list of all foreign flag vessels to which such licences have been issued during the previous year.
2. This list shall contain the following information for each vessel:
 - IOTC Number;
 - Name and registration number;
 - IMO number, if availableany;
 - The flag at the time of issuing the licence;
 - International radio call sign (if any);



- Vessel type, length, and gross tonnage (GT);
- Name and address of owner, and/or charterer and/or operator;
- Main target species; and
- Period of licence.

GOVERNMENT TO GOVERNMENT ACCESS AGREEMENTS:

3. In cases where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a Government to Government access agreement, CPCs involved in the referred agreement shall submit jointly to the Executive Secretary the information concerning these agreements, including:

~~3. In cases where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC to CPC agreement, CPCs involved in the referred agreement shall jointly notify the Commission prior to beginning fishing activities of the existence of such agreements and provide to the Commission information concerning these agreements, including:~~

- The CPCs involved in the agreement;
- The time period or periods covered by the agreement;
- The number of vessels and gear types authorized ~~and vessel information requested in paragraph 2 above;~~
- The stock or species authorized for harvest, including any applicable catch limits;
- The CPC's quota or catch limit to which the catch will be applied, where applicable;
- Monitoring, control, and surveillance measures required by the flag CPC and coastal CPC involved;
- Data reporting obligations stipulated in the agreement, including those between the parties involved, as well as those regarding information that must be provided to the Commission; and
- A copy of the written agreement.

4. All CPCs which issue licenses to foreign flag vessels to fish in their EEZ for species managed by the IOTC in the IOTC Area through a Government to Government access agreement, shall submit to the Executive Secretary, by 15 February every year, a list of all foreign flag vessels to which such licences have been issued during the previous year. This list shall contain the information for each vessel referred in paragraph 2.

~~For agreements in existence prior to the entry into force of this Resolution, the information specified in paragraph 3 shall be provided, at the latest, 60 days in advance of the 2013 Commission meeting~~

5. When an access agreement is modified in a manner that changes any of the information specified in paragraph 3, these changes shall be promptly notified to the ~~Commission~~Executive Secretary.

COMMON PROVISIONS FOR ACCESS AGREEMENTS:

6. The CPCs shall notify the Executive Secretary of any information concerning foreign flagged fishing vessels that requested a license under a private access agreement or under a government to government access agreement and for which the request of license was denied, the information to be provided, shall include for each vessel:



- a) Name
 - b) National registration number
 - c) IMO number, if any
 - d) The flag at the time of requesting for a license
 - e) International radio call sign (if any)
 - f) Vessel type, length, and gross tonnage (GT)
 - g) Name and address of owner, and/or charterer and/or operator
 - h) Main target species
 - i) Reason of denial of license
 - j) Copy of the written letter or notification of denial of license.
7. Upon reception of the information on denial of license, the Executive Secretary shall immediately communicate the information to the CPCs and to the Secretariat's of other tuna RFMOs to combat IUU fishing at a global level.
8. The Executive Secretary shall compile for future consideration by the Compliance Committee information on vessels covered in paragraph 6.
9. All CPCs which issue licenses to foreign flag vessels to fish in their EEZs for species managed by the IOTC in the IOTC Area, under a private access agreement or under a government to government access agreement, shall submit to the Executive Secretary within two (2) months of the entry into force of this Resolution a sample of the official coastal State fishing License and translated version in one of the official Languages of the IOTC, with:
- a) The terms and conditions of coastal State fishing license
 - b) The name of the Competent Authority
 - c) The name and contact of personnel of the Competent Authority
 - d) The signature of the personnel of the Competent Authority
 - e) The official stamp(s) of the Competent Authority.
- The Executive Secretary shall publish the sample of the coastal State fishing license and the above information in a secure part of the IOTC website for MCS purpose. The information mentioned in sub-paragraph b) to e) must be provided in the form of the Annex A.
10. When a coastal State fishing license is modified in a manner that changes the format, any of the information provided in it or the information provided in a) to e) of paragraph 9, these changes shall be promptly notified to the Executive Secretary.
- 4.11. The Secretariat shall report the information specified in this Resolution annually to the Commission at its annual meeting.
- 5.12. This Resolution shall be consistent with domestic confidentiality requirements of the coastal CPC and the flag CPC concerned.



- 6.13. ~~This Resolution supersedes IOTC-Resolution 4012/07 *Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information* Concerning a record of licenced vessels fishing for tunas and swordfish in the IOTC Area is superseded by this Resoluton.~~



ANNEX A

COMPLEMENTARY INFORMATION

Coastal State Fishing licence

<u>Country:</u>	
<u>Name of the Competent Authority as stated in the Authorisation To Fish (ATF):</u>	
<u>Address of the Competent Authority:</u>	
<u>Name and contact of personnel of the Competent Authority (email, telephone, fax):</u>	
<u>Signature of the personnel of the Competent Authority:</u>	
<u>Government seal used on the fishing licence:</u>	