

ON THE IMPLEMENTATION OF A HARMONIZED AND COORDINATED SCHEME OF IOTC OBSERVERS

SUBMITTED BY: EUROPEAN UNION, 30 APRIL 2014

Explanatory Memorandum

This measure aims to promote the creation of a regional observer program in the IOTC area of competence by facilitating CPCs monitoring and control of fishing activities by fishing vessels ensuring the respect of Conservation and Management Measures and to improve the scientific assessment of those stocks.

There is a clear need to reinforce the fight against illegal, unregulated and unreported (IUU) fishing activities that undermine the sustainability of the IOTC stocks and puts legal fishing activities in jeopardy. Moreover, compliance within IOTC needs to improve, in order to contribute effectively to the implementation of the Conservation and Management Measures.

This Resolution will also help fight organised tuna laundering operations and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels.

Given the limited space on board fishing vessels is necessary to seek synergies for cooperation, accreditation and mutual recognition of observers.

The implementation of a harmonised observer scheme by the IOTC, will ensure that fishing vessels that usually carry an observer, either within flag state sampling schemes or within IOTC / coastal states enforcement schemes, have the approval and reciprocal recognition by other coastal states.

Moreover, issuing a list of IOTC observers can ensure catch data collection which in turn, will improve the scientific assessments in IOTC.

RESOLUTION 14/XX

ON THE IMPLEMENTATION OF A HARMONIZED AND COORDINATED SCHEME OF IOTC OBSERVERS

The Indian Ocean Tuna Commission (IOTC),

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

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

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the vessels fishing activities in the IOTC area of competence;

TAKING ACCOUNT of the need to collect catch data to improve the scientific assessments in IOTC;

IN VIEW THEREFORE OF THE NEED to closely monitor the fishing activities by fishing vessels;

RECOGNISING also that timely reporting of catch will assist greatly in the monitoring of the fisheries;

AWARE of the considerable efforts that have already been carried out by CPCs involved in these fisheries;

RECOGNISING the necessity to adopt monitoring and control measures to ensure the respect of Conservation and Management Measures and to improve the scientific assessment of those stocks is necessary;

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

1. The IOTC shall adopt a list of IOTC regional observers and observer training institutions approved and authorised by all Contracting Parties and Cooperating Non-Contracting Parties (CPCs). A pool of observers from the adopted institutions shall then be created by the IOTC Secretariat and be made public on the IOTC web page.
2. CPCs wishing to undertake compliance observation missions on their vessels preferentially use observers enumerated in the observers list.
3. The IOTC Scientific Committee will draft guidelines regarding selection procedures, technical training for observers and technical requisites regarding training institutions. The Commission will adopt these guidelines in its 2015 annual Session.

Designation of the observers

4. Without prejudice of whatever specific training and qualifications are recommended by the SC, the designated observers shall have the following qualifications to accomplish their tasks:
 - 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) Training in security and survival at sea.

Obligations of the observer

5. Observers shall:

- a) Have completed the technical training required by the guidelines referred in paragraph 3;
- b) To monitor the fishing vessels' compliance with the IOTC Agreement and relevant Conservation and Management Measures adopted by the Commission;
- c) Record and report upon the fishing activities carried out;
- d) Observe and estimate catches and verify entries made in the logbook;
- e) Try to identify and record all vessels seen at sea from the vessel he/she is embarked on;
- f) Verify the position of the vessel when engaged in catching activity;
- g) Carry out scientific work such as collecting of IOTC mandatory statistical information and fulfilment of logbooks;
- h) Report the results of these duties on the fishing vessel in the observers report to the flag state fishing authority;
- i) Submit to flag State authorities the observer report within 30 days from the end of the period of observation;
- j) 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;
- k) 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;
- l) 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

6. Master shall allow observers:

- a) To visit the fishing vessel, if weather conditions permit, and to access to the vessel personnel and to the gear and equipment but not interfering with the equipment on-board;
- b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties:
 - 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 accommodations, 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

7. 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.
8. In case of infringement of the provisions of the IOTC Agreement and/or relevant conservation and management measures adopted by the Commission, the observer's report will be transmitted to the Executive Secretary.
9. No later than two months upon completion of a fishing trip, observer reports will be sent to the respective vessel flag authorities as well as 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. In cases where a compliance issue is in consideration, they should be sent to the Compliance Committee.
10. The costs of implementing observation missions shall be financed by the flag CPCs. The flag CPC might determine that the costs are covered, partially or entirely, by the ship-owner. The Executive Secretary will include a specific budgetary line in the preliminary annual budget, for discussion in the Standing Committee on Administration and Finance, with the forecast costs to implement the list of observers and related training at the approved observer training institutions.

Mutual recognition of observers

11. The observers accredited at the IOTC Secretariat by application of this Resolution, embarked on an IOTC registered fishing vessel, either within the framework of a Flag State sampling scheme or an enforcement IOTC/Coastal State scheme, are automatically recognised by all CPCs. Observer training institutions selected by application of this Resolution will also be recognised by all CPCs.