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**REPLACEMENT OF THE EXISTING MEMORANDUM OF UNDERSTANDING BETWEEN THE  
IOTC AND THE COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA (CCSBT)**

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PREPARED BY: IOTC SECRETARIAT

**PURPOSE**

To provide the Commission with an opportunity to consider the replacement of the existing Memorandum of Understanding (MoU) between the Indian Ocean Tuna Commission (IOTC) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) with a Letter of Understanding (LoU).

**BACKGROUND**

The IOTC Agreement, Article XV, paragraphs 1 and 2, on the *Cooperation with other organisations and institutions* state:

1. *The Commission shall cooperate and make appropriate arrangements therefore with other intergovernmental organizations and institutions, especially those active in the fisheries sector, which might contribute to the work and further the objectives of the Commission in particular with any intergovernmental organization or institution dealing with tuna in the Area. The Commission may enter into agreements with such organizations and institutions. Such agreements shall seek to promote complementarity and, subject to paragraph 2, to avoid duplication in and conflict with the activities of the Commission and such organizations.*
2. *Nothing in this Agreement shall prejudice the rights and responsibilities of other intergovernmental organizations or institutions dealing with tuna or a species of tuna in the Area or the validity of any measures adopted by such organization or institution.*

**THE PROPOSAL**

In 2009, IOTC and CCSBT entered into an arrangement (Memorandum of Understanding) to cooperate and support each other's efforts to monitor transshipment at sea by large-scale tuna longline fishing vessels. Due to revisions in the respective management measures for the at-sea transshipment monitoring programmes of the two Commissions, the MoU was revised in 2015.

Due to further revisions in the at-sea transshipment measures at both Commissions, there is again a need to revise the existing arrangements. Note that the Chairperson of IOTC is not permitted by FAO to sign a MoU due to IOTC not being a legal entity. Therefore, the agreed mechanism being proposed in the revised arrangement is a Letter of Understanding (LoU) that would be signed by the IOTC Chairperson and the authorised counterpart in CCSBT.

The LoU is largely based on the text from the MoU, which the Commission agreed to in 2015, and the proposed modifications to the existing text are provided in Appendix 1.

The Commission is invited to consider whether the current arrangement with CCSBT can be replaced with the proposed LoU in Appendix 1.

**RECOMMENDATION/S**

That the Commission:

- 1) **NOTE** paper IOTC–2019–S23–12 which provide the Commission with an opportunity to consider the draft Letter of Understanding (LoU) between the Indian Ocean Tuna Commission (IOTC) and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).
- 2) **AGREE** that the Chairperson of the Commission shall sign the LoU on behalf of the Commission, as detailed in Appendix 1, and the LoU to be communicated to CCSBT accordingly for signature.

## APPENDIX 1

Commission for the Conservation of  
Southern Bluefin Tuna



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Food and Agriculture  
Organization of the  
United Nations



Indian Ocean Tuna Commission  
Commission des Thons de l'Océan Indien

## **Memorandum-Letter of Understanding between the CCSBT<sup>1</sup> and IOTC<sup>2</sup> for Monitoring Transshipment at Sea by Large-Scale Tuna Longline Fishing Vessels**

### **Introduction**

1. The IOTC adopted Resolution ~~14~~18/06<sup>3</sup> that required implementation of a monitoring program for transshipment at sea by large-scale tuna longline fishing vessels (LSTLVs) within the IOTC Area of competence. The CCSBT has adopted a similar Resolution<sup>4</sup> for tuna longline fishing vessels with freezing capacity that applies globally to all transshipments involving southern bluefin tuna (SBT).
2. Within the IOTC area of competence, the CCSBT and IOTC Resolutions have similar provisions and most vessels that are required to comply with the CCSBT Resolution are also required to comply with the IOTC Resolution.
3. This Memorandum-Letter of Understanding (MoU/LoU) has been established to minimise the duplication of work and to minimise the associated costs for those that are required to comply with both the CCSBT and IOTC Resolutions.

### **Scope of this Memorandum-Letter of Understanding**

4. This MoU/LoU applies to transshipments at sea involving southern bluefin tuna (SBT) within the IOTC area of competence, by LSTLVs with freezing capacity that are Members/Contracting Parties (CPCs)<sup>5</sup> of both CCSBT and IOTC for all fleets. At present, this comprises:
  - Australia
  - European Union
  - Indonesia
  - Japan
  - Korea
  - Philippines
  - 4. South Africa.
5. This MoU also applies to any other fleets that are participating in both the CCSBT and IOTC programs for monitoring transshipments at sea.

<sup>1</sup> Commission for the Conservation of Southern Bluefin Tuna

<sup>2</sup> Indian Ocean Tuna Commission

<sup>3</sup> Resolution ~~14~~18/06 on establishing a programme for transshipment by large-scale fishing vessels

<sup>4</sup> Resolution on establishing a program for transshipment by large-scale fishing vessels

<sup>5</sup> For the purpose of this MoU, "Members" includes Cooperating Non Members and "CPCs" includes Cooperating Non Contracting Parties

~~6. CCSBT and IOTC will notify each other of any changes in their Members/CPCs/participating fleets that may affect this list.~~

#### The Arrangement between CCSBT and IOTC

~~7.5.~~ All provisions of IOTC transshipment Resolution ~~1418/06~~ (or any subsequent superseding Resolution) will continue to apply to transshipments at sea that fall within this arrangement.

~~8.6.~~ All provisions of the CCSBT transshipment Resolution (or any subsequent superseding Resolution) will also apply to transshipments at sea that fall within this arrangement, except that:

- a) To enable a single Transshipment Declaration form to be completed for transshipment by an LSTLV, an IOTC Transshipment Declaration form may be used instead of the CCSBT Transshipment Declaration form. This only applies where the IOTC and CCSBT forms remain compatible, unless there is agreement to the contrary. Furthermore, transmission of this form by Carrier Vessel masters to the IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat. The IOTC Secretariat will transmit these documents to the CCSBT Secretariat without delay.
- b) IOTC Register Numbers for LSTLVs and Carrier Vessels may be used instead of the CCSBT equivalents. The CCSBT Secretariat will conduct the necessary conversions between IOTC and CCSBT registration numbers.
- c) To enable a single set of Transshipment Observers to be used, IOTC Transshipment Observers will be deemed to be CCSBT Transshipment Observers, providing these observers meet the standards established in the CCSBT Transshipment Resolution and providing that the CCSBT Secretariat is informed.
- d) Transmission of Observer Reports by the Contractor to the IOTC Secretariat is deemed to also be a transmission to the CCSBT Secretariat. The IOTC Secretariat will transmit these and any other related documents to the CCSBT Secretariat without delay.

~~9.7.~~ The combined effect of paragraphs ~~7.5~~ and ~~8.6~~ is that the IOTC Secretariat and Transshipment Observers will continue to follow the requirements of the IOTC Resolution with the additions that:

- a) The IOTC and CCSBT Secretariats will advise each other regarding any planned or actual changes to their Resolutions for at sea transshipment including the Transshipment Declaration form.
- b) The IOTC Secretariat will transmit copies of Transshipment Observer Deployment Approvals, Transshipment Declarations, Five Day Reports, ~~and~~ Observer Reports and any other related documents for all transshipments involving SBT to the CCSBT Secretariat without delay.
- c) In addition to the experience and training required by IOTC Resolution ~~1418/06~~ (or any subsequent superseding Resolution), IOTC Transshipment Observers that observe transshipments of SBT must:
  - have sufficient experience and knowledge to identify southern bluefin tuna; and
  - have a satisfactory knowledge of the CCSBT conservation and management measures.
- d) An up-to-date list of Transshipment Observers will be maintained and provided to the CCSBT Secretariat by the IOTC Secretariat, at the beginning of every quarter of the year.
- e) When IOTC is informed that an observer deployment will involve transshipments of SBT, IOTC will notify CCSBT prior to approving the observer deployment so that the CCSBT Secretariat can check the validity of authorisations of the Fishing Vessels and Carrier Vessels against the

published list of CCSBT Authorised Fishing Vessels and CCSBT Authorised Carrier Vessels, respectively.

- f) In addition to tasks specified in IOTC Resolution ~~14~~18/06 (or any subsequent superseding Resolution), Transshipment Observers that observe transshipments of SBT will:

- ~~From 1 January 2010,~~ Sign the transshipment verification section of the CCSBT CDS documentation to indicate that the transshipment details (date, name and registration of carrier vessel) were filled in correctly and that the transshipment of product was observed according to the CCSBT Transshipment Resolution<sup>6</sup>.

~~10.8.~~ Additional costs imposed on the IOTC Secretariat by operating according to this ~~MOU arrangement~~ (e.g. additional training and insurance required for observers) will be recovered in accordance with the cost recovery mechanism of IOTC Resolution 18/06 (or any subsequent superseding Resolution) from the CPCs concerned through fleets transshipping under the IOTC's Regional Observer Programme to monitor at-sea transshipments~~cost recovery mechanism~~.

~~11.9.~~ This ~~MOU arrangement~~ comes into effect ~~for twelve months,~~ from the date ~~of entry into force noted~~notified below. ~~It will be automatically renewed for another twelve months each year, unless otherwise decided by either the CCSBT or IOTC Secretariat and informed to the other in writing. Either of the Secretariats may terminate~~ Termination of the this MOU arrangement at any time by written notice to the other Secretariat shall be effective upon the date notified by the IOTC's Executive Secretary to the CCSBT's Executive Secretary.

~~12.10.~~ ~~Date of entry into force~~Effective from: \_\_\_\_\_

Signed and duly dated:

Indian Ocean Tuna Commission

Commission for the Conservation of  
Southern Bluefin Tuna

Date: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>6</sup> A discrepancy between the stated product on the CDS document and the quantities recorded by the observer would be recorded in the observer's report (not the CDS document) and would not prevent the observer from signing the CDS document.