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

SUBMITTED BY: South Africa

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**Explanatory memorandum**

The Indian Ocean Tuna Commission, through Resolution 14/05 adopted a *“Concerning A Record of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence and Access Agreement Information”* Resolution in 2014.

Noting that there is no clear guidance concerning data attribution under Access Agreements in any of the IOTC Conservation and Management Measures.

**RESOLUTION 19/XX****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;

CONSCIOUS 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 EEZ of IOTC Contracting Parties and Cooperating Non-Contracting Parties (collectively, 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MINDFUL of the recommendation 17 of the Performance Review Panel, as listed in Resolution 09/01 [superseded by [Resolution 16/03](#)] *on the performance review follow-up*, that the obligation incumbent to a flag State to report data for its vessels be included in a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 IOTC Scientific Committee, 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RECALLING the duties of CPCs concerning IUU fisheries as stated in the Resolution 11/03 [superseded by [Resolution 17/03](#) then by [Resolution 18/03](#)] *establishing a list of vessels presumed to have carried out illegal, unreported and unregulated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 IOTC 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:
  - a) IOTC Number;
  - b) Name and registration number;
  - c) IMO number (if eligible); To allow the necessary time to obtain an IMO number for eligible vessels that do not already have one, paragraph 2.c on IMO number is effective as of 1 January 2016. As of this date, CPCs shall ensure that all the fishing vessels that are registered on the IOTC Record of licenced fishing vessels have IMO numbers issued to them. Paragraph 2.c on IMO number does not apply to vessels which are not eligible to receive IMO numbers.
  - d) The flag at the time of issuing the licence;

- 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; and
- i) Period of licence.

In assessing compliance with the paragraph above, the Commission shall take into account exceptional circumstances in which a vessel owner is not able to obtain an IMO number despite following the appropriate procedures. The CPC which has issued the licence to this vessel shall report any such exceptional situation to the IOTC Secretariat.

### 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 IOTC Executive Secretary the information concerning these agreements, including:
  - a) The CPCs involved in the agreement;
  - b) The time period or periods covered by the agreement;
  - c) The number of vessels and gear types authorised;
  - d) The stock or species authorised for harvest, including any applicable catch limits;
  - e) The CPC's quota or catch limit to which the catch will be applied, where applicable;
  - f) Monitoring, control, and surveillance measures required by the flag CPC and coastal CPC involved;
  - g) 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;
  - h) A copy of the written agreement.
4. For agreements in existence prior to the entry into force of this Resolution, the information specified in paragraph 3 shall be provided, at the least, 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 IOTC Executive Secretary.

### COMMON PROVISIONS FOR ACCESS AGREEMENTS:

6. For the purpose of allocation of future fishing opportunities, all catches taken within an area under the national jurisdiction of a CPC shall be attributed solely to that CPC, regardless of the flag State of the vessels that took such catches.

6.7. The CPCs shall notify the ship owner and flag State 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. If the reason for denial is related to an infringement of IOTC CMMs, the IOTC Compliance Committee shall address the issue at the next session accordingly.

~~7.8.~~ 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 IOTC Executive Secretary within two (2) months of the entry into force of this Resolution a template 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 the coastal State fishing license;
- b) The name of the Competent Authority;
- c) The name and contact of the 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 IOTC Executive Secretary shall publish the template of the coastal State fishing license and the above information in a secure part of the IOTC website for MCS purposes. The information mentioned in subparagraph b) to e) must be provided in the form of the **Annex I**.

~~8.9.~~ When a coastal State fishing license is modified in a manner that changes the template, any of the information provided in it or the information provided in a) to e) of paragraph 7, these changes shall be promptly notified to the IOTC Executive Secretary.

~~9.10.~~ The IOTC Secretariat shall report the information specified in this Resolution annually to the Commission at its annual meeting.

~~10.11.~~ This Resolution shall be consistent with domestic confidentiality requirements of the coastal CPC and the flag CPC concerned.

~~11.12.~~ This Resolution supersedes Resolution 13/07 *Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information*.

13. This Resolution supersedes IOTC Resolution 14/05 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*.

## ANNEX I

## COMPLEMENTARY INFORMATION

Coastal State Fishing licence

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