



## Report of the 25<sup>th</sup> Session of the Indian Ocean Tuna Commission

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Held by videoconference, 7-11 June 2021

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Other interested Nations and International Organizations  
FAO Fisheries Department  
FAO Regional Fishery Officers

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## ACRONYMS

AFAD	Anchored fish aggregating device
“BIOT”	“British Indian Ocean Territory”
BMSY	Biomass which produces MSY
CMM	Conservation and Management Measure (of the IOTC; Resolutions and Recommendations)
CNCP	Cooperating Non-Contracting Party, of the IOTC
CoC	Compliance Committee of the IOTC
CPs	Contracting Parties
CPCs	Contracting Parties and Cooperating non-Contracting Parties
DFAD	Drifting fish aggregating device
EEZ	Exclusive Economic Zone
FAD	Fish aggregating device
FAO	Food and Agriculture Organization of the United Nations
FMSY	Fishing mortality at MSY
GEF	Global Environment Facility
HCR	Harvest control rule
ICRU	Improved Cost Recovery Uplift
IOC	Indian Ocean Commission
IOTC	Indian Ocean Tuna Commission
IPNLF	International Pole and Line Foundation
ISSF	International Seafood Sustainability Foundation
IUU	Illegal, unreported and unregulated
LRP	Limit reference point
LSTLV	Large-scale tuna longline vessel
MPF	Meeting participation fund, of the IOTC
MSC	Marine Stewardship Council
MSE	Management Strategy Evaluation
NGO	Non-Governmental Organisation
OFCF	Overseas Fishery Cooperation Foundation of Japan
OIG	Office of the Inspector General
OPRT	Organisation for the Promotion of Responsible Tuna Fisheries
OT	Overseas Territories
PEW	PEW Charitable Trust
RFMO	Regional Fisheries Management Organisation
SC	Scientific Committee of the IOTC
SCAF	Standing Committee on Administration and Finance of the IOTC
SIOFA	Southern Indian Ocean Fisheries Agreement
SBMSY	Spawning or ‘adult’ equilibrium biomass at MSY
SWIOFC	Southwest Indian Ocean Fisheries Commission
TCAC	Technical Committee on Allocation Criteria of the IOTC
TCMP	Technical Committee on Management Procedures
TCPR	Technical Committee on Performance Review
TRP	Target referent point
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System
WPEB	Working Party on Ecosystems and Bycatch of the IOTC
WPICMM	Working party on the Implementation of Conservation and Management Measures
WPM	Working Party on Methods of the IOTC
WPTmT	Working Party on Temperate tunas of the IOTC
WPTT	Working Party on Tropical Tunas of the IOTC
WWF	World Wide Fund for Nature (a.k.a World Wildlife Fund)

## HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

This report uses the following terms and associated definitions.

Level 1: From a subsidiary body of the Commission to the next level in the structure of the Commission:

**RECOMMENDED, RECOMMENDATION:** Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

Level 2: From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:

**REQUESTED:** This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

Level 3: General terms to be used for consistency:

**AGREED:** Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

**NOTED/NOTING:** Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

**Any other term:** Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

**CONTRACTING PARTIES OF THE INDIAN OCEAN TUNA COMMISSION**

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**THIRTY, AS OF 11 JUNE 2021**

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**AUSTRALIA**  
**BANGLADESH**  
**CHINA**  
**COMOROS**  
**ERITREA**  
**EUROPEAN UNION**  
**FRANCE (OT)**  
**INDIA**  
**INDONESIA**  
**IRAN, ISLAMIC REPUBLIC OF**  
**JAPAN**  
**KENYA**  
**KOREA, REPUBLIC OF**  
**MADAGASCAR**  
**MALAYSIA**  
**MALDIVES**  
**MAURITIUS**  
**MOZAMBIQUE**  
**OMAN**  
**PAKISTAN**  
**PHILIPPINES**  
**SEYCHELLES**  
**SOMALIA**  
**SOUTH AFRICA, REP. OF**  
**SRI LANKA**  
**SUDAN**  
**UNITED REPUBLIC OF TANZANIA**  
**THAILAND**  
**UNITED KINGDOM**  
**YEMEN**

**COOPERATING NON-CONTRACTING PARTIES OF THE INDIAN OCEAN TUNA COMMISSION**

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**ONE, AS OF 11 JUNE 2021**

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**SENEGAL**

## EXECUTIVE SUMMARY

The 25th Session of the Indian Ocean Tuna Commission (IOTC) was held by videoconference on 7-11 June 2021. Credentials were received for 430 delegates, from 26 Contracting Parties, 1 Cooperating non-Contracting Party and 23 Observers including Invited Experts. The meeting was Chaired by the Vice-Chairperson, Ms Jung-re Riley Kim (Rep. of Korea).

The Commission adopted a procedure for the recruitment of the IOTC Executive Secretary which will be submitted to the FAO Council for approval.

The Commission granted the status of Cooperating Non-Contracting Party to Senegal until the close of the 26th Session in 2022.

The IOTC IUU Vessels List was updated and 16 new vessels were added by the Commission in 2021. The adopted list is accessible from [Appendix 8](#).

The Commission adopted a programme of work and budget ([Appendix 9](#)) and a corresponding scheme of contributions ([Appendix 10](#)) amounting to USD 4,071,765 for the 2022 calendar year.

The Commission agreed to enter into a collaborative arrangement with the Southern Indian Ocean Fisheries Agreement, through a letter of intent.

The Commission adopted a full schedule of meetings for 2022 ([Appendix 11](#)).

The Commission adopted 3 Conservation and Management Measures ([Appendix 6](#)), as follows:

Resolution 21/01 On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence.

Resolution 21/02 On establishing a programme for transshipment by large-scale fishing vessels.

Resolution 21/03 On harvest control rules for skipjack tuna in the IOTC area of competence.



## 1. Opening of the session

1. The 25th Session of the Indian Ocean Tuna Commission (IOTC) was opened and chaired by the IOTC Vice-Chairperson Ms Jung-re Riley Kim (Rep. of Korea).

## 2. Letters of credentials

2. The Commission **NOTED** that 26 Members, 1 Cooperating Non-Contracting Parties, and 23 Observers submitted credentials. The list of participants is provided in [Appendix 1](#).
3. Mauritius and the United Kingdom provided statements ([Appendix 13](#)).

## 3. Admission of Observers

4. Pursuant to Article VII of the Agreement establishing the IOTC, the Commission admitted the following Observers, in accordance with Rule XIV of the IOTC Rules of Procedure (2014):

*Members and Associate Members of the FAO that are not Members of the Commission.*  
United States of America

*Intergovernmental organizations having special competence in the field of activity of the Commission.*  
Agreement on the Conservation of Albatrosses and Petrels  
Indian Ocean Commission  
International Commission for the Conservation of Atlantic Tunas  
Southern Indian Ocean Fisheries Agreement  
South West Indian Ocean Fisheries Commission

*Non-governmental organizations having special competence in the field of activity of the Commission.*  
Blue Marine Foundation  
Blue Resources Trust  
Earthworm Foundation  
Earth Island Institute  
Global Tuna Alliance  
Greenpeace International  
International Pole and Line Foundation  
International Seafood Sustainability Foundation  
Key Traceability  
Marine Stewardship Council  
PEW Charitable Trusts  
SHARKPROJECT International  
Sustainable Fisheries Partnership  
Sustainable Fisheries and Communities Trust  
Sustainable Indian Ocean Tuna Initiative  
The Ocean Foundation  
World Wide Fund for Nature (WWF)

*Invited consultants and experts.*  
Taiwan, Province of China

## 4. Adoption of the agenda and arrangements for the session

5. The adopted agenda (IOTC-2021-S25-01c) is provided in [Appendix 2](#). The documents presented to the Commission are listed in [Appendix 3](#).

## 5. Update on the implementation of decisions of the Commission in 2020 (S24)

6. The Commission **NOTED** paper IOTC-2021-S25-02 which provided the Commission with information on the progress made during the inter-sessional period on the requests for action made at its 24th Session in 2020.

## 6. Amendments to the IOTC procedures

7. The Commission **RECALLED** its ongoing deliberations with FAO regarding the development of a revised procedure for the recruitment of the IOTC Executive Secretary being negotiated by the Commission and the Independent Chairperson of the FAO Council.
8. The Commission **NOTED** documents IOTC-2021-S25-03\_Rev1 which provided clarifications and additional information on the proposed procedure provided by the Independent Chairperson of Council in response to questions posed by the IOTC Chairperson and a revised FAO-IOTC procedure for the recruitment of the IOTC Executive Secretary. The Commission also **NOTED** document IOTC-2021-S25-03\_add1\_rev1 which outlined a proposed internal procedure to guide the Commission's activities in support of the aforementioned FAO-IOTC procedure.
9. In accordance with Rule XVIII of the IOTC Rules of Procedure, the Commission **ADOPTED** a procedure for the recruitment of the IOTC Executive Secretary ([Appendix 4](#)) which comprised amendments to Rule V, Rule X and Appendix II of the 2014 Rules of Procedure.
10. The Commission **ACKNOWLEDGED** that, given the IOTC Executive Secretary is appointed by the Director General FAO (IOTC Agreement VIII.1) the proposed procedure must be consistent with the FAO's Basic Texts and therefore **REQUESTED** the Chairperson to forward the proposed procedure to the Independent Chairperson of the Council for his concurrence before it is submitted to the FAO Council for approval.
11. The Commission **REQUESTED** that, if required, the IOTC Chairperson and the Chairperson of the Small Drafting Group liaise between the FAO and the Commission's Heads of Delegations on any further amendments that might be proposed from FAO's consideration of the procedure.
12. The Commission **THANKED** the Small Drafting Group Chairperson (Ms Kerrie Robertson, Australia) for her intersessional work.

## 7. Report of the Special Session of the Commission

13. The Commission **NOTED** the report of the 4<sup>th</sup> Special Session of the Commission (SS4) (IOTC-2021-SS4-R) which was presented by the IOTC Vice-Chairperson, Ms Jung-re Riley Kim (Rep. of Korea). 242 delegates, comprising 202 delegates from 25 Contracting Parties, 40 delegates from 14 observer organisations including 11 Invited Experts participated in the meeting.
14. The Commission **RECALLED** that the meeting focused on the yellowfin tuna fishery and considerable progress was made in understanding the various positions of Members across a wide range of complex issues; and this, along with an intersessional work plan was expected to pave the way for a conservation and management measure on yellowfin tuna to be considered at the annual session in June 2021.

## 8. Report of the Scientific Committee

15. The Commission **NOTED** the report of the 23<sup>rd</sup> Session of the Scientific Committee (SC) (IOTC-2020-SC23-R) which was presented by the Scientific Committee Chair, Dr Toshihide Kitakado (Japan). A total of 141 delegates comprising 112 delegates from 20 Contracting Parties and 29 delegates from 13 observer organisations, including Invited Experts participated in the SC.
16. The Commission **NOTED** that although all scientific meetings had been successfully held virtually in 2020, they were shortened to facilitate the virtual platform. The virtual platforms, however, did result in increased participation to the meetings which the Commission **AGREED** was beneficial. The Commission further **NOTED** that the SC proposed that in the future virtual meetings may still be conducted for certain meetings (such as data preparatory meetings) in order to reduce the expenses travel imposes on CPCs as well as the IOTC Meeting Participation fund (MPF), but for those meetings requiring closer, in-person, collaborations, physical meetings

will be continued as required. The Commission **NOTED** that the MPF was not used for science-related meetings in 2020 because they were all convened by videoconference.

17. The Commission **NOTED** that 6 Contracting Parties and 2 Cooperating Non-Contracting Party did not submit a National Report to the Scientific Committee Meeting in 2020, and issues with lack of data and poor-quality data persist. The Commission **NOTED** that this was an improvement over the previous year, but also **REITERATED** its concerns about the lack and poor quality of data, and again, strongly **ENCOURAGED** CPCs to take immediate steps to review, and where necessary, improve their performance with respect to the provision of data through improved compliance with Resolutions 15/01 *On the recording of catch and effort data by fishing vessels in the IOTC area of competence*, and 15/02 *Mandatory statistical reporting requirements for IOTC contracting parties and cooperating non-contracting parties*.

### The status of tropical and temperate tunas

18. The Commission **NOTED** that the current status of tropical and temperate tunas is as follows (full details are provided in [Appendix 5](#)):

<p><b>Bigeye tuna</b></p> <p>In 2019 a new stock assessment was carried out for bigeye tuna in the IOTC area of competence to update the stock status undertaken in 2016. On the weight-of-evidence available in 2019, the bigeye tuna stock is determined to be not overfished but subject to overfishing.</p>
<p><b>Yellowfin tuna</b></p> <p>No new stock assessment was carried out for yellowfin tuna in 2020, thus, stock status is determined on the basis of the 2018 assessment and other information presented in 2020. On the weight-of-evidence available in 2018, 2019 and 2020, the yellowfin tuna stock is determined to remain overfished and subject to overfishing.</p>
<p><b>Skipjack tuna</b></p> <p>A new stock assessment was carried out for skipjack tuna in 2020 using Stock Synthesis with data up to 2019. The outcome of the 2020 stock assessment model does not differ substantially from the previous assessment (2017) despite the large catches recorded in the period 2018-2019, which exceeded the catch limits established in 2017 for this period. On the weight-of-evidence available in 2020, the skipjack tuna stock is determined to be: (i) above the adopted biomass target reference point; (ii) not overfished (<math>SB_{2019} &gt; SB_{40\%SB0}</math>); (iii) with fishing mortality below the adopted target fishing mortality, and; (iv) not subject to overfishing (<math>E_{2019} &lt; E_{40\%SB0}</math>)</p>
<p><b>Albacore tuna</b></p> <p>A new stock assessment was carried out for albacore in 2019 to update the assessment undertaken in 2016. The stock status in relation to the Commission's BMSY and FMSY target reference points indicates that the stock is not overfished but is subject to overfishing.</p>

19. The Commission again **NOTED** with concern, the current status of yellowfin tuna. The Commission also **NOTED** that an updated stock assessment for yellowfin tuna is due for October 2021 and that this updated assessment is anticipated to address many of the issues identified in the past assessments for the species, and in particular errors associated with the projections and Kobe II Strategy Matrix (K2SM) developed in 2018. The Commission **AGREED** on the critical importance of this new assessment and the updated management advice that will be produced at that time and **URGED** the SC to address this task as a priority.

## The status of neritic tunas

20. The Commission **NOTED** that the current status of neritic tunas is as follows (full details are provided in [Appendix 5](#)):

<p><b>Kawakawa</b></p> <p>A new stock assessment was carried out in 2020 using data-limited assessment techniques. Based on the weight-of-evidence available, the kawakawa stock for the Indian Ocean is classified as not overfished and not subject to overfishing.</p>
<p><b>Longtail tuna</b></p> <p>A new assessment was carried out in 2020 using the Optimised Catch-Only Method (OCOM). Based on the weight-of-evidence currently available, the stock is considered to be both overfished and subject to overfishing.</p>
<p><b>Indo-Pacific king mackerel</b></p> <p>No new stock assessment for Indo-Pacific king mackerel was carried out in 2019, thus, the stock status is determined on the basis of the 2016 assessment when a preliminary assessment was undertaken using catch-only methods techniques (Catch-MSY and OCOM). Given that no new assessment was undertaken in 2020, the WPNT considered that stock status in relation to the Commission's B<sub>MSY</sub> and F<sub>MSY</sub> target reference points remains unknown.</p>
<p><b>Narrowed-Barred Spanish mackerel</b></p> <p>A new assessment was carried out in 2020 using the Optimised Catch-Only Method (OCOM). Based on the weight-of-evidence available, the stock appears to be overfished and subject to overfishing.</p>
<p><b>Bullet tuna</b></p> <p>No quantitative stock assessment is currently available for bullet tuna in the Indian Ocean, and due to a lack of fishery data for several gears, only preliminary stock status indicators can be used. Stock status in relation to the Commission's B<sub>MSY</sub> and F<sub>MSY</sub> reference points remains unknown.</p>
<p><b>Frigate tuna</b></p> <p>No quantitative stock assessment is currently available for frigate tuna in the Indian Ocean, and due to a lack of fishery data for several gears, only preliminary stock status indicators can be used. Stock status in relation to the Commission's B<sub>MSY</sub> and F<sub>MSY</sub> reference points remains unknown.</p>

## The status of billfish

21. The Commission **NOTED** that the current status of billfish is as follows (full details are provided in [Appendix 5](#)):

<p><b>Swordfish</b></p> <p>A new assessment was undertaken in 2020 using stock synthesis with fisheries data up to 2018. On the weight-of-evidence available in 2020, the stock is determined to be not overfished and not subject to overfishing.</p>
<p><b>Striped Marlin</b></p> <p>No new stock assessment for striped marlin was carried out in 2020, thus, the stock status is determined on the basis of the 2018 assessment and other indicators presented in 2019. On the weight-of-evidence available in 2018, the stock status of striped marlin is determined to be overfished and subject to overfishing.</p>
<p><b>Blue Marlin</b></p> <p>Stock status based on the Bayesian State-Space Surplus Production model JABBA suggests that there is an 87% probability that the Indian Ocean blue marlin stock in 2017 is in the red zone of the Kobe plot, indicating the stock is overfished and subject to overfishing.</p>

**Black Marlin**

No new stock assessment for black marlin was carried out in 2020, thus, the stock status is determined on the basis of the 2018 assessment based on JABBA and other indicators presented in 2019. The Kobe plot from the JABBA model indicated that the stock is not subject to overfishing and is currently not overfished, however these status estimates are subject to a high degree of uncertainty.

**Indo-Pacific sailfish**

No new stock assessment for Indo-Pacific sailfish was carried out in 2020, thus, the stock status is determined on the basis of the 2019 assessment using the C-MSY model. The data poor stock assessment techniques indicated that  $F$  was above  $F_{MSY}$  ( $F/F_{MSY}=1.22$ ) and  $B$  above  $B_{MSY}$  ( $B/B_{MSY}=1.14$ ). On the weight-of-evidence available in 2019, the stock status cannot be assessed and is determined to be uncertain.

**Matters related to ecosystems, bycatch and the status of sharks**

22. The Commission **NOTED** that the current status of sharks is as follows:

**Blue shark**

No new stock assessment for blue sharks was carried out in 2020, thus, the stock status is determined on the basis of the 2017 assessment. On the weight-of-evidence available in 2017, the stock status is determined to be not overfished and not subject to overfishing.

**Oceanic whitetip shark**

There is no quantitative stock assessment and limited basic fishery indicators currently available for oceanic whitetip sharks in the Indian Ocean therefore the stock status is unknown.

**Shortfin mako shark**

An assessment of shortfin mako sharks in 2020 was inconclusive. There is no quantitative stock assessment currently available for shortfin mako sharks in the Indian Ocean therefore the stock status is unknown.

**Scientific Committee Recommendations**

23. The Commission **NOTED** the stock status summaries for species of tuna and tuna-like species under the IOTC mandate, as well as other species impacted by IOTC fisheries ([Appendix 5](#)) and considered the recommendations made by the Scientific Committee to the Commission. The Commission **ENDORSED** the Scientific Committee's 2020 list of recommendations as its own.
24. The Commission **ENDORSED** the Chairpersons and Vice-Chairpersons elected by the Scientific Committee and its subsidiary (scientific) bodies for the coming years, as listed in Appendix 7 of the 2020 Scientific Committee Report.

**9. Discussion on Conservation and Management Measures**

25. The Commission **ADOPTED** the following Conservation and management measures ([Appendix 6](#)):

Resolution 21/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence.*

This resolution took into account elements of Proposals C and F.

Resolution 21/02 *On establishing a programme for transshipment by large-scale fishing vessels.*

The basis of this resolution was Resolution 19/06 and took into account elements of Proposal A.

Resolution 21/03 *On harvest control rules for skipjack tuna in the IOTC area of competence.*

The basis of this resolution was Proposal G.

**Regarding Resolution 21/01:**

26. China made the statement provided in [Appendix 13](#).
27. Indonesia made the statement provided in [Appendix 13](#).
28. Several Members informed the Commission that they intend to object to Resolution 21/01.
29. Mauritius, France(OT) and the European Union made the statements provided in [Appendix 13](#).

**Regarding IOTC–2021–S25–PropD On harvest control rules for skipjack tuna in the IOTC area of competence:**

30. Due to time constraints the specific elements of the proposal including the catch reduction scheme proposed were not discussed at this session and the proponents agreed to continue to work and collaborate on a revised proposal intersessionally, with a view to submitting it at the next Commission meeting.
31. The Commission **NOTED** that Resolution 21/03 includes a revision clause for the next Commission meeting.

**Regarding IOTC–2021–S25–PropE On management of fish aggregating devices in the IOTC Area of Competence.**

32. The Commission **NOTED** the valuable contribution a small working group made to the Commission's deliberations on Proposal E. However, the Commission also **NOTED** that there were three main issues that could not be agreed on during the Session, these included: 1) the availability of scientific data to determine FAD limits by considering both the Precautionary approach vs scientific evidence-based approach, 2) limits on FAD numbers and 3) supply vessels; and ultimately, there was no consensus on the adoption of the proposal.
33. The Commission **NOTED** that the Ad Hoc FAD working group will be convened in October 2021 and may provide further insight on these matters.
34. The Proponents of PropE\_Rev2 called for a vote on whether this proposal should be adopted. Some Members opposed proceeding to a vote before exhausting every effort to reach a consensus as they felt this would break the trust and collaborative atmosphere among Members. Following further discussions, a secret vote was called for and seconded.
35. Noting IR Iran was present in the meeting, but with more than two years in arrears of its contributions, the Commission, in accordance with Article XIII.8 of the IOTC Agreement, discussed whether Iran would be permitted to vote. The Commission **NOTED** that some Members opposed allowing Iran to vote on the basis that it could undermine an important incentive for Members to pay their contributions on time. However, by a show of hands, less than 1/3 of Members in the room objected to Iran being permitted to vote; thus, the Commission **AGREED** to permit Iran to vote on the adoption of PropE\_Rev1.
36. Because S25 was being held by videoconference, the Commission **AGREED** to the electronic voting procedure described in Appendix 7. At the time of the vote, representatives from 23 Members were 'present'. The Executive Secretary recalled the voting rules and procedures and left the vote open for 10 minutes.
37. The Executive Secretary informed the Commission that 19 valid votes were cast: 12 votes were in favour of adopting Proposal e\_Rev2, 5 votes were against, and 2 votes were to 'abstain'. However, the Commission did not agree on whether the 2/3 majority was met as there was disagreement on whether the votes cast as 'abstain' should be included in the total count of votes.
38. The Proponents of PropE\_Rev2 requested legal advice from FAO on the whether the votes cast as 'abstain' should be included in the total count of votes when determining if the 2/3 majority was met. Other Members disagreed with making such a request.
39. To overcome the impasse resulting from a polarisation of views on this matter, the Chairperson indicated that she would seek advice from the FAO Legal Counsel on this matter and, as a step to resolving the matter, report back at a Heads of Delegation meeting, the date of which, is to be confirmed.

40. The Commission **NOTED** that the IOTC is not bound by any legal advice provided by the FAO that is not related to the administration of the IOTC.
41. **NOTE:** Heads of Delegations met on 8 September 2021 to receive the legal advice from FAO Legal Office. The advice from the FAO Legal Office stated that "...only votes in favour or against a proposal are to be counted for the purpose of determining a majority. Abstentions are not counted." Also, during this meeting, the Heads of Delegations were informed about some irregularities in the voting process that were identified after the session had concluded. The irregularities included some potentially valid votes not being counted (due to the technical difficulties of taking a vote in a virtual setting) and some votes found to have been cast by non-authorised persons. The Heads of Delegations subsequently agreed that any decisions on the validity of the vote taken at S25 should be made by the Commission at a Special Session to be held late in 2021 or early 2022.

**Regarding IOTC-2021-S25-PropB *On the Conservation of cetaceans.***

42. The Commission **NOTED** that the proposal was not based on advice provided by the Scientific Committee. As such, it was suggested that available information on cetaceans, including bycatch of cetaceans by gillnet within the EEZs of coastal States, should be reviewed by the Scientific Committee so that the future iteration of this proposal can be based on the best available science for the species concerned.
43. Due to time constraints, the proponents agreed to defer this proposal and continue to work and collaborate on a revised proposal intersessionally, with a view to submitting it at the next Commission meeting.

## **10. Report of the Technical Committee on Management Procedures**

44. The Commission **NOTED** that the report from the 4<sup>th</sup> meeting of the Technical Committee on Management Procedures (TCMP) had not yet been adopted and will be done so by correspondence. The Commission **NOTED**, however, that several Recommendations had been reviewed and agreed during the meeting and these were presented to the Commission by the SC Chair who co-chaired the meeting. The Recommendations were as follows:
  - That the WPM and ad-hoc reference points working group continue to have discussions in order to provide advice on the most suitable and robust types of reference points to be used for stock status determination.
  - That the Commission take note of this [lag inherent in the MSE processes] issue and provide feedback as to whether this is acceptable or to review different options to reduce this lag in data reporting for management advice.
  - That the Commission endorse a request that a revised timetable to be developed by CPCs with assistance from the SC and WPM chairs along with the Secretariat and this could be presented to the SC in 2021.
  - The Commission continue to support capacity building initiatives through the TCMP to improve understanding and participation in the MSE process.
45. The Commission **NOTED** that further work is required on understanding the determination of stock status relative to Reference Points and endorsed the TCMP request continue the deliberations of the ad-hoc working group to continue to work on this matter intersessionally in preparation for the TCMP in 2022.
46. The Commission **SUPPORTED** the important work conducted by the TCMP and **NOTED** the continued support received from CPCs and the Commission to fund the activities. The Commission further **NOTED** the important platform provided by the TCMP for increasing dialogue between scientists and managers.
47. The Commission **URGED** the TCMP to continue with capacity building initiatives to facilitate understanding of the process and increase participation by all parties to facilitate smooth implementation of the MSE process.
48. India requested the Scientific Committee and TCMP consider including simulations which can differentiate between the stock in Exclusive Economic Zones (EEZs) and those on the High Seas to account for the implications of the MPs on these two components of the stocks.



## 11. Report of the Technical Committee on Allocation Criteria

49. The Independent chairperson of the TCAC, Ms Nadia Bouffard, presented a summary of the report of TCAC07 which was held by videoconference, from 22 to 25 March 2021 (IOTC-2021-TCAC07-R). The meeting was chaired by the Independent Chairperson. Credentials for the meeting were received for 157 delegates, comprising of 137 delegates from 23 Contracting Parties, 14 delegates from 7 observer organisations including 6 Invited Experts.
50. The Commission **NOTED** that the TCAC discussions, at this stage, indicate general agreement on a range of topics, such as: general core principles, eligibility to allocations, adjustments for overcatch; application process; temporary transfers; the need for a catch validation process; and the term of the allocations. Furthermore, while agreement still needs to be reached on the scope of the allocation regime, there is general agreement that the initial application of the Allocations Regime should prioritize yellowfin, bigeye, skipjack and albacore tunas and swordfish. The Commission also **NOTED** that, in terms of the structure, there was general recognition by the TCAC that coastal State's rights, including those related to their status and factors related to developing coastal States' in particular Small Island Developing States and Least Developed CPC's needs and aspirations, and catch history should form the basis of the allocation criteria.
51. The Commission **NOTED** that TCAC Members currently have polarized views regarding the attribution of catches taken within coastal State's EEZs, as a component of the catch-based allocation criteria.
52. Regarding the way forward for the TCAC, the Commission **NOTED** that the linkages between the work of the TCAC and the ongoing work of other committees of the IOTC will need to be addressed. This includes the Scientific Committee in respect of recommending TACs and verification of estimation methodologies; the Compliance Committee in respect of compliance records and their implications on allocations; and the Working Party on Data Collection and Statistics in respect of data requirements for allocations. The Commission also **NOTED** that the Secretariat will likely be required to have a significant role in terms of staff time in the implementation of an allocation regime.
53. The Commission **NOTED** that the Chair had circulated a draft Chair's allocation proposal for the TCAC to consider at its TCAC08 meeting.
54. The Commission **NOTED** that the TCAC is currently working towards a target date to complete an allocation regime proposal by the end of December 2022, for consideration by the Commission at its annual session in 2023, while recognizing that such a target date should not be used to force unwilling compromises on unresolved issues.
55. The Commission **NOTED** that while the TCAC is not explicitly referenced in its Rules of Procedures, as a subsidiary body of the Commission, the TCAC is governed *mutatis mutandis* by the IOTC Rules of Procedures.
56. The Commission extended its appreciation and thanks to Ms Bouffard for her efforts in guiding the work of TCAC.
57. Several Members informed the Commission that they will have little time to prepare adequately for TCAC08 given it is planned for one week after S25. In order to allow Members more time to prepare, the Commission **AGREED** to reschedule the TCAC08 to 28 June to 1 July 2021.

## 12. Report of the Compliance Committee

### 12.1 Overview of the CoC18 report

58. The Commission **NOTED** the report of the 18th Session of the Compliance Committee (IOTC-2021-CoC18-R), which was presented by the Compliance Committee Chairperson, Ms. Anne-France Mattlet (France (OT)). CoC18 was held by videoconference. Attendees comprised delegates of 25 Contracting Parties (Members), 2 Cooperating Non-Contracting Parties, 11 Observers and Invited Experts.
59. The Commission **NOTED** the recommendations from the 18th Session of the Compliance Committee, which were presented by the Chairperson of the Compliance Committee.



60. The Commission **NOTED** document IOTC-2021-S25-08, which provided additional background information on changes in the IOTC 2021 Provisional IUU Vessels List.
61. The Commission **ENDORSED** the recommendations arising from the Report of the 18<sup>th</sup> Session of the Compliance Committee, except for the recommendation to renew the CNCP status of Liberia (CoC18 para 142).
62. Mauritius informed the Commission that it objected to the Commission's endorsement of Paragraph 78 of the CoC18 Report that "recommended that the United Kingdom continue to provide the Compliance Committee with a report on foreign vessels in transit in the Chagos Archipelago." The Statement made by Mauritius in this regard is at Appendix 13.

## 12.2 Adoption of the List of IUU Vessels

63. The Commission **ADOPTED** the IOTC IUU Vessels List ([Appendix 8](#)). All CPCs shall be required to take the necessary measures regarding the IUU Vessels List in accordance with paragraph 21 of Resolution 18/03.
64. The Commission **NOTED** the commitment of India to communicate information on further actions that will be taken against the owner of the Indian vessel, IND-TN-15- MM8297, which is included in the IOTC IUU Vessels List.
65. Mauritius informed the Commission that it could not endorse any recommendation for the inclusion on the IOTC IUU Vessels List of any vessels reported by the United Kingdom purporting to act as the coastal State in relation to the Chagos Archipelago. The Statement made by Mauritius to this effect is at Appendix 13.
66. The United Kingdom referred to its statement in [Appendix 13](#).

## 12.3 Requests for the accession to the status of Cooperating Non-Contracting Party

67. The Commission **NOTED** the applications for Cooperating Non-Contracting Party (CNCP) status from Liberia, and Senegal, which were received within the deadline, prior to the commencement of the session.
68. The Commission **NOTED** the presence of Senegal in the Commission meeting and **AGREED** to renew the CNCP status of Senegal, until the end of the Commission meeting in 2022.
69. The Commission **NOTED** Liberia's absence during the Commission meeting and **RECALLED** its 2015 decision that applications for CNCP status shall no longer be considered unless the concerned party is present at the Compliance Committee and Commission meetings to present its application and respond to questions from CPCs.
70. The Commission **AGREED** not to renew the CNCP status of Liberia, due to its absence in the Commission meeting.

## 13. Conservation and Management Measures

### 13.1 Current Conservation and Management Measures that include a reference to the year 2020 or 2021

71. The Commission **NOTED** paper IOTC-2021-S25-04.

### 13.2 Review of objections received under Article IX.5 of the IOTC Agreement

72. The Commission **NOTED** paper IOTC-2021-S25-05 which informs the Commission about the current 'Objections' to IOTC Conservation and Management Measures that have been received in accordance with Article IX.5 of the IOTC Agreement.

## 14. Report of the Standing Committee on Administration and Finance

### 14.1 Overview of the SCAF18 report

73. The Commission **NOTED** the report of the 18th Session of the Standing Committee on Administration and Finance (SCAF) (IOTC-2021-SCAF18-R), which was presented by the SCAF Chairperson, Mr Hussain Sinan

(Maldives). SCAF18 was held by videoconference and Credentials were received for 204 delegates from 24 Contracting Parties (Members) and 8 Observers including Invited Experts.

74. The Commission **NOTED** the interventions from Bangladesh, China, Comoros, Korea and Tanzania committing to pay their respective outstanding contribution payments before the end of the year. The Commission also **NOTED** that Mozambique and Somalia were not present to provide an update on the status of their respective outstanding contributions.
75. The Commission **NOTED** that the IR Iran was responsible for around 45% of the total outstanding contributions; however, IR Iran informed the Commission that it is confident of paying most of its arrears by the end of 2021 although no details were provided on the modalities of the payment or the amount.
76. The Commission **ENDORSED** the list of recommendations made by the SCAF18 which, inter alia, included:
  - to cease pursuing the outstanding contributions of ex-Members: Belize, Guinea, Vanuatu and Sierra Leone, but ensure that the debts be maintained and reported annually in a separate 'outstanding contributions' table. Furthermore, that any ex-Member must pay all outstanding debts before re-joining the Commission.
  - the re-election of Mr. Hussain Sinan (Maldives) as Chairperson and Mr Muhammad Farhan Khan (Pakistan) as the Vice Chairperson of the SCAF for the next biennium.

## 14.2 Programme of work and budget of the Commission

77. The Commission **RECALLED** its request to the Secretariat at S24 to provide more information on how employer contributions are derived by the FAO. The Commission **NOTED** that the SCAF received a satisfactory explanation on this matter and that the costs of employer contributions, proportional to salaries, have been relatively stable since 2017.
78. The Commission **ADOPTED** the programme of work and budget for 2022, the indicative budget for 2023 ([Appendix 9](#)), and the schedule of contributions for 2022 as provided in [Appendix 10](#).

## 14.3 Finalisation of the amendments to the IOTC Financial regulations

79. Following the advice of SCAF18, the Commission **ADOPTED** the following dates be included in Annex Reg 5 of the IOTC Financial Regulations:
  - the latest date contributions should be paid in each budget year will be 30 June
  - the date, in a budget year, when un-paid contributions will be in 'arrears' will be 1 July.
80. Upon the SCAFs recommendation, the Commission **URGED** the member States to pay their contributions as early as possible, preferably prior to the annual SCAF meeting, to maintain the financial stability of the IOTC. Members who have difficulties in meeting the deadline due to differences in financial years or other means **SHALL** inform the SCAF about any possible delays, providing the relevant details.

## 14.4 Schedule of meetings for 2021-2022

81. The Commission **ADOPTED** the schedule of meetings for its subsidiary bodies for 2022 as detailed in [Appendix 11](#).

## 15. Any Other Business

### 15.1 Cooperation with other organisations and institutions

82. The Commission **AGREED** to the draft Letter of Intent between IOTC and the Southern Indian Ocean Fisheries Agreement (SIOFA) provided in [Appendix 12](#) and **REQUESTED** the Executive Secretary to send the letter to the SIOFA for its consideration. The Commission also **AGREED** that the Chairperson of the Commission may sign the Letter on behalf of the Commission once it is approved by SIOFA.

## 15.2 Participation of the United Kingdom as a coastal State vis-à-vis “BIOT”

83. Mauritius referred to its statement provided in [Appendix 13](#), and requested that the termination of the United Kingdom’s membership in the IOTC as a coastal State be included as a substantive item in the agenda of the next session of the Commission.
84. The United Kingdom informed the Commission of its ongoing objection to the inclusion of issues of sovereignty in current and future agendas of the Commission and referred to its statement provided in [Appendix 13](#).

## 15.3 Implementation of paragraph 6 of the UNGA Resolution 73/295 (FAO)

85. The Commission **NOTED** paper IOTC–2021–S25–07, which informed the Commission about how FAO is implementing paragraph 6 of the UNGA Resolution 73/295.
86. Mauritius made a statement provided in [Appendix 13](#).

## 15.4 Date and place of the 26<sup>th</sup> Session of the Commission and of its subsidiary bodies for 2022

87. The Commission **AGREED** to hold its 26th Session from 16 to 20 May 2022. The format of the meeting will be decided intersessionally depending on the evolution of the COVID-19 pandemics. The full calendar of 2022 meetings is provided in [Appendix 11](#).

## 16. Election of the Chairperson and the Vice-Chairpersons of the Commission

88. The Commission elected Ms Jung-re Riley Kim (Korea, Rep. of) as Chairperson of the IOTC for the next biennium.
89. The Commission elected Mr Adam Ziyad (Maldives) as a first Vice-Chairperson of the IOTC and Mr Qayiso Mketsu (South Africa) as second Vice-Chairperson, respectively, for the next biennium.

## 17. Adoption of the report of the 25th Session of the Commission

90. The report of the 25th Session of the Indian Ocean Tuna Commission (IOTC–2021–S25–R) was **ADOPTED** by correspondence on 1 October 2021.

## APPENDIX 1.

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**APPENDIX 2.****AGENDA OF THE 25TH SESSION OF THE INDIAN OCEAN TUNA COMMISSION**

- 1. OPENING OF THE SESSION**
- 2. LETTERS OF CREDENTIALS**
- 3. ADMISSION OF OBSERVERS**
- 4. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**
- 5. UPDATE ON THE IMPLEMENTATION OF DECISIONS OF THE COMMISSION IN 2020 (S24)**
- 6. AMENDMENTS TO THE IOTC PROCEDURES**  
Finalisation of a permanent procedure to select the Executive Secretary (Chairperson of the small drafting group)
- 7. REPORT OF THE SPECIAL SESSION OF THE COMMISSION**
- 8. REPORT OF THE SCIENTIFIC COMMITTEE**
- 9. DISCUSSION ON CONSERVATION AND MANAGEMENT PROPOSALS**
- 10. REPORT OF THE TECHNICAL COMMITTEE ON MANAGEMENT PROCEDURES**
- 11. REPORT OF THE TECHNICAL COMMITTEE ON ALLOCATION CRITERIA**
- 12. REPORT OF THE COMPLIANCE COMMITTEE**
  - 12.1.** Overview of the CoC18 Report
  - 12.2.** Adoption of the List of IUU Vessels
  - 12.3.** Requests for accession to the status of Cooperating non-Contracting Party
- 13. CONSERVATION AND MANAGEMENT MEASURES**
  - 13.1.** Current Conservation and Management Measures that include a reference to the years 2020 or 2021
  - 13.2.** Review of objections received under Article IX.5 of the IOTC Agreement
- 14. REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**
  - 14.1.** Overview of the SCAF18 Report (SCAF Chairperson)
  - 14.2.** Adoption of the Programme of Work and Budget of the Commission
  - 14.3.** Schedule of meetings for 2022-2023
- 15. ANY OTHER BUSINESS**
  - 15.1.** Cooperation with other organisations and institutions
  - 15.2.** Participation of the United Kingdom as a coastal State vis-à-vis "BIOT"
  - 15.3.** Implementation of paragraph 6 of the UNGA Resolution 73/295 (FAO)
  - 15.4.** Date and place of the 26<sup>th</sup> Session of the Commission and the meetings of its associated subsidiary bodies in 2022
- 16. ELECTIONS OF THE CHAIRPERSON AND VICE-CHAIRPERSONS OF THE COMMISSION**
  - 16.1.** Election of the IOTC Chairperson
  - 16.2.** Election of 2 IOTC Vice-Chairpersons
- 17. ADOPTION OF THE REPORT OF THE 25th SESSION OF THE COMMISSION**



### APPENDIX 3.

#### LIST OF DOCUMENTS

Document	Title
IOTC-2021-S25-01a	Provisional agenda for S25 (v8April).
IOTC-2021-S25-01b	Provisional agenda for S25 (v9May).
IOTC-2021-S25-01c	Provisional agenda for S25 (v5June)
IOTC-2021-S25-02	Progress on the requests for action made to the Secretariat.
IOTC-2021-S25-03_Rev1	Regarding the development of a proposal for a permanent procedure to select the Executive Secretary
IOTC-2021-S25-03_add1_rev1	Regarding the development of a proposal for a permanent procedure to select the Executive Secretary
IOTC-2021-S25-04	Conservation and management measures that include a reference to the year 2020 or 2021.
IOTC-2021-S25-05	Review of objections received under Article IX.5 of the IOTC Agreement.
IOTC-2021-S25-06	Proposed Letter of Intent between the Indian Ocean Tuna Commission (IOTC) and the Southern Indian Ocean Fisheries Agreement (SIOFA)
IOTC-2021-S25-07	Implementation of paragraph 6 of the UNGA Resolution 73/295 (FAO)
IOTC-2021-S25-08	Additional information related to the IOTC provisional IUU vessels list
IOTC-2021-S25-PropA_Rev1	Revised Proposal at Sea Transshipment Programme (Indonesia) cf Res19-06
IOTC-2021-S25-PropB_Rev1	On the conservation of cetaceans (Rep. of Korea) cf Res13-04
IOTC-2021-S25-PropC_Rev2	On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence (European Union) cf Res19-01
IOTC-2021-S25-PropD	On harvest control rules for skipjack tuna in the IOTC area of competence (European Union) cf Res16-02
IOTC-2021-S25-PropE_Rev2	On management of fish aggregating devices in the IOTC area of competence (Kenya et al) cf Res19-02 With track changes
IOTC-2021-S25-PropF_Rev2	On management of fish aggregating devices in the IOTC area of competence (Kenya et al) cf Res19-02 clean
IOTC-2021-S25-PropG_Rev2	On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence (Maldives et al) cf Res19-01
<b>Reference documents</b>	
Statement01	China
Statement02	Mauritius
Statement03	Mauritius

Document	Title
Statement04	Mauritius
Statement05	United Kingdom
Statement06	Mauritius
Statement07	United Kingdom
<b><i>Relevant reports from other meetings</i></b>	
IOTC-2021-CoC18-R	Report of the 18 <sup>th</sup> session of the IOTC Compliance Committee.
IOTC-2021-SCAF18-R	Report of the 18 <sup>th</sup> session of the IOTC Standing Committee on Administration and Finance.
IOTC-2021-TCAC07-R	Report of the 7 <sup>th</sup> session of the Technical Committee on Allocation Criteria.
IOTC-2020-SC23-R	Report of the 23 <sup>rd</sup> Session of the IOTC Scientific Committee
IOTC-2021-TCMP04-R	Report of the 4 <sup>th</sup> session of the Technical Committee on Management Procedures
IOTC-2021-SS4-R	Report of the 4 <sup>th</sup> Special Session of the IOTC
<b><i>NGO Statements</i></b>	
IOTC-2021-S25-INF01	International Seafood Sustainability Foundation position statement
IOTC-2021-S25-INF02	Global Tuna Alliance statement
IOTC-2021-S25-INF03	Global Tuna Alliance report on juvenile yellowfin tuna catches
IOTC-2021-S25-INF04	The Pew Charitable Trusts' Statement
IOTC-2021-S25-INF05	WWF statement
IOTC-2021-S25-INF06	Earthworm statement
IOTC-2021-S25-INF07	Blue Marine Foundation & International Pole and Line Foundation statement
IOTC-2021-S25-INF08	Collaborative supply chain letter
IOTC-2021-S25-INF09	Position Statement from the Indian Ocean tuna and large pelagics - longline
IOTC-2021-S25-INF10	Oceana, PEW, WWF policy brief-EU IUU coalition
IOTC-2021-S25-INF11	Key Traceability Statement
IOTC-2021-S25-INF12	Joint NGO statement
IOTC-2021-S25-INF13	Sustainable Indian Ocean Tuna Initiative statement
IOTC-2021-S25-INF14	Lettre Plaidoyer groupe CASINO

## APPENDIX 4.

### ADOPTED PROCEDURE FOR THE SELECTION AND APPOINTMENT OF THE IOTC EXECUTIVE SECRETARY

#### 1. Appendix II of the IOTC Rules of Procedure

- 1) Within 30 days following a request from the IOTC Chairperson to commence a recruitment process, a Vacancy Announcement will be drafted by FAO technical departments in consultation with the IOTC Chairperson, with support of the Office for Human Resources (CSH).
- 2) The Vacancy Announcement will be issued and posted for at least 46 days unless the IOTC requests longer. The FAO will publish the Vacancy Announcement on the FAO website and the IOTC will publish it on its website and by Circular, and share the advertisement with other RFMOs and relevant organisations.
- 3) A first review and screening of candidates is undertaken by CSH based on the minimum criteria and qualifications set out in the Vacancy Announcement.
- 3)bis **\*\***The list of candidates prepared after the provisional first review by CHS in paragraph 3 shall be provided to the IOTC for its internal review and nomination of five preferred candidates for consideration by the interview panel to prepare a shortlist pursuant to paragraph 4 .
- 4) A second review will be undertaken by the offices of the relevant Deputy Director-General and the relevant Director (D2) and three representatives of the Members of the IOTC to establish a shortlist of candidates for interview<sup>1</sup>. The interview shortlist must contain at least seven candidates including at least one female candidate. If there is no female candidate in the shortlist, the Panel Report must contain a justification. If the interview shortlist does not contain seven candidates, the Report must contain a justification.
- 5) An Interview Panel will be established, and composed of:
  - a) The relevant Deputy Director-General or Director (D2);
  - b) Two Senior FAO officers;
  - c) Three representatives of the Members of the IOTC<sup>2</sup>; and
  - d) one external member, to be selected by the Interview Panel from among three candidates proposed by CSH;
  - e) One representative of CSH. The role of the CSH representative is to offer administrative support to the panel. He/She will not be involved in interviewing or assessing the candidates.
- 6) Interviews of shortlisted candidates will be conducted by the Interview Panel which will prepare a report. The Panel Report will identify a minimum of 3 and a maximum of 5 qualified candidates. If there is no female candidate selected at this stage, the Panel Report must contain a justification.
- 7) Both the shortlist of candidates for interview as well as the three to five candidates submitted to the Director-General will be compiled with due regard to gender and geographic balance in line with the policy of the Organization. If this balance is not achieved, the Panel Report must contain a justification.
- 8) The Panel Report will be submitted for consideration by the Director-General.
- 9) Reference checks will be undertaken by CSH.
- 10) The Director-General will identify one proposed candidate for appointment, whose name and curriculum vitae will be referred to the IOTC for approval in accordance with the provisions of the IOTC Agreement. The name and curriculum vitae will be transmitted to the IOTC Chairperson within ten weeks of the closure of the Vacancy Announcement.
- 11) Upon approval of the Body, an offer will be issued to the candidate. Should there be non-approval, the Director-General will propose to the Body another candidate recommended for appointment.
- 12) Upon acceptance, the Director-General will appoint the candidate.

<sup>1</sup>The representatives of the IOTC Commission shall be the Chairperson and Vice-Chairpersons of the Commission unless otherwise decided by the IOTC Commission.

<sup>2</sup>As above.

**\*\*** *The IOTC adopted above recruitment procedure, Appendix II of its Rules of Procedure. In doing so, the IOTC accepted changes from the procedure adopted in 2020 as proposed by the FAO but requested the additional paragraph (shown as para 3bis) be considered. However, recognising the need to reach agreement on this matter, the IOTC also agreed that if the FAO is unable to accept this new paragraph, the IOTC would accept the FAO's decision*

## 2. Adopted amendments to Rule V and Rule X of the IOTC Rules of Procedure

Additional text shaded in blue. Deletions as marked.

### RULE V: THE SECRETARIAT

*The Executive Secretary of the Commission shall be elected by the Commission and appointed by Director-General, in accordance with the procedure set out at Appendix II.* The three IOTC representatives referred to in Appendix II shall be the IOTC Chairperson and two Vice-Chairpersons, unless otherwise decided by the Commission. These IOTC representatives shall conduct themselves impartially and consult members of the Commission with the objective of ensuring an IOTC view is represented throughout the recruitment process. The three IOTC representatives shall request the list of candidates prepared after the first provisional review pursuant to paragraph 3 of Annex I is completed for internal review by the IOTC. The three IOTC representatives shall ensure that the list of qualified candidates is circulated to Heads of Delegations for at least 30 days after applications have closed. The Heads of Delegations shall be invited to rank their top 5 candidates in order of preference using a point score of five to one, with 5 being the most preferred candidate, within 30 days of receiving the applications from the IOTC Chairperson. The rankings shall be transmitted to the Executive Secretary and he/she shall collate the results and identify the top 5 candidates overall based on the highest aggregate scores from the rankings received. The Commission shall be advised of the outcome of the ranking and the names of the top 5 candidates shall be conveyed by the IOTC representatives to the rest of the interview panel for consideration in the shortlisting process referred to in paragraph 4 of Annex I.

V.2 bis. Upon receiving the name of the proposed candidate from the Director-General in accordance with paragraph 10 of the procedure set out in Appendix II of these Rules of Procedure, the IOTC Chairperson shall transmit the name and curriculum vitae to the IOTC Commission for approval in accordance with Articles VI(2) and VIII(1) of the IOTC Agreement and Rule X(4) of these IOTC Rules of Procedure. If the candidate does not obtain a majority of the votes cast, the IOTC Chairperson shall request the Director-General to propose another candidate to the Commission, in accordance with paragraph 11 of Appendix II.

### RULE X: VOTING ARRANGEMENTS AND PROCEEDINGS

4. Unless the Commission decides otherwise, voting on matters relating to individuals, including the election of officers of the Commission and, if applicable, the recommendation regarding the name of the Executive Secretary to be forwarded to the Director-General for appointment, shall be by secret ballot.
5. Except for the Executive Secretary position, when no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If the votes are equally divided on the second ballot, as many ballots as necessary will be held to determine the elected candidate.
6. Votes cast means votes "in favour" and "against".
7. If the Commission is equally divided when a vote is taken on a question other than an election ~~and the recommendation regarding the name of the Executive Secretary to be forwarded to the Director-General for appointment~~, a second vote and a third vote may be taken at the current Session at the request of the proposer. If the Commission remains equally divided, the proposal shall not be further considered at the current Session.

## APPENDIX 5.

### STOCK STATUS SUMMARIES FOR THE IOTC SPECIES: 2020

**Temperate and tropical tuna stocks:** main stocks being targeted by industrial, and to a lesser extent, artisanal fisheries throughout the Indian Ocean, both on the high seas and in the EEZ of coastal states.

Stock	Indicators	2016	2017	2018	2019	2020	Advice to the Commission
Albacore <i>Thunnus alalunga</i>	Catch 2019: 39,876 t Average catch 2015–2019: 38,365 t MSY (1000 t) (95% CI): 35.7 (27.3–44.4) F <sub>MSY</sub> (95% CI): 0.21 (0.195–0.237) SB <sub>MSY</sub> (1000 t) (95% CI): 23.2 (17.6–29.2) F <sub>2017</sub> /F <sub>MSY</sub> (95% CI): 1.346 (0.588–2.171) SB <sub>2017</sub> /SB <sub>MSY</sub> (95% CI): 1.281 (0.574–2.071) SB <sub>2017</sub> /SB <sub>1950</sub> (95% CI): 0.262 (-)						<p>A new stock assessment was carried out for albacore in 2019 to update the assessment undertaken in 2016.</p> <p>Although considerable uncertainty remains in the SS3 assessment conducted in 2019, particularly due to the conflicts in key data inputs, a precautionary approach to the management of albacore tuna should be applied. The K2SM indicates that catch reductions are required in order to prevent the biomass from declining to below MSY levels in the short term, due to the low recent recruitment levels. Although there is considerable uncertainty in the projections, current catches are exceeding the estimated MSY level (35,700 t).</p> <p>The stock status in relation to the Commission's BMSY and FMSY target reference points indicates that the stock is <b>not overfished</b> but is <b>subject to overfishing</b>.</p>
Bigeye tuna <i>Thunnus obesus</i>	Catch in 2019: 73,165 t <sup>1</sup> Average catch 2015–2019: 88,303 t <sup>1</sup> MSY (1000 t) (80% CI): 87 (75 – 108) F <sub>MSY</sub> (80% CI): 0.24 (0.18 – 0.36) SB <sub>MSY</sub> (1,000 t) (80% CI): 503 (370 – 748) F <sub>2018</sub> /F <sub>MSY</sub> (80% CI): 1.20 (0.70 – 2.05) SB <sub>2018</sub> /SB <sub>MSY</sub> (80% CI): 1.22 (0.82 – 1.81) SB <sub>2018</sub> /SB <sub>0</sub> (80% CI): 0.31 (0.21 – 0.34)	84%			38%		<p>In 2019 a new stock assessment was carried out for bigeye tuna in the IOTC area of competence to update the stock status undertaken in 2016.</p> <p>The stock status determination changed qualitatively in 2019 to <b>not overfished</b> but <b>subject to overfishing</b>. If catches remain at 2018 levels there is a risk of breaching MSY reference points with 58.9% and 60.8% probability in 2021 and 2028. Maintaining catches of at least 10% below 2018 levels will likely reduce the probabilities of breaching reference levels to 49.1% in 2028. Continued monitoring and improvement in data collection, reporting and analyses is required to reduce the uncertainty in assessments.</p>
Skipjack tuna	Catch in 2019: 547,248 t Average catch 2015–2019 (MT): 506,555 t <sup>1</sup> C <sub>40%SB0</sub> (MT) (80% CI): 535,964 (461,995–674,536)	47%				60%	<p>A new stock assessment was carried out for skipjack tuna in 2020 using Stock Synthesis with data up to 2019. On the weight-of-evidence available in 2020, the skipjack tuna stock is determined to be: (i) above the adopted</p>

<sup>1</sup> Considering the alternative purse seine log-associated catch composition for the EU fleet in 2018 as per IOTC-2019-WPTT21-R[E]

<i>Katsuwonus pelamis</i>	$C_{2019} / C_{40\%SB_0}$ (80% CI): 1.02 (0.81–1.18) $E_{40\%SB_0}$ (80% CI): 0.59 (0.53–0.66) $E_{2019} / E_{40\%SB_0}$ (80% CI): 0.92 (0.67–1.21) $SB_0$ (MT) (80% CI): 1,992,089 (1,691,710–2,547,087) $SB_{2019}$ (MT) (80% CI): 870,461 (660,411–1,253,181) $SB_{40\%SB_0}$ (MT) (80% CI): 794,310 (672,825–1,019,056) $SB_{20\%SB_0}$ (MT) (80% CI): 397,155 (336,412–509,528) $SB_{2019} / SB_0$ (80% CI): 0.45 (0.38–0.5) $SB_{2019} / SB_{40\%SB_0}$ (80% CI): 1.11 (0.95–1.29) $SB_{2019} / SB_{MSY}$ (80% CI): 1.99 (1.47–2.63) $MSY$ (MT) (80% CI): 601,088 (500,131–767,012) $E_{2019} / E_{MSY}$ (80% CI): 0.48 (0.35–0.81)						<p>biomass target reference point; (ii) <b>not overfished</b> (<math>SB_{2019} &gt; SB_{40\%SB_0}</math>); (iii) with fishing mortality below the adopted target fishing mortality, and; (iv) <b>not subject to overfishing</b> (<math>E_{2019} &lt; E_{40\%SB_0}</math>). The catch limit calculated applying the HCR specified in Resolution 16/02 is 513,572t for the period 2021–2023. The SC noted that this catch limit is higher than for the previous period notwithstanding regular overshooting of the previous established catch limit. This is attributed to the new stock assessment which estimates a higher productivity of the stock and a higher stock level relative to the target reference point, possibly due to skipjack life history characteristics and favourable environmental conditions. Thus, it is likely that the recent catches that have exceeded the limits established for the period 2018–2020 have been sustained by favourable environmental conditions. Therefore, the Commission needs to ensure that catches of skipjack tuna during this period (2021 – 2023) do not exceed the agreed limit.</p>
Yellowfin tuna <i>Thunnus albacares</i>	Catch 2019: 427,240 t <sup>2</sup> Average catch 2015–2019: 424,103 t <sup>2</sup> $MSY$ (1000 t) (80% CI): 403 (339–436) $F_{MSY}$ (80% CI): 0.15 (0.13–0.17) $SB_{MSY}$ (1,000 t) (80% CI): 1069 (789–1387) $F_{2017}/F_{MSY}$ (80% CI): 1.20 (1.00–1.71) $SB_{2017}/SB_{MSY}$ (80% CI): 0.83 (0.74–0.97) $SB_{2017}/SB_0$ (80% CI): 0.30 (0.27 – 0.33)	68%		94%			<p>No new stock assessment was carried out for yellowfin tuna in 2020, thus, stock status is determined on the basis of the 2018 assessment and other information presented in 2020. On the weight-of-evidence available in 2018 and 2019, the yellowfin tuna stock is determined to remain <b>overfished</b> and <b>subject to overfishing</b>.</p> <p>The decline in stock status to below <math>MSY</math> reference level is not well understood due to various uncertainties. As a precautionary measure, the Commission should ensure that CPCs take all necessary action to achieve the catch reductions in their fleets, as per Res 19/01, to reduce overfishing. It is recommended that catches be reduced to a level at least below the <math>MSY</math> estimate (403, 000 MT) from the 2018 assessment until new information based on the 2021 stock assessment and its associated projections are carried out. It is reminded that <math>F_{2017}</math> was 20% above the target reference point.</p> <p>In the 2018 Scientific Committee a Workplan was developed to address the issues identified in the assessment review, aimed at increasing the Committee's ability to provide more concrete and robust advice by the 2019 meeting of the Scientific Committee. The workplan started in January 2019 which aimed at addressing the issues identified by the WPTT and the external reviewer in 2018. The draft workplan is attached as</p>

<sup>2</sup> Considering the alternative purse seine log-associated catches for the EU fleet in 2018 as per IOTC-2019-WPTT21-R

								<p>Appendix 38 of the 2018 Scientific Committee Report (IOTC-2018-SC21-R). The Commission should ensure that this workplan is budgeted appropriately. Despite the progress made to reduce the uncertainties inherent to this assessment, the WPTT agreed that no new K2SM could be provided in 2019 and 2020.</p> <p>The Commission has an interim plan for the rebuilding the yellowfin stock, with catch limitations based on 2014/2015 levels (Resolution 19/01, which superseded 17/01 and 18/01). Some of the fisheries subject to catch reductions had fully achieved a decrease in catches in 2019 in accordance with the levels of reductions specified in the Resolution; however, these reductions were offset by increases in the catches from CPCs exempt and some CPCs subject to limitations on their catches of yellowfin tuna (see <a href="#">Appendix 33</a>). Thus, the total catches of yellowfin in 2019 increased by around 5.22% from 2014 levels. The Commission should ensure that any revision of the management measure can effectively achieve any prescribed catch reduction to ensure the effectiveness of the management measure.</p>
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**Neritic tunas and mackerel:** These six species have become as important or more important as the three tropical tuna species (bigeye tuna, skipjack tuna and yellowfin tuna) to most IOTC coastal states. Neritic tunas and mackerels are caught primarily by coastal fisheries, including small-scale industrial and artisanal fisheries, and are almost always caught within the EEZs of coastal states. Historically, catches were often reported as aggregates of various species, making it difficult to obtain appropriate data for stock assessment analyses.

Stock	Indicators		2016	2017	2018	2019	2020	Advice to the Commission
Bullet tuna <i>Auxis rochei</i>	Catch 2019: Average catch 2015–2019: MSY (1,000 t) F <sub>MSY</sub> : B <sub>MSY</sub> (1,000 t): F <sub>current</sub> /F <sub>MSY</sub> : B <sub>current</sub> /B <sub>MSY</sub> : B <sub>current</sub> /B <sub>0</sub> :	22,245 t 18,878 t unknown unknown unknown unknown unknown unknown						<p>No quantitative stock assessment is currently available for bullet tuna in the Indian Ocean, and due to a lack of fishery data for several gears, only preliminary stock status indicators can be used. Stock status in relation to the Commission’s BMSY and FMSY reference points remains <b>unknown</b></p> <p>For assessed species of neritic tunas in Indian Ocean (longtail tuna, kawakawa and narrow barred Spanish mackerel), the MSY was estimated to have been reached between 2009 and 2011 and both FMSY and BMSY were breached thereafter. Therefore, in the absence of a stock assessment of bullet tuna a limit to the catches should be considered by the Commission, by ensuring that future catches do not exceed the average catches estimated between 2009 and 2011 (8,870 t). The reference period (2009-2011) was chosen based on the most recent assessments of those neritic</p>

								species in the Indian Ocean for which an assessment is available under the assumption that also for bullet tuna MSY was reached between 2009 and 2011. This catch advice should be maintained until an assessment of bullet tuna is available. Considering that MSY-based reference points for assessed species can change over time, the stock should be closely monitored. Mechanisms need to be developed by the Commission to improve current statistics by encouraging CPCs to comply with their recording and reporting requirements, so as to better inform scientific advice
Frigate tuna <i>Auxis thazard</i>	Catch 2019: 84,738 t Average catch 2015–2019: 93,846 t MSY (1,000 t): unknown $F_{MSY}$ : unknown $B_{MSY}$ (1,000 t): unknown $F_{current}/F_{MSY}$ : unknown $B_{current}/B_{MSY}$ : unknown $B_{current}/B_0$ : unknown							<p>No quantitative stock assessment is currently available for frigate tuna in the Indian Ocean, and due to a lack of fishery data for several gears, only preliminary stock status indicators can be used. Stock status in relation to the Commission's <math>B_{MSY}</math> and <math>F_{MSY}</math> reference points remains <b>unknown</b>.</p> <p>For assessed species of neritic tunas in Indian Ocean (longtail tuna, kawakawa and narrow barred Spanish mackerel), the MSY was estimated to have been reached between 2009 and 2011 and both <math>F_{MSY}</math> and <math>B_{MSY}</math> were breached thereafter. Therefore, in the absence of a stock assessment of frigate tuna a limit to the catches should be considered by the Commission, by ensuring that future catches do not exceed the average catches estimated between 2009 and 2011 (94,921 t). The reference period (2009-2011) was chosen based on the most recent assessments of those neritic species in the Indian Ocean for which an assessment is available under the assumption that also for bullet tuna MSY was reached between 2009 and 2011. This catch advice should be maintained until an assessment of frigate tuna is available. Considering that MSY-based reference points for assessed species can change over time, the stock should be closely monitored. Mechanisms need to be developed by the Commission to improve current statistics by encouraging CPCs to comply with their recording and reporting requirements, so as to better inform scientific advice.</p>
Kawakawa <i>Euthynnus affinis</i>	Catch 2019: 128,042 t Average catch 2015–2019: 148,084 t MSY (80% CI): 148,825 (124,114 – 222,505) t $F_{MSY}$ (80% CI): 0.44 (0.21–0.82) $B_{MSY}$ (80% CI): 355,670 (192,080 – 764,530) t $F_{current}/F_{MSY}$ (80% CI): 0.98 (0.85–1.11) $B_{current}/B_{MSY}$ (80% CI): 1.13 (0.75–1.58)						50%	<p>A new assessment was carried out in 2020 using the Optimised Catch-Only Method (OCOM).</p> <p>Based on the weight-of-evidence available, the kawakawa stock for the Indian Ocean is classified as <b>not overfished</b> and <b>not subject to overfishing</b>.</p> <p>However, the assessment models rely on catch data, which is considered to be highly uncertain. The catch in 2018 (173,367 MT) was above the then estimated MSY (152,000MT). The available gillnet CPUE of kawakawa showed a somewhat increasing trend</p>



								although the reliability of the index as abundance indices remains unknown. Despite the substantial uncertainties, the stock is probably very close to being fished at MSY levels and that higher catches may not be sustained in the longer term. A precautionary approach to management is recommended.
Longtail tuna <i>Thunnus tonggol</i>	Catch 2019: Average catch 2015–2019: MSY (80% CI) $F_{MSY}$ (80% CI) $B_{MSY}$ (80% CI)  $F_{current}/F_{MSY}$ (80% CI) $B_{current}/B_{MSY}$ (80% CI)	107,088 t 133,872 t 128,750 (99,902 – 151,357) 0.32 (0.15 – 0.66) 395,460 (129,240 – 751,316)  1.52 (0.751 – 2.87) 0.69 (0.45 – 1.21)		67%			76%	A new assessment was carried out in 2020 using the Optimised Catch-Only Method (OCOM).  Based on the weight-of-evidence currently available, the stock is considered to be both <b>overfished</b> and <b>subject to overfishing</b> .  The catch in 2018 (136,906 MT) was just below the estimated MSY (140,000 MT) but the exploitation rate has been increasing over the last few years, as a result of the declining abundance. Despite the substantial uncertainties, this suggests that the stock is very close to being fished at MSY levels and that higher catches may not be sustained. A precautionary approach to management is recommended.  Click here for a full stock status summary: <a href="#">Appendix 20</a>
Indo-Pacific king mackerel <i>Scomberomorus guttatus</i>	Catch 2018: Average catch 2014–2018: MSY (1,000 t) $F_{MSY}$ : $B_{MSY}$ (1,000 t): $F_{current}/F_{MSY}$ : $B_{current}/B_{MSY}$ : $B_{current}/B_0$ :	42,488 t 44,833 t Unknown Unknown Unknown Unknown Unknown Unknown						No new stock assessment for Indo-Pacific king mackerel was carried out in 2019, thus, the stock status is determined on the basis of the 2016 assessment when a preliminary assessment was undertaken using catch-only methods techniques (Catch-MSY and OCOM).  Given that no new assessment was undertaken in 2020, the WPNT considered that stock status in relation to the Commission's BMSY and FMSY target reference points remains <b>unknown</b> .  For assessed species of neritic tunas in Indian Ocean (longtail tuna, kawakawa and narrow barred Spanish mackerel), the MSY was estimated to have been reached between 2009 and 2011 and both FMSY and BMSY were breached thereafter. Therefore, in the absence of a stock assessment of Indo-Pacific king mackerel a limit to the catches should be considered by the Commission, by ensuring that future catches do not exceed the average catches between 2009 and 2011 estimated at the time of the assessment (46,787 t). The reference period (2009–2011) was chosen based on the most recent assessments of those neritic species in the Indian

								Ocean for which an assessment is available under the assumption that also for Indo-Pacific king mackerel MSY was reached between 2009 and 2011. This catch advice should be maintained until an assessment of Indo-Pacific king mackerel is available. This catch advice should be maintained until an assessment of Indo-Pacific king mackerel is available. Considering that MSY-based reference points for assessed species can change over time, the stock should be closely monitored. Mechanisms need to be developed by the Commission to improve current statistics by encouraging CPCs to comply with their recording and reporting requirements, so as to better inform scientific advice.
Narrow-barred Spanish mackerel <i>Scomberomorus commerson</i>	Catch 2019: Average catch 2015-2019:  MSY (80% CI): F <sub>MSY</sub> (80% CI): B <sub>MSY</sub> (80% CI): F <sub>current</sub> /F <sub>MSY</sub> (80% CI): B <sub>current</sub> /B <sub>MSY</sub> (80% CI):	152,574 t 170,298 t  157,760 (132,140–187,190) 0.49 (0.25–0.87) 323,500 (196,260–592,530) 1.24 (0.65–2.13) 0.80 (0.54–1.27)		89%			73%	A new assessment was carried out in 2020 using the Optimised Catch-Only Method (OCOM).  Based on the weight-of-evidence available, the stock appears to be <b>overfished</b> and <b>subject to overfishing</b> .  The catch in 2019 was just below the estimated MSY and the available Gillnet CPUE show a somewhat increasing trend in recent years although the reliability of the Index as abundance indices remains unknown. Despite the substantial uncertainties, the stock is probably very close to being fished at MSY levels and that higher catches may not be sustained.

**Billfish:** The billfish stocks are exploited by industrial and artisanal fisheries throughout the Indian Ocean, both on the high seas and in the EEZ of coastal states. While marlins and sailfish are not usually targeted by most fleets, they are caught and retained as byproduct by the main industrial fisheries, and are also important for localised small-scale and artisanal fisheries or as targets in sports and recreational fisheries.

Stock	Indicators		2016	2017	2018	2019	2020	Advice to the Scientific Committee
Swordfish <i>Xiphias gladius</i>	Catch 2019: Average catch 2015-2019: MSY (1,000 t) (80% CI): F <sub>MSY</sub> (80% CI): SB <sub>MSY</sub> (1,000 t) (80% CI): F <sub>2018</sub> /F <sub>MSY</sub> (80% CI): SB <sub>2018</sub> /SB <sub>MSY</sub> (80% CI): SB <sub>2018</sub> /SB <sub>1950</sub> (80% CI):	32,671 t 31,712 t 33 (27–40) 0.23 (0.15–0.31) 59 (41–77) 0.60 (0.40–0.83) 1.75 (1.28–2.35) 0.42 (0.36–0.47)					98%	A new assessment was undertaken in 2020 using stock synthesis with fisheries data up to 2018. On the weight-of-evidence available in 2020, the stock is determined to be <b>not overfished</b> and <b>not subject to overfishing</b> .  The most recent catches (32,671 MT in 2019) are at approximately the MSY level (33,000 MT). Under the current levels of catches, the spawning biomass is projected to remain relatively stable, with a high probability of maintaining at or above the SBMSY for the longer term. Nevertheless, the Commission should consider limiting the catches so as not to exceed the 2018 catch level (30,847 t) to ensure that the probability of exceeding the

								SBMSY target reference points in the long term remains minimal (2%). Projections indicate that an increase of 40% or more from 2018 catch levels will likely result in the biomass dropping below the SBMSY level for the longer term (>75% probability). Taking into account the updated information regarding swordfish stock structure (IOTC-2020-WPB18-09), as well as the differential CPUE and biomass trends between regions, the WPB should continue to discuss the swordfish stock assessment model specifications and consider the feasibility of including a multi-stock assessment in 2023. Recognising that there is recurring evidence for localised depletion in the southern regions (particularly the South West) the WPB expresses concern and suggests this should continue to be monitored.
Black marlin <i>Makaira indica</i>	Catch 2019: Average catch 2015–2019: MSY (1,000 t) (80% CI): F <sub>MSY</sub> (80% CI): B <sub>MSY</sub> (1,000 t) (80% CI): F <sub>2017</sub> /F <sub>MSY</sub> (80% CI): B <sub>2017</sub> /B <sub>MSY</sub> (80% CI): B <sub>2017</sub> /B <sub>0</sub> (80% CI):	17,415 t 18,599 t 12.93 (9.44-18.20) 0.18 (0.11-0.30) 72.66 (45.52-119.47) 0.96 (0.77-1.12) 1.68 (1.32-2.10) 0.62 (0.49-0.78)						No new stock assessment for black marlin was carried out in 2020 thus, the stock status is determined on the basis of the 2018 assessment based on JABBA and other indicators presented in 2019. The Kobe plot from the JABBA model indicated that the stock is <b>not subject to overfishing</b> and is currently <b>not overfished</b> , however these status estimates are subject to a high degree of uncertainty.  Current catches (>17,400 MT in 2019) (Fig. 1) are higher than MSY estimate (12,930 MT), which is highly uncertainty. The catch limit as stipulated in Resolution 18/05 (9,932 MT) have also been exceeded. The Commission should provide mechanisms to ensure that catch limits are not exceeded by all concerned fisheries. Projections were not carried out due to the poor predictive capabilities identified in the assessment diagnostics.
Blue marlin <i>Makaira nigricans</i>	Catch 2019: Average catch 2015-2019: MSY (1,000 t) (80% CI): F <sub>MSY</sub> (80% CI): B <sub>MSY</sub> (1,000 t) (80% CI): H <sub>2017</sub> /H <sub>MSY</sub> (80% CI): B <sub>2017</sub> /B <sub>MSY</sub> (80% CI): B <sub>2017</sub> /B <sub>0</sub> (80% CI):	8,316 t 8,958 t 9.98 (8.18 – 11.86) 0.21 (0.13 – 0.35) 47 (29.9 – 75.3) 1.47 (0.96 – 2.35) 0.82 (0.56 – 1.15) 0.41 (0.28 – 0.57)				87%		Stock status based on the Bayesian State-Space Surplus Production model JABBA suggests that there is an 87% probability that the Indian Ocean blue marlin stock in 2017 is in the red zone of the Kobe plot, indicating the stock is <b>overfished</b> and <b>subject to overfishing</b> .  The current catches of blue marlin (average of 8,958 MT in the last 5 years, 2015-2019) are lower than MSY (9,984 MT). The assessment conducted in 2017 indicated that the stock was overfished and subject to overfishing. In order to achieve the Commission objectives of being in the green zone of the Kobe Plot by 2027 (F <sub>2027</sub> < F <sub>MSY</sub> and B <sub>2027</sub> > B <sub>MSY</sub> ) with at least a 60% chance, the catches of blue marlin would have to be reduced by 35% compared to the average of the last 3 years, to a maximum value of approximately 7,800 MT well below the current catch limit established by Resolution 18/05 (11,930 MT).
Striped marlin <i>Tetrapturus audax</i>	Catch 2019: Average catch 2015-2019: MSY (1,000 t) (JABBA): F <sub>MSY</sub> (JABBA):	2,860 t 3,455 t			99%			No new stock assessment for striped marlin was carried out in 2020, thus, the stock status is determined on the basis of the 2018 assessment and other indicators presented in 2019. On the weight-of-evidence

	$B_{MSY}$ (1,000 t) (JABBA): $F_{2017}/F_{MSY}$ (JABBA): $B_{2017}/B_{MSY}$ (JABBA): $SB_{2017}/SB_{MSY}$ (SS3): $B_{2017}/K$ (JABBA): $SB_{2017}/SB_{1950}$ (SS3):	4.73 (4.27–5.18) <sup>3</sup> 0.26 (0.20–0.34) 17.94 (14.21–23.13) 1.99 (1.21–3.62) 0.33 (0.18–0.54) 0.373 0.12 (0.07–0.20) 0.13 (0.09–0.14)						<p>available in 2019, the stock status of striped marlin is determined to be <b>overfished</b> and <b>subject to overfishing</b>.</p> <p>Current or increasing catches have a very high risk of further decline in the stock status. Current catches of 2,860 t (2019) are lower than MSY (4,730 MT) and of the catch limit stipulated by Resolution 18/05 (3,260 MT) but the stock has been overfished for more than two decades and is now in a highly depleted state. If the Commission wishes to recover the stock to the green quadrant of the Kobe plot with a probability ranging from 60% to 90% by 2026, it needs to provide mechanisms to ensure the maximum annual catches remain between 1,500 MT – 2,200 MT.</p>
Indo-Pacific Sailfish <i>Istiophorus platypterus</i>	Catch 2019: Average catch 2015-2019: MSY (1,000 t) (80% CI): $F_{MSY}$ (80% CI): $B_{MSY}$ (1,000 t) (80% CI): $F_{2017}/F_{MSY}$ (80% CI): $B_{2017}/B_{MSY}$ (80% CI): $B_{2017}/B_0$ (80% CI):	29,872 t 30,306 t 23.9 (16.1 – 35.4) 0.19 (0.14 - 0.24) 129 (81–206) 1.22 (1 – 2.22) 1.14 (0.63 – 1.39) 0.57 (0.31 – 0.70)						<p>No new stock assessment for Indo-Pacific sailfish was carried out in 2020, thus, the stock status is determined on the basis of the 2019 assessment using the C-MSY model. The data poor stock assessment techniques indicated that F was above FMSY (<math>F/F_{MSY}=1.22</math>) and B is above BMSY (<math>B/B_{MSY}=1.14</math>). However, both assessment models rely on catch data only, and the catch series is highly uncertain. In addition, aspects of the biology, productivity and fisheries for this species, combined with the data poor status on which to base a more formal assessment, are also a cause for concern. On the weight-of-evidence available in 2019, the stock status cannot be assessed and is determined to be <b>uncertain</b>.</p> <p>The catch limits as stipulated in Resolution 18/05 (25,000 MT) have been exceeded. The Commission should provide mechanisms to ensure that catch limits are not exceeded by all concerned fisheries. Research emphasis on further developing possible CPUE indicators from gillnet fisheries, and further exploration of stock assessment approaches for data poor fisheries are warranted. Given the limited data being reported for coastal gillnet fisheries, and the importance of sports fisheries for this species, efforts must be made to rectify these information gaps. The lack of catch records in the Persian Gulf should also be examined to evaluate the degree of localised depletion in Indian Ocean coastal areas.</p>

<sup>3</sup> JABBA estimates are the range of central values shown in Fig. 2 of Appendix 15

**APPENDIX 6.**  
**CONSERVATION AND MANAGEMENT MEASURES ADOPTED AT THE 25TH SESSION**

**RESOLUTION 21/01**

**ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN  
THE IOTC AREA OF COMPETENCE**

**Keywords:** Yellowfin tuna, Kobe Process, MSY, Precautionary Approach

**The Indian Ocean Tuna Commission (IOTC),**

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing States, particularly Small Island developing States in Article 24(b), of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

FURTHER RECOGNISING the need to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Article 24(c) of UNFSA;

RECALLING that Article 5, of UNFSA entitles the conservation and management of highly migratory fish stocks are based on best scientific evidence available and with special reference to IOTC Resolution 15/10 for a stock where the assessed status places it within the red quadrant, and with an aim to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible;

FURTHER RECALLING that Article 6, of UNFSA and IOTC Resolution 12/01 “*On the implementation of the precautionary approach*”, requires the States to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States;

FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 12- 14 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of overcapacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular Small Island Developing States, territories, and States with small and vulnerable economies; and Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate;

FURTHER CONSIDERING the concern of the 20<sup>th</sup> Session of the Working Party for Tropical Tuna held in Seychelles, 29 October – 3 November 2018, the change in strategy by increase of usage of FADs by the purse seine vessels to maintain catch level targets has led to a substantial increase of juvenile yellowfin tuna and bigeye tuna;

NOTING THAT supply vessels contribute to the increase in effort and capacity of purse seiners and that the number of supply vessels has increased significantly over the years;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the States to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing States, including Small Island Developing States (SIDS) as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

NOTING THAT Article V.2b of the Agreement for the Establishment of the Indian Ocean Tuna Commission give full recognition to the special interests and needs of Members in the region that are developing countries, in relation to the conservation and management and optimum utilization of stocks covered by this Agreement and encouraging development of fisheries based on such stocks;

FURTHER NOTING THAT Article V.2d requires the Commission to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal States. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, especially Small Island Developing States;

RECOGNIZING FURTHER the interactions that occur between the fisheries for yellowfin, skipjack and bigeye tuna;

FURTHER CONSIDERING the management advice of the 23rd session of the Scientific Committee, that given the limitations and uncertainties in the stock assessment and the inability to use K2SM derived from the 2018 yellowfin tuna stock assessment, the catches to be reduced to a level at least below the  $C_{MSY}$  estimate (403,000MT) and the need to decrease the fishing mortality from the 2017 level in order to remove overfishing on the stock;

FURTHER CONSIDERING the issues raised in the 23<sup>rd</sup> session of the Scientific Committee regarding the estimated K2SM probabilities derived from the 2018 stock assessment, and that due to critical errors in projections and estimations in computing probabilities in the K2SM developed in 2018, the K2SM is not suitable to provide management advice;

FURTHER CONSIDERING the SC 2020 advice that Commission should ensure that CPCs take all necessary action to achieve the catch reductions in their fleets as per Resolution 19/01.

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

***Application***

1. This resolution shall apply to all CPCs within the IOTC area of competence.
2. This resolution will be effective from 1 January 2022. The measures contained within this Resolution shall be considered as interim measure and will be reviewed by the Commission no later than at its annual Session in 2022.
3. Notwithstanding paragraph 2, this Resolution shall be reviewed when a formal Management Procedure for the management of the yellowfin tuna stock is adopted by the Commission and in effect.
4. Nothing in this resolution shall pre-empt or prejudice future allocation of fishing opportunities.

***Catch limits***

5. CPCs whose reported catches of yellowfin tuna for 2014 were above 5000t shall reduce their catches of yellowfin tuna by 21% compared to 2014 yellowfin tuna catch, except:
  - a. If those CPCs are Coastal Developing States, they shall reduce their catches of yellowfin tuna by 12% compared to 2014 yellowfin tuna catch;
  - b. If those CPCs are Small Island Developing States or Least Developed States, they shall reduce their catches of yellowfin tuna by 10% compared to 2014 yellowfin tuna catch.
6. CPCs whose reported catches of yellowfin tuna for 2014 were below 5000t and their average catches of yellowfin tuna for the period from 2017 to 2019 inclusive, were above 5000t, shall reduce their catches of yellowfin tuna by 21% compared to 2014 yellowfin tuna catch, except:
  - a. If those CPCs are Coastal Developing States, they shall reduce their catches of yellowfin tuna by 12% compared to average of 2017 – 2019 yellowfin tuna catch;
  - b. If those CPCs are Small Island Developing States or Least Developed States, they shall reduce their catches of yellowfin tuna by 10% compared to average of 2017 – 2019 or 2018 yellowfin tuna catch, whichever is higher.
7. CPCs whose reported catches of yellowfin tuna for 2014 were below 5000t and their average catches of yellowfin tuna for the period from 2017 to 2019 inclusive were between 2000t to 5000t, shall not exceed their maximum reported yellowfin tuna catches between 2017 to 2019.
8. CPCs whose reported catches of yellowfin tuna for 2014 were below 5000t and their average catches of yellowfin tuna for the period from 2017 to 2019 inclusive were below 2000t, shall not exceed their catches above 2000t
9. In respect of paragraph 8, and recalling paragraph 4, for conservation purposes three CPCs have agreed

exceptionally for 2022 (or 1 year) not to exceed yellowfin tuna catches at different levels<sup>1</sup>

10. In applying the catch reductions in paragraph 5, Small Island Developing State CPCs and Least Developed State CPCs can either choose between catches of yellowfin tuna reported for either 2014, or 2015 or their average catches for the period from 2017 to 2019.
11. In applying the catch reductions in paragraph 5 for Distant Water Fishing CPCs, if the average yellowfin tuna catches between 2017 – 2019 were below 10,000t, CPCs shall reduce their yellowfin catch by 13% compared to 2014 levels.
12. CPCs will determine appropriate methods for achieving these catch reductions, which could include capacity reductions, effort limits, etc., and will report to the IOTC Secretariat in their Implementation Report every year.
13. Any CPC who submits updated catch histories of yellowfin tuna in accordance with IOTC resolution 15/01 and verified by the secretariat and the IOTC Scientific Committee, shall have a right to access yellowfin tuna in accordance with the limits prescribed in the Resolution.

#### ***Over catch of annual limit***

14. If over catch of an annual limit for a given CPC listed in paragraphs 5 to 11 occurs, catch limits for that CPC shall be reduced as follows:
  - a. for over-catch of limits set forth in Resolution 19/01, in 2020 and/or 2021, 100% of that over-catch shall be deducted from following two years limit, and;
  - b. over-catch in 2022 and following years, 100% of that over-catch shall be deducted from the following two years' limit, unless;
  - c. over-catch for that CPC has occurred in two or more consecutive years, in which case 125% of the over-catch shall be deducted from the following two years limit.
15. CPCs that are subject to catch reductions due to over-catch shall inform the Commission via the IOTC Compliance Committee, corrective actions taken by the CPC to adhere to the prescribed catch levels, in their implementation Report.
16. The revised limits from paragraph 14 will apply in the following year and CPCs compliance shall be assessed against the revised limits reported to the IOTC Compliance Committee.
17. The tropical tuna data submitted by CPCs in accordance with Resolution 15/01 *“On the recording of catch and effort data by fishing vessels in the IOTC area of competence”* and Resolution 15/02 *“Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)”* shall

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<sup>1</sup> France (OT) 500t; Philippines 700t; and the United Kingdom 500t.



be reviewed by the Secretariat and discussed by the Scientific Committee for possible inconsistencies. In such cases, the Scientific Committee shall provide the rationale of the detected inconsistencies and justify the choice of the best solution available with regard the scientific analysis to be carried out. Data used for catch limit calculations shall be based on the data reviewed, including possible estimates, by the Secretariat.

### ***Supply Vessels***

18. CPCs shall gradually reduce supply vessels<sup>2</sup> in purse seine operations targeting tropical tuna, by 31 December 2022 as specified below in (a) and (b). Flag States shall submit the status of reducing the use of supply vessel as part of the report of Implementation to the Compliance Committee.
- a. From 1 January 2022 to 31 December 2024: 3 supply vessels in support of not less than 10 purse seiners, all of the same flag State<sup>3</sup>.
  - b. No CPC is allowed to register any new or additional supply vessel on the IOTC Record of Authorized Vessels.
19. A single purse seine vessel shall not be supported by more than one single supply vessel of the same flag State at any point of time.
20. Complementary to Resolution 15/08 and to Resolution 15/02, CPC/flag States shall report annually before the 1st of January for the coming year of operations which Purse seiners are served by each supply vessel. This information will be published on IOTC website so as to be accessible to all CPCs and is mandatory.

### ***Gillnet***

21. Without prejudice to Article 16 of the IOTC Agreement, CPCs shall encourage phasing out or convert gillnet fishing vessels to other gears, considering the huge ecological impact of these gears and fast track the implementation of Resolution 17/07 “*On the Prohibition to use large-scale driftnets in the IOTC*”, noting that large-scale driftnets are prohibited in the IOTC Area of Competence from 1 January 2022.
22. CPCs shall set their gillnets at 2m depth from the surface in gillnet fisheries by 2023 to mitigate ecological impacts of gillnets.
23. CPCs are encouraged to increase their observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human) verified by the IOTC Scientific Committee by 2023.
24. CPCs shall report the level of implementation of paragraphs 21-23 to the Commission via the Compliance Committee.

### ***Administration***

25. The IOTC Secretariat under advice of the Scientific Committee shall prepare and a table of allocated catch limits disaggregated as per the conditions set out in paragraphs 5-11 for following year, in December of the current year.
26. For the purposes of the implementation of this resolution, each CPC shall, by 15 February of the following year,
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<sup>2</sup> For the purpose of this resolution, the term “supply vessel” includes “support vessel”

<sup>3</sup> The subparagraph (a) shall not apply to CPCs which use only one supply vessel

notify to the Executive Secretary the list of vessels, which have fished for yellowfin tuna in the IOTC area of competence for the preceding year.

27. The IOTC Secretariat shall report each year these lists of active vessels to the IOTC Compliance Committee and to the IOTC Scientific Committee in the form of aggregated statistics concerning fishing fleets capacity metrics.
28. CPCs shall monitor the yellowfin tuna catches from their vessels in conformity with Resolution 15/01 “*On the recording of catch and effort data by fishing vessels in the IOTC area of competence*” and Resolution 15/02 “*Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non Contracting Parties (CPCs)*” and will provide a summary of most-recent yellowfin catches for the consideration of the IOTC Compliance Committee.
29. Each year, the IOTC Compliance Committee shall evaluate the level of compliance with the reporting obligations and the catch limits deriving from this Resolution and shall make recommendations to the Commission accordingly.
30. The IOTC Scientific Committee via its Working Party on Tropical Tunas shall implement the “Workplan to improve current assessment of yellowfin tuna” and shall advise the Commission the financial and administrative requirements to further strengthen the work undertaken to minimize the issues and complexities regarding yellowfin tuna stock assessment.
31. The IOTC Scientific Committee and its Working Parties shall prioritise the work on the yellowfin tuna management procedure and to provide advice to the Technical Committee on Management Procedures and to enable the Commission to adopt the yellowfin tuna management procedure at the earliest opportunity.
32. The Scientific Committee via its Working Party on Tropical Tunas shall undertake evaluation of the effectiveness of the measures detailed in this Resolution, taking into account all sources of fishing mortality possible aiming at returning and maintaining biomass levels at the Commission’s target level.
33. This Resolution supersedes IOTC Resolution 19/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock*.

## **RESOLUTION 21/02**

### **ON ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS**

**Keywords:** transhipment

**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 organized 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 transhipment activities by large-scale longline vessels in the IOTC area of competence, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

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

#### **SECTION 1. GENERAL RULES**

1. Except under the programme to monitor transshipments at sea outlined below in Section 2, all transhipment operations of tuna and tuna-like species and sharks caught in association with tuna and tuna-like fisheries in the IOTC area of competence (hereinafter referred to as “tuna and tuna like species and sharks”) must take place in port<sup>1</sup>.
2. The flag Contracting Parties and Cooperating Non-Contracting Parties (collectively termed CPCs) shall take the necessary measures to ensure that large scale tuna vessels<sup>2</sup> (hereafter referred as the “LSTVs”) flying their flag comply with the obligations set out in Annex I when transshipping in port.
3. Transhipment operations within the Maldives between pole and line fishing vessels, and collector vessels flagged in the Maldives and registered on the IOTC Record of Authorized Vessels shall be exempted from the data reporting requirements specified in Annex I and Annex III. Such transhipment operations shall conform to the criteria set forth in Annex II of this resolution.

#### **SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA**

4. The Commission hereby establishes a programme to monitor transhipment at sea which applies only to largescale tuna longline fishing vessels (hereafter referred to as the “LSTLVs”) and to carrier vessels authorised to receive transshipments from these vessels at sea. No at-sea transhipment of tuna and tuna-like species and sharks by fishing vessels other than LSTLVs shall be allowed. The Commission shall review and, as appropriate, revise

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<sup>1</sup> Port includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying (as defined by FAO Port State Measures Agreement)

<sup>2</sup> Large Scale Tuna Vessel (LSTV) – fishing vessels targeting tuna and tuna like species that are over 24m LoA and are on the IOTC Record of Authorized Vessels

this Resolution.

5. The CPCs that flag LSTLVs shall determine whether or not to authorise their LSTLVs to tranship at sea. However, if the flag CPC authorises the at-sea transhipment by its flag LSTLVs, such transhipment shall be conducted in accordance with the procedures defined in Sections 3, 4 and 5, and Annexes III and IV below.

### **SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA OF COMPETENCE**

6. The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorised to receive tuna and tuna-like species and sharks at sea in the IOTC area of competence from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorised to receive tuna and tuna-like species and sharks in at-sea transhipment operations.
7. Each CPC shall submit, electronically where possible, to the IOTC Executive Secretary the list of the carrier vessels that are authorised to receive at-sea transhipments from its LSTLVs in the IOTC area of competence. This list shall include the following information:
  - a. The flag of the vessel;
  - b. Name of vessel, register number;
  - c. Previous name (if any);
  - d. Previous flag (if any);
  - e. Previous details of deletion from other registries (if any);
  - f. International radio call sign;
  - g. Type of vessels, length, gross tonnage (GT) and carrying capacity;
  - h. Name and address of owner(s) and operator(s);
  - i. Time period authorised for transshipping.
8. Each CPC shall promptly notify the IOTC Executive Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.
9. The IOTC Executive Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.
10. Carrier vessels authorised for at-sea transhipment shall be required to install and operate a Vessel Monitoring System (VMS).

### **SECTION 4. AT-SEA TRANSHIPMENT**

11. Transhipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorisation from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

#### **Flag State Authorization**

12. LSTLVs are not authorised to tranship at sea, unless they have obtained prior authorisation from their flag State.

#### **Notification obligations**

##### ***Fishing vessel:***

13. To receive the prior authorisation mentioned in paragraph 12 above, the master and/or owner of the LSTLV must notify the following information to its flag State authorities at least 24 hours in advance of an intended transshipment:
- a. The name of the LSTLV, its number in the IOTC Record of Vessels, and its IMO number, if issued;
  - b. The name of the carrier vessel, its number in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC area of competence, and its IMO number, and the product to be transhipped;
  - c. The tonnage by product to be transhipped;
  - d. The date and location of transshipment;
  - e. The geographic location of the catches.
14. The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex III.

**Receiving carrier vessel:**

15. Before starting transshipment, the master of the receiving carrier vessel shall confirm that the LSTLV concerned is participating in the IOTC programme to monitor transshipment at sea (which includes payment of the fee in paragraph 13 of Annex IV) and has obtained the prior authorisation from their flag State referred to in paragraph 12. The master of the receiving carrier vessel shall not start such transshipment without such confirmation.
16. The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, within 24 hours of the completion of the transshipment.
17. The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorised to receive transshipment in the IOTC area of competence, to the competent authorities of the State where the landing takes place.

**Regional Observer Programme:**

18. Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, in accordance with the IOTC Regional Observer Programme in Annex IV. The IOTC observer shall observe the compliance with this Resolution, and notably that the transhipped quantities are consistent with the reported catch in the IOTC transshipment declaration.
19. Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area of competence without an IOTC regional observer on board, except in cases of “force majeure” duly notified to the IOTC Secretariat.
20. In the case of the twelve (12) Indonesian wooden carrier vessels listed on the IOTC Record of Authorised Vessel and listed in Annex V, a national observer programme may be used in place of an observer from the regional observer programme for Indonesian wooden carrier vessels listed on the IOTC Record of Authorised Vessel. National observers shall be trained to at least one of tuna-RFMO regional observer programme standards and will carry out all of the functions of the regional observer, including provision of all data as required by the IOTC regional observer programme and the reports equivalent to those prepared by the ROP Contractor. This provision shall only apply to the twelve (12) specific wooden carrier vessels referenced in this paragraph as indicated in Annex V. Replacement of those wooden carrier vessels are only permitted if the material of substitute vessel shall remain wooden and the carrying capacity or fish hold volume not larger than the vessel (s) being replaced. In such case, the authorisation of the replaced wooden vessel shall be immediately revoked.

21. The provision of Paragraph 20 will be rescheduled in consultation with the IOTC Secretariat as a two-year pilot project to be started in 2021. The results of the project, including data collection, reports and the effectiveness of the project shall be examined in 2023 by the IOTC Compliance Committee on the basis of a report prepared by Indonesia and analysis by the IOTC Secretariat. This review shall include whether the programme offers the same level of assurances as those provided by ROP. It shall also explore the feasibility of obtaining an IMO number for the vessels concerned. The extension of the project or the integration of the project into ROP programme shall be subject to a new decision of the Commission.

## **SECTION 5. GENERAL PROVISIONS**

22. To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
- In validating the Statistical Document, flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV
  - The flag CPC of LSTLVs shall validate the Statistical Documents for the transhipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme;
  - CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the IOTC area of competence, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.
23. The CPCs shall report annually before 15 September to the IOTC Executive Secretary:
- The quantities by species transhipped during the previous year;
  - The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transhipped during the previous year;
  - A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.
24. All tuna and tuna-like species and sharks landed or imported into the CPCs either unprocessed or after having been processed on board and which are transhipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.
25. Each year, the IOTC Executive Secretary shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.
26. The IOTC Secretariat shall, when providing CPCs with copies of all raw data, summaries and reports in accordance with paragraph 10 of Annex IV to this Resolution, also indicate evidence indicating possible infraction of IOTC regulations by LSTLVs/carrier vessels flagged to that CPC. Upon receiving such evidence, each CPC shall investigate the cases and report the results of the investigation back to the IOTC Secretariat three months prior to the IOTC Compliance Committee meeting. The IOTC Secretariat shall circulate among CPCs the list of names and flags of the LSTLVs/Carrier vessels that were involved in such possible infractions as well as the response of the flag CPCs 80 days prior to the IOTC Compliance Committee meeting.
27. Resolution 19/06 *On establishing a programme for transshipment by large-scale fishing vessels* is superseded by this Resolution.

**ANNEX I**  
**CONDITIONS RELATING TO IN PORT TRANSHIPMENT**

**General**

1. Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

**Notification obligations**

2. Fishing vessel:
  - 2.1. Prior to transshipping, the Captain of the LSTV must notify the following information to the port State authorities, at least 48 hours in advance:
    - a) the name of the LSTV and its number in the IOTC record of fishing vessels;
    - b) the name of the carrier vessel, and the product to be transhipped;
    - c) The tonnage by product to be transhipped;
    - d) the date and location of transshipment;
    - e) the major fishing grounds of the tuna and tuna-like species and sharks catches.
  - 2.2. The Captain of a LSTV shall, at the time of the transshipment, inform its flag State of the following;
    - a) the products and quantities involved;
    - b) the date and place of the transshipment;
    - c) the name, registration number and flag of the receiving carrier vessel;
    - d) the geographic location of the tuna and tuna-like species and sharks catches.
  - 2.3. The captain of the LSTV concerned shall complete and transmit to its flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in Annex II not later than 15 days after the transshipment.
3. Receiving vessel:

Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the port State authorities of the quantities of tuna and tuna-like species and sharks transhipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

**Landing State:**

4. The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the landing State where the landing takes place.
5. The port State and the landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
6. Each flag CPC of the LSTVs shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

## ANNEX II

### CONDITIONS RELATING TO TRANSHIPMENTS BETWEEN MALDIVIAN COLLECTOR VESSELS AND POLE AND LINE FISHING VESSELS

#### General requirements

1. The pole and line fishing vessel(s) involved shall be flagged in the Maldives and shall have a valid license to fish issued by the competent authorities of the Maldives.
2. The collector vessel(s) involved shall be flagged in the Maldives and shall have a valid license to operate issued by the competent authorities of the Maldives.
3. The vessel(s) involved shall not be authorized to fish or engage in fisheries related activities outside the area of national jurisdiction of the Maldives.
4. Transshipment operation shall only take place inside the atolls within the area of national jurisdiction of the Maldives.
5. The Collector Vessel(s) involved must be equipped and tracked by the competent authorities of the Maldives via a functional vessel monitoring system and shall also be equipped with an electronic observer system suitable for monitoring the transshipment activity. The requirement for monitoring through electronic observer system shall be achieved by 31 December 2019.
6. The fishing vessel(s) involved in the transshipment operation should be tracked by the competent authorities of the Maldives via a functional vessel monitoring system as required by the Resolution 15/03 *On the vessel monitoring system (VMS) programme*.

#### Reporting requirements

7. The flag State should report to the IOTC in its annual report each year the details on such transshipments by its vessels.
8. The data recording and reporting requirements set forth by the competent authorities of the Maldives for shore-based reporting or recording requirements shall also be applicable to transshipment operations between Maldivian collector vessels and pole and line fishing vessels.



**ANNEX III  
IOTC TRANSHIPMENT  
DECLARATION**

Carrier Vessel	Fishing Vessel
Name of the Vessel and Radio Call Sign: Flag: Flag State license number: National Register Number, if available: IOTC Register Number, if available:	Name of the Vessel and Radio Call Sign: Flag: Flag State license number: National Register Number, if available: IOTC Register Number, if available:

	Day	Month	Hour	Year				
Departure								
Return								
Transshipment								

Agent's name: \_\_\_\_\_  
 Signature: \_\_\_\_\_

Master's name of LSTV: \_\_\_\_\_  
 Signature: \_\_\_\_\_

Master's name of Carrier: \_\_\_\_\_  
 Signature: \_\_\_\_\_

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: \_\_\_\_\_ kilograms

**LOCATION OF TRANSHIPMENT**

Species	Port	Sea	Type of product								
			Whole	Gutted	Headed	Filleted					

If transshipment effected at sea, IOTC Observer Name and Signature: \_\_\_\_\_

## **ANNEX IV**

### **IOTC REGIONAL OBSERVER PROGRAMME**

1. Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorised to receive transshipments in the IOTC area of competence and which tranship at sea, to carry an IOTC observer during each transshipment operation in the IOTC area of competence.
2. The IOTC Executive Secretary shall appoint the observers and shall place them on board the carrier vessels authorised to receive transshipments in the IOTC area of competence from LSTLVs flying the flag of Contracting Parties and of Cooperating Non-Contracting Parties that implement the IOTC observer program.

#### **Designation of the observers**

3. The designated observers shall have the following qualifications to accomplish their tasks:
  - a) sufficient experience to identify species and fishing gear;
  - b) satisfactory knowledge of the IOTC Conservation and Management Measures;
  - c) the ability to observe and record information accurately;
  - d) a satisfactory knowledge of the language of the flag of the vessel observed.

#### **Obligations of the observer**

4. Observers shall:
  - a) have completed the technical training required by the guidelines established by IOTC;
  - b) not be, to the extent possible, nationals of the flag State of the receiving carrier vessel;
  - c) be capable of performing the duties set forth in point 5 below;
  - d) be included in the list of observers maintained by the IOTC Secretariat;
  - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
5. The observer tasks shall be in particular to:
  - a) On the Fishing Vessel intending to tranship to the carrier vessel and before the transshipment takes place, the observer shall:
    - i. check the validity of the fishing vessel's authorisation or licence to fish tuna and tuna-like species and sharks in the IOTC area of competence;
    - ii. check and note the total quantity of catch on board, and the quantity to be transferred to the carrier vessel;
    - iii. check that the VMS is functioning and examine the logbook;
    - iv. verify whether any of the catch on board resulted from transfers from other vessels, and check documentation on such transfers;
    - v. in the case of an indication that there are any violations involving the fishing vessel, immediately report the violations to the carrier vessel's master,
    - vi. report the results of these duties on the fishing vessel in the observers report.
  - b) On the Carrier Vessel  
Monitor the carrier vessel's compliance with the relevant Conservation and Management Measures adopted by the Commission. In particular the observers shall:
    - i. record and report upon the transshipment activities carried out;

- ii. verify the position of the vessel when engaged in transshipping;
  - iii. observe and estimate products transhipped;
  - iv. verify and record the name of the LSTLV concerned and its IOTC number;
  - v. verify the data contained in the transshipment declaration;
  - vi. certify the data contained in the transshipment declaration;
  - vii. countersign the transshipment declaration;
  - viii. issue a daily report of the carrier vessels transshipping activities;
  - ix. establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information;
  - x. submit to the IOTC Secretariat the aforementioned general report within 20 days from the end of the period of observation;
  - xi. exercise any other functions as defined by the Commission.
6. Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer.
  7. Observers shall 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.
  8. Observers shall 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 set forth in paragraph 9 of this program.

#### **Obligations of the flag States of carrier vessels**

9. The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:
  - a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
  - 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 set forth in paragraph 5:
    - i. Satellite navigation equipment;
    - ii. Radar display viewing screens when in use;
    - iii. Electronic means of communication.
  - c) Observers shall be provided accommodation, 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; and
  - e) The flag States shall ensure that captains, 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.
10. The IOTC Executive Secretary, in a manner consistent with any applicable confidentiality requirements, shall provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the flag CPC of the LSTLV, copies of all available raw data, summaries, and reports pertaining to the trip four months prior to the IOTC Compliance Committee meeting.

#### **Obligations of LSTLV during transshipment**

11. Observers shall be allowed to visit the fishing vessel, if weather conditions permit it, and access shall be granted to personnel and areas of the vessel necessary to carry out their duties set forth in paragraph 5.

12. The IOTC Executive Secretary shall submit the observer reports to the IOTC Compliance Committee and to the IOTC Scientific Committee.

**Observer fees**

13. The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat and the IOTC Executive Secretary shall manage the account for implementing the program.
14. No LSTLV may participate in the at-sea transshipment program unless the fees, as required under paragraph 13, have been paid.

**ANNEX V**  
**INDONESIAN CARRIER VESSELS AUTHORISED TO TRANSHIP AT SEA**

No.	Name of Wooden Carrier	Vessel Gross Tonnage
1	BANDAR NELAYAN 2017	300
2	PERMATA TUNA WIJAYA 01	298
3	HIROYOSHI - 17	171
4	KILAT MAJU JAYA - 21	197
5	KMC - 102	282
6	PERINTIS JAYA - 89	141
7	NUSANTARA JAYA -12	149
8	NAGA MAS PERKASA 89	146
9	UNITED - XVII	199
10	MUTIARA 36	294
11	BAHARI - 116	167
12	GOLDEN TUNA 99	199

## RESOLUTION 21/03

### ON HARVEST CONTROL RULES FOR SKIPJACK TUNA IN THE IOTC AREA OF COMPETENCE

**Keywords:** Skipjack tuna; Reference Points; Harvest Control Rules; Precautionary Approach; Management Strategy Evaluation.

#### **The Indian Ocean Tuna Commission (IOTC),**

NOTING Article V, paragraph 2(c), of the IOTC Agreement is to adopt, in accordance with Article IX and on the basis of scientific evidence, Conservation and Management Measures to ensure the conservation of the stocks covered by the Agreement;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States, Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas and of Article 24 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) regarding recognition of the special requirements of developing states;

RECOGNISING Resolution 12/01 *On the implementation of the precautionary approach* calls on the Indian Ocean Tuna Commission to implement and apply the precautionary approach, in accordance Article 6 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA);

RECOGNISING the ongoing discussions on allocation and the need to avoid prejudicing future decision of the Commission;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the states to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing states, including Small Island developing States as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States;

TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations for developing countries;

RECALLING Article 6, paragraph 3(b) of UNFSA that calls on States to implement the precautionary approach using the best scientific information available, using stock-specific reference points and outlining the action to be taken if they are exceeded;

FURTHER RECALLING that Article 7.5.3 of the FAO Code of Conduct for Responsible Fisheries also recommends the implementation of stock specific target and limit reference points, inter alia, on the basis of the precautionary approach;

ACKNOWLEDGING that implementing pre-agreed harvest strategies including harvest control rules is considered a critical component of modern fisheries management and international best practices for fisheries management;

FURTHER NOTING that a harvest control rule encompasses a set of well-defined, pre-agreed rules or actions used for determining a management action in response to changes in indicators of stock status with respect to reference points;

NOTING that the Scientific Committee at its 17<sup>th</sup> Session, recommended the Commission consider an alternative approach to identify biomass limit reference points, such as those based on biomass depletion levels, when the MSY-based reference points are difficult to estimate. In cases where MSY-based reference points can be robustly estimated, limit reference points may be based around MSY;

FURTHER NOTING that the Scientific Committee also recommended that in cases where MSY-based reference points cannot be robustly estimated, biomass limit reference points be set at 20% of unfished levels ( $B_{lim} = 0.2B_0$ );

ACKNOWLEDGING that the IOTC Scientific Committee has initiated a Commission requested process leading to a management strategy evaluation (MSE) process to improve upon the provision of scientific advice on HCRs;

RECALLING obligations and agreements under Resolutions 12/02<sup>9</sup>, 15/01<sup>10</sup>, 15/02<sup>11</sup>, and 15/10<sup>12</sup>;

RECOGNIZING the SC20 advice that the total catches of skipjack tuna in 2018 were 30% larger than the resulting catch limit from the skipjack HCR for the period 2018-2020 (470,029 t);

RECALLING that the 2019 skipjack catch from the Indian Ocean was 547,248t and the maximum catch limit calculated applying the HCR specified in Resolution 16/02 is 513,572t for the period 2021-2023;

FURTHER RECOGNIZING that reaching the management objectives defined in Resolution 16/02 requires that the catch limits adopted by the skipjack HCR are implemented effectively and the need for the Commission to ensure that catches of skipjack tuna during this period do not exceed the agreed limit.

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

### **Objectives**

1. To maintain the Indian Ocean Tuna Commission skipjack tuna stock in perpetuity, at levels not less than those capable of producing maximum sustainable yield (MSY) as qualified by relevant environmental and economic factors including the special requirements of Developing Coastal States and Small Island Developing States in the IOTC area of competence and considering the general objectives identified in Resolution 15/10 (or any subsequent revision).
2. To use a pre-agreed harvest control rule (HCR) to maintain the skipjack tuna stock at, or above, the target reference point (TRP) and well above the limit reference point (LRP), specified in Resolution 15/10 (or any subsequent revision).

### **Reference Points**

3. Consistent with paragraph 2 of Resolution 15/10, the biomass limit reference point,  $B_{lim}$ , shall be 20% of unfished spawning biomass<sup>13</sup> (i.e.  $0.2B_0$ ).
4. Consistent with paragraph 3 of Resolution 15/10, the biomass target reference point,  $B_{targ}$ , shall be 40% of unfished spawning biomass (i.e.  $0.4B_0$ ).
5. The HCR described in paragraphs 6–12 seeks to maintain the skipjack tuna stock biomass at, or above, the target reference point while avoiding the limit reference point.

### **Harvest Control Rule (HCR)**

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<sup>9</sup> 12/02: Data Confidentiality, policy and procedures

<sup>10</sup> 15/01: On the recording of catch and effort data by fishing vessels in the IOTC Area of competence

<sup>11</sup> 15/02: Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non- Contracting Parties (CPCs)

<sup>12</sup> 15/10: On Target and Limit Reference Points and a decision framework

<sup>13</sup> The symbol B is used to refer to spawning biomass, the total mass of mature fish, i.e.  $B_0$ ,  $B_{lim}$ ,  $B_{targ}$  and  $B_{curr}$  all refer to different levels of spawning biomass.

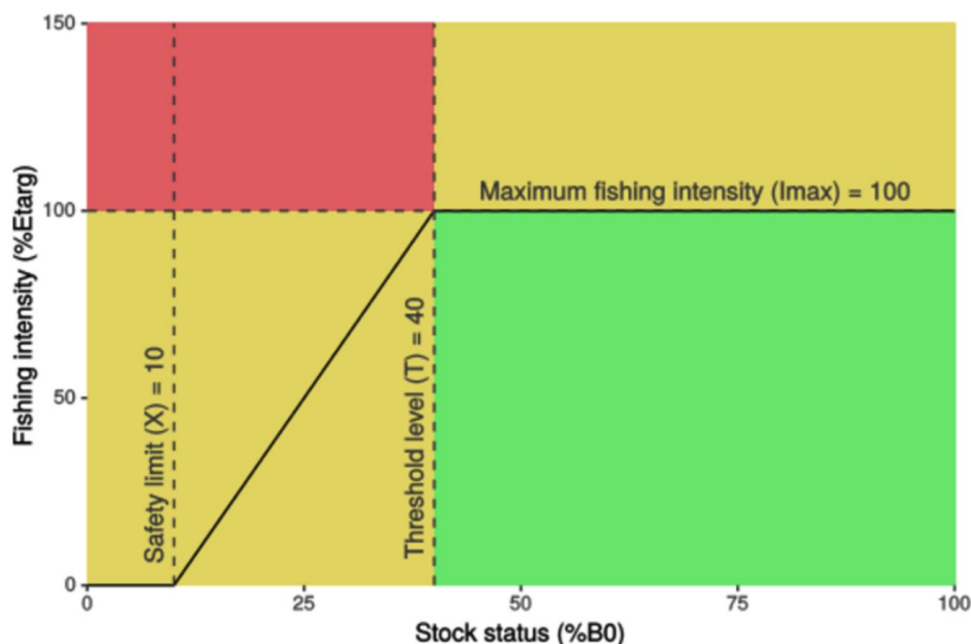
6. The skipjack tuna stock assessment shall be conducted every three (3) years, with the next stock assessment to occur in 2023. Estimates of 7(a–c) shall be taken from a model-based stock assessment that has been reviewed by the Working Party on Tropical Tunas and endorsed by the Scientific Committee via its advice to the Commission.
7. The skipjack tuna HCR shall recommend a total annual catch limit using the following three (3) values estimated from each skipjack stock assessment. For each value, the reported median from the reference case adopted by the Scientific Committee for advising the Commission shall be used.
  - a) The estimate of current spawning stock biomass ( $B_{curr}$ );
  - b) The estimate of the unfished spawning stock biomass ( $B_0$ );
  - c) The estimate of the equilibrium exploitation rate ( $E_{targ}$ ) associated with sustaining the stock at  $B_{targ}$ .
8. The HCR shall have five control parameters set as follows:
  - a) Threshold level, the percentage of  $B_0$  below which reductions in fishing mortality are required,  $B_{thresh} = 40\% B_0$ . If biomass is estimated to be below the threshold level, then fishing mortality reductions, as output by the HCR, will occur.
  - b) Maximum fishing intensity, the percentage of  $E_{targ}$  that will be applied when the stock status is at, or above, the threshold level  $I_{max} = 100\%$ . When the stock is at or above the threshold level, then fishing intensity ( $I$ ) =  $I_{max}$
  - c) Safety level, the percentage of  $B_0$  below which non-subsistence catches are set to zero i.e. the non-subsistence<sup>146</sup> fishery is closed  $B_{safety} = 10\% B_0$ .
  - d) Maximum catch limit ( $C_{max}$ ), the maximum recommended catch limit = 900,000t. To avoid adverse effects of potentially inaccurate stock assessments, the HCR shall not recommend a catch limit greater than  $C_{max}$ . This value is based upon the estimated upper limit of the MSY range in the 2014 skipjack stock assessment.
  - e) Maximum change in catch limit ( $D_{max}$ ), the maximum percentage change in the catch limit = 30%. To enhance the stability of management measures the HCR shall not recommend a catch limit that is 30% higher, or 30% lower, than the previous recommended catch limit.
9. The recommended total annual catch limit shall be set as follows:
  - a) If the current spawning biomass ( $B_{curr}$ ) is estimated to be at or above the threshold spawning biomass i.e.,  $B_{curr} \geq 0.4B_0$ , then the catch limit shall be set at  $[ I_{max} \times E_{targ} \times B_{curr} ]$
  - b) If the current spawning biomass ( $B_{curr}$ ) is estimated to be below the threshold biomass i.e.,  $B_{curr} < 0.4B_0$ , but greater than the safety level i.e.,  $B_{curr} > 0.1B_0$ , then the catch limit shall be set at  $[ I \times E_{targ} \times B_{curr} ]$ . See Table 1 in Appendix 1 for values of fishing intensity ( $I$ ) for specific  $B_{curr}/B_0$ .
  - c) If the spawning biomass is estimated to be at, or below, the safety level, i.e.  $B_{curr} \leq 0.1B_0$  then the catch limit shall be at 0 for all fisheries other than subsistence fisheries.
  - d) In the case of (a) or (b), the recommended catch limit shall not exceed the maximum catch limit ( $C_{max}$ ) and shall not increase by more than 30% or decrease by more than 30% from the previous catch limit.
  - e) In the case of (c) the recommended catch limit shall always be 0 regardless of the previous catch limit.

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<sup>14</sup> A subsistence fishery is a fishery where the fish caught are consumed directly by the families of the fishers rather than being bought by middle-(wo)men and sold at the next larger market, per the FAO Guidelines for the routine collection of capture fishery data. FAO Fisheries Technical Paper. No. 382. Rome, FAO. 1999. 113p.



10. The HCR described in 8(a-e) produces a relationship between stock status (spawning biomass relative to unfished levels) and fishing intensity (exploitation rate relative to target exploitation rate) as shown below (See Table 1 in **Appendix 1** for specific values):



11. The catch limit shall by default, be implemented in accordance with the allocation scheme agreed for skipjack tuna by the Commission. In the absence of an allocation scheme, the HCR shall be applied as follows:
- If the stock is at or above the Threshold level (i.e.,  $B_{curr} \geq 0.4B_0$ ), then the HCR shall establish an overall catch limit and catches of skipjack tuna for any given year shall be maintained at or below the overall catch limit established by the HCR.
  - If the stock falls below the Threshold level (i.e.,  $B_{curr} < 0.4B_0$ ), the fishing mortality reductions shall be implemented proportionally by CPCs for catches over 1 percent of the catch limit established by the HCR with due consideration to the aspirations and special requirements of Developing Coastal States and Small Island Developing States.
  - The Commission may consider to develop and adopt Conservation and Management Measure(s) to ensure catches of skipjack tuna are maintained at or below the overall catch limit established by the HCR and to apply fishing mortality reductions if the stock falls below the Threshold level (i.e.  $B_{curr} < 0.4B_0$ ), with due consideration to the aspirations and special requirements of Developing Coastal States and Small Island Developing States, no later than the annual session of the IOTC in 2022.
  - This paragraph shall not pre-empt or prejudice future allocation negotiations.

#### Review and exceptional circumstances

- The HCR, including the control parameters, will be reviewed through further Management Strategy Evaluation (MSE).
- In the case that the estimated spawning biomass falls below the limit reference point, the HCR will be reviewed, and consideration given to replacing it with an alternative HCR specifically designed to meet a rebuilding plan as advised by the Commission.
- The recommended total annual catch produced by the HCR will be applied continuously as set forth in paragraph 11 above, except in case of exceptional circumstances, such as caused by severe environmental perturbations. In such circumstances, the Scientific Committee shall advise on appropriate measures.

#### Scientific Advice

- The IOTC Scientific Committee shall:

- a) Include the LRP and TRP as part of any analysis when undertaking all future assessments of the status of the IOTC skipjack tuna stock.
- b) Undertake and report to the Commission a model-based skipjack tuna stock assessment every three (3) years, commencing with the next stock assessment in 2023.
  - c) Undertake a programme of work to further refine Management Strategy Evaluation (MSE) for the IOTC skipjack tuna fishery as required in paragraph 12 including, but not limited to,
    - i. Refinement of operating model(s)/ used,
    - ii. Alternative management procedures,
    - iii. Refining performance statistics.

### **Final Clause**

- 16. The Commission shall review this measure at its annual session in 2022, or before if there is reason and/or evidence to suggest that the skipjack tuna stock is at risk of breaching the LRP.

## Appendix 1

**Table 1.** Values of fishing intensity for alternative levels of estimated stock status ( $B_{curr}/B_0$ ) produced by the HCR

Stock status ( $B_{curr}/B_0$ )	Fishing Intensity (I)		Stock status ( $B_{curr}/B_0$ )	Fishing Intensity (I)
At or above 0.40	100%		0.24	46.7%
0.39	96.7%		0.23	43.3%
0.38	93.3%		0.22	40.0%
0.37	90.0%		0.21	36.7%
0.36	86.7%		0.20	33.3%
0.35	83.3%		0.19	30.0%
0.34	80.0%		0.18	26.7%
0.33	76.7%		0.17	23.3%
0.32	73.3%		0.16	20.0%
0.31	70.0%		0.15	16.7%
0.30	66.7%		0.14	13.3%
0.29	63.3%		0.13	10.0%
0.28	60.0%		0.12	6.7%
0.27	56.7%		0.11	3.3%
0.26	53.3%		0.10 or below	0%
0.25	50.0%			

## **APPENDIX 7.**

### **VOTING PROCEDURE**

#### **Secret Voting procedure (Zoom)**

1. Credentialed Heads of Delegation (HOD) or duly authorised alternates (ALT) were eligible to vote.
2. HOD and ALT were requested to ensure they were labelled correctly i.e. with “HOD” or “ALT” before their name for identification purposes.
3. Using the on-screen participants list, a count of Members in the room was made to confirm that at least 16 HOD / ALT (quorum) were present.
4. The vote was set up by the host using the question agreed by the Chairperson\*.
5. The meeting was reminded that only Credentialed HOD or ALT should cast votes (*as everyone in the meeting room would see the question and would, potentially, be able to vote*)
6. The vote was launched.
7. The Secretariat ran a confidential Zoom poll report to confirm the eligibility of voters (checking Username and User-Email) and to count the votes.
8. The final result was presented to the meeting by the Executive Secretary.

#### **\*Voting question**

“Are you in favour of Proposal e\_Rev2”

#### **Response choices**

- Yes
- No
- Abstain

**APPENDIX 8.**  
**IOTC IUU VESSELS LIST (9 JUNE 2021)**

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**APPENDIX 9.**  
**IOTC BUDGET FOR 2022 AND INDICATIVE BUDGET FOR 2023**

		Actuals 2020	2021	2022	2023
<b>1</b>	<b>Staff costs</b>				
<b>1.1</b>	<b>Professional</b>				
	Executive Secretary (D1)	190,360	194,790	194,797	198,693
	<i>Science</i>				
	Science Manager (P5)	141,059	145,468	145,473	148,383
	Stock Assessment Expert (P4)	122,091	124,533	127,083	129,624
	Fishery Officer (Science P3)	62,832	96,943	96,944	98,883
	<i>Compliance</i>				
	Compliance Manager (P5)	91,630	140,197	140,200	143,004
	Compliance Coordinator (P4)	53,755	132,158	134,717	137,412
	Compliance Officer (P3)	116,303	129,899	96,949	98,888
	<i>Data</i>				
	Data Coordinator (P4)	126,453	129,836	129,837	132,434
	Statistician (P3)	51,744	96,943	96,944	98,883
	Fishery Officer (P1)	59,947	61,351	63,145	64,408
	<i>Admin.</i>				
	Administrative Officer (P3/P4)	122,114	124,960	124,965	127,464
<b>1.2</b>	<b>General Service</b>				
	Administrative Assistant	16,956	21,222	13,599	13,871
	Office Associate	13,909	17,327	11,174	11,398
	Database Assistant	17,111	21,871	13,595	13,867
	Office Assistant	9,970	12,448	8,373	8,540
	Driver	9,057	11,576	7,196	7,340
	Overtime	356	5,100	5,100	5,202
	<b>Total Salary Costs</b>	<b>1,205,647</b>	<b>1,466,622</b>	<b>1,410,092</b>	<b>1,438,293</b>
1.3	Employer Pension and Health	352,131	417,773	411,844	420,081
1.4	Employer FAO Entitlement Fund	604,170	748,437	703,368	717,435
1.5	Adjustment entitlement fund	(104,595)			
1.6	Improved Cost Recovery Uplift	59,652	76,352	73,234	74,698
	<b>Total Staff Costs</b>	<b>2,117,006</b>	<b>2,709,184</b>	<b>2,598,537</b>	<b>2,650,508</b>
<b>2</b>	<b>Operating Expenditures</b>				
2.1	Capacity Building	2,072	40,000	40,000	40,000
2.2	Co-funding Science/Data grants	-115,842	26,700	0	0
2.3	Co-funding Compliance grants	2,478	0	0	0
2.4	Misc. Contingencies	0	0	0	0
2.5	Consultants/Service Providers	446,192	597,800	588,200	588,200
2.6	Duty travel	11,016	165,000	165,000	165,000
2.7	Meetings	6,939	145,000	145,000	145,000
2.8	Interpretation	26,763	135,000	135,000	135,000
2.9	Translation	69,238	110,000	110,000	110,000
2.10	Equipment	23,416	25,000	25,000	25,000
2.11	General Operating Expenses	55,510	71,300	75,000	75,000
2.12	Printing	0	0	0	0
2.13	Contingencies	0	10,000	10,000	10,000
	<b>Total OE</b>	<b>527,782</b>	<b>1,325,800</b>	<b>1,293,200</b>	<b>1,293,200</b>
	<b>SUB-TOTAL</b>	<b>2,644,787</b>	<b>4,034,984</b>	<b>3,891,737</b>	<b>3,943,708</b>
<b>3</b>	<b>Additional Contributions Seychelles</b>	0	-20,100	-20,100	-20,100
<b>4</b>	<b>FAO Servicing Costs</b>	128,850	181,574	175,128	177,467
<b>5</b>	<b>Deficit Contingency</b>	-	0		
<b>6</b>	<b>Meeting Participation Fund</b>	250,000	25,000	25,000	250,000
				-	-
	<b>GRAND TOTAL</b>	<b>3,023,638</b>	<b>4,221,458</b>	<b>4,071,765</b>	<b>4,351,075</b>
				-4%	6.9%

**APPENDIX 10.**  
**IOTC CONTRIBUTIONS FOR 2022**

Country	World Bank Classification in 2019	OECD Membership	Average catch for 2017-2019 ( in metric tons)	Base Contribution	Operations Contribution	GNI Contribution	Catch Contribution	Total Contribution (in USD)
Australia	High	Yes	5,235	\$13,573	\$16,966	\$127,742	\$13,887	\$172,167
Bangladesh	Middle	No	264	\$13,573	\$0	\$31,935	\$140	\$45,648
China	Middle	No	71,936	\$13,573	\$16,966	\$31,935	\$38,166	\$100,640
Comoros	Middle	No	11,312	\$13,573	\$16,966	\$31,935	\$6,002	\$68,475
Eritrea	Low	No	219	\$13,573	\$0	\$0	\$116	\$13,689
European Union	High	Yes	263,918	\$13,573	\$16,966	\$127,742	\$700,126	\$858,406
France(Terr)	High	Yes	0	\$13,573	\$0	\$127,742	\$0	\$141,314
India	Middle	No	173,082	\$13,573	\$16,966	\$31,935	\$91,831	\$154,305
Indonesia	Middle	No	383,125	\$13,573	\$16,966	\$31,935	\$203,272	\$265,746
Iran, Islamic Republic of	Middle	No	264,379	\$13,573	\$16,966	\$31,935	\$140,270	\$202,744
Japan	High	Yes	13,521	\$13,573	\$16,966	\$127,742	\$35,868	\$194,148
Kenya	Middle	No	3,450	\$13,573	\$16,966	\$31,935	\$1,830	\$64,304
Korea, Rep of	High	Yes	22,144	\$13,573	\$16,966	\$127,742	\$58,744	\$217,024
Madagascar	Low	No	8,523	\$13,573	\$16,966	\$0	\$4,522	\$35,060
Malaysia	Middle	No	23,726	\$13,573	\$16,966	\$31,935	\$12,588	\$75,062
Maldives	Middle	No	141,191	\$13,573	\$16,966	\$31,935	\$74,911	\$137,385
Mauritius	High	No	23,380	\$13,573	\$16,966	\$127,742	\$12,405	\$170,685
Mozambique	Low	No	7,001	\$13,573	\$16,966	\$0	\$3,715	\$34,253
Oman	High	No	60,092	\$13,573	\$16,966	\$127,742	\$31,882	\$190,162
Pakistan	Middle	No	69,426	\$13,573	\$16,966	\$31,935	\$36,835	\$99,309
Philippines	Middle	No	81	\$13,573	\$0	\$31,935	\$43	\$45,551
Seychelles	High	No	133,828	\$13,573	\$16,966	\$127,742	\$71,004	\$229,284
Somalia	Low	No	0	\$13,573	\$0	\$0	\$0	\$13,573
South Africa	Middle	No	795	\$13,573	\$16,966	\$31,935	\$422	\$62,896
Sri Lanka	Middle	No	113,022	\$13,573	\$16,966	\$31,935	\$59,965	\$122,439
Sudan	Low	No	34	\$13,573	\$0	\$0	\$18	\$13,590
Tanzania	Middle	No	10,320	\$13,573	\$16,966	\$31,935	\$5,475	\$67,949
Thailand	Middle	No	14,983	\$13,573	\$16,966	\$31,935	\$7,950	\$70,423
United Kingdom	High	Yes	417	\$13,573	\$16,966	\$127,742	\$1,106	\$159,386
Yemen	Low	No	29,425	\$13,573	\$16,966	\$0	\$15,612	\$46,150
			<b>Total</b>	<b>407,177</b>	<b>407,177</b>	<b>1,628,706</b>	<b>1,628,706</b>	<b>4,071,765</b>

The World Bank has replaced GNP with gross national income (GNI per capita). GNI more fairly compares nations with widely different populations and standards of living.

**APPENDIX 11.**  
**CALENDAR OF MEETINGS FOR 2022**

<b>Meeting</b>	<b>Date</b>
MSE Task Force	7-10 February
Working Party on Implementation of Conservation and Management Measures (WPICMM)	15-17 February
Technical Committee on Allocation Criteria (TCAC) 1 <sup>st</sup> meeting	14-17 March
Working Party on Ecosystems & Bycatch – data preparation (WPEB-DP)	12-14 April
Compliance Committee (CoC)	8-10 May
Standing Committee on Administration and Finance (SCAF)	11 May
Report adoption: CoC (am) / SCAF (pm)	12 May
Technical Committee on Management Procedures (TCMP)	13-14 May
<b>Commission (S26)</b>	16-20 May
Working Party on Tropical Tunas – data preparation (WPTT-DP)	30 May – 3 June
Working Party on Neritic Tunas (WPNT)	4-8 July
Working Party on Temperate Tunas (WPTmT)	18-22 July
Working Party on Ecosystems and Bycatch (WPEB)	5-9 September
Working Party on Billfish (WPB)	12-16 September
Ad hoc Working Group on FADs (WGFAD)	3-5 October
Technical Committee on Allocation Criteria (TCAC) 2 <sup>nd</sup> meeting	10-13 October
Working Party on Methods (WPM)	19-21 October
Working Party on Tropical Tunas (WPTT)	24-29 October
Working Party on Data Collection and Statistics (WPDCS)	30 November – 2 December
Scientific Committee (SC)	5-9 December



**APPENDIX 12.**  
**LETTER OF INTENT BETWEEN IOTC AND SIOFA**



**LETTER OF INTENT**  
**Between**  
**THE INDIAN OCEAN TUNA COMMISSION**  
**and the**  
**SOUTHERN INDIAN OCEAN FISHERIES AGREEMENT**

The Indian Ocean Tuna Commission (hereafter IOTC) and the Southern Indian Ocean fisheries Agreement (hereafter SIOFA):

**NOTING** that the objectives of SIOFA are to ensure the long-term conservation and sustainable use of the fishery resources in the Area through cooperation among the Contracting Parties, and to promote the sustainable development of fisheries in the Area, taking into account the needs of developing States bordering the Area that are Contracting Parties to the SIOFA, and in particular the least developed among them and small-island developing States.

**NOTING ALSO** that the SIOFA covers resources of fish, molluscs, crustaceans and other sedentary species within the Area, but excluding highly migratory species listed in Annex I of the 1982 United Nations Convention on the Law of the Sea and sedentary species subject to the fishery jurisdiction of coastal states pursuant to Article 77(4) of the 1982 United Nations Convention on the Law of the Sea.

**NOTING FURTHER** that the Agreement for the Establishment of the Indian Ocean Tuna Commission (hereafter IOTC Agreement) seeks to promote cooperation with a view to ensuring, through appropriate management, the conservation and optimum utilization of tuna and tuna-like species and to and encourage the sustainable development fisheries based on such stocks.

**RECOGNISING** that Article 16 of the SIOFA calls upon the contracting parties to cooperate closely with other international fisheries and related organisations in matters of mutual interest, in particular with the South West Indian Ocean Fisheries Commission and any other regional fisheries management organisations with competence over high seas waters adjacent to the Area.

**RECOGNISING FURTHER** that Article XV of the IOTC Agreement calls on the IOTC to cooperate and make appropriate arrangements with other intergovernmental organization, 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 tunas in the area of competence of the IOTC and to seek to promote complementarity and to avoid duplication and conflict.

**NOTING** that the IOTC and SIOFA areas of competence partially overlap.

**CONSCIOUS** that some members of the IOTC and some Parties to SIOFA belong to both organizations.

**AWARE** that there are stocks and species respectively covered by the IOTC Agreement and the SIOFA that migrate through their shared / respective geographic area of competence.

DESIRING to put into place arrangements and procedures to promote and facilitate the cooperation called for by the IOTC Agreement and the SIOFA in order to enhance the conservation and sustainable use of species which are within the competence of each organizations.

DESIRING FURTHER to promote complementarity between the two organizations.

NOW THEREFORE the IOTC and the SIOFA record the following understanding:

#### **1. AREAS OF COOPERATION**

The IOTC and the SIOFA agree to establish and maintain consultation, co-operation and collaboration in respect of matters of common interest to the two organizations, including but not limited to, the following areas:

- a) exchange of data and information consistent with the information-sharing policies of each organization;
- b) collaboration on research efforts relating to stocks and species of mutual interest, including stock assessments; and
- c) conservation and management measures for stocks and species of mutual interest.

#### **2. MANNER OF COOPERATION**

Cooperation between the IOTC and the SIOFA shall include:

- a) reciprocal participation as observers in relevant meetings of each organization, including those of relevant subsidiary bodies
- b) information sharing about stocks and species of mutual interest
- c) clear definition of the species of interest of each organization for management purposes (e.g., pelagic sharks)
- d) development of processes to promote harmonization and compatibility of conservation and management measures as relevant; and
- e) exchange of relevant meeting reports, information, technologies, research data and results, project plans, documents, and publications regarding matters of mutual interest.

#### **3. MODIFICATION, AMENDMENT**

This Letter of Intent may be modified at any time by the mutual written consent of both Organizations.

#### **4. LEGAL STATUS**

This Lol does not create legally binding rights and obligations. This Lol does not alter the obligations of Members or Parties of either Organisation to comply with the Conservation and Management Measures adopted under the IOTC Convention and the SIOFA.

#### **5. COMING INTO EFFECT AND TERMINATION**

This Lol will continue to operate for five years from the date of signature. At that stage both sides will review the operation of the Lol and decide whether it will be renewed or modified.

- a) Either side may terminate this Lol by giving six months prior written notice to the other side.

b) This Lol will come into effect on the day of signature.

Signed on behalf of the Indian Ocean Tuna Commission and the Southern Indian Ocean Fisheries Agreement:

Name  
IOTC Chairperson  
Date:

Name  
SIOFA Executive Secretary  
Date:

## APPENDIX 13.

### STATEMENTS BY MEMBERS

#### China

##### AI. 9 (IOTC-2021-S25-Statement01)

#### Position Statement of China on Conservation and Management of Yellowfin Tuna in IOTC Area May 2021

The delegation of China participated 4<sup>th</sup> Special Session of IOTC, and made its contribution in the deliberation of draft resolution on an Interim Plan for Rebuilding the Indian Ocean Yellow Tuna Stock in the IOTC Area of Competence. It regretted that no consensus can be reached during the session. It is our wish that the new conservation and management can be adopted at 25<sup>th</sup> Session of IOTC, therefore, the delegation of China would like to state the following position on some important issues, so that the position can be better understood by other CPCs of IOTC:

1. It is view of this delegation that the new conservation and management measures for yellowfin tuna shall be applicable to the stock across their distribution range in the IOTC area of competence, and it is key element for IOTC to manage yellowfin tuna stock.

2. Consider the large amount of overharvested yellowfin tuna by some CPCs, It is view of this delegation that the current issue of conservation and management of yellowfin tuna in the Indian Ocean is not one of new measures but of compliance with existing measures, namely the need for the CPCs subject to the limit to comply with the limit, for the CPCs not subject to the limit to refrain from exceeding the threshold in their catch and for strict compliance with the requirement for pay back for overharvested catch.

3. If the agreement of the above two points can be reached at 25<sup>th</sup> Session of IOTC, the reference year(s) for longline fleet that had yellowfin tuna catch less than 5000 mt in 2014 will be discussed. The following table shows the tropical tuna catch by China's mainland fleet since 1995 to 2019:

**Tropical Tuna Catch by China's Mainland Fleet in IOTC Area from 1995 to 2019 (mt)**

Year\Species	Bigeye Tuna	Yellowfin Tuna
1995	140	138
1996	466	494
1997	1652	750
1998	2,164	402
1999	2,182	2335
2000	2699	2362
2001	2994	1771
2002	2792	1325
2003	4569	2279
2004	8321	3781
2005	8867	4259
2006	8702	3857
2007	7167	2825
2008	4963	897
2009	2661	453
2010	1398	496
2011	240	191
2012	2405	538
2013	4311	922
2014	3862	1078
2015	4730	1793
2016	4086	1812
2017	4918	2962
2018	4055	4641
2019	1837	3212

From the table, it is easy to understand why this delegation cannot accept 2014-2019 average as a basis, and it is even harder to accept 2014 as a reference year for longline fleet that had yellowfin tuna catch less than 5000 mt in 2014, although this delegation agrees that 2014 shall be a reference year for fleet that had yellowfin tuna catch higher than 5000 metric tons in 2014.

4. Catch reporting frequency. It is the view of this delegation that timely reporting the catch is necessary. However, for the sake of usefulness, the same report frequency shall apply to all CPCs that have yellowfin tuna catch, partial catch reported by month, and partial catch reported by quarter will be meaningless to understand the whole situation of yellowfin tuna catch.

5. FAD management. It is view of this delegation that FAD management is part of agreement to have new conservation and management measures on yellowfin tuna. This delegation wishes the CPCs that have purse seiner fisheries can show their flexibility in terms of number of deployed FAD, number of FAD set and duration and area of prohibition of using FAD.

Lastly, the new conservation and management measures on yellowfin tuna if adopted at 25<sup>th</sup> session of IOTC shall be reviewed and adjusted based on new SC recommendations after a new stock assessment completed before implementing the new measures in 2022.

## European Union

### AI. 9

The European Union does not recognize any legal value to the statement made by the Union of the Comoros, which fails to consider that the Island of Mayotte is a French territory and a European outermost region over which France, as a State Member, has constantly exercised full and total sovereignty.

The European Union enjoys hence sovereign rights and jurisdiction under international law in the Exclusive Economic Zone adjacent to the Island of Mayotte. The RFMOs meetings of the Indian Ocean are not the appropriate place to discuss territorial sovereignty issues. However, the European Union stresses that it will continue to have a constructive dialogue with the Union of the Comoros on this matter.

## France (OT)

France declares that it does not recognize the Mauritian declaration as having any legal value, because it ignores the fact that the island of Tromelin is a French territory over which France consistently exercises full sovereignty.

Thus, France enjoys sovereign rights or jurisdiction conferred on it by international law in the exclusive economic zone adjacent to the island of Tromelin. Meetings of Indian Ocean fishing organizations are not the place to discuss issues of territorial sovereignty, but France stresses that it will continue to maintain a constructive dialogue on this subject with the Republic of Mauritius.

## Indonesia

### AI. 9

Thank you, Madam Chair.

Madam Chair and distinguished Delegates,

First and foremost, Indonesia wishes to take note and appreciate the efforts made by Maldives and EU to take account some concern from CPCs on their revised proposals regarding to the interim plan of Yellowfin Tuna. Indonesia is on the same direction with all CPCs to ensure the sustainability of this highly valuable resource in the future. [In this juncture, Indonesia would like to reiterate that we are strongly support the global concern of the YFT in the Indian Ocean which in the over fishing status and support the IOTC to resolve the issue].

Madam Chair and Delegates, we've seen the simulation that was presented and regarding the reported catch for Yellowfin Tuna as mentioned in the proposal, Indonesia would like to maintain our position as deliberated since

the Special Session Meeting in March and during the 1st day of this Session. We humbly suggest and ask all CPCs and the Secretariat to highly consider using Official Reported Catch by Indonesia or 1RC form as the only valid reference to be used in determining the adjustment of YFT Catch limit through the proposal.

Currently, we are working with the Secretariat and our stakeholders in Indonesia to review our nominal species catch data series. We consider that the data we have submitted in the recent years is reliable and should not require any re-estimation. However, Indonesia is also committed to work with the Secretariat to resolve this issue as we have done in the past few weeks and will continue as required from the last workshop with the Secretariat. We are hoping that this issue will be resolved before the upcoming stock assessment meeting for YFT.

Indonesia remains committed to improve our compliance, particularly as required by IOTC resolution 15/01 and 15/02, through several essential efforts, notably, through One Data Policy, implementation of e-logbook, and National Observer Programme. Subsequently, Indonesia will also actively engage with the IOTC Secretariat Data Team to explore way forward on the Data Discrepancy Issue.

Furthermore, Indonesia wishes to reiterate that the impact of using the re-estimated IOTC Data Sets will not only reduce our catch limit, but also will jeopardize the sustainability of our artisanal and small-scale fisheries who are highly dependent on this species as a primary source of their families' livelihoods. By using the re-estimated catch data, we estimate that the Catch Limit for Indonesia will be plummeted by more than 40%, not 12% compared to the Resolution 19/01. This is a drastic change and not acceptable at all. Meanwhile, the Commission tasks is not only to ensure the conservation of the stocks and to promote the objective of optimum utilization of the stocks throughout the Area, but also to keep under review the economic and social aspects of the fisheries based on the stocks, in particular, the interests of developing coastal states, as stipulated in Article V of the IOTC Agreement. Therefore, once again, we kindly ask the Commission to highly consider using our official reported catch data in the proposals [, or possible in merged proposal to determine the adjustment of Catch Limit by all CPCs on Yellowfin Tuna]. For future discussion of any issue, as appropriate, we request that the Secretariat use Indonesia's official reported catch as reference.

Finally, we would like to strongly express once again, Indonesia **could only support the proposal in condition that, for the purposes of any catch reduction required from Indonesia under related paragraphs of the proposal, Indonesia shall use its official reported catch (or the 1RC form data), not the re-estimated catch data set from the Secretariat.** Thus, Indonesia is not in the position to negotiate regarding the reported catch issue. For that purpose, the same data shall be referred to in relation to the adjustment of YFT Catch Limit in the Interim Plan of YFT Rebuilding Stock, through Maldives Proposal as a base, or potentially merged proposal.

Madam Chair, apologize for this long intervention, but Indonesia requests that this statement be included in the report of this meeting and we will provide the Secretariat with the text shortly.

Thank you.

## Mauritius

### AI. 2 (IOTC-2021-S25-Statement02)

#### 25<sup>th</sup> Session of the Indian Ocean Tuna Commission 7-11 June 2021

#### Agenda Item 2: Letters of Credentials

#### Statement by the Republic of Mauritius

The Republic of Mauritius reiterates its long-standing position that the United Kingdom is not entitled to be a member of the Indian Ocean Tuna Commission (IOTC) as a “coastal State situated wholly or partly within the Area [of competence of the Commission]” and wishes to place on record its formal objection (on legal grounds) to the participation of the United Kingdom in the 25<sup>th</sup> Session of the IOTC as a coastal State purporting to represent the Chagos Archipelago.

In addition to the reasons provided in the past to support its stand, the Republic of Mauritius wishes to draw the attention of the Commission to another recent development which confirms that the United Kingdom cannot be recognized as a member of the IOTC as a coastal State. In a Judgment delivered on 28 January 2021 in the case of *Mauritius v. Maldives*,

the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) held that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago.

In its Judgment, the Special Chamber, *inter alia*, ruled that:

- (a) the determinations made by the International Court of Justice (ICJ) in its Advisory Opinion of 25 February 2019 on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* have legal effect and clear implications for the legal status of the Chagos Archipelago;
- (b) the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations made by the ICJ that the detachment of the Chagos Archipelago by the United Kingdom from Mauritius was unlawful and that the United Kingdom's continued administration of the Chagos Archipelago constitutes an unlawful act of a continuing character;
- (c) the fact that the time-limit of 22 November 2019 set by the UN General Assembly for the withdrawal of the United Kingdom's administration from the Chagos Archipelago has passed without the United Kingdom complying with that demand further strengthens the Special Chamber's finding that its claim to sovereignty over the Chagos Archipelago is contrary to the authoritative determinations made in the Advisory Opinion of the ICJ;
- (d) while the process of decolonization of the Republic of Mauritius has yet to be completed, the Republic of Mauritius' sovereignty over the Chagos Archipelago can be inferred from the ICJ's determinations;
- (e) the continued claim of the United Kingdom to sovereignty over the Chagos Archipelago cannot be considered anything more than "a mere assertion" and such assertion does not prove the existence of a dispute;
- (f) the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

It is crystal clear that as a matter of international law, the Republic of Mauritius is the only State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones, as the coastal State and that the United Kingdom is not in a position to claim any rights over the Chagos Archipelago. The United Kingdom cannot accordingly be a member of the IOTC as a coastal State.

The Republic of Mauritius notes that in the Instrument of Acceptance which it deposited with the Director-General of FAO last December, the United Kingdom claimed that it meets the conditions for membership of the IOTC, as set out in paragraph (1)(a) of Article IV of the Agreement for the Establishment of the Indian Ocean Tuna Commission. In this regard, and taking into account the UN General Assembly Resolution 73/295, the Republic of Mauritius would like the IOTC Secretariat to confirm that the United Kingdom submitted that Instrument of Acceptance on the basis of Article IV(1)(a)(ii) only.

In the absence of a clear and immediate decision by the Commission to confirm that the United Kingdom is not and cannot be a member of the IOTC as a coastal State, the Republic of Mauritius will proceed to invoke its rights under the Agreement and international law, including Article XXIII.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.

**AI. 9**

**25<sup>th</sup> Session of the Indian Ocean Tuna Commission**

**7-11 June 2021**

**Statement by the Republic of Mauritius on draft resolution on an interim plan for  
rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of Competence  
(IOTC-2021-S25-PropF)**

The Mauritius delegation is not agreeable to the proposal made by the UK delegation to amend the Appendix to specify or reflect that the UK is a coastal State in the IOTC Area of Competence.

Mauritius remains committed to the conservation and management measures and to the sustainability of tuna stocks.

The rights of Mauritius over its territory are clear under international law.

This statement should be recorded in the report of this meeting.



**25<sup>th</sup> Session of the Indian Ocean Tuna Commission**  
**7-11 June 2021**

**Statement by the Republic of Mauritius on draft resolution on an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of Competence (IOTC-2021-S25-PropF-Rev2)**

Madam Chairperson,

My delegation wishes to clarify that the use of the term “France (OT)” in the draft resolution which has just been adopted should not be interpreted as a change in the position of the Republic of Mauritius as regards its sovereignty over the Island of Tromelin.

My delegation requests that this statement be annexed to the report of this meeting.

Thank you, Madam Chairperson.

**AI 12.1**

**25<sup>th</sup> Session of the Indian Ocean Tuna Commission¶**

**7-11 June 2021¶**

**Statements made by the Republic of Mauritius¶**

¶

**Agenda Item 12 – Report of the Compliance Committee¶**

¶

**Agenda Item 12.1 – Overview of the CoC18 Report¶**

¶

Madam Chairperson,¶

¶

Since the United Kingdom is not the coastal State in relation to the Chagos Archipelago, it cannot lawfully take any action in respect of the Chagos Archipelago, including providing reports on vessels in transit through the waters of the Chagos Archipelago. .¶

¶

In this regard, my delegation strongly objects to the endorsement by the Commission of the recommendation contained in paragraph 78 of the report of the 18<sup>th</sup> Session of the Compliance Committee that the United Kingdom continue to provide such reports. . My delegation requests that its objection be recorded in the report of this meeting.¶

¶

Thank you, Madam Chairperson.¶

**AI 12.2**

**Agenda Item 12.2. – Adoption of the List of IUU Vessels**

¶

Madam Chairperson, ¶

¶

My delegation reiterates that Mauritius does not condone IUU fishing and that it is not opposed to the adoption and implementation of any measure against IUU fishing provided that any such measure is taken or implemented in conformity with international law, including the rights of Mauritius under such law. ¶

However, for the reasons mentioned in the statement I have made earlier under agenda item 12.1, Mauritius cannot endorse any recommendation for the inclusion on the IUU Vessels List of any vessels reported by the United Kingdom purporting to act as the coastal State in relation to the Chagos Archipelago. ¶

¶

Thank you, Madam Chairperson. ¶

**AI. 15.2 (IOTC-2021-S25-Statement03)**

**25<sup>th</sup> Session of the Indian Ocean Tuna Commission**  
**7-11 June 2021**

**Agenda Item 14.2: Participation of the United Kingdom as a coastal State vis-à-vis “BIOT”**

**Statement by the Republic of Mauritius**

The Republic of Mauritius wishes to recall that at the 23<sup>rd</sup> Session of the Indian Ocean Tuna Commission (IOTC) held in June 2019 in Hyderabad, India, it had, in line with UN General Assembly Resolution 73/295, proposed the inclusion on the agenda of that session of an item relating to the termination of the United Kingdom’s membership in the IOTC as a coastal State. General Assembly Resolution 73/295, which fully endorsed the determinations made by the International Court of Justice (ICJ) in its Advisory Opinion of 25 February 2019, recognizes that as a matter of international law, the Chagos Archipelago forms an integral part of the territory of the Republic of Mauritius.

By a ruling of the then Chairperson of the IOTC, the consideration of this item was postponed to the 24<sup>th</sup> Session of the IOTC in order to allow Members to seek instructions from their capitals. The Republic of Mauritius accordingly wrote on 4 March 2020 to the then Chairperson of the IOTC to formally request the inclusion on the agenda of the 24<sup>th</sup> Session of an item entitled “Termination of United Kingdom’s membership in the IOTC as a coastal State”.

Subsequently, the Republic of Mauritius wrote on 8 July 2020 to the then Chairperson of the IOTC to inform that it had no objection to the consideration of that item being postponed to the 25<sup>th</sup> Session of the IOTC in view of the situation surrounding the COVID-19 pandemic and the conduct of the 24<sup>th</sup> Session as a virtual meeting focused on essential matters requiring urgent attention.

On 2 April 2021, the Republic of Mauritius addressed a letter to the Chairperson to formally request that the item be inscribed on the agenda of the 25<sup>th</sup> Session of the IOTC.

The Republic of Mauritius has noted that further to its request, the item has been reformulated as “Participation of the United Kingdom as a coastal State vis-à-vis “BIOT”” and has been included on the agenda of this Session under “Any other business”.

The Republic of Mauritius would like to point out that in the light of the Advisory Opinion of the ICJ, UN General Assembly Resolution 73/295 and the Judgment of the Special Chamber of the International Tribunal for the Law of the Sea of 28 January 2021 which has confirmed that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago, the United Kingdom is not and cannot be the coastal State in relation to the Chagos Archipelago. It cannot therefore be a member of the IOTC as a coastal State.

Considering that the item has been listed as an item under AOB, in which case no formal decision is likely to be taken, and taking into account the virtual nature of this Session of the Commission, the Mauritius delegation will not insist on the item being formally considered during this session. The Republic of Mauritius however formally requests that the termination of the United Kingdom’s membership in the IOTC as a coastal State be included as a substantive item on the agenda of the 26<sup>th</sup> Session of the IOTC, as initially agreed.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.

**AI. 15.3 (IOTC-2021-S25-Statement04)**

**25<sup>th</sup> Session of the Indian Ocean Tuna Commission**  
**7-11 June 2021**

**Agenda Item 14.3: Implementation of paragraph 6 of the UNGA Resolution 73/925 (FAO)**

**Statement by the Republic of Mauritius**

The Republic of Mauritius welcomes the actions which the FAO has taken to implement UN General Assembly Resolution 73/295.

As a matter of fact, it is worth noting that specialized agencies of the United Nations have taken a range of significant measures in line with the UN General Assembly Resolution. As an example, on 30 April 2021, the Council of Administration of the Universal Postal Union (UPU) considered the following recommendations from the International Bureau of the UPU for the implementation of Resolution 73/295:

- (a) to formally acknowledge henceforth that, for the purposes of any and all activities of the UPU, the Chagos Archipelago forms an integral part of the territory of Mauritius;
- (b) to request Mauritius to keep the UPU, through the International Bureau, regularly informed of any decisions regarding international postal operations on the Chagos Archipelago;
- (c) to cease the registration, distribution and forwarding of any and all postage stamps issued by the so-called “British Indian Ocean Territory” (“BIOT”);
- (d) to refrain from making any reference, in UPU documentation, to the so-called “BIOT” or to the Chagos Archipelago as forming part of the UK overseas territories which are collectively a member of the UPU; and
- (e) to take any other measures to ensure the implementation of UN General Assembly Resolution 73/295.

In the light of its discussions, the Council of Administration decided to submit a draft resolution along the lines of those recommendations to the next Universal Postal Congress scheduled for 9-27 August 2021 in Abidjan, Côte d'Ivoire for adoption.

It is the understanding of the Mauritius delegation that similar actions are being envisaged by other UN agencies. The actions taken by the FAO are therefore very timely and since the FAO has indicated that the implementation of Resolution 73/295 will be a continuous process, we would appreciate receiving regular updates on actions it will be taking.

The Republic of Mauritius requests that this statement be annexed to the report of this meeting.



REPUBLIC OF MAURITIUS

MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION  
AND INTERNATIONAL TRADE

Note No: 15/2021(18570/46/142)

8 June 2021

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and with reference to the Note Verbale (No. OTD/004/2021) dated 4 June 2021 from the Overseas Territories Directorate of the Foreign, Commonwealth and Development Office of the United Kingdom of Great Britain and Northern Ireland, has the honour to provide clarifications in respect of certain assertions and assumptions which the UK Overseas Territories Directorate purports to present.

The first assertion is that the International Court of Justice (ICJ) ought not to have considered a bilateral dispute without the consent of the States concerned. In this regard, the Republic of Mauritius wishes to point out that the Court addressed this issue directly and decisively rejected the arguments of the United Kingdom: the Court carefully distinguished on the one hand, a purely bilateral dispute and on the other, a dispute about the lawfulness of decolonization, which might require the Court to address other legal issues arising within the broader framework of decolonization. The Court made it clear that the Advisory Opinion requested by the UN General Assembly concerned a matter related to decolonization, not a bilateral dispute. The United Kingdom is fully aware that the Court rejected its arguments.

The second assertion is that the Advisory Opinion merely offers advice to the General Assembly and is not a binding judgment. The ICJ determined that "obligations arising under international law ... require the United Kingdom, as the administering Power, to respect the territorial integrity of [Mauritius], including the Chagos Archipelago", and to bring an end to its administration of the Chagos Archipelago as rapidly as possible.

While Advisory Opinions *per se* may not be binding on States (although binding in this case on the United Nations which has given effect to it), it is unquestionable that the obligations the ICJ identified as arising under international law are binding on the States concerned, including the United Kingdom. That such determinations of law in the Court's Advisory Opinions are as authoritative as they are in its Judgments is recognized by international and national courts, and by distinguished commentators, including Professors Rosenne, Pellet, Watts, Dugard and Kolb as well as Judge Nagendra Singh and Judge Yusuf, former Presidents of the ICJ.

The third assertion is that UN General Assembly Resolution 73/295 does not and cannot create legal obligations for UN Member States. Resolution 73/295 was adopted by 116 votes against 6 votes. The will of the international community is crystal clear: Member States are required to ensure the completion of the decolonization of the Republic of Mauritius given the *erga omnes* nature of the obligation in respect of the right to self-determination, as stated by the ICJ.

The fourth assertion is that the Judgment of the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) can have no effect for the United Kingdom. The Republic of Mauritius wishes to recall that in its Judgment of 28 January 2021, the Special Chamber of ITLOS ruled that the Republic of Mauritius has undisputed sovereignty over the Chagos Archipelago and that the United Kingdom's continued claim to sovereignty over the Chagos Archipelago is contrary to the determinations of the ICJ that the detachment of the Chagos Archipelago from Mauritius was unlawful and that the United Kingdom's continued administration of the Chagos Archipelago is an unlawful act of a continuing character. It also ruled that the Republic of Mauritius is to be regarded as the coastal State in respect of the Chagos Archipelago.

ITLOS also stressed that determinations made by the ICJ in an Advisory Opinion cannot be disregarded simply because the Advisory Opinion is not binding. The Special Chamber held that the determinations made by the ICJ in its Advisory Opinion of 25 February 2019 have legal effect and clear implications for the legal status of the Chagos Archipelago.



ITLOS further ruled that the continued claim of the United Kingdom to sovereignty over the Chagos Archipelago cannot be considered anything more than “a mere assertion” and that such assertion does not prove the existence of a dispute.

The ITLOS Judgment is binding under international law. It gives effect to, and applies, the ICJ Advisory Opinion. It is now indisputable that as a matter of international law, the Republic of Mauritius is the sole State lawfully entitled to exercise sovereignty and sovereign rights over the Chagos Archipelago and its maritime zones and that the United Kingdom cannot claim any rights over the Chagos Archipelago. The Judgment of ITLOS has further confirmed the illegality of the so-called “British Indian Ocean Territory”.

The Republic of Mauritius notes that three different international courts and tribunals have now had an opportunity to address the question of which State has sovereignty over the Chagos Archipelago: an Annex VII Arbitral Tribunal (2015), the ICJ (2019) and ITLOS (2021). A total of twenty-eight judges and arbitrators have had a chance to express their views, and not a single one has offered support for the position of the United Kingdom (23 have expressed support for the view that the Republic of Mauritius has sovereignty over the Chagos Archipelago, the other five have expressed no view on the merits, declining to express a view on grounds only of jurisdiction). The supposed claim by the United Kingdom has the support of no international court or tribunal, and not a single international judge or arbitrator. It is entirely without merit, and it is untenable.

It is deeply regrettable that the United Kingdom which professes support for the international rule of law should blatantly disregard both the authoritative determinations of the ICJ and the Judgment of ITLOS. The United Kingdom’s stand is all the more astounding, having regard to the fact that it participated actively in the proceedings that led to the authoritative determinations of the ICJ, and its objection to the stand of the Republic of Mauritius and a large number of other States that the decolonization of the Republic of Mauritius was still incomplete was rejected by the ICJ.

The Republic of Mauritius notes that the United Nations has changed its map, to show the Chagos Archipelago as part of the sovereign territory of the Republic of Mauritius. The United Nations, as well as other specialized agencies such as the Food and Agriculture Organization and

the Universal Postal Union, are taking steps to give effect to the ICJ Advisory Opinion and UN General Assembly Resolution 73/295.

In the light of the foregoing, the United Kingdom is not and cannot be the coastal State in relation to the Chagos Archipelago and is therefore not entitled to be a member of the IOTC as a coastal State pursuant to Article IV(1)(a)(i) of the Agreement for the Establishment of the Indian Ocean Tuna Commission.

It follows that neither the Instrument of Acceptance deposited by the United Kingdom on 22 December 2020 nor that deposited on 31 March 1995 could validly have been submitted on the basis of Article IV(1)(a)(i) of the Agreement for the Establishment of the Indian Ocean Tuna Commission.

The Republic of Mauritius would be grateful if a copy of this Note Verbale could be annexed to the report of the 25<sup>th</sup> Session of the IOTC scheduled for 7-11 June 2021 and posted on the IOTC's website.

The Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius avails itself of this opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.

**Secretariat  
Indian Ocean Tuna Commission  
Victoria  
Seychelles**







Note Number: OTD/004/2021

The Overseas Territories Directorate of the Foreign, Commonwealth and Development Office presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and Chair of the IOTC Annual Session from 7 to 11 June 2021. For the benefit of the delegates the United Kingdom wishes to restate its position on the British Indian Ocean Territory (BIOT) and membership of the IOTC.

The United Kingdom has no doubt about its sovereignty over the Chagos Archipelago, which has been under continuous British sovereignty since 1814. Mauritius has never held sovereignty over the Archipelago and we do not recognise its claim. However, we have a long-standing commitment, first made in 1965, to cede sovereignty of the territory to Mauritius when it is no longer required for defence purposes. We stand by that commitment.

The United Kingdom was disappointed that this matter was referred to the International Court of Justice (ICJ), contrary to the principle that the Court should not consider bilateral disputes without the consent of both States concerned. Nevertheless, the United Kingdom respects the ICJ and participated fully in the ICJ process at every stage and in good faith. An Advisory Opinion is advice provided to the United Nations General Assembly at its request; it is not a legally binding judgment. The UK Government has considered the content of the Opinion carefully, however we do not share the Court's approach.

UN Resolution 73/295, adopted following the ICJ's Advisory Opinion, does not and cannot create any legal obligations for UN Member States. Neither the non-binding Advisory Opinion nor the non-binding General Assembly resolution alter the legal situation, namely that of a sovereignty dispute between the United Kingdom and Mauritius. The General Assembly is not the appropriate forum to resolve such a bilateral dispute.

The United Kingdom is aware of the judgment delivered on 28 January by the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) formed to deal with the Dispute concerning delimitation of a maritime boundary claimed by Mauritius to exist between Mauritius and Maldives in the Indian Ocean. The UK is not a party to these proceedings, which can have no effect for the UK or for maritime delimitation between the UK (in respect of BIOT) and the Republic of the Maldives.

The United Kingdom is a full member of the IOTC. The United Kingdom deposited instruments of acceptance to the IOTC Agreement on 31st March 1995 and 22nd December 2020 and has been a party to the Agreement since it entered into force. The Agreement for the Establishment of the Indian Ocean Tuna Commission provides that IOTC membership shall be open, inter alia, to FAO members that are situated wholly or partly within the IOTC's Area of Competence. As BIOT is situated wholly within the IOTC's Area of Competence, there can therefore be no doubt

that the United Kingdom, as the State with sovereignty over BIOT as aforementioned, is entitled to be a member of IOTC.

The United Kingdom requests that this statement be annexed to the report of the Annual Session and posted on the IOTC's website.

The Overseas Territories Directorate of the Foreign, Commonwealth and Development Office avails itself of the opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE  
LONDON

4 June 2021





Note Number: OTD/005/2021

The Overseas Territories Directorate of the Foreign, Commonwealth and Development Office presents its compliments to the Secretariat of the Indian Ocean Tuna Commission (IOTC) and Chair of the IOTC Annual Session from 7 to 11 June 2021. With reference to Note Verbale (Note No: 15/2021) dated 8 June 2021 from the Ministry of Foreign Affairs, Regional Integration and International Trade of the Republic of Mauritius, the United Kingdom wishes to reiterate its position on the British Indian Ocean Territory (BIOT) and membership of the IOTC.

The United Kingdom rejects the claims contained in the Note Verbale regarding BIOT. The United Kingdom's full position in respect to our continued sovereignty over BIOT is set out in the United Kingdom's submission to the report of the Secretary General (A/74/834) dated 18 May 2020. The United Kingdom has no doubt about its sovereignty over the territory of BIOT, which has been under continuous British sovereignty since 1814. Mauritius has never held sovereignty over the territory and we do not recognise its claim. However, we have a long-standing commitment, first made in 1965, to cede sovereignty of the territory to Mauritius when it is no longer required for defence purposes. We stand by that commitment.

The IOTC is not a forum to discuss issues of sovereignty. The United Kingdom regrets the continued use of this important multilateral forum by Mauritius to address a bilateral matter. This only serves to distract from the important work of IOTC members, including at this Annual Session, where the UK has been vocal in supporting the prioritisation of the adoption of a new rebuilding plan for Yellowfin tuna. The United Kingdom records its objection to the inclusion of this issue of sovereignty on the current (and any future) agenda.

Despite clear reservations, the United Kingdom participated fully in the advisory proceedings in good faith and out of respect for the International Court of Justice (ICJ). However, we do not share the Court's approach and have made known our views on the content of the Advisory Opinion, including the insufficient regard for significant material facts and legal issues. In any event, it is undisputed that the Advisory Opinion issued by the ICJ is not legally binding. The UN General Assembly, in its resolution 73/295, adopted following the Court's Advisory Opinion, does not and cannot create any legally binding obligations for UN Member States.

The United Kingdom also wishes to reiterate its position regarding the judgment delivered on 28 January 2021 by the Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) formed to deal with the dispute concerning delimitation of a maritime boundary claimed by Mauritius to exist between Mauritius and Maldives in the Indian Ocean. The United Kingdom is not a party to these proceedings, which can have no effect for the United Kingdom or for maritime delimitation between the United Kingdom (in respect of BIOT) and the Republic of the Maldives.

The United Kingdom completely rejects Mauritius's claim that it does not respect the international rule of law. We have been a long-standing supporter of international courts and a staunch defender of human rights institutions and norms.

The United Kingdom is a full member of the IOTC. The United Kingdom deposited instruments of acceptance to the IOTC Agreement on 31st March 1995 and 22nd December 2020 and has been a party to the Agreement since it entered into force. The Agreement for the Establishment of the Indian Ocean Tuna Commission provides that IOTC membership shall be open, *inter alia*, to FAO members that are situated wholly or partly within the IOTC's Area of Competence. As BIOT is situated wholly within the IOTC's Area of Competence, there can therefore be no doubt that the United Kingdom, as the State with sovereignty over BIOT as aforementioned, is entitled to be a member of IOTC.

The UK notes that the name and designation of BIOT has been modified on maps produced by the UN, following the adoption of resolution 73/295. This resolution is not legally binding and the UK voted against its adoption. The modification of UN maps by the UN does not alter, or determine, sovereignty of BIOT and it makes no difference to the United Kingdom's position.

The United Kingdom has no doubt over its sovereignty over BIOT and remains concerned over Mauritius' continued stance. Nevertheless, the United Kingdom remains open to dialogue with Mauritius on matters of shared interest, including the marine protected area and implementation of the 2015 UN Convention on the Law of the Sea (UNCLOS) Arbitral Award.

The United Kingdom requests that this statement be annexed to the report of the Annual Session and posted on the IOTC's website.

The Overseas Territories Directorate of the Foreign, Commonwealth and Development Office avails itself of the opportunity to renew to the Secretariat of the Indian Ocean Tuna Commission the assurances of its highest consideration.

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE  
LONDON

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