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2021

# IMPLEMENTATION OF IOTC

## CONSERVATION AND MANAGEMENT MEASURES PART B

IMPLEMENTATION OF IOTC CMMs ENTAILING  
REPORTING OBLIGATIONS



2021

**IMPLEMENTATION  
OF IOTC**

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AND MANAGEMENT  
MEASURES PART B**



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REPORTING OBLIGATIONS

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# ABBREVIATIONS AND ACRONYMS

<b>AFAD</b>	Anchored fish aggregating device
<b>CMM</b>	Conservation and management measure
<b>CPC</b>	IOTC Contracting Party (or “Member”) and cooperating non-Contracting Party
<b>DFAD</b>	Drifting fish aggregating device
<b>EEZ</b>	Exclusive economic zone
<b>FAD</b>	Fish aggregating device
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>IOTC</b>	Indian Ocean Tuna Commission
<b>IOTC area</b>	IOTC area of competence
<b>IPOA</b>	International Plan of Action
<b>IUU</b>	Illegal, unreported and unregulated (fishing)
<b>LOA</b>	Length overall
<b>LSTLV</b>	Large-scale tuna longline fishing vessel
<b>MCS</b>	Monitoring, Control and Surveillance
<b>Member</b>	A member of the IOTC under Article IV of the Agreement
<b>NCP</b>	Non-contracting Party
<b>RAV</b>	Record of authorised vessels
<b>RFMO</b>	Regional fisheries management organisation
<b>UN</b>	United Nations
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea (1982)
<b>VMS</b>	Vessel monitoring system



# SUMMARY

The purpose of this Manual is to assist IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs) to better understand the measures and actions that they must take in discharging their reporting obligations. It provides an overview of the IOTC Conservation and Management Measures (CMMs) that require active reporting and explains the aim, technical requirements and reporting requirements for each.

The content is divided into three chapters.

The first chapter provides an overview of the objective and structure of this Manual. It describes IOTC Resolutions and Recommendations, and explains the IOTC functions and institutional arrangements responsible for compliance with their requirements. It defines both event-based and recurring reporting and presents a table showing for each Resolution whether the flag, port, coastal and/or market State(s) has or have reporting obligations.

The second chapter focuses on the Resolutions that require reporting and explains for each the key considerations for its adoption, the aim and application, technical and reporting requirements. The Resolutions appear in a framework based on the objective of the Resolution: fisheries management, monitoring, control and surveillance, mandatory statistics and market-related measures.

The third chapter describes CPCs' reporting requirements under Article X of the IOTC Agreement, the Rules of Procedure and relevant decisions of the Commission and the Scientific Committee. They require reporting through the annual Report of Implementation, the Standard Compliance Questionnaire and the National Scientific Report.

This Manual is a living document that can be revised and improved by all CPCs as experience is gained in the implementation of the IOTC Conservation and Management Measures.





## CHAPTER 1

# INTRODUCTION



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# OBJECTIVE OF THIS MANUAL

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The requirements from CPCs arising from the CMMs are grouped in relation to the main objectives: Fisheries Management; Monitoring, Control & Surveillance; Mandatory Statistics; and Market-related Measures

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The purposes of this Manual are to assist IOTC Members and Cooperating Non-Contracting Parties (CPCs) to achieve a better understanding of the measures and actions that they must take in discharging their reporting obligations. It provides an overview of the IOTC Conservation and Management Measures (CMMs) that require active reporting and explains the aim, technical requirements and reporting requirements for each.

This Manual does not contain all IOTC Resolutions and Recommendations; it only addresses those CMMs with reporting requirements for CPCs' compliance.

The full text of IOTC Resolutions and Recommendations can be downloaded from <http://www.iotc.org/cmms>, either through basic or advanced searches or the IOTC Compendium of Active CMMs.

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# STRUCTURE OF THIS MANUAL

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This Manual is Part B of the broader package of information on Implementation of IOTC Conservation and Management Measures that is comprised of:

- **Part A, Understanding IOTC and the International Fisheries Management Framework**, describes key international fisheries instruments, mechanisms for national control and the duties of flag, coastal, port and market States.
- **Part B, Guide to implementing IOTC CMMS that require reporting**, elaborates the reporting requirements under CMMS.
- The **Implementation Sheets** provide a simple summary for each Resolution on the reporting requirements, who must take action and at what point in time.
- The **Reporting Templates** assist CPCs to provide information in a set format. This allows the Secretariat to pool information in such a way that it can then easily be stored, used or analysed to support further activities.

**ANNEX I** of this Part (B) indicates where implementation sheets and reporting templates are available for each CMM addressed.

This Manual has three Chapters.

**CHAPTER 1** explains the objective and structure of this Manual. It describes IOTC Resolutions and Recommendations and explains the IOTC institutional arrangements responsible for compliance with their requirements. It elaborates the event-based and recurring types of reporting and presents a table showing for each Resolution whether the flag, port, coastal and/or market State(s) has reporting obligations.

**CHAPTER 2** provides the following information on all IOTC Resolutions that require reporting:

- a brief note on key considerations for adopting the Resolution, taken from its Preamble;
- the general aim and application of the Resolution;
- technical requirements, which provide a general context for better understanding reporting requirements, and relating to required management, compliance, statistical or market-related measures in the Resolution;
- reporting requirements, which are listed according to responsibilities of the flag, coastal, port and market States and include timelines and addressees for sending reports.

The overall structure of Chapter 2 appears below. Resolutions are organized according to their main objectives: fisheries management, monitoring, control and surveillance (MCS), mandatory statistics and market-related measures. A table showing the Resolutions addressed under each heading in the framework below is in **ANNEX II**.

## **1. FISHERIES MANAGEMENT**

Fisheries Management Measures and Standards

Associated and Dependent (non-IOTC) Species,  
Bycatch

## **2. MONITORING, CONTROL AND SURVEILLANCE**

IUU Fishing Activity

Record of Vessels

Vessel Monitoring System

Port State Measures

Transshipment

Observers

## **3. MANDATORY STATISTICS**

## **4. MARKET-RELATED MEASURES**

**CHAPTER 3** describes CPCs' reporting requirements under Article X of the IOTC Agreement, the Rules of Procedure and relevant decisions of the Commission and the Scientific Committee. They require reporting, respectively, through the annual Report of Implementation, the Standard Compliance Questionnaire and the National Scientific Report.

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# IOTC RESOLUTIONS AND RECOMMENDATIONS

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**Figure 1:** Vessels in port

At IOTC Commission Sessions, Members (Contracting Parties to the IOTC Agreement) adopt CMMs concerning the management of tuna and tuna-like species under the IOTC mandate as well as the fisheries which target them. These decisions are in the form of either Resolutions or Recommendations.

IOTC Resolutions are legally binding on the Commission Members and require a two-thirds majority of members present and voting. Implementation requirements explain what a Member "shall" be responsible for doing, and reference is made to Article IX of the IOTC Agreement which provides the procedures for adoption of Resolutions. CMMs

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IOTC CMMs are of two types: Resolutions are binding; Recommendations are voluntary

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may include requirements applicable to Members and/or actions to be taken by the Commission/Secretariat. Some Resolutions can be time-bound for a set period after adoption and others have a more permanent character. Resolutions are often “superseded” - updated and/or replaced - by a new Resolution, and become inactive. As noted above, *this Manual addresses only Resolutions active at the time of writing which contain reporting requirements for CPCs’ compliance.*

IOTC Recommendations are different in that they are not binding on the Members and rely on voluntary implementation. The Commission may, by a simple majority of its Members present and voting, adopt Recommendations concerning conservation and management of the stocks for furthering the objectives of the IOTC Agreement. They are not covered in this Manual.

Cooperating Non-Contracting Parties voluntarily ensure that their flag vessels fish in a manner which conforms with the IOTC CMMs.

Effective December 2020, there were 59 active CMMs, comprised of 56 Resolutions and 3 Recommendations, of which 36 Resolutions require active reporting by CPCs.

There are also some reporting requirements outside the Resolutions which are explained in Chapter 3. They appear in the IOTC Agreement and Rules of Procedure, as well as Sessions of the Commission and Scientific Committee.

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# IOTC COMPLIANCE: INSTITUTIONAL ARRANGEMENTS AND FUNCTIONS

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The work of the Compliance Committee endeavours to enhance the compliance of CPCs with IOTC CMMs

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The Compliance Section of the IOTC Secretariat and the Compliance Committee of the Commission both work to promote strengthened compliance by CPCs with IOTC CMMs.

The Compliance Section of the IOTC Secretariat is responsible for gathering the information that the Compliance Committee uses in monitoring the implementation of CMMs by the CPCs, including those with reporting requirements. It also assists CPCs to understand and comply with the CMMs through information on the IOTC website, capacity building initiatives and publications. Concerning reporting requirements, key publications include this Manual and the Guide to IOTC Data and Information Reporting Requirements for Members and Cooperating Non-Contracting Parties.<sup>1</sup>

The Terms of Reference of the Compliance Committee, as provided in the IOTC Rules of Procedure (Resolution 14/01, Appendix V), are intended to provide a structured forum for discussion of all problems related to effective implementation of, and compliance with CMMs. They include the duties to review each individual CPC's compliance with binding CMMs and make such recommendations to the Commission as may be necessary to ensure their effectiveness, notably in relation to "...all issues related to obligatory reporting and data providing, including non-targeted species".

The Compliance Committee is also tasked to issue its opinion on the compliance status of each CPC. Non-compliance with the binding CMMs will lead to a declaration of non-compliance by the Compliance Committee and recommendation of suitable actions for consideration of the Commission.

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<sup>1</sup> Available at: <https://iotc.org/compliance/reporting-templates>

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# REPORTING REQUIREMENTS:

## EVENT-BASED AND RECURRENT

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There are two different types of reporting requirements: event-based and recurrent

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IOTC Resolutions usually require CPCs to submit various types of information (e.g. reporting, data, statistics, technical requirements) to the Secretariat on one of the following bases:

- one-off;
- event-based, for specific events with no fixed date for the reporting timeline;
- recurrent, at set intervals of time e.g. monthly or annually in accordance with the specified timeline.

An “event-based reporting requirement” identifies a specific event that has to occur first in order to trigger the reporting requirement. If the event does not occur, then the reporting obligation does not arise. If the event does occur, then the CPC must report it. For example, port States must report to the Secretariat (among others): their decision to deny port entry to a fishing vessel which they determine has engaged in illegal, unreported or unregulated (IUU) fishing or fishing related activities; and the inspection results of a vessel that has been inspected in port.<sup>2</sup>

A “recurrent” reporting requirement is usually based on a monthly or yearly cycle that involves specified timelines for reporting. For example, CPCs are required to submit reports on their implementation of CMMs at a specified time in advance of the annual Commission Session.

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# TABLE OF CMMS THAT REQUIRE REPORTING

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The majority of Resolutions focus on flag State action, as these States are responsible for controlling their fleets.

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[Table 1- Active IOTC Resolutions requiring reporting, by type of State](#) shows the full list of CMMs that contained reporting requirements at the end of 2020. It shows, for each Resolution, reporting requirements for flag, coastal, port and market States.

The majority of Resolutions require reporting by flag States because international law gives them the primary responsibility for effectively controlling the actions of their flag vessels. Coastal, port and market States - or a combination of them - are required to make reports under certain Resolutions in addition to, or instead of flag States.



Table 1- Active IOTC Resolutions requiring reporting, by type of State

Resolution	Resolution title	State			
		Flag	Port	Coastal	Market
19/01 <sup>3</sup>	On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence	✓			
19/02	Procedures on a fish aggregating devices (FADs) management plan	✓			
19/03	On the conservation of mobulid rays caught in association with fisheries in the IOTC area of competence	✓			
19/04	Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence	✓	✓	✓	✓
19/06	On establishing a programme for transshipment by large-scale fishing vessels	✓			
19/07 <sup>4</sup>	On vessel chartering in the IOTC area of competence	✓			
18/02	On management measures for the conservation of blue shark caught in association with IOTC fisheries	✓			

<sup>3</sup> Not binding on India, which instead is subject to Resolution 18/01.

<sup>4</sup> The Chartering Contracting Party also has reporting obligations.

Resolution	Resolution title	State			
		Flag	Port	Coastal	Market
<b>18/03</b>	On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence	✓	✓	✓	✓
<b>18/05</b>	On management measures for the conservation of the billfishes: striped marlin, black marlin, blue marlin and Indo-Pacific sailfish	✓			
<b>18/07</b>	On measures applicable in case of non-fulfilment of reporting obligations in the IOTC	✓			
<b>17/05</b>	On the conservation of sharks caught in association with fisheries managed by IOTC	✓			
<b>17/07<sup>5</sup></b>	On the prohibition to use of Large-Scale Driftnets in the IOTC Area	✓	✓	✓	
<b>16/05</b>	On vessels without nationality	✓	✓	✓	✓
<b>16/08</b>	On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids		✓	✓	

Resolution	Resolution title	State			
		Flag	Port	Coastal	Market
<b>16/11</b>	On Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated Fishing	✓	✓		
<b>15/01</b>	On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence	✓			
<b>15/02</b>	Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)	✓			
<b>15/03</b>	On the vessel monitoring system (VMS) programme	✓	✓	✓	
<b>14/05</b>	Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC Area of Competence and access agreement information	✓		✓	
<b>13/04</b>	On the conservation of cetaceans	✓			
<b>13/05</b>	On the conservation of whale sharks ( <i>Rhincodon typus</i> )	✓			

Resolution	Resolution title	State			
		Flag	Port	Coastal	Market
<b>13/06</b>	On a scientific and management framework on the Conservation of shark species caught in association with IOTC managed fisheries	✓			
<b>12/04</b>	On the Conservation of marine turtles	✓	✓	✓	✓
<b>12/06</b>	On reducing the incidental bycatch of seabirds in longline fisheries	✓			
<b>12/09</b>	On the Conservation of Thresher Sharks (Family Alopiidae) caught in association with Fisheries in the IOTC Area of Competence	✓			
<b>11/02</b>	On the prohibition of fishing on data buoys	✓			
<b>11/04</b>	On a regional observer scheme	✓			
<b>10/08</b>	Concerning a Record of active Vessels fishing for Tunas and Swordfish in the IOTC Area	✓			

Resolution	Resolution title	State			
		Flag	Port	Coastal	Market
<b>10/10</b>	Concerning market related measures		✓		✓
<b>07/01</b>	To promote Compliance by Nationals of Contracting Parties and Cooperating Non-Contracting Parties with IOTC Conservation and Management Measures	✓	✓	✓	✓
<b>05/03</b>	Relating to the establishment of an IOTC Programme of Inspection in port		✓		
<b>01/03</b>	Establishing a scheme to promote compliance by Non-Contracting Party vessels with Resolutions established by IOTC	✓	✓		
<b>01/06<sup>6</sup></b>	Concerning the big-eye tuna statistical document programme (Concerning the amendment of the forms of the IOTC statistical documents) <sup>7</sup>				✓

<sup>6</sup> Reporting requirements are mandatory for both exporting and importing Contracting Parties, and either the flag State or port State could be the exporting Contracting Party.

<sup>7</sup> Also see Annexes in Resolution 03/03.



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## CHAPTER 2

# REPORTING REQUIREMENTS IN CMMS





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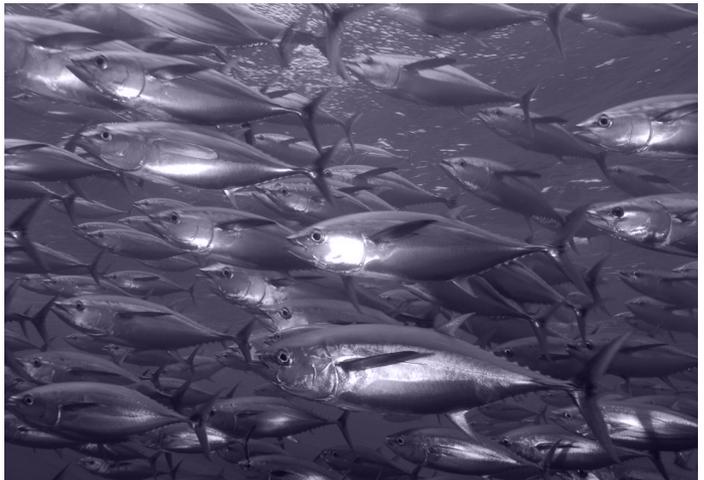
# FISHERIES MANAGEMENT MEASURES AND STANDARDS

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## RES. 19/01:

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

**Figure 2:** Resolution 19/04 encourages reducing the number of gillnet fishing vessels and increasing observer coverage for improved data reporting



© IFREMER

This Resolution provides interim measures to rebuild the yellowfin tuna stock. It addresses concerns that increased use of FADs by the purse seine vessels to maintain catch level targets has led to a substantial increase of juvenile yellowfin and bigeye tuna and notes that supply vessels contribute to the increase in

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Interim measures to  
rebuild the yellowfin  
tuna stock

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effort and capacity of the purse seiners. On evidence available in 2018 and 2019, the stock was determined to remain overfished and subject to overfishing.

This Resolution applies to all fishing vessels 24m in overall length and above and those under 24m operating beyond the exclusive economic zone (EEZ) of their flag State. The Scientific Committee must evaluate the effectiveness of the interim measures in 2019.

### **Technical requirements**

Flag State CPCs must:

- reduce their annual yellowfin tuna catches from a given reference year by a set percentage and according to gear (including purse seine, longline and gillnets);
- gradually reduce the use of supply vessels, limit them to supporting a set number of purse seiners and phase out or convert gillnet fishing vessels to other uses.

CPCs may determine for themselves the most appropriate method for achieving the catch reductions (capacity reductions, effort limits, etc.).

### **Reporting requirements**

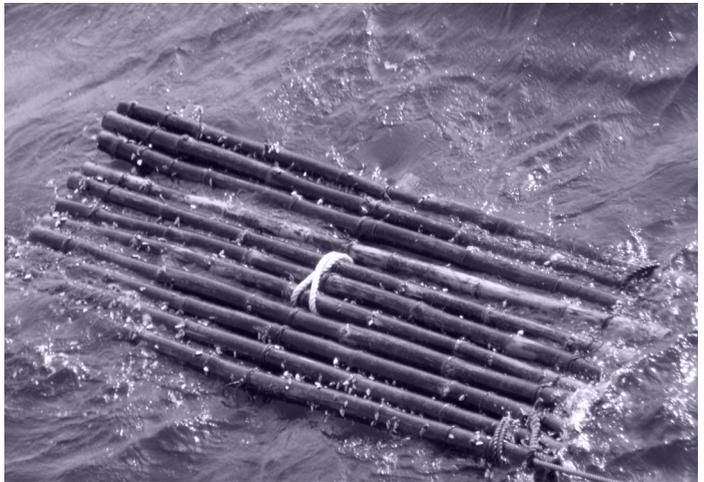
*Flag State*

CPCs must report:

- In the annual Implementation Report: methods taken for achieving catch reductions; reductions made due to over catch of annual limit; and the status of reducing the use of supply vessels. (paras 12, 14 and 16)
- To the Compliance Committee: level of implementation of gillnet measures. (para 23)
- summary of most recent yellowfin catches, disaggregated for vessels 24m overall length and over and those under 24m if they fish outside the EEZ as required in Resolution 15/02. (paras 25, 26)
- Annually before 1 January for the coming year of operations which Purse seiners are served by each supply vessel. (para 18)

**RES. 19/02:****PROCEDURES ON A FISH  
AGGREGATING DEVICES (FADS)  
MANAGEMENT PLAN**

The use of Fish Aggregating Devices (FADs), both anchored FADs (AFADs) and drifting FADs (DFADs), together with instrumented buoys which use satellite tracking systems and can indicate the type and quantity of fish attracted to the FADs, transforms fishing into a harvesting activity from a search and catch operation. The use of FADs has been associated with several potential negative ecosystem impacts, including catch of juvenile tunas and bycatch of vulnerable non-target species. IOTC CMMs addressing FAD management have been progressively adopted since 2012. This Resolution is directed at CPCs with purse seine vessels fishing on DFADs equipped with instrumented buoys.



**Figure 3:** Resolution 19/02 requires CPCs to ensure that FADs are of a non-entangling design and encourage their flag vessels to use biodegradable FADs; they shall also submit specific data elements and a FAD Management Plan annually

© ORTHONGEL

**Technical requirements**

Instrumented buoys with a reference number and satellite tracking system are required to be used with all DFADs and all other types (e.g., radio buoys) are prohibited. The maximum number of operational instrumented buoys followed by a purse seiner at any one time is 300 and the maximum number of instrumented buoys that can be acquired by any purse

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Controls instrumented buoys deployed with DFADs, requires FADs management plans.

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seiner annually is 500. However, coastal States may adopt a lower limit for DFADs deployed in its EEZ. CPCs must require the flag vessels to make certain reports to them concerning the instrumented buoys and fishing activities.

CPCs with flag vessels that fish on FADs must develop annual management plans for the use of FADs that, at a minimum, follow the Guidelines for DFADs in **Annex I** [and AFADs<sup>8</sup> in **Annex II**]. Certain data elements are required for DFADs (**Annex III**) [and AFADs (**Annex IV**)] for analysis by the Scientific Committee on the aggregation level set by Resolution 15/02 and under the confidentiality rules in Resolution 12/02.

### **Reporting requirements**

#### *Flag States*

- To Commission annually (for CPCs whose flag vessels fish on FADs): Management Plans for the Use of FADs. (para 12)
- To Commission 60 days before the annual Session: The progress of the FADs management plans, including, if necessary, reviews of the initially submitted Management Plans. (para 16)
- To Commission (no date): data elements in **Annexes III [and IV]** consistent with the IOTC standards for the provision of catch and effort data, and these data must be made available for analysis to the IOTC Scientific Committee on the aggregation level set by [Resolution 15/02](#). (para 22)
- To the Secretariat compiled at monthly intervals and submitted with a time delay of at least 60 days but no longer than 90 days: CPC or instrumented buoy supplier company to report, or CPC to require vessels to report certain daily information on all active FADS. (para 24)

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<sup>8</sup> AFADs are not actually used in the IOTC Area of Competence at the time of publication.

**RES. 18/05:**

**ON MANAGEMENT MEASURES  
FOR THE CONSERVATION OF THE  
BILLFISHES: STRIPED MARLIN, BLACK  
MARLIN, BLUE MARLIN AND INDO-  
PACIFIC SAILFISH**

The Scientific Committee concluded that catches of striped, black and blue marlins and Indo-Pacific sailfish were subject to overfishing and recommended that they be substantially reduced. This Resolution applies to CPCs whose vessels catch the species in the IOTC area and describes minimum national management measures to be undertaken by flag States to ensure conservation and optimum utilization of stocks.



**Figure 4:** Resolution 18/05 subjects catches of billfishes such as marlin to overall catch and size limits and requires reporting of both catch and effort data

© IOTC

**Technical requirements**

Overall catch limits are set which CPCs must endeavour to ensure are not exceeded.

Pending certain advice from the Scientific Committee, minimum sizes for all the species are set below which it is prohibited for CPCs to retain on board, tranship or land the specimen and requirements are given for returning undersize fish to the sea. CPCs are encouraged to consider the adoption of certain additional management measures.

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Reducing catches for striped, black and blue marlins and Indo-Pacific sailfish.

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CPCs must also:

- ensure that their vessels catching species subject to this Resolution in the IOTC area record their catch in accordance with [Resolution 15/01](#);
- implement data collection programmes to ensure accurate reporting of catches, releases (alive) and/or discards of all species subject to this Resolution, together with effort, size and discard data and provide the data to IOTC in accordance with [Resolution 15/02](#).

### **Reporting requirements**

#### *Flag State*

- To the IOTC Secretariat according to the timeline in Resolution 15/02: Data collection programmes must be implemented in accordance with Resolution 15/02 to ensure accurate reporting. (paras 8)
- To the Scientific Committee annually: Information on actions they have taken to manage fisheries for sustainable exploitation and conservation of striped, black and blue marlin and Indo-Pacific sailfish. (para 9)



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**Figure 5:** Resolution 17/07 prohibits the use of large-scale driftnets on the high seas and CPCs must report on monitoring, control and surveillance actions related to these

## RES. 17/07:

### ON THE PROHIBITION OF LARGE-SCALE DRIFTNETS IN THE IOTC AREA

This Resolution is based on United Nations General Assembly Resolution 46/215 which called for a global moratorium on large-scale pelagic driftnet fishing on the high seas by 1992. Large-scale driftnets are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometres in length. It applies to vessels registered on the IOTC Record of Authorised vessels that use driftnets to target IOTC species in the IOTC area of competence.

#### **Technical requirements**

CPCs must take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the IOTC area of competence, and to prohibit their fishing vessels from using large-scale driftnets in the entire IOTC area of competence by 1 January 2022 (including all national waters of CPCs in the IOTC area).

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Large scale driftnet fisheries have a major impact on ecosystems and can catch species of concern to IOTC; they are likely to undermine the effectiveness of IOTC CMMs.

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A CPC-flagged fishing vessel will be presumed to have used large-scale driftnets in the IOTC area of competence if it is found operating in the IOTC area of competence and is configured to use large-scale driftnets.

The Commission must periodically assess, from 2023, whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used in the IOTC area of competence and to take into account the latest advice of the Scientific Committee.

### **Reporting requirements**

*Coastal State, Flag State, Port State*

- In the annual Implementation Report: a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing in the IOTC area of competence. (para 6)

**RES. 16/08:**

**ON THE PROHIBITION OF THE USE OF  
AIRCRAFTS AND UNMANNED AERIAL  
VEHICLES AS FISHING AIDS**

The aim of this Resolution is to manage gear used for targeting IOTC species to ensure the sustainability of fishing operations, based on a precautionary approach. It limits increases in fishing power through technological creep by prohibiting the use of piloted and remotely piloted aircraft in support of fishing operations (or as “fishing aids”) – regardless of the gear deployed.



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**Figure 6:** Resolution 16/08 prohibits the use of aircraft for fishing activities and requires incidents be reported, but aircraft for surveillance are allowed

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Use of aircraft and drones as fishing/searching aids significantly increases the fishing capacity of tuna fishing vessels to detect fish.

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In this Resolution:

- “Aircraft” means a contrivance used for navigation of, or flight in the air and specifically includes, but is not limited to, planes, helicopters, and any other device that allows a person to fly or hover above the ground.
- “Unmanned aerial vehicle” means any device capable of flying in the air which is remotely, automatically or otherwise piloted without an occupant, including but not limited to drones.

### **Technical requirements**

CPCs must prohibit their flag fishing vessels, including support and supply vessels, from using aircrafts and unmanned aerial vehicles as fishing aids.

### **Reporting requirements**

*All States:*

- To the flag State and the IOTC Executive Secretary for communication to the Compliance Committee: any occurrence of a fishing operation undertaken with the aid of aircraft or any unmanned aerial vehicle in the IOTC area of competence. (para 3)

**RES. 15/01:****ON THE RECORDING OF CATCH AND EFFORT DATA BY FISHING VESSELS IN THE IOTC AREA OF COMPETENCE**


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Flag State CPCs must ensure that all purse seine, longline, gillnet, pole and line, handline and trolling fishing vessels authorised to fish IOTC species are subject to a data recording system.

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This Resolution establishes data recording systems to support implementation of the requirement in the IOTC Agreement to keep under review the conditions and trends of the stocks and to gather, analyse and disseminate scientific information, catch and effort statistics and other relevant data. (Article V)

It applies to all purse seine, longline, gillnet, pole and line, handline and trolling fishing vessels over 24 metres length overall and those under 24 metres if they fish outside the EEZs of their flag States within the IOTC area of competence.

**Technical requirements**

The data recording systems for developing CPCs vessels less than 24 metres operating within the EEZ of coastal States are to be implemented progressively from 1 July 2016. The vessels of less than 24 metres operating within the EEZ of developed CPCs must apply this measure.

All vessels must keep a bound paper or electronic logbook to record data that includes, as a minimum requirement, the information and data in the logbook required in **Annex I, II and III**:

**Annex I** includes information on vessel, trip and gear configuration for purse seine, longline, gillnet and pole and line, and shall only be completed once for each trip, unless the gear configuration changes during the trip.

**Annex II** contains information for purse seine, longline, gillnet and pole and line operations and catch, which shall be completed for each set/shot/operation of the fishing gear.

**Annex III** contains specifications for handline and trolling gears.



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Damage to data buoys undermines analyses by IOTC scientists seeking a better understanding of tuna habitat use and relationships between climate and tuna recruitment.

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## **RES. 11/02:**

### ON THE PROHIBITION OF FISHING ON DATA BUOYS

The aim of this Resolution is to prevent damage to data buoys by fishing vessels. "Data buoys" are defined as floating devices, either drifting or anchored, that are deployed by governmental or recognised scientific organisations or entities for the purpose of electronically collecting and measuring environmental data, and not for the purpose of fishing activities. It applies to CPCs with flag vessels operating in the IOTC area of competence.

#### **Technical requirements**

CPCs are required to:

- prohibit fishing within one nautical mile of, or interacting with, a data buoy (including encircling the buoy with fishing gear; tying up to or attaching the vessel, or any fishing gear, part or portion of the vessel, to a data buoy or its mooring; or cutting a data buoy anchor line);
- prohibit their vessels from taking aboard a data buoy unless specifically authorised or requested to do so by the Member or owner responsible for that buoy;
- require their vessels to keep watch for moored data buoys at sea and take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with those data buoys;
- require their vessels remove any fishing gear entangled with data buoys with as little damage to the buoy as possible.



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**Figure 8:** Resolution 11/02 prohibits vessels from fishing within one nautical mile of a data buoys

## Reporting requirements

### *Flag States*

- To the IOTC Secretariat: CPCs must encourage their fishing vessels to report to them regarding any data buoys observed to be damaged or otherwise inoperable along with the date of observation, buoy location, and any discernible identifying information contained on the data buoy. CPCs shall notify the IOTC Secretariat of all such reports. (para 6)
- To the Commission, through the IOTC Secretariat: CPCs are encouraged to communicate the location of data buoy assets that they have deployed throughout the IOTC area. (para 8)

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# ASSOCIATED AND DEPENDENT (NON-IOTC) SPECIES, BYCATCH

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© IOTC

## **RES. 19/03:**

ON THE CONSERVATION OF MOBULID  
RAYS CAUGHT IN ASSOCIATION WITH  
FISHERIES IN THE IOTC AREA OF  
COMPETENCE

Mobulid rays are listed species under the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. There is a lack of complete and accurate data reporting concerning fishing activities on this non-targeted species, and this Resolution aims to improve

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Mobulid rays are extremely vulnerable to overfishing; the Scientific Committee recently noted the declines of these species across the Indian Ocean.

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the collection of relevant species-specific data and to prohibit certain activities with a view to improving the conservation and management of mobulid rays stocks. This Resolution applies to all CPC flag vessels that are on the IOTC Record of Authorised Fishing Vessels or authorised to fish for IOTC species.

### **Technical requirements**

CPCs are required to:

- prohibit all vessels from intentionally setting any gear type for targeted fishing of mobulid rays in the IOTC Area of Competence, if the animal is sighted prior to commencement of the set;
- prohibit all vessels from retaining onboard, transshipping, landing, storing any part or whole carcass of mobulid rays caught in the IOTC area;
- require all their fishing vessels, other than those in a subsistence fishery, to promptly release alive and unharmed, to the extent practicable, mobulid rays as soon as they are seen in the net, on the hook, or on the deck, in a manner that will result in the least possible harm to the individuals captured. The handling procedures detailed in **Annex I**, while taking into consideration the safety of the crew shall be implemented and followed;
- where required, implement sampling plans from 2022 onward taking into account Scientific Committee advice.

**Figure 9:** Resolution 19/03 requires CPCs to oblige their vessels not to fish mobulid rays, to release them if caught and to record all accidental catches



## **Reporting requirements**

### *Flag States*

- To the IOTC Secretariat by 30 June of the following year, and according to timelines specified in Resolution 15/02: The information and data collected on interactions (i.e. number of discards and releases) with mobulid rays by vessels through logbooks and/or through observer programs. (para 8)
- In national scientific reports to the Scientific Committee: Unless clearly demonstrated that intentional and/or incidental catches of mobulids do not occur in their fisheries, sampling plans for the monitoring of the mobulid rays catches by the subsistence and artisanal fisheries. (para 11)
- To the Scientific Committee upon completion: Report of a research project approved by the Scientific Committee involving collection by scientific observers of biological samples of mobulid rays caught in the IOTC area that are dead at haul-back. (para 14)

## **RES. 18/02:**

### **ON MANAGEMENT MEASURES FOR THE CONSERVATION OF BLUE SHARK CAUGHT IN ASSOCIATION WITH IOTC FISHERIES**

Mindful that the average estimated catches of blue shark are much higher than the reported catches and to ensure the conservation of the blue shark stock in the Indian Ocean, CPCs whose vessels catch blue shark in the IOTC area must undertake certain management measures to support sustainable exploitation.

### **Technical requirements**

In order to curb the level of unreported catches, CPCs must ensure that its vessels that catch blue shark in association with IOTC fisheries in the IOTC area record catches in accordance with the requirements

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Avoids an increase in catch levels of blue shark while adopting measures to improve data collection and monitoring of catches.

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in Resolution 15/01. They must also implement data collection programmes that ensure improved reporting of accurate blue shark catch, effort, size and discard data to IOTC in accordance with Resolution 15/02.

CPCs are encouraged to undertake scientific research on blue shark that would provide information on key biological/ecological/behavioural characteristics, life-history, migrations, post-release survival and guidelines for safe release and identification of nursery grounds, as well as improving fishing practices.

### **Reporting requirements**

#### *Flag States*

- To the Scientific Committee in annual National Reports: Information on the actions taken domestically to monitor catches of blue shark. (para 4)
- To the Working Party on Ecosystem and Bycatch and Scientific Committee through working documents and the national Annual Reports: Scientific research on blue shark. (para 5)



**Figure 10:** Resolution 18/02 requires that catch and effort data on blue sharks be collected and recorded

**RES. 17/05:**

**ON THE CONSERVATION OF SHARKS  
CAUGHT IN ASSOCIATION WITH  
FISHERIES MANAGED BY IOTC**

This Resolution recognises various international and RFMO measures concerning sharks, including fisheries, incidental catches, fisheries conducted solely to harvest shark fins and the need for full utilisation.

It acknowledges the need to improve the collection of species-specific data on catch, discards and trade as a basis for improving the conservation and management of shark stocks and notes that identifying sharks by species is rarely possible when fins have been removed from the carcass. It also recognises that artisanal fishers traditionally utilise the entire carcass of the fish.

It aims to conserve and manage sharks caught in association with IOTC-mandated fisheries, control the practice of shark finning, encourage full utilisation of harvested sharks and identify research to be undertaken. It applies to all CPC flag vessels on the IOTC Record of Authorised Vessels or authorised to fish for IOTC species.



© OTHONGEL

**Figure 11:** Resolution 17/05 has a number of provisions regarding finning and data collection, and encouraging the release of sharks live, as in the case of this hammerhead

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Addresses the need for improved collection of species-specific data, full utilization of entire shark catches and control of the practice of shark finning.

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### **Technical requirements**

CPCs must implement certain requirements in relation to utilisation and shark fins, including:

- requiring their fishers to fully utilise their entire catches of sharks (retention of all parts except head, guts and skins to the point of first landing), except for species prohibited by IOTC;
- for sharks landed fresh, the removal of shark fins on board vessels is prohibited and CPCs must prohibit the landing, retention on-board, transshipment and carrying of shark fins which are not naturally attached to the shark carcass until the first point of landing;
- for sharks landed frozen, where the preceding requirement is not applied CPCs must prohibit their vessels from having on board fins that total more than 5 per cent of the weight of sharks on board up to the first point of landing and if not landed, monitoring and certification of the ratio on-board should be carried out.

In addition, there is a market-related requirement: CPCs must prohibit buying and/or placing on the market shark fins that have been harvested, removed, transhipped or landed in contravention of the Resolution.

CPCs are encouraged to release live sharks and to annually review available new information with the ultimate aim of improving the overall management and sustainability of shark fisheries.

CPCs must undertake research activities, including: on the ways to make fishing gear more selective; to improve knowledge on key biological/ecological parameters, life-history and behavioural traits and migration patterns; to identify key shark mating, pupping and nursery areas; and to improve handling practices for live sharks to maximise post-release survival.

### **Reporting requirements**

#### *Flag States*

- To the IOTC Secretariat no later than 30 June of the following year, in accordance with IOTC data reporting requirements under Resolution 15/02: data on catches of sharks, including all available historical data, estimates and life status of discards (dead or alive) and size frequencies. (para 6)



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**Figure 12:** Resolution 13/04 prohibits fishing vessels from setting purse seines around cetaceans, such as this humpback whale, and requires reporting all interactions

## **RES. 13/04:**

### **ON THE CONSERVATION OF CETACEANS**

This Resolution requires certain measures to avoid interactions, entanglements and mortalities of cetaceans in purse seine fisheries and to collect and report data. It applies to all CPC vessels on the IOTC Record of Authorised Vessels or authorised to fish for IOTC species on the high seas. It does not apply to artisanal fisheries operating exclusively in their respective EEZs.

#### **Technical requirements**

CPCs must:

- prohibit their flag vessels from intentionally setting a purse seine net around a cetacean in the IOTC area if it is sighted prior to the commencement of the set;
- where cetaceans are unintentionally encircled in a purse seine net, require the vessel master to take all reasonable steps to ensure the safe release of the cetacean and report certain information about the incident to the flag State;

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Addresses impacts of purse seine fishing on the sustainability of cetaceans and the need for data collection and reporting on non-target species.

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- where other gear types are used for fishing for tuna and tuna-like species associated with cetaceans, require a report with certain information about all interactions with cetaceans to be submitted to the relevant authority of the flag State;
- adopt Fish Aggregating Device designs that reduce the incidence of entanglement, according to **Annex III** of Resolution 18/08.

### **Reporting requirements**

CPCs having national and state legislation for protecting these species shall be exempt from reporting to IOTC but are encouraged to provide data for the IOTC Scientific Committee consideration.

#### *Flag States*

- To the IOTC Secretariat by 30 June of the following year and in accordance with IOTC data reporting requirements in Resolution 15/02: where cetaceans are encircled by purse seine nets (intentionally or unintentionally), reports must be given on the required information collected through logbooks, or when an observer is onboard through observer programs. (para 7)
- To the Commission in the annual Implementation Report not later than 60 days before the date of the regular session of the Commission (Article X, IOTC Agreement): Any instances in which cetaceans have been encircled by the purse seine nets of their flag vessels. (para 8)



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**Figure 13:** 13/05 prohibits setting a purse seine around a whale shark such as this one, but should this be done unintentionally, all incidences and interactions must be reported

**RES. 13/05:**

**ON THE CONSERVATION OF WHALE SHARKS (RHINCODON TYPUS)**

This Resolution requires certain measures to avoid interactions, entanglements and mortalities of whale sharks in purse seine fisheries and to collect and report data. It applies to all CPC vessels on the IOTC Record of Authorised Vessels or authorised to fish for IOTC species on the high seas. It does not apply to artisanal fisheries operating exclusively in their respective EEZs.

**Technical requirements**

CPCs must:

- prohibit their flag vessels from intentionally setting a purse seine net around a whale shark in the IOTC area if it is sighted prior to the commencement of the set;
- where whale sharks are unintentionally encircled in a purse seine net, require the vessel master to take all reasonable steps to ensure the safe release of the whale shark and report certain information about the incident to the flag State;

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Addresses impacts of purse seine fishing on the sustainability of whale sharks and the need for data collection and reporting on non-target species.

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- where other gear types are used for fishing for tuna and tuna-like species associated with whale sharks, require a report with certain information about all interactions with whale sharks to be submitted to the relevant authority of the flag State;
- adopt Fish Aggregating Device designs that reduce the incidence of entanglement, according to **Annex III** of Resolution 18/08.

### Reporting Requirements

CPCs having national and state legislation for protecting these species shall be exempt from reporting to IOTC but are encouraged to provide data for the IOTC Scientific Committee consideration.

#### *Flag States*

- To the IOTC Secretariat by 30 June of the following year and in accordance with IOTC data reporting requirements in Resolution 15/02: where whale sharks are encircled by purse seine nets (intentionally or unintentionally), reports must be given on the required information collected through logbooks, or when an observer is onboard through observer programs. (para 7)
- To the Commission in the annual Implementation Report not later than 60 days before the date of the regular session of the Commission (Article X, IOTC Agreement): Any instances in which whale sharks have been encircled by the purse seine nets of their flag vessels. (para 8)

**RES. 13/06:**

**ON A SCIENTIFIC AND MANAGEMENT  
FRAMEWORK ON THE  
CONSERVATION OF SHARK SPECIES  
CAUGHT IN ASSOCIATION WITH IOTC  
MANAGED FISHERIES**

**Figure 14:** Resolution 13/06 stipulates that incidental catches and live releases of oceanic whitetip sharks be recorded



©IRD/FADJO/IFREMER

This Resolution addresses the need to establish a scientific framework for the conservation and management of shark species in IOTC. It is mindful that oceanic whitetip sharks can be easily distinguished from other shark species and can therefore be released before they are taken on board the vessel. It applies to all CPC flag vessels and on the IOTC Record of Authorised Vessels or authorised to fish IOTC species on the high seas.

**Technical requirements**

The Commission must determine (based on Scientific Committee recommendations or advice) the shark species that are subjected to IOTC CMMs, including prohibitions to retain on board, tranship, land or store any part or whole carcass.

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Sharks are caught as main target or bycatch in the IOTC area and are valuable resources for local communities.

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CPCs must:

- prohibit, as an interim pilot measure, all flag vessels from retaining onboard, transshipping, landing or storing any part or whole carcass of oceanic whitetip sharks with the exception of certain conditions for scientific observers. This does not apply to artisanal fisheries operating exclusively in the CPCs' respective EEZs for local consumption;
- require all flag vessels to promptly release unharmed, to the extent practicable, oceanic whitetip sharks brought alongside for taking onboard the vessel (however, CPCs should also encourage their fishers to release oceanic whitetips if recognised on the line before bringing them onboard the vessels);
- encourage their fishers to record incidental catches and live releases of oceanic whitetip sharks (the data is to be kept at the IOTC Secretariat);
- where possible, implement research on oceanic whitetip sharks taken in the IOTC area, in order to identify potential nursery areas;
- allow scientific observers to collect biological samples from oceanic whitetip sharks taken in the IOTC area of competence that are dead at haulback, provided that the samples are a part of a research project approved by the IOTC Scientific Committee.

### **Reporting Requirements**

#### *Flag States*

Reporting requirements are not expressly stated. However, it is implied that CPCs should provide the record of incidental catches and live releases of oceanic whitetip sharks to the Commission in line with the requirements of Resolutions 15/01 and 15/02 (the data is to be kept at the IOTC Secretariat). (para 5)



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**Figure 15:** Resolution 12/04 stipulates a number of conservation and reporting measures for turtles

## **RES. 12/04:**

### **ON THE CONSERVATION OF MARINE TURTLES**

This Resolution addresses the concern that the lack of data on the interactions and mortality of marine turtles from IOTC managed fisheries undermines the ability to estimate levels of marine turtle bycatch and consequently IOTC's capacity to respond and manage adverse effects of fishing on marine turtles. It refers to international measures, aims to strengthen previous Resolutions, ensures equal application to all marine turtle species and requires annual reports by CPCs on all interactions and mortalities in IOTC managed fisheries. It applies to all vessels on the IOTC Record of Authorised Vessels.

#### **Technical requirements**

CPCs must:

- implement, as appropriate, the 2005 FAO Guidelines to Reduce Sea turtle Mortality in Fishing Operations; collect (including through logbooks and observer programs) and provide to the IOTC Secretariat all data on their vessels' interactions with marine turtles, including level of logbook or observer coverage and an estimation

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Manages the adverse effects of fishing on marine turtles.

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of total mortality of marine turtles incidentally caught in their fisheries;

- require fishermen on vessels targeting IOTC managed species covered by the IOTC Agreement to bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water;
- ensure that fishermen are aware of and use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards;
- in respect of flag vessels that fish for IOTC species with the following gear:
  - **gillnets:** require operators to record all incidents involving marine turtles during fishing operations in their logbooks<sup>1</sup> and report such incidents to the CPC;
  - **longline:** ensure that the operators carry line cutters and de-hookers to facilitate the handling and release of marine turtles caught or entangled; where appropriate, encourage the use of whole finfish bait; require operators to record all incidents involving marine turtles during fishing operations in their logbooks<sup>2</sup> and report to the CPC.
  - **purse seine:** require the operators, while fishing in the IOTC area to: avoid encirclement of marine turtles (to the extent practicable), and if encircled or entangled take practicable measures to safely release the turtle, including stopping the net roll, disentangling the turtle without injury and, to the extent practicable, assisting the recovery of the turtle before returning it to the water; carry and employ dip nets, when appropriate, to handle marine turtles; encourage purse seine vessels to adopt non-entangling FAD designs; record all incidents involving marine turtles during fishing operations in their logbooks<sup>3</sup> and report such incidents to the CPC.

CPCs are requested to undertake research trials of certain methods which may improve the mitigation of adverse effects on marine turtles and report the results to the Scientific Committee, and urged to take into account the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia including the provisions of the Conservation and Management Plan in the implementation of bycatch mitigation measures for marine turtles.

### **Reporting requirements**

#### *Flag State*

- To the IOTC Secretariat no later than 30 June of the following year in accordance with Resolution 15/02: All data on the flag vessels' interactions with marine turtles. The data shall include the level of logbook or observer coverage and an estimation of total mortality of marine turtles incidentally caught in their fisheries. (para 3)
- To the Scientific Committee: Information on successful mitigation measures and other impacts on marine turtles in the IOTC area, such as the deterioration of nesting sites and swallowing of marine debris. (para 4)
- To the Commission in the annual Implementation Report (Article X of the IOTC Agreement) their progress of implementation of the FAO Guidelines and this Resolution. (para 5)

#### *All States*

- To the Scientific Committee, at least 30 days in advance of its annual meetings: Results of the research trials on mitigation methods. (para 10)

**Figure 16:** Resolution 12/06 expects seabirds to remain free, and to be identified and recorded if caught incidentally



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## RES. 12/06:

### ON REDUCING THE INCIDENTAL BYCATCH OF SEABIRDS IN LONGLINE FISHERIES

This Resolution reflects the ultimate aim of IOTC and CPCs to achieve a zero bycatch of seabirds in IOTC fisheries, especially threatened albatross and petrel species in longline fisheries. It is mindful of studies undertaken in other longline tuna fisheries that demonstrate the economic benefits of measures that mitigate the incidental bycatch of seabirds by significantly increasing catches of targeted species. It applies to CPCs whose flag vessels are engaged in longline fisheries and to observers assigned to those fisheries.

#### **Technical requirements**

CPCs must:

- record data on seabird incidental bycatch by species, notably through scientific observers in accordance with Resolution 11/04 or through logbooks including details of species if possible;
- seek to achieve reductions in levels of seabird bycatch across all fishing areas, seasons, and fisheries through the use of effective mitigation measures, while giving due consideration to the

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There is global concern that some species of seabirds, notably albatrosses and petrels, are threatened with extinction.

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safety of crew members and the practicability of mitigation measures;

- ensure that all longline vessels in the area south of 25 degrees South latitude use at least two of the three mitigation measures in [Table 1](#) (conforming to the minimum technical standards) and consider these measures for implementation in other areas consistent with scientific advice;
- implement specifications in **Annex 1** for the design and deployment for bird scaring lines.

### **Reporting requirements**

#### *Flag States*

- In accordance with requirements for reports in Resolution 11/04, annually: Through scientific observers, record data on seabird incidental bycatch by species, notably through scientific observers in accordance with Resolution 11/04. For conformation of identification of seabirds, observers must to the extent possible take photographs of seabirds caught by fishing vessels and transmit them to national seabird experts or to the IOTC Secretariat. (para 1)
- Through logbooks: CPCs that have not fully implemented the provisions of the IOTC Regional Observer Scheme outlined in paragraph 2 of Resolution 11/04 must report seabird incidental bycatch through logbooks, including details of species, if possible. (para 2)
- To the Commission in the annual Implementation Report: Information on how they are implementing this measure. (para 3)



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**Figure 17:** Resolution 12/09 requires that this incidental catch be recorded and reported to IOTC

### **RES. 12/09:**

## ON THE CONSERVATION OF THRESHER SHARKS (FAMILY ALOPIIDAE) CAUGHT IN ASSOCIATION WITH FISHERIES IN THE IOTC AREA

This Resolution recognises the need for stock assessment evaluation but acknowledges the difficulty of differentiating between the various species of thresher sharks without taking them onboard - which might jeopardise the survival of the captured sharks. CPC flag vessels are prohibited from retaining on board, transshipping, and engaging in other post-harvest activities relating to thresher sharks. This Resolution applies to all fishing vessels on the IOTC Record of Authorised Vessels.

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Thresher sharks are caught as bycatch in the IOTC area, and the bigeye thresher shark is particularly endangered and vulnerable.

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### **Technical requirements**

CPCs must:

- prohibit vessels from retaining on board, transshipping, landing, storing, selling or offering for sale any part or whole carcass of thresher sharks of all the species of the family *Alopiidae*, with the exception of certain activities by scientific observers undertaking research approved by the Scientific Committee;
- require flag vessels to promptly release unharmed, to the extent practicable, thresher sharks when brought along side for taking on board the vessel;
- encourage their fishers to record and report incidental catches and live releases (the data is to be kept at the IOTC Secretariat);
- require recreational and sport fishers to release alive all caught animals of thresher sharks of family *Alopiidae* and to be equipped with instruments suitable to release the sharks alive where there is a high risk of catching them, and prohibit the fishers from retaining on board, transshipping, landing, storing, selling or offering for sale any specimens;
- where possible, implement research on sharks of the species *Alopias spp*, in the IOTC area in order to identify potential nursery areas, and consider research-based additional management measures, as appropriate.

### **Reporting requirements**

*Flag States*

- As required by IOTC data reporting procedures (15/01 and 15/02): CPCs shall encourage their fishers to record and report incidental catches as well as live releases. These data will be then kept at the IOTC Secretariat. (para 4)
- As required by IOTC data reporting procedures (15/01 and 15/02): CPCs, especially those directing fishing activities for sharks, shall submit data for sharks. (para 8)



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# MONITORING, CONTROL AND SURVEILLANCE

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# IUU FISHING ACTIVITY

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**Figure 18:** Resolution 18/03 requires members to report the details of vessels and the incidences of illegal activities, such as this illegal transhipment, to the IOTC and the flag State concerned

## **RES. 18/03:**

**ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE**

This Resolution aims to address the challenges of increased IUU fishing activities by applying countermeasures to the vessels that engage in this practice. It does so in light of all relevant international fisheries instruments and complements Resolution 07/01 on Compliance by nationals of CPCs with IOTC CMMS, which enhances cooperation between CPCs in taking measures against their nationals who have engaged in IUU fishing activities.

This Resolution describes a step-by-step system for listing and delisting vessels on the IOTC IUU Vessel List,

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IUU fishing activities diminish the effectiveness of IOTC CMMs and may be linked with serious and organized crime.

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as well as cross-listing with other RFMOs. Importantly, it also requires CPCs to take certain measures and actions against listed vessels. It applies to vessels, together with their owners, operators and masters that undertake fishing and fishing related activities for IOTC species or species covered by any CMM within the IOTC area.

Definitions that are provided for certain terms used in the Resolution reflect international best practices, including the definition of “IUU fishing activities” which is adapted from paragraph 3 of the FAO IPOA-IUU.

The system involves three IOTC lists for vessels considered to be involved in IUU fishing activities: Draft IUU Vessel List; Provisional IUU Vessel List; IUU Vessel List.

### **Technical requirements**

#### *Vessel Listing*

- CPCs with information that any vessel has engaged in IUU fishing activities within the IOTC area within 24 months prior to the annual meeting of the Compliance Committee must submit a list of such vessels.
- Flag State CPCs must investigate the allegation and report progress.
- Flag State CPCs of a vessel included in the Draft IUU Vessel List must notify the owner and operator and closely monitor the vessel and transmit findings to the Executive Secretary.
- The Compliance Committee must review relevant information and the Draft IUU Vessel List and determine whether to include a vessel in the Provisional IUU Vessel List according to certain criteria, then submits the latter to the Commission.
- The Commission must consider the Provisional IUU Vessel List and relevant information and may amend the IUU Vessel List.

#### *Action against IUU vessels*

- The IOTC Executive Secretary must request the flag State of every vessel included in the list to notify the owner and operator and take all necessary measures to prevent the vessel from undertaking IUU fishing activities.

- CPCs must take all necessary measures in relation to IUU listed vessels, in accordance with its legislation, to:
  - ensure its vessels do not assist or engage in other specified activities with an IUU listed vessel;
  - refuse their entry into ports;
  - consider prioritising<sup>≠</sup> port inspections of IUU listed vessels;
  - prohibit chartering of IUU listed vessels;
  - refuse to grant its flag, with a certain exception relating to change in ownership;
  - encourage importers, and others, to refrain from engaging in transactions, including transshipments;
  - collect and exchange with other CPCs information to detect/prevent false import/export certificates for IOTC species from IUU listed vessels.

*Vessel delisting*

- Delisting procedures are given, based on a request by the flag State for its vessels to be removed from the IUU Vessel List during inter-sessional periods. CPCs may then decide whether the relevant information required to be supplied by the flag State demonstrates that the vessel may be removed from the list.

*Publication of the IUU Vessel List, changes to vessel details and cross-listing of vessels included on the IUU Vessel List*

- The IOTC Executive Secretary must ensure publicity of the IUU Vessel List and place it on the IOTC website.
- CPCs holding any new or changed information related to the listed vessel details (as listed in **Annex II**) are required to promptly transmit such information to the Executive Secretary, and after verification corroborating the information, the list will be updated.

## **Reporting requirements**

### *All States*

- To the IOTC Executive Secretary at least 70 days before the annual meeting of the Compliance Committee, using the IOTC Reporting Form for Illegal Activity: A CPC in possession of information that one or more vessels has engaged in IUU fishing activities within the IOTC Area within a 24-month period prior to the annual meeting of the Compliance Committee shall submit a list of such vessels. (para 5)
- To the IOTC Executive Secretary within 60 days of transmission of information to a CPC alleging IUU fishing activities by flag vessels; CPC to report the progress of the investigation. (para 7)
- To the IOTC Executive Secretary at least 15 days before the Annual Meeting of the Compliance Committee: The flag State of a vessel included on the Draft IUU Vessel List may transmit any comments and information about listed vessels and their activities, including information pursuant to Paragraph 9.a) and 9.b) and information showing that the listed vessels either have or have not:
  - conducted fishing activities in a manner consistent with IOTC CMMs in force;
  - conducted fishing activities in a manner consistent with the laws and regulations of a coastal State when fishing in the waters under the jurisdiction of that State, and with the law and regulations of the flag State and the Authorisation to Fish; or
  - conducted fishing activities exclusively for species that are not covered by the IOTC Agreement or IOTC CMMs. (para 10)
- To the IOTC Executive Secretary at any time: A CPC may any additional information regarding vessels on the Draft IUU list, which might be relevant to the establishment of the IUU Vessel List. If the IOTC Secretariat receives this information after the Draft IUU Vessel List has been circulated to CPCs, it will circulate the information to all CPCs and to the flag States of listed vessels as soon as practicable. (para 12)

- To the IOTC Executive Secretary at any time: The flag State of a vessel included in the IUU Vessel List may request the removal of the vessel from the list, including during the inter-sessional period, by providing information. (para 22)
- To the IOTC Executive Secretary as soon as practicable: A CPC with new or changed information for vessels on the IUU Vessel List in relation to the details in paragraphs 1 to 8 of **Annex II** must transmit the information. (para 30)

## **RES. 16/05:**

### VESSELS WITHOUT NATIONALITY

A vessel without nationality is a vessel that, under international law, is not entitled to fly the flag of any State or sails under the flag of two or more States, using them according to convenience.

This Resolution addresses the concern that vessels without nationality that fish in the IOTC area undermine the objective of the IOTC Agreement and the work of the Commission. It also reaffirms Resolution 17/03 which states that fishing vessels without nationality harvesting tuna or tuna-like species in the IOTC area of competence are presumed to have carried out IUU fishing.

It applies to all CPCs and targets fishing vessels that are suspected of, or confirmed as being, without nationality that may be fishing in the high seas of the IOTC area.

#### **Technical requirements**

CPCs are encouraged to:

- take effective action, including, where appropriate, enforcement action, against vessels without nationality that are engaging or have engaged in fishing or fishing related activities in the IOTC area;
- prohibit the landing and transshipment of fish and fish products, and access to port services;

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Vessels without nationality operate without governance and oversight.

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**Figure 19:** Should the vessel operating this net be without nationality, Resolution 16/05 requires certain action to be taken

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- adopt necessary measures including, where relevant, domestic legislation, to allow them to take the effective action to prevent and deter fishing vessels without nationality from engaging in fishing or fishing related activities in the IOTC area;
- share information about vessels suspected to be without nationality to assist in clarifying the status of such vessels, and about the activities of vessels without nationality to inform decisions about action to prevent and deter such vessels from engaging in fishing or fishing related activities in the IOTC area;
- cooperate with all flag States to strengthen their legal, operational and institutional capacity to take action against their flagged vessels that have engaged in fishing or fishing related activities in the IOTC area, including the imposition of adequate sanctions, as an alternative to de-flagging such vessels, thereby rendering such vessels without nationality.

### **Reporting requirements**

#### *All States*

- To the IOTC Secretariat as soon as possible: Any sightings of fishing vessels that are suspected of, or confirmed as being, without nationality that may be fishing in the high seas of the IOTC area must be reported to the IOTC Secretariat as soon as possible by the appropriate authorities of the CPC whose vessel or aircraft made the sighting. (para 5).

**RES. 01/03:**

**ESTABLISHING A SCHEME TO  
PROMOTE COMPLIANCE BY NON-  
CONTRACTING PARTY VESSELS WITH  
RESOLUTIONS ESTABLISHED BY IOTC**

This Resolution aims at promoting compliance by Non-Contracting Party vessels by presuming them to be undermining IOTC CMMs under certain conditions, requiring inspections and prohibiting landings and transhipments. It applies to all CPCs.



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**Figure 20:** Resolution 01/03 requires that all vessels of non-contracting parties be inspected; for this to be effective, the IOTC organises training

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CPCs have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

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### **Technical requirements**

CPCs must:

- report any observation by its vessel or aircraft of a Non-Contracting Party fishing vessel that indicates grounds for believing it is fishing contrary to IOTC CMMs to the flag State making the observation;
- presume that the Non-Contracting Party vessel was undermining IOTC CMMs where the observation and reports were made in accordance with this Resolution;
- inspect any Non-Contracting Party flagged vessel that enters a CPC port and not permit it to land or tranship any fish or fish products until the inspection is complete;
- if the inspection reveals IOTC species subject to IOTC CMMs, prohibit landings or transhipments of all fish unless the vessel can establish that the fish were caught outside the IOTC area or in compliance with relevant IOTC CMMs and requirements under the IOTC Agreement.

### **Reporting requirements**

*All States*

- To the IOTC Secretariat and the Non-Contracting Party (NCP) flag State upon observing a NCP vessel: An observation by a CPC vessel or aircraft where there are grounds for believing the NCP vessel is fishing contrary to IOTC CMMs. (para 1)
- To the IOTC Secretariat immediately after inspection of NCP vessels: Information on the results of all inspections of NCP vessels conducted in the ports of CPCs and any subsequent action. (para 5)

**RES. 07/01:**

**TO PROMOTE COMPLIANCE BY NATIONALS OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES WITH IOTC CONSERVATION AND MANAGEMENT MEASURES**

**Figure 21:** To safeguard the livelihoods of fishers such as this, Resolution 07/01 requires action be taken against those not complying with IOTC CMMs



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This Resolution aims, as a first step, to enhance cooperation between CPCs through facilitating measures taken against their nationals (natural or legal persons subject to their jurisdiction) who have engaged in IUU fishing activities. It is without prejudice to - and complements - the primary responsibility of flag States to control their vessels and applies to all CPCs.

**Technical requirements**

CPCs must take appropriate measures in accordance with their laws and regulations to:

- investigate allegations and/or reports concerning its nationals engagement in IUU fishing activities (as defined in IOTC Resolutions);
- take actions in response to any verified activities concerning vessels without nationality that harvest tunas or tuna-like species in the IOTC area;

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CPCs should cooperate in taking appropriate action to deter any activities by their nationals which are not consistent with the objective of the IOTC Agreement;

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- cooperate to implement the measures and actions.

Relevant agencies of CPCs should cooperate to implement IOTC CMMs and CPCs must seek the cooperation of the industries within their jurisdiction.

### **Reporting requirements**

*All States*

- To the IOTC Secretariat and other CPCs in a timely fashion: CPCs must submit reports subject to the national laws of confidentiality on the actions and measures taken. (para 2)

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# RECORD OF VESSELS

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## **RES. 19/04:**

### CONCERNING THE IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA OF COMPETENCE

This Resolution aims at eliminating the large scale IUU tuna fishing vessels from the IOTC area and facilitating identification of Authorised Fishing Vessels (AFVs). It applies primarily to flag States, but all States are given various responsibilities.

It establishes an IOTC Record Authorised Vessels (RAV), which consists of fishing vessels, including auxiliary, supply and support vessels:

- 24 metres overall or above; or
- less than 24 metres overall operating outside the EEZ of their flag State; and
- that are authorised to fish for tuna and tuna-like species in the IOTC area.

**Figure 22:** Resolution 19/04 requires CPCs to report side pictures of vessels such as this one to the IOTC; markings should be clearly visible, however



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All vessels not on the RAV are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species or support any fishing activity or set drifting fish aggregation devices (DFADs) in the IOTC area. This does not apply to vessels less than 24 meters operating inside the EEZ of the flag State.

### **Technical requirements**

CPCs must submit to the Executive Secretary:

- the list of its fishing vessels authorised to operate in the IOTC area, together with specified information;
- where they issue authorisations to fish for IOTC species, an updated template of the official authorisation to fish outside national jurisdictions, which must be updated whenever the specified information changes;
- after the establishment of their initial IOTC Record, any changes to the Record (additions, deletions, modifications) at the time they occur.

The flag CPCs of the vessels on the RAV must exercise certain controls over their vessels, including to:

- a. authorise their vessels to operate in the IOTC area only if they are able to fulfil the requirements and responsibilities under the IOTC Agreement and its CMMs;

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Large-scale fishing vessels easily change fishing grounds from one ocean to another, and have high potential to operate in the IOTC area without timely registration with the IOTC

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- b. take necessary measures to ensure that their AFVs comply with all the relevant CMMS;
- c. take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
- d. ensure that their AFVs on the RAV have no history of IUU fishing activities or that, if those vessels have such a history, certain conditions are met;
- e. ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the RAV are not engaged in or associated with tuna fishing activities in the IOTC area conducted by vessels not on the RAV;
- f. take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the RAV are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.

CPCs must also:

- review their internal actions and measures taken under the above paragraph, including punitive actions and sanctions and report the results of the review to the Commission annually;
- take measures under their legislation to prohibit vessels not in the RAV from fishing for, retaining on board, transhipping and landing tuna and tuna-like species;
- ensure the effectiveness of the CMMS relating to species covered by Statistical Document Programs through specified actions, including: validating statistical documents only for vessels on the RAV; requiring species caught by AFVs and covered by a Statistical Document Program to be accompanied by validated statistical documents when imported into a Contracting Party; cooperation between importing/flag States to ensure that statistical documents are not forged or do not contain misinformation;
- notify the IOTC Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the RAV are engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC area;

- ensure that all their fishing vessels carry on board certain documents issued and certified by the competent authority, verify the documents at least annually and ensure that any modification to the documents is certified by the competent authority;
- ensure that its AFVs, their gear, marker buoys and FADs are marked according to certain standards;
- ensure their vessels keep a bound national fishing logbook with consecutively numbered pages and keep on board the original recordings for at least 12 months.

### **Reporting requirements**

#### *Flag States*

- To the IOTC Executive Secretary, with updates whenever information changes: CPCs which issue authorisations to their flag vessels to fish for IOTC species must submit an updated template of the official authorisation to fish outside areas under national jurisdiction. (para 6)
- To the IOTC Executive Secretary, with updates whenever information changes: CPCs must promptly notify, after the establishment of their initial IOTC Record, any addition to, any deletion from and/or any modification of the RAV at any time such changes occur. (para 9)
- To the Commission annually: A report on a review of internal actions and measures taken against their flag vessels, including punitive actions and sanctions. (para 12)

#### *All States*

- To the IOTC Executive Secretary: CPCs to notify of any factual information showing that there are reasonable grounds for suspecting vessels not on the RAV to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC area. (para 14)

**RES. 19/07:****ON VESSEL CHARTERING IN THE IOTC AREA OF COMPETENCE**


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Chartered vessels make an important contribution to sustainable fisheries development in the Indian Ocean but charter agreements need to be regulated so they do not promote IUU fishing activities.

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This Resolution addresses the concern that the use of charter agreements, where fishing vessels do not change their flag, might seriously undermine the effectiveness of IOTC CMMs unless properly regulated in accordance with agreed procedures.

“**Chartering of vessels**” is defined as an agreement or an arrangement by which a fishing vessel flying the flag of one Contracting Party (CP) is contracted for a defined period of time by an operator in another CP *without the change of flag*.

The “**chartering CP**” refers to the CP that holds the quota allocation or fishing possibilities and the “**flag CP**” refers to the CP in which the chartered vessel is registered.

The objective of this Resolution is to allow chartering agreements as an initial step in the fishery development of the chartering CP and for a period consistent with its development schedule. They must not undermine IOTC CMMs.



**Figure 23:** Resolution 19/07 requires CPCs to report details of chartering arrangements, if any

The Resolution contains general provisions which set out conditions to be included in the chartering agreement and a Charter Notification Scheme, described below. It is linked with the requirement to report vessel charterers in Resolution 10/08.

### **Technical requirements**

The conditions for chartering agreement are elaborated:

- the flag CP must consent in writing to the chartering agreement;
- the duration of the fishing operations must not exceed 12 months cumulatively in any calendar year;
- fishing vessels to be chartered must be:
  - registered to responsible CPCs which must explicitly agree to apply and enforce IOTC CMMs on their vessels;
  - on the IOTC RAV;
- the flag CP must ensure that the chartered vessel complies with both the chartering CP and IOTC CMMs;
- if the chartering CP permits the chartered vessel to fish in the high seas, the flag CP is responsible for controlling such fishing and the chartered vessel must report VMS and catch data to both CPs (chartering and flag) and to the IOTC Secretariat;
- all *catches*, including bycatch and discards, and *observer coverage* (historical and current/future in each case) are counted against the quota/fishing possibilities and coverage rate respectively of the chartering CP for the duration of the agreement;
- the chartering CP must report to the IOTC all catches, including bycatch and discards, and other information required by IOTC in accordance with the Charter Notification Scheme;
- Vessel Monitoring Systems (VMS) and other MCS tools must be used in accordance with IOTC CMMs;

- minimum observer coverage is required for chartered vessels (at least 5 per cent of fishing effort) and there are linkages with requirements in Resolution 11/04;
- chartered vessels must have a fishing licence issued by the chartering CP and not be on the IOTC IUU Vessel List and/or any IUU Vessel List of other RFMOs;
- when operating under charter agreements, the chartered vessels must not be authorised to use the quota/entitlement (if any) of the flag CPC or to fish under more than one chartering agreement at the same time;
- the catches of the chartered vessels must be unloaded exclusively in the ports of the chartering CP or under its direct supervision to ensure that IOTC CMMs are not undermined, unless provided in the chartering agreement and consistent with domestic legislation;
- chartered vessels must at all times carry a copy of the required documentation under the Chartering Notification Scheme.

### **Reporting requirements**

#### *Chartering CP*

- To the IOTC Executive Secretary within 15 days or in any case prior to 72 hours before commencement of fishing activities under a Charter Agreement, in accordance with the Charter Notification Scheme: The chartering CP must submit electronically where possible with respect to each chartered vessel:
  - a. the name (in both native and Latin alphabets) and registration of the chartered vessel, and International Maritime Organization (IMO) ship identification number (if eligible);
  - b. the name and contact address of the beneficial owner(s) of the vessel;
  - c. the description of the vessel, including the length overall, type of vessel and the type of fishing method(s) to be used under the charter;
  - d. a copy of the chartering agreement and any fishing authorisation or licence it has issued to the vessel, including in particular the quota allocation(s) or fishing possibility assigned to

the vessel; and the duration of the chartering arrangement;

- e. its consent to the chartering agreement; and
- f. the measures adopted to implement these provisions. (para 4)

- To the IOTC Executive Secretary by 28 February each year, and for the previous calendar year: The chartering CP must report the particulars of charter agreements made and carried out under this Resolution, including information of catches taken and fishing effort deployed by the chartered vessels as well as the level of observer coverage achieved on the chartered vessels, in a manner consistent with IOTC data confidentiality requirements. (para 8)

*Flag CP*

- To the IOTC Executive Secretary within 15 days or in any case prior to 72 hours before commencement of fishing activities under a Charter Agreement, in accordance with the Charter Notification Scheme: The flag CPC must provide:
  - a. its consent to the chartering agreement;
  - b. the measures adopted to implement these provisions; and
  - c. its agreement to comply with IOTC CMMs. (para 4)

*Chartering CP and flag CP*

- To the IOTC Executive Secretary immediately: the start, suspension, resumption and termination of the fishing operations under the chartering agreement. (para 6)



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**Figure 24:** Resolution 14/05 requires CPCs to report the details of foreign vessels that they have licensed

## RES. 14/05:

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

The objective of this Resolution is to establish a record of foreign fishing vessels licensed to fish in the EEZs of IOTC CPCs. It aims to create transparency in relation to fisheries access agreements (both private and government to government), establish common provisions for access agreements and strengthen data collection.

It acknowledges: the duties of CPCs to ensure their vessels that conduct fishing activities in areas under the national jurisdiction of other States are authorised and comply with coastal State legislation; the need to ensure transparency among CPCs, in particular to facilitate joint efforts to combat IUU fishing; data reporting requirements for all CPCs; and the importance of complete statistical reporting to the work of the IOTC.

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Transparency of information on foreign vessels licensed to fish in the EEZs of IOTC CPCs provides a means to identify potential unreported fishing activities.

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It also serves as a cross-check to reports made under the IOTC Record of Authorised Vessels (Res. 19/04) and Record of Vessels Authorised to receive Transshipments-at-sea (Res. 19/06).

It applies to coastal States which grant access to foreign fishing vessels.

### **Technical requirements**

Where CPCs have issued licences to foreign flag vessels and/or have allowed them to fish in their EEZ for IOTC species in the IOTC area under a Government to Government access agreement, they must, in relation to:

- the licences, submit a list of all foreign flag vessels containing specified information;
- the access agreements, submit jointly specified information.

Common provisions for private or government to government access agreements are given, including requirements for the coastal State to:

- notify ship owners and the flag State where licences requested under such agreements were denied;
- provide a template of the official coastal State fishing licence with specified information.

### **Reporting requirements**

*Coastal States*

- To the IOTC Executive Secretary, by 15 February every year: A list of all foreign flag vessels to which licences have been issued during the previous year for fishing in their EEZ for species managed by the IOTC in the IOTC area (para 1), containing specified information. (paras 1 and 2)

- To the shipowner and flag State<sup>9</sup>: Licence denial in relation to foreign flagged fishing vessels that requested a licence under a private or government to government access agreement. If the reason for denial is related to a violation of an IOTC CMM, the IOTC Compliance Committee must address the issue at the next session. (para 6)
- To the IOTC Executive Secretary promptly: Modification of a coastal State fishing licence in a manner that changes the template or any information in it or otherwise required. (para 8)

#### *Coastal States and flag States*

- To the IOTC Executive Secretary, jointly: Coastal States and flag States party to government-to-government access agreement must notify the following information:
  - a. the CPCs involved in the agreement;
  - b. the time period or periods covered by the agreement;
  - c. the number of vessels and gear types authorised;
  - d. the stock or species authorised for harvest, including any applicable catch limits;
  - e. the CPC's quota or catch limit to which the catch will be applied, where applicable;
  - f. monitoring, control, and surveillance measures required by the flag CPC and coastal CPC involved;
  - g. data reporting obligations stipulated in the agreement, including those between the parties involved, as well as those regarding information that must be provided to the Commission;
  - h. a copy of the written agreement. (para 3)
- To the IOTC Executive Secretary, promptly: CPCs to notify changes when an access agreement is modified in a manner that changes any of the information specified in paragraph 3. (para 5)

<sup>9</sup> So the Compliance Committee can address the issue, information may be provided in a sheet in the form to be submitted by 15 February under this Resolution.



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**Figure 25:** Resolution 10/08 requires CPCs to report active fishing vessels to IOTC

### **RES. 10/08:**

## CONCERNING A RECORD OF ACTIVE VESSELS FISHING FOR TUNAS AND SWORDFISH IN THE IOTC AREA

The aim of this Resolution is to establish - on a yearly basis - a list of CPC vessels that are *actively operating* (as distinct from *authorised to operate*) in the IOTC area, based on reports by CPCs. The objective of the reports is to provide the IOTC Compliance Committee with an independent evaluation of the CPCs' level of compliance to this and other relevant IOTC Resolutions. It applies to CPCs with flag vessels that fish for tuna and swordfish in the IOTC area.

### **Technical requirements**

CPCs) with vessels fishing for tunas and swordfish in the IOTC area must submit a list of their respective vessels that were active in the area during the previous year and that are larger than 24 metres in length overall or those less than 24 metres that were operating in waters outside the flag State EEZ.

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Flag States' reports of data on their vessels provides information about the size of active fleets, including for purposes of implementing limitations on fishing capacity.

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## **Reporting requirements**

### *Flag States*

- To the IOTC Executive Secretary by 15 February annually: A list of vessels that were active in the IOTC area during the previous year and fishing for tuna and swordfish and that are larger than 24 metres in length overall and those less than 24 metres that were operating in waters outside the flag State EEZ. (para 1)

The lists must contain the following information:

- IOTC number;
- name and registration number;
- IMO number, if available;
- previous flag (if any);
- international radio call sign (if any);
- vessel type, length, and gross tonnage (GT);
- name and address of owner, and/or charterer, and/or operator;
- main target species;
- period of authorisation. (para 2)

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# VESSEL MONITORING SYSTEM

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**Figure 26:** Resolution 15/03 requires CPCs to report all VMS anomalies to the IOTC every year

## **RES. 15/03:**

### ON THE VESSEL MONITORING SYSTEM (VMS) PROGRAMME

The objective of this Resolution is to require CPCs to adopt a satellite-based vessel monitoring system (VMS) for all CPC flag vessels 24 metres in length overall or above, or those less than 24 metres fishing beyond the flag State's EEZ for IOTC species. The Commission is empowered establish guidelines for the registration, implementation and operation of VMS in the IOTC area with a view to standardising VMS adopted by CPCs.

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Many Parties had established VMS systems and programmes for their fleets and it was recognised that their experience may be very helpful in supporting the IOTC conservation and management programmes.

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### Technical Requirements

Technical requirements include ensuring that the land-based Fisheries Monitoring Centre has certain equipment and receives specified information at least once every four hours. Requirements for the location and protection of the satellite monitoring device are given and most other technical requirements are specified in **Annex 1** on responsibilities concerning the satellite tracking devices and requirements in case of technical failure or non-functioning.

### Reporting Requirements

#### *Flag States*

To the IOTC Secretariat, where a CPC cannot fulfil the obligations in the Resolution: (i) the systems and infrastructure and capabilities existing with respect to the implementation this Resolution, (ii) the hindrances for implementation of such a system and (iii) requirements for implementation. (para 11)

To the IOTC Secretariat, by 30 June each year, a report on the progress and implementation of its VMS programme in accordance with this Resolution. (para 12)

#### *All States*

To the IOTC Secretariat and the vessel's flag State: any information to suspect that the VMS does not meet IOTC requirements or has been tampered with. (**Annex 1**, para A)

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# PORT STATE MEASURES

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## RES. 16/11:

### ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

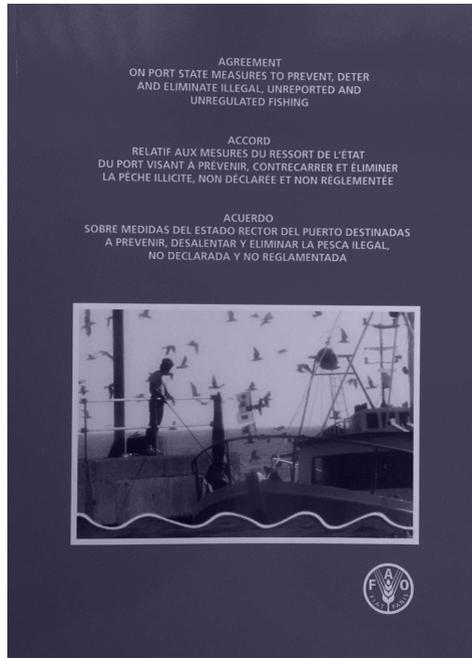
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Port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating IUU fishing.

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This Resolution is almost identical to the 2009 FAO Agreement on Port State Measures. It is much more comprehensive than the requirements provided under Resolution 05/03 (Programme of inspection in port). It recognises the recent achievements in developing a computerised communication system, the e-PSM (electronic port State measures) application and the delivery of a national training programme on the usage of this application. The training programme aims at ensuring the uptake and gradual transition to full utilisation of the e-PSM application designed to facilitate compliance with this Resolution.

The objective is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to control the harvest of fish caught in the IOTC area, and thereby to ensure the long-term conservation and sustainable use of these resources and marine ecosystems. The Resolution takes a step-by-step approach in providing controls for vessels requesting entry into port, certain measures when they enter port and requirements for inspections, information and communications. Vessels are denied the use of port in specified circumstances, which has heavy economic and other impacts on their operations.



**Figure 27:** Resolution 16/11 is a powerful tool for the application of the APSM

CPCs, in their capacity as a port State, must apply this Resolution in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence where the port and flag States cooperate to ensure that the vessels do not engage in IUU fishing or fishing related activities; and b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities.

This Resolution applies to fishing and fishing-related activities ("any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea").

Under certain circumstances it denies the vessel the use of port “for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refueling and resupplying, maintenance and drydocking”.

### **Technical requirements**

Port State CPCs must:

- integrate and coordinate fisheries related port State Measures at the national level with the broader system of port State controls, and with measures to combat IUU fishing and related activities, exchange this information among relevant agencies and coordinate the activities of the agencies in implementing this Resolution;
- designate and publicise ports to which foreign fishing vessels may request entry, and ensure they have sufficient capacity to conduct inspections;
- require an advance request for port entry including the information in **Annex I**, using e-PSM where possible, to be provided by the vessel 24 hours before entering port or immediately after the end of the fishing operations, if the time distance to the port is less than 24 hours;
- decide whether to authorise or deny the entry of the vessel into its port and communicate this to the vessel’s master or representative;
- where entry is authorised, require the vessel’s master or representative to present the authorisation upon the vessel’s arrival at port;
- where entry is denied, communicate this decision to the flag State of the vessel and, as appropriate relevant coastal States and IOTC;
- where there is sufficient proof that a vessel seeking port entry has engaged in IUU fishing or fishing related activities, deny port entry or allow entry exclusively for inspection and taking other measures at least as effective as denying entry but deny the use of port to the vessel;
- after entry into port, deny the use of port to the vessel under certain conditions, e.g. it does not hold an authorisation required by the flag or a coastal State, the flag State does not confirm that the fish were taken in accordance with an RFMO CMM or there are other reasonable grounds for

suspecting IUU fishing activities (no inspection is necessary);

- implement the levels and priorities for port inspections (at least 5 per cent of all landings or transshipments each year, conducted in accordance with the functions in **Annex II** and certain procedures given as a minimum standard;
- include in the results of inspection information in **Annex III**, and transmit the results of inspection within three days to the vessel master, flag State, IOTC Secretariat and other relevant States;
- train its port inspectors taking into account the guidelines in **Annex V**;
- after inspection, where there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, deny use of port and promptly notify the flag State, the IOTC Secretariat and, as appropriate, relevant coastal States, other RFMOs and the State of which the vessel's master is a national of its findings.

Flag State CPCs must:

- require its vessels to cooperate with the port State in inspections;
- request a port State to inspect its flag vessel or take other measures where the vessel is seeking entry into port and there are clear grounds to believe that it has engaged in IUU fishing or related activities;
- encourage its flag vessels to use ports of States that are acting in accordance or consistent with this Resolution;
- where it receives an inspection report indicating clear grounds to believe that its flag vessel has engaged in IUU fishing or related activities, immediately and fully investigate the matter and take enforcement action without delay in accordance with its legislation;
- ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities as applied to vessels by port States.

## **Reporting requirements**

### *Port States*

- To the IOTC Secretariat, promptly:
  - the denial of entry into port to a foreign fishing vessel; (para 7.3)
  - the denial of use of port to a foreign fishing vessel for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services; (para 9.3)
  - any withdrawal of denial of use of port; (para 9.5);
  - where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities. (para 15.1)
- To the IOTC Secretariat within three full working days of the completion of an inspection, by electronic means: A copy of the inspection report and, upon request, an original or a certified copy. (para 13.1)

### *Flag States*

- To other CPCs, relevant port States and, as appropriate, other RFMOs and FAO: Actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Resolution, have been determined to have engaged in IUU fishing or fishing related activities. (para 17.5)

**RES. 05/03:****RELATING TO THE ESTABLISHMENT  
OF AN IOTC PROGRAMME OF  
INSPECTION IN PORT**

**Figure 28:** Resolution 05/03 provides for a programme of inspection of fishing vessels in port, including reefers such as this one



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This Resolution reflects international provisions on port State rights and duties prior to adoption of the significantly strengthened scope and requirements in the FAO Port State Measures Agreement and IOTC Resolution 16/11. The international standards were very basic; they referred to the “right and duty” of a port State to take measures to promote the effectiveness of *subregional, regional and global CMMS* but did not refer to enforcement of national legislation of the flag State or the coastal State.

The aim of the Resolution is to empower port States (should they wish) to take measures and actions where IOTC CMMS are undermined and vessels are *voluntarily* in port. Where there are inconsistencies with the more stringent provisions of Resolution 16/11, the latter must be implemented.

### **Technical requirements**

The Resolution provides that port States *may* inspect documents, fishing gear and catch on board fishing vessels that are voluntarily in their ports (paragraph 3),

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Inspection in port is a central element of a control and inspection programme.

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but it does not impose any requirements on the vessel or sufficiently elaborate the rights and duties of the port State.

CPCs must adopt national regulations to prohibit landings and transhipments from non-Contracting Part-’ vessels where it has been established that catches of IOTC species have been taken in a manner which undermines the effectiveness of IOTC CMMs. No further consequences or sanctions are mentioned.

Where a port State considers that there has been evidence of a violation of an IOTC CMM by a CPC or Non-Contracting Party vessel, it must draw this to the attention of the flag State concerned and, as appropriate, the Commission, with full documentation including any inspection report. In such cases, the Flag State must transmit to the Commission details of actions it has taken in respect of the matter. This requirement is similar to requirements under Resolution 16/11.

### **Reporting requirements**

#### *Port State*

- To the IOTC Executive Secretary annually by 1 July, electronically: The list of foreign fishing vessels which have landed in their ports tuna and tuna-like species caught in the IOTC area in the preceding year. This information must detail the catch composition by weight and species landed. (para 8)

# TRANSHIPMENT



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**Figure 29:** Resolution 19/06 requires inspectors to be present and for CPCs to report on transhipments

## RES. 19/06:

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

This Resolution addresses IUU fishing and the laundering of illegally caught fish into market supply streams. It recognises the need to ensure the monitoring of the transhipment activities by large-scale longline vessels in the IOTC area, including the control of their landings, and to collect related catch data to improve scientific stock assessments.

Its general rule is that - except for the *Programme to monitor transhipments at sea* established by the Resolution - all transhipment operations must take place in port of tuna and tuna-like species and sharks caught in association those fisheries in the IOTC area.

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A significant amount of catches by IUU fishing vessels have been transhipped under the names of licensed fishing vessels in organized tuna laundering operations.

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The Programme applies only to largescale tuna longline fishing vessels (LSTLVs) and to carrier vessels authorised to receive transhipments from these vessels at sea. No other vessel is allowed to engage in at-sea sea transhipment of tuna and tuna-like species and sharks.

This Resolution also establishes an *IOTC Record of Carrier vessels authorised to receive transhipments of tuna and tuna-like species and sharks at sea in the IOTC area from authorised LSTLVs*. Carrier vessels not on the list are deemed not to be authorised for such operations.

This Resolution applies to the CPCs that flag LSTLVs; they must determine whether or not to authorise their LSTLVs to tranship at sea.

If they do, the transhipment must be conducted in accordance with requirements in this Resolution which relate to: the Programme to monitor transhipments at sea; the IOTC Record of Vessels Authorised to received transhipments-at-sea in the IOTC area; conditions for at-sea transhipment; and general provisions of the Resolution, all described below.

For the CPC flag vessels that tranship in port, the CPCs must ensure that they comply with the obligations in **Annex I**.

### **Technical requirements**

In relation to at-sea transhipments, CPCs must:

- ensure that carrier vessels authorised for at-sea transhipment to install and operate a Vessel Monitoring System (VMS);
- ensure that transhipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorisation from the coastal State concerned and that their flag LSTLVs comply with the following conditions:
  - the LSTLV has obtained prior authorisation from the flag State;
  - the fishing LSTLV fulfils certain notification obligations, including information to be sent from the LSTLV to its flag State at least 24 hours in advance of an intended transhipment and after transhipment a declaration in accordance with **Annex III**;

- the receiving carrier vessel confirms that the vessel is participating in the IOTC Programme, has prior authorisation from its flag State and 48 hours before landing transmits certain information (including an IOTC transshipment declaration) to competent authorities in the landing State;
- all carrier vessels are prohibited from commencing or continuing at-sea transshipping without an IOTC observer on board, with certain exceptions, including for Indonesian wooden carrier vessels;
- comply with general requirements for the validation of statistical documents, and for IOTC transshipment declarations for transhipped landed fish that are unprocessed or processed on board until the first sale has taken place.

### **Reporting requirements**

#### *Flag States:*

- To the IOTC Executive Secretary, electronically where possible: The list of the carrier vessels that are authorised to receive at-sea transshipments from its LSTLVs in the IOTC area, including:
  - 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. (para 7)
- To the IOTC Executive Secretary, at any time changes occur: Any addition to, deletion from and/or modification of the IOTC Record. (para 8)
- To the IOTC Secretariat and the flag CPC of the LSTLV within 24 hours of the completion of the transhipment: The master of the receiving carrier

vessel must complete and transmit the IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels. (para 16)

- To the IOTC Executive Secretary annually before 15 September: The quantities of species transhipped during the previous year; the list of LSTVs registered in the IOTC Record which have transhipped during the previous year; a comprehensive report assessing the content and conclusions of the reports from the observers assigned to the carrier vessels which have received transhipments from CPCs' LSTLVs. (para 23)
- To the IOTC Secretariat three months prior to the IOTC Compliance Committee meeting: Results of the investigation on possible infractions of IOTC regulations (CMMs) by LSTLVs/ carrier vessels, where the IOTC Secretariat has indicated evidence of this when it provides CPCs with all raw data, summaries and reports in accordance with paragraph 10 of **Annex IV**. (para 26)
- To IOTC in its annual report of implementation: Flag CPCs of LSTVs must include the details on the transhipments by its vessels. (**Annex I**, para 6)

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## ○BSERVERS

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### RES. 11/04:

#### ON A REGIONAL OBSERVER SCHEME

The objective of the IOTC observer scheme in this Resolution is to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area. The programme is directed at both at-sea observations and sampling in the artisanal fisheries, and the information obtained is used for scientific purposes and as a record of fishing activities. The observer scheme covers 5 per cent of all operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC area. It applies to vessels of 24 meters length overall or over, or under 24 meters if fishing outside their EEZ.

The artisanal fishing vessel landings must be monitored at the landing place by field samplers, with the level of coverage targeted at 5 per cent coverage of total vessel activity (i.e. total vessel trips or total vessels active).

Under certain circumstances, observers on purse seiners must monitor the catches at unloading to identify the composition of bigeye tuna catches.

### **Technical requirements**

CPCs have the primary responsibility to obtain qualified observers, and must:

- endeavour to meet the minimum level of coverage on a representative sample of the gear types active in their fleet;
- take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
- endeavour to ensure that observers alternate vessels between assignments;
- ensure that the vessel provides suitable food and lodging;
- fund their observer schemes;



**Figure 30:** Resolution 11/04 sets up a regional observer scheme to collect verified catch data for all tuna fisheries, including that of artisanal fleets

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A regional observer scheme increases scientific information for improving management of IOTC species and reiterates flag States responsibilities to ensure their vessels conduct activities with full respect for IOTC CMMs.

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Responsibilities and tasks included in observers' duties are to:

- a. record and report fishing activities, verify positions of the vessel;
- b. observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;
- c. record the gear type, mesh size and attachments employed by the master;
- d. collect information to enable the cross-checking of entries made to the logbooks (species composition and quantities, live and processed weight and location, where available);
- e. carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee;
- f. provide a report to the vessel CPC within 30 days of the completion of the trip.

### **Reporting requirements**

#### *Flag States*

- To the IOTC Executive Secretary and the Scientific Committee annually: A report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution. (para 9)
- To the IOTC Executive Secretary, within 150 days and equally to a coastal State in whose EEZ the vessel is fishing: The observer's report (which must be submitted to the CPC within 30 days of the completion of each trip), as far as continuous flow of report from observer placed on the longline fleet is ensured, which is recommended to be provided with 1°x1° format. (para 11)



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# MANDATORY STATISTICS

**RES. 18/07:****ON MEASURES APPLICABLE IN CASE OF NON-FULFILMENT OF REPORTING OBLIGATIONS IN THE IOTC**

This Resolution notes that several stocks remain not assessed and some others are assessed with substantial uncertainty, which leads to important risks of depletion of some IOTC species and negative impacts in the ecosystem. Its aim is to establish a process that will improve reporting by CPCs but prohibit CPCs from retaining species where certain data is not received by the IOTC Secretariat.

The process requires the IOTC Compliance Committee to review CPCs' reports of actions they have taken to implement their reporting obligations for all IOTC fisheries (including shark species caught in association with IOTC fisheries), including steps taken to improve their data collection for direct and incidental catches.

There is a sanctioning mechanism. The Commission in its subsequent review may, according to Guidelines in **Annex I**, consider prohibiting CPCs that did not report nominal catch data (exclusively), including zero catches, for one of more species for a given year (in accordance with Resolution 15/02, paragraph 2) from retaining such species as of the year following the lack of or incomplete reporting until the data has been received by the IOTC Secretariat.

**Figure 31:** Resolution 18/07 introduced reporting those species with zero catches and potential penalties for those who do not report catch and effort data



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To manage all IOTC fisheries in line with the precautionary approach, it is necessary to take measures aimed at eliminating or reducing non-reporting and misreporting

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The CPC concerned must work with the IOTC Secretariat to identify and implement possible alternative methods for data collection, using established FAO data collection methods.

### **Technical requirements**

Procedures are given to facilitate the reporting of zero catches as required under **Annex I**, paragraph 1 of this Resolution.

Reporting requirements in Resolution 15/02, paragraph 4 are applicable.

### **Reporting requirements**

#### *Flag States*

- To the IOTC Secretariat in annual Implementation Reports: Actions taken to implement their reporting obligations for all IOTC fisheries, including shark species caught in association with IOTC fisheries, in particular the steps taken to improve their data collection for direct and incidental catches. (para 1)
- To facilitate reporting of zero catches, CPCs must follow specified procedures. (para 4)



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**Figure 32:** Resolution 15/02 requires regular reporting of catch and effort data, including of artisanal fisheries

## **RES. 15/02:**

### **MANDATORY STATISTICAL REQUIREMENTS FOR IOTC CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES**

This Resolution requires CPCs to provide information on total catch data, catch and effort data and size data to the IOTC Secretariat according to specified timelines. This information is essential for determining the status of the resources. The requirements apply to the flag State. Current IOTC statistical data reporting requirements by species and data set are shown in Figure 1.

#### **Technical requirements**

CPCs must provide:

- annual estimates (if possible quarterly) of the total catch by species and gear for all IOTC species and certain elasmobranch species according to given specifications;

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The IOTC Agreement requires statistical and other data and information to be provided according to minimum specifications and in a timely manner. (Article XI)

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- data on cetaceans, seabirds and marine turtles as required under certain IOTC Resolutions;
- catch and effort data for surface, longline and coastal fisheries in relation to tuna and tuna-like species and certain elasmobranch species according to given specifications;
- size data for all gears and all species referenced under catch and effort data and following the guidelines in the procedures described in the Guidelines for the reporting of fisheries statistics to the IOTC;
- specified data on the use of Fish Aggregating Devices (this data is for the exclusive use of the IOTC Scientific Committee and its Working Parties, subject to approval of data owners, and are subject to the IOTC data confidentiality policy and procedures.

### **Reporting requirements**

A chart showing current IOTC statistical data reporting requirements by species and data set is in Figure 1.

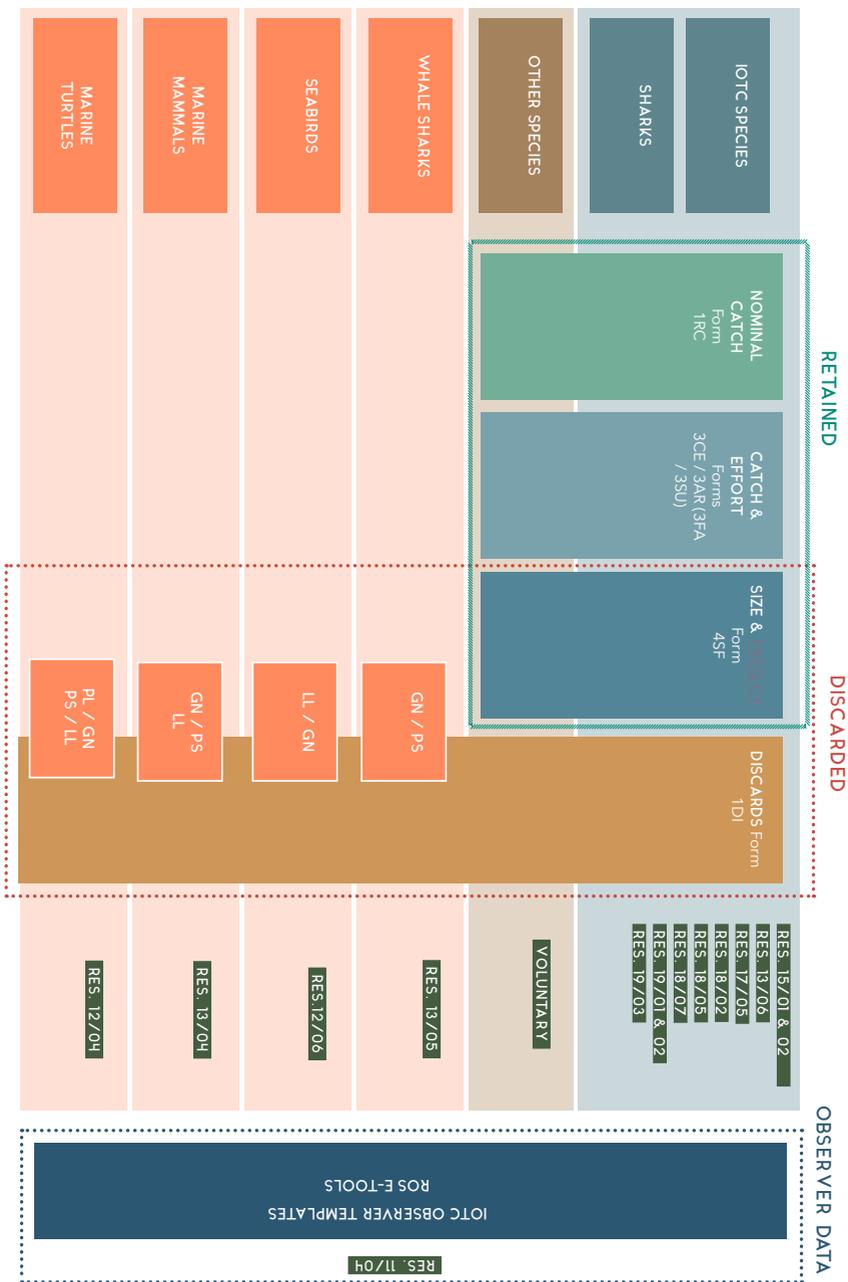
#### *Flag States*

To the IOTC Secretariat according to the following timelines:

- Longline fleets operating on the high seas must provide provisional data for the previous year by 30 June and final data by 30 December.
- All other fleets (including supply vessels) must submit final data for the previous year by 30 June.
- However, where the final statistics cannot be submitted as required, at least preliminary statistics should be provided, and beyond a delay of two years all revisions of historical data should be formally reported and justified.

(Reporting templates are on the IOTC website: <http://www.iotc.org/data/requested-statistics-and-submission-forms>.) (para 1, timelines are in para 7)

Figure 33: Current IOTC statistical data reporting requirements by species and data set





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4

# MARKET-RELATED MEASURES

**RES. 10/10:**

**MARKET RELATED MEASURES**

The objective of the resolution is to identify and adopt non-discriminatory market-related measures, consistent with World Trade Organization standards, against: (a) CPCs who fail to discharge their obligations under the *IOTC Agreement* by not exercising control over their flag vessels; and (b) non-Contracting Parties (NCPs) who fail to discharge their obligations under *international law* to cooperate with IOTC, including by not ensuring that their vessels do not undermine IOTC CMMs.

The market-related measures encourage compliance with IOTC CMMs by serving as an economic disincentive for non-compliance. They are a last resort, and for CPCs actions such as the reduction of existing quotas or catch limits are encouraged before consideration is given to applying market related measures.

Information provided under this Resolution (on imports, landings, transhipments, exports) supports an improved understanding of market dynamics.

**Figure 34:** Resolution 10/10 provides for action to be taken against those who do not report landings or apply IOTC conservation and management measures



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CPCs must sustain efforts to ensure enforcement of IOTC CMMs and encourage non-contracting Parties to abide by their terms; market-related measures can be implemented where other measures have proven unsuccessful to combat acts that diminish the effectiveness of the CMMs.

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### **Technical requirements**

CPCs that import tuna and tuna-like fish products from the IOTC area (“market States”), or in whose ports those products are landed or transhipped “should, as much as possible” collect and examine all relevant data on imports, landings or transshipment and associated information. (Note: For transhipments, the collection of some data is mandatory under Resolution 19/06 on Transhipment by Large-Scale Fishing Vessels.)

The Resolution describes actions to be undertaken by the Commission, the Secretariat and the Compliance Committee in the process of identifying, notifying, and undertaking possible market related measures and other actions against non-compliant CPCs or NCPs.

In this process, the Compliance Committee identifies the CPCs and NCPs who have failed to discharge obligations, taking into account certain considerations. The Commission notifies certain information and requests them to rectify their actions.

The Compliance Committee then evaluates any responses and proposes actions to the Commission which in the case of CPCs must consider market related measures only where other specified actions have been unsuccessful or would not be effective. The Commission, through the IOTC Secretariat, notifies the CPCs and NCPs of the decision, and is encouraged to establish annually a list of CPCs and NCPs subject to market related measures.

CPCs must notify the Commission of any measures they have taken for the enforcement of the market related measures.

### **Reporting requirements**

*Port States, Market States*

- To the Commission at least 60 days prior to the annual meeting of the Commission: For CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed or transhipped, a range of information annually (e.g. information on vessels / owners, product data (species, weight), point of export). (para 1)

**RES. 01/06:**

**CONCERNING THE IOTC BIGEYE  
TUNA STATISTICAL DOCUMENT  
PROGRAMME**

**Figure 35:** Resolution 01/06 requires that countries send export and import data to IOTC so that these can be compared and anomalies explained



© IOTC

This Resolution recognises that the Statistical Document Programme is an effective tool to assist the Commission's efforts to eliminate IUU fishing operations. It aims to impose controls and reduce uncertainty about the legality of bigeye tuna catches through requirements for validated import and re-export documentation. This also reduces the opportunities for illegally harvested bigeye tuna to enter the marketplace and provides market data.

**Technical requirements**

Contracting Parties must require imports of all bigeye tuna be accompanied by an IOTC Bigeye Tuna Statistical Document and an IOTC Bigeye Tuna Re-export Certificate which respectively meet the requirements in **Annexes I and II**.

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Most bigeye tuna harvested by “flag of convenience” fishing operations are exported to Contracting Parties, especially to Japan; the availability of trade data assists in reducing uncertainty on the bigeye tuna catch in the IOTC area.

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Bigeye tuna caught by purse seine and pole and line (bait vessels) whose catches are destined to canneries in the IOTC area are exempted.

### **Reporting requirements**

#### *Importing Contracting Parties*

- To the IOTC Executive Secretary annually by April 1 for the period of July 1 - December 31 of the preceding year: The data collected by the Programme in the format in **Annex II** (replaced by the sample forms of the statistical documents and instruction sheets in Resolution 03/03). (para 5)
- To the IOTC Executive Secretary annually by October 1 for the period of January 1 - June 30 of the current year: The data collected by the Programme in the format in **Annex II** (replaced by the sample forms of the statistical documents and instruction sheets in Resolution 03/03). (para 5)

#### *Exporting Contracting Parties*

- To the Commission annually: The results of an examination of export data upon receiving from the IOTC Executive Secretary the import data reported by Importing Contracting Parties. (para 6)





## CHAPTER 3

# REPORTING DUTIES UNDER BASIC TEXTS AND DECISIONS OF THE COMMISSION AND SCIENTIFIC COMMITTEE

This chapter describes general reporting requirements in the IOTC Agreement and Rules of Procedure, as well as under decisions of the Commission and Scientific Committee.

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# IOTC AGREEMENT - IMPLEMENTATION

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The IOTC Agreement sets out requirements for implementation of the Agreement and CMMs in Article X, including the submission and review of annual reports and exchange of information. All Members must comply with these obligations.

The Rules of Procedure extend the reports of implementation to all CPCs in **Annex V**.

## Technical requirements

Members of the Commission must:

- take action under their national legislation to give effect to the Agreement and to implement the binding CMMs adopted by the Commission, including the imposition of adequate penalties for violations;
- establish a system to keep under review the implementation of adopted CMMs, taking into account appropriate tools and techniques to monitor the fishing activities and gather necessary scientific information; and
- cooperate in the exchange of information regarding any fishing for stocks covered by the Agreement by nationals of any State or entity which is not a Member of the Commission.

## Reporting requirements

- To the Commission annually: any actions undertaken under national legislation to give effect to the Agreement and implement the binding CMMs. The Reports of Implementation must be sent no later than 60 days before the session of the Commission.

(Article X, para 2 of the IOTC Agreement)

The template for the implementation report for 2021<sup>10</sup> is in three parts:

**Part A**

The actions taken, under national legislation, in the previous year to implement conservation and management measures adopted by the Commission at its last Session.

**Part B**

The actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously.

**Part C**

Data and information reporting requirements for CPCs pursuant to the Guide on data and information reporting requirements for Members and Cooperating Noncontracting Parties.<sup>11</sup>

The template requires reporting on the following CMMs, which also themselves contain reporting requirements.

<sup>10</sup> Reports of Implementation for 2020 are at <https://www.iotc.org/compliance/monitoring>.

<sup>11</sup> Available at <https://www.iotc.org/compliance/reporting-templates>.

PART A	
<b>Resolution 19/01</b>	On an Interim Plan for Rebuilding the Indian Ocean Yellowfin tuna Stock in the IOTC area of competence
<b>Resolution 19/02</b>	Procedures on a fish aggregating devices (FADs) management plan
<b>Resolution 19/03</b>	On the conservation of mobulid rays caught in association with fisheries in the IOTC area of competence
<b>Resolution 19/04</b>	Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence
<b>Resolution 19/05</b>	On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna, and non-targeted species caught by purse seine vessels in the IOTC area of competence <sup>12</sup>
<b>Resolution 19/06</b>	On establishing a programme for transshipment by large-scale fishing vessels
<b>Resolution 19/07</b>	On vessel chartering in the IOTC Area of Competence

PART C	
<b>Resolution 18/07</b>	On measures applicable in case of non fulfilment of reporting obligations in the IOTC
<b>Resolution 17/07</b>	On the prohibition to use large-scale driftnets in the IOTC area
<b>Resolution 14/05</b>	Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information

<sup>12</sup> This Resolution does not require reporting to the Secretariat, so is not otherwise addressed in this Manual. The only obligation is on the captain of the vessel where he determines that fish should not be retained on board in accordance with Clause 4.b (i) and (ii). In such cases, he/she must record the event in the relevant logbook including estimated tonnage Page 33 of 282 and species composition of discarded fish; and estimated tonnage and species composition of retained fish from that set. Legal obligations in paragraphs 1 and 2 relate to the retention onboard of targeted and non-targeted tuna species respectively.

PART C	
<b>Resolution 13/04</b>	On the conservation of cetaceans
<b>Resolution 13/05</b>	On the conservation of whale sharks (Rhincodon typus)
<b>Resolution 12/04</b>	On marine turtles
<b>Resolution 12 /06</b>	On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries
<b>Resolution 11/02</b>	Prohibition of fishing on data buoys
<b>Resolution 11/04</b>	On a Regional observer scheme
<b>Resolution 01/06</b>	Concerning the IOTC bigeye tuna statistical document programme

To the Commission: Members must provide the Commission with:

- available and accessible statistical data and information as requested by the Commission for purposes of the Agreement; and
- copies of laws, regulations and administrative instructions in force (or summaries) on the conservation and management of stocks covered by the Agreement. (Article XI of the IOTC Agreement)

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# RULES OF PROCEDURE AND COMMISSION DECISION – STANDARD QUESTIONNAIRE ON COMPLIANCE

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The IOTC Rules of Procedure<sup>13</sup> were last updated in 2014, and contain procedures that must be followed as the Commission exercises its authorities under the Agreement. They address, *inter alia*, matters such as Commission Sessions, the appointment and duties of Secretariat staff and the functions and establishment of subsidiary bodies of the Commission including Committees and Working Parties. Rule XI establishes the Compliance Committee.

Its terms of reference and rules of procedure are in Appendix V, which mandates the Committee to review all aspects of CPCs individual compliance with IOTC CMMs and report its discussions and recommendations to the Commission. In this regard it must gather and review information relevant to compliance from IOTC subsidiary bodies and Reports of Implementation submitted by CPCs.

The Terms of Reference of the Compliance Committee include a duty to make recommendations to the Commission necessary to ensure the effectiveness of CMMs, notably in relation to the level of CPCs' conformity with binding CMMs.

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**13** Available at: <http://www.iotc.org/documents/indian-ocean-tuna-commission-rules-procedure-2014>

### **Reporting requirements**

The reporting requirements are an integral part of the following procedure: (Appendix V of the IOTC Rules of Procedure):

- The preparatory work of the Compliance Committee includes sending a questionnaire on compliance with the CMMs to CPCs, four months ahead of the annual meeting, seeking comments and answers. It requires CPCs to respond to the questionnaire, and to return it to the Secretariat within 45 days of receiving it.
- The Secretariat must circulate the comments and answers two months prior to the annual meeting in response to the questionnaire and invite comments and questions from all other CPCs. Then the Secretariat must compile the replies in the form of draft tables and make them available to CPCs. After a process involving the possibility of further input by CPCs the finalised tables are prepared that will form the basis for the compliance examination process and are distributed to CPCs for discussion.

Concerning feedback, the Commission agreed in 2017 on a deadline of 60 days before the next Commission Session for CPCs to provide feedback letters on compliance issues based on the deliberations of the Compliance Committee each year.

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# THE SCIENTIFIC COMMITTEE - NATIONAL SCIENTIFIC REPORT

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Requirements for a National Scientific Report were first identified in 2001 at the regular session of the Scientific Committee. (paragraph 111). The report was intended to provide *“general fisheries statistics, report on the implementation of Committee recommendations, national research programs currently in place and other relevant subjects”*. All CPCs must submit a report, irrespective of whether it intends to attend the annual meeting of the SC.

## **Technical requirements**

The purpose of the report is to provide relevant information to the Scientific Committee on fishing activities of CPCs operating in the IOTC area.

The report is intended to provide a summary of the main features of the tuna and billfish fisheries for CPCs. It does not replace the need for submission of data according to Resolution 15/02 *Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)*.

### Reporting requirements

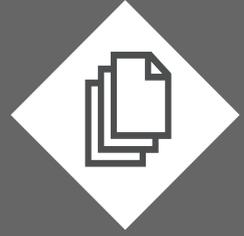
- To the Scientific Committee no later than 15 days before the annual regular session of this Committee, regardless of whether they will participate: a National Scientific Report. The report must include all fishing activities for species under the IOTC mandate as well as sharks and other byproduct/ bycatch species as required by the IOTC Agreement and decisions by the Commission.

A template for the national scientific report is available.<sup>14</sup>

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<sup>14</sup> Available at <http://www.iotc.org/compliance/reporting-templates>.





# ANNEXES

# ANNEX I

## LIST OF ACTIVE RESOLUTIONS REQUIRING REPORTING WITH LONG AND SHORT TITLES

RESOLUTION	RESOLUTION TITLE	IMPLEMENTATION SHEET	REPORTING TEMPLATE <sup>15</sup>
<b>19/01<sup>16</sup></b>	On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence	✓	
<b>19/02</b>	Procedures on a fish aggregating devices (FADs) management plan	✓	
<b>19/03</b>	On the conservation of mobulid rays caught in association with fisheries in the IOTC area of competence	✓	
<b>19/04</b>	Concerning the IOTC record of vessels authorised to operate in the IOTC area of competence	✓	✓
<b>19/06</b>	On establishing a programme for transhipment by large-scale fishing vessels	✓	✓
<b>19/07</b>	On vessel chartering in the IOTC area of competence	✓	
<b>18/02</b>	On management measures for the conservation of blue shark caught in association with IOTC fisheries	✓	
<b>18/03</b>	On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence	✓	

<sup>15</sup> Templates are referenced in the Guide to IOTC data and information reporting requirements for Members and Cooperating Non-contracting Parties, at <https://www.iotc.org/compliance/reporting-templates>. Where it is mentioned "A report template exists" it can be downloaded at <http://www.iotc.org/compliance/reporting-templates>.

<sup>16</sup> Not binding on India, which instead is subject to Resolution 18/01.

RESOLUTION	RESOLUTION TITLE	IMPLEMENTATION SHEET	REPORTING TEMPLATE <sup>15</sup>
<b>18/05</b>	On management measures for the conservation of the billfishes: striped marlin, black marlin, blue marlin and Indo-Pacific sailfish	✓	
<b>18/07</b>	On measures applicable in case of non-fulfilment of reporting obligations in the IOTC	✓	
<b>17/05</b>	On the conservation of sharks caught in association with fisheries managed by IOTC	✓	
<b>17/07</b>	On the prohibition to use of Large-Scale Driftnets in the IOTC Area	✓	
<b>16/05</b>	On vessels without nationality	✓	
<b>16/08</b>	On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids	✓	
<b>16/11</b>	On Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing	✓	
<b>15/01</b>	On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence	✓	
<b>15/02</b>	Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)	✓	
<b>15/03</b>	On the vessel monitoring system (VMS) programme	✓	✓
<b>14/05</b>	Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC Area of Competence and access agreement information	✓	✓
<b>13/04</b>	On the conservation of cetaceans	✓	
<b>13/05</b>	On the conservation of whale sharks ( <i>Rhincodon typus</i> )	✓	

IMPLEMENTATION OF IOTC CMMS // PART B

RESOLUTION	RESOLUTION TITLE	IMPLEMENTATION SHEET	REPORTING TEMPLATE <sup>15</sup>
13/06	On a scientific and management framework on the Conservation of shark species caught in association with IOTC managed fisheries	✓	
12/04	On the Conservation of Marine Turtles	✓	✓
12/06	On reducing the incidental bycatch of seabirds in longline fisheries	✓	
12/09	On the Conservation of Thresher Sharks (Family Alopiidae) caught in association with Fisheries in the IOTC Area of Competence	✓	
11/02	On the prohibition of fishing on data buoys	✓	
11/04	On a Regional Observer Scheme	✓	
10/08	Concerning a Record of active Vessels fishing for Tunas and Swordfish in the IOTC Area	✓	✓
10/10	Concerning Market related Measures		✓
07/01	To promote Compliance by Nationals of Contracting Parties and Cooperating Non-Contracting Parties with IOTC Conservation and Management Measures	✓	
05/03	Relating to the establishment of an IOTC Programme of Inspection in port	✓	✓
01/03	Establishing a scheme to promote compliance by Non-Contracting Parties vessels with Resolutions established by IOTC	✓	
01/06	Concerning the big-eye tuna statistical document programme (Concerning the amendment of the forms of the IOTC statistical documents) <sup>17</sup>	✓	✓

<sup>17</sup> Also see Annexes in Resolution 03/03.

# ANNEX II

## TABLE OF RESOLUTIONS IN THIS MANUAL

<b>1. FISHERIES MANAGEMENT</b>	
<b>Fisheries Management Measures and Standards</b>	
<b>19/01<sup>18</sup></b>	On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC area of competence
<b>19/02</b>	Procedures on a fish aggregating devices (FADs) management plan
<b>18/05</b>	On management measures for the conservation of the billfishes: striped marlin, black marlin, blue marlin and Indo-Pacific sailfish
<b>17/07<sup>19</sup></b>	On the prohibition to use large-scale driftnets in the IOTC area
<b>16/08</b>	On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids
<b>15/01</b>	On the recording of catch and effort data by fishing vessels in the IOTC area of competence
<b>11/02</b>	On the prohibition of fishing on data buoys
<b>Associated and Dependent (non-IOTC) Species, Bycatch</b>	
<b>19/03</b>	On the conservation of mobulid rays caught in association with fisheries in the IOTC area of competence
<b>18/02</b>	On management measures for the conservation of blue shark caught in association with IOTC fisheries
<b>17/05</b>	On the conservation of sharks caught in association with fisheries managed by IOTC
<b>13/04</b>	On the conservation of cetaceans
<b>13/05</b>	On the conservation of whale sharks ( <i>Rhincodon typus</i> )
<b>13/06</b>	On a scientific and management framework on the conservation of shark species caught in association with IOTC managed fisheries
<b>12/04</b>	On the conservation of marine turtles

<sup>18</sup> Except India, for which Res. 18/01 is still applicable.

<sup>19</sup> Except for Pakistan, for which Res. 12/12 remains binding.

<b>1. FISHERIES MANAGEMENT</b>	
<b>12/06</b>	On reducing the incidental bycatch of seabirds in longline fisheries
<b>12/09</b>	On the conservation of thresher sharks (family Alopiidae) caught in association with fisheries in the IOTC area of competence
<b>2. MONITORING, CONTROL AND SURVEILLANCE</b>	
<b>IUU Fishing Activity</b>	
<b>18/03</b>	On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence
<b>16/05</b>	On vessels without nationality
<b>01/03</b>	Establishing a scheme to promote compliance by Non-Contracting Party vessels with resolutions established by IOTC
<b>07/01</b>	To promote compliance by nationals of Contracting Parties and Cooperating Non-Contracting Parties with IOTC conservation and management measures
<b>Record of Vessels</b>	
<b>19/04</b>	Concerning the IOTC record of vessels authorised to operate in the IOTC area
<b>19/07</b>	On vessel chartering in the IOTC area of competence
<b>14/05</b>	Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information
<b>10/08</b>	Concerning a record of active vessels fishing for tunas and swordfish in the IOTC area
<b>Vessel Monitoring System</b>	
<b>15/03</b>	On the Vessel Monitoring System (VMS) Programme
<b>Port State Measures</b>	
<b>16/11</b>	On port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing
<b>05/03</b>	Relating to the establishment of an IOTC programme of inspection in port

## 2. MONITORING, CONTROL AND SURVEILLANCE

### Transhipment

**19/06**

On establishing a programme for transhipment by large-scale fishing vessels

### Observers

**11/04**

On a regional observer scheme

## 3. MANDATORY STATISTICS

**18/07**

On measures applicable in case of non-fulfilment of reporting obligations in the IOTC

**15/02**

Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)

## 4. MARKET-RELATED MEASURES

**10/10**

Concerning market related measures

**01/06**

Concerning the IOTC bigeye tuna statistical document programme





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