

Terms and definitions of the draft Glossary to be used by Members when drafting proposals for IOTC Resolutions for the Commission.

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PURPOSE

To provide the Compliance Committee with an opportunity to consider the progress made in relation to the work of the WPICMM07 and the work of the *Ad Hoc* Working Group on the draft of the glossary and key terms used in IOTC Resolutions, which should be used by Members when drafting proposals for Resolutions for the Commission.

BACKGROUND

The glossary was prepared by taking into account: the proposed definitions considered at [CoC13](#); the review in the document [IOTC-2018-WPICMM01-04_Rev2](#) on the inconsistent use of terms, lack of definition of key terms and use of terms that are not “terms of legal art” in IOTC Resolutions; the IOTC Scientific Glossary; definitions in IOTC Resolutions, international fisheries instruments or guidelines, the FAO Fisheries Glossary and best practices.

At its [2nd session the WPICMM](#) made the following recommendation:

[IOTC-2019-WPICMM02-R](#) - WPICMM02.08 (Para. 38): *The WPICMM02 **RECOMMENDED** that the remaining 32 definitions be deferred to further work or be considered under the “legal scrubbing”, as appropriate.*

The [CoC16](#) reviewed the Recommendations of the WPICMM02:

[IOTC–2019–CoC16–R](#), paragraph 99. *The CoC **ENDORSED** the recommendations of the WPICMM02.*

At its [17th Session, the Compliance Committee](#) made the following recommendation, which was endorsed by the Commission:

[IOTC-2020-CoC17-R](#), Paragraph 133: *The CoC **RECOMMENDED** that work on the glossary of definitions and key terms to be used in IOTC Resolutions be suspended and that the relevance of this exercise be reconsidered by the Compliance Committee once the work on the legal scrubbing is completed.*

At its [19th session the Compliance Committee](#) made the following recommendation, which was endorsed by the Commission ([S26](#)):

[IOTC-2022-CoC19-R](#), Paragraph 141 *The CoC19 **RECOMMENDED** that the Commission consider adopting the results of the legal scrubbing in two packages of Resolutions over its Sessions in 2023 and 2024.*

The legal scrubbing activity was completed in 2022, thus prompting the resumption of the work on the *glossary of definitions and key terms used in IOTC*, which should be used by Members when drafting proposals for Resolutions for the Commission.

At its [20th Session the Compliance Committee](#) made the following request, which was endorsed by the Commission ([S27](#)):

[IOTC-2023-CoC20-R](#), Paragraph 30: *The CoC20 **REQUESTED** that the IOTC Secretariat contact all CPCs inviting them to nominate technically-qualified officers to the ad hoc working group on the Glossary, which would be held by correspondence.*

At its [6th session the WPICMM](#) agreed to the following and made the following recommendation:

[IOTC-2023-WPICMM06 R](#) - Para. 33: The WPICMM06 **AGREED** to proceed with the work on those terms that had not been agreed (in square brackets) by correspondence intersessionally and **FURTHER AGREED**

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that while the work is in progress, the overall list be split into one that contains those that have been agreed and one that contains those yet to be agreed.

[IOTC-2023-WPICMM06 R](#) - Para. 34: The WPICMM06 **RECOMMENDED** that Compliance Committee 20 consider endorsing those terms of the glossary that have already been agreed by the WPICMM06.

DISCUSSION

Following the request of the Compliance Committee (CoC21), the IOTC Secretariat launched the ad hoc Working Group on the Glossary by correspondence:

- The invitation for nomination was sent on 18 May 2023,
- A total of 11 participants, from six CPCs, were nominated,
- The 1st Phase, consisting of edits to the current definitions and comments, was initiated the 6th June 2023. The deadline for responses was the 15th July 2023.

Comments were received from three CPCs.

- The 2nd Phase, consisting of edits to the updated definitions and comments, was initiated the 19th September 2023. The deadline for responses was the 17th November 2023.

No comment was received by the deadline of the 2nd Phase.

During its works, the WPICMM07:

- **AGREED** on the definitions for seventeen (17) terms and the exclusion of four (4) terms from the glossary.
- **NOTED** that although agreement in principle was also reached on one term, *Fish Aggregating Device*, the WPICMM07 considered it prudent to ensure that the agreed definition is aligned with that of the FAD Working Group.
- **NOTED** that consensus could not be reached on three terms: *Limit Reference Point*, *Landing* and *Large-scale tuna vessel*, and **AGREED** to leave the former pending until the Scientific Committee provide guidance, and the latter two remains pending until further discussions are held.

This paper presents the terms and definitions of the draft Glossary, agreed at the S27 and the WPICMM07, in Part A of Appendix 1. Part B of Appendix 1 contains the remaining four terms and definitions of the draft Glossary, that is yet to be agreed upon.

RECOMMENDATIONS

That the CoC21:

- 1) **NOTE** paper IOTC–2024–CoC21-12a, which presents the glossary of terms and definitions, agreed by the S27 and the WPICMM07, which should be used by Members when drafting proposals for Resolutions for the Commission,
- 2) Consider to **ENDORSE** the terms and definitions of the draft Glossary, presented in Part A of Appendix 1, and further consider to **RECOMMEND** that the Commission adopt the terms and definitions presented in Part A of Appendix 1.
- 3) Consider to leave the definitions of:
 - a. *Landing* and *Large-scale tuna vessel*, pending until the WPICMM proceed, during the next intersessional period, with the work on the terms, *Landing* and *Large-scale tuna vessel*, that have not been agreed, by correspondence.
 - b. *Limit Reference Point* pending, until the Scientific Committee provide guidance.
 - c. *Fish aggregating device* pending, until the FAD Working Group provide guidance.

Appendix 1

Draft glossary of terms and definitions.

This glossary was developed for the purpose of information in implementation of conservation and management measures by CPCs. Nothing in this glossary shall prejudice the rights and obligations of CPCs.

In case of any inconsistency between this glossary and existing resolutions/IOTC Agreement/other binding instruments, the latter shall legally prevail.

CPCs are encouraged to propose new or revised resolutions taking into consideration the consistency in use of terms, given the content of IOTC Agreement and existing resolutions as well as this glossary.

Part A – Agreed terms and definitions already endorsed by S27 (not action required) and already endorsed by the WPICMM07, in blue text (Require endorsement by CoC & COM).

Key terms	Definitions	Endorsed
Aircraft	Any machine or craft capable of self-sustained movement through the atmosphere that can derive support from the atmosphere from the reactions of the air, other than reactions of the air against the earth's surface, including helicopters and unmanned or remotely operated airborne devices. ¹	S27
Authorised vessel	Any vessel that is: a) 24 meters in length overall or above; or b) in the case of vessels less than 24 meters in length overall, those operating outside areas under the national jurisdiction of the flag State, and is authorised by the flag State to fish for tuna and tuna-like species or to carry out fishing related activities in the IOTC Area of Competence." ²	S27
Bycatch	Part of the catch of a fishing unit taken incidentally in addition to the target species toward which fishing effort is directed]	WPICMM
Coastal fisheries or fishery	Any fishery, including artisanal fisheries, where the fishing activity is undertaken by a vessel below 24 m LOA that is not required to be registered on the IOTC Record of	S27

¹ Amended to align the definition with that used in Annex 7 of the ICAO Chicago Convention. To replace definition in preamble of Res. 16/08 (prohibition on use of aircraft etc as fishing aids).

² This term will apply to “vessels” as defined in this glossary, including those carrying out fishing or related activities; this is consistent with Res. 15/04 (Record of Authorised Vessels). Res. 15/04 provides “in case of vessels less than 24 meters, those operating in waters outside the Economic Exclusive Zone of the Flag State”. This is problematic because (a) waters outside the EEZ could include territorial waters of the flag State, so “areas beyond national jurisdiction” is preferable because it reflects more accurately the intent of the members; and (b) the correct term is Exclusive Economic Zone. WPICMM01-03 noted that the it is the flag State that must give the authorisation and this is included.

Key terms	Definitions	Endorsed
	Authorised Vessels, targets or catches tuna and tuna-like species and operates exclusively in the waters under the jurisdiction of the flag State. ³	
CPCs	Contracting Parties and Cooperating Non-Contracting Parties of IOTC	S27
Discards	Part of the catch that are returned to the sea dead or alive.	WPICMM
Fishing	Already defined in Resolution 16/11 – Paragraph 1.b) “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.	WPICMM
Fishing logbook	A paper based or electronic record of any data related to fishing or fishing related activities, required by the flag State and filled out by the captain/master/crew of the vessel.	WPICMM
Fishing related activities, or related activities	Already defined in Resolution 16/11 – Paragraph 1.c) “Fishing related activities” means 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.	WPICMM
Flag State	The State which has granted to a vessel the right to fly its flag and has issued a registration to that effect, provided the vessel is only registered in one State.	WPICMM
Fishing vessel	Any vessel used, equipped to be used, of a type normally used or intended to be used for fishing. ⁴	

³ It was proposed that the definition should include artisanal fisheries, and that “coastal fisheries” should be used throughout resolutions rather than “artisanal fisheries”. The term ‘coastal fisheries’ is used only once in an operative paragraph of an IOTC Resolution (Res. 15/02, [4], Mandatory statistical reporting requirements). The far more commonly used term is ‘artisanal fishery’, but with different qualifications, e.g. “for subsistence” or ‘for the purpose of local consumption’, “operating exclusively in their respective EEZs”. The revised definition would include such fisheries but not be limited to them and in addition would clarify that a fishing activity undertaken by a vessel of 24 metres in length overall or above and operating exclusively in the waters under the jurisdiction of the flag State is NOT coastal fishery.

⁴ There is some inconsistency in the use of “fishing vessel” within and among different resolutions. The key issues are whether the various definitions include vessels used for fishing or related activities and whether it is necessary to specify vessels used for commercial fishing. For example:

- Res. 15/04 (IOTC Record of Vessels authorised to operate in the IOTC Area): The title refers generically to Vessels, but the text refers to “fishing vessels” which, “for the purpose of the Resolution, include auxiliary, supply and support vessels”.
- Res. 16/07 (Use of artificial lights to attract fish) refers to “fishing vessels and other vessels including support, supply and auxiliary vessels”.
- Res. 16/11 (Port State Measures) does not use the term “fishing vessel”, and refers throughout to “vessel” which is defined as “any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities”.

It is recommended to use the terms:

- “vessel” where a resolution is to be applied to those used for fishing or fishing related activities (e.g. Res. 15/04).
- “fishing vessel” where a resolution applies only to vessels used for fishing
- “vessel used for related activities” where a resolution applies only to vessels used for related activities.

In this case the suggestions to include “vessel, ship of another type or boat” as suggested would be unnecessary because they are already in the definition of “vessel”. (This language was included in the FAO Port State Measures Agreement to align with IMO definitions.)

A suggestion to restrict the definition to “commercial” vessels, as distinct from those used for sport fishing, would be inconsistent with the mandate of IOTC, which does not exclude sport fishing. In fact Resolutions such as 12/09 and 03/03 include responsibilities relating to sport fishing.

Key terms	Definitions	Endorsed
Fishing Gear	Any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting marine organisms, but does not include fish aggregating devices.	
Gear	In relation to fishing, any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting marine organisms, but does not include FAD.⁵	
Harvest control rule	A pre-agreed rule that determines management action in response to changes in indicators of stock status (or any other agreed) in relation to agreed reference points.	
IOTC, or “Commission”	The Indian Ocean Tuna Commission established in 1993 at the 105th Session of the Council of the Food and Agriculture Organization of the United Nations under Article XIV of the FAO Constitution. ^{6]}	WPICMM
IOTC Conservation and Management Measure	As specified in Article IX of the Agreement, CMMs consist of Resolutions, which are binding on Members, subject to Article IX para 5 of the IOTC Agreement, and Recommendations, which are non-binding, subject to Article IX para 8 of the Agreement.	WPICMM
IOTC Agreement	The 1993 Agreement for the establishment of the Indian Ocean Tuna Commission.	
IOTC Area of Competence	The area of competence of the Indian Ocean Tuna Commission as defined in Article II of, and Annex A to, the IOTC Agreement.	
IOTC Record of Authorised Vessels	“The IOTC record of vessels authorised to operate in the IOTC Area of Competence”, established under Resolution 19/04, or any superseding Resolution.	
IUU fishing activity	Any activity defined as an illegal, unreported or unregulated (IUU) fishing activity in Resolution 18/03 or any superseding Resolution. ⁷	
Mobile transceiver unit	A device approved by the competent authority of the flag State which is installed on board a fishing vessel and is designed to automatically transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing, catch and such other activities as may be required, and allows detection and identification of the fishing vessel at all times. ⁸ To be revised by VMS WG.	
IOTC Observer	An observer appointed pursuant to the IOTC Regional Observer Scheme under Resolution 11/04 and Resolution 19/06 and any superseding Resolution	

⁵ The revised definition draws on the 2019 FAO Voluntary Guidelines on Marking of Fishing Gear. However, it does not include the last phrase “in accordance with MARPOL Annex V”, because otherwise it would mean that any gear that does not conform to MARPOL would not be considered gear; this would make it impossible to regulate gear considered illegal under MARPOL. Also MARPOL Annex V does not relate directly to fishing gear. It generally prohibits the discharge of all garbage into the sea, except as provided otherwise, and applies to fishing vessels.

⁶ Added “or Commission” to the term.

⁷ IUU fishing “activity” is elaborated, mindful that Res. 18/03 (IUU Vessel List), paragraph 4 is titled “Definition of IUU Fishing Activities” and includes fishing and related activities. The definition explains the activities that give rise to a presumption of engaging in IUU fishing activities but it is not considered necessary to refer to “presumption” in the definition. The full term “IUU fishing activity” should therefore be used in Resolutions, rather than “IUU fishing”, because the former embraces related activities as well.

⁸ VMS Steering Group to revise; includes some suggested amendments.

Key terms	Definitions	Endorsed
Legislation	Includes laws, regulations, orders, notices and any other instrument having the force of law in a country or regional economic integration organisation ⁹	WPICMM
Master	Already defined in Resolution 18/03 – Paragraph 1.c) Means any person holding the most responsible position at any given time on-board a fishing vessel.	WPICMM
Operator	Already defined in Resolution 18/03 – Paragraph 1.b) Means the natural or legal person who is responsible for taking commercial decisions regarding the management and operation of a vessel and includes a charterer of the vessel.	WPICMM
Owner	Already defined in Resolution 18/03 – Paragraph 1.a) Means the natural or legal person registered as the owner of a vessel	WPICMM
Port	Includes offshore terminals and other installations for landing, transhipping, packaging, processing, refuelling or resupplying. ¹⁰	
Support vessel	Any vessel used, equipped to be used or intended to be used for purse seine fishing related activities, including any vessel other than a craft carried on board a fishing vessel that is not equipped with operational fishing gear and that facilitates, assists or prepares purse seine fishing activities including supply vessels.	WPICMM
Target reference points	A benchmark which assesses the performance of management in achieving one or more operational management objectives and indicates the desirable status of a fishery or a resource.	
Tuna and tuna-like species	Unless otherwise specified, this refers to the species defined in Article II and listed in Annex B of the IOTC Agreement. ¹¹	
Transhipment	The direct transfer of any quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed.	WPICMM
Vessel	Any vessel, ship of another type or boat used, equipped to be used, or intended to be used for fishing or fishing related activities. ¹²	
Vessel monitoring system	A satellite based reporting system capable of monitoring the position of vessels.	WPICMM

⁹ The definition is based on best practices, and includes all instruments having the force of law. It is a generic term that covers the use of various terms from country to country, such as “Act”, “Law” “Decree” etc and requires as a bottom line that the instrument has the *force of law*.

¹⁰ Revised as suggested to implements definition in Res. 16/11 (Port State Measures).

¹¹ Language clarified as suggested to indicate exceptions (“otherwise specified”).

¹² Minor amendments as suggested (deletion of used “for”). This adopts the definition of “vessel” in Res. 16/11 (Port State Measures), which applies to vessels used for fishing or related activities. As noted under the definition of “fishing vessel”, reference can be made more specifically to “fishing vessel” or “vessel used for related activities” as the context requires. This will address the errors made by referring to “fishing vessel” when the context relates to vessels used for fishing or related activities. e.g. Res. 18/03 (IUU Vessel List) defines “master” in relation to a fishing vessel, but the resolution covers vessels used for fishing or related activities.

Part B –Terms and definitions to be agreed and pending.

Key terms	Definitions	
[Fish aggregating device]	<p>Already defined in Resolution 19/02 – Paragraph 1.a)</p> <p>Fish Aggregating Device (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture.</p>	<p>AGREED BY WPICMM07</p> <p>To be consider by FAD WG.</p>
[Landing]	<p>Two suggestions:</p> <ol style="list-style-type: none"> 1. The transfer of fish or fish products from any vessel to land, including transfer onto an artificial structure or a vessel at a port or shoreline where landing is recorded and reported, excluding transshipment. 2. All transfers of any quantity of fish onboard from a vessel, other than transshipment, including transfers of fish to a port facility, transfers of fish from one vessel to another through a port facility or other means of transportation, and transfers of fish from a vessel to a container, truck, train, aircraft, or another means of transportation. 	<p>PENDING</p> <p>To be further discussed</p>
[Large-scale tuna vessel]	[Any large-scale fishing vessel equipped to deploy gear used for fishing for tuna. ¹]	<p>PENDING</p> <p>To be further discussed</p>
[Limit reference points]	[Boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield.]	<p>PENDING</p> <p>To be consulted with the Scientific Committee.</p>

¹ The definition was revised to refer to a vessel “equipped to deploy” gear, rather than just transporting (carrying) it.