
ENDORSED BY WPICMM09

RESOLUTION XX/12

ON THE PROMOTION OF THE IMPLEMENTATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES

The Indian Ocean Tuna Commission (IOTC),

RECALLING that one of the functions of the IOTC, pursuant to Article V(2)(c) IOTC Agreement, is “to adopt, in accordance with Article IX and on the basis of scientific evidence, conservation and management measures, to ensure the conservation of the stocks covered by this Agreement and to promote the objective of their optimum utilization throughout the Area”;

RECOGNISING the desirability of improving the coherence, interpretation and accessibility of its Conservation and Management Measures (CMMs); CONCERNED that IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs), particularly developing CPCs, seem to find difficulties in implementing CMMs already adopted by the IOTC;

NOTING that among other things the major reasons for this situation seemed to be based on lack of human and financial capacity to implement CMMs; frequent addition of new CMMs and modifications to existing CMMs; complicated structure of CMMs; and the duplication of CMMs on one subject;

RECOGNISING the decision of the Commission to establish the necessary subsidiary bodies to monitor the implementation by CPCs of the IOTC Agreement and the Commission’s conservation and management measures, and to assist CPCs to enhance their compliance capacity to conserve the harvesting levels of tuna and tuna-like species and their associated ecosystems at sustainable levels;

CONSIDERING that the work of the Compliance Committee has increased to a level which can no longer be adequately addressed during its annual Session, specifically the technical evaluation and planning elements for supporting CPC implementation of CMMs;

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

Use of Terms

1. For the purpose of this Resolution:
 - a) “CMMs” means Conservation and Management Measures adopted by the Commission under Article IX of the IOTC Agreement.
 - b) “Contracting Parties” means Contracting Parties of the IOTC Agreement.

Arrangements concerning the Submission of CMM Proposals

2. To further improve coordination in the development process of proposals for new and/or revised CMMs to

be considered at the annual Sessions of the Commission, Contracting Parties are encouraged to submit to the IOTC Executive Secretary a provisional title, Contracting Party sponsorship and a focal point for the proposal (including the email address of the focal point), a minimum of 60 days prior to each annual Session of the Commission. This will enable all Contracting Parties to identify proposals that are being developed by other Contracting Parties, and, as appropriate, cooperate in the development of proposals prior to the annual Session of the Commission in which they are to be discussed.

3. Contracting Parties shall, as far as possible, avoid duplication of CMM proposals on the same subject and endeavour to reach consensus on contentious matters in CMM proposals intersessionally, thereby improving efficiency of discussions during the annual Sessions of the Commission.
4. Contracting Parties shall submit their CMM proposals to the IOTC Executive Secretary at least 30 days before the annual Session of the Commission, except for proposals based on recommendations of the IOTC Compliance Committee and the IOTC Standing Committee on Administration and Finance. Proposals received after the deadline shall be considered by the Commission only if agreed by the Commission.

Working Party on the Implementation of Conservation and Management Measures (WPICMM)

5. Pursuant to Article XII.5 of the Agreement, the Commission establishes a permanent Working Party on the Implementation of Conservation and Management Measures (WPICMM) which shall act as an advisory body to the Commission via the Compliance Committee.
6. Terms of Reference for the WPICMM are those specified in **Annex I**.
7. The Terms of Reference for the WPICMM shall be incorporated within the IOTC Rules of Procedure as its next revision.

Streamlining of CMMs

8. The Commission shall endeavour to streamline existing CMMs by:
 - a) revoking outdated or otherwise obsolete CMMs and incorporating key elements that remain to be fully implemented into new or existing CMMs; and
 - b) combining multiple CMMs into a single CMM with multiple sections relating to a single broad subject area.

Removal of Obsolete CMMs

9. The following CMMs previously adopted by the Commission shall be revoked since they are considered to have been fulfilled or are obsolete:
 - (a) Resolution 15/09 *On a fish aggregating devices (FADs) working group*.
 - (b) Resolution 18/09 *On a Scoping Study of Socio-Economic Data and Indicators of IOTC Fisheries*.
 - (c) Resolution 16/03 *On the second performance review follow-up*.
 - (d) Resolution 14/02 *For the conservation and management of tropical tunas stocks in the IOTC area of competence*.
 - (e) Resolution 05/03 *Relating to the Establishment of an IOTC Programme of Inspection in Port*.
 - (f) Resolution 24/08 *On A Management Procedure For Swordfish In The IOTC Area Of Competence*.

Final Provisions

10. This Resolution supersedes Resolution 25/12 *On the promotion of the implementation of IOTC*

conservation and management measures and Resolution 17/02 *Working Party on the Implementation of Conservation and Management Measures (WPICMM)*.

ANNEX I

TERMS OF REFERENCE FOR A WORKING PARTY ON THE IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES (WPICMM)

1. The procedures of the Working Party on the Implementation of Conservation and Management Measures (WPICMM) shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

Objectives:

2. The objective of the WPICMM is to:
 - a) Alleviate the technical discussions, workload and time pressures on the Compliance Committee, and permit it to focus on higher level compliance implementation strategies in its work for the Commission;
 - b) Enhance the technical capacity of Contracting Party (Member) and Cooperating Non-Contracting Party (CNCP) (collectively termed CPCs) to understand and implement IOTC Conservation and Management Measures (CMMs);
 - c) Prioritise implementation issues and develop operational standards for use by CPCs.

Composition:

3. The WPICMM shall be composed by fisheries compliance officers (or other relevant officer) of the CPCs, scientists, fisheries managers, fishing industry representatives, administrators and other interested stakeholders, in accordance with the IOTC Rules of Procedure;

Mandate:

4. Examine all aspects of CPCs technical implementation of CMMs and recommending ways to enhance the level of implementation;
5. Examine Monitoring, Control and Surveillance (MCS) technical matters in order to provide the Compliance Committee with options for strengthening MCS;
6. Review the reporting requirements contained within CMMs in order to harmonize and streamline;
7. Develop a methodology for the assessment of implementation by CPCs, for producing the Country Compliance Reports provided annually to the Compliance Committee and flag States;
8. Review and assess the effectiveness and practical aspects of implementation of CMMs adopted by the Commission in order to identify deficiencies and implementation constraints faced by CPCs, and to recommend options for amendments;
9. Draw the attention of the Compliance Committee and the Commission at its annual Session to CMMs which may have become obsolete;
10. Propose actions to address deficiencies in implementation;
11. Development of minimum regional standards for implementation of CMMs;
12. Develop a harmonized assessment criteria to identify vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities;

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13. Monitor the development of, and recommend further actions for the IOTC list of vessels presumed to have engaged in illegal, unreported and unregulated (IUU) fishing activities, including where requested by the Compliance Committee or involved CPCs, a review of the evidence to be presented, where such evidence can be made available to the WPICMM;
 14. Monitor the development of, and recommend actions for the list of Large Scale Tuna Longline Vessels (LSTLVs)/carrier vessels presumed to have committed infractions of IOTC CMMs, as recorded by observers deployed under the at-sea transshipment programme;
 15. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of national MCS systems;
 16. Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of enforcement actions to ensure compliance with IOTC CMMs;
 17. Development of regional capacity building mechanisms to assist CPCs to meet the regional minimum terms and conditions or standards for implementation of the CMMs;
 18. Provide recommendations for the strengthening of the implementation of CMMs and capacity building activities, including compliance support missions, regional/national training courses and workshops, to be funded under the special fund for capacity building or extra budgetary contributions;
 19. Review compliance with data reporting obligations by CPCs and recommend actions for implementation;
 20. Other tasks as assigned by the Compliance Committee or Commission;
 21. The WPICMM would meet once a year, in advance of the meeting of the Compliance Committee, and shall report on its work to the Compliance Committee at its annual session.