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## **Glossary of terms and definitions which should be used by Members when drafting proposals for Resolutions for the Commission.**

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This Glossary was developed for the purpose of providing Members of the Commission with a list of agreed terms and definitions which should be used when drafting proposals for conservation and management measures (CMM) for the Commission. 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, the latter shall legally prevail.

CPCs are encouraged to take into consideration the consistency in use of terms, given the content of IOTC Agreement and existing Resolutions as well as this Glossary, when drafting proposal for CMM.

Key terms	Definitions
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. <sup>1</sup>
Authorised vessel	Any vessel that is: <ul style="list-style-type: none"> <li>a) 24 meters in length overall or above; or</li> <li>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</li> </ul> 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.” <sup>2</sup>
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 Authorised Vessels, targets or catches tuna and tuna-like species and operates exclusively in the waters under the jurisdiction of the flag State. <sup>3</sup>
CPCs	Contracting Parties and Cooperating Non-Contracting Parties of IOTC
Discards	Part of the catch that are returned to the sea dead or alive.
Fishing	“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”
Fishing related activities, or related activities	“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.
Fish aggregating device	“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, and may aggregate fish”.
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.
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.

<sup>1</sup> 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).

<sup>2</sup> 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.

<sup>3</sup> 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.

Key terms	Definitions
Fishing vessel	Any vessel used, equipped to be used, of a type normally used or intended to be used for fishing. <sup>4</sup>
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.
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. <sup>5</sup>
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.
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. <sup>6</sup>
Landing	All transfers of any quantity of fish onboard from a vessel to land, 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.

<sup>4</sup> 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.

<sup>5</sup> Added “or Commission” to the term.

<sup>6</sup> 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.

Key terms	Definitions
Legislation	Includes laws, regulations, orders, notices and any other instrument having the force of law in a country or regional economic integration organisation. <sup>7</sup>
Limit reference points	A Limit Reference Points indicates the limit beyond which the state of a fishery and/or a resource is not considered desirable.
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.
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. <sup>8</sup>
IOTC Observer	An observer appointed pursuant to the IOTC Regional Observer Scheme/Programme under Resolution 11/04 and Resolution 19/06 and any superseding Resolution
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.
Owner	Already defined in Resolution 18/03 – Paragraph 1.a) Means the natural or legal person registered as the owner of a vessel
Port	Includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying. <sup>9</sup>
Supply 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 support vessels.
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. <sup>10</sup>
Transshipment	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.
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. <sup>11</sup>
Vessel monitoring system	A secure satellite-based monitoring system capable of transmitting the position and identity of vessels to the competent authorities.

<sup>7</sup> 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*.

<sup>8</sup> VMS Steering Group to revise; includes some suggested amendments.

<sup>9</sup> Revised as suggested to implements definition in Res. 16/11 (Port State Measures).

<sup>10</sup> Language clarified as suggested to indicate exceptions (“otherwise specified”).

<sup>11</sup> 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.