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# **Report of the Ninth Session of the Indian Ocean Tuna Commission**

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**Victoria, Seychelles, 30 May - 3 June 2005**

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**MEMBERS OF THE INDIAN OCEAN TUNA COMMISSION**

**AS OF 3 JUNE 2005**

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ERITREA  
EUROPEAN COMMUNITY  
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INDIA  
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JAPAN  
KENYA  
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**COOPERATING NON-CONTRACTING PARTIES**

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**BIBLIOGRAPHIC ENTRY**

IOTC. Report of the Ninth Session of the Indian Ocean  
Tuna Commission. Victoria, Seychelles, 30 June-3 July  
2005. *IOTC-2005-S9-R[EN]*. 62 pp

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### EXECUTIVE SUMMARY

The Ninth Session of the Indian Ocean Tuna Commission (IOTC) was held in Victoria, Seychelles, 30 March – 3 June 2005. Representatives of 17 Members of the Commission, one Cooperating non-Contracting Party, and 11 other parties attended.

The Commission reflected on the tsunami in December 2005 that devastated many Indian Ocean countries and reaffirmed its condolences to those who had lost family and friends in the disaster.

The Commission considered the advice of the Scientific Committee with respect to bigeye, yellowfin, skipjack, albacore and swordfish and adopted conservation and management measures for bigeye on the basis of the advice. The Commission also adopted measures to mitigate the adverse impact of tuna fisheries on sharks, sea turtles and seabirds.

Continuing its efforts to eliminate illegal, unregulated and unreported fishing in the IOTC area, the Commission listed 12 vessels in the IUU list.

The Commission approved the 2005/06 Program of Work and Budget of the Secretariat, and the schedule of contributions. And Indonesia and South Africa were granted Cooperating Non-contracting Party status. The Commission agreed that a Special Session will be convened 20-24 February 2006 to explore ways to achieve a more effective and efficient organisation. Furthermore, the Commission declared that the Tenth Session will be held on 22-26 May 2006 in a location to be decided.

The Members re-elected the Mr. John Spencer (European Community) as the Chairperson of the Commission, and Mr. Philippe Michaud (Seychelles) and Mr. P.K. Pattanaik (India) as the Vice-Chairpersons for the next two regular annual sessions.

The following resolutions and recommendations were adopted by the Commission:

1. Resolution 05/01 On conservation and management measures for bigeye tuna
2. Resolution 05/02 Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area
3. Resolution 05/03 Relating to the establishment of an IOTC programme of inspection in port.
4. Resolution 05/04 Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas and swordfish in the IOTC Area of competence.
5. Resolution 05/05 Concerning the conservation of sharks caught in association with fisheries managed by IOTC.
6. Recommendation 05/06 Concerning the Terms of References for an IOTC Working Party on Management Options.
7. Recommendation 05/07 Concerning a Management Standard for the Tuna fishing vessels.
8. Recommendation 05/08 On sea turtles.
9. Recommendation 05/09 On incidental mortality of seabirds.

## **1) OPENING OF THE SESSION**

1. The Ninth Session of the Indian Ocean Tuna Commission (IOTC) was held in Victoria, Seychelles, 30 March – 3 June 2005. Representatives of 17 Members of the Commission, 1 Cooperating Non-Member, and 11 observers attended the Session. The list of participants is attached as Appendix I.
2. The Chairman of the Commission, Mr. John Spencer (European Community) welcomed the delegates and observers to the Session. His speech is reproduced in Appendix II.
3. The Session was opened by Mr. J. Belmont, Vice-President of Seychelles. His speech is reproduced in Appendix III.
4. Other opening statements are reproduced in Appendix IV.

## **2) ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**

5. The Commission adopted the Agenda as presented in Appendix V to this report. The documents before the Commission are listed in Appendix VI.

## **3) ADMISSION OF OBSERVERS**

6. Pursuant to Article VII of the Agreement establishing the IOTC, the Commission admitted observers from Senegal and Tanzania (State non-Member of FAO), three inter-governmental organizations, the Commission de l'océan Indien (COI), Fisheries Forum Agency and the Southeast Asian Marine Turtle Memorandum of Understanding, five non-governmental organizations, the Organization for the Promotion of Responsible Tuna Fisheries (OPRT), World Wildlife Fund (WWF) East Africa, TRAFFIC East/Southern Africa and SEAFDEC, as well as invited experts from Taiwan, Province of China.

## **4) ASSISTANCE TO THE FISHING COMMUNITY AFFECTED BY THE TSUNAMI IN THE INDIAN OCEAN AND MEASURES TO REHABILITATE AND REACTIVATE THE FISHERIES AND AQUACULTURE SECTORS IN THE COUNTRIES CONCERNED**

7. A document addressing the assistance to the fishing community affected by the Indian Ocean tsunami and measures to rehabilitate and reactivate the fisheries and aquaculture sectors in affected countries (IOTC-2005-S9-06) was presented by FAO for the Commission's consideration. The document described decisions and recommendations adopted by FAO's Committee on Fisheries (COFI) meeting in March 2005, as well as those adopted by the Ministerial Conference on Fisheries on emergency, rehabilitation and reconstruction assistance in tsunami affected regions.
8. Australia, China, the European Community, Iran, Japan and Korea, and informed the Commission about their respective responses in providing monetary and human resources to assist affected countries and help rehabilitate their fisheries. Seychelles, India, Thailand and Indonesia indicated their fishing communities and infrastructure had been severely affected by the tsunami, and thanked the international community for their assistance.
9. The Commission expressed its condolences to those who had lost family and friends in the disaster.
10. The Commission commended COFI and the Ministerial Conference for their efforts to provide a framework for assistance and rehabilitation of the affected fishing communities and endorsed the declarations presented in this report. The Commission also commended all countries that have provided assistance for this process.

## **5) REPORT OF THE 7<sup>TH</sup> SESSION OF THE SCIENTIFIC COMMITTEE**

11. The report of the Seventh Session of the Scientific Committee (IOTC-2004-SC-R) was presented by the Committee's Chairman, Dr. Geoffrey Kirkwood (United Kingdom). This report included Executive Summaries on the status of bigeye, yellowfin, skipjack and swordfish.

### ***a) General issues arising from the report of the Scientific Committee***

12. The Commission noted with concern the reduced participation at the last Scientific Committee meeting, in particular by Indian Ocean States. It encouraged all Members to facilitate as much as possible the participation of their scientists to the Working Parties and Scientific Committee.

13. The Commission also noted that the timeliness and quality of data reporting had deteriorated in 2004, notably by non Members such as Belize which is requesting the status of Co-operating Non Member. The Commission stressed that this lack of data contributes greatly to uncertainty in the stock assessments for the major tuna species. The Commission urged all Members and Cooperating Non Members to comply in a timely manner with IOTC measures on data submission, in order that the Working Parties and the Scientific Committee have the most complete information at their disposal.

14. The Commission acknowledged the recent availability of historical size frequency and catch and effort data from the industrial longline fishery of Taiwan, Province of China.

### ***b) Issues arising from the Executive Summary on Yellowfin***

15. The Commission noted that the high catches of yellowfin in 2003 and 2004 could most likely be attributed to an increase in catchability and/or increase in biomass. And that while the latter situation would not be detrimental to the stock, there could be serious consequences if the hypothesis is correct that there was only an increased catchability during 2003 and 2004. In such a scenario, the very large catches would not be sustainable. Furthermore, they could lead to a rapid decline of the existing adult biomass of yellowfin tuna and a serious over-exploitation of the stock, according to the 2002 assessment of the status of yellowfin tuna.

16. The Commission noted that this stock assessment will be updated in 2005 and concluded that the recommendations presented to the Commission last year still stand.

### ***c) Issues arising from the Executive Summary on Bigeye***

17. The Commission noted that the 2004 stock assessment results for bigeye were more pessimistic than those of previous assessments and acknowledged the Scientific Committee's recommendation that a reduction of catches and effort of bigeye tuna by all gears be achieved as soon as possible.

18. The Commission noted the divergence of bigeye catch rate trends of the Taiwan, Province of China, and Japan longline fleets in recent years and discussed a range of possible causes for the differences, including: changes in fishing efficiency and targeting practices, as well as fish laundering. Some members indicated that a significant numbers of transshipments are taking place at sea, which facilitates fish laundering and the development of IUU activities, as well as misreporting of scientific data. It was also noted that fish laundering activities would have the additional detrimental effect by distorting the stock assessments.

19. The Commission acknowledged that the increasing number of vessels of less than 24 metres, which are not covered by the current IOTC record and other measures, has an important impact on the bigeye catches. The Commission addressed this concern in Resolution 05/02.

### ***d) Issues arising from the Executive Summary on Skipjack***

20. The Commission took note of the technical recommendation made by the Scientific Committee, indicating that there are no immediate concerns regarding the status of the stocks of skipjack, and did not consider any management measures necessary for this species.

***e) Issues arising from the Executive Summary on Swordfish***

21. The Commission noted the technical recommendations made by the Scientific Committee regarding the status of the swordfish resource and agreed that issues of local depletions were serious and requested the Scientific Committee to undertake area-specific analyses, with particular emphasis for the southwest Indian Ocean, for the Commission's future consideration.

***f) Issues arising from the Executive Summary on Albacore***

22. The Chairman of the Scientific Committee reported on the results of the First Working Party on Temperate Tunas. The Commission noted that although the stock assessment for albacore were considered to be unreliable (due mainly to the paucity of information available for analysis), some status indicators indicated that the stock was declining. The Commission acknowledged the advice from the Scientific Committee to be very cautious in allowing any increases of catches or fishing effort for this species.

***g) Issues regarding the Indian Ocean Tuna Tagging Program (IOTTP)***

23. The Chairman of the Scientific Committee reported on the current progress of the IOTTP, indicating that there have been a number of small-scale tagging programs that have taken place satisfactorily and the large scale program has already started to conduct tagging activities.

24. The Commission noted that an important part of the IOTTP was to promote the recovery and reporting of tags and urged all parties to actively encourage these activities in their respective areas.

**6) REPORT OF THE COMPLIANCE COMMITTEE**

25. The report of the second meeting of the Compliance Committee was presented by the Chair, Mr Rondolph Payet (Seychelles) (Appendix VII).

***a) IUU Issues***

26. The Commission noted the deliberations of the Compliance Committee in relation to Resolution 02/04 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area*, and endorsed its recommended List of IUU Vessels.

27. Furthermore, the Commission considered that Point 14 of Resolution 02/04 did not preclude vessels having overall length below 24 m from being included in this list and agreed that the three vessels from Papua New Guinea (less than 24 m), for which illegal activities had been identified by the Compliance Committee, also be included. The list of vessels having carried out IUU activities in the Indian Ocean is attached in Appendix VIII. The Commission agreed that this list be submitted to other RFMOs and be posted on the Commission's web site.

28. The Commission noted that fish laundering activities, *i.e.* misreporting catches from the Atlantic as taken in the Indian Ocean, are a major cause of concern since they both undermine the conservation and management measures of the IOTC and the stock assessments.

***b) Requests of status as Cooperating Non-Contracting Party***

29. The Commission endorsed the recommendation of the Compliance Committee to grant the status of Cooperating Non-Contracting Party to Indonesia and South Africa for 2005-2006. The Commission instructed the Secretariat to send a letter to Indonesia and South Africa informing them of these decisions.

30. The Commission endorsed the recommendation of the Compliance Committee to reject the application by Belize for the status of Cooperating Non-Contracting Party and furthermore, to "identify" Belize in accordance with Resolution 03/05. The Commission instructed the Secretariat to send a letter to Belize drawing attention to the implications of the identification process, and requesting this country to take the necessary measures to rectify matters with the shortest delay possible.



31. The Commission endorsed the proposal from the Compliance Committee to allow Senegal to register their one vessel operating in the Indian Ocean on the IOTC Record of vessels authorised to fish in the IOTC area, until their application for Cooperating NCP status is received for consideration at the next Session. The Commission noted that this constituted an exceptional case and would only apply until the application was received.

*c) Management Measures*

32. The Commission adopted the following Resolutions arising from the work of the Compliance Committee (full texts are reproduced in Appendix IX):

- Resolution 05/01 On conservation and management measures for bigeye tuna
- Resolution 05/02 Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area
- Resolution 05/03 Relating to the establishment of an IOTC programme of inspection in port
- Resolution 05/04 Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas and swordfish in the IOTC Area of competence
- Resolution 05/05 Concerning the conservation of sharks caught in association with fisheries managed by IOTC

33. The Commission endorsed the following Recommendations arising from the work of the Compliance Committee (full texts are reproduced in Appendix IX):

- Recommendation 05/06 Concerning the Terms of References for an IOTC Working Party on Management Options
- Recommendation 05/07 Concerning a management standard for the tuna fishing vessels
- Recommendation 05/08 On sea turtles
- Recommendation 05/09 On incidental mortality of seabirds

34. The Commission noted that CCAMLR has implemented several measures to address seabird mortality associated with long line fishing in the southern oceans. The Commission instructed the Scientific Committee to examine the interaction between seabird populations and tuna long line fishing in the southern part of the IOTC Area, and to identify sensitive areas and appropriate measures as regards to fishing gears which could address this issue effectively.

35. The Compliance Committee discussed several proposals to control and/or monitor transshipment at sea. While no consensus was reached regarding a resolution or recommendation in this area, the Commission agreed that transshipment at high-sea facilitates IUU fishing and misreporting, and that measures to effectively control and monitor transshipment operations were necessary. Some Members were favourable to an overall prohibition of at-sea transshipments whilst other Members considered transshipments at sea should be subject to a system with observers placed on the cargo vessels receiving the catches from the fishing vessels. The Commission deferred the discussion of this matter to the 10th Session and requested that interested Members work together in order to provide an acceptable measure.

36. The Commission commended Australia, EC, Japan and Iran for volunteering to carry out, in conjunction with the IOTC Secretariat, an estimate of capacity of fishing fleets operating within the IOTC Area and present and report with the results to its next Session. The Commission agreed that a Terms of Reference for this study be drafted and distributed to IOTC CPCs.

## **7) REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)**

37. The report of the Standing Committee on Administration and Finance, chaired by Mr. Katsuma Hanafusa (Japan) was presented verbally due to lack of time. The report is included in Appendix X.

38. The Programme of Work and Budget of the Secretariat, and the schedule of contributions as presented in Appendix XI was approved. In doing so, some Members manifested their continuing misgivings in approving once again an IOTC budget which lacked real transparency in the determination of actual costs incurred by the IOTC secretariat in Seychelles, as opposed to the costs of overheads which were FAO related and included in the budget in a rather opaque and imprecise manner.

39. The Commission insisted on the need, as foreseen in the Rules of Procedures, that the Programme of Work and Budget of the Secretariat be made available to Members at the latest 60 days in advance to the Commission's meeting, and drew the attention of the Executive Secretary to the need to respect this deadline.

40. The Commission requested FAO to provide the report of the 2004 audit of the IOTC Secretariat, to the IOTC Secretariat for distribution to Commission Members as soon as possible. Since this audit related directly to the financial and administrative operation of the IOTC Secretariat, its findings were of direct relevance to Members.

41. Noting that several Members are still in arrears in the payment of their contributions, the Commission instructed the Executive Secretary to send letters to the Members concerned, reminding them of their responsibility to provide these funds and drawing their attention to the consequences for their Membership rights should the contributions not be forthcoming.

42. The Commission agreed that an atlas of tuna fisheries in the Indian Ocean would be a very valuable research and management tool. The Commission noted that the French Institute IRD (Institut de Recherche et Développement) is apparently willing to partially fund this project, and encouraged other interested parties to do the same. The Commission agreed that, in absence of other sources of funding, this document could be also partially funded using the accumulated funds of the Secretariat.

## **8) CONSERVATION AND MANAGEMENT MEASURES**

43. The Commission adopted Resolution 05/01 *on Conservation and Management Measures for Bigeye Tuna* (Appendix IX).

44. The Commission endorsed the main conclusions of the Compliance Committee in relation to fishing activities by Taiwan, Province of China which was continuing to undermine the ability of the Commission to attain its conservation objectives and operate in an effective manner. It underlined its concern on the laundering activities of up to 18 000 t and on the increase in fishing effort and catches over recent years. There was also evidence of unreported catch of fresh tuna, swordfish and sharks. Such activities furthermore disrupted the efforts to provide accurate scientific advice.

45. The Commission was informed by an invited expert that Taiwan, Province of China intends to scrap 120 large scale long liners by the end of 2006 (73 vessels by the end of 2005). This included 30 tuna long liners (27 bigeye tuna vessels and 3 albacore vessels) from the Indian Ocean, with a second phase of reductions to be considered. The Commission noted this information and requested thorough implementation of the intended measures.

46. The Commission mandated the Chairman to inform other Tuna Regional Fisheries Organisations of the damaging activities conducted by vessels of Taiwan, Province of China. The Commission reserved its right to take all necessary measures to sanction Taiwan, Province of China, unless its current practices are rectified, and sufficient evidence of such actions and its results are submitted to the Commission.

## **9) MATTERS ARISING FROM THE EIGHTH SESSION**

### ***a) Further consideration of the issues raised by Documents IOTC-S7-02-10 and IOTC-S8-03-9E (paragraph 37).***

47. The Chairman reported that the following decisions relating to improving the effectiveness and efficiency of IOTC which had been agreed during a meeting of the Heads of Delegations:

- i. Noting that in the last three Sessions and in bilateral contacts during the inters-sessional period conducted by the Chairperson, the Members of the Commission had held discussions regarding the possible recourse to the use of resolutions to improve the effectiveness and efficiency of the organisation. However, no consensus was or could be reached as to the nature of these resolutions.
- ii. Therefore it was agreed that it was necessary for the Commission to develop an alternative approach to ensure the IOTC could attain its objectives and operate in a more effective and efficient manner.
- iii. The Commission unanimously agreed therefore to pursue the following course of action to attain that objective:
  - A Special Session of the Commission would be convened for 20 – 24 February 2005 to explore ways to achieve a more effective and efficient organisation, notably through a change in the relationship between the IOTC and the FAO, in accordance with the provisions of Article XX of the Agreement.
  - The Chairperson and Executive Secretary were authorised to take all necessary steps to organise this Special Session in accordance with Article VI.5 of the Agreement and Rule II of the rules of procedure
  - In foreseeing the necessary amendments to the IOTC Agreement, Rules of Procedure and Financial Rules, it is the intention of the Commission that no new obligations for the Members will be created.
  - It was stressed that it is the Commission's desire to maintain a close relationship with FAO, and to this effect, a document will also be prepared containing a draft Cooperation Agreement between the two organisations.
  - For this Special Session, separate documents would be prepared containing a set of draft minimum amendments to the Convention, rules of procedure and financial rules, accompanied by background documents. In addition, a draft declaration would be prepared for adoption at the Special Session to the effect that the amendments to the Agreement are not considered to create new obligations.
  - The Session would have to deal with transitional issues, including staff and budgetary issues. It is trusted that FAO could assist in that transition period.
- iv. The Commission authorised the Executive Secretary, in consultation with the Chairperson, to undertake all the necessary administrative and financial steps for the preparatory work for the Special Session to be carried out, including the selection of a legal consultant and such other assistance as the Secretary considers necessary.
- v. It was noted that this Special Session will not involve additional costs to the organisation and the exact location has to be decided.

48. FAO indicated that it has taken note of these decisions and that FAO will collaborate and cooperate in the process. FAO pointed out that many members will be participating in the process in a dual capacity, since they are also members of FAO Council which will have to review the results of this process. FAO also indicated that in the mean time, it will take steps to improve the operation of the Secretariat, including the administrative and financial accountability and transparency.

***b) Clarification of the relationship between IOTC and FAO***

49. FAO presented IOTC-2005-S9-07 containing an extract from the report of the FAO Council, in its 127th Session, held in November of 2004 dealing with the legal status of bodies established under Article XIV of the FAO Constitution. The Commission took note of the document.

***c) Consideration of Fleet Development Plans (Resolution 03/01)***

50. Iran presented document IOTC-2005-S9-04, containing an outline to its fleet development plan in compliance with Resolution 03/01. The Commission noted this information and thanked Iran for the report.

51. Seychelles, Oman and France reported they are working on their plans, and that these will be made available soon.

***d) Terms of Reference for a Working Party on Management Option for Tuna and Tuna-like Species (Recommendation 03/06)***

52. The Commission agreed to the need for a Working Party on Management Option for Tuna and Tuna-like Species and approved its Terms of Reference as presented in Resolution 05/06 concerning the Terms of References for an IOTC Working Party on Management Options (Appendix IX).

53. The Commission noted that, given the already scheduled meetings that will take place next year, it would be difficult to find a time for the working party to meet. It was agreed however that the Secretariat will work with members to find a suitable time for this meeting — possibly in conjunction with the meeting of the 2005 Scientific Committee.

**10) ANY OTHER MATTERS**

***a) Relationship with other Bodies***

**SIOFA's request for IOTC to host their future database**

54. Considering the relatively low volume of data and minimal resource implications for the Secretariat, and the positive reaction of the FAO, the Commission agreed that the Secretariat could host SIOFA's database. The Secretariat should inform the SIOFA Chairperson of the decision.

**CCAMLR request to circulate a letter concerning incidental mortality of seabird**

55. CCAMLR had requested the Commission to circulate among Members a letter concerning seabird mortality issues. The Commission, having noted the contents of the CCAMLR letter, requested the Secretariat to inform CCAMLR on the adoption of Recommendation 05/09 On incidental mortality of seabirds.

**ICCAT Annual Meeting – Report**

56. The Commission noting with regret that ICCAT was not represented at the meeting, requested the Secretariat to write to ICCAT and stress the importance of their participation in view of the many shared objectives and experience.

**Other Institutions**

57. The Commission was briefed about Australia, New Zealand and Chile working to develop a regional fisheries organisation/arrangement for the conservation and management of non-tuna species in the southern Pacific Ocean. The first formal meeting of parties will be held in New Zealand in February 2006 and interested parties were invited to participate. The Commission welcomed this initiative. The EC indicated that it wishes to be associated with that process from the beginning.

58. The Commission agreed that it is important that IOTCs adopted recommendations and resolutions be communicated to the other tuna RFMOs in an effort to enhance cooperation and enforcement of IOTC management measures.

59. The Commission endorsed the proposal from 2005 COFI to hold a joint meeting of Tuna RFMOs. The Commission noted that this meeting is scheduled to be held in Japan in 2007 and will, among other matters, review management measures and effectiveness of the current systems, and develop processes to share information, in particular, regarding IUU activities.

***b) Other business***

60. South West Indian Ocean Fisheries Committee (SWIOFC) – an Article VI FAO body – informed the meeting that it is currently preparing a paper documenting fisheries development in the south western Indian Ocean. This document will cover tuna fisheries and, therefore, SWIOFC is seeking to collaborate with the Secretariat. The Commission, whilst underlining that the IOTC is the sole RFMO with management responsibility for tuna resources throughout the region, indicated that any studies and/or research on tuna done by other organisations is of great interest to the Commission.

61. Oman informed the meeting that it recently held a meeting of the Indian Ocean Rim in Muscat, and the members agreed to work closely in issues related to the fishery sector in the region, in particular those associated to highly migratory species. A report with the proceedings from this meeting will be sent to the Secretariat when it becomes available.

62. Some members expressed concern that some proposals were circulated to Members less than 30 days in advance of the Commission meeting, It was noted that the rationale for the re-arrangement of the meeting schedules of the Commission and the Scientific Committee was done, precisely, to avoid this situation.

63. The Commission noted that the 8th Session had agreed that all proposals should be submitted at the latest 30 days before the Session and that the exception was proposals for resolutions on conservation measures arising from the Scientific Committee report. Some Members stated that they were not mandated to agree on specific management and conservation measures, unless they could be the subject of examination by their authorities in advance of the Session.

64. The Commission therefore agreed that for the 10th Session all proposals for recommendations and resolutions to be considered by the Commission must be circulated at least 30 days in advance to the meeting. It was drawn to the attention of Members that Members should be mandated to adopt all necessary measures to ensure the sustainability of tuna and tuna like species in the IOTC Area. Inevitably, proposals submitted 30 days in advance will be subject to amendments in the course of the Session.

**11) DATE AND PLACE OF THE EIGHT SESSION OF THE SCIENTIFIC COMMITTEE, THE INTER-SESSIONAL MEETING AND THE TENTH SESSION OF THE COMMISSION**

65. The Commission agreed that the Special Session of the Commission to discuss ways to improve the effectiveness and efficiency of IOTC will take place from 20 to 24 February, 2006, at a location to be decided.

66. The Commission agreed that the 10th Session of the Commission will take place from 22 to 26 May, 2006, at a location to be decided.

67. The meeting of the 8th Session of the Scientific Committee will be decided, after arrangements are done to try to hold the meeting jointly with the Working Party on Management Options. The date and location for these meetings will be communicated through the Secretariat after consultations with Members.

**12) ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON FOR THE NEXT BIENNIUM**

68. China, noting the effective conduct of business by the Chairpersons and Vice Chairpersons of the Commission, the Compliance Committee and Standing Committee on Administration and Finance during their first term, and the crucial issues facing the Commission in the short term, proposed the re-election of those current Chairpersons and Vice-Chairpersons for the next two Regular Annual Sessions of the Commission. This proposal was unanimously approved by Members, bearing in mind that the incumbents had served but for two regular annual Sessions since there was no meeting in 2004.

69. FAO drew to the attention of the Commission that the IOTC Rules of Procedures, indicate that an elected Chairperson or Vice-Chairperson can be re-elected under certain conditions, but they shall not serve for more than four consecutive years.

### **13) ADOPTION OF THE REPORT**

70. The Commission decided to adopt the report of the 9th Session of the Indian Ocean Tuna Commission by correspondence.

## APPENDIX I LIST OF PARTICIPANTS

### IOTC MEMBERS/MEMBRES CTOI

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## APPENDIX II

### OPENING ADDRESS OF THE CHAIRPERSON OF THE IOTC, MR. JOHN SPENCER

Vice President, Ambassadors, Distinguished Guests, Distinguished Representatives of Members and Cooperating Non Members, invited observers, ladies and gentlemen;

Good morning to you all.

This is a day of mixed emotions. On the one hand, there is happiness at seeing so many familiar faces but on the other hand and more importantly there is profound sadness at the tragedy provoked by the Tsunami just 5 months ago in this region. The devastating impact of this natural disaster will stay in our minds throughout our lifetime. The courage and fortitude of the people most affected by this disaster shines through for all to see. I would ask you to stand for one minutes silence and ask your god to give strength and resolve to all those survivors who have lost family, relatives and friends in this disaster. Thank you.

Now let me start by saying what an honour it is for me to be addressing you today on the occasion of the opening of the 9th Session of the Indian Ocean Tuna Commission. Let me assure you that coming before you here once again makes me feel very humble indeed when I think of my responsibilities to be your Chairperson for the next five days. As each year goes by, the challenges and questions asked of this Commission by the international community continue to grow.

Indeed, there are legitimate growing demands on regional fisheries organisations to give account of their work and results to date. Both at the FAO Committee on Fisheries in March last and again in St Johns, Newfoundland, earlier this month, there were calls for each RFO to be subjected to a performance assessment. This movement is against the background of increasing concerns about the state of the world's fisheries resources. The tuna and swordfish resources for which we have responsibility, possess, if properly managed, massive potential for the developing states and small islands in the region.

We must harness that potential in a sustainable manner. The approach which consists of catching as much tuna as possible each year can hardly be a sustainable manner of ensuring sustainable tuna fisheries. Who wins in such a scenario in the medium to long term? – certainly not the fisherman. Maybe it is those further down the distribution line? Look at the prices that prevail in the ports for certain tuna species now – their levels surely poses major questions for the viability of some fleets. We are now taking 1,400, 000 tonnes – is this a sustainable level? We estimate that there is an IUU catch of at least 15% of that catch and that is of the high priced big eye resource.

World wide, we now have persistent and sustained heavy or over- exploitation of the big eye resources and this is allied to the increasing pressure on yellowfin in all the oceans. Thus two of the three key tropical tuna stocks are under strong fishing pressure. Among established tuna RFOs, we may have the worst record in terms of the adoption of effective conservation measures for those tropical tuna stocks. I do not neglect either the increasing pressure on the swordfish stocks in the region, nor our lack of progress on addressing issues such as turtle and bird incidental mortality in the tuna fisheries.

Against this rather sombre background, I consider it imperative that we address our work in a serious and professional way, using the excellent scientific report and its recommendations as our guide during this week.

Finally let me thank Alejandro Anganuzzi and his staff – including the new Deputy Secretary - for the organisation of this meeting. We are all delighted to see Alejandro in such excellent form.

I look forward to working with all of you in an even handed and fair manner during the week. I am counting on the chairpersons to continue their good work in the Compliance and Administration Committees. Please don't hesitate to come to see me if you feel I can assist in any way.

Thank you and enjoy yourself in this gorgeous and hospitable location.

### APPENDIX III

#### OPENING ADDRESS OF H.E. THE VICE-PRESIDENT OF THE REPUBLIC OF SEYCHELLES, MR JOSEPH BELMONT

Ministers; Excellencies; Distinguished Participants; Ladies and Gentlemen,

It is my pleasure to welcome you to Seychelles and to say a few words on the occasion of the opening of the 9<sup>th</sup> Session of the Indian Ocean Tuna Commission.

The tropical tuna fisheries in the Indian Ocean is a very important economic activity with the total catch valued at over US\$ 2 billion per annum. With record catches reported in the recent years, it is not surprising that certain concerns have been raised by the scientific Committee on the status of the various important species being targeted in our region. Whenever necessary therefore there is the need to introduce cautionary measures to ensure that the stocks remain sustainable.

Once again this year, this Commission is faced with a number of serious issues demanding our collective commitment for the establishment of the most appropriate management options.

While it is true that in the past, we have shunned certain management measures due to various national interests, we simply cannot continue to let these objectives (regardless of their importance) to shroud our judgements on how to manage these stocks.

Thus while these outstanding issues are important and must be addressed without further delay, we can, nevertheless, be proud of the Commission for the good work done so far. The implementation of the five year Indian Ocean Tagging Programme funded by the EU, (the first of its kind) and the ongoing project funded by the Overseas Fisheries Cooperation Foundation of Japan on strengthening data collection and processing in coastal states will provide vital answers on the status of the stock and improve our management measure. We, in Seychelles therefore, are convinced that both initiatives will provide vital answers on the status of stocks for the implementation of better management measures.

Ladies and gentlemen, the status of shark stocks in the region is another issue which requires our utmost attention. Improve data of by-catch species, in particular sharks is urgent and let us consider it as a priority. You will be pleased to note that Seychelles is already in the process of introducing legislations to control sharks on its industrial fishing fleet and those that are licensed to fish in our waters. This is in line with its forthcoming National Action Plan for Management of Shark fisheries.

On the other hand, Illegal, Unregulated and Unreported (IUU) fishing regrettably continues to be a major problem in the Convention area especially related to unregulated and unreported fisheries on the high seas. We, in Seychelles are particularly concerned with the growing number of vessels below 24 metres fishing on the high seas without proper control and authorisation. We also suspect that these vessels are involved in illegal fishing in the different EEZs of the coastal countries. In this regard the Commission must also pay particular attention at this growing serious problem and considers the need to revise the above 24 metres vessel management regime.

Furthermore Port States measures also continue to be weak, whereby there is the need for States to act as responsible port States. As a consequence this Commission need to examine the FAO Port State Model scheme with a view to its application by the members. We, in Seychelles, have been criticised by vessel owners as being too strict in our Port State measures, even to the extent where the vessels have steered clear of our Port. While it could be considered as lost revenue, this is the only way we may, if not eliminate, minimise IUU fishing in these waters.

Transshipment at sea is also becoming an activity which is proving very difficult to control and monitor. Let us hope that this session will be able to reach consensus on how to better manage this activity.

The importance of this ninth session of this Commission cannot be emphasised enough. Let me therefore take this opportunity to reiterate the full commitment of the Government of Seychelles for the success of your mission to better manage this fragile yet renewable resource.

Let me end by expressing our heartfelt sympathy to all those affected by the Tsunami of the 26<sup>th</sup> December 2004, which has contributed towards the postponement of this meeting. We do hope that all the fisheries affected are now on the way to recovery.

Ladies and Gentlemen

I wish you fruitful deliberations, a pleasant and enjoyable stay in Seychelles. I have the pleasure to declare the 9<sup>th</sup> Session of the Indian Ocean Tuna Commission open.

Thank you.

## **APPENDIX IV**

### **OPENING STATEMENTS BY PARTICIPANTS**

#### **Indian Ocean Commission**

The Indian Ocean Commission / *Commission de l'océan Indien* (IOC/COI) is an economic integration organization with Comoros, Madagascar, Mauritius, Seychelles and France (on behalf of La Réunion) as members. As would be expected from an organization representing small island States in this region, fisheries resources are considered of primary importance. The Commission is involved in the negotiation of a fisheries framework agreement for the ESA region aiming to ensure that its members obtain maximum benefits from their fisheries resources. The IOC has also, with funding from the European Commission, engaged in two major projects dealing with tuna fisheries and operating in close cooperation with IOTC.

IOTC has discussed extensively through its Scientific Committee and Commission Sessions the Indian Ocean Regional Tuna Tagging Project (IO-RTTP) and this project does not need to be introduced further to this assembly.

The second project, which started operating in January 2005 and will continue for three years, is the IOC Pilot project on Monitoring, Control and Surveillance (MCS) for large pelagic fisheries (IOC-MCS) which was requested by the IOC Heads of State in 1999 and approved for financing by the European Commission in 2001 under the 9<sup>th</sup> European Development Fund. IOTC is identified as one of the end beneficiaries for this project and it would thus be appropriate to introduce it further to the delegations at the 9<sup>th</sup> Session.

The objective of the IOC-MCS project is to define and test the conditions required for regional collaboration in the area of fisheries MCS from the perspective of sustainable resource management. While the specific activities to be undertaken by this project, whose Secretariat is located at the IOC Headquarters in Mauritius, are still being developed, planned activities include:

- Harmonisation and updating of members States' legislation and legal process, adapted to the international judicial instruments and, in particular, to the IOTC management regime;
- Harmonisation of licensing requirements, including such questions as catch and VMS reporting;
- Improvement of data collection and processing to permit management of both domestic and foreign flag fisheries, to meet data reporting obligations to IOTC to provide information to negotiate access agreements and to monitor licensed vessels;
- Improvement and construction of information flows between agencies dealing with fisheries management in each IOC member and between IOC members, notably in providing a detailed listing of tuna fishing vessels, including those not on the IOTC "positive list";
- Development of VMS standards, ensuring that falsification of information is prevented and data are used for verification of statistical reporting, as well as for enforcement;
- Installation of a Port State control regime, specifically targeting IUU activities, with development of harmonisation of inspection procedures and training;
- Organization of aerial and sea patrols both at national level and through joint operations alongside the training of at-sea inspectors and observers; and,
- Evaluation of IUU activities related to tuna fisheries in the region through the use of e.g targeted aerial surveillance and new satellite technology etc.

#### **World Wildlife Fund and Traffic**

WWF and TRAFFIC appreciate the opportunity to address the 9<sup>th</sup> Session of the Indian Ocean Tuna Commission (IOTC). Our organisations recognise the important role of the IOTC in the conservation and management of tuna and tuna-like species in the Indian Ocean and would like to play a supportive role in ensuring sustainable and equitable fisheries in the Indian Ocean, and reducing illegal, unreported and unregulated fishing.

WWF and TRAFFIC would like to draw the Commission's attention to the following issues:

#### ***Non-member Engagement***

WWF and TRAFFIC agree that efforts need to be made to ensure that States with a real interest in the fisheries under the mandate of IOTC join the Commission, and are encouraged to see more Indian Ocean coastal States being represented. We note in this regard, the recent membership of IOTC by Kenya and the intentions expressed by Indonesia and the Republic of South Africa, to become Cooperating Non-Contracting Parties. We note that Taiwan,China is an important fishing entity in the region, particularly for some already over-fished stocks, and therefore consider it urgent that a specific mechanism be developed to enable Taiwan,China to join or otherwise come under the IOTC mandate. There are many developing coastal States in the Indian Ocean Region that do not have commercial tuna fishing fleets and whose only link to the harvesting of tuna and tuna-like species is through fisheries access agreements. A number of these agreements are with States that are IOTC members or companies registered in States that are IOTC members. The IOTC provides a single framework of conservation and

management measures to which fisheries access agreement conditions can be linked, and the IOTC is accordingly encouraged to develop measures that are supportive of developing countries in the Indian Ocean region.

### ***Transshipment***

WWF and TRAFFIC broadly support the intention to address transshipment as set out in the proposals put forward by the European Community and Japan on the regulation of transshipment by tuna vessels (IOTC-2005-S9-Prop\_F and IOTC-2005-S9-Prop\_H). At-sea transshipment not only provides a potential avenue for IUU fishing but also for an increase in the effective fishing effort of the legitimate fishing fleet. A reduction in at sea transshipment could be beneficial to certain Indian Ocean coastal States whose ports could be used for transshipment purposes. On this point we note that the preamble to the IOTC recognizes, in particular, the special interests of developing countries in the Indian Ocean region to benefit equitably from the region's fishery resources.

### ***Statistical Document Programme***

WWF and TRAFFIC support the introduction of a Swordfish Statistical Document Programme as a basis for gathering information on the trade of Indian Ocean-caught Swordfish as well as future trade restrictive measures to eliminate IUU fishing. Our organisations are accordingly supportive of the related proposal put forward by Australia (IOTC-2005-S9-Prop\_A: Concerning amendments to the IOTC Bigeye Statistical Document and IOTC Swordfish Statistical Document Programs). In regard to IUU fishing we note the concerns expressed by Japan in SC-2005-S9-05: Information on Effort Increase in the Indian Ocean and Fish Laundering Activities by Large-Scale Tuna Longline Vessels, that a high level of laundering activities are conducted under the disguise of Indian Ocean catch to hide excessive Atlantic Bigeye catch. WWF and TRAFFIC urge the IOTC to thoroughly investigate this issue and adopt measures that enhance the security and credibility of the Bigeye Tuna Statistical Document Programme.

### ***Vessel Monitoring System***

WWF and TRAFFIC are pleased to note the provisions contained in IOTC-2005-S9\_G: Resolution by IOTC Concerning a Management Standard for the Large-scale Tuna Longline Fishery, encouraging Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities to require the installation of satellite-based vessel monitoring systems (VMS) on board large-scale tuna longline vessels operating in the Convention area. Our organisations seek further clarification as to whether the standards and specifications for a future IOTC driven VMS system will be established by the Commission and whether data generated by the VMS will be reported directly to the Commission or only to (or only via) the flag State concerned. In this regard, WWF and TRAFFIC note that the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean includes the most recently agreed standard for a VMS under a regional fisheries management organisation. We would expect this to be a minimum standard applied by the IOTC as, in our view, global efforts to eliminate IUU fishing would be undermined if lower operational standards were to be adopted.

### ***Report of the Seventh Session of the IOTC Scientific Committee***

WWF and TRAFFIC note that the Scientific Committee's advice is framed around Maximum Sustainable Yield (MSY) as the target for fisheries management. However, the precautionary approach under the United Nations Fish Stocks Agreement requires management action to be taken before a stock reaches MSY, with MSY the minimum standard for a limit reference point. Our organisations are concerned that action is only being contemplated when fishing effort is above MSY and then, in the case of Bigeye Tuna, only to 'eventually reduce catches ... to the level of MSY'. In our view, this is not a precautionary approach, and is not an acceptable objective for sustainable fisheries management. Within the WWF developed framework for Ecosystem Based Management implementation<sup>1</sup>, it is proposed that MSY be used as a limit reference point. In relation to higher (record) catches of Yellowfin Tuna in 2003 and 2004, we would draw attention to the advice from the Scientific Committee (Seventh Session of the IOTC Scientific Committee) that if the record catches are a result of increased catchability, "...very large catches would represent a much higher fishing mortality and, certainly, would not be sustainable. Furthermore, they would lead to a rapid decline of the existing adult biomass of yellowfin tuna and a serious overexploitation of the stock, according to the status of yellowfin tuna as assessed in 2002." Consistent with the precautionary approach, TRAFFIC and WWF urge IOTC member states to introduce measures to reduce fishing mortality on Yellowfin Tuna.

Skipjack Tuna and Albacore Tuna: Although uncertainties in scientific information exist for both these stocks in the Indian Ocean we note that the available information tends to indicate a similar trend to Yellowfin Tuna, Bigeye Tuna and Swordfish. The Scientific Committee Report indicates that in spite of not having a full assessment for

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<sup>1</sup> Ward, T, Tarte, D, Hegerl, E & Short, K 2002, Policy proposals and operational guidance for ecosystem based management of marine capture fisheries, WWF International, Geneva.

[http://www.panda.org/downloads/marine/WWF\\_EBMFisheries\\_FullDoc.pdf](http://www.panda.org/downloads/marine/WWF_EBMFisheries_FullDoc.pdf)

Skipjack Tuna, that there is not reason for 'immediate concern.' In addition, we understand that measures to manage juvenile Yellowfin Tuna would result in management of Skipjack Tuna by default. While we acknowledge these points, our organisations urge that management action for both Skipjack Tuna and Albacore Tuna is not delayed, ignored or over-looked in dealing with the more immediate concern about Yellowfin Tuna, Bigeye Tuna and Swordfish.

### ***By-catch***

WWF and TRAFFIC view bycatch mitigation strategies and management measures, where necessary, as an essential part of ecosystem based management for any fishery. The species most severely affected by incidental mortality in longline fishing operations, such as sharks and rays, seabirds and marine turtles, are extremely vulnerable to even small amounts of adult mortality due to longline fishing bycatch. While global estimates of seabird, marine turtle and shark numbers caught as longline bycatch are extremely high and clearly unsustainable, there is very little published data available from the Indian Ocean tuna fisheries, with the exception of some South African, Australian and possibly European Commission fisheries. WWF and TRAFFIC note that the IOTC Commission endorsed the creation of a Bycatch Working Party in 2002, the first tasks of which included recommendations for: identification of major bycatch issues in the Indian Ocean, with an initial emphasis on sharks; for liaison with other RFMOs; and for the proposal of measures, where appropriate, to reduce unsustainable bycatch. It is disturbing that no apparent progress has been made on this issue, nor has the Working Party been formed or met since then. We are, however, encouraged by the proposals on marine turtles, sharks and seabirds (IOTC-2005-S9-Prop\_J: Recommendation on Sea Turtles, IOTC-2005-S9-Prop\_E: Resolution by IOTC concerning the conservation of sharks caught in association with fisheries managed by IOTC, and IOTC-2005-S9-Prop\_K: Recommendation on incidental mortality of seabirds). Our organisations strongly urge the Commission and Scientific Committee to address this issue, and in the first instance, identify the major bycatch issues in the Indian Ocean with a view to promoting potential future mitigation actions where deemed necessary. WWF and TRAFFIC propose that the FAO International Plans of Action on Seabirds and Sharks, and the FAO Technical Guidelines to Reduce Sea Turtle Mortality in Fishing Operations, be utilised in forming potential mitigation strategies. WWF has an active program of longline bycatch mitigation trials in the Eastern and Western Pacific, working with partners such as Inter-American Tropical Tuna Commission, the National Oceanic and Atmospheric Administration of the US, local fishing industry partners and governments. There is potential to form similar partnerships with IOTC member states, fishing fleets and research organisations in the Indian Ocean, if appropriate.

### ***Management Options Working Group Meeting***

WWF and TRAFFIC strongly support the meeting of a Management Options Working Group as described under item 9.4 of the Draft Agenda of the 9<sup>th</sup> Session. Specifically, we support such a Working Group identifying measures to adequately address concerns relating to Bigeye Tuna, Yellowfin Tuna and Swordfish that could be adopted as binding resolutions at the 10<sup>th</sup> Session of the IOTC. As noted earlier, we would advise that measures to address other commercial stocks (Albacore and Skipjack Tuna) and ecosystem impacts (e.g., bycatch) are also addressed during this workshop and, at a minimum, any impacts on these of management measures directed at the other three stocks are identified and taken into account

### ***Concluding Statement***

In summary, WWF and TRAFFIC wish the members of the Commission as well as the IOTC Secretariat success in addressing the many challenges that face the Commission.

### **Southeast Asian Fisheries Development Center**

Distinguished Delegates and Ladies and Gentlemen,

The Southeast Asian Fisheries Development Center or SEAFDEC would like to take this opportunity to thank the IOTC for allowing SEAFDEC to participate in this meeting as an intergovernmental regional organization which has common interest in sustainable fisheries development.

Collection on scientific data of tuna in the Indian Ocean is very important and urgent task. Tuna Tagging Program initiated by IOTC is one of the most important activities to the Southeast Asian region. In this connection, SEAFDEC has proposed to cooperate with this tagging program using our 1,200 GT research vessel, namely MV.SEAFDEC at the fifth and sixth Session of IOTC Meeting in 2000 and 2001 respectively.

To prove that MV.SEAFDEC, a purse seine type research vessel can work for tuna tagging program, SEAFDEC initiated its tuna tagging activity in cooperation with IOTC in 2003 using IOTC Standard Tag. SEAFDEC tagged 1,000 yellow-fin tuna, size of tuna were ranged from 43 - 74 cm. The same activity was continued to the year 2004 with tagging 1,400 yellow-fin tuna, size of tuna were ranged from 40 - 77 cm.

All tagged fishes were observed to be active after released and all tagging data for 2003 has been already provided to IOTC for tuna tagging database. Data for 2004 is now in the process of data input to the IOTC format and will be sent to IOTC by the end of June, 2005.

Under this tagging program, SEAFDEC has encouraged our crew to search for the tagged tuna during harvesting fishes. SEAFDEC has also produced the shirts with tuna tagging LOGO for reward program to the one who found and sent back the tag to SEAFDEC.

SEAFDEC is ready to assist not only tuna tagging program, but also other cooperative research activity on such as the by-catch in the operation of tuna purse seine in the Eastern Indian Ocean. Since 1995, SEAFDEC has collected the by-catch species data in order to understand catch in connection with purse seine fishing, the data which will be useful to IOTC as well as SEAFDEC member countries.

Lastly, SEAFDEC would like to capitalize possibility for sharing idea and program related cooperative work between SEAFDEC and IOTC in the future.

Thank you all.

#### **Invited Expert from Taiwan,China**

First of all, I would like to express my apology for the concern of misconducts of our vessels from the international community, although most of our fishermen are innocent. You may note that we have a large fleet operating actively in the major oceans of the world long time ago. However, it was not until 5-10 years ago that the international community started to pay attention and accepted the fact that the activities of our fleet should be covered under the same international management regime, and to our greatest efforts we tried to adhere to all international management regulations. It seems that we have to work much harder to reach what is expected internationally.

In order to meet with the request from the international community, as a responsible administration we would like to report to the Commission our determination in regulating and managing our fisheries. The measures we have adopted and will be adopting are as follows:

We would like to officially inform the Commission that in order to reduce our fishing capacity, we have adopted an emergency global fleet buyback program with the target of scrapping 120 large-scale longliners. The target of scrapping 73 large-scale longliners is expected by the end of this year, and the remaining ones by end of 2006. It is expected by the end of 2006, the fleet in the Indian Ocean will be reduced by at least 50 vessels. This buyback program involves a great financial burden from both the government and the industry, costing a total of US\$120 million, US\$50 million from the government budget and US\$70 million from the industry.

We will cooperate with all members of the Commission in combating IUU fishing, and exchange information with all others on IUU fishing activities and submit such information to the secretariat accordingly. In addition, we will cooperate with all countries concerned to crack down cases of fish laundry or other illegal activities involving our vessels. We assure you in case concrete evidence is found in their unlawful act, they will be punished in accordance with our law.

Management of shark is one of the goals of our fisheries management. We welcome a resolution on shark management for development our domestic measures in this respect. We will make an investigation on the shark fishing activity as raised by Japan, and report to the Commission in the next session.

Strict control of high seas transshipment is essential for the enhancement of fisheries management. We support stringent control of high seas transshipment.

Finally, for the sake of the esteemed reputation of the Commission, I urge the Commission not to adopt any measures for the sole purpose of constraining us. We guarantee our utmost efforts to restore our creditability and good faith of fisheries management in the international community, in order that the Taiwanese fishery can contribute greatly to the sustainability and to the food supply in the world. I sincerely hope that the Commission can give us such a chance.



## **APPENDIX V AGENDA OF THE SESSION**

- 1) **Opening of the Session**
- 2) **Adoption of the agenda and arrangements for the Session (IOTC-2005-S9-01) [for decision]**
- 3) **Admission of observers [for decision]**
- 4) **Assistance to the Fishing Community Affected by the Tsunami in the Indian Ocean and Measures to Rehabilitate and Reactivate the Fisheries and Aquaculture Sectors in the Countries Concerned (IOTC-2005-S9-06).**
- 5) **Report of the 7<sup>th</sup> Session of the Scientific Committee (IOTC-2004-SC-R) [for discussion and decision]**
- 6) **Report of the Compliance Committee**

*Matters arising from the work of the Compliance Committee during the current Session, including the Draft Resolution on the Control of Transshipment at Sea from S8. The draft resolution is in Appendix XI of the S8 report*
- 7) **Report of the Standing Committee on administration and finance**

*Matters arising from the work of the SCAF during the current Session.*
- 8) **Conservation and Management Measures**

*Consideration of proposals for conservation and management measures.*
- 9) **Matters arising from the 8<sup>th</sup> Session [for discussion and decision]**

*Numbers in brackets refer to the relevant paragraph in the Report of the 8<sup>th</sup> Session or from a Resolution or Recommendation.*

  - i. *Further consideration of the issues raised by Documents IOTC-S7-02-10 and IOTC-S8-03-09E (para 37).*
  - ii. *Clarification of the relationship between the IOTC and FAO*
  - iii. *Consideration of Fleet Development Plans.*
  - iv. *Terms of Reference for a Working Party on Management Options for Tuna and Tuna-like Species.*
- 10) **Any other matters [for discussion and decision]**
  - a. *Relationships with other Bodies*
    - i. *SWIOFC (Requested from IOTC storage for their future database)*
    - ii. *CCAMLR (Requested circulation of a letter concerning incidental mortality of seabirds)*
    - iii. *ICCAT Annual Meeting – Report*
    - iv. *Other institutions*
  - b. *Other business*
- 11) **Date and Place of the 8<sup>th</sup> Session of the Scientific Committee and the 10<sup>th</sup> Session of the Commission [for decision]**
- 12) **Election of the Chairperson and Vice-chairpersons for the next biennium [For Decision]**
- 13) **Adoption of the report**

## APPENDIX VI

### LIST OF DOCUMENTS

Number	Title	Source
IOTC-2005-S9-01[EN]	Agenda	Secretariat
IOTC-2005-S9-02[EN]	List of documents	Secretariat
IOTC-2005-S9-03[EN]	List of resolution and recommendation proposals	Secretariat
IOTC-2005-S9-04[EN]	Limitation of fishing capacity -fleet development plans	Islamic Republic of Iran
IOTC-2005-S9-05[EN]	Information on Effort Increase in the Indian Ocean and Fish Laundering Activities by Large-Scale Tuna Longline Vessels	Japan
IOTC-2005-S9-06[EN]	Assistance to the fishing communities affected by the tsunami in the Indian Ocean and measures to rehabilitate and reactivate the fisheries and aquaculture sectors in the countries concerned	FAO
IOTC-2005-S9-07[EN]	Legal status of bodies established under Article XIV of the FAO Constitution	FAO
IOTC-2005-S9-08[EN]	Information on shark finning fisheries	Japan
IOTC-2005-S9-CoC01[EN]	2005 applications for cooperating non-contracting party status - Belize	Belize / Secretariat
IOTC-2005-S9-CoC02[EN]	2005 applications for cooperating non-contracting party status - Indonesia	Indonesia / Secretariat
IOTC-2005-S9-CoC03[EN]	2005 applications for cooperating non-contracting party status - South Africa	South Africa / Secretariat
IOTC-2005-S9-CoC04[EN]	A possible standardised reporting format for IOTC resolutions relating to eliminating IUU fishing activities.	Secretariat
IOTC-2005-S9-CoC05[EN]	Compliance with IOTC resolution 98/04 concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC area of competence	Secretariat
IOTC-2005-S9-CoC06[EN]	Establishment of an IOTC record of vessels over 24 metres authorised to operate in the IOTC area	Secretariat
IOTC-2005-S9-CoC07[EN]	A report on IUU fishing activities from Japan (relating to resolution 02/04)	Japan
IOTC-2005-S9-CoC08[EN]	A report on IUU fishing activities from the EC (relating to resolutions 02/04, 02/05, 03/05)	EC
IOTC-2005-S9-CoC09[EN]	Compliance with IOTC Resolution 01/06 Concerning the IOTC Bigeye Tuna Statistical Document Programme	Secretariat
IOTC-2005-S9-CoC09App1[EN]	Reporting IOTC Resolution 01/06	Secretariat
IOTC-2005-S9-CoC10[EN]	Progress report of the cooperative management frameworks	Seychelles, Vanuatu and Japan
IOTC-2005-S9-CoC11[EN]	Japanese report of the result of review the internal actions and measures taken pursuant to the paragraph 5 of the Resolution 02/05	Japan
IOTC-2005-S9-CoC12[EN]	General Status of Reporting regarding IOTC Resolutions 01/05, 98/04 and 02/05	Secretariat
IOTC-2005-S9-CoC13[ENFR]	Outcomes of the IOTC Compliance Committee deliberations in relation to Resolution 02/04	Secretariat
IOTC-2005-S9-INF01	Experimental programme on the management of transshipment by large-scale tuna longline fishing vessels	Japan
IOTC-2005-S9-INF04	Fact sheet	Indian Ocean – South-East Asian Marine Turtle Memorandum of Understanding
IOTC-2005-S9-INF05	Letter identifying Chinese Taipei and continuing cooperating status	Japan
IOTC-2005-S9-INF06	Statement by invited expert	Invited expert
IOTC-2005-S9-INF07	Joint Position Statement to the 9th Session of the Indian Ocean Tuna Commission	WWF & TRAFFIC
IOTC-2005-S9-INF08	SEAFDEC Statement in the 9th Session of IOTC Meeting	SEAFDEC

IOTC-2005-S9-INF09	Statement on conservation from invited expert	Invited expert
IOTC-2005-S9-PropA[EN]	Proposal A: Concerning amendments to the IOTC Bigeye Statistical Document and IOTC Swordfish Statistical Document Programs	Australia
IOTC-2005-S9-PropB[EN]	Proposal B: IOTC Management Options Working Party - Terms for Reference	Australia
IOTC-2005-S9-PropC[EN]	Proposal C: Resolution by IOTC to amend resolution 02/01 relating to the establishment of an IOTC programme of inspection in port	EC
IOTC-2005-S9-PropD[EN]	Proposal D: Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas and swordfish in the IOTC Area of competence	EC
IOTC-2005-S9-PropE[EN]	Proposal E: Resolution by IOTC concerning the conservation of sharks caught in association with fisheries managed by IOTC	EC
IOTC-2005-S9-PropF[EN]	Proposal F: Resolution by IOTC regulating transshipments by tuna vessels	EC
IOTC-2005-S9-PropG[EN]	Proposal G: Resolution by IOTC concerning a Management Standard for the Large-scale Tuna Longline Fishery	EC
IOTC-2005-S9-PropH[EN]	Proposal H: Resolution by iotc on the management of transshipment by large-scale tuna longline fishing vessels	Japan
IOTC-2005-S9-PropI[EN]	Proposal I: Resolution on capacity transfer	Japan
IOTC-2005-S9-PropJ[EN]	Proposition J: Recommendation on sea turtles	Japan
IOTC-2005-S9-PropK[EN]	Proposition K: Recommendation on incidental mortality of seabirds	Japan
IOTC-2005-S9-PropL[EN]	Proposal L: Recommendation on preparation toward the joint meeting of tuna RFMOs in 2007	Japan
IOTC-2005-S9-PropM[EN]	Proposal M: Amendment to Resolution 02/05	Seychelles
IOTC-2005-S9-PropN[EN]	Proposal M: Amendment to Resolution 02/04	Seychelles and Japan
IOTC-2005-S9-PropO[EN]	Proposal O: Resolution by IOTC regulating transshipments by tuna vessels	EC and Australia
IOTC-2005-S9-PropP[EN]	Proposal P: Transshipment by large scale tuna longline fishing vessels	Korea
IOTC-2005-S9-PropQ[EN]	Proposal Q: IOTC Management Options Working Party – Terms For Reference	EC
IOTC-2005-S9-PropR[EN]	Proposal: Resolution on a conservation and management program for bigeye tuna in the Indian Ocean	Japan
IOTC-2005-S9-PropS[EN]	Proposal S: Conservation and management measures for bigeye tuna	EC, Japan, Australia
IOTC-2005-S9-PropT[EN]	Proposal T: Recommendation by the IOTC regulating transshipments by tuna vessels	EC and Australia
IOTC-2005-S9-SCAF01[EN]	Progress Report of the Secretariat	Secretariat
IOTC-2005-S9-SCAF02[EN]	Programme of work and budget of the Secretariat	Secretariat
IOTC-2005-S9-SCAF03[EN]	Financial Statement	Secretariat
IOTC-2005-S9-SCAF03Add1[EN]	Further information	Secretariat
IOTC-2004-SC-R[EN] / [FR]	Report of the Seventh Session of the Scientific Committee	Secretariat

## **APPENDIX VII**

### **REPORT OF THE SECOND SESSION OF THE COMPLIANCE COMMITTEE**

#### **1) OPENING OF THE SESSION**

1. The Second Session of the Compliance Committee of the Indian Ocean Tuna Commission was held during the Session 9 of the Commission and chaired by Mr Rondolph Payet (Seychelles).

#### **2) ADOPTION OF THE AGENDA**

2. The Compliance Committee adopted the Agenda as presented in Appendix I to this report. The documents before the Committee are listed in Appendix VI to the main report.

#### **3) IUU ISSUES**

***Deliberations in relation to Resolution 02/04: On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.***

3. Japan presented document IOTC-2005-S9-CoC07 in accordance with IOTC Resolution 02/04 (*On establishing a list of vessels presumed to have carried out Illegal, Unregulated and Unreported fishing in the IOTC Area*) containing information on IUU fishing activities. The document identified four >24 m long industrial purse seiners as having conducted activities in contravention to existing IOTC Resolutions. In particular, the vessels had fished for tuna in the Indian Ocean since 2003 without being registered on the IOTC Record of Authorized Vessels (in contravention with IOTC Resolution 02/05, paragraph 1).

4. The report also provided evidence of IUU activities by three vessels < 24m long longliner registered under the flag of Papua New Guinea. In this case the report noted that the catches of these vessels in the Indian Ocean had been recorded under a different vessel, flag and ocean.

5. The EC presented document IOTC-2005-S9-CoC08 also in accordance with IOTC Resolution 02/04. This document included some of the same vessels mentioned in the above report by Japan.

6. The EC noted that the information they collected indicated that the named vessels had a long history of fishing in the Indian Ocean including some vessels that changed name and flag at different times. The EC noted that despite these changes, the vessel owners remained the same over time.

7. In review, the CoC acknowledged that the documents from Japan and the EC were the first reports to be received by the CoC in accordance with Resolution 02/04 and commended Japan and the EC on the comprehensive nature of the reports.

8. The CoC agreed that the information provided by Japan and the EC indicated that seven vessels were involved in IUU activities and agreed that these vessels would be included in a provisional list of IUU vessels to be presented to the Commission for consideration (Appendix III).

9. The CoC noted that the inclusion of vessels having LOA < 24 m on the IOTC list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area would require the amendment of IOTC Resolution 02/04.

***Report on Resolution 03/04: Concerning enhancement of effectiveness of IOTC measures to eliminate IUU activities (IOTC-2005-S9-CoC10)***

10. Japan, in accordance IOTC Resolution 03/04 (Concerning enhancement of effectiveness of IOTC measures to eliminate IUU activities in the IOTC Area) presented document IOTC-200-S9-CoC10 concerning the progress of the cooperative management framework between Japan, Seychelles and Vanuatu.

11. Seychelles indicated that several measures had been implemented to improve reporting by vessels operating under its flag including closer monitoring of transshipments at sea and that other measures to improve the quality of the data reported were under consideration.

12. The CoC commended Japan, Vanuatu and Seychelles for its efforts to deter IUU fishing.

### ***Fish Laundering***

13. Japan presented document IOTC-2005-S9-05 on effort increase in the Indian Ocean and fish laundering activities by large-scale tuna longline vessels. This included information on the falsification of documents and other illegal activities and large increases in catch and effort by vessels from Taiwan,China operating in the Indian Ocean. Japan pointed out that Taiwan,China vessels are operating in contravention with IOTC management measures due to the following main reasons: Mislabelling of the origin of catches (so called fish laundering) whereby a substantial portion of the catches of bigeye tuna from the Atlantic Ocean would be reported as being from the Indian Ocean. And increasing the number of vessels operating in the Indian Ocean, therefore increasing fishing effort for bigeye tuna.

14. China informed the CoC that punitive measures have been taken by its government in relation with the Chinese vessels for which illegal activities had been identified.

15. Taiwan,China informed the CoC that 11 vessels involved in illegal activities involving falsification of statistical documents have been punished.

16. The CoC expressed their great concern about the detrimental effects that mislabelling and/or misreporting of catches of bigeye tuna or other species can have on stock assessments. In particular, it was noted that over-reporting of catches of bigeye tuna in the Indian Ocean would mean that the Working Party on Tropical Tunas was basing its assessment on this over-reported catch level. The CoC noted that this implies the results of the latest assessment (2004) are, as a result of over-reporting, optimistic and stressed that the Commission needs to take this into account during their discussions relating to the management of bigeye tuna.

17. The CoC noted with concern increases in the catches and the number of vessels from Taiwan,China operating in the Indian Ocean since 2001. The CoC requested Taiwan,China to take, with the shortest delay possible, the necessary actions to reduce its catches and number of vessels to 2001 levels.

## **4) STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES BY CONTRACTING AND COOPERATING NON-CONTRACTING PARTIES**

### ***Review of member compliance with IOTC resolution 01/05 on Mandatory Statistical Requirements for IOTC members***

18. The Secretariat presented document IOTC-2005-S9-CoC12 containing information on the status of reporting by CPC's regarding statistical data for the year 2003.

19. The CoC expressed concern about the lack of statistics from several CPC's. Furthermore, it was agreed that to enable the CoC to better evaluate the statistics of the individual species under the management of IOTC, information on the availability of statistics from non-cooperating non-contracting parties be included in the report in the future.

20. Following on from a suggestion by the EC, the CoC requested that the Secretariat present to the next meeting, a report on the status of the application off all IOTC conservation and management measures by contracting and cooperating non-contracting parties, and an historical summary of the implementation of IOTC Resolution 98/04.

### ***Review of member compliance with IOTC resolution 98/04 Concerning registration and exchange on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC area of competence***

21. The Secretariat presented document IOTC-2005-S9-CoC05 containing information on the status of reporting by IOTC CPC's and non-CPC's regarding IOTC Resolution 98/04. The Secretariat indicated that reports received from several countries in relation with this resolution often contained information related to other resolutions. The Secretariat requested that, to assist the compilation of information, reporting parties need to clearly indicate which resolution or resolutions the submitted data applied to.

22. The CoC noted that some non-contracting parties had provided information on the vessels that enter their ports and agreed that this information would be useful to identify vessels that are fishing but not recorded under the List of vessels authorized to operate within the IOTC Area. The CoC requested that the Secretariat make these lists available in the future.

23. The CoC expressed concern regarding vessels which register simultaneously under two different countries. The CoC agreed that the parallel registration of vessels under the IOTC record should be avoided.

***Review of member compliance with resolution 02/05 Establishment of an IOTC record of vessels over 24 m authorized to operate in the IOTC Area***

24. The Secretariat presented the document IOTC-2005-S9-CoC05 containing information on the status of reporting by CPC's regarding IOTC Resolution 02/05. Japan submitted its report as document IOTC-2005-S9-CoC11.

25. The CoC agreed that vessels acting as supply vessels for vessels fishing for tunas in the Indian Ocean operating under the flag of CPC's should be included in the List of authorized vessels with clear indication on the type of activities each vessel carry out.

26. The CoC also requested that the Secretariat prepare a report on the changes in the List of vessels authorized to operate in the IOTC area since its implementation including details on the number of vessels and tonnage by flag over time. The CoC further requested that the Secretariat present a report on the progress concerning the implementation of IOTC Resolution 99/02 by CPC's for its next session and encouraged all parties to submit the information available to the Secretariat as soon as possible.

***Discussions on proposed management measures.***

***Recommendations to the Commission.***

27. The CoC recommended the adoption of the following proposed Resolutions according to Article IX paragraph 1 of the IOTC Agreement. Full transcripts are located in Appendix IV.

- a. IOTC-2005-S9-propG — Concerning management standard for tuna fishing vessels.
- b. IOTC-2005-S9-propM — Amendment to of Resolution 02/05 Concerning the establishment of an IOTC Record of Vessels authorised to operate in the IOTC area.
- c. IOTC-2005-S9-propC — Amendment to of Resolution 02/01 Relating to the establishment of an IOTC programme of inspection in port.
- d. IOTC-2005-S9-propD — Concerning registration and exchange on vessels, including flag of convenience vessels, fishing for tropical tunas and swordfish in the IOTC area of competence.

28. The CoC recommended the adoption of the following proposed Recommendations in accordance with Article IX, paragraph 8 of the IOTC Agreement. Full transcripts are located in Appendix IV.

- a. IOTC-2005-S9-propE — Concerning the conservation of sharks caught in association with fisheries managed by IOTC.
- b. IOTC-2005-S9-propJ — Recommendation on sea turtles.
- c. IOTC-2005-S9-propK — Recommendation on incidental mortality of seabirds

***Other matters arising from discussions on proposed management measures.***

**Capacity transfer**

29. Proposal IOTC-2005-S9-propI (Japan) was discussed and subsequently deferred until the next CoC meeting. Several countries indicated that it was premature for the IOTC to adopt Resolutions of this kind noting that currently there are limitations to IOTCs ability to limit fishing capacity in the Indian Ocean. It was noted that capacity limits are already in the Commissions regulations; however, the IOTC does not at present have sufficient information on the actual capacity of the fleets operating under its jurisdiction and the CoC recommended that more research is needed to properly estimate current capacity levels before any management action is considered. The CoC thanked Australia for

volunteering to work in conjunction with the Secretariat during the inter-sessional period and present a report on the capacity of fleets operating within the IOTC Area to the next session of the CoC. The CoC agreed that a Terms of Reference regarding this study be developed.

30. France noted that any resolution about capacity transfer must not restrict developing coastal states and territories, which depend strongly on their tuna resources, from further developing their tuna fisheries. France also reminded the CoC that the interests of developing coastal states and territories must be preserved according to Resolution 03/01.

31. Japan noted with concern that owners of vessels having a history of IUU activities in the Indian or other oceans have been trying to re-flag their vessels under flags of countries of the region that are IOTC CPCs. Japan requested that IOTC CPC's seriously consider not granting authorisation to vessels having a history of IUU activities.

### **Transshipment**

32. Resolution proposals IOTC-2005-S9-propF (EC), IOTC-2005-S9-propH (Japan) and IOTC-2005-S9-propP (Korea) were discussed. A new proposal IOTC-2005-S9-propO was developed in an attempt to combine the essential aspects of each of these proposals. However, several parties noted that as the main goal of the resolution was to eliminate IUU fishing activities, proposal O should focus more on the activities of fleets of non-contracting parties. The CoC could not reach a clear agreement on these transshipment proposals and referred them to the Commission for further consideration.

### **Sea turtles**

33. The EC informed the CoC about an ongoing pilot programme to examine the interaction between sea turtles and fishing by EC vessels. A report on the results of this programme is expected to be available to be presented at the next session of the CoC.

## **5) REVIEW OF THE IMPLEMENTATION OF THE BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME**

34. The Secretariat reported on the status of the information received regarding Resolution 01/06 (IOTC-2005-S9-CoC09).

35. Japan noted that only four CPC's had reported information to the Secretariat on imports or re-exports of bigeye tuna since the implementation of this Resolution. Japan encouraged all CPC's that have not yet implemented Resolution 01/06 as import CPC's to do so with the shortest delay possible and report the information collected to the Secretariat according to the deadlines established.

36. Seychelles and Kenya noted that the amounts of bigeye tuna reported by the Secretariat as being exported from their respective ports did not agree with their official information. Seychelles noted although the import reports from Japan indicated that more than 20,000 t of bigeye tuna was exported from Seychelles to Japan in 2004, no statistical documents had been validated by Seychelles with respect to exports of bigeye tuna to Japan. It was further noted that the mis-recording of the point of export was probably due to vessels transshipping catches of bigeye tuna on the high seas and using Seychelles as point of export for these exports.

37. The CoC requested that the Secretariat examine the discrepancies between the above import/export records of Seychelles, Kenya and Japan and present a report to the next meeting of the CoC.

38. The EC informed the CoC on the ongoing activities regarding the harmonization of Statistical Document Programs implemented by different regional fishery bodies following a recommendation by the COFI. The EC further informed that ICCAT was currently reviewing their Statistical Document programme and suggested that the amendment of related IOTC Resolution (01/06) be postponed until the ongoing reviews have concluded.

## **6) REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY**

39. The CoC noted that out of the three parties requesting status of cooperating non-contracting party status in 2005, only Indonesia was present at the meeting. The CoC suggested that parties applying for the status of cooperating non-contracting party status in the future do their best to attend and support their application.

### *Belize*

40. The CoC noted the application from Belize (IOTC-2005-S9-CoC01). Additional information from the Secretariat was also sought during discussions. The Secretariat informed the CoC that the information provided by Belize was, in some cases, different to that available to the IOTC Secretariat.

41. Japan indicated that information collected through the IOTC Bigeye Statistical Document Programme revealed that catches by Belize flagged vessels in 2004 amounted to approximately 2400 t and this is much higher than the total catch reported by Belize in their application (1200 t).

42. The CoC determined that, from the information available, Belize appears unable at this stage to supply information as required by IOTC management measures.

43. The CoC noted that currently, Belize flagged vessels not on the list of vessels authorised to operate in the IOTC area, are fishing in the Indian Ocean in contravention to IOTC management and conservation measures.

44. After considering the application and other information, the CoC agreed that Belize appears unable at this stage to be able to comply with IOTC management and conservation measures and recommended that the Commission reject Belize's application for cooperating non-contracting party status of IOTC.

45. Furthermore, the CoC recommended that Belize be Identified according to IOTC Resolution 03/05 and that the Secretariat implement the procedures related to this on behalf of the Commission.

46. The CoC recommended that Belize be informed of the decisions in paragraphs 43 and 44 as soon as possible.

### *Indonesia*

47. Indonesia presented its application (IOTC-2005-S9-CoC2). After considering the application, the CoC commended Indonesia on its progress in implementing IOTC management and conservation measures and unanimously recommended that the Commission grant cooperating non-contracting party status of IOTC to Indonesia.

### *South Africa*

48. South Africa's application (IOTC-2005-S9-CoC03) was considered by the CoC. The CoC recommended that the Commission grant cooperating non-contracting party status of IOTC to South Africa.

## **7) REVIEW OF A STANDARD FORMAT FOR REPORTING ON IUU RESOLUTIONS PROPOSED BY THE SECRETARIAT (IOTC-2005-S9-CoC04)**

49. The Secretariat presented document IOTC-2005-S9-CoC04 outlining a list of questions that might be used to assist CPCs report on resolutions and recommendations concerning IOTCs management measures to eliminate IUU fishing activities. In pursuit of an even more simple reporting format, the CoC recommended that the Secretariat examine the forms used by other RFMO's for this purpose and circulate a revised document to HODs in the near future.



## **8) ANY OTHER MATTERS**

50. A representative from Senegal provided the CoC with an introduction to the Senegalese fisheries. The CoC noted that a Senegalese flagged vessel has been operating in the Indian Ocean since 2003.

51. Senegal also informed the CoC, that due to unforeseen administrative circumstances, their intended application for the status of cooperating non-contracting party of IOTC was not sent in time for consideration by the CoC at the present meeting.

52. Senegal requested that the Compliance Committee grant their one vessel authorisation to operate in the IOTC area until their application for cooperating non-contracting party status is received for consideration in the next meeting of the CoC.

53. Based on the statements of commitment to IOTC conservation and management measures by Senegal, the CoC agreed that Senegal represented an exceptional case and recommended that for a limited period of time their request be approved.

## **9) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING**

54. The CoC adopted this report in the afternoon of 2 June 2005.

## **CoC REPORT:**

### **AGENDA OF THE COMPLIANCE COMMITTEE AT S9**

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA AND APPOINTMENT OF RAPPORTEURS**
- 3. REVIEW OF REQUEST FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY.**
  - a. Belize (IOTC-2005-S9-CoC01)
  - b. Indonesia (IOTC-2005-S9-CoC02)
  - c. South Africa (IOTC-2005-S9-CoC03)
- 4. REVIEW OF A STANDARD REPORTING FORMAT FOR REPORTING ON IUU-RESOLUTIONS PROPOSED BY THE SECRETARIAT (IOTC-2005-S9-CoC04)**
- 5. STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES BY CONTRACTING AND COOPERATING NON-CONTRACTING PARTIES**
  - 5.1 Review of member compliance with IOTC resolution 98/04 *Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC area of competence* (IOTC-2005-S9-CoC05)
  - 5.2 Review of member compliance with resolution 02/05 *Establishment of an IOTC record of vessels over 24 metres authorised to operate in the IOTC area* (IOTC-2005-S9-CoC06)
- 6. IUU ISSUES**
  - 6.1 A report on IUU fishing activities from Japan (relating to resolution 02/04) (IOTC-2005-S9-CoC07)
  - 6.2 A report on IUU fishing activities from the EC (relating to resolutions 02/04, 02/05 and 03/05) (IOTC-2005-S9-CoC08).
  - 6.3 Discussions on the above reports.
  - 6.4 Report on Resolution 03/04 concerning enhancement of effectiveness of IOTC measures to eliminate IUU activities (IOTC-2005-S9-Coc10)
- 7. REVIEW OF THE IMPLEMENTATION OF THE BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME**
  - 7.1 Review of member compliance with IOTC Resolution 01/06 *Concerning the IOTC bigeye tuna statistical document programme* (IOTC-2005-S9-CoC09)
- 8. ANY OTHER MATTERS**
- 9. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING.**

## APPENDIX VIII

## LIST OF IUU VESSELS AS DETERMINED BY THE IOTC AT S9

Current name	Current flag	Lloyds/IMO number	Name at time of incidence	Reported flag at time of incident	Call sign at time of incident	Previous names (if known)	Dates of incident/s	Management measure contravened
<b>TS Elegance</b>	unknown	8919403	same	Belize	V3SF9	Kaouri	28Jul03 – 02Feb04; Jun2004	02/04
<b>TS Emerald</b>	unknown	8919415	same	Panama	3FSW7	Tivela	30Jun03 – 01Jul04; Jul2004	02/04
<b>TS Excellence</b>	unknown	8919427	same	Belize	V3SO8	Pinna	29Jun03 – 28May04; Jul2004	02/04
<b>TS Prosperity</b>	unknown	9223227	same	Belize	V3SQ3	-	29Apr03 – 29Jun04; Jul2004	02/04
<b>Blue Ocean Marine</b>	Belize <i>Possibly already scrapped</i>	7826271	same	Belize	V3AF3	Lucky Ocean; Ivan Borzov	28Jun02 – 22Dec03	02/04
<b>Ocean Explorer</b>	Unknown	7826245	Ocean Pride Marine	Belize and possibly Maldives Islands	?		29Nov01 – 28Jun03	02/04
<b>Ocean Liberty</b>	Unknown	7806702	Marine Ocean	Belize	?	Sea Ruby I; Rodhia	04Jan03 – 03Jun-04	02/04
<b>Ocean Lion</b>	?	7826233	same					02/04
<b>Ocean Star Marine</b>	Belize <i>Possibly already scrapped</i>	7817440	same	Belize	V3AG3	New Wave I; Tiora	30AMar04 – 12Apr04	02/04
<b>Feng Jung Chin 1</b>	Papua New Guinea						2003-2004	02/04
<b>Wan Feng</b>	Papua New Guinea						2003-2004	02/04
<b>Yu Fu 11</b>	Papua New Guinea						2003-2004	02/04

## **APPENDIX IX**

### **RESOLUTIONS AND RECOMMENDATIONS ADOPTED DURING THE SESSION**

#### **RESOLUTION 05/01**

#### **ON CONSERVATION AND MANAGEMENT MEASURES FOR BIGEYE TUNA**

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

RECOGNISING the need for action to ensure the achievement of the IOTC's objectives to conserve and manage tuna and tuna-like species in the IOTC area of competence,

RECALLING the adoption by IOTC of Resolution 01/04 in relation to the limitation of fishing capacity on bigeye tuna of contracting parties and cooperating non-contracting parties (CPC's),

ACKNOWLEDGING that the limitation of fishing capacity alone will not be sufficient to limit effort or total catch of tuna and tuna-like species, particularly bigeye tuna,

AWARE that due to illegal activity and underestimation of the total mortality of bigeye the current assessment of the status of the stock is likely to be overly optimistic, and

RECOGNISING that the Scientific Committee has recommended that a reduction in the catches of bigeye tuna from all fishing gears should be implemented as soon as possible

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

1. Contracting and co-operating non-contracting parties (CPC's) shall limit their catch of bigeye tuna to their recent levels of catch reported by the Scientific Committee.
2. The Commission shall request Taiwan Province of China to limit their annual bigeye catch in the IOTC area to 35,000 tonnes.
3. At the 10<sup>th</sup> Session of the Commission shall establish, for a three year period, interim catch levels for CPC's catching more than 1000t of bigeye tuna.
4. CPC's, including developing coastal states, in particular small island developing states and territories, with catches under 1000 tonnes who intend to substantially increase these catches will be allowed to submit 'Fleet Development Plans' during the 3 year interim period referred to in paragraph 3 above.
5. During this three year period the Commission shall develop a mechanism to allocate, for specific time periods, bigeye tuna quotas for all CPC's.
6. Future access to the tuna and tuna-like resources found within the area of competence of the IOTC will, in part, be determined on the level of responsibility shown by CPC's in relation to this measure.
7. The Scientific Committee be tasked to provide advice, including advice on;
  - the effects of different levels of catch on the SSB (in relation to MSY or other appropriate reference point);
  - the impact of misreported and illegal catch of bigeye tuna on the stock assessment and required levels of catch reduction; and
  - evaluation of the impact of different levels of catch reduction by main gear types.
8. In relation to the foregoing, the Commission took note of the developing coastal states, in particular small island developing states and territories within the IOTC convention area whose economies depend largely on fisheries.

**RESOLUTION 05/02**  
**CONCERNING THE ESTABLISHMENT OF AN IOTC RECORD OF VESSELS AUTHORISED**  
**TO OPERATE IN THE IOTC AREA**

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

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels,

FURTHER RECALLING that IOTC adopted the *Recommendation Concerning the IOTC Bigeye Tuna Statistical Document Programme (Resolution 01/06)* at its 2001 meeting,

FURTHER RECALLING that IOTC adopted the *Resolution 01/02 Relating to Control of Fishing Activities* at its 2001 meeting,

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential of operating in the IOTC area without timely registration with the Commission,

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action aiming to prevent, to deter and to eliminate illegal, unregulated and unreported fishing (IPOA), that this plan stipulates that the regional fisheries management organization should take action to strengthen and develop innovative ways, in conformity with international law, to prevent, deter and eliminate IUU fishing and in particular to establish records of vessels authorized and records of vessels engaged in IUU fishing,

RECOGNIZING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

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

1. The Commission shall establish and maintain an IOTC Record of fishing vessels that are:
  - a) larger than 24 metres in length overall, or
  - b) in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state,

and that are authorised to fish for tuna and tuna-like species in the IOTC Area (hereinafter referred to as 'authorized fishing vessels', AFV. For the purpose of this recommendation, AFVs that are not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.

2. Each Contracting Party, and Non-Contracting Party co-operating with IOTC (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the IOTC Secretary by 1 July 2003 for those vessels referred to 1.a) and 1 July 2006 for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC Area. This list shall include the following information:

- Name of vessel(s), register number(s);
- Previous name(s) (if any);
- Previous flag(s) (if any);
- Previous details of deletion from other registries (if any);
- International radio call sign(s) (if any);
- Operating port
- Type of vessel(s), length and gross registered tonnage (GRT);
- Name and address of owner(s) and operator(s);

- Gear(s) used;
- Time period(s) authorised for fishing and/or transshipping;

CPCs shall indicate, when initially submitting their list of vessels according to this paragraph, which vessels are newly added or meant to replace vessels currently on their list submitted to IOTC pursuant to the *Resolution 01/02 Relating to Control of Fishing Activities*.

The initial IOTC record shall consist of all the lists submitted under this paragraph.

3. Each CPC shall promptly notify, after the establishment of the initial IOTC Record, the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.
4. The IOTC Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
5. The flag CPCs of the vessels on the record shall:
  - a) authorise their AFVs to operate in the IOTC Area only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its conservation and management measures;
  - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC conservation and management measures;
  - 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 IOTC Record have no history of IUU fishing activities or that, if those vessels have such history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels, or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;
  - e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by AFVs not entered into the IOTC Record in the IOTC Area;
  - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
6. CPCs shall review their own internal actions and measures taken pursuant to paragraph 5, including punitive and sanction actions and in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission at its 2003 meeting and annually thereafter. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC record to take further action to enhance compliance by those vessels to IOTC conservation and management measures.
7.
  - a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the AFVs which are not entered into the IOTC Record.
  - b) To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:
    - I. Flag CPCs shall validate statistical documents only for the AFVs on the IOTC Record,

- II. CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the IOTC Record and,
  - III. CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall co-operate to ensure that statistical documents are not forged or do not contain misinformation.
8. Each CPC shall notify the IOTC Secretary of any factual information showing that there are reasonable grounds for suspecting AFVs not on the IOTC record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.
  9. a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC Area.
  10. b) If the flag of a vessel mentioned in paragraph 8 cannot be determined or is of a non-Contracting Party without cooperating status, the Secretary shall compile such information for future consideration by the Commission.
  11. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU AFVs from the Indian Ocean to other oceans.
  12. Paragraph 1 of the Resolution 01/02 Relating to Control of Fishing Activities adopted at the 2001 Commission meeting is no more effective when this resolution is entered into force, while paragraph 2,3,4 and 5 of the said Resolution shall stand as they are.
  13. Paragraph 1 b) shall apply initially to longline and purse seine fishing vessels.
  14. IOTC Resolution 02/05 *Concerning the establishment of an IOTC record of vessels over 24 metres authorised to operate in the IOTC area* is superseded by this Resolution.

**RESOLUTION 05/03**  
**RELATING TO THE ESTABLISHMENT OF AN IOTC PROGRAMME OF INSPECTION IN**  
**PORT**

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

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001.

NOTING that there is a general consensus of the Contracting Parties on the fact that the inspection in port is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing.

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach.

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

1. All measures provided for under this resolution shall be taken in accordance with international law.
2. Measures taken by a Port State in accordance with this Agreement shall take full account of the right and the duty of a Port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures.
3. Each Contracting Party and Cooperating Non-contracting Parties (hereinafter referred to as CPC's) may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
4. Each CPC shall, in accordance with the Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with resolutions established by the IOTC, adopt regulations in accordance with international law to prohibit landings and transshipments by non-Contracting Party vessels where it has been established that the catch of the species covered by the Agreement establishing the IOTC has been taken in a manner which undermines the effectiveness of conservation and management measures adopted by the Commission.
5. In the event that a Port State considers that there has been evidence of a violation by a Contracting Party or a Non-Contracting Party vessel of a conservation and management measure adopted by the Commission, the Port State shall draw this to the attention of the Flag State concerned and, as appropriate, the Commission. The Port State shall provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.
6. Nothing in this recommendation affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.
7. While recognizing that inspection in port should be carried out in a non-discriminatory basis, in a first place, priority should be given to inspection of vessels from Non-Contracting Parties.
8. Each CPC shall submit electronically to the Secretary by 1 July of each year, 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 shall detail the catch composition by weight and species landed.
9. IOTC Resolution 02/01 Relating to the establishment an IOTC programme of inspection in port is superseded by this Resolution.



**RESOLUTION 05/04**  
**CONCERNING REGISTRATION AND EXCHANGE OF INFORMATION ON VESSELS,**  
**INCLUDING FLAG OF CONVENIENCE VESSELS, FISHING FOR TROPICAL TUNAS AND**  
**SWORDFISH IN THE IOTC AREA OF COMPETENCE**

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

NOTING the Research Recommendation of the 7<sup>th</sup> Expert Consultations on Indian Ocean Tunas regarding the need to collect data on fishing effort;

NOTING the Report of the First Session of the Scientific Committee and its general recommendation on the need to make a comprehensive list of all vessels of all gears catching bigeye;

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

1. All Contracting Parties and Cooperating non-Contracting Parties (CPCs) with vessels fishing for tropical tunas and swordfish in the IOTC Area of Competence (hereinafter referred to as “the Area”), by 30 June every year:
  - Shall submit to the Secretary a list of their respective vessels greater than 24 m LOA that have fished for tropical tunas and swordfish in the Area during the previous year;
  - Shall submit to the Secretary a list of their respective vessels of less than 24 m LOA that have fished for tropical tunas and swordfish outside of their EEZ during the previous year.
2. These lists shall contain the following information for each vessel:
  - Name and registration number;
  - Previous flag (if any);
  - International radio call sign;
  - Vessel type, length, and gross registered tonnage or gross tonnage;
  - Name and address of owner, and/or charterer, and/or operator.
3. CPCs which issue licences to foreign flag vessels to fish for tropical tunas and swordfish in the Area shall submit to the Secretary the same information on all vessels to which such licences have been issued, according to the same timetable.
4. The Secretary shall circulate this information annually, or upon request, to all CPCs.
5. The CPCs shall notify the Secretary of any information concerning fishing vessels not covered in paragraph 1 but known or presumed to be fishing for tropical tunas and swordfish in the Area.
6. a) The Secretary shall request the flag State of a vessel covered in paragraph 5 to take the measures necessary to prevent the vessel from fishing for tropical tuna and swordfish in the Area.  
  
b) The Secretary shall compile for future consideration by the Commission information on vessels covered in paragraph 5 whose flag is not identified.
7. IOTC Resolution 98/04 Concerning registration and exchange of information on vessels, including flag of convenience vessels, fishing for tropical tunas in the IOTC Area of competence is superseded by this Resolution.

**RESOLUTION 05/05**  
**CONCERNING THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH**  
**FISHERIES MANAGED BY IOTC**

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

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organisations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks (defined as elasmobranchs);

CONSIDERING that many sharks are part of pelagic ecosystems in the IOTC area, and that tunas and tuna-like species are captured in fisheries targeting sharks;

RECOGNISING the need to collect data on catch, effort, discards and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

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

1. Contracting Parties, Cooperating non-Contracting Parties (CPCs) shall annually report data for catches of sharks, in accordance with IOTC data reporting procedures, including available historical data.
2. In 2006 the Scientific Committee (in collaboration with the Working Party on Bycatch) provide preliminary advice on the stock status of key shark species and propose a research plan and timeline for a comprehensive assessment of these stocks.
3. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
4. CPCs shall require their vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.
5. The ratio of fin-to-body weight of sharks described in paragraph 4 shall be reviewed by the scientific committee and reported back to the Commission in 2006 for revision, if necessary.
6. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this Resolution.
7. In fisheries that are not directed at sharks, CPCs shall encourage the release of live sharks, especially juveniles and pregnant sharks, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
8. CPCs shall, where possible, undertake research to identify ways to make fishing gears more selective (such as the implications of avoiding the use of wire traces).
9. CPCs shall, where possible, conduct research to identify shark nursery areas.
10. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.
11. This resolution applies only to sharks caught in association with fisheries managed by the IOTC.
12. This provision to apply without prejudice to many artisanal fisheries which traditionally do not discard carcasses.

**RECOMMENDATION 05/06**  
**CONCERNING THE TERMS OF REFERENCES FOR AN IOTC WORKING PARTY ON**  
**MANAGEMENT OPTIONS**

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

RECALLING the IOTC Recommendation 03/06 to commission a report on management options for tuna and tuna-like species that may be applicable to the highly migratory fish stocks of the Indian Ocean;

RECOGNISING that since its 4th session the Scientific Committee has recommended that a reduction in catches of Bigeye tuna from all fishing gears should be implemented as soon as possible, and has at its 6th session expressed concern over current catches of Yellowfin tuna and Swordfish,

1. An *ad hoc* Working Party on Management Options is hereby established.
2. The Working Party should be composed of a combination of scientific and management experts designated by every Member of the Commission.
3. The Working Party on Management Options is instructed to:
  - a. provide the Commission with a comprehensive assessment of management options and indicate the most suitable measures to ensure the management of fisheries in the Indian Ocean under the mandate of the Commission, having in consideration Control and Compliance matters;
  - b. Take account of recent assessments and best available advice on management options for tuna and tuna-like species.
  - c. provide particular advice on the conservation and the sustainable exploitation of the tuna and tuna like species covered by IOTC Agreement and demonstrate that options considered in subparagraph (a) manage and alleviate the concerns expressed by the Scientific Committee to stock levels related to these species;
  - d. also provide appropriate advice on feasible implementation for every set of management options, as well as analyse the economic and socioeconomic impacts for the implementation of any management option on the corresponding fleets;
  - e. indicate impediments based on compliance and monitoring requirements and scientific analysis required for the implementation of the measures outlined in subparagraph (a) and consider the possible impacts IUU fishing may have on the implementation of management measures;
  - f. identify the best combination of the measures outlined in subparagraph (a), in terms of highest benefits for the stocks involved together with the lesser socioeconomic and logistic impact for the fleets.

## **RECOMMENDATION 05/07**

### **CONCERNING A MANAGEMENT STANDARD FOR THE TUNA FISHING VESSELS**

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

RECALLING that the Commission has actively taken various measures and actions to eliminate illegal, unregulated and unreported (IUU) fishing activities by large-scale tuna longline vessels in the IOTC Area;

FURTHER RECALLING that FAO has been taking initiatives to eliminate IUU fishing activities;

RECOGNIZING that large-scale tuna vessels shift fishing grounds very easily from the IOTC Area to other Oceans and vice versa and that this highly mobile nature of this fishery makes control and management of this fishery difficult;

FURTHER RECOGNIZING that their catches are transferred from the fishing grounds to the market directly without going through the flag countries;

BEING AWARE that most of their bigeye and yellowfin tuna catches are exported to Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as CPCs);

NOTING, with grave concern, that many IUU large-scale tuna vessels still survive by shifting their flags from non-Contracting Parties to CPC's with less management ability, and by changing their vessel names and nominal owners to evade international efforts to eliminate these vessels;

FURTHER NOTING that the lack of a minimum management standard of the Commission allows such shifting to CPCs; and

RECOGNIZING the urgent necessity of undertaking due measures so as not to use Contracting Parties as shelters of such vessels,

RECOMMENDS, in accordance with paragraph 8 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) should take measures to meet the minimum management standard (Attachment I) when they issue fishing licenses to their "authorised fishing vessels" (AFVs as defined in Resolution 05/02).
2. All CPCs should cooperate with those CPCs which issue licenses to their AFVs to meet the above standard.
3. The CPC flag states which issues licenses to their AFVs should report annually to the Commission all measures taken according to paragraph 1 using the format shown in Attachment II.

### **IOTC Management Standard for the AFVs**

The Contracting Parties and Cooperating non-Contracting Parties, should:

#### **Management in the fishing grounds**

- i* Monitor and inspect, where appropriate through patrol boats and maintain surveillance of the activities of its vessels in order to ensure compliance with IOTC's conservation and management measures.
- ii* Deploy if appropriate, scientific observers on-board the vessels according to the Commission's Resolution ;
- iii* Require the installation of satellite-based vessel monitoring systems on board the AFVs operating in the IOTC Area according to the Commission's Resolution 02/02;
- iv* Require a report of their entry/exit to and from the management areas and the IOTC Area, unless otherwise indicated through use of a vessel monitoring system.
- v* Require a daily or periodical report of the vessel's catches of species to which catch limits are applicable;

#### **Management of transshipment (from the fishing grounds to the landing ports)**

- i* Require a report of any transshipment of the vessel's catches by species and by management area;
- ii* Conduct port inspection according to the Commission's Resolution 05/03;
- iii* Implement statistical document programs according to the Commission's Resolution's 01/06 and 03/03;

#### **Management at landing ports**

- i* Collect landing and transshipment data to verify catch data, if appropriate, through cooperation with other Contracting Parties and Cooperating non-Contracting Parties.
- ii* Require a report of landings of their catches by species and by management area.

## Attachment II

**Model format for annual reporting of implementation of the IOTC management standard for AFVs****a. Management in the fishing grounds**

	<i>Scientific Observer boarding</i>	<i>Satellite-based vessel monitoring system</i>	<i>Daily or required periodic catch report</i>	<i>Entry/Exit report</i>
Yes, No				
Note	%	% or number of vessels	Method	Method

**b. Management of transshipment (from the fishing grounds to the landing ports)**

	<i>Transshipment report</i>	<i>Port inspection</i>	<i>Statistical document program</i>
Yes, No			
Note	Method	Method	

**c. Management at landing ports**

	<i>Landing inspection</i>	<i>Landing reporting</i>	<i>Cooperation with other Parties</i>
Yes, No			
Note	Method	Method	

## **RECOMMENDATION 05/08 ON SEA TURTLES**

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

NOTING the need to improve the collection of scientific data regarding all sources of mortality for sea turtle populations, including but not limited to, data from fisheries within the IOTC Area to enhance the proper conservation of sea turtles;

RECOGNISING that at the 26<sup>th</sup> FAO-COFI Session in March 2005, the Guidelines to Reduce Sea Turtle Mortality in Fishing Operation (hereinafter referred to as “the Guidelines”) was adopted,

ACKNOWLEDGING the activities undertaken to conserve marine turtles and the habitats on which they depend, within the framework of the Indian Ocean – South-East Asian Marine Turtle Memorandum of Understanding (IOSEA MoU); noting the decision of the 22 IOSEA Signatory States to establish a voluntary reporting mechanism to monitor implementation of the Guidelines; and noting further IOSEA MoU Resolution 3.1 regarding collaboration with IOTC on marine turtle by-catch issues;

RECOMMENDS, in accordance with paragraph 8 of Article IX of the IOTC Agreement, that:

The Commission encourages Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) to implement the Guidelines, *inter alia*, the necessary measures for vessels fishing for tuna and tuna-like species in the IOTC Area to mitigate the impact of fishing operations on sea turtles:

#### **A. General**

- i). Requirements for appropriate handling, including resuscitation or prompt release of all bycaught or incidentally caught (hooked or entangled) sea turtles.
- ii). Retention and use of necessary equipment for appropriate release of bycaught or incidentally caught sea turtles.

#### **B. Purse seine**

- i). Avoid encirclement of sea turtles to the extent practical.
- ii). Develop and implement appropriate gear specifications to minimize bycatch of sea turtles.
- iii). If encircled or entangled, take all possible measures to safely release sea turtles.
- iv). For fish aggregating devices (FADs) that may entangle sea turtles, take necessary measures to monitor FADs and release entangled sea turtles, and recover these FADs when not in use.

#### **C. Longline**

- i). Development and implementation of appropriate combinations of hook design, type of bait, depth, gear specifications and fishing practices in order to minimize bycatch or incidental catch and mortality of sea turtles.
- ii). Retention and use of necessary equipment for appropriate release of bycaught and incidentally caught sea turtles, including de-hooking, line cutting tools and scoop nets.

The Commission encourages CPCs to collect and voluntarily provide the Scientific Committee with all available information on interactions with sea turtles in fisheries targeting the species covered by the IOTC

Agreement, including successful mitigation measures, incidental catches and other impacts on sea turtles in the IOTC Area, such as the deterioration of nesting sites and swallowing of marine debris.

Encourages CPCs to coordinate their respective IOTC and IOSEA implementation measures, where applicable; and urges the respective secretariats to intensify their collaboration and exchange of information in this area.

CPCs are encouraged to support developing countries in their implementing the Guidelines.

**RECOMMENDATION 05/09**  
**ON INCIDENTAL MORTALITY OF SEABIRDS**

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

TAKING INTO ACCOUNT the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries;

RECOGNISING the need to evaluate the incidental mortality of seabirds during longline fishing operations for tunas and tuna-like species;

NOTING that fisheries other than longline fisheries targeting tuna and tuna-like species may also contribute to the incidental mortality of seabirds;

FURTHER NOTING that other factors, such as swallowing marine debris, are also responsible for seabird mortality.

RECOMMENDS, in accordance with paragraph 8 of Article IX of the Agreement, that:

Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) should inform the Scientific Committee, if appropriate, and the Commission of the status of their National Plans of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries. The Commission should urge CPCs to implement, if appropriate, the International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries if they have not yet done so.

CPCs should be encouraged to collect and voluntarily provide Scientific Committee with all available information on interactions with seabirds, including incidental catches in all fisheries under the purview of IOTC.

When feasible and appropriate, Scientific Committee should present to the Commission an assessment of the impact of incidental catch of seabirds resulting from the activities of all the vessels fishing for tunas and tuna-like species, in the IOTC Area.

CPCs are encouraged to support developing countries in their implementing the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries..



## **APPENDIX X**

### **REPORT OF THE SECOND SESSION OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**

#### **1) OPENING OF THE SESSION**

1. The Second Session of the Standing Committee on Administration and Finance (SCAF) of the Indian Ocean Tuna Commission was held during Session 9 of the Commission, under the chairmanship of Mr. Katsuma Hanafusa (Japan).

#### **2) ADOPTION OF THE AGENDA**

2. The Standing Committee adopted the Agenda as presented in Appendix I to this report. The documents before the Committee are listed in Appendix II to the main report.

#### **3) PROGRESS REPORT OF THE SECRETARIAT**

3. The Executive Secretary presented the report on the Secretariat's activities and other relevant administrative matters in 2004 (IOTC-2005-S9-SCAF01). Several staff changes took effect over the year, including the appointments of Mr. Anganuzzi as Executive Secretary, Dr. Chris O'Brien as Deputy Secretary, Mr. Julien Million as Tagging Officer, Ms. Rosemary Dodin as Administrative Assistant, Ms. Lucia Lepere as Data Manager Assistant and Ms. Mesiane Bristol as Bilingual Secretary. The technical activities of the Secretariat were dominated by its role in coordinating the Indian Ocean Tuna Tagging Program (IOTTP). Other significant activities included: coordinating and participating in several data management workshops and tuna port sampling programmes in conjunction with the Overseas Fishery Cooperation Foundation of Japan, i.e. the IOTC-OFCF project; support for four working parties (tropical tunas, tagging, billfish, temperate tunas) and the Scientific Committee; as well as activities associated with data acquisition, management and dissemination.

4. The SCAF noted the increased workload of the Secretariat and congratulated it for the high quality of work carried out.

#### **4) PROGRAMME OF WORK, BUDGET AND FINANCIAL STATEMENT**

5. The Secretariat presented the Programme of Work and Budget for 2005 (IOTC-2005-S9-SCAF02). SCAF noted that substantial new activities were initiated in 2004 and many were expected to continue through 2006. In particular, the coordination, maintenance and management of IOTC's data holdings continues to be a high-priority activity that occupies a large portion of the workload of the Secretariat. Similarly, activities associated with the coordination of the IOTTP are expected to continue to take a large amount of time for certain staff. The Secretariat will also coordinate and facilitate the scientific work of its members. Three working party meetings (Tropical Tunas, Bycatch and Neritic Tunas) and a Scientific Committee meeting are scheduled for 2005. The joint activities with the OFCF to strengthen data collection and processing in coastal countries of the Indian Ocean will continue in 2005 and 2006. Sampling schemes operating in Thailand, Malaysia and Indonesia, as well as Sri Lanka and Maldives, are expected to continue and expanded to other ports as necessary. Additional activities for the Secretariat in 2005 include the publication of data, a major overhaul of the IOTC's web site and cooperation with other bodies, such as the Commission de l'océan Indien, the Southwest Indian Ocean Fisheries Commission and other tuna commissions.

6. The SCAF acknowledged that the number of delegations and participants attending the annual Commission sessions has increased to the extent that the meeting is now beyond the existing conference facilities in Seychelles and future Commission meetings probably need to be held outside Seychelles. It was also noted that according to the IOTC Agreement, the any country hosting the meeting outside Seychelles is expected to cover any costs over and above the costs of holding the meeting in the Headquarters (Seychelles). These expenses are mainly those associated with running the meeting, i.e. photocopying, fax and internet access services, refreshments and other logistic arrangements.

7. The SCAF considered a recommendation by the Scientific Committee (IOTC-2004-SC-R) regarding the search for funds to support the publication of a Tuna Fisheries Atlas for the Indian Ocean. It was agreed that this would be a useful and important contribution, but that the costs associated to the development and production of this publication may exceed current budgetary resources. The European Union indicated that IRD (Institut de Recherche et Développement - France) is eventually willing to allocate extra funds to partially fund this project and encouraged other interested parties to do the same.

8. The SCAF noted that the proposed budget for the Secretariat for 2005 was 19.4% higher than the budget for 2004 and 10.25% higher than the 2005 budget projected in the last Commission meeting in 2003. The increase is mainly due to variable components associated to the costs of staff salaries, including:

- i) Increases in staff Post Adjustments. This is a quantity that is determined by UN based on surveys on the cost of living in the duty station. In the case of Seychelles, these costs have been increasing markedly in the past few years, and particularly after 2004 with the introduction of a General Sales Tax. Staff Post Adjustments represent approximately 21% of staff salary costs and increased by approximately 30% in 2004.
- ii) A change in the way FAO assesses staff Benefits at Standard coupled with a weaker dollar exchange rate. Benefits at Standard is an amount deducted by FAO from Commission's funds to cover staff entitlements such as home leave, dependant's schoolings allowances, etc. This amount is calculated taking into account all FAO staff and not only those working for the Commission. In the past, these deductions were made based on FAO estimates; however, since 2004 they have been based on the actual expenses incurred. Since most FAO employees are based in headquarters (Rome), the size of this deduction, as effected to IOTC's account which is kept in dollars, has increased due to the weaker exchange rate of the US dollar. Benefits at Standard accounts for about 25% of staff salary costs and has increased by about 55% in 2004.

9. It was noted by Members that the factors above, which can vary from year to year, represent a large portion of salary expenses and therefore make it very difficult to estimate staff salary expenses into the future. This situation is further compounded by some FAO accounting procedure in which these expenses are deducted after the end of the year, and that the above estimates are based on all FAO staff, rather than only Secretariat staff.

10. Members recognised and regretted that under the current accounting system:

1. It is difficult for the Secretariat to identify the real costs of running the Secretariat;
2. Around 25% of the salary costs are deducted by FAO to cover staff entitlements and that this amount is calculated taking account all FAO staff and not only those working for IOTC Secretariat
3. The FAO servicing costs amounts to 4.5 % of the Commission budget
4. The interest of the accumulated funds (\$ 803.000 in 2005) is not benefiting the Commission budget;
5. The annual expenditure report is not sufficiently clear and detailed to allow Members to understand the real expenditure of the Secretariat based in Seychelles.

11. The SCAF noted that the Secretariat did not have access to FAO's administration database system until February of 2004, and hence it was unable to include more accurate estimates of these variables into the estimated budget for 2005. Additional problems related to the level of access and control of Secretariat's funds in the FAO accounting system were also discussed, including: lack of interactivity (information can only be entered/modified in FAO headquarters in Rome), lack of clear explanations and guidelines for some deductions and/or charges, inability to compartmentalise expenses and funds associated to specific IOTC projects, and difficulties to track specific contributions by member countries.

12. FAO indicated that it was aware of some of these issues and it is working on providing satisfactory solutions. In accordance with preliminary recommendations from a recent audit of the Secretariat by FAO auditors, it is now FAO policy that the Secretariat should be made its own budget holder. This will require installation of special internet security hardware and software. The costs of this is expected to be between US\$10,000 and 20,000, and FAO offered to cover these costs, in its spirit of supporting RFO's and IOTC in particular.

13. The SCAF agreed that access to more detailed and clearer accounting information is required in order to achieve better budgetary planning and control. The SCAF recommended that a specific person in FAO be identified who is able to provide the required details regarding how certain charges originate and the best practices in terms of forecasting these expenditures in the future. The SCAF thanked FAO for offering to cover the costs of installing the computer accounting system that should contribute greatly to achieving these objectives in the future.

14. The SCAF reiterated the need, as stated in the Rules of Procedures, that Secretariat budget and work-plan information be made available to Members with, at least, 30 days in advance to the Commission's meeting and requested that the Secretariat endeavour to meet this deadline in the future.

15. The SCAF also requested that the results of the FAO audit on the Secretariat (undertaken in late 2004 /early 2005) be transmitted to the Commission when the final report becomes available.

16. The SCAF discussed several options to soften the impacts of the increased budgets for 2005 and 2006 on Member's contributions and it was agreed that portions of the accumulated funds of the Commission be for this purpose.

17. Noting that there was an important increase in the budget, and that Members received the forecast budget during the Meeting and not 60 days before as foreseen in Article III of Financial Rules, that the accumulated funds .The Committee recommended that the Commission should approve the budget proposed by the Secretariat for 2005 and the scale of contributions and use of accumulated funds in order to reduce the impact of the increase of the budget on members contributions.

## **5) ANY OTHER MATTERS**

18. No other matters were brought to the attention of the SCAF.

## **6) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING**

19. The report of the Second Session of the Standing Committee on Administration and Finance of the Indian Ocean Tuna Commission was adopted by correspondence.

## **SCARF — APPENDIX I**

### **AGENDA**

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA AND APPOINTMENT OF THE RAPPORTEUR**
- 3. PROGRESS REPORT OF THE SECRETARIAT (IOTC-2005-S9-SCAF01)**
- 4. PROGRAMME OF WORK AND BUDGET OF THE SECRETARIAT FOR 2005 (IOTC-2005-S9-SCAF02)**
- 5. ANY OTHER MATTERS**
- 6. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING.**

## APPENDIX XI

### BUDGET AND CONTRIBUTIONS

**Table 1. Projected budget for 2005-2006.**

	2005	2006
<b>PROFESSIONAL STAFF</b>		
Secretary - D-1	195,556	215,112
Deputy Secretary - P-5	166,976	183,674
Data Coordinator - P-4	147,267	161,994
Programmer - P-3	126,626	139,288
Data Manager - P-3	96,680	106,348
Translator/Editor - P-2	92,281	101,509
Tagging Expert - P-1	63,409	69,750
SUB-TOTAL	888,795	977,675
<b>ADMIN. SUPPORT</b>		
Administrative Asst. - G-6	21,523	23,675
Database Assistant G-6	19,694	21,663
Bilingual secretary - G-4	11,977	13,175
Publications Assistant G-5	20,631	22,694
Driver/Messenger - G-2	18,375	20,213
Messenger/Cleaner - G-1	15,652	17,217
Overtime	9,000	9,900
SUB-TOTAL	116,852	128,537
TOTAL STAFF	1,005,647	1,106,212
Consultants	25,000	27,500
Duty travel	80,000	88,000
Meetings	40,000	44,000
Interpretation	40,000	44,000
Equipment	20,000	22,000
Operating expenses	45,000	49,500
Miscellaneous	30,000	33,000
SUB-TOTAL	1,290,647	1,414,212
Deductions (staff housing)	-26,182	-26,182
TOTAL	1,264,465	1,388,030
FAO Servicing Costs	58,079	63,640
<b>GRAND TOTAL</b>	<b>1,322,544</b>	<b>1,451,669</b>

**Table 2. Schedule of financing of the expenditures**

Year	Projected expenditures	To be financed by accumulated funds	To be financed by contributions
2005	1,322,544	150,000	1,172,544
2006	1,451,669	100,000	1,351,669

**Table 3. Indicative Scale of Contributions for 2005 (in US\$)**

Country	GNP class (WB 2002)	OECD status	Average Catch (t) (2000-2002)	Contribution (US dollars)
Australia	High	Yes	10696	\$78,143.00
China	Middle	No	123769	\$52,408.00
Comoros	Low	No	8964	\$13,053.00
Eritrea	Low	No	Below 400 t	\$4,886.00
European Community	High	Yes	240922	\$334,430.00
France(Terr)	High	Yes	3920	\$70,600.00
Guinea	Low	No	Below 400 t	\$4,886.00
India	Low	No	103298	\$34,055.00
Iran, Islamic Republic of	Middle	No	110040	\$49,351.00
Japan	High	Yes	40548	\$111,374.00
Kenya	Low	No	1726	\$11,441.00
Korea, Republic of	High	Yes	4076	\$70,772.00
Madagascar	Low	No	12016	\$13,732.00
Malaysia	Middle	No	15475	\$28,297.00
Mauritius	Middle	No	1388	\$25,161.00
Oman	Middle	No	17356	\$28,716.00
Pakistan	Low	No	27294	\$17,134.00
Philippines	Middle	No	1822	\$25,257.00
Seychelles	Middle	No	42891	\$34,401.00
Sri Lanka	Middle	No	123223	\$52,286.00
Sudan	Low	No	Below 400 t	\$4,886.00
Thailand	Middle	No	16542	\$28,534.00
United Kingdom(Terr)	High	Yes	Below 400 t	\$60,064.00
Vanuatu	Middle	No	Below 400 t	\$18,680.00
				\$1,172,547.00