
RESOLUTION ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

Submitted by EC

1. Background

Tuna regional fisheries organizations, including IOTC, have been considering in recent years how to regulate transshipment operations within their area of competence.

The reasons for such regulation are threefold;

Firstly, the current situation of non regulation is an encouragement to IUU activities, with tuna being transferred at sea from IUU vessels to cargo vessels or vessels on the IOTC Record – the so-called laundering of catches. This lack of regulation constitutes a major weakness in the current conservation and management measures. The IUU operators, particularly longliners, use such operations.

Secondly, there is currently little provision for scientific sampling at sea of catch on tuna vessels. This is especially the case for tuna longliners. With the obligation to land in port, there would be greater possibility for sampling operations to take place - the sampling is of course a key component in the scientific assessments of the stocks.

Thirdly, using ports to undertake transshipments would add considerably to the economic activity in the island states in the region in particular.

2. Content of the Proposed Resolution

The draft resolution foresees that transshipments should obligatorily take place in port. The only exception to that rule is for longliners. If these vessels wish to transship at sea, they must transship to cargo vessels inscribed in an IOTC Record of Cargo Vessels, and only if an IOTC observer is aboard the cargo vessels to monitor the transshipments. The costs of the observer scheme on board the cargo vessels, is financed 100% by the fleets using the cargo vessels for transshipment – there are no costs for the IOTC Budget.

PROPOSAL D: RESOLUTION ESTABLISHING A PROGRAMME FOR TRANSHIPMENT BY LARGE-SCALE FISHING VESSELS

THE INDIAN OCEAN TUNA COMMISSION,

TAKING ACCOUNT of the need to combat illegal, unregulated and unreported (IUU) fishing activities because they undermine the effectiveness of the conservation and management measures already adopted by IOTC;

EXPRESSING GRAVE CONCERN that organized tuna laundering operations have been conducted and a significant amount of catches by IUU fishing vessels have been transhipped under the names of duly licensed fishing vessels;

IN VIEW THEREFORE OF THE NEED to ensure the monitoring of the transhipment activities by large-scale longline vessels in the Convention area, including the control of their landings;

TAKING ACCOUNT of the need to collect catch data of such large scale long-line tuna to improve the scientific assessments of those stocks;

ADOPTS, in accordance with paragraph 1 of article IX of the Agreement, the following Resolution:

SECTION 1. GENERAL RULE

1 Except under the special conditions outlined below in Section 2 for transhipment operations at sea, all transhipment operations of tuna and tuna like species in the IOTC Convention Area must take place in port.

2 The Flag Contracting Party, Cooperating non Contracting Party (CPCs) shall take the necessary measures to ensure that large scale tuna vessels (hereafter referred as the "LSTVs") flying their flag comply with the obligations set out in Annex 1 when transhipping in port.

SECTION 2. PROGRAMME TO MONITOR TRANSHIPMENTS AT SEA

3 The Commission hereby establishes a programme to monitor transhipment at sea which applies initially to large-scale tuna longline fishing vessels (hereafter referred to as the "LSTLVs") and to carrier vessels authorised to receive transhipments from these vessels at sea. The Commission shall at its 2009 Annual Meeting, review and, as appropriate, revise this Resolution.

4 The CPCs of LSTLVs shall determine whether or not to authorize their LSTLVs to tranship at sea. However, the flag CPC may authorize the at-sea transhipment by its flag LSTLVs on the condition that such transhipment is conducted in accordance with the procedures defined in Sections 3, 4 and 5, and annexes 2 and 3 below.

SECTION 3. RECORD OF VESSELS AUTHORISED TO RECEIVE TRANSHIPMENTS-AT-SEA IN THE IOTC AREA

5 The Commission shall establish and maintain an IOTC Record of Carrier Vessels authorized to receive tuna and tuna-like species at sea in the Convention area from LSTLVs. For the purposes of this Resolution, carrier vessels not entered on the record are deemed not to be authorized to receive tuna and tuna-like species in at-sea transhipment operations.

6 Each CPC shall submit, electronically where possible, to the IOTC Secretary by 1 July 2007 the list of the carrier vessels that are authorized to receive at-sea transhipments from its LSTLVs in the Convention area. This list shall include the following information:

- a) – The flag of the vessel
- b) – Name of vessel, register number
- c) – Previous name (if any)
- d) – Previous flag (if any)

- e) – Previous details of deletion from other registries (if any)
- f) – International radio call sign
- g) – Type of vessels, length, gross registered tonnage (GRT) and carrying capacity
- h) – Name and address of owner(s) and operator(s)
- i) – Time period authorized for transshipping

7 Each CPC shall promptly notify the IOTC Secretary, after the establishment of the initial IOTC Record, of any addition to, any deletion from and/or any modification of the IOTC Record, at any time such changes occur.

8 The IOTC Secretary shall maintain the IOTC Record and take measures to ensure publicity of the record and through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements notified by CPCs for their vessels.

9 Carrier vessels authorized for at-sea transshipment shall be required to install and operate a VMS.

SECTION 4. AT-SEA TRANSHIPMENT

10 Transshipments by LSTLVs in waters under the jurisdiction of the CPCs are subject to prior authorization from the Coastal State concerned. CPCs shall take the necessary measures to ensure that LSTLVs flying their flag comply with the following conditions:

Flag State Authorization

11 LSTLVs are not authorized to tranship at sea, unless they have obtained prior authorization from their Flag State.

Notification obligations

Fishing vessel:

12 To receive the prior authorization mentioned in paragraph 12 above, the master and/or owner of the LSTLV must notify the following information to its Flag State authorities at least 24 hours in advance of the intended transshipment:

- a) the name of the LSTLV and its number in the IOTC Record of Vessels,
- b) the name of the carrier vessel and its number in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area, and the product to be transshipped,
- c) the tonnage by product to be transshipped,
- d) the date and location of transshipment,
- e) the geographic location of the tuna catches

The LSTLV concerned shall complete and transmit to its flag State, not later than 15 days after the transshipment, the IOTC transshipment declaration, along with its number in the IOTC record of fishing vessels, in accordance with the format set out in Annex 2.

Receiving carrier vessel:

13 The master of the receiving carrier vessel shall complete and transmit the IOTC transshipment declaration to the IOTC Secretariat and the flag CPC of the LSTLV, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, within 24 hours of the completion of the transshipment.

14 The master of the receiving carrier vessel shall, 48 hours before landing, transmit an IOTC transshipment declaration, along with its number in the IOTC Record of Carrier Vessels authorized to receive transshipment in the IOTC area, to the competent authorities of the State where the landing takes place.

Regional Observer Programme

15 Each CPC shall ensure that all carrier vessels transshipping at sea have on board an IOTC observer, not later than 1 January 2008, in accordance with the IOTC Regional Observer Programme in Annex 3. The IOTC observer shall observe the respect of this Recommendation, and notably that the transshipped quantities are consistent with the reported catch in the IOTC transshipment declaration.

16 Vessels shall be prohibited from commencing or continuing at-sea transshipping in the IOTC area without an IOTC regional observer on board, except in cases of 'force majeure' duly notified to the IOTC Secretariat.

SECTION 5 GENERAL PROVISIONS

17 To ensure the effectiveness of the IOTC conservation and management measures pertaining to species covered by Statistical Document Programs:

- a) In validating the Statistical Document, Flag CPCs of LSTLVs shall ensure that transshipments are consistent with the reported catch amount by each LSTLV.
- b) The Flag CPC of LSTLVs shall validate the Statistical Documents for the transshipped fish, after confirming that the transshipment was conducted in accordance with this Resolution. This confirmation shall be based on the information obtained through the IOTC Observer Programme.
- c) CPCs shall require that the species covered by the Statistical Document Programs caught by LSTLVs in the Convention area, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC record and a copy of the IOTC transshipment declaration.

18 The CPCs shall report annually before 15 September to the Secretary:

- a) The quantities by species transshipped during the previous year.
- b) The list of the LSTLVs registered in the IOTC Record of Fishing Vessels which have transshipped during the previous year.
- c) A comprehensive report assessing the content and conclusions of the reports of the observers assigned to carrier vessels which have received transshipment from their LSTLVs.

19 All tuna and tuna-like species landed or imported into the CPCs either unprocessed or after having been processed on board and which are transshipped, shall be accompanied by the IOTC transshipment declaration until the first sale has taken place.

20 Each year, the Secretary of IOTC shall present a report on the implementation of this Resolution to the annual meeting of the Commission which shall review compliance with this Resolution.

ANNEX 1

CONDITIONS RELATING TO IN-PORT TRANSHIPMENT BY LSTVs

General

1 Transshipment operations in port may only be undertaken in accordance with the procedures detailed below:

Notification obligations

2 Fishing vessel:

- 2.1 Prior to transshipping, the captain of the LSTV must notify the following information to the Port State authorities, at least 48 hours in advance:
- a) the name of the LSTLV and its number in the IOTC record of fishing vessels,
 - b) the name of the carrier vessel, , and the product to be transshipped,
 - c) the tonnage by product to be transshipped,
 - d) the date and location of transshipment,
 - e) the geographic location of the tuna catches
- 2.2 The captain of a LSTV shall, at the time of the transshipment, inform its Flag State of the following;
- a) The products and quantities involved
 - b) the date and place of the transshipment
 - c) the name, registration number and flag of the receiving carrier vessel
 - d) the geographic location of the tuna catches.

The captain of the LSTV concerned shall complete and transmit to its Flag State the IOTC transshipment declaration, along with its number in the IOTC Record of Fishing Vessels, in accordance with the format set out in **Annex 2** not later than 15 days after the transshipment.

Receiving vessel:

3 Not later than 24 hours before the beginning and at the end of the transshipment, the master of the receiving carrier vessel shall inform the Port State authorities of the quantities of catches of tuna and tuna-like species transshipped to his vessel, and complete and transmit the IOTC transshipment declaration, to the competent authorities within 24 hours.

Landing State:

- 4 The master of the receiving carrier vessel shall, 48 hours before landing, complete and transmit an IOTC transshipment declaration, to the competent authorities of the Landing State where the landing takes place.
- 5 The Port State and the Landing State referred to in the above paragraphs shall take the appropriate measures to verify the accuracy of the information received and shall cooperate with the flag CPC of the LSTLV to ensure that landings are consistent with the reported catches amount of each vessel. This verification shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the fish is avoided.
- 6 Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments by its vessels.

ANNEX 2

IOTC TRANSHIPMENT DECLARATION

In case of transshipment

Name of vessel and

External identification:

Name and/or Radio Call Sign,

Radio Call Sign if any:

IOTC record number:

external identification and flag

Flag State authorization number:

of receiving carrier vessel:

Day	Month	Hour	Year	2_ 0_ _ _	Agent's name:	Master's name of LSTLV:	Master's name of Carrier:
Departure	_ _	_ _	_ _	from	_ _ _ _		
Return	_ _	_ _	_ _	to	_ _ _ _	Signature:	Signature :
Transshipment	_ _	_ _	_ _		_ _ _ _		

Indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |_|_| kilograms LOCATION OF TRANSHIPMENT

Species	Port		Sea	Type of product										
				Whole	Gutted	Headed	Filletted							

If transshipment effected at sea, IOTC Observer Signature:

ANNEX 3

IOTC REGIONAL OBSERVER PROGRAMME

- 1 Each CPC shall require carrier vessels included in the IOTC Record of Carrier Vessels authorized to receive transshipments in the IOTC area and which transship at sea, to carry an IOTC observer during each transshipment operation in the Convention area.
- 2 The Secretary shall appoint the observers and shall place them on board the carrier vessels authorized to receive transshipments in the IOTC area from LSTLVs flying the flag of Contracting Parties and of non-Contracting Cooperating Parties, Entities or Fishing Entities that implement the IOTC observer program.

Designation of the observers

- 3 The designated observers shall have the following qualifications to accomplish their tasks:
 - a) sufficient experience to identify species and fishing gear;
 - b) satisfactory knowledge of the IOTC conservation and management measures;
 - c) the ability to observe and record accurately;
 - d) a satisfactory knowledge of the language of the flag of the vessel observed.

Obligations of the observer

- 4 Observers shall:
 - a) have completed the technical training required by the guidelines established by IOTC;
 - b) be nationals of one of the CPCs and, to the extent possible, not of the flag State of the receiving carrier vessel;
 - c) be capable of performing the duties set forth in point 5 below;
 - d) be included in the list of observers maintained by the Secretariat of the Commission;
 - e) not be a crew member of an LSTLV or an employee of an LSTLV company.
- 5 The observer tasks shall be in particular to:
 - a) monitor the carrier vessel's compliance with the relevant conservation and management measures adopted by the Commission. In particular the observers shall:
 - i. record and report upon the transshipment activities carried out;
 - ii. verify the position of the vessel when engaged in transshipping;
 - iii. observe and estimate products transshipped;
 - iv. verify and record the name of the LSTLV concerned and its IOTC number;
 - v. verify the data contained in the transshipment declaration;
 - vi. certify the data contained in the transshipment declaration;
 - vii. countersign the transshipment declaration;
 - b) issue a daily report of the carrier vessel's transshipping activities;
 - c) establish general reports compiling the information collected in accordance with this paragraph and provide the captain the opportunity to include therein any relevant information.
 - d) submit to the Secretariat the aforementioned general report within 20 days from the end of the period of observation.
 - e) exercise any other functions as defined by the Commission.
- 6 Observers shall treat as confidential all information with respect to the fishing operations of the LSTLVs and of the LSTLVs owners and accept this requirement in writing as a condition of appointment as an observer;

7 Observers shall comply with requirements established in the laws and regulations of the flag State which exercises jurisdiction over the vessel to which the observer is assigned.

8 Observers shall respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer under this program, and with the obligations of vessel personnel set forth in paragraph 9 of this program.

Obligations of the Flag States of carrier vessels

9 The responsibilities regarding observers of the flag States of the carrier vessels and their captains shall include the following, notably:

- a) Observers shall be allowed access to the vessel personnel and to the gear and equipment;
- b) Upon request, observers shall also be allowed access to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 5:
 - i) satellite navigation equipment;
 - ii) radar display viewing screens when in use;
 - iii) electronic means of communication;
- c) Observers shall be provided accommodations, including lodging, food and adequate sanitary facilities, equal to those of officers;
- d) Observers shall be provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties; and
- e) The flag States shall ensure that captains, crew and vessel owners do not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an observer in the performance of his/her duties.

The Secretary, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the flag State of the carrier vessel under whose jurisdiction the vessel transhipped and to the Flag CPC of the LSTLV, copies of all raw data, summaries, and reports pertaining to the trip.

The Secretary shall submit the observer reports to the Compliance Committee and to the SCRS.

Observer fees

- a) The costs of implementing this program shall be financed by the flag CPCs of LSTLVs wishing to engage in transshipment operations. The fee shall be calculated on the basis of the total costs of the program. This fee shall be paid into a special account of the IOTC Secretariat and the IOTC Secretary shall manage the account for implementing the program;
- b) No observer shall be assigned to a vessel for which the fees, as required under subparagraph a), have not been paid.