

**Resolution on the Establishment of a CCSBT Register of Vessels Engaged in Illegal,
Unreported and Unregulated Fishing Activity**

(adopted at the Fourteenth Annual Meeting – 16 -19 October 2007)

Resolution on the Establishment of a CCSBT Register of Vessels Engaged in Illegal, Unreported and Unregulated Fishing Activity

The Extended Commission for the Conservation of Southern Bluefin Tuna,

Recognising the importance of a CCSBT register of vessels engaged in illegal, unreported and unregulated (IUU) fishing activity (CCSBT IUU Vessels Register) as an integral part of an effective monitoring, control and surveillance regime for the southern bluefin tuna fishery, in particular to ensure the long-term sustainability of the stock;

Recalling that States and fishing entities are enjoined to develop and implement, as appropriate, registers of vessels engaged in IUU fishing activity in the *International Plan of Action to Prevent, Deter and Eliminate IUU Fishing*, adopted on 23 June 2001 by the United Nations Food and Agriculture Council, and in the resolution on sustainable fisheries adopted by the United Nations General Assembly at its sixty-first meeting, in 2006;

Recalling further that that consolidation of such registers across the five tuna Regional Fisheries Management Organisations (RFMOs), leading to a global list of IUU vessels, was identified as an urgent and necessary measure to deter IUU fishing in the Course of Actions adopted at the Kobe Joint Meeting of Tuna RFMOs from 22 – 26 January 2007;

Resolved that vessels that have participated in IUU fishing activity should be excluded from involvement in fishing for southern bluefin tuna and subject to other restrictions as set out in this resolution;

Determined that this resolution shall be implemented in accordance with international law and in a transparent and non-discriminatory manner;

Agrees in accordance with paragraph 3(b) of paragraph 8 of the *Convention for the Conservation of Southern Bluefin Tuna*, that:

Establishment of the CCSBT IUU Vessels Register

1. The CCSBT Secretariat (the Secretariat) shall develop and implement, in accordance with this resolution, the CCSBT IUU Vessels Register.

Definition of IUU fishing activity

2. For the purposes of this resolution, a vessel is deemed to have engaged in IUU fishing activity if it:
 - a. fishes commercially for southern bluefin tuna and is not entered on the CCSBT Record of Vessels authorised to fish for southern bluefin tuna;
 - b. supports, resupplies, tranships with, or participates in fishing operations with, any vessel listed in the CCSBT IUU Vessels Register;
 - c. repeatedly breaches any CCSBT conservation and management measure;
 - d. is without nationality and fishes for or supports fishing for southern bluefin tuna;
 - e. is included on any list or register maintained by any RFMO which records vessels known or presumed to have engaged in IUU fishing activity; or
 - f. in relation to any RFMO, it engages in any activity listed under paragraph 11 of Article 21 to the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*.

Information on alleged IUU fishing activity

3. Each year at least 120 days before the Annual Meeting of the CCSBT (the Annual Meeting), Members and Cooperating Non-Members shall transmit to the Secretariat details of all vessels it considers to have engaged in IUU fishing activity during the current and previous year.
4. For each vessel, the Member and Cooperating Non-Member shall provide, to the extent possible, the information referred to in paragraph 26 as well as information supporting its view that the vessel has engaged in IUU fishing activity.

Draft CCSBT IUU Vessels Register

5. On the basis of the information received pursuant to paragraphs 3 and 4, the Secretariat shall draw up a Draft CCSBT IUU Vessels Register.
6. At least 90 days before the Annual Meeting, the Secretariat shall transmit the Draft CCSBT IUU Vessels Register, supporting information and the current CCSBT IUU Vessels Register to Members, Cooperating Non-Members, and any other flag State / fishing entity whose vessels are included on these registers. The Secretariat shall also transmit the Draft CCSBT IUU Vessels Register and supporting information to any relevant RFMO if a vessel is included in the Register on the ground referred to in paragraphs 2(e) or (f).
7. At least 60 days before the Annual Meeting, flag States / fishing entities may transmit any comments or information about any vessel flagged to them which is included on the Draft CCSBT IUU Vessels Register, including any information that:
 - a. the vessel did not engage in the alleged IUU fishing activity; or

- b. it has taken effective action in response to the alleged IUU fishing activity, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
- 8. If any vessel is included in the Draft CCSBT IUU Vessels Register on the grounds referred to paragraphs 2(e) or (f), the relevant RFMO may also provide any comments or information about the vessel.
- 9. A Member or Cooperating Non-Member shall:
 - a. in relation to any vessel flagged to it which is included in the Draft CCSBT IUU Vessels Register, notify the owner(s) (including any beneficial owner(s)) of the vessel's inclusion and the consequences that may result from being included in the CCSBT IUU Vessels Register (as referred to in paragraphs 22 to 24); and
 - b. to the extent possible, monitor the vessels included in the Draft CCSBT IUU Vessels Register in order to determine their fishing or fishing-related activities and possible changes of name, flag and or ownership (including beneficial ownership).
- 10. Flag States / fishing entities, which are not Members or Cooperating Non-Members and whose vessels are included on the Draft CCSBT IUU Vessels Register, are requested to undertake the measures outlined in paragraph 9.

Provisional IUU Vessels Register

- 11. The Secretariat shall draw up a Provisional CCSBT IUU Vessels Register incorporating the information received pursuant to paragraphs 7 and 8. This list shall to the extent possible include the information referred to in paragraph 26.
- 12. At least 30 days before the Annual Meeting, the Secretariat shall transmit the Provisional CCSBT IUU Vessels Register and supporting information to the Members and Cooperating Non-Members.
- 13. At any time, Members, Cooperating Non-Members, other relevant flag States / fishing entities and relevant RFMOs may submit to the Secretariat any additional information which might be relevant for the inclusion of a vessel on the CCSBT IUU Vessels Register. The Secretariat shall promptly circulate that information to the Members and Cooperating Non-Members.

Compliance Committee consideration of the Provisional CCSBT IUU Vessels Register

- 14. At each annual meeting of the Compliance Committee, it shall examine the Provisional CCSBT IUU Vessels Register and also the global consolidated RFMO IUU list and any additional information received at the meeting or pursuant to paragraph 13.

15. Flag States / fishing entities, which are not Members and whose vessels are included on the Provisional CCSBT IUU Vessels Register, may attend relevant parts of the Compliance Committee meeting and present views or provide additional information about whether or not their vessel(s) should be included on the Provisional CCSBT IUU Vessels Register.
16. The Compliance Committee shall, by a two-thirds majority of Members present and voting, adopt a Provisional CCSBT IUU Vessels Register to be submitted to the CCSBT for approval to be added to the CCSBT IUU Vessels Register. In so doing, the Compliance Committee shall:
 - a. remove a vessel from the Provisional CCSBT IUU Vessels Register if the flag State / fishing entity provides sufficient information demonstrating that the vessel did not engage in the alleged IUU fishing activity; and
 - b. retain a vessel on the Provisional CCSBT IUU Vessels Register, but provide for it to be removed after two years of adoption of the CCSBT IUU Vessels Register, if the flag State / fishing entity provides sufficient information demonstrating that:
 - i. it has taken effective action in response to the alleged IUU fishing activity including prosecution and imposition of sanctions of adequate severity; or
 - ii. the vessel's legal and beneficial ownership has changed, and the new owner, and any vessel(s) legally or beneficially owned by the new owner, has not engaged in any IUU fishing activity.
17. The Compliance Committee may also, by a two-thirds majority of members present and voting, recommend to the Extended Commission that a vessel should be removed from the CCSBT IUU Vessels Register. In so doing, the Compliance Committee shall recommend that a vessel:
 - a. be removed immediately from the CCSBT IUU Vessels Register if the flag State / fishing entity provides sufficient information demonstrating that the vessel did not engage in the alleged IUU fishing activity; or
 - b. be removed after two years from its inclusion in the CCSBT IUU Vessels Register if the flag State / fishing entity provides sufficient information demonstrating that:
 - i. it has taken effective action in response to the IUU fishing activity in question including, *inter alia*, prosecution and imposition of sanctions of adequate severity; or
 - ii. the vessel's legal and beneficial ownership has changed, and the new owner, and any vessel(s) legally or beneficially owned by the new owner, has not engaged in any IUU fishing activity.

Confidentiality of the Draft and Provisional CCSBT IUU Vessels Registers

18. Subject to this resolution, the Secretariat, Members and Cooperating Non-Members shall maintain the confidentiality of the Draft and Provisional CCSBT IUU Vessels Registers and supporting information.
19. The Draft and Provisional CCSBT IUU Vessels Registers and supporting information shall only be provided to flag States / fishing entities and RFMOs on the condition that their confidentiality is maintained.

CCSBT IUU Vessels Register

20. At each Annual Meeting, the Extended Commission will decide:
 - a. By a two-thirds majority of Members present and voting whether to add to the CCSBT IUU Vessels Register any vessels on the Provisional CCSBT IUU Vessels Register; and
 - b. By a two-thirds majority of Members present and voting whether to remove any vessel from the CCSBT IUU Vessels Register.
21. On adoption of the CCSBT IUU Vessels Register, the Secretariat shall notify each flag State / fishing entity whose vessel(s) appears on the Register, and any relevant RFMO, of all relevant vessels included in the Register. The Secretariat shall request flag States / fishing entities to notify the owner (including any beneficial owner(s)) of vessel(s) flagged to them which appear on the Register and of the consequences which may result (as referred to in paragraphs 22 to 24).
22. Members and Cooperating Non-Members shall take all necessary measures, in accordance with international law, in order that no later than 30 days after adoption of the CCSBT IUU Vessels Register:
 - a. the issuance of a licence or authority to vessels on the CCSBT IUU Vessels Register to fish for southern bluefin tuna is prohibited and any such current licence or authority is cancelled;
 - b. the issuance of a licence or authority to vessels on the CCSBT IUU Vessels Register to fish in waters under their fisheries jurisdiction is prohibited and any such current licence or authority is cancelled;
 - c. their nationals are prohibited from being master of or crew on any vessel on the CCSBT IUU Vessels Register;
 - d. fishing vessels, support vessels, mother-ships and cargo vessels flying their flag do not support, resupply or participate in any transshipment or joint fishing operations with vessels on the CCSBT IUU Vessels Register;
 - e. vessels on the CCSBT IUU Vessels Register that enter ports voluntarily are inspected on so entering, are not authorised to land or tranship any fish therein and any southern bluefin tuna catch on board is seized;
 - f. except in the case of their own flagged vessels or in cases of distress, vessel on the CCSBT IUU Vessels Register are prohibited from entering their ports;
 - g. the chartering of vessels on the CCSBT IUU Vessels Register is prohibited;

- h. granting of their flag to vessels on the CCSBT IUU Vessels Register is refused;
 - i. imports, exports and re-exports of southern bluefin tuna from vessels on the CCSBT IUU Vessels Register are prohibited; and
 - j. take appropriate measures to ensure that stakeholders including persons in the fishing industry and importers, transporters and other sectors concerned are encouraged to refrain, as required by this resolution, from dealing with and transshipping southern bluefin tuna caught by vessels on the CCSBT IUU Vessels Register.
23. Members and Cooperating Non-Members shall cooperate with other Members and Cooperating Non-Members in order to enforce the measures listed in paragraph 22.
24. Flag States / fishing entities, which are not Members or Cooperating Non-Members and whose vessels are included on the CCSBT IUU Vessels Register, are requested to adopt, in accordance with international law, the measures listed in paragraph 22.
25. The Secretariat shall publish the CCSBT IUU Vessels Register on the CCSBT website and ensure it remains up to date.

Information to be included on CCSBT IUU Vessels Register

26. The Draft, Provisional and final CCSBT IUU Vessels Registers shall contain the following details:
- a. name of the vessel and any previous name(s);
 - b. flag of the vessel and previous flag/s, if any;
 - c. owner of the vessel and previous owner/s, including beneficial owners, if any;
 - d. operator of the vessel and previous operator/s, if any;
 - e. call sign of the vessel and previous call sign/s, if any;
 - f. Lloyds/IMO number;
 - g. photographs of the vessel, where available;
 - h. in relation to the CCSBT IUU Vessels Register, the date the vessel was first included on the CCSBT IUU Vessels Register;
 - i. summary of the Activity which justify inclusion of the vessel on the CCSBT IUU Vessels Register; and
 - j. references to all relevant supporting information.

Inter-sessional removal from the CCSBT IUU Vessels Register

27. A flag State / fishing entity whose vessel appears on the CCSBT IUU Vessels Register may, during the inter-sessional period, request the vessel's immediate removal from the Register by providing information demonstrating that the vessel did not engage in the alleged IUU fishing activity.
28. A flag State / fishing entity whose vessel appears on the CCSBT IUU Vessels Register may, during the inter-sessional period, request the vessel's removal from

the Register after a period of two years from the decision by providing information demonstrating that:

- a. either:
 - i. it has taken effective action in response to the IUU fishing activity in question including prosecution and imposition of sanctions of adequate severity; or
 - ii. the vessel's legal and beneficial ownership has changed, and the new owner, and any vessel(s) legally or beneficially owned by the new owner, has not engaged in any IUU fishing activity; and
 - b. it has adopted effective measures to ensure that the vessel does not engage in any IUU fishing activity.
29. The flag State / fishing entity shall send its request for the removal of a vessel from the CCSBT IUU Vessels Register and supporting information to the Secretariat. The flag State / fishing entity shall clearly identify whether its request is made under paragraphs 27 or 28.
 30. Within 7 days of receiving a removal request, the Secretariat shall transmit the request and all supporting information to the Members.
 31. Within 21 days of receiving a removal request from the Secretariat, Members shall determine if they support removing the vessel from, or keeping the vessel on, the CCSBT IUU Vessels Register and notify the Secretariat accordingly.
 32. If any Member fails to respond to the removal request within the required time, then this shall be counted as a vote against removing the vessel from the CCSBT IUU Vessels Register.
 33. The Secretariat shall promptly calculate the number of votes in favour and against removing the vessel from the CCSBT IUU Vessels Register
 34. The vessel shall be deemed immediately removed from the CCSBT IUU Vessels Register if a two-thirds majority of Members support its removal pursuant to paragraph 27. The vessel shall be deemed removed after two years from the decision if a two-thirds majority of the Members support its removal pursuant to paragraph 28.
 35. The Secretariat shall update the website accordingly and communicate the result to the relevant flag State / fishing entity and all Members and Cooperating Non-Members. The Secretariat shall also, as appropriate, forward the decision on removal of the vessel to other RFMOs.

Cooperation with RFMOs and other international bodies

36. The Secretariat shall cooperate with other RFMOs and, as appropriate, other international bodies including the United Nations Food and Agriculture Organisation in relation to:
 - a. establishing and maintaining the CCSBT IUU Vessels Register (including the Draft and Provisional CCSBT IUU Vessels Registers); and
 - b. consolidating registers of vessels engaged in IUU activity across other RFMOs, leading to a global list of IUU vessels.