



CCSBT-EC/0310/16

13. IUU Fishing

Purpose

To discuss a draft resolution to allow for implementation of Extended Commission action against illegal, unregulated and unreported fishing (IUU) for SBT.

Background

At CCSBT9 the Extended Commission agreed that members would work inter-sessionally on a resolution targeted at combating IUU fishing.

The Secretariat coordinated this exercise and circulated a discussion paper and draft resolution to members for consideration on 16 June 2003. The discussion paper, draft resolutions and information material on actions taken by other regional fisheries bodies are attached.

Discussion

The material circulated by the Secretariat provides two options for approaching the IUU issue:-

- a resolution which declares a CCSBT position on IUU fishing and seeks member cooperation in putting in place arrangements to combat the problem
- a more active operational response to IUU fishing including the creation of a “white list” of vessels authorised to fish for SBT and a “black list” of vessels identified as being involved in IUU fishing. This response also involves integrating the “white list” with the operations of the Trade Documentation Scheme.

The second option is consistent with more recent developments on IUU fishing by other regional fisheries bodies.

Prepared by the Secretariat

EXTENDED COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

RESOLUTION ON THE CONTROL OF IUU FISHING

INTRODUCTION

IUU fishing represents a constant threat to fisheries world wide. This concern at the international level was most recently manifested in the adoption by COFI of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) in March 2001. The IPOA-IUU is a voluntary instrument and recognises the roles regional fisheries bodies can play in combating IUU fishing particularly through market related measures.

The CCSBT has taken two main decisions which impact on IUU fishing. First, the adoption of an Action Plan which has culminated in action against five countries, which have fished for SBT in contravention to the CCSBT's management and conservation objectives; and secondly, the adoption of the Statistical Document Program, which has been effective in monitoring trade in SBT among members. These two activities appear to have had a significant impact on IUU fishing of SBT.

There continues to be, however, the potential for IUU fishing and activity contrary to the conservation and management objectives of the CCSBT. At CCSBT9 the Commission discussed the rapid growth in the catch of vessels registered in Seychelles, which had been previously been identified as vessels engaged in IUU fishing, and seemed to be targeting SBT. The Indonesian catch in the SBT spawning ground is unpredictable and largely uncontrolled. There is a risk of fishing effort in the Indian Ocean being transferred/displaced to the SBT fishery. Finally, there is the unknown impact of emerging nations in pelagic fishing.

In this context the Commission decided at CCSBT9 to further strengthen its efforts against IUU fishing by taking an appropriate resolution using the ICCAT approach as a model and agreed to manage the development of a resolution out of session.

This discussion paper addresses the development of a CCSBT resolution on IUU fishing.

OTHER RFMO ACTIONS

ICCAT – The ICCAT has taken a number of resolutions in relation to IUU fishing commencing with more generalised statements of intent through to more recent resolutions, which initiate explicit administrative actions. The relevant resolutions from the ICCAT annual meeting in 2002 are at Attachment A. In summary, the more recent resolutions establish arrangements for compiling a list of vessels, which are authorised to fish for tuna in the ICCAT Convention area,

and set out responsibilities of member States to ensure the effectiveness of the list.

The resolutions also set out processes for establishing and maintaining a list of identified IUU fishing vessels from non contracting parties. The resolutions also set out the responsibilities of contracting parties not to associate with listed vessels.

The resolution sets out a process for determining the veracity of the citing of a vessel before it is placed on the list. There is a provision that the ICCAT will consider extending the scope of the resolution to cover contracting parties and cooperating non contracting parties at its annual meeting in 2003.

ICCAT has, therefore, set up a “white list” of authorised vessels and has begun the process of establishing a “black list” of IUU vessels against which contracting parties are expected to take certain prescribed actions.

The concept of a “white list” is embodied in the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)

IOTC – As with the ICCAT, the IOTC has taken a number of resolutions on IUU fishing commencing with generalised statements of intent through to a decision in 2002 to institute a list of vessels authorised to fish in the IOTC Convention area. The IOTC has not passed a resolution establishing a “black list” but has adopted a resolution, which requires contracting parties to identify vessels that they believe are fishing contrary to the IOTC’s management and conservation measures; for these vessels to be inspected on contracting member’s ports; and places prohibitions on landing and transshipment of the fish. The relevant IOTC resolutions are at Attachment B.

IATTC – In June 2000 the IATTC adopted a resolution to establish a list of vessels authorised to fish in the IATTC Convention area. In setting up the list the IATTC took guidance from the Compliance Agreement and the success of a similar register of the South Pacific Forum Fisheries Agency (FFA) in discouraging poaching and unlicensed fishing. The IATTC does not maintain a “black list” but its compliance activity relating to the list of authorised vessels appears to regard all unlisted vessels to be potentially IUU vessels. The IATTC’s resolution establishing the list of approved vessels is at Attachment C.

FFA – the FFA, while different to the tuna RFMOs, has established a system, which provides for a listing of vessels, which have good standing with the FFA. Members of the FFA have agreed not to license vessels not on the FFA list and this has proven to be an effective enforcement tool for the South Pacific island nations in their EEZs.

The following discussion and draft resolution uses the experiences of these regional fisheries bodies for guidance.

DISCUSSION

Scope of resolution

A resolution on IUU fishing can range from a statement of intent through to a document, which sets out specific management processes to combat IUU fishing and member obligations.

The earlier resolutions taken by other regional fisheries bodies are examples of general statements of intent. The draft resolution circulated at CCSBT9 as CCSBT-EC/0210/WP4 which was a modified version of an ICCAT resolution is of this type. A copy is at Attachment D.

If the CCSBT wanted to confine its initial action to a statement of intention, it could proceed with the draft circulated at CCSBT9.

If the CCSBT wishes to be more active from the outset, it might follow the more recent actions of the other regional fisheries and adopt a resolution that provides for a “white list” and a “black list”. A draft resolution for this purpose is at Attachment E. Comment on the purpose of each section of the draft resolution is shown in red.

The remaining parts of this discussion paper discuss issues associated with a CCSBT resolution to create a “white list” and a “black list”.

List of Vessels Approved to Fish for SBT (White List)

A list of vessels approved to fish for SBT would be the cornerstone of an effective system targeted at combating IUU fishing. It would:-

- provide a defined list of approved vessels
- act as the operational base for the management and control of fishing activity
- remove the difficulty of identifying illegal fishing by defining all activity by vessels not on the list as activity contrary to the Commission’s conservation and management measures
- be relatively easy to maintain and place in the public domain using Secretariat resources
- require non-members to participate in the Commission’s systems
- reinforce the effectiveness of the Statistical Document Program
- be a device for asking other RFMOs and their members to cooperate
- provide a platform for the Commission to develop other control and compliance measures if it wished

For the list to be effective, members and cooperating non members would have to have domestic arrangements in place to approve vessels to fish for SBT and to exercise effective control over the vessels once approved.

An operational disadvantage of a “white list” is that its effectiveness can be seriously eroded if markets exist outside member countries. This can be overcome to some degree in theory by members of RFMOs cooperating with each other, but there are difficulties in making this cooperation effective. Fortunately for the CCSBT this is not a particular problem for high grade SBT because there is only one significant market in Japan, which is a member of the CCSBT.

However, a problem will exist in relation to the Indonesian catch, which is not exported to Japan. It is possible that there might be many vessels catching SBT that are not on the “white list” and their operation will be invisible to the CCSBT because fish caught are not traded with a CCSBT member.

Statistical Document Program

The operational effectiveness of a “white List” for the CCSBT would be enhanced by a direct link to the Statistical Document Program. If the TIS form was amended to include a section for the exporting country to declare that the catching vessel was on the CCSBT’s approved list, another control over fishing would be in place. The inability to sell the fish at premium prices if the vessel was not on the approved list would also act as an incentive for members and cooperating non members to maintain the comprehensiveness and accuracy of the listed vessels.

Members would be required to ensure that domestic arrangements were in place to reject fish where the declaration of the catching vessel’s place on the list was not made on the accompanying TIS form.

Data

Data on listed vessels would need to be sufficient to clearly identify the vessel.

Guidance on this aspect can be taken from the FAO Compliance Agreement and the requirements established by other tuna RFMOs and the FFA.

Attachment F compares the data requirements of these bodies and the Compliance Agreement. The draft resolution at Attachment E uses the Compliance Agreement as a guide and attempts to limit the data requirement to the minimum necessary to make the list effective for its purpose.

Management of System

In operational terms the system would operate as follows:-

- each member would ensure domestic arrangements were in place to allow for the specific authorisation of vessels to fish for SBT and the effective control of those vessels
- each member would provide to the Secretariat its list of approved vessels including the required data set
- all cooperating non-members would be asked to provide a list of approved vessels and give an undertaking that they have domestic arrangements in place to exercise control over the nominated vessels

- the Secretariat would compile a complete list of approved vessels and circulate the list to all members and cooperating non-members
- all new approvals would be advised to the Secretariat which would compile revised lists on a quarterly basis for circulation
- the current list of approved vessels would be placed in the public section of the CCSBT website.
- when exporting SBT, members and cooperating non-members would declare on the accompanying TIS form that the catching vessel was on the approved list of vessels (TIS forms would need to be modified for this purpose)
- if a consignment of SBT was not accompanied by an appropriately completed TIS form, the shipment would be rejected by the importing country
- the importer would not be required to check that the vessel was on the approved list only that the exporter had made the declaration
- infractions of the CCSBT's management and conservation measures by listed vessels would be notified to the Secretariat and the vessel concerned would be removed from the approved list.

In addition, the Secretariat would promulgate the approved list to all other RFMOs and ask them to cooperate by directing members not to allow the import of SBT if the catching vessel was not on the approved list. The approved list would be specifically provided to each RFMO for this purpose.

Commencement Date

If the Commission approves the resolution at CCSBT10 in October 2003, the system could commence on 1 July 2004. This would leave 9 months for the activities listed above to be completed.

Indonesia

Indonesia is estimated to have caught around 10% of the SBT global catch over the last four years and is the third largest catcher of SBT. The fleet of Indonesian vessels catching SBT is characterised by a large number of small vessels most taking SBT as bycatch. The Indonesian fisheries administration processes are also in a development phase.

It is likely that Indonesia will have difficulty in complying with the arrangements outlined above. Some assistance from the Commission may be necessary.

List of IUU Fishing Vessels (Black List)

The draft resolution at Attachment E provides for the creation of a list of vessels that have been identified by the CCSBT as active IUU vessels. The model being adopted by the ICCAT has been used as a guide, modified as appropriate for the circumstances of the CCSBT.

The maintenance of an accurate and reliable list of IUU vessels is difficult. Natural justice to identified vessels and operators is also an issue.

In this context the draft resolution proposes the following arrangement:

- the system to operate by nomination from members and cooperating non-members
- nominated vessels and the reasons for the citing are to be referred to the Secretariat which will circulate the information to all members and cooperating non-members for comment
- the CCSBT Compliance Committee to be activated to consider and make recommendations on the list of nominated vessels to the Commission
- the Commission to decide on whether a vessel is to be placed on the list
- members and cooperating non-members to be required not to trade in any form with any listed vessel
- members and cooperating non-members obligated to stop the IUU fishing activity of any of their vessels placed on the list of IUU fishing vessels
- other RFMOs to be asked to take action against identified vessel
- the list to be published on the CCSBT website.

Nomenclature

The draft resolution at Attachment E uses three terms to describe participants in the fishery:

- *member* means a member of the Extended CCSBT
- *non-contracting parties cooperating with the Extended CCSBT* means countries who have given an undertaking to the Extended CCSBT to cooperate with its conservation and management objectives
- *non-contracting parties* means all other fishing nations

This terminology has not taken into account the development of the status of “cooperating non-member”, which is the subject of a separate resolution being developed by the Extended Commission.

Language

An operational issue to be resolved, which is not covered in the draft resolution, is the language/s that could be used to submit information to the Extended CCSBT on approved vessels and publication of the approved list.

Other RFMOs’ resolutions are silent on this issue. The Secretariat has sought comment on this matter from the other RFMOs.

**Prepared by the CCSBT Secretariat
June 2003**

Attachment A...Resolution of ICCAT Concerning IUU Fishing(02-22 - 02-27)

Attachment B...Resolution of IOTC Concerning IUU Fishing(02/05 - 02/07)

Attachment C...Resolution of IATTC Concerning IUU Fishing

[02-22]

**RECOMMENDATION BY ICCAT CONCERNING THE ESTABLISHMENT
OF AN ICCAT RECORD OF VESSELS OVER 24 METERS AUTHORIZED
TO OPERATE IN THE CONVENTION AREA**

RECALLING that ICCAT adopted at its 2000 meeting a *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area*,

FURTHER RECALLING that ICCAT adopted at its 1994 meeting a *Resolution by ICCAT Regarding the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas*,

FURTHER RECALLING that the Commission has been taking various measures to prevent, deter and eliminate the illegal, unreported and unregulated (IUU) fisheries conducted by large-scale tuna fishing vessels,

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 Convention area without timely registration with the Commission,

RECALLING that the FAO Council adopted on June 23, 2001 an International Plan of Action (IPOA) aiming to prevent, to deter and to eliminate illegal, unreported and unregulated fishing, 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,

CONSIDERING the deliberations of the ICCAT Working Group that was held in Tokyo from May 27 to 31, 2002.

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF THE ATLANTIC TUNA (ICCAT) RECOMMENDS THAT:

1. The Commission shall establish and maintain an ICCAT record of fishing vessels larger than 24 meters in length overall (hereinafter referred to as "large scale fishing vessels" or "LSFVs") authorized to fish for tuna and tuna-like species in the Convention Area. For the purpose of this recommendation, LSFVs not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species.
2. Each Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the ICCAT Executive Secretary by July 1, 2003, the list of its LSFVs that are authorized to operate in the Convention Area. This list shall include the following information:
 - Name of vessel, register number
 - Previous name (if any)
 - Previous flag (if any)
 - Previous details of deletion from other registries (if any)
 - International radio call sign (if any)
 - Type of vessels, length and gross registered tonnage (GRT)
 - Name and address of owner(s) and operator(s)
 - Gear used
 - Time period authorized for fishing and/or transshipping

CPCs shall indicate, when initially submitting their list of vessels according to paragraph 2, which vessels are newly added or meant to replace vessels currently on their list submitted to ICCAT by August 31, 2002 pursuant to Recommendation 00-17.

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

3. Each CPC shall promptly notify, after the establishment of the initial ICCAT record, the ICCAT Executive Secretary of any addition to, any deletion from and/or any modification of the ICCAT record at any time such changes occur.
4. The ICCAT Executive Secretary shall maintain the ICCAT record, and take any measure to ensure publicity of the record and through electronic means, including placing it on the ICCAT website, in a manner consistent with confidentiality requirements noted by CPCs.
5. The flag CPCs of the vessels on the record shall:
 - a) authorize their LSFVs to operate in the Convention Area only if they are able to fulfill in respect of these vessels the requirements and responsibilities under the Convention and its conservation and management measures;
 - b) take necessary measures to ensure that their LSFVs comply with all the relevant ICCAT conservation and management measures;
 - c) take necessary measures to ensure that their LSFVs on the ICCAT record keep on board valid certificates of vessel registration and valid authorization to fish and/or transship;
 - d) ensure that their LSFVs on the ICCAT 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 LSFVs 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 LSFVs on the ICCAT record are not engaged in or associated with tuna fishing activities conducted by LSFVs not entered into the ICCAT record in the Convention Area; and
 - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the LSFVs on the ICCAT 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 LSFVs on the ICCAT record to take further action to enhance compliance by those vessels to ICCAT 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 LSTVs which are not entered into the ICCAT record.
 - b) To ensure the effectiveness of the ICCAT conservation and management measures pertaining to species covered by Statistical Document Programs:
 - i) Flag CPCs or, if the vessel is under a charter arrangement, the exporting CPC shall validate statistical documents only for the LSFVs on the ICCAT record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by LSFVs in the Convention Area, when imported into the territory of a Contracting Party be accompanied by statistical documents validated for the vessels on the ICCAT record and,
 - iii) CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall cooperate to ensure that statistical documents are not forged or do not contain misinformation.
8. Each CPC shall notify the ICCAT Executive Secretary of any factual information showing that there are reasonable grounds for suspecting LSTVs not on the ICCAT record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the Convention Area.

9.
 - a) If a vessel mentioned in paragraph 8 is flying the flag of a CPC, the Executive Secretary shall request that CPC to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the Convention Area.
 - 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 Executive Secretary shall compile such information for future consideration by the Commission.
10. 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 LSFVs from the Atlantic to other oceans.
11. The 2000 *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area* [00-17] is hereby repealed.

**RECOMMENDATION BY ICCAT TO ESTABLISH A LIST OF VESSELS
PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND
UNREGULATED FISHING ACTIVITIES IN THE ICCAT CONVENTION AREA**

RECALLING that the FAO Council adopted on June 23, 2001 an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). This Plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non-discriminatory way.

RECALLING that ICCAT has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels.

CONCERNED by the fact that IUU fishing activities in the ICCAT Convention area continue, and these activities diminish the effectiveness of the ICCAT conservation and management measures.

FURTHER CONCERNED that there is evidence of a high number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with ICCAT management and conservation measures, and to evade the ICCAT-adopted non discriminatory trade measures.

DETERMINED to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels without prejudice to further measures adopted in respect of flag States under the relevant ICCAT instruments.

CONSIDERING the results of the Working Group, which was held in Tokyo from May 27 to 31, 2002.

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities.

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organization (WTO) Agreement.

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF THE ATLANTIC TUNAS (ICCAT) RECOMMENDS THAT:**

1. For the purposes of this recommendation, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unreported and unregulated fishing activities in the ICCAT Convention Area, *inter alia*, when a Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity presents evidence that such vessels:
 - a) Harvest tunas and tuna-like species in the ICCAT Convention Area and are not registered on the ICCAT list of vessels authorized to fish for tuna and tuna-like species in the Convention area;
 - b) Harvest, tuna and tuna-like species in the Convention Area, whose flag State is without quotas, catch limit or effort allocation under relevant ICCAT conservation and management measures;
 - c) Do not record or report their catches made in the ICCAT Convention area, or make false reports;
 - d) Take or land undersized fish in contravention of ICCAT conservation measures;
 - e) Fish during closed fishing periods or in closed areas in contravention of ICCAT conservation measures;
 - f) Use prohibited fishing gear in contravention of ICCAT conservation measures;
 - g) Transship with vessels included in the IUU list;
 - h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the Convention Area without authorization and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels;

- i) Are without nationality and harvest tunas or tuna-like species in the ICCAT Convention Area and/or
 - j) Engage in fishing activities contrary to any other ICCAT conservation and management measures.
2. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall transmit every year to the Executive Secretary before July 15, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the Convention Area during the current and previous years, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.

This list shall be based on the information collected by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, *inter alia*, under:

- 1994 *Resolution by ICCAT on Compliance with the ICCAT Conservation and Management Measures* [94-9];
 - 1997 *Recommendation by ICCAT on Transshipments and Vessel Sightings* [97-11];
 - 1997 *Recommendation by ICCAT for a Revised ICCAT Port Inspection Scheme* [97-10];
 - 2000 *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-Like Species in the Convention Area* [00-17]; or
 - 1992 *Recommendation by ICCAT Concerning the ICCAT Bluefin Tuna Statistical Document Program* [92-1]; 2001 *Recommendation by ICCAT Concerning the ICCAT Bigeye Tuna Statistical Document Program* [01-21]; and 2001 *Recommendation by ICCAT Establishing a Swordfish Statistical Document Program* [01-22]
 - 1998 *Resolution by ICCAT Concerning the Unreported and Unregulated Catches of Tunas by Large-scale Longline Vessels in the Convention Area* [98-18].
3. On the basis of the information received pursuant to paragraph 2, the ICCAT Executive Secretary shall draw up a draft IUU list and shall transmit it together with all the evidence provided to Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, as well as to non-Contracting Parties whose vessels are included on these lists before August 15 of each year. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities, and non-Contracting Parties, shall transmit their comments, as appropriate, including evidence showing that the listed vessels neither have fished in contravention to ICCAT conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the Convention Area, before September 30 to ICCAT.

Upon receipt of the draft IUU list, Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner.

4. On the basis of the information received pursuant to paragraph 3, the ICCAT Executive Secretary shall draw up a provisional list that he shall transmit 2 weeks in advance of the Commission Meeting to the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, and to the non-Contracting Parties concerned, together with all the evidence provided.
5. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities may at any time submit to the ICCAT Executive Secretary any additional information, which might be relevant for the establishment of the IUU list. The ICCAT Executive Secretariat shall circulate the information at latest before the annual Commission meeting to the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities and to the non-Contracting Parties concerned, together with all the evidence provided.
6. The Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall examine, each year, the provisional list, as well as the information referred to in paragraphs 3 and 5. The results of this examination may, if necessary, be referred to the Compliance Committee.

The PWG shall remove a vessel from the provisional list if the flag State demonstrates that:

- a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or

- b) Effective action has been taken in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
7. Following the examination referred to in paragraph 6, the PWG shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the ICCAT Convention area.
8. On adoption of the list, the Commission shall request non-Contracting Parties, whose vessels appear on the IUU list, to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licenses of these vessels, and to inform the Commission of the measures taken in this respect.
9. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall take all necessary measures, under their applicable legislation:
 - a) So that the fishing vessels, the mother ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list;
 - b) So that IUU vessels that enter ports voluntarily are not authorized to land or transship therein;
 - c) To prohibit the chartering of a vessel included on the IUU list;
 - d) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity determines that granting the vessel its flag will not result in IUU fishing;
 - e) To prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;
 - f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU list;
 - g) To collect and exchange with other Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.
10. The ICCAT Executive Secretary shall take any necessary measure to ensure publicity of the IUU vessels list adopted by ICCAT pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the ICCAT web site. Furthermore, the ICCAT Executive Secretary shall transmit the IUU vessels list to other regional fisheries organizations for the purposes of enhanced cooperation between ICCAT and these organizations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
11. This recommendation shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2003, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to Contracting Party, Cooperating non-Contracting Party, Entity or Fishing Entity vessels.
12. Without prejudice to the rights of flag Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities and coastal states to take proper action consistent with international law, the Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities shall not take any unilateral trade measures or other sanctions against vessels provisionally included in the draft IUU list, pursuant to paragraph 3, or which have been already removed from the list, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

[02-24]

**RESOLUTION BY ICCAT CONCERNING THE IMPLEMENTATION
OF THE RECOMMENDATION CONCERNING THE ICCAT RECORD OF VESSELS**

RECOGNIZING that the Commission adopted at its 2002 meeting the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels Over 24 meters Authorized to Operate in the Convention Area* [02-22];

BEING CONCERNED that there remains a hundred large-scale tuna longline vessels (LSTLVs) that are believed to continue illegal, unreported and unregulated (IUU) fishing in the Convention Area and other areas.

FURTHER RECOGNIZING a need to take measures to prevent those IUU fishing vessels from being entered in the ICCAT Record before the said Recommendation is entered into force;

REAFFIRMING Contracting Parties' and Cooperating non-Contracting Parties', Entities or Fishing Entities' right to determine which fishing vessels over 24 m will be included on their list of vessels, including new vessels or ones to replace old vessels.

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF THE ATLANTIC TUNAS (ICCAT) RESOLVES THAT:**

1. With respect to the LSTLVs, the Executive Secretary should:
 - Compare the list which was submitted to him by August 31, 2002 in accordance with paragraph 1 of the 2000 *Recommendation by ICCAT Concerning Registration and Exchange of Information of Fishing Vessels Fishing for Tuna and Tuna-like Species in the Convention Area* [00-17] (hereinafter referred to as the List) and the initial ICCAT Record to be established by the *Recommendation by ICCAT Concerning the Establishment of an ICCAT Record of Vessels Over 24 Meters Authorized to Operate in the Convention Area* adopted at the 2002 Commission meeting,
 - Identify the LSTLVs newly appeared on the initial ICCAT Record (both net increase from the List and replacements of those previously on the List), and
 - Present the result to the 2003 Commission meeting.
2. The Compliance Committee and Permanent Working Group (PWG) should scrutinize the information in paragraph 1 above to examine possible involvement of the remaining IUU LSTLVs on the ICCAT Record.

**RESOLUTION BY ICCAT CONCERNING THE MEASURES TO
PREVENT THE LAUNDERING OF CATCHES BY ILLEGAL, UNREPORTED
AND UNREGULATED (IUU) LARGE-SCALE TUNA LONGLINE FISHING VESSELS**

RECALLING ICCAT's 1997 *Recommendation by ICCAT on Transshipments and Vessel Sightings* and 1998 *Recommendation by ICCAT Concerning the Ban on Landings and Transshipments of Vessels from Non-Contracting Parties Identified as Having Committed a Serious Infringement*;

TAKING INTO ACCOUNT the need to implement the FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), which was adopted at the 24th session of the FAO Committee on Fisheries in 2001;

TAKING INTO ACCOUNT that the Bluefin Tuna Statistical Document Program is currently being implemented, and that similar Programs for Bigeye Tuna and Swordfish established by the Commission are coming into effect;

EXPRESSING GRAVE CONCERN that a significant amount of catches by illegal, unreported and unregulated (IUU) fishing vessels are believed to be transferred under the names of duly licensed fishing vessels;

**THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RESOLVES THAT:**

1. Contracting Parties, Cooperating non Contracting Parties, Entities or Fishing Entities (hereinafter referred to as the "CPCs") should ensure that their duly licensed large-scale tuna longline fishing vessels have a prior authorization of at sea or in port transshipment and obtain the validated Statistical Document, whenever possible, prior to the transshipment of their tuna and tuna-like species subject to the Statistical Document Programs. They should also ensure that transshipments are consistent with the reported catch amount of each vessel in validating the Statistical Document and require the reporting of transshipment.
2. CPCs that import tuna and tuna-like species caught by large-scale tuna longline fishing vessels and subject to the Statistical Document Programs should require transporters (which include container vessels, mother vessels, and the like) that intend to land such species in their ports, to ensure that Statistical Documents are issued, whenever possible before the transshipment. Importing CPCs should obligate the transporters to submit necessary documents, including a copy of the validated Statistical Document and other documents, as required under domestic regulation, such as the receipt of transshipment, to the importing CPCs' authorities immediately after the transshipment.

[02-26]

**RESOLUTION BY ICCAT CONCERNING COOPERATIVE ACTIONS
TO ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING
ACTIVITIES BY LARGE SCALE TUNA LONGLINE VESSELS**

RECALLING that ICCAT adopted at its 1999 meeting a *Resolution by ICCAT Calling for Further Actions against Illegal, Unregulated and Unreported Fishing Activities by Large-Scale Longline Vessels in the Convention Area and Other Areas*, in which ICCAT urged Japan and Chinese Taipei to scrap or to re-register to Chinese Taipei those vessels,

RECALLING that ICCAT, at its 2000 meeting, praised and strongly supported the Joint Programs implemented by Japan and Chinese Taipei to eliminate illegal, unreported and unregulated (IUU) large-scale tuna longline vessels (LSTLVs) in its *Supplemental Resolution by ICCAT to Enhance the Effectiveness of the ICCAT Measures to Eliminate Illegal, Unregulated and Unreported Fishing Activities by Large-Scale Tuna Longline Vessels in the Convention Area and Other Areas*,

RECOGNIZING that the ICCAT *Ad Hoc* Working Group on Measures to Combat IUU Fishing in Tokyo 2002 stressed the importance of the collaborative work between Chinese Taipei and Japan to study further the involvement of Chinese Taipei's residents and licensed vessels in IUU fishing and other activities assisting IUU fishing, and to work out effective measures to prevent such involvement,

RECOGNIZING that ICCAT adopted at its 2002 meeting a *Recommendation by ICCAT Concerning Establishment of an ICCAT Record of Vessels Over 24 Meters Authorized to Operate in the Convention Area* [02-22] (the Recommendation),

CONCERNED that still around 100 IUU LSTLVs exist, while the Japan/Chinese Taipei Joint Program resulted in contracts for scrapping of 43 vessels and agreements for re-registration of 34 vessels,

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS (ICCAT) RESOLVES THAT:

1. Japan and Chinese Taipei should further work together to eliminate the remaining IUU LSTLVs owned and/or operated by Chinese Taipei's residents.
2. Japan should work closely with the flag States of LSTLVs and if appropriate take joint action, so as to implement the Recommendation smoothly and satisfactorily and to achieve the objective of paragraph 1 above.
3. The Commission urges Chinese Taipei to consider adopting appropriate domestic legislation to improve its ability to control its residents that invest in or otherwise support or engage in IUU fishing.
4. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities should urge and may instruct their residents to refrain from engaging in and/or associating with activities that may support IUU tuna longline fishing vessels and with any other activities that undermine the effectiveness of ICCAT conservation and management measures.

[02-27]

**RESOLUTION BY ICCAT REGARDING PROCESS AND CRITERIA
FOR ICCAT IUU TRADE RESTRICTIVE MEASURES**

CONSIDERING the desirability of continuing to implement the Food & Agriculture Organization International Plan of Action on Illegal, Unreported and Unregulated (IPOA-IUU) Fishing in ICCAT;

RECOGNIZING that ICCAT has developed a number of valuable tools for preventing, eliminating and deterring IUU fishing;

FURTHER RECOGNIZING that ICCAT should continue to strive to ensure fairness, transparency and consistency in these measures and their application;

STRESSING that any measures implemented by ICCAT need to be consistent with international law, including World Trade Organization (WTO) requirements;

THE INTERNATIONAL COMMISSION FOR THE CONSERVATION
OF ATLANTIC TUNAS RESOLVES THAT:

1. A Working Group meeting of Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities should be convened in 2003, preferably in conjunction with another inter-sessional meeting, to develop criteria and a process for the fair, transparent and consistent application of ICCAT measures, including trade restrictive measures, to prevent, deter and eliminate IUU fishing.
2. In carrying out its task, the Working Group should:
 - a) review the processes for the imposition or removal of trade restrictive measures under existing ICCAT instruments;
 - b) further develop and elaborate criteria and consistent procedures allowing for the imposition or removal of trade restrictive measures in a fair, transparent and nondiscriminatory manner and in accordance with international law, including principles, rights and obligations laid down in WTO Agreements;
 - c) consider all relevant factors, including possible differences between Contracting Parties and non-Contracting Parties;
 - d) develop and elaborate, as appropriate, additional measures for the listing or de-listing of IUU fishing vessels to other types of IUU fishing activities that are not yet covered by existing ICCAT instruments; and
 - e) report to the Commission at its annual meeting in 2003.
3. As a minimum, the Working Group should consider, *inter alia*:
 - Appendix 4.6 of the Report of the ICCAT Ad Hoc Working Group on Measures to Combat IUU Fishing (Tokyo, Japan, May 27-30, 2002): Canada's Criteria for the Imposition and Removal of Trade Restrictive Measures for Consideration at the ICCAT Working Group Meeting on IUU;
 - Appendix 4.7 of the same Report: EC's Explanatory Memorandum;
 - Draft Resolution for a Bluefin Tuna, Swordfish and Bigeye Tuna Action Plan*;
 - Draft Resolution Concerning Compliance in the Fisheries of Bluefin Tuna, Swordfish and Bigeye Tuna*;
and
 - Draft Resolution on the Introduction of Supplementary Procedure on ICCAT Trade-Related Schemes and the Explanatory Memorandum of same*.

* Note from Secretariat: Copies of these documents can be obtained from the Secretariat, and will appear as an Annex of the 2002 Commission Meeting Report.

RESOLUTION 02/04
**ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT
ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE IOTC AREA**

The Indian Ocean Tuna Commission (IOTC),

Recalling that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way,

Recalling that the IOTC adopted *Resolution 01/07* concerning its support of the IPOA – IUU Plan,

Recalling that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels,

Concerned by the fact that IUU fishing activities in the IOTC area continue, and these activities diminish the effectiveness of IOTC conservation and management measures,

Further Concerned that there is evidence of a large number of vessel owners engaged in such fishing activities which have re-flagged their vessels to avoid compliance with IOTC management and conservation measures,

Determined to address the challenge of an increase in IUU fishing activities by way of counter-measures to be applied in respect to the vessels, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments,

Conscious of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

Noting that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement,

Adopts in accordance with paragraph 1 of article IX of the Agreement, that;

1. For the purposes of this resolution, the fishing vessels flying the flag of a non-Contracting Party are presumed to have carried out illegal, unregulated and unreported fishing activities in the IOTC Area, *inter alia*, when a Contracting Party or co-operating non-Contracting Party presents evidence that such vessels:
 - a) Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC list of vessels authorised to fish for tuna and tuna-like species in the IOTC area, or
 - b) Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate, or
 - c) Do not record or report their catches made in the IOTC Area, or make false reports, or
 - d) Take or land undersized fish in contravention of IOTC conservation measures, or
 - e) Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
 - f) Use prohibited fishing gear in contravention of IOTC conservation measures, or
 - g) Tranship with vessels included in the IUU list, or

- h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of the coastal States in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels, or
 - i) Are without nationality and harvest tunas or tuna-like species in the IOTC Area, and/or
 - j) Engage in fishing activities contrary to any other IOTC conservation and management measures.
2. Contracting Parties and Co-operating non-Contracting Parties transmit every year to the Secretary before 15th July, the list of vessels flying the flag of a non-Contracting Party presumed to be carrying out IUU fishing activities in the IOTC Area during the current and previous year, accompanied by the supporting evidence concerning the presumption of IUU fishing activity.
 3. This list shall be based on the information collected by Contracting Parties and non-Contracting co-operating Parties, entities and fishing entities, *inter alia*, under:
 - *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;*
 - *Resolution 99/02 Calling for Action Against Fishing Activities by Large-Scale Flag of Convenience Longline Vessels;*
 - *Resolution 01/02 Relating to Control of Fishing Activities;*
 - *Resolution 01/03 Establishing a Scheme to Promote Compliance by Non-Contracting Party Vessels with Resolutions Adopted by IOTC;*
 - *Resolution 01/06 Concerning the IOTC Bigeye Tuna Statistical Document Programme;*
 - *Resolution 02/01 Relating to the Establishment of an IOTC Programme of Inspection in Port;*
 - *Resolution 02/05 Concerning the Establishment of an IOTC Record of Vessels over 24 Metres Authorised to Operate in the IOTC Area;*
 4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a draft IUU list and shall transmit it together with all the evidence provided to Contracting Parties and Co-operating non-Contracting Parties, Entities and Fishing Entities, as well as to non-Contracting Parties whose vessels are included on these lists before 15 August of each year. Contracting Parties, Co-operating non-Contracting Parties and non-Contracting Parties will transmit their comments, as appropriate, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area, before 30 September to IOTC.
 5. Upon receipt of the draft IUU list, Contracting Parties and Co-operating non-Contracting Parties shall closely monitor these vessels included in the draft IUU list in order to determine their activities and possible changes of name, flag and/or registered owner.
 6. On the basis of the information received pursuant to paragraph 3, the Secretary shall draw up a provisional list which he will transmit 2 weeks in advance to the Commission

Meeting to the Contracting Parties and Co-operating non-Contracting Parties and to the non-Contracting Parties concerned together with all the evidence provided.

7. Contracting Parties and Co-operating non-Contracting Parties may at any time submit to the Secretary any additional information, which might be relevant for the establishment of the IUU list. The Secretariat shall circulate the information, at latest before the annual meeting, to the Contracting Parties and Co-operating non-Contracting Parties and to the non-Contracting Parties concerned, together with all the evidence provided.
8. The Compliance Committee shall examine, each year, the provisional list, as well as the information referred to in paragraphs 3 and 5.
9. The Compliance Committee shall remove a vessel from the provisional list if the flag State demonstrates that:
 - a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - b) It has taken effective action in response to the IUU fishing activities in question, including, *inter alia*, prosecution and imposition of sanctions of adequate severity.
10. Following the examination referred to in paragraph 6, the Compliance Committee shall submit to the Commission for approval, the provisional list of the vessels identified as carrying out IUU fishing activities in the IOTC area.
11. On adoption of the list, the Commission shall request non-Contracting Parties, whose vessels appear on the IUU list, to take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.
12. Contracting Parties and Co-operating non-Contracting Parties shall take all necessary measures, under their applicable legislation:
 - a) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list;
 - b) So that IUU vessels that enter ports voluntarily are not authorized to land or tranship therein;
 - c) To prohibit the chartering of a vessel included on the IUU list;
 - d) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag State determines that granting the vessel its flag will not result in IUU fishing;
 - e) To prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;
 - f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU lists;
 - g) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of searching,

controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list.

13. The Secretary will take any necessary measure to ensure publicity of the IUU vessels list adopted by IOTC pursuant to paragraph 8, in a manner consistent with any applicable confidentiality requirements, and through electronic means, by placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU vessels list to other regional fisheries organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.
14. This recommendation shall apply initially to large-scale fishing vessels flying the flag of non-Contracting Parties. The Commission shall, at its annual meeting in 2003, review and, as appropriate, revise this recommendation with a view to its extension to other types of IUU fishing activities of non-Contracting Party vessels and, to Contracting Party, Co-operating non-Contracting Party vessels.
15. Without prejudice to the rights of flag states and coastal states to take proper action consistent with international law, the Contracting Parties and Co-operating non-Contracting Parties should not take any unilateral trade measures or other sanctions against vessels provisionally included in the draft IUU list, pursuant to paragraph 3, or which have been already removed from the list, pursuant to paragraph 6, on the grounds that such vessels are involved in IUU fishing activities.

RESOLUTION 02/05
CONCERNING THE ESTABLISHMENT OF AN IOTC RECORD OF VESSELS
OVER 24 METRES 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 larger than 24 metres in length overall (hereinafter referred to as "large scale fishing vessels" or "LSFVs") authorised to fish for tuna and tuna-like species in the IOTC Area. For the purpose of this recommendation, LSFVs 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, the list of its LSFVs 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);
- 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 transhipping;

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 LSFVs 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 LSFVs comply with all the relevant IOTC conservation and management measures;
 - c) take necessary measures to ensure that their LSFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
 - d) ensure that their LSFVs 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 LSFVs 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 LSFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by LSFVs 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 LSFVs 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 LSFVS 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 transhipment and landing of tuna and tuna-like species by the LSFVs 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 LSFVs on the IOTC Record,
 - ii) CPCs shall require that the species covered by Statistical Document Programs caught by LSFVs 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 LSFVs 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.
- 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.
10. 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 LSFVs from the Indian Ocean to other oceans.
11. 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.

RECOMMENDATION 02/06.
ON THE IMPLEMENTATION OF THE RESOLUTION CONCERNING THE IOTC
RECORD OF VESSELS

The Indian Ocean Tuna Commission (IOTC),

Recognizing that the Commission adopted *Resolution 02/05 Concerning the Establishment of an IOTC Record of Vessels over 24 metres Authorized to Operate in the IOTC Area* at its 2002 meeting,

Being concerned that there remain a hundred large-scale tuna longline vessels (LSTLVs) that are believed to continue IUU fishing in the IOTC Area and other areas,

Further recognizing a need to take measures to prevent those IUU fishing vessels from being entered in the IOTC Record before the said Resolution has entered into force,

Reaffirming the right of Contracting Parties and Non-Contracting Parties co-operating with IOTC to determine which fishing vessels over 24 metres will be included on their list of vessels, including new vessels or one to replace old vessels,

Recommends, in accordance with Article IX of the IOTC Agreement, that:

With respect to the LSTLVs, the Secretary should:

Compare the list which was submitted to him in accordance with paragraph 1 of the *Resolution 01/02 Relating to Control of Fishing Activities* (hereinafter referred to as “the LIST”) and the initial IOTC Record to be established by the *Resolution 02/05 Concerning the Establishment of an IOTC Record of Vessels over 24 metres Authorized to operate in the IOTC Area* adopted at the 2002 Commission meeting,

Identify the LSTLVs newly appeared on the initial IOTC Record (both net increase from the List and replacements of those previously on the List), and

Present a report on the results to the 2003 Commission meeting.

The Commission should scrutinize the information in paragraph 1 above to examine possible involvement of the remaining IUU LSTLVs on the IOTC Record

RECOMMENDATION 02/07.
CONCERNING MEASURES TO PREVENT THE LAUNDERING OF CATCHES BY
IUU LARGE-SCALE TUNA LONGLINE FISHING VESSELS

The Indian Ocean Tuna Commission (IOTC),

Taking Into Account the need to implement the “FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) fishing”, which was adopted at the 24th session of the FAO Committee on Fisheries in 2001,

Taking Into Account that the Bigeye Tuna Statistical Document Programme is currently being implemented,

Expressing Grave Concern that a significant amount of catches by the IUU fishing vessels are believed to be transferred under the names of duly licensed fishing vessels,

Recommends, in accordance with Article IX of the IOTC Agreement, that:

1. Contracting Parties, and non-Contracting Parties co-operating (hereinafter referred to as the “CPCs”) should ensure that their duly licensed large-scale tuna longline fishing vessels have a prior authorization of at sea or in port transshipment and obtain the validated Statistical Document, whenever possible, prior to the transshipment of their tuna and tuna-like species subject to the Statistical Document Programme. They should also ensure that transshipments are consistent with the reported catch amount of each vessel in validating the Statistical Document and require the reporting of transshipment.
2. CPCs that import tuna and tuna-like species caught by large-scale tuna longline fishing vessels and subject to the Statistical Document Programme should require transporters (which include container vessels, mother vessels, and the like) that intend to land such species in their ports, to ensure that Statistical Documents are issued, whenever possible before the transshipment. Importing CPCs should obligate the transporters to submit necessary documents, including a copy of the validated Statistical Document and other documents, as required under domestic regulation, such as the receipt of transshipment, to the importing CPCs’ authorities immediately after the transshipment.

Inter-American Tropical Tuna Commission

RESOLUTION ON A REGIONAL VESSEL REGISTER

June 2000

The Inter-American Tropical Tuna Commission (IATTC):

Affirming the importance of ensuring that all vessels fishing in the Convention Area comply with the conservation and management measures agreed by its member governments;

Inspired by the principles of the Code of Conduct for Responsible Fisheries and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;

Aware of the need to have pertinent information relative to the operations of vessels fishing in the eastern Pacific Ocean (EPO);

Therefore recommends to the High Contracting Parties that:

1. They request the Director to establish and maintain a record of vessels that have been authorized to fish in the Convention Area for species under the purview of the Commission, on the basis of the information detailed in paragraph 2 below.
2. Each Party supply the Director the following information with respect to each vessel under its jurisdiction to be included in the record established pursuant to paragraph 1:
 - a. name of vessel, registration number, previous names (if known), and port of registry;
 - b. a photograph of the vessel showing its registration number;
 - c. previous flag (if known and if any);
 - d. International Radio Call Sign (if any);
 - e. name and address of registered owner or owners;
 - f. where and when built;
 - g. length, beam, and moulded depth;
 - h. fish hold capacity in cubic meters, and carrying capacity in metric tons;
 - i. name and address of operator (manager) or operators (if any);
 - j. type of fishing method or methods;
 - k. gross tonnage;
 - l. power of main engine or engines.
3. Each Party promptly notify the staff of any modifications to the information listed in paragraph 2.
4. Each Party also promptly notify the staff of any additions to or deletions from the record of vessels authorized to fish.
5. Each Party promptly notify the staff of any fishing vessel that is no longer entitled to fly its flag.
6. They request non-member governments with vessels fishing in the EPO under their jurisdiction to provide to the Director the information detailed in paragraph 2 and to otherwise follow the terms of this Resolution.

ATTACHMENT E

RESOLUTION BY THE EXTENDED COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA RELATING TO THE CONTROL OF SBT FISHING TO DETER ILLEGAL, UNREGULATED AND UNREPORTED FISHING (IUU)

The Extended Commission for the Conservation of Southern Bluefin Tuna,

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

NOTING that the CCSBT Statistical Document Program has had an impact on IUU fishing of southern bluefin tuna (SBT);

BEING CONCERNED that there is evidence to indicate that the SBT fishery is exposed to the re-emergence of IUU fishing of SBT in the Indian Ocean from targeted activities and bycatch;

RECOGNISING its responsibility to conserve and manage the SBT fishery;

Decides as follows: *Clauses 1-9 represent the creation of a "white list"*

Members and non contracting parties cooperating with the Extended CCSBT shall:

1. Authorise the use of fishing vessels flying their flag to fish for SBT only where it is able to exercise effective control over those vessels.

This clause is necessary for the resolution to be an effective tool in combating IUU fishing. The other regional fisheries bodies have adopted a similar statements in their respective resolutions.

2. Provide to the Executive Secretary by 1 July 2004, a complete list of the vessels it has authorised to fish for SBT. The list shall include the following information:

- name of vessel
- registration number
- home port
- previous name (if any)
- previous flag (if any)
- international radio call sign

- vessel type
- length
- gross registered tonnage (international measure)
- name and address of owners
- name and address of operators
- main fishing gear used
- power of main engine or engines

This profile of information follows the suggestions set out in the Compliance Agreement. The profiles of the other regional fisheries bodies and the Compliance Agreement are set out in Attachment F of the discussion paper.

3. After 1 July 2004, notify the Executive Secretary without delay of any amendments to the list of authorised vessels and provide a complete update by 1 July of each year.

This provision is required to maintain the accuracy of the list as it would be used for operational purposes and the trade documentation flows in the fishery.

4. Ensure that each of its authorised fishing vessels carry on board documents issued and certified by the competent authority of the member or non-contracting party cooperating with the Extended CCSBT, which would verify the information supplied to the Extended CCSBT and listed in sub-paragraph 2 above.

5. Ensure that the vessels on the list provided to the Extended CCSBT have no history of IUU fishing, and if there is a history, the new owners have provided sufficient evidence to the member or non-contracting party cooperating with the Extended CCSBT that the former owners and operators no longer have a beneficial interest in the vessel.

An important clause to prevent the re-badging of IUU vessels but at the same time affording natural justice to purchasers of IUU vessels who have the intention of fishing lawfully.

6. Take necessary measures to ensure, to the extent possible under domestic law, that the owners and operators on the list provided to the Extended CCSBT are citizens or legal entities of the member or non-contracting party cooperating with the Extended CCSBT, so that any necessary control or punitive measure can be exercised against them.

Required to make the authorised vessel list effective and a robust vehicle for any compliance action.

7. Require their agencies completing the CCSBT statistical document (TIS form) to verify the catching vessel is on the Extended CCSBT list and certify this fact on the form.

8. Not accept SBT product that is not accompanied by a TIS form with appropriate certification that the catching vessel is on the Extended CCSBT list of authorised vessels.

Clauses 7 and 8 link the authorised vessel list to the CCSBT's Statistical Document Program to provide mutual reinforcement to the two measures. Such a step would require a small modification to the TIS form.

9. The Executive Secretary shall maintain a consolidated register of approved vessels (to be called the "Extended CCSBT Approved Vessel List) and make available to all members and non-contracting parties cooperating with the Extended CCSBT, the information included in the Extended CCSBT Approved Vessel List. Updated versions are to be made available on a quarterly basis and placed on the CCSBT website for public access.

This practice follows the examples of the relevant resolutions of the other regional fisheries bodies. It is necessary for the CCSBT authorised vessel list to operate as an operational control list for the CCSBT.

The Extended CCSBT also **decides**:

Clauses 10-16 establish arrangements for a "black list"

10. That for the purpose of this resolution, any commercial fishing vessel catching, transshipping or processing SBT, which is not on the Extended CCSBT Approved Vessel List, is deemed to be operating *prima facie* in contravention of the conservation and management objectives of the Extended CCSBT.

This clause is necessary because the CCSBT does not have a formal convention area and there has to be some fundamental definition of IUU fishing or starting point, which links to SBT fishing. ICCAT sets out a definition which describes a range of activities and relates them to the ICCAT Convention area. The CCSBT cannot do this.

11. Members and non-contracting parties cooperating with the Extended CCSBT shall advise the Executive Secretary of vessels that have been identified as, or are suspected of fishing, transshipping or processing SBT that are not on the Extended CCSBT Approved Vessel List. Each advice to the Executive Secretary is to be accompanied by details of the circumstances of the citing.

12. The Executive Secretary will refer each citing to all other members of the Extended CCSBT and compile a consolidated list. The consolidated list and associated supporting evidence will be referred to members, non-contracting parties cooperating with the Extended CCSBT and non-contracting parties by 1 July of each year for comment by 31 August of that year.

13. The consolidated list of vessels together with comments received will be considered by the Compliance Committee, which will make recommendations to the next Extended CCSBT annual meeting on whether to list the vessels as being identified as engaging in IUU activities.

Clauses 11-13 set out the process for developing the "black list". It involves the activation of the Compliance Committee and a decision making process that provides for natural justice with final decision making at the Commission's annual meeting.

14. On adoption of the list (to be known as the Extended CCSBT List of IUU Fishing Vessels), the Extended CCSBT shall request non-contracting parties whose vessels appear on the list to eliminate all IUU fishing activity including, if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Extended CCSBT of the measures taken.

15. For members and non-contracting parties cooperating with the Extended Commission where a vessel appears on the Extended CCSBT List of IUU Fishing Vessels they shall take all measures available under their legislation to discontinue the IUU fishing activity and advise the Extended CCSBT of their actions.

16. Members and non-contracting parties cooperating with the Extended CCSBT will, under their applicable domestic legislation, prevent all association and trade by their vessels and enterprises with any vessel appearing on the Extended CCSBT List of IUU Fishing Vessels.

Clauses 14-16 set out the processes for administering the "black list" once it is determined by the Commission. The responsibilities of members are defined.

17. The Executive Secretary shall transmit the Extended CCSBT List of IUU Vessels to other regional fisheries organisations and ask for their cooperation and support in preventing the vessels on that list from engaging in IUU fishing.

The CCSBT Convention requires cooperation with other regional fisheries bodies. This clause is also important operationally for the circumstances where product from IUU fishing is traded outside the membership of the CCSBT but might be traded by a member of another regional fisheries body.

ATTACHMENT F

Information	Source	Compliance Agreement	ICCAT	IOTC	IATTC	FFA
HSVAR ID	H					
Vessel RecordInt ID	H					
InMarSat ID	H					xx
IMO-ID	H			xx		
RFB-ID	H					
Date built	H	X		xx	X	xx
shipyard name	H					
shipyard city	H			xx		
shipyard nation	H	X		xx	X	xx
image	H			xx	X	xx
Vessel length	V	X	X	X	X	xx
Vessel length (actual)	H					
vessel length registered	H					
vessel length unit	H			xx		xx
Vessel Depth	H	xx		xx	X	
vessel depth unit	H	xx		xx		
Tonnage	H		X	X	X	xx
tonnage unit	H			xx		xx
tonnage type	H	xx				
power class	H			xx	X	xx
power class unit	H	xx		xx		xx
Beam	H	xx			X	
beam unit	H					
Draught	H					
draught unit	H					
Build material	H			xx		xx
hold capacity	H			xx	X	xx
Vessel type ref (ISSCFV)	H	X	X	X		xx
vessel active	H			xx		
date authorized	H					
vessel suspended	H					
date suspended	H					
reason suspended	H					
vessel sold (to)	H					
vessel name	H	X	X	X	X	xx
HSVAR name	H					
call sign	H	X	X	X	X	xx
reg number	H	X	X	X	X	xx
generic ID	H					
flagstate	H	X	X	X	X	xx
port of call (home port)	H	X		xx	X	
home port province	H					
owner	H	X	X	X	X	xx

owner contact name	H				X	xx
owner postal address	H	X	X	X	X	xx
operator	H	xx	X	X	X	xx
operator contact name	H				X	xx
operator postal address	H	xx	X	X	X	xx
gear type ref	H	xx	X	X	X	xx
storage method	H					xx
wheelhequip	H					
crew size	H					xx
infringement date update	H					
date reported	H					
date observed	H					
measures imposed	H					
previous name	V	X	X	X	X	xx
previous flag	V	X	X	X	X	xx
Time period	V		X	X		
Alias name	I			xx		
Charterer	F					xx
Fuel capacity	F					xx
Related vessels	F					xx
Charterer address	F					xx
Rated speed	F					xx
Engine model	F					xx
Mainline length	F					xx
Mainline material	F					xx
Max # hooks	F					xx
Helicopter model	F					xx
# FAD on board	F					xx
previous call sign	F					xx
previous registration #	F					xx
Year change occurred	F					xx
Vessel contact details	F					xx
Vesse schematic storage plan	F					xx
Ownership details and proof of corporate registration	F					xx

X = mandatory information according to Recommendation or Agreement
xx = information requested to the extent practicable

Record name sources:

H = HSVAR

V = Various Commissions or Compliance Agreement

I = IOTC

F = FFA