
Report of the Eighth Session of the Indian Ocean Tuna Commission

Victoria, Seychelles, 7-12 December 2003

**REPORT
of the
EIGHTH SESSION OF THE
INDIAN OCEAN TUNA COMMISSION
Victoria, Seychelles, 7-12 December 2003**

INDIAN OCEAN TUNA COMMISSION

VICTORIA, 2004

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Executive Summary

The Eighth Session of the Indian Ocean Tuna Commission (IOTC) was held in Victoria, Seychelles, 7-12 December 2003, chaired by the Chairperson of the Commission, Mr. John Spencer.

Representatives of 16 Members of the Commission attended the Session. The Commission noted the presence of observers from one State, two Intergovernmental organizations and two non-governmental organizations. The requests from the Republic of the Philippines to renew their status as Cooperating Non-Contracting Party (until confirmation of its access as a Member is received) from the Republic of Indonesia and from South Africa to become Cooperating Non-Contracting Parties were granted by the Commission.

Mr. Alejandro Anganuzzi, former Deputy Secretary, was selected by the Commission as the new Executive Secretary, replacing Mr. David Ardill, who will retire in February 2004

The Commission approved the Programme of Work and the Budget of the Secretariat as recommended by the Standing Committee on Administration and Finance, as well as the scale of contributions for 2004.

The Commission, following the recommendations of the Compliance Committee, adopted resolutions relating to:

- *Criteria for attaining the status of Cooperating non-Contracting Party,*
- *Amendments to the forms of the Bigeye Tuna Statistical Document,*
- *Enhancement of effectiveness of IOTC measures to eliminate IUU activities in the IOTC Area,*

A recommendation was adopted concerning the procedure to adopt trade measures.

Taking into account recommendations made by the Scientific Committee and the discussions that have taken place in this and the previous Session of the Commission, the Commission adopted a resolution on the limitation of fishing capacity of Contracting and Cooperating Non-Contracting Parties.

The Commission adopted a recommendation to Contracting and Cooperating Non-Contracting Parties to develop, inter-sessionally, Terms of Reference for a Working Party that will consider conservation and management options that may be applicable to the highly migratory fish stocks of the Indian Ocean.

A resolution was deferred for the next Session, concerning control of transshipments in the high seas.

The Commission decided to enter into an agreement with the Commission de l'océan Indien to implement a large-scale tagging programme, and to join the FIRMS Partnership.

All Members joined in extending their gratitude and recognition to the departing Executive Secretary, Mr. David Ardill, and adopted unanimously a resolution, recognizing the important contributions of Mr. Ardill throughout his career to the progress of the IOTC process.

1) OPENING OF THE SESSION

1. The Eighth Session of the Indian Ocean Tuna Commission (IOTC) was held in Victoria, Seychelles, 7-12 December 2003. Representatives of 16 Members of the Commission, two Cooperating Non-Member Parties, one State eligible to attend Sessions of the Commission, from two intergovernmental organizations and two non-governmental organizations attended the Session. The list of participants is attached as Appendix I.
2. The Chairman of the Commission, Mr. John Spencer (European Community) welcomed the delegates and observers to the Session. His speech is reproduced in Appendix II.
3. The Session was opened by Mr. W. Herminie, Minister for Agriculture and Marine Resources of the Seychelles. His speech is reproduced in Appendix III.
4. Opening statements provided by Parties in written form are reproduced in Appendix IV.

2) ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION (IOTC-S8-03-01)

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

3) CONSIDERATION OF REQUESTS TO ACCEDE AS COOPERATING NON- CONTRACTING PARTIES

6. The request from Indonesia to renew its status as Cooperating Non-Contracting Party was granted by the Commission.
7. The Republic of the Philippines requested accession as a Member of the Commission, which is still pending confirmation of the receipt of the request from the FAO. The Commission has granted status as Cooperating Non-Contracting Party to the Republic of the Philippines until confirmation of its membership request is received from the FAO.
8. The request from the Republic of South Africa to obtain status of Cooperating Non-Contracting Party was reviewed favourably. The Republic of South Africa expressed its intention to become a Member of the Commission in the near future.
9. The Commission reminded that countries requesting status as Cooperating Non-Contracting Party must submit their applications in the future according to the procedure established in Resolution 03/02.

4) ADMISSION OF OBSERVERS

10. Pursuant to Article VII of the Agreement establishing the IOTC, the Commission admitted observers from the Russian Federation (State non-Member of FAO), the International Commission for the Conservation of Atlantic Tunas (ICCAT), and two non-governmental organizations, the Organization for the Promotion of Responsible Tuna Fisheries (OPRT) and TRAFFIC East/Southern Africa.

5) SELECTION OF THE EXECUTIVE SECRETARY

11. Mr. Alejandro Anganuzzi, former Deputy Secretary, was selected by the Commission as the new Executive Secretary, replacing Mr. David Ardill, who will retire in February 2004.

6) REPORT OF THE 6TH SESSION OF THE SCIENTIFIC COMMITTEE (IOTC-S8-03-06)

12. Dr. Geoffrey Kirkwood, Chairperson of the Scientific Committee, presented the report of the Sixth Session of this body (Document IOTC-S8-03-06). This report included Executive Summaries of bigeye, yellowfin, skipjack and swordfish.

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

13. The Commission agreed that allowing more time between the end of the Scientific Committee meeting and the Session of the Commission would permit Members to study the report and develop their position with respect to the scientific advice provided in the report and that this should be taken into consideration when scheduling future Sessions.

b) Issues arising from the Executive Summary on Yellowfin

14. Noting the high catches of yellowfin that have taken place in 2003, the Scientific Committee indicated that there were a number of possible reasons to explain these exceptional catches (increases in fishing efficiency, changes in fish behaviour, changes in environmental conditions). Although the Committee was not in a position to ascertain the reason behind the catch increase, it is unlikely to be due to an increase in biomass.

15. Australia suggested that, since issues related to fishing technology has been raised in the past and are likely to arise again in the future, it would be convenient that Working Parties included a section documenting existing fishing technologies and their changes.

16. The Commission noted that no new technical advice with regards to yellowfin has been advanced by the Scientific Committee, and concluded that the recommendations presented to the Commission last year still stand.

c) Issues arising from the Executive Summary on Bigeye

17. The Chairman of the Scientific Committee indicated that there are considerable uncertainties in the assessments of bigeye tuna. In particular, the lack of good size frequency data for the main longline fleets poses a problem that is compounded by the lack of standardized catch-per-unit-effort for the purse-seine fleets. In spite of those uncertainties, the Scientific Committee recommended a reduction of catches of bigeye tuna by all gears. On the question of standardizing purse-seine CPUE, several studies are underway, attempting to solve some of the issues concerning changes in fishing efficiency associated with fishing technology improvements, the behaviour of tunas associated to FADs, etc. These studies are still at an early stage.

d) Issues arising from the Executive Summary on Skipjack

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

19. The Commission also took note of the comment made by India that there are possible interactions between industrial and artisanal fisheries for skipjack, indicating that the IOTTP¹ might help to improve the current lack of knowledge in this area.

e) Issues arising from the Executive Summary on Swordfish

20. The Commission took note of the technical recommendations made by the Scientific Committee regarding the status of the swordfish resource.

¹ Indian Ocean Tuna Tagging Programme

***f) Issues arising from the Technical Advice in Relation to Resolution 02/08:
On conservation of bigeye and yellowfin tuna in the Indian Ocean***

21. The Chairman of the Scientific Committee presented the technical advice on the conservation of bigeye and yellowfin explaining the different management options to reduce the fishing mortality of juvenile bigeye and yellowfin tuna. He indicated that consideration had been given to both reducing mortality of juvenile bigeye and yellowfin tunas and reducing fishing effort and catches for all gears. Short and long term effects of reducing fishing mortality and effort by longline and purse-seine are discussed and presented in this document. The Scientific Committee also emphasized that the moratorium measures discussed and presented in the technical advice document represent a scenario that assumes that fishing effort by purse-seine is not relocated to other areas. The time available to the Working Party of Tropical Tunas was not sufficient to conduct calculations incorporating more realistic assumptions.

22. Some Members indicated that this advice was concentrated mainly on the evaluation of potential measures to purse-seiners fisheries whereas the mandate given to the Scientific Committee covers all gears.

23. It was noted that measures for IUU fishing, which affect mainly the longline fleet, could provide a reduction of longline catches of bigeye tuna (as well as other tunas). In this respect, the reductions in the longline fleet resulting from the implementation of IUU related resolutions, combined with a reduction of juvenile bigeye tuna in the purse seine fisheries, could provide the reductions in bigeye fishing mortality recommended in the technical advice of the Scientific Committee. However, it is not obvious at this point whether this would reach the target reductions levels. It was also noted that the impact of some options on reducing fishing mortality evaluated by the Scientific Committee was not significant.

24. The Scientific Committee indicated that the fishing-mortality-at-age patterns used in these calculations reflect the best knowledge of the current situation for both fleets. In the case of the longline fishery, the information for catch by size and age comes essentially from Japanese longliners. The information from purse-seine fishing reflects catches on FADs and free schools.

7) REPORT OF THE COMPLIANCE COMMITTEE

25. At its first Meeting the Committee appointed Mr Rondolph Payet, from Seychelles, as Chairman of the Compliance Committee. The Chairman presented the Report of this Committee (Appendix VIII) verbally to the Commission. The Commission commended the Chairman of the Compliance Committee for the considerable amount of work carried out and the progress achieved during the limited amount of time available.

26. The Commission endorsed the recommendation of the Compliance Committee to defer discussion and consideration of a draft Resolution proposed by the European Community regarding the control of transshipments in the high seas, for the next Session of the Commission (Appendix XI).

27. The Commission endorsed the recommendation of the Compliance Committee regarding the criteria for attaining the status of Cooperating Non-Contracting Party and adopted Resolution 03/02, as presented in Appendix IX.

28. The Commission endorsed the recommendation of the Compliance Committee concerning the amendment of the forms of IOTC Statistical Document. To this effect, the Commission adopted Resolution 03/03, as presented in Appendix IX.

29. The Commission endorsed the recommendation of the Compliance Committee concerning the enhancement of effectiveness of IOTC measures to eliminate IUU activities in the IOTC Area. To this effect, the Commission adopted Resolution 03/04, as presented in Appendix IX.

30. The Commission endorsed the recommendation of the Compliance Committee concerning trade measures and adopted Recommendation 03/05, as presented in Appendix IX. After the adoption, Japan made a statement which is attached in Appendix X.

8) REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE

31. At its first Meeting the Committee appointed Mr. Hanafusa, from Japan, as chairman. The Report of the Standing Committee on Administration and Finance (Appendix VII), was verbally presented by its Chairman. The Commission thanked the Chairman of this Committee for the effective work performed.

32. The Commission endorsed the recommendation by the Committee concerning the creation of a new junior level post (P-1 classification), to be paid from the accumulated funds of the Commission and for a duration of two years.

33. The Commission endorsed the Secretariat's Programme of Work and Budget for the year 2004 and the Scale of Contributions, as presented as Appendix II to the report of the Committee which is at Appendix VII.

9) MATTERS ARISING FROM THE SEVENTH SESSION

a) Issues raised by document IOTC-S7-02-10 (IOTC-S8-03-09E)

34. The Commission considered a document prepared at the request of the 7th Session that explores the legal implications of ways in which Taiwan Province of China can be brought to participate effectively in the IOTC process which it had requested to be prepared at the seventh session. It also considered an Addendum to it, submitted by the Legal Office of FAO.

35. The Commission welcomed the document prepared by Professor Edeson and noted in particular the range of options through which this issue could be addressed.

36. China stated that it has shown great flexibility to adjust the concerns of all members regarding this issue. China is a responsible fishing State and will not leave the fishing fleets of Taiwan Province of China to operate in the Indian Ocean outside the IOTC. China is always willing to join other delegations and FAO in continuing efforts to explore ways on how to effectively manage the fishing fleets of Taiwan Province of China.

37. The Commission noted that, in order to fully achieve its conservation and management objectives, the participation of all those fishing for tuna and tuna-like species in the IOTC Area of competence is required. The Commission resolved to further evaluate in future Sessions the options provided in documents IOTC-S7-02-10 and IOTC-S8-03-09, and more particularly, at its next Session consider a draft Resolution on the Status of Cooperating Fishing Entities on the lines of the draft Resolution attached to the document IOTC-S8-03-09. The Commission requested Professor Edeson to assist it on this issue during 2004.

b) Management and conservation measures

Issues regarding limitation of fishing capacity

38. Taking into account the recommendations made by the Scientific Committee and the discussions that have taken place in this and the previous Session of the Commission, the Commission adopted Resolution 03/01 (Appendix IX) On the Limitation of Fishing Capacity of Contracting and Cooperating Non-Contracting Parties.

39. The Commission recognized that this measure is to be considered as a first step in managing the tuna and tuna-like species resources in the Indian Ocean, but acknowledged that this measure would not necessarily limit fishing effort. The measure did however recognise the interests of Developing Countries and Small Islands in the Area by foreseeing the submission of Fleet Development Plans. The Commission concluded that this measure will need to be further elaborated at future Sessions in order to ensure a more comprehensive approach.

40. The Commission further noted that the limitations placed on capacity provided in this resolution will not be taken as a precedent for longer-term catch allocation criteria, nor the relative levels of catch that may be allocated in the longer-term.

41. In order to facilitate the implementation of this Resolution the Commission asked Contracting Parties to submit the information required for the IOTC vessel record before the end of the year, so that the Secretariat can publish the record of vessels for 2004. The Secretariat will report annually to the Commission the list of active fishing vessels of Contracting and Cooperating Non-Contracting Parties that fish in the IOTC area of competence (as required by Resolution 98/04) with a comparison of the IOTC Record of Vessels as established by Resolution 02/05.

Issues regarding a recommendation on management options for tuna and tuna-like species

42. Taking into consideration the recommendations made by the Scientific Committee regarding the need to reduce catches of bigeye, yellowfin and swordfish the Commission adopted Recommendation 03/06 (Appendix IX), in which Contracting and Cooperating Non-Contracting Parties will work in the intersessional period to develop Terms of Reference for a Working Party that will consider conservation and management options that may be applicable to the highly migratory fish stocks of the Indian Ocean.

43. This intersessional work will be coordinated by the Chairman of the Commission in consultation with all parties that express interest, and its progress will be reported to the next meeting.

Issues regarding the draft resolution on the conservation of bigeye and yellowfin tuna in the Indian Ocean

44. The Commission reviewed a draft Resolution on the Conservation of Bigeye and Yellowfin Tuna in the Indian Ocean (IOTC-S-07, Appendix XII), which had been deferred for consideration by the last meeting of the Commission.

45. Australia noted that the Scientific Committee assessments have clearly indicated that current levels of catches of bigeye tunas are not sustainable and that a reduction of catches by all gears should be started as soon as possible. The Commission has already taken important management steps to reduce catches of bigeye and yellowfin by longline vessels operating in the Indian Ocean (Resolutions 98/04, 99/02, 01/04, 01/06, 02/04, 02/05 and 02/07). The Scientific Committee has indicated that the implementation of these resolutions would achieve the recommended reduction in longline catches of bigeye and yellowfin. None of those steps address the recommendation of the Scientific Committee to reduce catches of juvenile bigeye and yellowfin by purse seine fishing associated on Fish Aggregating Devices (FADs). Australia believes that the proposed moratorium of purse-seine fishing would be most effective if implemented through a full closure to purse-seine fishing in the area that was proposed the previous year, and not through a prohibition of fishing on floating objects only.

46. The European Community, France and United Kingdom noted that, according to the results from the Scientific Committee, the implementation of a moratorium on purse seiners fishing on FADs would result in little benefits for the stocks involved. Additionally, the costs of implementing such a measure were disproportionate when compared to these benefits. It was further noted that the activities of IUU fleets are likely to persist until the IOTC management measures are fully implemented, and that a moratorium measure that cannot be effectively implemented would hamper the management efforts from Contracting and Cooperating Non-Contracting Parties. It was finally noted that the implementation of management measures in the IOTC Area could not be effective unless all fleets fishing for the resource are involved.

47. Japan informed the Commission that the necessary actions to reduce the fishing effort on the stock of bigeye tuna by the longline fleet had already been taken, including a 20% reduction of its longline tuna fleet in recent years and Japan's activities against IUU fishing in the Indian Ocean.

10) PROPOSED CHANGES TO THE RULES OF PROCEDURES REGARDING THE ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON OF THE COMMISSION (IOTC-S8-03-10)

48. India presented a proposal (IOTC-S8-03-10E) to change Rule VII.2 of the Rules of Procedure in such a way that the Chairperson and Vice-Chairperson of the Commission be elected by designation of a country (*ex officio*), instead of being an individual by name.

49. The FAO Legal Adviser explained to the Commission the changes that would be necessary in the Rules of Procedure to put this proposal into effect.

50. Japan indicated that experiences from other organizations regarding the election of a Chairperson by country rather than individual designation have shown this to be a problematic procedure. The European Community and France noted that the present procedure provides more flexibility and supported Japan's proposal that the current process of selecting Chairperson and Vice-Chairperson of the Commission be maintained.

51. The Commission agreed to maintain the current Rules of Procedure for the election of its Chairperson and Vice-Chairperson.

11) ANY OTHER MATTERS

a) Relationship with other Bodies

Memorandum of Understanding between the Commission de l'océan Indien and IOTC (IOTC-S8-03-11)

52. At its Seventh Session, the Commission welcomed the commitments from the European Community to fund a major tagging programme for tropical tunas. The funding proposal was approved by the European Development Fund Committee in November, at the level of €14 million over a period of five years. In this proposal, it was understood that the Commission de l'océan Indien will act as the Contracting Authority with control on funding and that IOTC will act as the Supervisor of the project, with responsibility for the technical supervision of the project, acting through a Project Management Unit. This arrangement will be formalized through a Memorandum of Understanding between the COI and IOTC.

53. The FAO Legal Adviser advised the Commission that, in the view of the FAO Legal Office, the Commission does not have the international personality to sign such agreements. An argument supporting this view is provided in Document IOTC-S8-03-09Add1.

54. This interpretation was not shared by the Commission. The Members considered that the Commission had a legal capacity to take Decisions with a view to attaining its objectives. This capacity is reflected namely in the provisions of Article XV of the IOTC Agreement and Rule XIII which empowered the Commission to enter into agreements with other organizations and institutions. It was noted, furthermore, that the Secretariat, while preserving the links that exist between IOTC and FAO, could respond to only one authority, which was the Commission itself.

55. The Commission therefore considered that IOTC should be the signatory of this Memorandum of Understanding, and instructed the Executive Secretary to sign the Memorandum of Understanding between the Commission de l'océan Indien and IOTC, as presented in Appendix XII, removing the references to FAO/IOTC presented in IOTC-S8-03-11.

FIRMS Partnership Agreement (IOTC-S8-03-12)

56. The Executive Secretary presented a document (IOTC-S8-03-12) concerning participation in the Fisheries Resources Monitoring System Partnership Arrangement (FIRMS). FIRMS is a partnership drawing together international organizations, regional fishery bodies and national scientific institutes,

collaborating within a formal arrangement, who are willing to report and share information on status and trends of fishery resources.

57. The Commission agreed that IOTC should join the FIRMS partnership, instructing the Executive Secretary of IOTC to sign the Agreement between FAO and the IOTC on behalf of the Commission.

b) Other Business

58. Seychelles indicated that one of its companies operating purse-seine vessels in the Indian Ocean has been identified by an environmental NGO as fishing tunas associated to dolphins. The Chairman of the Scientific Committee indicated that there is no purse-seine fishing of tunas associated with dolphins in the Indian Ocean.

59. The Commission requested that the Secretariat write a letter to the NGO in question clearly explaining that purse-seine fishing of tunas associated with dolphins does not take place in the Indian Ocean.

Dissemination of IOTC meeting Documents

60. The Commission was informed that the Secretariat had received a request from FAO Headquarters to submit for clearance documents concerning the 8th Session of the Commission prior to their dissemination to Members.

61. The FAO Legal Advisor indicated that the intention of this request was for FAO to confirm that the contents of the documents were not against the principles of the organization, taking into account that IOTC is under the umbrella of the FAO.

62. The Commission noted that the agenda, together with reports and documents, are of the competence of the Commission. In accordance with rules of procedure, those documents are circulated by the Secretary following approval by the Chairperson. It was nevertheless agreed that the Chairperson could forward to FAO documents that he/she considers to be of direct interest to that organization.

12) DATE AND PLACE OF THE SEVENTH SESSION OF THE SCIENTIFIC COMMITTEE AND THE NINTH SESSION OF THE COMMISSION

63. The Commission expressed its appreciation to the Government of Seychelles for hosting the 6th Session of Scientific Committee and the 8th Session of the Commission, for the excellent meeting facilities and hospitality extended to the delegations.

64. The Commission agreed that the Ninth Session of the Commission will take place in Seychelles, from 24 to 29 January, 2005 and the Seventh Session of the Scientific Committee from 8 to 12 November 2004. The separation of these meetings will allow Members to consider the scientific advice, provided by the Scientific Committee, in the preparation of proposals for the next Session, so that these proposals can be circulated thirty days in advance of the next Commission Session.

13) CLOSURE OF THE MEETING AND ADOPTION OF THE REPORT

65. In closing the meeting, the Chairman emphasised the progress made since the last meeting in a number of areas. In particular he underlined:

- the election of a new Secretary to guide the work of the Commission;
- the adoption of a resolution on fishing capacity which represented an important first step leading to more effective conservation measures in future Sessions;
- the ability of the Members to work effectively as a Commission in the Compliance Committee, producing recommendations on procedures for trade sanctions and refining criteria for eligibility of a Cooperating Non-Contracting Party status;

- the importance that data required under IOTC Resolutions should be submitted completely and in a timely manner to facilitate the work of the Commission and its subsidiary bodies;
- the acknowledgement of the need to further clarify the relationship between IOTC and FAO; and
- the desirability of finding effective ways to ensure the participation of all those exploiting tuna and tuna-like species in the Indian Ocean, notably through the development, as a short term solution, of a Resolution on the Status of Cooperating Fishing Entities.

66. The Chairman having noted the frustration expressed by certain Members in the late receipt of proposals, indicated that for the future only proposals received at the latest thirty (30) days before the Annual Session will be submitted for consideration by the Commission. He indicated that the only exception would be resolutions strictly relating to conservation measures on the stocks arising from recommendations of the Scientific Committee. He stressed that the reprogramming of the Scientific Committee and Commission Meetings should facilitate in any event the respect of the 30 days.

67. Finally, all Members of the Commission joined in extending their gratitude and recognition to the departing Executive Secretary, Mr David Ardill, and adopted unanimously Resolution 03/07, recognizing the important contributions of Mr Ardill throughout his career to the progress of the IOTC process.

68. The Commission decided to adopt the report of the Eighth Session of the Indian Ocean Tuna Commission by correspondence.

APPENDICES

APPENDIX I LIST OF PARTICIPANTS

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APPENDIX II

OPENING ADDRESS OF MR JOHN SPENCER, CHAIRPERSON OF THE EIGHTH SESSION

Minister, Ambassadors, Distinguished Delegates,

Firstly, I would like to welcome you all here to the Eighth Session of the Indian Ocean Tuna Commission. Secondly, let me re-assure you that I intend to keep my address very short.

As Chairman, I would like to underline the substantial progress accomplished by this organisation over a very short period of five or six years. In particular, last year we introduced a series of measures which will assist greatly in this Commission attaining its objectives. I refer specifically to the measures on inspection in port and VMS systems; to the initiatives taken to combat the challenge posed by illegal, unregulated and unreported fishing activities (IUU); to the financing of tagging programmes which will improve our understanding of the stocks, and to the establishment of the IOTC record of vessels over 24 meters authorised to operate in the IOTC area.

We must now build on that work by agreeing additional effective conservation measures at this Session.

In some ways, we are turning over a new page and moving to a new phase in the life of the IOTC. We have been privileged to have had a dynamic and effective Executive Secretary in David Ardill in post over the early years of this Commission. A new Executive Secretary takes over the reins from 2004 onwards and we have two new Committees coming on stream, that of the Compliance Committee and that of the Administration and Finance Committee.

As a Fisheries Commission, we need to address the level of fishing effort in an effective and responsible manner – this is in the interest of all Members. To do so, of course, all major fishing interests have to be represented or associated with the work of the IOTC, if it is to be successful in facing the challenges to the sustainable exploitation of the tuna resources. In this regard too, we must be in close collaboration with international sister organizations, such as, ICCAT, WCPTC and IATTC.

It is a great honour for me to chair this 8th Session of the Commission in the beautiful location of Seychelles and I look forward to working with you all during the coming week.

APPENDIX III

SPEECH OF HON. WILLIAM HERMINIE, MINISTER OF AGRICULTURE AND MARINE RESOURCES TO THE 8TH SESSION OF THE INDIAN OCEAN TUNA COMMISSION

It is again a great pleasure and privilege to address you on the occasion of the opening of the eighth session of the Indian Ocean Tuna Commission meeting. I wish to welcome all of you to Seychelles and wish a particularly warm welcome to those of you who are here for the first time.

At this year's meeting certain very important decisions are expected to be made which will shape the way our Commission will work in the years to come. I am referring in particular to the selection of the new Executive Secretary.

It is the opportune moment to place on record that we have been very fortunate to have had Mr. David Ardill as head of the IOTC since 1997. His vast experience in the field of fisheries and in tuna in particular has been extremely useful in the efficient setting-up of the Organisation and in its smooth running. Mr. Ardill has combined his abilities as a team leader, as a scientist and as a diplomat to defend the interest of the organisation and to promote its objectives. It is also true that he has been assisted by a dedicated and professional staff. Amongst his achievements it should be highlighted that Mr. Ardill has also worked particularly hard in the elaboration and preparation of the tuna tagging project. I wish Mr. Ardill a very well earned retirement but I know that he will continue to be actively interested in tuna not least as a keen sport fisherman.

As a management body you will be also discussing the recommendations of the Scientific Committee. We are faced with a paradoxical situation whereby once more a record catch has been attained and yet there are growing concerns about certain stocks notably swordfish, bigeye and yellowfin tuna. The inadequacy of scientific knowledge and data is apparent and this deprives scientists of the necessary tools to be able to make firm management recommendations. This underscores again the need for more research. The European Union decision to finance a US\$15M regional tuna tagging programme following the Commission's recommendations is therefore highly commendable. This project, which initially emanated from a request from Seychelles and Mauritius, will enable the scientific community to obtain better parameters such as tuna migrations, stock structure, rate of growth and ultimately stock sizes. I understand that two pole and line vessels will be chartered and will be coming to the region next year. The Government of Seychelles will provide full support to these vessels especially in facilitating the capture and storage of live bait which are essential for its success.

The control of Illegal, Unregulated and Unreported (IUU) fishing should be reinforced through better Port State controls. Resolutions passed at last year's meeting concerning the establishment of an IOTC record of vessels over 24 metres authorised to operate in the IOTC area and the other resolution on the establishing of a list of vessels presumed to have carried out IUU fishing in the IOTC area are measures which Seychelles gives its full backing.

I hope that during your wise deliberations you will be able to find an acceptable solution to the delicate but crucial question concerning the participation of Taiwanese scientists and the acquisition of data from the Taiwanese fleet. It would be illusory to believe that IOTC can, without compromising serious scientific stock evaluation, do without data from this fleet especially since its catch is substantial.

Finally, I wish to highlight a problem which you are surely aware of and which there is an urgent need to address. I refer to the fact that there is a glaring lack of participation from scientists of the region and especially from developing countries in the various working groups or other scientific meetings. This is a matter which all our governments should try seriously to remedy. Our fisheries scientists and managers must be fully involved and committed in the whole process from data collection to stock assessment and finally to the taking of management decisions, if we want the Commission to succeed.

Distinguished delegates and participants, I wish that you have a pleasant and fruitful stay in Seychelles and that you will come up with recommendations for ensuring the conservation of tuna and tuna-like species in the Indian Ocean and promoting their optimum utilization and sustainable development.

I now have the honour to declare open the Eight Session of the Indian Ocean Tuna Commission.

Thank you.

APPENDIX IV OPENING STATEMENTS

AUSTRALIA

The Australian delegation thanks the Government of Seychelles for its hospitality and thanks the IOTC Secretariat for its preparations for this meeting.

I would like to take this opportunity to thank Dr Ardill for your many years of excellent service as Executive Secretary of the Commission.

As a coastal state of the Indian Ocean, and as a country that is still developing its fishing industry, Australia places great importance on this Commission implementing effective management for the conservation and optimum utilisation of Indian Ocean tuna stocks.

Consistent with the UN Fish Stocks Agreement, Australia exercises sovereign rights as a coastal state to Indian Ocean tuna resources within our jurisdiction and seeks a fair share of high seas stocks. We also recognise the special interests of developing countries in the Indian Ocean region.

The Scientific Committee and its working parties have worked hard and we congratulate them on their clear management advice, which the Commission has received in agreement. The evidence is clear yet this Commission does not yet have effective measures in place to manage catch by members. This situation reflects poorly on all of us who come together each year in this beautiful country as Members of the IOTC.

The Scientific Committee has advised since 1999, and reiterates again this year, that catches of Bigeye tuna are above MSY. The Committee continues to recommend that a reduction in catches of Bigeye tuna take place as soon as possible.

Our scientific advisers have this year also given us advice that catches of Yellowfin tuna beyond the levels taken in the year 2000 should be avoided. Management measures to reduce the catch of juvenile Bigeye and Yellowfin by purse-seiners fishing on floating objects is also needed to meet the Commission's mandated objective of optimum use of stocks.

Australia has made its position clear in recent IOTC meetings, that the IOTC must ensure that the tuna stocks of the Indian Ocean are properly managed for the long-term. Given the scientific advice that we continue to receive, Australia is disappointed that solid steps have not yet been taken by the IOTC.

Australia wants to see this meeting take solid and practical steps towards effective catch management.

So what does Australia see as practical steps towards management:

1. an interim approach to constrain capacity, while we start the process of putting a cap on catch levels;
2. to agree this year to the steps required to set catch limits for species such as Bigeye and Yellowfin tunas, with interim catch limits on Bigeye tuna, a species clearly in need of immediate management action and controls on the catch of juvenile Bigeye;
3. establishment of an ad hoc group to undertake intersessional work to advise on criteria for establishing national allocations for Indian Ocean stocks.

If this cannot be achieved, the Australian Government's Minister for Fisheries, Forestry and Conservation, Senator the Honourable Ian Macdonald, has respectfully offered to organise an inter-sessional Ministers round table to try to find a practical way to ensure these fisheries are effectively managed.

Australia also takes a leading interest in working with all nations to eliminate illegal, unregulated and unreported fishing. The IOTC has also taken some important steps towards reducing the level of IUU fishing in the Indian Ocean. However large IUU fishing fleets still operate and this Commission needs to continue to work to establish stronger measures and to eliminate the operation of these fleets in the Indian Ocean. Two areas that Australia believes need to be improved include:

1. the development of a universal Vessel Monitoring System; and
2. the expansion of the current Statistical Document Program to cover all catch.

A strong monitoring, control and surveillance framework is an essential element of effective fisheries management.

Last year the IOTC took the first steps to rein in IUU fishing. We need to take stronger measures. But more importantly Australia stresses that the IOTC must start the process of managing legitimate catches of Indian Ocean tunas; otherwise there will be little resource to share among IOTC member states in the future.

We look forward to a productive week of work that delivers the steps to build the management framework to conserve and to optimally use the tuna and billfish stocks of the Indian Ocean.

JAPAN

Japan is pleased to participate in the 8th Session of the Indian Ocean Tuna Commission and wishes to thank the Government of Seychelles and the IOTC Secretariat for hosting and organizing this meeting.

Mr. Chairman, Japan puts high priority in the following two specific points during this meeting. They are:

- The introduction of conservation and management measures on major tuna fisheries, especially those for bigeye tuna; and
- The follow up of measures against IUU fishing activities.

With respect to the first point, the Scientific Committee has pointed out the necessity of introducing conservation and management measures on bigeye and yellowfin tuna. Last year, the Commission could not reach a consensus because some members strongly opposed the proposal. Taking recommendations from the Scientific Committee duly into account, we should introduce effective conservation and management measures at this session for the long-term sustainability of tuna resources in the Indian Ocean.

Second, regarding the elimination of IUU fishing activities, the Commission has introduced various measures including establishment of “an IOTC record of vessels over 24 m authorized to operate in the IOTC area” which is so called “Positive List” last year. The Positive List measure has proven itself very effective tool to reduce the international trade of tuna caught by IUU vessels.

On the other hand, owners of IUU vessels are seeking loopholes to elude the effectiveness of our effort, such as sneaking into the Positive List. In order to prevent such situation and ensure effectiveness of the Positive Listing measure, the Commission should review carefully the positive list according to the Resolution that established it.

Lastly, Mr. Chairman, Japan hopes that, under your guidance and strong leadership, we can have a successful and fruitful meeting during this week.

APPENDIX V

AGENDA OF THE EIGHTH SESSION

- 1) *Opening of the Session*
- 2) *Adoption of the agenda and arrangements for the Session (IOTC-S8-03-01) [for decision]*
- 3) *Consideration of requests to accede as Cooperating non-Contracting Parties [for decision]*
- 4) *Admission of observers [for decision]*
- 5) *Selection of the Executive Secretary*
- 6) *Report of the 6th session of the Scientific Committee (IOTC-S8-03-06) [for discussion and decision]*
- 7) *Report of the compliance committee (IOTC-S8-03-07)*
- 8) *Report of the standing committee on administration and finance (IOTC-S8-02-08)*
- 9) *Matters arising from the seventh session (IOTC-S-07-02R) [for discussion and decision]*
 - a) *Issues raised by document IOTC-S7-02-10 (IOTC-S8-03-09)*
 - b) *Management and conservation measures:*
 - i) *Conservation of bigeye and yellowfin tuna in the Indian Ocean,*
 - ii) *Fishing capacity*
 - c) *Other matters*
- 10) *Proposed changes to the Rules of Procedure (IOTC-S8-03-10)*

Proposal from India to change Rule VII 2.: election of Chairperson and vice-Chairpersons [for discussion and decision]
- 11) *Any other matters [for discussion and decision]*
 - a) *Relationship with other bodies.*
 - i) *Consideration of the memorandum of understanding between the Commission de l'océan indien and IOTC (iotc-s8-03-11)*
 - ii) *Consideration of the FIRMS partnership agreement (iotc-s8-03-12)*
 - b) *Other business*
- 12) *Date and place of the seventh Session of the Scientific Committee and the ninth Session of the Commission [for decision].*
- 13) *Adoption of the report*

APPENDIX VI

LIST OF DOCUMENTS

NUMBER / NUMÉRO	TITLE / TITRE
IOTC-S8-03-01 E	Provisional Agenda
CTOI-S8-03-01 F	Ordre du jour prévisionnel
IOTC-S8-03-01Add.1 EF	Timetable of Meetings / Calendrier des réunions
IOTC-S8-03-02-E-F	Provisional List of Documents / Liste provisoire des documents
IOTC-S8-03-03 E	List of Participants
CTOI-S8-03-03-F	Liste des participants
IOTC-S8-03-04-E	Progress Report of the Secretariat
CTOI-S8-03-04-F	Rapport d'activités du Secrétariat
IOTC-S8-03-05-E	Programme of Work and Budget for 2004
CTOI-S8-03-05-F	Programme de travail et budget pour 2004
IOTC-S8-03-05-Add.1-E	Financial Statement
CTOI-S8-03-05-Add.1-F	Bilan financier
IOTC-S8-03-06-E	Report of the 6 th Session of the Scientific Committee
CTOI-S8-03-06-F	Rapport de la 6ème session du Comité scientifique
IOTC-S8-03-07-E	Report of the Compliance Committee
CTOI-S8-03-07-F	Rapport du Comité d'application
IOTC-S8-03-08-E	Report of the Standing Committee on administration and finance
CTOI-S8-03-08-F	Rapport du Comité permanent sur l'administration et les finances
IOTC-S8-03-09-E	Issues raised by document IOTC-S7-02-10
CTOI-S8-03-09-F	Questions soulevées par le document CTOI-S7-02-10
IOTC-S8-03-09-Add.1-E	Addendum to Issues raised by document IOTC-S7-02-10
CTOI-S8-03-09-Add.1-F	Addendum au document Questions soulevées par le document CTOI-S7-02-10
IOTC-S8-03-10-E	Proposed changes to the Rules of Procedure
CTOI-S8-03-10-F	Modifications proposées au Règlement intérieur
IOTC-S8-03-11-E	Consideration of the Memorandum of Understanding between the Commission de l'océan Indien and FAO/IOTC
CTOI-S8-03-11-F	Examen du Protocole d'accord entre la Commission de l'océan Indien et la FAO/CTOI
IOTC-S8-03-12-E	Consideration of the FIRMS Partnership Arrangement
CTOI-S8-03-12-F	Examen de l'Arrangement de partenariat FIRMS
IOTC-S8-03-13-E	IUU Progress Report (Japan)
CTOI-S8-03-13-F	Rapport d'activités INN (Japon)

APPENDIX VII

REPORT OF THE FIRST SESSION OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE

1) OPENING OF THE SESSION

1. The First Session of the Standing Committee on Administration and Finance (SCAF) of the Indian Ocean Tuna Commission was held in Victoria, Seychelles, on the 8th and 11th of December 2003.

2) ADOPTION OF THE AGENDA

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

3) ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS

3. Mr. Katsuma Hanafusa (Japan) was elected as the Chairman of the Committee. Mr. Charles Hamilton (United Kingdom) Vice Chairman.

4) PROGRESS REPORT OF THE SECRETARIAT (IOTC-S8-03-04)

4. The Secretary presented the report on its activities during 2003 and other relevant administrative issues in document IOTC-S8-03-04.

5. The Committee noted the progress achieved, congratulating the Secretariat for the amount and quality of work carried out.

6. It was noted that the donor funds provided to the Indian Ocean Tuna Tagging Program (IOTTP) which are deposited in the IOTC trust fund are subject to Support Costs of 4.5% by FAO. A detailed financial report for these funds is still not available. The Secretariat explained that the main reason for this is that some of the payments were made directly through by FAO, and the Secretariat still does not have ready access to this information. It was stressed by certain Members that the recovery by FAO of 4.5% of donations for specific projects may hinder the ability of the Commission to attract extra budgetary funds for specific scientific or technical projects.

7. Questioned by some Members, the Secretariat indicated that, as a standard procedure, FAO does not allow external audits of funds managed by this organization.

8. Japan indicated that, despite a general budget reduction in this country which also affected most of its official development aid, the budget for the IOTC-OFCF project has been increased by 17%, proof of Japan's commitment to the conservation of tunas in the Indian Ocean.

9. The Committee acknowledged the good work the Secretariat has done in disseminating its publications and other associated documents through its web site. To increase awareness of this information, the Committee recommended that the Secretariat should notify Members by e-mail when new information becomes available.

10. The Secretariat was asked to provide in the future more detailed annual revenue and expenditure accounts.

5) PROGRAMME OF WORK AND BUDGET (IOTC-S8-03-05, IOTC-S8-03-05-ADD.1 AND IOTC-S8-03-05-ADD.2)

11. The Secretariat presented the Programme of Work and Budget (IOTC-S8-03-05 and IOTC-S8-03-05-Add.1) for the Committee's consideration. It was noted that, in addition to current tasks, substantial new activities will be initiated in 2004 and continued in 2005. In particular, those associated with maintaining records of the bigeye statistical document programme, further development of the IOTC fishery software for data-entry, verification and reporting, participation in the FIRMS/FIGIS partnership, support and organization of an increased number of Working Parties, continuation of sampling programmes and IOTC-OFCF programs, and activities related to the coordination and implementation of the IOTTP.

12. Given the critical importance for the management of tunas in the Indian Ocean of the results from the IOTTP, and after considering the budget implication of this action, the Committee recommended approval of the Memorandum of Understanding (MoU) between the *Commission de l'océan Indien* (COI) and IOTC. In this MoU, the COI will assume responsibility of the financial control of the program, while the Secretariat will be expected to coordinate its technical aspects, acting through a Project Management Unit (PMU).

13. It was noted that activities related to coordination and implementation of the main phase of the IOTTP would impose noticeable additional workloads on the professional staff of the Secretariat. During last year, some of this workload associated the IOTTP was alleviated by a short term post funded by the European Community. However, this contract cannot be renewed. With these considerations, the Committee endorsed the recommendation from the Secretariat to create a junior level post (P-1 classification), to be paid from the accumulated funds of the Commission and for a duration of two years. The estimated cost of this post is in the neighbourhood of US\$ 50,000 per year.

14. The Committee noted that IOTC participation in the FIRMS/FIGIS project coordinated by FAO will improve data dissemination activities and might also reduce IOTC expenditure associated with these activities. In this respect, the Committee endorsed the proposal from the Secretariat that IOTC become a partner in this initiative and recommended that the FIRMS Partnership Arrangement be approved by the Commission.

15. The Committee discussed in detail several other aspects of the work programme and budget of the Secretariat, as well as the indicative scale and status of contributions by Member countries.

16. It was indicated that the budget was formulated based on convening only four Working Parties, but that the Scientific Committee had recommended convening additional Working Parties for next year. These additional meetings will involve some additional expenses.

17. Regarding the reduction in staff costs, the Secretariat explained that now that a detailed transaction listing from FAO is available, it was able to ascertain that Staff Assessment deductions actually remain in the Commission's budget, and so were not budgeted for 2004. Additionally, the post of Executive Secretary (D-1 classification) will be filled at a lower step. Therefore, despite a substantial increase in Post adjustment for the Seychelles, added to the fact that, in 2003, the post of Management Officer was budgeted for only six months, the staff budget shows a reduction compared to 2003.

18. It was indicated that operating expenses for 2004 reflect the expected increase in local costs following the implementation of a General Sales Tax imposed by the Seychelles Government in 2003. While the Secretariat is, in principle, exempt from any type of taxation, in practice it is not possible to eliminate this form of taxation from the price structure for small service providers and local suppliers.

19. The Committee noted with satisfaction that the level of outstanding contributions owed by Members had fallen, but that it still amounts to some 30 % of the annual budget.

20. The Committee noted that the funds accumulated in the IOTC trust fund now amount to US\$1.46 million and also that this fund could be considered a Working Capital fund, necessary to permit the Secretariat to continue functioning despite late payment of annual contributions by Members. As such, it was recommended that these funds be kept at a level amounting to at least 30 % of the annual budget.

21. The Secretariat presented an adjusted budget that reflects more accurately the salary costs expected after the election of the new Secretary has been completed (IOTC-S8-03-05-Add.2).

22. The Committee recommended that the Commission should approve the budget and the scale of contributions proposed by the Secretariat for 2004.

6) ANY OTHER MATTERS

23. No other matters were brought to the attention of the Committee.

7) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

24. The Committee decided to adopt the report of the First Session of the Standing Committee on Administration and Finance of the Indian Ocean Tuna Commission by correspondence.

**APPENDIX I TO APPENDIX VI.
AGENDA OF THE SCAF**

- 1. Opening of the Session*
- 2. Adoption of the Agenda*
- 3. Election of the Chairperson and Vice-Chairpersons*
- 4. Appointment of the rapporteur*
- 5. Progress report of the Secretariat*
- 6. Programme of work and budget of the Secretariat*
- 7. Any other matter*
- 8. Adoption of the report and closure of the meeting.*

APPENDIX II TO APPENDIX VI
BUDGET FOR 2004

Budget for 2004 and indicative budget for 2005

	2004	2005
PROFESSIONAL STAFF		
Secretary - D-1	172,186	170,000
Deputy Secretary - P-5	126,373	156,197
Management officer - P-4	124,614	128,353
Data Manager - P-3	83,837	86,352
Programmer - P-3	121,874	125,530
Translator/Editor P-2	84,038	86,560
SUB-TOTAL	712,924	752,992
ADMIN. SUPPORT		
Administrative Asst. - G-6	10,764	11,087
Database Assistant G-6	18,224	18,771
Bilingual secretary - G-4	11,977	12,336
Publications Assistant G-5	11,054	11,386
Driver/Messenger - G-2	9,647	9,936
Messenger/Cleaner - G-1	7,669	7,899
Overtime	11,000	11,000
SUB-TOTAL	80,335	82,415
TOTAL STAFF	793,259	835,407
Consultants	25,000	25,000
Duty travel	70,000	70,000
Sampling		
Meetings	40,000	40,000
Interpretation	33,000	33,000
Equipment	15,000	15,000
Operating expenses	45,000	45,000
Miscellaneous	25,000	25,000
SUB-TOTAL	1,046,259	1,088,407
Deductions (staff housing)	(22,599)	(22,599)
TOTAL	1,023,660	1,065,808
FAO Servicing Costs	46,065	47,961
GRAND TOTAL	1,069,724	1,113,770

Scale of Contributions for 2004

Country	GNP class (WB 2001)	OECD status	Average Catch (t) (1999-2001)	Contribution (US dollars)
Australia	High	Yes	12183	75,879
China	Middle	No	118478	49,243
Comoros	Low	No	8653	12,880
Eritrea	Low	No	Below 400 t	5,094
European Community	High	Yes	227493	305,220
France(Terr)	High	Yes	2990	66,087
India	Low	No	108728	34,199
Iran, Islamic Republic of	Middle	No	100883	45,495
Japan	High	Yes	42168	107,818
Korea, Republic of	High	Yes	3894	67,050
Madagascar	Low	No	12000	13,593
Malaysia	Middle	No	12945	26,760
Mauritius	Middle	No	2381	24,510
Oman	Middle	No	20159	28,298
Pakistan	Low	No	33076	18,083
Seychelles	Middle	No	34347	31,320
Sri Lanka	Middle	No	97650	44,806
Sudan	Low	No	Below 400 t	5,094
Thailand	Middle	No	14911	27,180
United Kingdom(Terr)	High	Yes	Below 400 t	56,959
Vanuatu	Middle	No	700	24,153
TOTAL				\$1,069,721

APPENDIX VIII

REPORT OF THE FIRST SESSION OF THE COMPLIANCE COMMITTEE

1) OPENING OF THE SESSION

1. The First Session of the Compliance Committee of the Indian Ocean Tuna Commission was held in Victoria, Seychelles, 9th to 11th December 2003.

2) ADOPTION OF THE AGENDA

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

3) ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS

3. Mr. Rondolph Payet, from Seychelles, was elected as the Chairman of the Committee. Mr. Simon Smalley, from Australia, was elected as Vice-Chairman.

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

4. The Chairman requested the Secretariat to present documents CoC No. 2A and CoC No. 3A, with information about the general status of reporting regarding IOTC Resolutions 01/05 (mandatory statistical requirements for IOTC Members), 98/04 (concerning registration and exchange of information on vessels, including flag of convenience, fishing for tropical tunas in the IOTC area of competence), 02/05 (concerning the establishment of an IOTC Record of Vessels over 24 meters authorized to operate in the IOTC area) and 02/06 (on the implementation of Resolution 02/05 concerning the IOTC record of vessels).

5. The Secretariat also indicated that, to facilitate the process of compiling this information, it would be beneficial if reporting parties clearly indicated at the time of the data submission, the resolutions to which the submitted data applies.

6. The Committee congratulated the Secretariat for the amount and quality of work that has been done to facilitate the implementation of the resolutions above. In particular it was remarked the utility of the “live document”, containing information about authorized vessels, which is accessible through the Secretariat’s website. All parties were encouraged to peruse this information, as well as to promptly submit any changes associated to their fleet so the data can be maintained up-to-date by the Secretariat.

7. The European Community (EC) indicated that under the IOTC Agreement, there are rules and obligations that must be fulfilled by Contracting and Cooperating Non-Contracting Parties (CPC). The EC noted with concern that several CPCs with important fisheries in the Indian Ocean are not submitting data required for stock assessments and management, and in particular wished to draw the attention to the paucity of size data from longline fisheries. In this respect the EC encouraged all countries and fleets to submit these data to the Secretariat. France, the United Kingdom, Japan and Australia indicated their support for this statement.

8. The Committee noted the importance of the list of vessels authorized to fish for tunas and tuna-like species in the IOTC area (Resolution 02/05), indicating that all tuna fishing vessels not included in this list are considered IUU vessels. It also reminded CPCs that they have the obligation to reports such vessels to the Secretariat.

9. To questions regarding the status of ex-Russian purse seine vessels, currently active in the Indian Ocean, the Russian Federation observer indicated that these vessels are not under the jurisdiction of this country. In spite of this, the Russian Federation has engaged in efforts to obtain information about these vessels and this has been submitted to the Secretariat recently. The Secretariat confirmed that it had received this information the previous week, but has not been able to review it yet. With regard the number of vessels, the Secretariat indicated that there are between 9 and 11 of these purse-seiners active in the Indian Ocean.

10. The EC proposed that the Secretariat should send letters, in accordance with Resolution 02/04, to all NCPC (Non Contracting Parties) identifying their vessels and their flag, to ensure that NCPC can take appropriate measures to stop the operation of these IUU vessels.
11. The invited expert from Taiwan Province of China, indicated that total catch and catch/effort data for their fleet has been made available to the Secretariat through a Web site and expressed its desire that some kind of appropriate arrangements be made for sending data directly to the Secretariat.
12. China indicated that it agreed in the previous meeting of the Commission that Taiwan Province of China data could be submitted to the Secretariat through OPRT; it had also agreed to the presence of the invited experts, all this in the spirit of cooperation with the work of the Commission. China also indicated that it has taken measures to implement all IOTC resolutions and details of the progress in this area are included in the National Report presented to the Scientific Committee.
13. United Kingdom indicated that the current document from the Secretariat does not distinguish between those countries, as is the case for the United Kingdom, that have no vessels authorized in the IOTC area and those that did not return data.
14. The Committee recommended that future documents from the Secretariat regarding implementation of resolutions clearly establish which resolutions do not apply to specific CPCs and, in the particular case of Resolution 02/05, those CPCs that have no authorized vessels in the IOTC area.
15. The EC invited all CPCs that have not submitted reports regarding Resolutions 02/05 and 98/04, because of misunderstandings or because they could not submit in time, to do so before the end of the year, so that the Secretariat can publish a definitive list of vessels for 2003.
16. Japan expressed support to this proposal of the EC. It indicated that the current list of vessels as published by the Secretariat has some incomplete data. In particular, it called to attention the lack of vessel length in several records and some duplication of records, and proposed that the Secretariat contact the Parties concerned to notify these inconsistencies. Japan also indicated that they do have some length-frequency data for their longline fisheries that will be provided to the Secretariat next year. It also wished to encourage other Parties with longline fisheries to collect and submit size frequency data.
17. Thailand indicated that it only has authorized five vessels over 24 meters to operate in the Indian Ocean; of these, three are research vessels and one is a trawler.
18. Mauritius indicated that they have transmitted information, in compliance with Resolution 02/05, to the Secretariat about two vessels authorized in the Convention area. If the information has not yet been received, the Commission was assured that it will be received before the end of the meeting.
19. Oman indicated that their list of vessels authorized to fish in the Indian Ocean, as well as a report of the status of implementation of IOTC resolutions will be sent to the Secretariat as soon as possible.
20. To a request about the steps the Secretariat has taken to monitor the compliance and implementation of resolutions by CPCs, the Secretariat indicated that it has setup a database that allows comparing the obligations of the CPCs, and the Secretariat itself, with respect to all the resolutions. Additionally, the Secretariat will also propose a format to circulate this kind of information to the Compliance Committee. In the past, the Secretariat has sent communications to CPCs reminding them of their requirement to report on the status of resolutions. Regarding Resolution 02/04, the Secretariat has not received information on this respect from any CPC.
21. The CoC recommended that, in addition to the steps above, the Secretariat should contact all CPCs and provide them with a list of resolutions in a standardized format to facilitate the reporting of the current status of compliance and implementation of the resolutions. This information should be send back to the Secretariat in time for review by the CoC.
22. Australia proposed that the report of the Secretariat regarding status of implementation of Resolution 01/05 should also include status of reporting on the number and activity of supply vessels, as well as number and type of deployed FADs. Japan and Thailand expressed their support for this proposal and enquired whether this information is available to the Secretariat.

23. The Secretariat indicated that it does not currently have any information about the number of deployed FADs or on the activity of supply vessels, although the Scientific Committee has, on several occasions recommended that these data be submitted to the Secretariat.

24. The Compliance Committee urged CPCs to submit information about activity of supply vessels and FADs to the Secretariat, in conformity with IOTC Resolution 01/05.

5) IUU ISSUES

25. Japan presented documents CoC No.13 and CoC No.13A regarding the measures taken by its Government in cooperation with Taiwan Province of China aiming to eliminate the activities of IUU ships large scale longline vessels (hereinafter referred to as “LSTLVs”). Japan noted that forty three LSTLVs were scrapped and forty seven LSTLVs returned to the flag of Taiwan Province of China and that the owners of sixty nine IUU LSTLVs, registered in Seychelles and Vanuatu, have undertaken to implement the cooperative management framework between the flag State and Japan. Japan informed the CoC that there remained about thirty IUU vessels LSTLVs that had refused to participate in any programmes to eliminate IUU LSTLVs. It was noted that these vessels have been operating under various flags but it was impossible to identify them through Japanese trade data.

26. The Seychelles informed the Commission that a vessel monitoring system had been implemented on fishing vessels operating under its flag and the collection of statistics strengthened well before the Government agreed to implement the cooperative management framework with Japan.

27. The OPRT informed the Committee that this organization was established to promote responsible fisheries and as a mechanism to fight against IUU activities. OPRT invited all countries interested to join its efforts to fight against IUU fishing.

28. The Committee agreed that concerted action was needed to handle the IUU issue and recommended that IOTC Contracting and Cooperating non-Contracting Parties make every possible effort to prevent the import of fish from IUU vessels.

6) REVIEW OF THE IMPLEMENTATION OF THE BIGEYE TUNA STATISTICAL DOCUMENT PROGRAMME

29. The Secretariat reported on the status of the information received regarding Resolution 01/06 concerning the IOTC bigeye tuna statistical document programme.

30. It was indicated that China, EC, Japan, Republic of Korea, Sri Lanka, Mauritius, Philippines, Seychelles and Thailand have submitted sample forms of their statistical document and re-export certificate and information on validation procedures. Only Japan, Thailand and the Republic of Korea have submitted summaries of their statistical documents.

31. In addition a proposal from Japan, Draft Resolution 03/b, to modify the sample form for the statistical documents and certificate (Appendix of Resolution 01/06) was discussed. Among other changes, this proposal requires additional information associated with the vessel.

32. The Committee recommended the adoption of a Resolution Concerning the Amendment of the Forms of the IOTC Statistical Documents (03/b).

7) ANY OTHER MATTERS

a) Control of transshipments on the high seas

33. A proposal from the EC (Draft Resolution 03/e), to prohibit transshipments on the high seas and EEZs in order to combat IUU fishing activity was discussed by the Committee.

34. The EC stressed that States must ensure that their vessels do not take fish transhipped from vessels engaged in IUU activity, in particular on the high seas.

35. In a statement, Australia indicated that it was a driving force behind the development and implementation of the International Plan of Action on IUU Fishing, and is committed to practical measures to eliminate all IUU fishing. As a signatory of the UN Fish Stock Agreements, Australia has implemented domestic legislation to

manage its flag vessels, both in the EEZ and high seas when fishing on highly migratory fish stocks. Australia is also very close to completing its statutory management plan for its domestic tuna fishery in the Indian Ocean. One of the objectives of this management plan is to maximise economic efficiency. To this end, Australia may engage in some controlled transshipping at sea among its own licensed vessels, which are vessels that are in the IOTC records. Such transshipment would be allowed only through Australian ports, where all catches and documentation would be verified, including statistical documents. Australia implements 100% VMS on all its vessels and at this stage it has only a low-level observer program. Because of this, Australia would like to see some exceptions in this Resolution proposal made by the EC, to facilitate the efficient management of its fishing fleet.

36. Several countries indicated that, in its current form, this Draft Resolution would be difficult to implement and might strongly affect the viability of current fishing operations of authorized vessels. In particular, it was indicated that implementation of these measures would necessarily involve observer programs with high level of coverage and budgetary implications.

37. The Secretariat indicated that an important technical consideration is that reefer and transport vessels are not currently included in the positive list of vessels authorized in the Indian Ocean; as such, the effective implementation of this draft resolution would require that these vessels be also included in the list.

38. The Committee agreed that more discussions, and perhaps changes to this Draft Resolution are necessary and recommended that this be deferred for the next Session.

8) CRITERIA FOR ATTAINING THE STATUS OF CO-OPERATING NON-CONTRACTING PARTY

39. A proposal that outlines criteria for Countries to acquire the status of Cooperating non-Contracting Parties was introduced by the EC (draft resolution 03/a).

40. The Committee agrees that procedures to evaluate compliance and the status of implementation of resolutions by Cooperating non-Contracting Parties are necessary, and that this status should be evaluated on a yearly basis by the Compliance Committee. It was noted that other Commissions have implemented similar resolutions.

41. The Committee recommends the adoption of this resolution.

9) CONCERNING ENHANCEMENT OF EFFECTIVENESS OF IOTC MEASURES TO ELIMINATE IUU ACTIVITIES IN THE IOTC AREA

42. The Committee recommended the adoption of the draft Resolution 03/g, presented by Seychelles, Japan and Vanuatu.

10) CONCERNING TRADE MEASURES

43. The EC presented Draft Recommendation 03/d, Concerning Trade Measures, for discussion by the CoC.

44. Seychelles indicated that recommendations of this nature might have important implications, in particular for Contracting Parties, Cooperating non-Contracting Parties and other developing countries, noting that although, in principle, the country supports the recommendation, it requires more time to study to fully commit to this proposal. In this sense, Seychelles will submit to the Commission any comments within 120 days.

45. The Committee, taking due note of Seychelles position, agreed that the implementation of trade measures would be a useful tool to reduce or eliminate IUU vessel activity in the Indian Ocean, and recommended the adoption of this recommendation.

11) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

46. The Committee decided to adopt by correspondence the report of the First Session of the Compliance Committee of the Indian Ocean Tuna Commission.

**APPENDIX I TO APPENDIX VIII.
AGENDA OF THE COMPLIANCE COMMITTEE**

1. *Opening of the Session*
2. *Adoption of the Agenda*
3. *Election of the Chairperson and Vice-Chairpersons*
4. *Appointment of the rapporteur*
5. *Status of the application of IOTC conservation and management measures by contracting and collaborating parties*
6. *IUU issues*
7. *Review of the implementation of the bigeye tuna statistical document programme*
8. *Any other matters*
9. *Adoption of the report and closure of the meeting.*

APPENDIX IX.
RESOLUTIONS AND RECOMMENDATIONS ADOPTED BY THE COMMISSION

RESOLUTION 03/01
ON THE LIMITATION OF FISHING CAPACITY OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission (IOTC),

RECALLING the adoption of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas,

RECOGNISING that paragraph 1 of the "Resolution 99/1 On the Management of Fishing Capacity and on the Reduction of the Catch of Juvenile Bigeye Tuna by Vessels, including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence", adopted at the 4th Session of the Commission, stipulate that the 2000 IOTC Session would consider the limitation of the capacity of the fleet of large-scale tuna vessels (greater than 24 m LOA) to the appropriate level,

RECALLING the adoption by IOTC on 2001 of the Resolution 01/04 on limitation of fishing effort of non-Members of IOTC whose vessels fish bigeye tuna,

RECOGNISING that the Scientific Committee recommended that a reduction in catches of bigeye tuna from all gears should be implemented as soon as possible; that the stock of yellowfin tuna is being exploited close to, or possibly above MSY, and that the level of fishing effort of swordfish should not be increased,

RECOGNISING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) provides, in its Objectives and Principles that "States and Regional Fisheries Organisations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries";

TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to entry into the high-seas fisheries in the IOTC area of competence.

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

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) which have more than 50 vessels on the 2003 IOTC Record of Vessels, shall limit in 2004 and following years, the number of their fishing vessels larger than 24 meters length overall (hereafter LSFVs) to the number of its fishing vessels registered in 2003 in the IOTC Record of Vessels².
2. This limitation of number of vessels shall be commensurate with the corresponding overall tonnage expressed in GRT (Gross Registered Tonnage) or in GT (Gross Tonnage) and, where vessels are replaced, the overall tonnage shall not be exceeded.
3. Other CPCs which have the objective of developing their fleets above those authorizations currently foreseen under administrative processes, will draw up, a fleet development plan in accordance with the provisions of Resolution 02-05. This Plan shall be submitted to the Commission for information and record at the 2004/5 Sessions and should define, *inter alia*, the type, size and origin of the vessels and the programming of their introduction into the fisheries.
4. In relation to the foregoing, the Commission took note of the interests of the developing coastal States, in particular small island developing States and territories within the IOTC Convention Area whose economies depend largely on fisheries.

² Including authorisations currently foreseen under administrative process

RESOLUTION 03/02
ON CRITERIA FOR ATTAINING THE STATUS OF CO-OPERATING NON-CONTRACTING PARTY

The Indian Ocean Tuna Commission (IOTC),

NOTING the imperative international responsibility concerning the conservation of the resources of tunas and tuna-like species in the Indian Ocean for the needs of present and future generations;

NOTING that the sustainability can be ensured only if all the Parties which fish for these species cooperate with the Commission, which is the competent international body for the conservation and management of these species within its area of competence;

BEARING IN MIND that the United Nations Conference on Straddling Stocks and Highly Migratory Fish Stocks has underlined the importance of ensuring the conservation and optimum utilisation of highly migratory species through the action of regional fishery bodies such as the IOTC;

RECALLING the resolution of the Third Session of the IOTC concerning the registration and exchange of information on vessels, including those flying flags of convenience, which fish for tropical tunas in the area of competence;

RECALLING ALSO the resolution of the Third Session of the IOTC on cooperation with non-Contracting Parties;

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

1. Each year, the Secretary shall contact all non-Contracting Parties known to be fishing in the IOTC Area for species under IOTC competence to urge them to become a Contracting Party to IOTC or attain the status of a Co-operating non-Contracting Party. In doing so, the Secretary shall provide a copy of all relevant Recommendations and Resolutions adopted by the Commission.
2. Any non-Contracting Party requesting the status of a co-operating non-Contracting Party shall apply to the Secretary. Requests must be received by the Executive Secretary no later than ninety (90) days in advance of an Annual Session of the Commission, to be considered at that meeting.
3. Non-Contracting Parties requesting the status of Co-operating non-Contracting Party shall provide the following information in order to have this status considered by the Commission:
 - a) where available, data on its historical fisheries in the IOTC Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
 - b) all the data that Contracting Parties have to submit to IOTC based on the resolutions adopted by IOTC;
 - c) details on current fishing presence in the IOTC Area, number of vessels and vessel characteristics and;
 - d) information on any research programmes it may have conducted in the IOTC Area and the information and the results of this research.
4. An applicant for Co-operating non-Contracting Party shall also:
 - a) confirm its commitment to respect the Commission's conservation and management measures and;
 - b) inform IOTC of the measures it takes to ensure compliance by its vessels of IOTC conservation and management measures
5. The Compliance Committee shall be responsible for reviewing requests for co-operating status and for recommending to the Commission whether or not an applicant should receive co-operating status. In this review, the Compliance Committee shall also consider information regarding the applicant available from other RFMOs as well as data submissions of the applicant. Caution shall be used so as not to introduce into the IOTC Area the excessive fishing capacity of other regions or IUU fishing activities by granting cooperating status to the applicant.
6. Co-operating non-Contracting Parties status shall be annually reviewed and renewed unless revoked by the Commission due to non-compliance with IOTC conservation and management measures.

7. The *Resolution 99/04 on the Status of Cooperating non-Contracting Parties*, adopted at the 1999 Commission meeting, is substituted by this Resolution.

RESOLUTION 03/03
CONCERNING THE AMENDMENT OF THE FORMS OF THE IOTC STATISTICAL DOCUMENTS

The Indian Ocean Tuna Commission (IOTC),

NOTING that the *Resolution 02/05 “Concerning the Establishment of an IOTC Record of Vessels over 24 metres Authorised to Operate in the IOTC Area”* prescribes that both exporting and importing CPC shall cooperate to ensure to avoid the forgery or misinformation of the statistical documents;

RECOGNIZING that additional information such as vessel length is necessary for better implementation of Commission’s conservation and management measures and for the smooth implementation of the *Resolution 02/05*;

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

1. The sample forms of the statistical documents and instruction sheets in the *Resolution 01/06 “Recommendation by IOTC concerning the IOTC bigeye tuna statistical document programme”* shall be replaced by the attached forms and instructions respectively.
2. The Commission shall communicate with other relevant regional fishery management bodies which established the statistical document programs and the authorized vessel records and request them to implement the similar reform.

Appendix 1

Requirements Concerning the IOTC Bigeye Tuna Statistical Document

1. The sample form of the IOTC Bigeye Tuna Statistical Document shall be as in the Appendix.
2. Customs or other appropriate government officials will request and inspect all import documentation including the IOTC Bigeye Tuna Statistical Document for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
4. Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Statistical Documents (i.e., improperly documented means that the Bigeye Tuna Statistical Document is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IOTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
5. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER	IOTC BIGEYE TUNA STATISTICAL DOCUMENT			
EXPORT SECTION				
1. FLAG OF COUNTRY/ENTITY/FISHING ENTITY				
2. DESCRIPTION OF VESSEL AND REGISTRATION NUMBER (if applicable) Vessel Name Registration Number LOA (m) IOTC Record No. (if applicable)				
3. TRAPS (if applicable)				
4. POINT OF EXPORT (City, State / Province, Country / Entity / Fishing Entity)				
5. AREA OF CATCH (check one of the following): (a) Indian (b) Pacific (c) Atlantic * In case of (b) or (c) checked, the item 6 and 7 below do not need to be filled out.				
6. DESCRIPTION OF FISH				
Product Type (*1) F/FR D/GG/DR/FL/OT	Time of Harvest (mm/yy)	Gear Code (*2)	Net Weight (Kg)	
*1= F=Fresh, FR=Frozen, RD=Round, GG=Gilled and Guttled, DR=Dressed, FL=Fillet, OT=Other, describe the type of product *2= When the Gear Code is OT, describe the type of gear, _____.				
7. EXPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>				
Name Company name Address Signature Date License Number (if applicable)				
8. GOVERNMENT VALIDATION <u>I validate that information listed above is complete, true, and correct to the best of my knowledge and belief.</u>				
Total weight of the shipment _____ Kg				
Name & Title Signature Date Government Seal				
IMPORT SECTION:				
IMPORTER CERTIFICATION <u>I certify that the above information is complete, true, and correct to the best of my knowledge and belief.</u>				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Final Point of Import				
City State/Province Country / Entity / Fishing Entity _____				

NOTE: If a language other than English or French is used in completing this form, please add an English translation of this document.

Instructions

DOCUMENT NUMBER: Block for the issuing Country to designate a country coded Document Number.

(1) FLAG COUNTRY/ENTITIES/FISHING ENTITIES: Fill in the name of the country of the vessel that harvested the bigeye tuna in the shipment and issued this Document. According to the Recommendation, only the flag state of the vessel that harvested the bigeye tuna in the shipment or, if the vessel is operating under a charter arrangement, the exporting state can issue this Document.

(2) DESCRIPTION OF VESSEL (if applicable): Fill in the name and registration number, length overall(LOA) and IOTC Record number of the vessel that harvested the bigeye tuna in the shipment.

(3) TRAPS (if applicable): Fill in the name of the trap that harvested the bigeye tuna in the shipment.

(4) POINT OF EXPORT: Identify the City, State or Province, and Country from which the bigeye tuna was exported.

(5) AREA OF CATCH: Check the area of catch. (If (c) or (d) checked, items 6 and 7 below do not need to be filled out.)

(6) DESCRIPTION OF FISH: The exporter must provide, to the highest degree of accuracy, the following information.
NOTE: One row should describe one product type

(1) Product Type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment.

(2) Time of Harvest: Fill in the time of harvest (in month and year) of the bigeye tuna in the shipment

(3) Gear Code: Identify the gear type which was used to harvest the bigeye tuna using the list below. For OTHER TYPE, describe the type of gear, including farming.

(4) Net product weight in kilograms.

(7) EXPORTER CERTIFICATION: The person or company exporting the bigeye tuna shipment must provide his/her name, company name, address, signature, date the shipment was exported, and dealer license number (if applicable).

(8) GOVERNMENT VALIDATION: Fill in the name and full title of the official signing the Document. The official must be employed by a competent authority of the flag state government of the vessel that harvested the bigeye tuna appearing on the Document or other individual or institution authorized by the flag state. When appropriate, this requirement is waived according validation of the document by a government official, or if the vessel is operating under a charter arrangement, by a government official or other authorized individual or institution of the exporting state. The total weight of the shipment shall also be specified in this block.

(9) IMPORTER CERTIFICATION: The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye was imported, license number (if applicable), and final point of import. This includes imports into intermediate countries. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

GEAR CODE:

GEAR CODE	GEAR TYPE,
BB	BAITBOAT
GILL	GILLNET
HAND	HANDLINE
HARP	HARPOON
LL	LONGLINE
MWT	MID-WATER TRAWL
PS	URSE SEINE
RR	ROD AND REEL
SPHL	SPORT HANDLINE
SPOR	SPORT FISHERIES UNCLASSIFIED
SURF	SURFACE FISHERIES UNCLASSIFIED
TL	TENDED LINE
TRAP	TRAP
TROL	TROLL
UNCL	UNSPECIFIED METHODS
OT	OTHER TYPE

RETURN A COPY OF COMPLETED DOCUMENT TO: (the name of the office of the competent authority of the flag state).

Appendix 2

Requirements Concerning the IOTC Bigeye Tuna Re-export Certificate

1. The sample form of the IOTC Bigeye Tuna Re-export Certificate shall be as in the Appendix.
2. Customs or other appropriate government officials will request and inspect all import documentation including the IOTC Bigeye Tuna Re-export Certificate for all bigeye tuna in the shipment. Those officials may also inspect the content of each shipment to verify the information on the document.
3. Only complete and valid documents will guarantee that shipments of bigeye tuna will be allowed to enter the territory of Contracting Parties.
4. A Contracting Party shall be free to validate IOTC Bigeye Tuna Re-export Certificates for bigeye tuna imported by that Contracting Party, to which IOTC Bigeye Tuna Statistical Documents or IOTC Bigeye Tuna Re-export Certificates are attached. IOTC Bigeye Tuna Re-export Certificates shall be validated by government organizations or by recognized institutions which are accredited by a Contracting Party's government to validate the IOTC Bigeye Tuna Statistical Document. A copy of the original Bigeye Tuna Statistical Document accompanying the imported bigeye tuna must be attached to an IOTC Bigeye Tuna Re-export Certificate. The copy of the original Bigeye Tuna Statistical Document so attached must be verified by that government organization or by that recognized institution accredited by a government which validated the IOTC Bigeye Tuna Statistical Document. When re-exported bigeye tuna is again re-exported, all copies of documents, including a verified copy of a Statistical Document and Re-export Certificate which accompanied that bigeye tuna upon importation, must be attached to a new Re-export Certificate to be validated by a re-exporting Contracting Party. All copies of the Documents to be attached to that new Re-export Certificate must be also be verified by a government organization or a recognized institution accredited by a government which validated the IOTC Bigeye Tuna Statistical Document.
5. Shipments of bigeye tuna that are accompanied by improperly documented Bigeye Tuna Re-export Certificate (i.e., improperly documented means that the Bigeye Tuna Re-export Certificate is either missing from the shipment, incomplete, invalid or falsified) will be considered illegitimate shipments of bigeye tuna, that are contrary to IOTC conservation efforts, and their entry will be suspended (PENDING RECEIPT OF A PROPERLY COMPLETED DOCUMENT) into the territory of a Contracting Party or subject to administrative or other sanction.
6. IOTC Contracting Parties that validate Re-export Certificates in accordance with the procedure set forth in paragraph 4 shall require from the re-exporting bigeye dealer necessary documents (e.g. written sales contracts) which are to certify that the bigeye tuna to be re-exported corresponds to the imported bigeye tuna. Contracting Parties which validate Re-export Certificates shall provide flag states and importing states with evidence of this correspondence upon their request.
7. The import of fish parts other than the meat, i.e., head, eyes, roe, guts, tails may be allowed without the document.

DOCUMENT NUMBER		IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE		
RE-EXPORT SECTION:				
1.RE-EXPORTING COUNTRY / ENTITY / FISHING ENTITY				
2.POINT OF RE-EXPORT				
3.DESCRPTION OF IMPORTED FISH				
Product Type(*) F/FR RD/GG/DR/FL/OT		Net Weight (Kg)	Flag country/ Entity/Fishing Entity	Date of Import
4.DESCRPTION OF FISH FOR RE-EXPORT				
Product Type(*) F/FR RD/GG/DR/FL/OT		Net Weight (Kg)		
* F=FRESH, FR=Frozen, RD=Round, GG=Gilled and Guttet, DR=Dressed, FL=Fillet OT=Other(Describe the type of product)				
5.RE-EXPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name/Company Name Address Signature Date License Number (if applicable)				
6.GOVERNMENT VALIDATION: <u>I validate that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Name & Title Signature Date Government Seal				
IMPORT SECTION:				
7.IMPORTER CERTIFICATION: <u>I certify that the above information is complete, true and correct to the best of my knowledge and belief.</u>				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Importer Certification (Intermediate Country / Entity / Fishing Entity)				
Name Address Signature Date License # (if applicable)				
Final Point of Import				
City _____ State/Province _____ Country / Entity / Fishing Entity				

NOTE: If a language other than English or French is used in completing this form, please add the English translation of this document.

Instructions

DOCUMENT NUMBER: Block for the issuing Country/Entity/Fishing Entity to designate a Country/Entity/Fishing Entity coded document number.

(1) RE-EXPORTING COUNTRY/ENTITY/FISHING ENTITY

Fill in the name of the Country/Entity/Fishing Entity which re-exports the bigeye tuna in the shipment and issued this Certificate. According to the Recommendation, only the re-exporting Country/Entity/Fishing Entity can issue this Certificate.

(2) POINT OF RE-EXPORT

Identify the City/State Province and Country/Entity/Fishing Entity from which the bigeye tuna was re-exported.

(3) DESCRIPTION OF IMPORTED FISH

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED, FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms. (3) Flag Country/Entity/Fishing Entity: the name of the Country/Entity/Fishing Entity of the vessel that harvested the bigeye tuna in the shipment. (4) Date of import: Imported date.

(4) DESCRIPTION OF FISH FOR RE-EXPORT

The exporter must provide, to the highest degree of accuracy, the following information: NOTE: One row should describe one product type. (1) Product type: Identify the type of product being shipped as either FRESH or FROZEN, and in ROUND, GILLED AND GUTTED, DRESSED FILLET or OTHER form. For OTHER, describe the type of products in the shipment. (2) Net weight: Net product weight in kilograms.

(5) RE-EXPORTER CERTIFICATION

The person or company re-exporting the bigeye tuna shipment must provide his/her name, address, signature, date the shipment was re-exported, and re-exporter's license number (if applicable).

(6) GOVERNMENT VALIDATION

Fill in the name and full title of the official signing the Certificate. The official must be employed by a competent government authority of the re-exporting Country/Entity/Fishing Entity appearing on the Certificate, or other individual or institution authorized to validate such certificates by the competent government authority.

(7) IMPORTER CERTIFICATION

The person or company that imports bigeye tuna must provide his/her name, address, signature, date the bigeye tuna was imported, license number (if applicable) and re-exported final point of import. This includes imports into intermediate Countries/Entities/Fishing Entities. For fresh and chilled products, the signature of the importer may be substituted by a person of a customs clearance company when the authority for signature is properly accredited to it by the importer.

RETURN A COPY OF THE COMPLETED CERTIFICATE TO: (the name of the office of the competent authority of the re-exporting Country/Entity/Fishing Entity).

Appendix 3

REPORT OF THE IOTC BIGEYE TUNA STATISTICAL DOCUMENT

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY _____
 Month Month Year

Flag Country/Entity/Fishing Entity	Area Code	Gear Code	Point of Export	Product Type		Product Wt.(Kg)
				F/FR	RD/GG/DR/FL/OT	

Gear Code Gear Type

- BB Baitboat
- GILL Gillnet
- HAND Handline
- HARP Harpoon
- LL Longline
- MWT Mid-water trawl
- PS Purse seine
- RR Rod & reel
- SPHL Sport Handline
- SPOR Sport fisheries unclassified
- SURF Surface fisheries unclassified
- TL Tended line
- TRAP Trap
- TROL Troll
- UNCL Unclassified methods
- OTH Other type (Indicate the type of gear):

Product type

Area Code

- | | | | |
|----|---|----|--------------|
| F | Fresh | ID | Indian Ocean |
| FR | Frozen | PA | Pacific |
| RD | Round | AT | Atlantic |
| GG | Gilled & gutted | | |
| DR | Dressed | | |
| FL | Fillet | | |
| OT | Other form, describe the type of products in the shipment | | |

REPORT OF THE IOTC BIGEYE TUNA RE-EXPORT CERTIFICATE

Period _____ to _____, _____ IMPORT COUNTRY/ENTITY/FISHING ENTITY _____
 Month Month Year

Flag Country/Entity/Fishing Entity	Re-export Country/Entity/Fishing Entity	Point of Re- export	Product Type		Product Wt.(Kg)
			F/FR	RD/GG/DR/FL/OT	

Product type

- F Fresh
- FR Frozen
- RD Round
- GG Gilled & gutted
- DR Dressed
- FL Fillet
- OT Other form, describe the type of products in the shipment

Area Code

- ID Indian Ocean
- PA Pacific
- AT Atlantic

**Appendix 4:
INFORMATION ON VALIDATION OF IOTC STATISTICAL DOCUMENTS**

Flag Government/Authority Organization(s) accredited to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Other institutions accredited by the government/authority to validate Statistical Documents

Organization Name	Organization Address	Sample Seal

NOTE: For each organization, attach a list with the names, titles and addresses of the individuals authorized to validate Documents.

Instructions

Contracting Parties, non-Contracting Parties, Entities, Fishing Entities having vessels that harvest species whose international trade must be accompanied by Statistical Documents are requested to submit the information on this sheet to the Secretary of IOTC*, and to ensure that any changes to the above are also transmitted to the Secretary on a timely fashion.

*IOTC; P.O.BOX 1011, Fishing Port, Victoria, Seychelles

RECOMMENDATION 03/04
CONCERNING ENHANCEMENT OF EFFECTIVENESS OF IOTC MEASURES TO ELIMINATE IUU
ACTIVITIES IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the Commission adopted the *Resolution 99/02 Calling for Actions against Fishing Activities by Large Scale Flag of Convenience Longline Vessels* at its 4th Session;

AWARE that further action was taken between Seychelles, Vanuatu and Japan to eliminate IUU large-scale tuna longline vessels (hereinafter referred to as “LSTLVs”);

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

1. The Commission endorses the cooperative management frameworks concluded between the flag States (Seychelles and Vanuatu) and Japan to legalize 69 IUU-LSTLVs reported by Japan as IOTC-S8-03-13 (revised).
2. The Commission urges Seychelles, Vanuatu and Japan to implement the frameworks properly.
3. The Commission will be informed on an annual basis of the progress of the actions.

RECOMMENDATION 03/05
CONCERNING TRADE MEASURES

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA-IUU Plan,

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all Contracting Parties and Co-operating Non-contracting Parties (hereinafter CPCs) to respect the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (hereinafter NCPs) to abide by these measures;

NOTING that trade restrictive measures should be implemented only as a last resort, where other measures have proven unsuccessful to prevent, deter and eliminate any act or omission that diminishes the effectiveness of IOTC conservation and management measures;

ALSO NOTING that trade restrictive measures should be adopted and implemented in accordance with international law, including the principles, rights and obligations established in WTO Agreements, and be implemented in a fair, transparent and non-discriminatory manner.

Recommends, in accordance with the provisions of Article 9, paragraph 8 of the IOTC Agreement, that:

1. CPCs that import tuna and tuna-like fish products or in whose ports those products are landed, should collect and examine as much import or landing data and associated information as possible and submit the following information to the Commission each year:
 - (a) Names of the vessels that caught and produced such tuna or tuna-like species products,
 - (b) Flag States of those vessels,
 - (c) Species of tuna and tuna-like species of the products,
 - (d) Areas of catch (Indian Ocean, or other area),
 - (e) Product weight by product type,
 - (f) Points of export,
 - (g) Names and addresses of owners of the vessels,
 - (h) Registration
2. (a) The Commission, through the Compliance Committee should identify each year:
 - (i) The CPCs which have failed to discharge their obligations under the IOTC Agreement in respect of IOTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IOTC conservation and management measures by the vessels flying their flag; and/or
 - (ii) The NCPs which have failed to discharge their obligations under international law to co-operate with IOTC in the conservation and management of tuna and tuna-like species, in particular, by not taking

measures or exercising effective control to ensure that their vessels do not engage in any activity that undermines the effectiveness of IOTC conservation and management measures.

(b) These identifications should be based on a review of all information provided in accordance with paragraph 1 or, as appropriate, any other relevant information, such as: the catch data compiled by the Commission; trade information on these species obtained from National Statistics; the IOTC statistical document programme; the list of the IUU vessels adopted by the IOTC, as well as any other information obtained in the ports and on the fishing grounds.

(c) In deciding whether to make identification, the Compliance Committee should consider all relevant matters including the history, and the nature, circumstances, extent, and gravity of the act or omission that may have diminished the effectiveness of IOTC conservation and management measures.

3. The Commission should request the CPCs and NCPs concerned to rectify the act or omission identified under Paragraph 2 so as not to diminish the effectiveness of the IOTC conservation and management measures. The Commission should notify identified CPCs and NCPs of the following:

- (a) the reason(s) for the identification with all available supporting evidence;
- (b) the opportunity to respond to the Commission in writing at least 30 days prior to the annual meeting of the Commission with regard to the identification decision and other relevant information, for example, evidence refuting the identification or, where appropriate, a plan of action for improvement and the steps they have taken to rectify the situation; and

in the case of an NCP, an invitation to participate as an observer at the annual meeting where the issue will be considered.

4. CPCs are encouraged jointly and individually to request the CPC/NCPs concerned to rectify the act or omission identified under Paragraph 2 so as not to diminish the effectiveness of the IOTC conservation and management measures

5. The Secretary should, by more than one means of communication, transmit the Commission's request to the identified CPC or NCP. The Secretary should seek to obtain confirmation from the CPC or the NCP that it received the notification.

6. The Compliance Committee should evaluate the response of the CPCs or NCPs, together with any new information, and propose to the Commission to decide upon one of the following actions:

- (a) the revocation of the identification;
- (b) the continuation of the identification status of the CPC or NCP; or
- (c) the adoption of non-discriminatory trade restrictive measures.

In the case of CPCs, actions such as the reduction of existing quotas or catch limits should be implemented to the extent possible before consideration is given to the application of trade restrictive measures. Trade measures should be considered only where such actions either have proven unsuccessful or would not be effective.

7. If the Commission decides upon the action described in paragraph 6 (c), it should adopt, pursuant to Article IX paragraph 1 of the IOTC Agreement, to take non-discriminatory trade restrictive measures, consistent with their international obligations. The Commission should notify the CPCs and NCPs concerned of the decision and the underlying reasons in accordance with the procedures specified in Paragraph 5.

8. CPCs should notify the Commission of any measures that they have taken for the implementation of the non-discriminatory trade restrictive measures adopted in accordance with Paragraph 7.

In order for the Commission to adopt the lifting of trade restrictive measures, the Compliance Committee should review each year all trade restrictive measures adopted in accordance with Paragraph 7. Should this review show

that the situation has been rectified, the Compliance Committee should recommend to the Commission the lifting of the non-discriminatory trade restrictive measures. Such decisions should also take into consideration whether the CPCs and/or NCPs concerned have taken concrete measures capable of achieving lasting improvements of the situation.

Where exceptional circumstances so warrant or where available information clearly shows that, despite the lifting of trade-restrictive measures, the CPC or NCP concerned continues to diminish the effectiveness of IOTC conservation and management measures, the Commission may immediately decide on action including, as appropriate, the imposition of trade-restrictive measures in accordance with Paragraph 7. Before making such a decision, the Commission should request the CPC or NCP concerned to discontinue its wrongful conduct and should provide the CPC or NCP with a reasonable opportunity to respond.

11. The Commission should establish annually a list of CPCs and NCPs that have been subject to a trade restrictive measure pursuant to Paragraph 7 and, with respect to NCPs, are considered as Non Cooperating Non Contracting Parties to IOTC.

RECOMMENDATION 03/06
RECOMMENDATION TO COMMISSION A REPORT ON MANAGEMENT OPTIONS FOR TUNA AND TUNA-LIKE SPECIES

The Indian Ocean Tuna Commission (IOTC):

RECOGNISING the need for action to ensure the achievement of the IOTC's objectives to conserve and manage tuna and tuna-like species in the IOTC Area of Competence.

ACKNOWLEDGING the diversity of participants in the IOTC, including their varying geographic, political, social and economic situations,

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

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

1. Contracting and Cooperating Non-Contracting Parties will work in the intersessional period before the Ninth Session of the IOTC to develop Terms of Reference for a Working Group of the Commission that will meet in 2005 to consider conservation and management options that may be applicable to the highly migratory fish stocks of the Indian Ocean.

RESOLUTION 03/07.
RECOGNIZING THE CONTRIBUTIONS OF DAVID ARDILL

Seychelles, December 2003

The Indian Ocean Tuna Commission, having responsibility for the sustainable utilisation of tunas and tuna-like fishes in the Indian Ocean,

Acknowledging the complexities of managing these high-visibility international fisheries on a rational and scientific basis, particularly given substantial diplomatic, political, economic and public influences,

Recalling the great economic and social importance of the tuna fisheries to the coastal and island states of the Indian Ocean and other participants in these fisheries,

Reaffirming the commitment of all the Members and of others participating in this fishery to the principles of ensuring the sustainability of the tuna resource,

Observing that the success of the many activities developed and implemented, both before and after the establishment of the Commission in 1996, has earned the praise, recognition, respect and admiration of participants, multilateral fisheries management organizations, non-governmental organizations and fishers from around the world,

Understanding that the success and recognition of these activities has become a source of pride for all participants in the Commission and its programmes, particularly when the Indian Ocean fisheries are viewed in the context of the many troubled fisheries of the world,

Acknowledging that the management of the Indian Ocean tuna fisheries demands the support and commitment of all participants, but that the success of its activities ultimately rests on the shoulders of its executive secretary, on his dynamism, creativity, integrity, and professional expertise,

Concluding that, to a degree that is impossible to quantify, these notable successes, international recognition and the pride of the Members are ultimately attributable to a person who has dedicated a substantial part of his professional life to lead us to where we are today,

The Indian Ocean Tuna Commission therefore resolves that David Ardill be recognized and commended for his excellent service to our common goals and their aforementioned success; and that the great respect, admiration and gratitude of its members be extended to David Ardill by the Commission.

APPENDIX X.
STATEMENTS OF CONTRACTING PARTIES REGARDING RECOMMENDATION 03/05

Seychelles

Indicated that although they do not object the adoption of this recommendation, they reserve the right to revise their position, as provided by the Rules of Procedure, within 120 days of its adoption. Japan requested that their statement be included in the recommendation.

Thailand

Indicated that although they do not object the adoption of this recommendation, they reserve the right to revise their position, as provided by the Rules of Procedure, within 120 days of its adoption. Japan requested that their statement be included in the recommendation

Japan

In adopting the Recommendation concerning trade measures, Japan would like to register in the record the following understanding.

1. In light of international rules, such as WTO, Japan understands that the trade restrictive measures should be adopted only for stocks subject to quantitative restrictive measures.
2. Statistical document programs or other practical measures to identify origin of fish products are essential to implementation of trade restrictive measures.

APPENDIX XI.
DRAFT RESOLUTIONS DEFERRED TO THE NINTH SESSION

DRAFT RESOLUTION (FROM EC) ON THE CONTROL OF TRANSHIPMENTS IN THE HIGH SEAS

The Indian Ocean Tuna Commission (IOTC),

NOTING the need to combat illegal, unregulated and unreported fishing (IUU fishing),

CONCERNED by the fact that fishing activities in area of competence of the Agreement continue and that these activities undermine conservation and management measures of IOTC,

BEARING IN MIND the need to ensure control of catches made by fishing vessels in the Convention area in an effective manner, which implies recording of landings,

BEARING IN MIND the need to collect data on catches in order to improve the scientific evaluation of tropical tunas,

NOTING that the control of transshipment operations within the EEZs are the responsibility of the coastal states;

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

1. Contracting and Cooperating Parties (hereafter referred to as CPCs) should take the steps necessary to prohibit transshipments in the high seas by vessels flying their flags.
2. The prohibition referred in paragraph 1 shall not apply to CPCs which
 - a) Implement an observer programme covering at least 50% of the vessels flying their flag that carry out transshipment operations in the high seas; these operations being subject to prior authorisation, or;
 - b) Through their legislative framework, ensure that all transshipments are fully regulated, *inter alia*:
 - i) Transshipping occurs only among registered vessels that are listed on the IOTC Record;
 - ii) Products that have been transhipped in the high seas must be unloaded in the port of the CPCs;
 - iii) All transshipping vessels and fishing vessels are fitted with a vessel monitoring system which is operational at all times.
3. CPCs shall submit each year to the Commission a report on the implementation of the paragraphs 2

APPENDIX XII.
MEMORANDUM OF UNDERSTANDING
BETWEEN THE INDIAN OCEAN TUNA COMMISSION (IOTC)
AND
THE INDIAN OCEAN COMMISSION (IOC) IN THE FRAMEWORK OF THE
IMPLEMENTATION OF THE REGIONAL TUNA TAGGING PROGRAMME (RTTP-IO)

The Indian Ocean Tuna Commission
(hereafter known as the 'IOTC')
represented by the executive Secretary,
Mr David ARDILL

and

The Indian Ocean Commission
(hereafter known as 'the IOC')
represented by the Secretary General,
Mr Wilfrid BERTILE,

Considering that the Indian Ocean Tuna Commission (IOTC) is an intergovernmental organization mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas

Considering that the Indian Ocean Commission (IOC), an intergovernmental organisation established in 1984, aims at fostering the sustainable development of its member States through regional cooperation

Considering that the objective of IOTC is to promote cooperation among its Members with a view to ensuring, through appropriate management, the conservation and optimum utilisation of stocks and encouraging sustainable development of fisheries based on such stocks

Whilst acknowledging that the IOC is appointed as the Regional Authorising Officer for the implementation of a scientific tuna tagging programme in the region, within the framework of the regional strategy and indicative programme of the 9th European Development Fund (EDF) for eastern and southern Africa.

And being willing to combine their skills, their know-how and their experience

Have agreed as follows :

Article I
Fields of cooperation

- 1 The IOTC and the IOC propose to collaborate through their respective institutions. The aforementioned cooperation is to be undertaken according to the plans and procedures agreed to by each organisation and in accordance with the relevant provisions enshrined in their regulatory instruments.
- 2 The object of the present MoU is the implementation of a Regional Tuna Tagging Project within the Indian Ocean (RTTP-IO), funded under the regional indicative programme of the 9th European Development Fund (EDF) for eastern and southern Africa.
- 3 The aforementioned cooperation does not in any manner alter the current relations between various member States and the two organisations and has no effect whatsoever on the nature of these relations.

Article II
Scope of the programme

1. The Regional Tuna Tagging Project within the Indian Ocean (RTTP-IO) is described in the feasibility study. The objectives, the expected results and the implementation procedures are set out in the Financing Agreement.
2. The **overall objective** of the project is to reinforce the management capacities in the region, leading to a sustainable exploitation of tuna resources and ensuring that the tuna (and related pelagic species) fishing sector will continue to contribute to the economic and social development of the participating countries.
3. The **specific objective** of the project is to reinforce the scientific knowledge of tropical tuna stocks and the migration patterns and rate of exploitation in the Indian Ocean by obtaining the crucial parameters necessary for stock assessment and for the development of the necessary models and tools for long term management.
4. The **key result** from the project will be the generation of reliable scientific data in view of improving the management of the resources to ensure their sustainable exploitation for future generations. The data to be collected will focus on the following parameters :
 - Growth and age
 - Migration/movement
 - Mortality by age group
 - Interactions between fisheries : purse seiners, longliners, artisanal, industrial
 - Impact of FADs (fish aggregating devices)

This body of data will provide a reliable basis for sound decision-making.

Article III
Duties of parties

1. The duties, commitments and responsibilities of each party are described in the Financing Agreement of the programme.
2. The Indian Ocean Commission shall be the Regional Authorising Officer for the purposes of the project under the EDF, in the name of regional organisations which are stakeholders of the regional programme of the 9th EDF for eastern and southern Africa (COMESA, IOC, EAC, IGAD).
3. The Indian Ocean Commission shall be referred to as the ‘Contracting Authority’ of the project.
4. The Indian Ocean Tuna Commission shall be referred to as the ‘Supervisor’ of the project.
5. The IOTC shall provide the know-how for the creation of a database to store and process data generated by the project.
6. The IOTC – through its scientific committees - shall be the institution in charge for the technical and scientific processing and analysis of data gathered by the project.
7. The European Commission, represented by its Delegation in the Republic of Mauritius, shall be referred to as the donor. The commitments and/or allocation of EDF funds shall therefore be in accordance with EDF procedures in the framework of the implementation of the 9th EDF.

Article IV
Commitments of Parties

1. The IOTC shall provide, in the framework of the project, such premises as shall be deemed adequate to accommodate the Project Management Unit in Victoria, Mahé, in Seychelles.
2. Such fixtures and fittings as shall be deemed necessary (such as, but not exclusively, partitioning, information technology connections), the office equipment as well as operating costs of the office (furniture, computer and office equipment) shall be funded by the project.
3. The Indian Ocean Commission shall provide administrative and financial management support for the PMU through its Regional Authorising Officer Assistance team (CAOR).

- 4 The IOTC shall be in charge of obtaining the necessary authorizations - including all licences and/or fishing permits - for the pole and line vessels chartered by the project in order to enable them to cruise and conduct fishing operations – for the sole purpose of the project – and carry out scientific observations within the EEZ of the countries participating in the project. The IOTC shall certify the scientific nature of operations conducted by the tagging vessels.
- 5 As project supervisor, the IOTC will be in charge of monitoring and controlling the good implementation of the project. It shall ensure that the project implementation – which shall be carried out through the Project Management Unit – is in conformity with the objectives and modalities of the project.
- 6 The IOC shall provide support to the IOTC, by informing its member countries and the other regional organisations participating in the RIP of the 9th EDF, so as to ensure smooth delivery of the necessary permits and licences issued by each country.

Article V
Intellectual property rights

- 1 The data generated by the programme, in the framework of such funding from the 9th EDF RIP, shall be deemed as being the intellectual property of the regional organisations which are stakeholders in the RIP and which are thus represented by the IOC.
- 2 The IOTC shall be the depository and trustee of all scientific and technical data produced by the programme and shall hold the right to carry out any scientific analysis but with the obligation to disseminate all results to its members and to the organisations which are stakeholders in the 9th EDF RIP ESA as well as to the scientific community at large.

Article VI
Amendments and termination

- 1 The present MoU may be amended by means of an understanding between parties following a request made by either party.
- 2 The present MoU may be terminated by either signatory by means of a written note with six months' notice. In the event of a termination, the parties shall convene a meeting in order to settle all mutual obligations and to ensure the completion of all ongoing projects and programmes.

Article VII
Settlement of disputes

- 1 Such disputes as may arise between the IOC and the IOTC concerning the interpretation and/or the implementation of the aforementioned MoU shall be settled between the parties out of court. In the case of unsolvable disputes between the IOC and the IOTC, namely in the case of the settlement of disputes and the adequate framework other than by arbitration, each party shall be entitled to claim the appointment of an arbitrator for the settlement of disputes in accordance with the arbitration Regulations of the United Nations Commission on International Trade Law (UNCITRAL) which shall accordingly be enforced. Sentences pronounced by the arbitrator shall be compulsory and irrevocable for both the IOC and the IOTC.

Article VIII
Entry into force and duration of the Agreement

- 1 The present Agreement shall be enter into force at the date of the signature of the Financing Agreement for the Regional Tuna Tagging Project (RTTP-IO). It shall remain effective throughout the duration of the project.
- 2 In such cases where there should be recoveries of tagged tuna after the official ending of the administrative and financial management of the programme, the IOTC shall be responsible for the payment of rewards for the return of tagged tuna.

Done in

on the

On behalf of the Indian Ocean
Tuna Commission

On behalf of the Indian Ocean
Commission

.....

.....

David ARDILL
Executive Secretary

Wilfrid BERTILE
Secretary General

Annex 1 :

Contracting authority: the State or the legal person governed by public or private law which concludes the contract or on behalf of which the contract is concluded, the State of the contracting

Supervisor: the government department, legal person governed by public law, or the natural or legal person designated by the contracting authority in accordance with the law of the State of the contracting authority, who is responsible for directing and/or monitoring the performance of the contract, and to whom the contracting authority may delegate rights and/or powers under the contract,

Supervisor's representative: any natural or legal person, designated by the supervisor as such under the contract and empowered to represent the supervisor in the performance of his functions, and in exercising such rights and/or powers as have been delegated to him. Accordingly, where functions, rights and/or powers of the supervisor are delegated to the supervisor's representative, references to the supervisor include the supervisor's representative,

Project Management Unit : an unit, created for the purpose of the project, and be responsible for all management, coordination and implementation of the project activities on a day-to-day basis. It will be based in The Seychelles and remain operational for the anticipated duration of the project.