

# Report of the 3<sup>rd</sup> Session of the IOTC Working Party on Implementation of Conservation and Management Measures

---

Nairobi, Kenya, 12–14 February 2020

---

**DISTRIBUTION:**

Participants in the Session  
Members of the Commission  
Other interested Nations and International Organizations  
FAO Fisheries Department  
FAO Regional Fishery Officers

**BIBLIOGRAPHIC ENTRY**

IOTC–WPICMM03 2020. Report of the 3<sup>rd</sup> Session of the  
IOTC Working Party on the Implementation of  
Conservation and Management Measures. Nairobi,  
Kenya, 2020.  
*IOTC–2020–WPICMM03–R[E]: 26 pp.*

---



The designations employed and the presentation of material in this publication and its lists do not imply the expression of any opinion whatsoever on the part of the Indian Ocean Tuna Commission (IOTC) or the Food and Agriculture Organization (FAO) of the United Nations concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

This work is copyright. Fair dealing for study, research, news reporting, criticism or review is permitted. Selected passages, tables or diagrams may be reproduced for such purposes provided acknowledgment of the source is included. Major extracts or the entire document may not be reproduced by any process without the written permission of the Executive Secretary, IOTC.

The Indian Ocean Tuna Commission has exercised due care and skill in the preparation and compilation of the information and data set out in this publication. Notwithstanding, the Indian Ocean Tuna Commission, employees and advisers disclaim all liability, including liability for negligence, for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying upon any of the information or data set out in this publication to the maximum extent permitted by law.

Contact details:

Indian Ocean Tuna Commission  
Le Chantier Mall  
PO Box 1011  
Victoria, Mahé, Seychelles  
Ph: +248 4225 494  
Email: [IOTC-secretariat@fao.org](mailto:IOTC-secretariat@fao.org)  
Website: <http://www.iotc.org>

## Acronyms

AFV	Authorized Fishing Vessel
CDS	Catch Documentation Scheme
CMM	Conservation and Management Measure (of the IOTC; Resolutions and Recommendations)
CoC	Compliance Committee
CPCs	Contracting Parties and Cooperating Non-Contracting Parties
EU	European Union
EEZ	Exclusive Economic Zone
FAD	Fish Aggregating Device
FAO	Food and Agriculture Organization of the United Nations
FMC	Fisheries Monitoring Centre
FOC	Flag of Convenience
IO	Indian Ocean
IOTC	Indian Ocean Tuna Commission
LL	Longline
MCS	Monitoring, Control and Surveillance
NGO	Non-governmental organization
PS	Purse-seine
PSMA	Port State Measures Agreement, adopted in 2009
RFMO	Regional Fisheries Management Organization
ROP	Regional Observer Programme
SC	Scientific Committee, of the IOTC
UNFSA	United Nations Fish Stocks Agreement, adopted in 1995
VMS	Vessel Monitoring System
WP	Working Party
WPICMM	Working Party on the Implementation of Conservation and Management Measures

### HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

The WPICMM Report has been written using the following terms and associated definitions so as to remove ambiguity surrounding how particular paragraphs should be interpreted.

**Level 1:** *From a subsidiary body of the Commission to the next level in the structure of the Commission:*

**RECOMMENDED, RECOMMENDATION:** Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

**Level 2:** *From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:*

**REQUESTED:** This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalize the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

**Level 3:** *General terms to be used for consistency:*

**AGREED:** Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

**NOTED/NOTING:** Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

**Any other term:** Any other term may be used in addition to the Level 3 terms to highlight to the reader of the IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

---

**TABLE OF CONTENTS**

1. OPENING OF THE SESSION .....	6
2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION .....	6
3. PROVIDE TECHNICAL ADVICE TO THE COMPLIANCE COMMITTEE RELATED TO THE POSSIBLE INFRACTION ON VMS UNIT WITH SWITCH AND WHETHER OR NOT OBSERVERS SHOULD CONTINUE TO HIGHLIGHT THOSE POSSIBLE INFRACTIONS FOR THE VMS.....	6
4. IMPLEMENTATION OF THE WPICMM WORK PLAN .....	6
5. REVIEW OF THE ASSESSMENT CRITERIA FOR THE 2020 CPC'S COMPLIANCE REPORTS .....	8
6. DRAFT GUIDELINES ON HOW IOTC MIGHT OPERATIONALIZE THE FAO VOLUNTARY GUIDELINES ON THE MARKING OF FISHING GEAR .....	9
7. PROPOSAL TO AMEND APPENDIX V OF THE IOTC RULES OF PROCEDURE – EUROPEAN UNION .....	9
8. OTHER BUSINESS.....	9
APPENDIX 1 LIST OF PARTICIPANTS .....	11
APPENDIX 2 ADOPTED AGENDA .....	13
APPENDIX 3 DRAFT GLOSSARY OF DEFINITIONS AND KEYS TERMS.....	14
APPENDIX 4 DRAFT ROADMAP FOR THE IMPLEMENTATION PROCESS FOR THE LEGAL SCRUBBING OF IOTC RESOLUTIONS.....	21
APPENDIX 5 PROCEDURE AND FORM FOR THE ASSESSMENT OF POSSIBLE INFRACTION UNDER THE ROP .....	22
APPENDIX 6 REVISED WORK PLAN OF THE WPICMM .....	24
APPENDIX 7 ASSESSMENT CRITERIA .....	25
APPENDIX 8 CONSOLIDATED SET OF RECOMMENDATIONS ARISING FROM WPICMM03 .....	26

**EXECUTIVE SUMMARY**

The 3<sup>rd</sup> Session of the Indian Ocean Tuna Commission’s (IOTC) Working Party on the Implementation of Conservation and Management Measures (WPICMM) was held in Nairobi, Kenya, from 12 to 14 February 2020. A total of 48 participants attended the Session. The meeting was opened by the Chairperson, Mr Roy Clarisse (Seychelles), who welcomed participants to the Kenya.

The following is a subset of the recommendations from the WPICMM03, which are provided in full at [Appendix 8](#):

- WPICMM03.01 ([Para. 4](#)) The WPICMM03 **RECOMMENDED** that the IOTC observers continue to report on VMS, including provision of photographs of VMS units.
- WPICMM03.02 ([Para. 5](#)). The WPICMM03 **RECOMMENDED** that the ROP observers should stop highlighting VMS units fitted with switches, as a possible infraction. Other VMS anomalies, such as switched off, should be reported and highlighted.
- WPICMM03.03 ([Para. 14](#)) The WPICMM03 **RECOMMENDED** that the IOTC Secretariat be tasked to develop ToR for the evaluation and formulation of CPCs national MCS programme, taking into account cost-effectiveness and budget constraints.
- WPICMM03.04 ([Para. 18](#)) The WPICMM03 **RECOMMENDED** that 23 definitions be deferred for further work and two be deferred to the VMS Working Group.
- WPICMM03.05 ([Para. 19](#)) The WPICMM03 **RECOMMENDED** that further work on the definitions be conducted intersessionally, by email, using a phased approach under the facilitation of the Secretariat ([Appendix 3](#)).
- WPICMM03.06 ([Para. 24](#)) The WPICMM03 **RECOMMENDED** that the Compliance Committee notes the completed task and considers the roadmap drafted by the WPICMM03 ([Appendix 4](#)) for consideration by the Commission.
- WPICMM03.07 ([Para. 32](#)) The WPICMM03 **RECOMMENDED** that the IOTC Secretariat prepare a paper on the outcomes of the assessments of the possible infractions presented to the WPICMM03, for the next Compliance Committee (CoC17).
- WPICMM03.08 ([Para. 33](#)) The WPICMM03 **FURTHER RECOMMENDED** that the IOTC Secretariat prepare a paper on the results of investigation that have not been provided (Oman and Seychelles) for WPICMM03 and information concerning two LSTLVs that require the concerned fleet (Taiwan, Province of China) to provide further evidence, for the next Compliance Committee (CoC17).
- WPICMM03.09 ([Para. 35](#)) The WPICMM03 **RECOMMENDED** the procedure and the assessment form ([Appendix 5](#)) to conduct the assessments of possible infractions detected under the Regional Observer Programme, be submitted to the Compliance Committee for its consideration and potential endorsement.
- WPICMM03.10 ([Para. 38](#)) The WPICMM03 **RECOMMENDED** the revised workplan as provided through the link in [Appendix 6](#) be submitted to the Compliance Committee for its consideration and potential endorsement.
- WPICMM03.11 ([Para. 54](#)) The WPICMM03 **RECOMMENDED** that the Compliance Committee consider the consolidated set of recommendations arising from WPICMM03, provided at [Appendix 8](#).

## 1. OPENING OF THE SESSION

1. The 3<sup>rd</sup> Session of the Indian Ocean Tuna Commission's (IOTC) Working Party on Implementation of Conservation and Management Measures (WPICMM) was held in Nairobi, Kenya, from 12 to 14 February 2020. A total of 48 participants (17 Members and five observers) attended the Session. The list of participants is provided at [Appendix 1](#). The meeting was opened by the Chairperson of WPICMM, Mr Roy Clarisse (Seychelles), who welcomed participants to Kenya and thanked them for their presence for the third session of the WPICMM.

In respect of the memory of the former president of Kenya, H. E. Daniel Toroitich Arap Moi, the meeting observed a moment of silence.

## 2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

2. The WPICMM03 **ADOPTED** the agenda provided in [Appendix 2](#).

## 3. PROVIDE TECHNICAL ADVICE TO THE COMPLIANCE COMMITTEE RELATED TO THE POSSIBLE INFRACTION ON VMS UNIT WITH SWITCH AND WHETHER OR NOT OBSERVERS SHOULD CONTINUE TO HIGHLIGHT THOSE POSSIBLE INFRACTIONS FOR THE VMS

3. The WPICMM03 **NOTED** paper [IOTC–2020–WPICMM03–03](#), which describes the possible infractions related to VMS with switches, as reported by IOTC observers under the at-sea transshipment programme. The WPICMM03 further **NOTED** the presentation made by the IOTC Secretariat which provided technical advice on possible infraction related to VMS unit with switch and whether observers should continue to highlight those as possible infractions for the VMS.
4. The WPICMM03 **RECOMMENDED** that the IOTC observers continue to report on VMS, including provision of photographs of VMS units.
5. The WPICMM03 **RECOMMENDED** that the ROP observers should stop highlighting VMS units fitted with switches, as a possible infraction. Other VMS anomalies, such as switched off, should be reported and highlighted.

## 4. IMPLEMENTATION OF THE WPICMM WORK PLAN

### 4.1 *Progress report on the implementation of the WPICMM work plan and on the recommendations of the WPICMM02*

6. The WPICMM03 **NOTED** paper [IOTC–2020–WPICMM03–04](#), which describe the progress on the implementation of the WPICMM Work Plan and on the recommendations of the WPICMM02.
7. The WPICMM03 **NOTED** the presentation made by the IOTC Secretariat regarding the progress made in the implementation of the WPICMM Work Plan where:
  - 32 actions are pending implementation;
  - 21 actions are ongoing; and,
  - 28 actions have been fully implemented.

Furthermore, the WPICMM03 **NOTED** the implementation of the recommendations that WPICMM02 made to the CoC16, where:

- 7 recommendations are ongoing in terms of their implementation, and;
  - 3 recommendations have been fully implemented.
8. The IOTC Secretariat **INFORMED** the WPICMM03 that the process to recruit the developers of the e-MARIS was concluded in 2019 and that the developers have begun work.
  9. The IOTC Secretariat **FURTHER INFORMED** the WPICMM03 that the VMS working group has not yet started its work due to a low level of participation and that a reminder to nominate contact points will be sent.

### 4.2 *Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of national MCS systems / Evaluation of CPCs national MCS programs against the minimum requirement for CMMs (component 11, sub-component 11.1 of WP)*

10. The WPICMM03 **NOTED** paper [IOTC-2020-WPICMM03-05](#), which provides information on the number of national MCS programme reports received by the IOTC Secretariat.
  11. The WPICMM03 **AGREED** on the need to address potential IUU activities conducted in the Indian Ocean outside the existing management structure of the IOTC.
  12. The WPICMM03 **NOTED** that 18 CPCs have submitted their Report on national Monitoring, Control and Surveillance (MCS) programme.
  13. The WPICMM03 **ENCOURAGED** CPCs that have not yet submitted their Report on national Monitoring, Control and Surveillance (MCS) programme, to submit it as soon as possible.
  14. The WPICMM03 **RECOMMENDED** that the IOTC Secretariat be tasked to develop a ToR for the evaluation and formulation of CPCs national MCS programme, taking into account cost-effectiveness and budget constraints.
  15. The WPICMM03 **AGREED** that the results of the evaluation should be utilised to refine the minimum requirements of the CMMs.
- 4.3        *Review of the glossary of definitions and key terms used in IOTC Resolutions (component 17, sub-component 17.1 of WP)***
16. The WPICMM03 **NOTED** paper [IOTC-2020-WPICMM03-06](#), which presents the final draft glossary of terms and definitions which should be used by Members when drafting proposals for resolutions for the Commission and the consultant's report [IOTC-2020-WPICMM03-Legal scrubbing](#).
  17. The WPICMM03 preliminary **AGREED** on 15 definitions and **FURTHER AGREED** to add four terms that need to be defined.
  18. The WPICMM03 **RECOMMENDED** that 23 definitions be deferred for further work and two be deferred to the VMS Working Group.
  19. The WPICMM03 **RECOMMENDED** that further work on the definitions be conducted intersessionally, by email, using a phased approach under the facilitation of the Secretariat ([Appendix 3](#)).
  20. The WPICMM03 **REQUESTED** that the Scientific Committee reviews the definitions in the IOTC glossary to ensure consistency with the definitions in the scientific glossary.
- 4.4        *Legal scrub of IOTC Resolutions (component 17, sub-component 17.2 of WP)***
21. The WPICMM03 **NOTED** paper [IOTC-2020-WPICMM03-07](#), which presented the complete legal scrubbing of the IOTC Resolutions, by the Consultant.
  22. The WPICMM03 **NOTED** the following conclusions and recommendations in the Consultant's report:
    - I. CPCs should use guidelines, based on those in Annex 2, to prepare proposed drafts or amendments.
    - II. A brief time period should be designated after receipt of the draft and prior to distribution to CPCs for the Secretariat to arrange a preliminary "legal scrub" of the proposal.
    - III. Final legal input could be given at the Session, if possible, in the form of advice during discussions, a brief legal vetting ("scrub") after negotiation and prior to adoption as time allows, or other form or time (after adoption), as may be agreed.
  23. The WPICMM 03 **AGREED** that:
    - Item 22.I, above, should be further considered in the roadmap described in paragraph 24, below.
    - Items 22.II and 22.III, above, should be revisited after evaluating the effectiveness of the legal scrub for the purpose of facilitation of CMMs' implementation.
  24. The WPICMM03 **RECOMMENDED** that the Compliance Committee notes the completed task and considers the roadmap drafted by the WPICMM03 ([Appendix 4](#)) for consideration by the Commission.
- 4.5        *Review the list of Large Scale Tuna Longline Vessels (LSTLVs)/carrier vessels presumed to have committed infractions against IOTC CMMs under the at-sea transshipment programme and recommend actions (component 10, sub-component 17.2 of WP)***
25. The WPICMM03 **NOTED** paper [IOTC-2020-WPICMM02-08a](#) on possible ROP infractions and [IOTC-2020-WPICMM02-08b](#) on results of investigations by CPCs of their fleets in 2019.

26. The WPICMM03 **NOTED** that two CPCs, Oman and Seychelles, have yet to submit all the results of their investigations.
27. The WPICMM03 **NOTED** that five fleets, China, Japan, Kenya, Malaysia and Taiwan, Province of China, provided their responses before the deadline of 15<sup>th</sup> January 2020.
28. The WPICMM03 **ENCOURAGED** participation of all the concerned fleets to attend the WPICMM and CoC meetings
29. The WPICMM03 **NOTED** that there were 167 responses that were assessed as “appropriate action taken by the fleet”. There were two responses concerning two LSTLVs that will require the concerned fleet to provide further evidence for discussion at the next CoC, in 2020.
30. The WPICMM03 **AGREED** that further review on the 167 responses provided may be subject to further consideration at the next COC, in 2020.
31. The WPICMM03 **REQUESTED** the fleets that must provide further evidence related to the possible infractions, to provide their evidence to the Secretariat before the 15<sup>th</sup> March 2020.
32. The WPICMM03 **RECOMMENDED** that the IOTC Secretariat prepare a paper on the outcomes of the assessments of the possible infractions presented to the WPICMM03, for the next Compliance Committee (CoC17).
33. The WPICMM03 **FURTHER RECOMMENDED** that the IOTC Secretariat prepare a paper on the results of investigation that have not been provided (Oman and Seychelles) for WPICMM03 and information concerning two LSTLVs that require the concerned fleet (Taiwan, Province of China) to provide further evidence, for the next Compliance Committee (CoC17).

#### **4.6 *Review of the Secretariat proposal to the recommendation of the Compliance Committee and the implementation of component 10 of the WPICMM’s Work Plan***

34. The WPICMM03 **NOTED** paper [IOTC–2020–WPICMM03–09](#), which described a proposed methodology to conduct the assessment of possible infractions detected under the Regional Observer Programme
35. The WPICMM03 **RECOMMENDED** the procedure and the assessment form ([Appendix 5](#)) to conduct the assessments of possible infractions detected under the Regional Observer Programme, be submitted to the Compliance Committee for its consideration and potential endorsement.

#### **4.7 *Cooperation Programme between the Indian Ocean Memorandum of Understanding (IOMoU) on Port State Control and the Indian Ocean Tuna Commission***

36. The WPICMM03 **NOTED** paper [IOTC–2020–WPICMM03–14](#), and the presentation of the Secretary of the IOMoU.
37. The WPICMM03 **NOTED** that some participants were of the opinion that the nature of the collaboration outlined by the IOMoU would be beneficial to the work of the IOTC.

#### **4.8 *Review and update of the WPICMM Work Plan***

38. The WPICMM03 **RECOMMENDED** the revised workplan as provided through the link in [Appendix 6](#) be submitted to the Compliance Committee for its consideration and potential endorsement.

## **5. REVIEW OF THE ASSESSMENT CRITERIA FOR THE 2020 CPC’S COMPLIANCE REPORTS**

39. The WPICMM03 **NOTED** paper [IOTC–2020–WPICMM03–11](#), which described the assessment criteria to be used by the Secretariat to compile the Compliance Report for the next Compliance Committee.
40. The WPICMM03 **NOTED** papers [IOTC–2020–WPICMM03–11 Add1](#), and [IOTC–2020–WPICMM03–11 Add2](#), which highlighted the newly added reporting requirements plus the assessment criteria, which can be accessed through the link in [Appendix 7](#).
41. The WPICMM03 **NOTED** there are 97 reporting requirements in the template of the Compliance Report for the next Compliance Committee (CoC17).
42. The WPICMM03 **REQUESTED** that the Secretariat add the reference number of the paragraph of the concerned requirements in the Compliance Report.

43. The WPICMM03 **REQUESTED** the IOTC Secretariat compile the Compliance Reports for the CoC17 using these criteria.

## 6. DRAFT GUIDELINES ON HOW IOTC MIGHT OPERATIONALIZE THE FAO VOLUNTARY GUIDELINES ON THE MARKING OF FISHING GEAR

44. The WPICMM03 **NOTED** document [IOTC-2020-WPICMM03-12](#), which sets out the work required to be undertaken in order to develop a process to operationalise the *FAO Voluntary Guidelines on the Marking of Fishing Gear*.
45. The WPICMM03 **AGREED** for the IOTC Secretariat to develop the Terms of Reference, without prejudging the recruitment of a consultant, to be circulated to CPCs prior to the Compliance Committee, in June 2020, for consideration by CoC17, SCAF17 and the Commission (S24).

## 7. PROPOSAL TO AMEND APPENDIX V OF THE IOTC RULES OF PROCEDURE – EUROPEAN UNION

46. The WPICMM03 **NOTED** paper [IOTC-2020-WPICMM03-13](#), which described a methodology which propose to strengthen the IOTC Compliance assessment process.
47. The WPICMM03 **ACKNOWLEDGED** the work done by the European Union in providing this document and **NOTED** the integration of comments made by WPICMM02 and the Commission (S23).
48. The WPICMM03 **NOTED** that the European Union intends to submit a proposal to the Commission in June 2020 to amend Appendix V of the IOTC Rules of Procedure.
49. The European Union **INVITED** CPCs to provide comments to the IOTC Secretariat on the proposal to amend Appendix V of the IOTC Rules of Procedure by the 1<sup>st</sup> March 2020, **NOTING** the deadline for submitting the proposal to the Commission meeting in 2020.

## 8. OTHER BUSINESS

### 8.1 *Effectiveness of the Working Party on Implementation of CMMs*

50. The WPICMM03 **EXPRESSED** concerns with the low attendance of CPCs and Invited Experts, and **ENCOURAGED** for more active participation by all the CPCs and Invited Experts in the discussions and work of the WPICMM, in order to gain effective outcome and usefulness of the WPICMM.
51. One Member considered that the Commission should assess whether there is any added value to the continuation of the works of this Working Party.

### 8.2 *Date and place of the 4<sup>th</sup> and 5<sup>th</sup> Sessions of the Working Party on Implementation of CMMs*

52. The WPICMM03 **THANKED** the Government of Kenya, the European Union and the SWIOFISH2 Project for supporting the 3<sup>rd</sup> Session of the WPICMM.

Draft meeting schedule for the WPICMM (2021 and 2022).

Meeting	2021			2022		
	No.	Date	Host Country	No.	Date	Host Country
Working Party on Implementation of CMMs (WPICMM)	4 <sup>th</sup>	February/March	Madagascar (TBC)	5 <sup>th</sup>	TBD	TBD

53. The WPICMM03 **THANKED** the Government of Madagascar for offering to host the 4<sup>th</sup> Session of the WPICMM.

### 8.3 *Review of the draft, and adoption of the Report of the 3<sup>rd</sup> Session of the Working Party on Implementation of CMMs*

54. The WPICMM03 **RECOMMENDED** that the Compliance Committee consider the consolidated set of recommendations arising from WPICMM03, provided at [Appendix 8](#).

- 
55. The report of the 3<sup>rd</sup> Session of the Working Party on the Implementation of Conservation and Management Measures (IOTC-2020-WPICMM03-R) was **ADOPTED** on the 14<sup>th</sup> February 2020.

## APPENDIX 1

### LIST OF PARTICIPANTS

---

**Chairperson:**

Mr Roy **CLARISSE**  
Ministry of Fisheries and Agriculture  
Seychelles.  
E-mail: [rclarisse@gov.sc](mailto:rclarisse@gov.sc)

Ms Chonticha **KUMYOO**  
Department of Fisheries,  
Thailand  
E-mail: [chonticha\\_khamyu@hotmail.com](mailto:chonticha_khamyu@hotmail.com)

Mr Galhardo **NAENE**  
Ministry of Sea, Inland Waters & Fisheries  
Mozambique.  
Email: [gnaene@gmail.com](mailto:gnaene@gmail.com)

---

**Participants:**

Mr Mohamed E. **ABDELRAHMAN**  
Ministry of Animal Resources  
Sudan  
E-mail:  
[mmohamedelmustafa@yahoo.com](mailto:mmohamedelmustafa@yahoo.com)

Mr Johnny **LOUYS**  
Seychelles Fishing Authority  
Seychelles.  
E-mail: [jlouys@sfa.sc](mailto:jlouys@sfa.sc)

Mr Christian A. **NZOWA**  
Deep Sea Fishing Authority of Tanzania,  
United Republic of Tanzania  
Email: [christiannzowa@gmail.com](mailto:christiannzowa@gmail.com)

Mr Mohamoud **Sh. ABDULLAHI**  
Somali Federal Ministry of Fisheries and  
Marine Resources  
Somalia  
Email: [Mr.badrudiin@gmail.com](mailto:Mr.badrudiin@gmail.com)

Mr Paul A. **LUKWENDA**  
Kenya Fisheries Service  
Kenya  
E-mail: [alexasdsp@gmail.com](mailto:alexasdsp@gmail.com)

Dr Sanjay **PANDEY**  
Assistant Commissioner (Fisheries),  
Department of Fisheries, Ministry of  
Fisheries, Animal Husbandry and Dairying  
India  
Email: [sanjay\\_rpandey@yahoo.co.in](mailto:sanjay_rpandey@yahoo.co.in)

Mr Said **BOINA**  
Direction Générale des Ressources  
Halieutiques,  
Union des Comores.  
Courriel: [dalaili@live.fr](mailto:dalaili@live.fr)

Mr Shadrack K. **MACHUA**  
Kenya Fisheries Service  
Kenya  
E-mail: [machuask@gmail.com](mailto:machuask@gmail.com)

Sri **PATMIARSIH**  
Directorate General of Capture Fisheries  
Ministry of Marine Affairs and Fisheries  
Indonesia  
Email : [sdi.djpt@yahoo.com](mailto:sdi.djpt@yahoo.com)  
Email : [sdi.djpt@yahoo.com](mailto:sdi.djpt@yahoo.com)

Mr Antonio Kechane **CUAMBE**  
Ministry of Sea, Inland Waters & Fisheries  
Mozambique  
Email: [kechane@gmail.com](mailto:kechane@gmail.com)

Mr Marcus **MALLIKAGE**  
Department of Fisheries and Aquatic  
Resources  
Sri Lanka.  
Email: [mmallikage67@gmail.com](mailto:mmallikage67@gmail.com)

Mr Fariborz **RAJAEI**  
Iran Fisheries Organisation  
Iran  
Email : [rajaeif@gmail.com](mailto:rajaeif@gmail.com)

Mrs Marta Lopez **GOMEZ**  
Head of IUU Department. Sub-directorate  
General of Control and Inspection.  
Ministerio de Agricultura, Pesca y  
Alimentacion  
Spain (EU)

Ms Satya **MARDI**  
Directorate General of Capture Fisheries  
Ministry of Marine Affairs and Fisheries  
Indonesia  
Email : [sdi.djpt@yahoo.com](mailto:sdi.djpt@yahoo.com)

Mr Solofo A. **RANDRIAMANANTENA**  
Ministère de l'Agriculture, de l'élevage et  
de la pêche,  
Madagascar  
Email: [tanjonaaloha@gmail.com](mailto:tanjonaaloha@gmail.com)

Mrs Riana **HANDAYANI**  
Fish Resources Governance in IEEZ and  
High Seas, Ministry of Marine Affairs and  
Fisheries  
Indonesia

Ms Laura **MAROT**  
European Union - DG MARE  
E-mail: [laura.marot@ec.europa.eu](mailto:laura.marot@ec.europa.eu)

Ms Sitraka **RANDRIAMANANTSOA**  
Ministère de l'Agriculture, de l'élevage et  
de la pêche,  
Madagascar  
Email: [sitrakntsoa@gmail.com](mailto:sitrakntsoa@gmail.com)

Mr Abdiaziz H. B. **ISMAIL**  
Somali Federal Ministry of Fisheries and  
Marine Resources  
Somalia  
Email: [fishmcs@mfinr.gov.so](mailto:fishmcs@mfinr.gov.so)

Ms Anaïs **MELARD**  
Chargée de mission Accords thoniers  
internationaux, Bureau des affaires  
européennes et internationales. Direction  
des pêches maritimes et de l'aquaculture.  
Ministère de l'agriculture et de  
l'alimentation  
France (EU)  
Email: [anais.malard@agriculture.gouv.fr](mailto:anais.malard@agriculture.gouv.fr)

Mr Mahefa **RANDRIAMIARISO**  
Ministère de l'Agriculture, de l'élevage et  
de la pêche,  
Madagascar  
Email: [ranmahefa@yahoo.fr](mailto:ranmahefa@yahoo.fr)

Mr Benedict **KIILU**  
State Department for Fisheries And the  
Blue Economy, Kenya Fisheries Service  
Kenya  
Email: [kiilub@yahoo.com](mailto:kiilub@yahoo.com)

Mr Yuki **MORITA**  
Fisheries Agency of Japan  
Japan  
Email: [yuki\\_morita470@maff.go.jp](mailto:yuki_morita470@maff.go.jp)

Mr Marolova A. **RASALOMANPIONONA**  
Ministère de l'Agriculture, de l'élevage et  
de la pêche,  
Madagascar  
Email: [lovastat.mrhp@gmail.com](mailto:lovastat.mrhp@gmail.com)

Ms Elizabeth **MUENI**  
State Department for Fisheries And the  
Blue Economy, Kenya Fisheries Service  
Kenya  
E-mail: [emuenibf@yahoo.com](mailto:emuenibf@yahoo.com)

Mr Njaka **RATSIMANARISOA**  
Ministère de l'Agriculture, de l'élevage et  
de la pêche,  
Madagascar  
Email: [njakka@gmail.com](mailto:njakka@gmail.com)

---

**Participants (continued):**

Dr Islam S. **SALUM**  
Deep Sea Fishing Authority of Tanzania,  
United Republic of Tanzania  
Email: [islam.salum@dsfa.go.tz](mailto:islam.salum@dsfa.go.tz)

Mr Edward **KIMAKWA**  
WWF- Mozambique  
SWIO Regional Fisheries Programme  
Manager  
Email: [ekimakwa@wwf.panda.org](mailto:ekimakwa@wwf.panda.org)

Mr Md. Abu **SAYED**  
Department of Fisheries  
Bangladesh  
Email: [sayedtalukder1971@gmail.com](mailto:sayedtalukder1971@gmail.com)

Ms Antonia **LEROY**  
Illegal Fishing Policy Officer, WWF  
European Policy Office  
Email: [aleroy@wwf.eu](mailto:aleroy@wwf.eu)

Ms Elisa **SOCRATES**  
Seychelles Fishing Authority,  
Seychelles.  
E-mail: [esocrate@sfa.sc](mailto:esocrate@sfa.sc)

Mr Alberto T. P. **MORUNO**  
ICCAT Secretariat  
Madrid, Spain  
Email: [alberto.parrilla@iccat.int](mailto:alberto.parrilla@iccat.int)

Mrs Toilanti **ALI SOULE**  
Direction Générale des Ressources  
Halieutiques,  
Union des Comores.  
Courriel: [toilantaly@gmail.com](mailto:toilantaly@gmail.com)

Mr Dave **MULI**  
IOMoU  
IMO Regional Coordinator  
Email: [dmuli@imo.org](mailto:dmuli@imo.org)

Ms W.S. **WICKRAMASINGHE**  
Department of Fisheries and Aquatic  
Resources  
Sri Lanka.  
Email: [sepalikawic@gmail.com](mailto:sepalikawic@gmail.com)

---

**IOTC Secretariat:**

Dr Chris **O'BRIEN**  
Executive Secretary  
Email: [Chris.O'Brien@fao.org](mailto:Chris.O'Brien@fao.org)

Mr Aekkarat **WONGKEAW**  
Department of Fisheries,  
Thailand  
E-mail: [aekfish@hotmail.com](mailto:aekfish@hotmail.com)

Mr Gerard **DOMINGUE**  
Compliance Coordinator  
Email: [gerard.domingue@fao.org](mailto:gerard.domingue@fao.org)

Mr Ahmad Z. bin **ZAINUDIN**  
Department of Fisheries  
Malaysia  
Email : [zuwairi@dof.gov.my](mailto:zuwairi@dof.gov.my)

Mr Florian **GIROUX**  
Compliance Officer  
Email: [florian.giroux@fao.org](mailto:florian.giroux@fao.org)

---

**Observers:**

---

**Consultant:**

Ms Judith **SWAN**  
Legal consultant  
Email: [judithswan@gmail.com](mailto:judithswan@gmail.com)

Mr Roy S. J. **BEALEY**  
Fisheries Director, International Pole and  
Line Foundation  
E-mail: [roy.bealey@ipnlf.org](mailto:roy.bealey@ipnlf.org)

Ms Dawn B. **COSTANZI**  
Ending Illegal Fishing, International  
Fisheries  
The Pew Trusts  
Email: [dborgcostanzi@pewtrusts.org](mailto:dborgcostanzi@pewtrusts.org)

Mr Achintya B. **DUTTA**  
Secretary IOMOU  
Goa, India  
Email: [iomou.sec@nic.in](mailto:iomou.sec@nic.in)

Dr Glen **HOLMES**  
International Fisheries  
The Pew Trusts  
Email: [gholmes@pewtrusts.org](mailto:gholmes@pewtrusts.org)

**APPENDIX 2**  
**ADOPTED AGENDA**

**AGENDA: THIRD MEETING OF THE WORKING PARTY ON THE IMPLEMENTATION OF  
CONSERVATION AND MANAGEMENT MEASURES**

V2 - 07 February 2020

**Date:** 12–14 February 2020

**Location:** Kenya

**Venue:** Crowne Plaza, Nairobi

**Time:** 0900–1700 daily

**Chair:** Mr. Roy Clarisse (Seychelles)

**Vice chair:** Mr. Benedict Kiilu (Kenya)

1. **OPENING OF THE SESSION** (Chair)
2. **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION** (Chair)
3. **ADMISSION OF OBSERVERS** (Chair)
4. **PROVIDE TECHNICAL ADVICE TO THE COMPLIANCE COMMITTEE RELATED TO THE POSSIBLE INFRACTION ON VMS UNIT WITH SWITCH AND WHETHER OR NOT OBSERVERS SHOULD CONTINUE TO HIGHLIGHT THOSE POSSIBLE INFRACTIONS FOR THE VMS** (All)
5. **IMPLEMENTATION OF THE WPICMM WORKPLAN** (Secretariat/Plenary)
  - 5.1 **Progress report on the implementation of the WPICMM work plan and on the recommendations of the WPICMM02** (Secretariat)
  - 5.2 **Provide recommendations to the Compliance Committee to assist CPCs in the design and implementation of national MCS systems / Evaluation of CPCs national MCS programs against the minimum requirement for CMMs (component 11, sub-component 11.1 of WP)** (Plenary)
  - 5.3 **Review of the glossary of definitions and key terms used in IOTC Resolutions (component 17, sub-component 17.1 of WP)** (Consultant/Plenary)
  - 5.4 **Legal scrub of IOTC Resolutions (component 17, sub-component 17.2 of WP)** (Consultant/Plenary)
  - 5.5 **Review the list of Large Scale Tuna Longline Vessels (LSTLVs)/carrier vessels presumed to have committed infractions against IOTC CMMs under the at-sea transshipment programme and recommend actions (component 10, sub-component 17.2 of WP)** (Secretariat/Plenary)
  - 5.6 **Review of the Secretariat proposal to the recommendation of the Compliance Committee and the implementation of component 10 of the WPICMM's Work Plan** (Secretariat/Plenary).
  - 5.7 **Review and update of the WPICMM Work Plan** (all)
6. **REVIEW OF THE ASSESSMENT CRITERIA FOR THE 2020 CPCs' COMPLIANCE REPORT** (Secretariat/Plenary)
7. **DRAFT GUIDELINES ON HOW IOTC MIGHT OPERATIONALIZE THE FAO VOLUNTARY GUIDELINES ON THE MARKING OF FISHING GEAR** (Secretariat/Plenary)
8. **PROPOSAL TO AMEND APPENDIX V OF THE IOTC RULES OF PROCEDURE** (European Union/Plenary)
9. **ANY OTHER BUSINESS** (Chair)
  - 9.1 **Date and place of the 4th and 5th Sessions of the WPICMM** (Chair/CPCs)
  - 9.2 **Review of the draft, and adoption of the Report of the Third Session of the WPICMM** (Chair)

**APPENDIX 3**  
**DRAFT GLOSSARY OF DEFINITIONS AND KEYS TERMS**

**Agenda Item 5.3: Review of the glossary of definitions and key terms used in IOTC Resolutions**

Key terms	Definitions
Aircraft	Any machine or craft capable of self-sustained movement through the atmosphere that can derive support from the atmosphere from the reactions of the air, other than reactions of the air against the earth’s surface, including helicopters and unmanned or remotely operated airborne devices. <sup>1</sup>
Authorised vessel	Any vessel that is: <ul style="list-style-type: none"> <li>a) 24 meters in length overall or above; or</li> <li>b) in the case of vessels less than 24 meters in length overall, those operating outside areas under the national jurisdiction of the flag State, and</li> </ul> is authorised by the flag State to fish for tuna and tuna-like species or to carry out fishing related activities in the IOTC Area of Competence.” <sup>2</sup>
<u>Beneficial owner</u>	<u>To be defined.</u>
[Bycatch]	[All species <u>of fish, bird, marine reptile, marine mammals or cephalopod</u> , other than the species listed in Annex B of the IOTC Agreement (IOTC Species), caught or interacted with by fisheries for tuna and tuna-like species in the IOTC Area of Competence. Bycatch species includes those non-IOTC species which are (a) retained, (b) incidentally taken in a fishery and returned to the sea; or (c) incidentally affected by interacting with fishing equipment in the fishery, but not taken. <sup>3</sup> ] <u>[Part of the catch of a fishing unit taken incidentally in addition to the target species toward which fishing effort is directed.]</u>
<u>Carrier vessel</u>	<u>To be defined.</u>
[Coastal fisheries or fishery]	[Any fishery, including artisanal fisheries, where the fishing activity is undertaken by a vessel <u>below 24 m LOA</u> that is not required to be registered on the IOTC Record of Authorised Vessels, targets or catches tuna and tuna-like species and operates exclusively in the waters under the jurisdiction of the flag State, <del>but does not include any vessel of 24 metres in length overall or above operating exclusively in the waters under the jurisdiction of the flag State.</del> <sup>4</sup> ]
CPCs	Contracting Parties and Cooperating Non-Contracting Parties of IOTC

<sup>1</sup> Amended to align the definition with that used in Annex 7 of the ICAO Chicago Convention. To replace definition in preamble of Res. 16/08 (prohibition on use of aircraft etc as fishing aids).

<sup>2</sup> This term will apply to “vessels” as defined in this glossary, including those carrying out fishing or related activities; this is consistent with Res. 15/04 (Record of Authorised Vessels). Res. 15/04 provides “in case of vessels less than 24 meters, those operating in waters outside the Economic Exclusive Zone of the Flag State”. This is problematic because (a) waters outside the EEZ could include territorial waters of the flag State, so “areas beyond national jurisdiction” is preferable because it reflects more accurately the intent of the members; and (b) the correct term is Exclusive Economic Zone. WPICMM01-03 noted that the it is the flag State that must give the authorisation and this is included.

<sup>3</sup> The full definition is reproduced from the IOTC Scientific Glossary for maximum clarity.

<sup>4</sup> It was proposed that the definition should include artisanal fisheries, and that “coastal fisheries” should be used throughout resolutions rather than “artisanal fisheries”. The term ‘coastal fisheries’ is used only once in an operative paragraph of an IOTC Resolution (Res. 15/02, [4], Mandatory statistical reporting requirements). The far more commonly used term is ‘artisanal fishery’, but with different qualifications, e.g. “for subsistence” or “for the purpose of local consumption”, “operating exclusively in their respective EEZs”. The revised definition would include such fisheries but not be limited to them and in addition would clarify that a fishing activity undertaken by a vessel of 24 metres in length overall or above and operating exclusively in the waters under the jurisdiction of the flag State is NOT coastal fishery.

Key terms	Definitions
Discards	That portion of catch which is returned to the sea, which may be comprised of single or multiple species and may be alive or dead. <sup>5</sup>
[Exclusive Economic Zone]	[An area beyond and adjacent to the territorial sea, subject to the specific legal regime established in the United Nations Convention on the Law of the Sea, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by its relevant provisions, and which provides that it is not to extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. <sup>6</sup> <u>As defined in UNCLOS.</u> ]
[Fish aggregating device]	<del>Anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse seine fishing operations.<sup>7</sup></del> <u>Fish aggregating device FAD means a permanent, semi-permanent or temporary object structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture. [FAD can either be anchored (a-FAD) or drifting (d-FAD).]</u>
[Fishery]	[A unit determined by an authority or other entity for purposes of conservation and management of fish, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics. The unit may be typically defined by the: people involved, species or type of fish, area of water or seabed, method of fishing, class of boats and/or purpose of the activities. <sup>8</sup> ]
[Fishing]	(a) [the actual or attempted searching for, catching, taking or harvesting of fish or engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish; (b) deployment, monitoring or searching for any fish aggregating device or associated equipment including radio beacons; (c) an operation at sea directly in support of or in preparation for an activity described in this definition; or (d) the use of an aircraft in relation to an activity described in this definition except flights in emergencies involving the health or safety of crew members or the safety of a vessel. <sup>9</sup> ]

<sup>5</sup> “Returned to the sea” added to replace “thrown away or slipped”.

<sup>6</sup> ~~Amended to more accurately reflect the provisions in UNCLOS.~~

<sup>7</sup> ~~The definition in Res. 18/08 (Procedures on a FAD management plan) is: “For the purpose of this Resolution, the term Fish Aggregating Device means drifting (DFAD) or anchored floating or submerged objects (AFAD) deployed for the purpose of aggregating target tuna species”. However it does not refer to tracking, so the suggestion to use the ICCAT definition (Res. 18-05) is recommended: “Anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating target tuna species for purse seine fishing operations.”~~

<sup>8</sup> This reflects language suggested based on the definition of “fishery” in the FAO Fisheries Glossary. “Fisheries” is not expressly included but can be inferred; there is scope for inclusion if thought necessary. It was asked whether the definition should be applied to the Agreement, as well as CMMs. In the Agreement,

- “fishery” is only used once: “fishery resources” – it is used as an adverb and the term is defined as a noun so would not apply;
- “fisheries” use is connected with stocks – i.e. fisheries “of these stocks”, “based on the stocks”, “covered by this Agreement” and is consistent with the proposed definition of “fishery”.

<sup>9</sup> Based on comments received, the definition has been revised and as suggested the exception for emergencies in (d) was added based on WCPFC practice. It is broader than but consistent with the definition in Res. 16/11 (Port State Measures) and Res. 18/03 (IUU Vessel List): “searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, taking or harvesting of fish”. The definitions are made for the purposes of the Resolution and, unless otherwise decided, should not be changed but the recommended definition can be considered for future CMMs. A query arose whether FADs should be a “fishing related activity” noting that the deployment, monitoring or retrieving of FADs is carried out by support vessels. Although this is the case fishing vessels also may deploy FADs and deployment/searching for FADs (and aggregated fish) is commonly regarded as fishing. The technical aspects can be considered further.

Key terms	Definitions
[Fishing logbook]	[A fishing logbook required by the flag State for any purpose relating to fishing or fishing related activities that is: <ul style="list-style-type: none"> <li>(a) a permanently bound logbook issued by the flag State of a vessel and required for any purpose relating to fishing or related activities, <del>with irremovable pages, each of which is consecutively numbered and printed with an applicable serial number;</del> and/or</li> <li>(b) an electronic logbook, being a computerised record of information and data relating to fishing or related activities in such template as may be required and capable of being transmitted, including under any conservation and management measure.<sup>10]</sup></li> </ul>
[Fishing related activities, or related activities]	[Any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, and the provisioning of personnel, fuel, gear and other supplies at sea, as well as the retrieving of drifting Fish Aggregating Devices. <sup>11]</sup>
Fishing vessel	Any vessel used, equipped to be used, of a type normally used or intended to be used for fishing. <sup>12</sup>
[Flag State]	[The State which has granted to a vessel the right to fly its flag and has issued a registration to that effect, provided the vessel is only registered in one State. <sup>13]</sup>
[Gear]	In relation to fishing, any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or

<sup>10</sup> Revised to include comments concerning the use of language and to cater for information “and data capable of” being transmitted. Concerning the necessity of defining this term: although Res. 15/01 (Recording Catch and Effort Data) explains what logbook should be and provides templates, it does not define the term “fishing logbook” but other Resolutions do (e.g. Res. 15/04, Record of Authorised Vessels). It is also essential for common understanding in implementing CMMs in national legislation.

<sup>11</sup> Res. 16/11 (Port State Measures) and 18/03 (IUU Vessel List) both define fishing related activities, but the principal difference is the reference in 18/03 to the transport of fish “and/or fish products” not previously landed at a port. This is included. The definition aligns with the proposed definition of “fishing” to delete deployment and monitoring of FADS. There was a suggestion to refer at the beginning to any operation “at sea”, but this would be inconsistent with the activity of “landing”; operations at sea are described at the end of the definition consistently with the Resolutions.

<sup>12</sup> There is some inconsistency in the use of “fishing vessel” within and among different resolutions. The key issues are whether the various definitions includes vessels used for fishing or related activities and whether it is necessary to specify vessels used for commercial fishing. For example:

- Res. 15/04 (IOTC Record of Vessels authorised to operate in the IOTC Area): The title refers generically to Vessels, but the text refers to “fishing vessels” which, “for the purpose of the Resolution, include auxiliary, supply and support vessels”.
- Res. 16/07 (Use of artificial lights to attract fish) refers to “fishing vessels and other vessels including support, supply and auxiliary vessels “.
- Res. 16/11 (Port State Measures) does not use the term “fishing vessel”, and refers throughout to “vessel” which is defined as “any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities”.

It is recommended to use the terms:

- “vessel” where a resolution is to be applied to those used for fishing or fishing related activities (e.g. Res. 15/04).
- “fishing vessel” where a resolution applies only to vessels used for fishing
- “vessel used for related activities” where a resolution applies only to vessels used for related activities.

In this case the suggestions to include “vessel, ship of another type or boat” as suggested would be unnecessary because they are already in the definition of “vessel”. (This language was included in the FAO Port State Measures Agreement to align with IMO definitions.)

A suggestion to restrict the definition to “commercial” vessels, as distinct from those used for sport fishing, would be inconsistent with the mandate of IOTC, which does not exclude sport fishing. In fact Resolutions such as 12/09 and 03/03 include responsibilities relating to sport fishing.

<sup>13</sup> It was noted that there are various types of registration, and the revised definition clarifies “registration” based on Article 91 of UNCLOS.

Key terms	Definitions
	controlling for subsequent capture or harvesting marine organisms, <u>[but does not include FAD].</u> <sup>14]</sup>
Harvest control rule	<del>A pre-determined rule that describes how harvest is to be controlled by management in relation to the state of indicators of the targeted stock's status.</del> <sup>15</sup> <u>A pre-agreed rule that determines management action in response to changes in indicators of stock status (or any other agreed) in relation to agreed reference points.</u>
[High Seas]	[All parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. <sup>16</sup> <u>As defined in UNCLOS.]</u>
[IOTC, or “Commission”]	[The Indian Ocean Tuna Commission established in 1993 at the 105th Session of the Council of the Food and Agriculture Organization of the United Nations under Article XIV of the FAO Constitution. <sup>17]</sup>
IOTC Agreement	The 1993 Agreement for the establishment of the Indian Ocean Tuna Commission.
IOTC Area of Competence	The area of competence of the Indian Ocean Tuna Commission as defined in Article II of, and Annex A to, the IOTC Agreement.
IOTC Conservation and Management Measure	Any measure adopted pursuant to Articles V(2)(c) and IX(1) in the IOTC Agreement. <sup>18</sup>
IOTC Record of Authorised Vessels	<u>“The IOTC record of vessels authorised to operate in the IOTC Area of Competence”, established under Resolution 195/04, or any subsequent relevant Resolutions superseding Resolution.</u>
IUU fishing activity	Any activity defined as an illegal, unreported or unregulated (IUU) fishing activity in Resolution 18/03 or any <u>subsequent relevant Resolutions superseding Resolution.</u> <sup>19</sup>

<sup>14</sup> The revised definition draws on the 2019 FAO Voluntary Guidelines on Marking of Fishing Gear. However, it does not include the last phrase “in accordance with MARPOL Annex V”, because otherwise it would mean that any gear that does not conform to MARPOL would not be considered gear; this would make it impossible to regulate gear considered illegal under MARPOL. Also MARPOL Annex V does not relate directly to fishing gear. It generally prohibits the discharge of all garbage into the sea, except as provided otherwise, and applies to fishing vessels.

<sup>15</sup> The term is defined in the preamble to Resolution 16/02 (Harvest Control Rules): “harvest control rule encompasses a set of well-defined, pre-agreed rules or actions used for determining a management action in response to changes in indicators of stock status with respect to reference points;”. It was revised based on suggestions provided, but another suggested option could also be considered: “A pre-agreed rule that determines management action in response to changes in indicators of stock status (or any other agreed) in relation agreed reference points.” It was suggested at WPICMM02 that Japan and the EU, who offered the suggestions, should consult.

~~<sup>16</sup> No Change, suggested to ensure compatibility with UNCLOS and this implements Article 86 of UNCLOS.~~

<sup>17</sup> Added “or Commission” to the term.

<sup>18</sup> Measure defined to refer exclusively to legally binding measures under Article IX(1) of the Agreement, and by implication exclude non-binding recommendations made under Article IX(8).

<sup>19</sup> IUU fishing “activity” is elaborated, mindful that Res. 18/03 (IUU Vessel List), paragraph 4 is titled “Definition of IUU Fishing Activities” and includes fishing and related activities. The definition explains the activities that give rise to a presumption of engaging in IUU fishing activities but it is not considered necessary to refer to “presumption” in the definition. The full term “IUU fishing activity” should therefore be used in Resolutions, rather than “IUU fishing”, because the former embraces related activities as well.

Key terms	Definitions
[Landing]	[The transfer of fish or fish products from any vessel to land, including transfer <u>on</u> to an artificial structure or a vessel at a port or shoreline where landing is recorded and reported, excluding transshipment. <sup>20</sup> ]
[Large-scale fishing vessel]	[Any fishing vessel 24 meters in length overall or above, or as defined in a relevant IOTC conservation and management measure. <sup>21</sup> ]
[Large-scale longline vessel]	[Any large-scale fishing vessel equipped to deploy longline gear. <sup>22</sup> ]
[Large-scale tuna vessel]	[Any large-scale fishing vessel equipped to deploy gear used for fishing for tuna. <sup>23</sup> ]
Legislation	Includes laws, regulations, orders, notices and any other instrument having the force of law in a country or regional economic integration organisation. <sup>24</sup>
Limit reference points	An indicator of the limit beyond which the state of a fishery and / or a resource is not considered desirable; otherwise, it is considered that it might endanger the capacity of self-renewal of the stock or the reproductive capacity. <sup>25</sup>
[Master]	[In relation to a vessel, aircraft or vehicle, means the person in command or charge in accordance with any relevant licence or authorisation, or for the time being or apparently in command or charge, but does not include a pilot on board a vessel solely for the purpose of navigation. <sup>26</sup> <u>Any person holding the most responsible position at any given time on-board a fishing vessel.</u> ]
[Mobile transceiver unit]	[A device approved by the competent authority of the flag State which is installed on board a fishing vessel and is designed to automatically transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing, catch and such other activities as may be required, and allows detection and identification of the fishing vessel at all times. <sup>27</sup> <u>To be revised by VMS WG.</u> ]
<u>National Jurisdiction</u>	<u>To be defined.</u>

<sup>20</sup> ~~“Excluding transshipment” added to clarify that transfer to a vessel at port was for purposes of landing and not transshipment.~~

<sup>21</sup> Amended to reflect concern that the length may change in the future. There is a problem with consistency amount CMMs in describing the length:

Res. 03/01 (Limitation of fishing capacity) referred to “*fishing vessels larger than 24 meters length overall (hereafter LSFVs)*”.

In all other resolutions, the term is not defined and reference is made variously only to vessels “*24 meters in length overall and above*”, “*24 meters in length overall and over*”, etc.: Res. 11/04 (Regional Observer Scheme), Res. 15/03 (VMS Programme), 15/04 (Record of Authorised Vessels), 18/01 (Rebuilding Yellowfin Tuna).

This term is used in conjunction with tuna and longline vessels, and is not defined in the FAO fisheries glossary.

<sup>22</sup> The definition was revised to refer to a vessel “equipped to deploy” gear, rather than just transporting (carrying) it.

<sup>23</sup> The definition was revised to refer to a vessel “equipped to deploy” gear, rather than just transporting (carrying) it.

<sup>24</sup> The definition is based on best practices, and includes all instruments having the force of law. It is a generic term that covers the use of various terms from country to country, such as “Act”, “Law” “Decree” etc and requires as a bottom line that the instrument has the *force of law*.

<sup>25</sup> Revised to add the phrase beginning “otherwise”, as recommended.

<sup>26</sup> This term is used throughout CMMs, and is defined in Res 18/03 (IUU Vessel List) as “any person holding the most responsible position at any given time on-board a fishing vessel”. Japan suggested this definition.

It is recommended to expand to all vessels (used for fishing or related activities), aircraft or vehicles as all may be involved in fishing operations.

Reference to the “most responsible” position does not necessarily indicate that the person is in charge and issues commands/directs the operations.

It is important to define this term for purposes of implementation of obligations and enforcement and to address situations where the master does not identify himself to obstruct enforcement or otherwise attempts to evade responsibilities.

<sup>27</sup> VMS Steering Group to revise; includes some suggested amendments.

Key terms	Definitions
IOTC Observer	An observer appointed pursuant to the IOTC Regional Observer Scheme <u>under Resolution 11/04 and Resolution 19/06 and any superseding Resolution</u> .
[Operator]	[Any natural or legal person in charge or control of a vessel and responsible for taking decisions and giving direction to such vessel for management, operational and/or commercial matters related to fishing and fishing related activities, including the owner, beneficial owner, charterer and master. <sup>28</sup>  <u>Any person who is in charge or responsible of the operation or directive of control of a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel operation.</u> ]
[Owner]	[Includes the registered and legal owner of the vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation of the vessel from the owner and who on assuming such responsibilities has agreed to take over all the attendant duties and responsibilities. <sup>29</sup>  <u>In relation to a vessel means the owner of the vessel as well as any other person, including any organisation or association of persons by whom the vessel or a share of the vessel is owned or who has assumed the legal responsibility for the operation of the vessel.</u> ]
Person	Includes natural and legal persons, unless otherwise stated. <sup>30</sup>
Port	Includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying. <sup>31</sup>
<u>Supply vessel</u>	<u>To be defined.</u>
[Support vessel]	[Any vessel used, equipped to be used or intended to be used for fishing related activities, including any vessel other than a craft carried on board a fishing vessel that is not equipped with operational fishing gear and that facilitates, assists or prepares fishing activities]

<sup>28</sup> This definition is necessary to identify the person (natural or legal) who has responsibilities assigned under various CMMs (e.g. Res. 12/04 on marine turtles, 18/08 on FADS), and is therefore answerable/liable where a contravention of CMMs occurs. Res. 18/03 (IUU Vessel List) defines “operators” as “the natural or legal person who is responsible for taking commercial decisions regarding the management and operation of a vessel and includes a charterer of the vessel”. The reference to taking “commercial decisions” may be too restrictive for general application. For example, the operator may direct vessel activities for purposes of compliance (e.g. escaping enforcement, or complying with costly requirements) rather than for strict commercial reasons concerning fishing opportunities and markets.

Suggestions to include reference to “any natural or legal person” were incorporated, and prompted the recommendation to define this term in the glossary.

A key consideration in defining “Operators” for IOTC purposes is that they are always linked to vessels in the CMMS; there was a proposal to extend the definition to persons carrying out activities relating to any stage of production, processing, marketing, distribution etc for fisheries and aquaculture products, but this would exceed the mandate of the Commission under the IOTC Agreement. However the definition is extended to fishing related activities as proposed.

The operator in best practices includes any person in a position to give direction to a vessel, including the owner, beneficial owner, charterer and master. The CMMs requiring the “operator” to undertake specific fishing techniques are clearly directed at the master, so this was included in the definition.

<sup>29</sup> The definition was revised as proposed, based on the Recruitment and Placement of Seafarers Convention, 1996 (No. 179). The addition of an additional phrase is recommended: “Includes the registered and legal”. It is consistent with shipping practice to acknowledge and distinguish registered/legal owners and elaborates Res. 18/03 (IUU Vessel List) which defines “owner” as “the natural or legal person registered as the owner of a vessel”.

<sup>30</sup> This is a new term, based on comments in relation to the proposed definition of “operator”.

<sup>31</sup> Revised as suggested to implements definition in Res. 16/11 (Port State Measures).

Key terms	Definitions
	including by supplying a fishing vessel. <sup>32</sup> <u>including supply vessels, carrier vessels and any other vessel that may be used as a support vessel.</u> ]
Target reference points	A benchmark which assesses the performance of management in achieving one or more operational management objectives and indicates the desirable status of a fishery or a resource.
[Transshipment]	[The transfer of fish or fish products to or from any vessel, and may include the transfer of fish or fish products from a vessel to any land-based facility such as containers or freezing or storing facilities but not landed, exclusively for purposes of promptly onloading to another vessel, without being subject to importation into the country where the land-based facility is located. <sup>33</sup> ]
Tuna and tuna-like species	Unless otherwise specified, this refers to the species defined in Article II and listed in Annex B of the IOTC Agreement. <sup>34</sup>
Vessel	Any vessel, ship of another type or boat used, equipped to be used, or intended to be used for fishing or fishing related activities. <sup>35</sup>
[Vessel monitoring system]	[Includes a satellite based reporting system capable of monitoring the position and activities of vessels. <sup>36</sup> <u>VMS WG to review.</u> ]

<sup>32</sup> Revised to include a proposed definition. The following introductory language added for clarification and consistency with the definitions of fishing vessel and related activities: “Any vessel used, equipped to be used or intended to be used for fishing related activities, including...”

For clarity, “a fishing vessel” was added: “...other than a craft carried on board *a fishing vessel* that is not equipped with operational fishing gear...”.

<sup>33</sup> Language added as suggested to clarify the possibility of transshipment - but not landing - via a land based facility.

<sup>34</sup> Language clarified as suggested to indicate exceptions (“otherwise specified”).

<sup>35</sup> Minor amendments as suggested (deletion of used “for”). This adopts the definition of “vessel” in Res. 16/11 (Port State Measures), which applies to vessels used for fishing or related activities. As noted under the definition of “fishing vessel”, reference can be made more specifically to “fishing vessel” or “vessel used for related activities” as the context requires. This will address the errors made by referring to “fishing vessel” when the context relates to vessels used for fishing or related activities. e.g. Res. 18/03 (IUU Vessel List) defines “master” in relation to a fishing vessel, but the resolution covers vessels used for fishing or related activities.

<sup>36</sup> VMS Steering Group to revise and consider as an alternative:

“A satellite-based system capable of automatically transmitting to the relevant authorities data at regular intervals on the location, course, activities and speed of vessels for purposes of monitoring the position and activities of vessels.” This is based on a suggested definition (as amended): “A satellite-based fishing vessel monitoring system automatically transmitting to the fisheries authorities data at regular intervals on the location, course, activities and speed of vessels”

It was amended because: “vessel monitoring system” is tautological, and cannot be used to define the same term; “fishing vessels” would not include vessels used for related activities; “automatically transmitting” indicates that the system would not fall within the definition if it is not transmitting information at any time”;

“fisheries authorities” should be broader in to accommodate interagency cooperation in receiving VMS information.

## APPENDIX 4

### DRAFT ROADMAP FOR THE IMPLEMENTATION PROCESS FOR THE LEGAL SCRUBBING OF IOTC RESOLUTIONS

- CPCs send their comments on Annex 1 and 2 of the consultant report, IOTC-2020-WPICMM03 *REPORT - Legal Scrub of IOTC Resolutions and Recommendations*, on the legal scrubbing of IOTC Resolutions by 31<sup>st</sup> of October 2020.
- Secretariat will incorporate first round of comments. Secretariat to circulate a consolidated draft with the comments made by the CPCs by means of a circular within 1 week.
- CPCs send their comments on the second draft by 31<sup>st</sup> of January 2021.
- Secretariat will incorporate second round of comments. Secretariat to circulate a consolidated version of the legal scrubbing of IOTC Resolutions as a meeting document for consideration by the Compliance Committee (2021-CoC18).
- The Compliance Committee (2021-CoC18) considers proposing a final consolidated text for potential adoption by the Commission (2021 - S25). This final text should not include the Resolutions that were adopted or amended by the Commission in 2020 (S24), and those proposed for amendment by the Commission in 2021 (S25).

## APPENDIX 5

### PROCEDURE AND FORM FOR THE ASSESSMENT OF POSSIBLE INFRACTION UNDER THE ROP

1. When providing observer reports to the fleets, the IOTC Secretariat shall also provide a “possible infraction form” for all recorded possible infractions noted in the observer report;
2. The possible infraction form shall be completed by the concerned fleets to provide their responses on the result of investigations to the IOTC Secretariat;
3. The list of possible infractions shall consist of all incidents noted and received by 31st December each year and it shall be circulated in the following January;
4. The fleets shall be given until 15<sup>st</sup> January every year to provide the results of investigation related to the possible infractions;
5. The IOTC Secretariat shall provide a working paper to the WPICMM each year, which shall contain the list of possible infractions and a preliminary assessment conducted by the IOTC Secretariat of the result of investigations, using the proposed forms, ,
6. The WPICMM shall then finalise the assessments and provide its recommendations for the consideration of the Compliance Committee.

Possible recommended actions from the assessment by the WPICMM:

- Not considered as a possible infraction -> no recommendation to the Compliance Committee.
- Appropriate action taken by fleet - > no recommendation to the Compliance Committee.
- Fleet requested to provide further evidence for discussion at the next Compliance Committee.

**TO BE COMPLETED BY THE SECRETARIAT**

Fleet:	Type of possible infraction:	Name of vessel	Deployment number and name of carrier vessel:	Date sent to fleet	Date of response
Fleet name	<input type="checkbox"/> VMS <input type="checkbox"/> Logbook <input type="checkbox"/> ATF <input type="checkbox"/> Marking Others <input type="checkbox"/> :	SHING SHUN No.23	526 - Harima	01/11/19	15/11/19
Inspection comment:	The vessel name was marked on the bow but was difficult to see clearly at a distance due to part of the name being fully worn way.				
Photograph(s) attached:	File name: 526 18	File name: 526 14	File name: 526 45		

**TO BE COMPLETED BY THE FLEET**

Result of investigation:	<i>INSERT TEXT OF THE RESULT OF THE INVESTIGATION AND ATTACHED SUPPORTING EVIDENCES TO THE EMAIL (e.g. DOCUMENTS, PHOTOGRAPHS, ETC)</i>
Action(s) the fleet taken	

**ASSESSMENT OF THE RESULTS OF THE INVESTIGATION**

(by Secretariat)

<b>Fleet has provided the following evidence(s) in its response:</b>						
Marking of the vessel has been corrected/repainted at sea.	<input type="checkbox"/>	Vessel instructed to correct/repaint the marking at next port call.	<input type="checkbox"/>	Vessel has been called to port.	<input type="checkbox"/>	<i>Insert any other type of evidence</i>
Fishing logbook was onboard & bound & with consecutive number.	<input type="checkbox"/>	Fishing logbook was completed properly.	<input type="checkbox"/>	Fishing logbook match the template provided by the flag State (Res. 15/01).	<input type="checkbox"/>	
ATF was faxed to the vessel or provided after the inspection.	<input type="checkbox"/>	ATF was valid and signed by the fleet authorised officer (Resolution 19/04).	<input type="checkbox"/>	ATF match the template ATF provided to by the fleet (Resolution 19/04)	<input type="checkbox"/>	
Record of positions (Lat/Long) of vessel demonstrating the VMS was functional.	<input type="checkbox"/>	Map displaying the vessel track demonstrating the VMS of the vessel was functional.	<input type="checkbox"/>	Manual reporting of the positions of the vessel in accordance with Resolution 15/03 demonstrating the reporting of the vessel.	<input type="checkbox"/>	
<i>Insert any other type of evidence</i>	<input type="checkbox"/>	<i>Insert any other type of evidence</i>	<input type="checkbox"/>	<i>Insert any other type of evidence</i>	<input type="checkbox"/>	
<b>Fleet action(s) taken according to national legislation:</b>						
Document describing sanction(s) imposed to the vessel/master/owner/operator.	<input type="checkbox"/>	Vessel ordered to port for the purpose of inspection / investigation.	<input type="checkbox"/>	Vessel/master/owner/operator has been given a warning.	<input type="checkbox"/>	
Any other fleet action(s) taken:	<input type="checkbox"/>	<i>Specify:</i>				

**RESULTS OF THE ASSESSMENT** (By Secretariat)**Recommendation from the assessment to the WPICMM**

Appropriate action taken by fleet -> no recommendation to CoC.	<input type="checkbox"/>	Not considered as a possible infraction -> no recommendation to CoC.	<input type="checkbox"/>	Fleet requested to provide further evidence for discussion at next CoC.	<input type="checkbox"/>
--	--------------------------	--	--------------------------	---	--------------------------

**APPENDIX 6**  
**REVISED WORK PLAN OF THE WPICMM**

The WIPICMM Work Plan reviewed by the WPICMM03 is available at the following link

[https://www.iotc.org/sites/default/files/documents/2020/02/IOTC-2020-WPICMM03-10 -  
\\_Review and update of Work Plan by WPICMM03.xls](https://www.iotc.org/sites/default/files/documents/2020/02/IOTC-2020-WPICMM03-10_-_Review_and_update_of_Work_Plan_by_WPICMM03.xls)

## **APPENDIX 7**

### **ASSESSMENT CRITERIA**

The assessment criteria reviewed by the WPICMM03 is available at the following link

[https://www.iotc.org/sites/default/files/documents/2020/02/Assessment\\_criteria\\_for\\_Compliance\\_ReportE -  
\\_Country\\_Template\\_for\\_COC17\\_Review\\_WPICMM03.docx](https://www.iotc.org/sites/default/files/documents/2020/02/Assessment_criteria_for_Compliance_ReportE_-_Country_Template_for_COC17_Review_WPICMM03.docx)

The Compliance report template for the CoC17 reviewed by the WPICMM03 is available at the following link

[https://www.iotc.org/sites/default/files/documents/2020/02/IOTC-2020-CoC17-CRxxE\\_F-Country -  
\\_Template\\_for\\_COC17\\_Review\\_WPICMM03.docx](https://www.iotc.org/sites/default/files/documents/2020/02/IOTC-2020-CoC17-CRxxE_F-Country_-_Template_for_COC17_Review_WPICMM03.docx)

**APPENDIX 8****CONSOLIDATED SET OF RECOMMENDATIONS ARISING FROM WPICMM03**

- Paragraph 4. The WPICMM03 **RECOMMENDED** that the IOTC observers continue to report on VMS, including provision of photographs of VMS units.
- Paragraph 5. The WPICMM03 **RECOMMENDED** that the ROP observers should stop highlighting VMS units fitted with switches, as a possible infraction. Other VMS anomalies, such as switched off, should be reported and highlighted.
- Paragraph 14. The WPICMM03 **RECOMMENDED** that the IOTC Secretariat be tasked to develop a ToR for the evaluation and formulation of CPCs national MCS programme, taking into account cost-effectiveness and budget constraints.
- Paragraph 18. The WPICMM03 **RECOMMENDED** that 23 definitions be deferred for further work and two be deferred to the VMS Working Group.
- Paragraph 19. The WPICMM03 **RECOMMENDED** that further work on the definitions be conducted intersessionally, by email, using a phased approach under the facilitation of the Secretariat ([Appendix 3](#)).
- Paragraph 24. The WPICMM03 **RECOMMENDED** that the Compliance Committee notes the completed task and considers the roadmap drafted by the WPICMM03 ([Appendix 4](#)) for consideration by the Commission.
- Paragraph 32. The WPICMM03 **RECOMMENDED** that the IOTC Secretariat prepare a paper on the outcomes of the assessments of the possible infractions presented to the WPICMM03, for the next Compliance Committee (CoC17).
- Paragraph 33. The WPICMM03 **FURTHER RECOMMENDED** that the IOTC Secretariat prepare a paper on the results of investigation that have not been provided (Oman and Seychelles) for WPICMM03 and information concerning two LSTLVs that require the concerned fleet (Taiwan, Province of China) to provide further evidence, for the next Compliance Committee (CoC17).
- Paragraph 35. The WPICMM03 **RECOMMENDED** the procedure and the assessment form ([Appendix 5](#)) to conduct the assessments of possible infractions detected under the Regional Observer Programme, be submitted to the Compliance Committee for its consideration and potential endorsement.
- Paragraph 38. The WPICMM03 **RECOMMENDED** the revised workplan as provided through the link in [Appendix 6](#) be submitted to the Compliance Committee for its consideration and potential endorsement.
- Paragraph 54. The WPICMM03 **RECOMMENDED** that the Compliance Committee consider the consolidated set of recommendations arising from WPICMM03, provided at [Appendix 8](#).