

IMPLEMENTATION OF IOTC RESOLUTIONS

Understanding the Responsibilities

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The Set Up



Four Categories

- Coastal States
- License State
- Flag State
- Market State

Different types of Resolutions

- Resolutions addressing the organs of the IOTC internally and instruct them on take actions
- Other Resolutions instructs CPCs to take specific management actions with regards to the fisheries
 - Some have technical requirements (e.g. specific management actions)
 - Some have reporting requirements (events based, data or statistics)

The Set Up



- 💧 **What would be my duties if I were a coastal State or a port State only? Or what are my duties as a flag State?**
- 💧 **CMMs engendering reporting requirements are looked at from that perspective.**
- 💧 **This perspective is useful to understand how the different forms of State jurisdiction under the IOTC framework are being addressed and solicited and how they are summoned to honour their conservation and management responsibilities under international law.**

Costal States Responsibilities

- ◆ The foundations for coastal State jurisdiction in fisheries is largely derived from UNCLOS, under part V, dealing with the Exclusive Economic Zone. In the EEZ, the coastal State is provided “sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources whether living or non-living.” (art. 56).
- ◆ From this provision is derived the coastal States’ sovereign right to exploit, to conserve and to manage its living marine resources. In doing so, a number of key principles apply but note that the “right to conserve and to manage” is generally understood as a “duty”. And for a shared stock they need to cooperate.



Costal States Responsibilities

- ◆ Resolution which primarily addresses the coastal State:
 - ◆ **Res. 14/05: Record of licensed foreign Vessels**

- ◆ Under resolutions, which primarily address flag States, the following five resolutions contain specific requirements for coastal States:
 - ◆ **Res. 12/09: Conservation of Thresher Sharks**
 - ◆ **Res. 14/06: Transshipment by Large-Scale Fishing Vessels**
 - ◆ **Res. 11/04: Regional Observer Scheme**
 - ◆ **Res. 14/04: Record of authorised Vessels**
 - ◆ **Res. 05/05: Conservation of Sharks**

Coastal States Responsibilities



- ◆ Under resolutions, which are cross-cutting, the following two resolutions, the IOTC Agreement, plus the Rules of Procedure applies:
 - ◆ **Res. 11/03: List of presumed IUU Vessels**
 - ◆ **Res. 07/01: Compliance by Nationals**
- ◆ IOTC Agreement: Article X
- ◆ Functions of the Compliance Committee

Licensing States Responsibilities



- ◆ Under resolutions, which are cross-cutting, the following two resolutions, the IOTC Agreement, plus the Rules of Procedure applies :
 - ◆ **Res. 11/03: List of presumed IUU Vessels**
 - ◆ **Res. 07/01: Compliance by Nationals**
- ◆ IOTC Agreement: Article X
- ◆ Functions of the Compliance Committee

Flag State Responsibilities

- ◆ The first function of the flag State is to confer its flag to a vessel through an act of registration. In doing so, the State ought to guarantee that a genuine link exists between the vessel and its flag (UNCLOS; art. 91).



Flag State Responsibilities

- ◆ CMMs addressing primarily the [flag State](#) form the bulk of the binding IOTC conservation and management measures
 - ◆ Res. 14/04: Record of authorised Vessels
 - ◆ Res. 10/08: Record of active Vessels
 - ◆ Res. 12/11: Limitation of Fishing Capacity
 - ◆ Res. 10/02: Mandatory statistical Requirements
 - ◆ Res. 11/04: Regional Observer Scheme
 - ◆ Res. 06/03: Vessel Monitoring System



Flag State Responsibilities

- ◆ Under resolutions, which primarily address flag States, but also others. Depending on the gear that your vessels are using the following resolutions might apply:
 - ◆ Res. 12/12: Large-Scale Driftnets on the High Seas
 - ◆ Res. 12/04: Conservation of Marine Turtles
 - ◆ Res. 12/06: On reduction of Bycatch of Seabirds in longline fisheries
 - ◆ Res. 12/09: Conservation of Thresher Sharks
 - ◆ Res. 14/06: Transshipment by Large-Scale Fishing Vessels
 - ◆ Res. 05/05: Conservation of Sharks
 - ◆ Res. 01/06: Bigeye Statistical Document Programme



Port State Responsibilities

- ◆ For resolutions engendering reporting requirements, there is one active resolution exclusively targeting the port State and there is one active resolution focusing primarily on the port State. Other port State aspects fall under resolutions primarily targeting other State types.
- ◆ Under resolutions which primarily addresses the port State:
 - ◆ Res. 10/11: Port State Measures
 - ◆ Res. 05/03: Programme of Inspection in Port
- ◆ Under resolutions, which primarily address flag States, the following three resolutions contain Specific requirements for port States:
 - ◆ Res. 12/13: Management of tropical Tuna
 - ◆ Res. 12/05: Transhipment by Large-Scale Fishing Vessels
 - ◆ Res. 07/02: Record of authorised Vessels



Market State Responsibilities

- ◆ The concept and place of the market State as a specific type of jurisdiction, entrusted with a particular part to play in fisheries conservation and management, is quite recent. UNCLOS, the FAOCA and UNFSA make no single direct mention of the market State, and the same is true of the PSMA.
- ◆ There are [few](#) CMMs in existence that provide for specific market State mechanisms.
- ◆ Only one resolution primarily targeting the market State



Market State State Responsibilities

- ◆ Res. 10/10: Market related Measures
- ◆ Translate Recommendation 03/05 into a binding resolution
- ◆ The primary objective of the resolution is to “identify” CPCs who fail to implement IOTC CMMs and to level trade sanctions against them





Thank you for your attention

Exercises

Matrix of CMMs entailing reporting requirements

- Using the following table containing a selection of CMMs that entails reporting requirements by CPCs. Complete the matrix by indicating which CMMs are applicable to your country and under which State type(s).