

## FLAG STATE DUTIES

PREPARED BY: IOTC SECRETARIAT, 19 JANUARY 2015

**REVIEW AREA:** *Compliance and enforcement*

**GENERAL CRITERION:** *Flag state duties*

**DETAILED CRITERIA:**

- 1) Extent to which RFMO members are fulfilling their duties as flag States under the treaty establishing the RFMO, pursuant to measures adopted by the RFMO, and under other international instruments, including, inter alia, the 1982 Law of the Sea Convention, the UNFSA and the 1993 FAO Compliance Agreement, as applicable.

**SUPPORTING INFORMATION**

*IOTC flag State requirements are consistent with UNSFA, UNCLOS and FAO Codes*

IOTC has two Resolutions, which are consistent with the flag State requirements given in UNFSA ([Appendix I](#)), UNCLOS ([Appendix II](#)) and FAO Codes ([Appendix III](#)).

In 2014, IOTC adopted with Resolution 14/04 *Concerning the establishment of an IOTC record of vessels authorised to operate in the Indian Ocean area* ([Appendix IV](#)). This superseded related resolutions i.e. 13/02, 07/02, 05/02 and 02/05 and 01/02

Resolution 14/04 requires, inter alia:

- The maintenance of an IOTC Record of fishing vessels that are authorised to fish for tuna and tuna-like species in the IOTC Area.
- The flag CPCs to authorise vessels only if they are able to fulfil the IOTC's requirements and responsibilities; ensure that the vessels comply with all the relevant IOTC conservation and management measures; and ensure that vessels have no history of IUU fishing activities
- CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the vessels, which are not entered into the IOTC Record.
- Each CPC shall notify the Secretary of any factual information showing that there are reasonable grounds for suspecting a vessel not on the IOTC Record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.
- Fishing vessels to carry on board documents issued and certified by a competent authority with respect to License to fish; vessel name; port in which registered and the registration number; international call sign; names and addresses of owner; and various vessel details
- Vessels and fishing gear are marked appropriately (vessels as per FAO Standard Specification for the Marking and Identification of Fishing vessels).
- Fishing vessels to use a bound fishing logbook.

**Implementation:** *information received in accordance with the authorised vessels list is provided to the Commission annually.*

This document summarises the information received in accordance with IOTC Resolution 14/04 *Concerning the establishment of an IOTC record of vessels authorised to operate in the Indian Ocean area* by IOTC Members.

Paragraph 1. The Commission shall establish and maintain an IOTC Record of fishing vessels that are:

- a) larger than 24 metres in length overall, or
- b) in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state, and that are authorised to fish for tuna and tuna-like species in the IOTC Area ('Authorized Fishing Vessels', or AFV).

a) Twenty-two Members and Cooperating Non-Contracting Parties (CPCs) have registered AFVs over 24 metres (authorised to operate in the IOTC Area).

b) Fifteen CPCs have registered lists of AFV's less than 24 metres (authorised to operate in waters outside their EEZs).

Details on the vessels currently in the Record are presented in [Tables 1 and 2](#).

Paragraph 5. Each CPC to notify the IOTC Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.

The Secretariat processes the deletions, additions and modifications submitted by CPCs. A summary of the historical changes in number of vessels ([Tables 3a and 3b](#)) and tonnage ([Tables 4a and 4b](#)) are presented, below. Details on all changes made to the database are available from the Secretariat

Paragraph 10. Each CPC to notify the IOTC Secretary of any factual information showing that there are reasonable grounds for suspecting LSFVs not on the IOTC record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC Area.

Refer to IOTC-2014-CoC11-07 Rev1 - PROVISIONAL IOTC IUU VESSELS LIST.

**Table 1.** IOTC authorised vessels (as of 16 April 2014). Numbers of vessels reported (left) and the degree to which required information was submitted to the Secretariat (as a percentage of the number of vessels registered).

Fleet	No.Ships	>=24m	<24m	Unkn	IMO	Registration	CallSign	AutPeriod	TypeVessel	TypeGear	LOA	GT	GRT	OperPort	OwnerName	OwnerAddress
Australia	78	16	62	0	0	100	90	100	100	100	100	0	97	100	100	100
Belize	4	4	0	0	25	100	100	100	100	50	100	100	0	0	100	100
China	92	92	0	0	0	100	100	63	100	100	100	100	0	99	100	97
EU	532	285	247	0	0	100	89	45	100	98	100	100	51	42	100	100
India	45	19	26	0	0	96	96	0	100	98	100	20	100	0	100	100
Indonesia	1257	345	338	574	0	98	81	98	100	97	54	100	0	63	100	99
Iran	1322	494	828	0	1	100	97	0	100	100	100	100	0	100	100	100
Japan	277	274	3	0	89	100	99	100	100	100	100	98	100	100	100	100
Korea_Republic of	176	176	0	0	14	100	100	100	100	100	100	99	0	100	100	100
Madagascar	8	0	8	0	0	100	100	100	100	100	100	0	100	100	100	100
Malaysia	5	5	0	0	0	100	100	100	100	100	100	0	100	100	100	100
Maldives	986	348	629	9	0	100	0	100	3	96	99	99	2	99	100	100
Mauritius	7	7	0	0	29	71	100	71	100	100	100	100	29	71	100	100
Mozambique	1	1	0	0	0	100	100	0	100	100	100	100	0	100	100	100
Oman	40	23	17	0	0	100	45	0	100	100	100	100	3	35	98	25
Pakistan	10	0	10	0	0	100	0	100	100	0	100	100	0	0	100	100
Philippines	68	68	0	0	0	100	100	0	100	100	100	6	96	0	100	100
Seychelles	48	47	1	0	23	100	100	100	100	92	100	100	0	100	100	100
Sri Lanka	1758	10	1748	0	0	100	6	0	100	100	100	100	0	100	100	100
Tanzania	9	5	4	0	0	100	100	33	100	100	100	100	0	0	100	11
Thailand	10	10	0	0	20	100	90	100	100	100	100	100	0	70	100	100
Vanuatu	32	30	2	0	0	100	100	97	100	100	100	100	0	6	100	94
Senegal	1	1	0	0	0	100	100	100	100	100	100	0	100	0	100	100
South Africa	21	10	11	0	0	100	100	100	100	95	100	100	0	100	100	100
<b>Total</b>	<b>6787</b>	<b>2270</b>	<b>3934</b>	<b>583</b>												

**Table 2.** Number of fishing vessels, by vessel types, in the IOTC Record of Authorised Vessels (as of 16<sup>th</sup> April, 2014).

CPC	Number Ships	Purse seine	Line	Longline	Gill net	Trawl	Multipurpose	Supply vessel	Unknown
Australia	78	10	59	9	0	0	0	0	0
Belize	4	0	0	2	0	0	0	0	2
China	92	0	3	89	0	0	0	0	0
EU	532	80	83	346	3	8	1	1	10
India	45	0	6	38	0	0	0	0	1
Indonesia	1257	27	0	1186	2	0	0	0	42
Iran	1322	8	0	1	1309	2	0	0	2
Japan	277	11	2	260	0	0	3	1	0
Korea_Republic of	176	13	0	163	0	0	0	0	0
Madagascar	8	0	0	8	0	0	0	0	0
Malaysia	5	0	0	5	0	0	0	0	0
Maldives	986	0	930	17	0	0	0	0	39
Mauritius	7	7	0	0	0	0	0	0	0
Mozambique	1	0	0	1	0	0	0	0	0
Oman	40	2	0	38	0	0	0	0	0
Pakistan	10	0	0	0	0	0	0	0	10
Philippines	68	46	0	22	0	0	0	0	0
Senegal	1	0	0	1	0	0	0	0	0
Seychelles	48	9	0	34	0	0	0	1	4
South Africa	21	0	5	15	0	0	0	0	1
Sri Lanka	1758	8	0	14	0	0	1736	0	0
Tanzania	9	0	0	9	0	0	0	0	0
Thailand	10	0	0	7	0	0	3	0	0
Vanuatu	32	0	0	32	0	0	0	0	0
<b>TOTAL</b>	<b>6787</b>	<b>221</b>	<b>1088</b>	<b>2297</b>	<b>1314</b>	<b>10</b>	<b>1743</b>	<b>3</b>	<b>111</b>

**Table 3a.** IOTC authorised vessels (as of 10 October 2014). History of vessel numbers data submitted from 2006 (semester 1) to 2014 (semester 2) for vessel greater 24m or unknown LOA.

CPCs	Period																	
	2006-1	2006-2	2007-1	2007-2	2008-1	2008-2	2009-1	2009-2	2010-1	2010-2	2011-1	2011-2	2012-1	2012-2	2013-1	2013-2	2014-1	2014-2
Australia	26	27	25	35	22	21	21	18	18	16	13	12	15	16	17	16	16	16
Belize	3	6	9	12	10	5	9	8	8	12	10	10	6	6	6	4	5	4
China	67	67	67	67	69	69	74	74	67	67	68	68	72	83	82	78	94	101
France (EU)	67	66	64	64	63	63	59	60	60	58	58	57	58	59	59	59	63	62
France (Territories)	1	3	3	3	3	3	4	4	4	5	5	5	5	5	5	5		
Guinea	3	3	3	3	3	3	3	3	3	3	3							
India	66	66	66	82	82	87	35	35	35	19	19	19	19	19	19	19	19	19
Indonesia	688	625	574	547	503	445	477	604	610	517	612	863	942	905	893	920	930	934
Iran	329	331	347	347	397	398	483	482	496	496	497	497	497	497	492	492	493	493
Italy (EU)	1	12	1	1	1	1	1											1
Japan	573	573	570	580	428	415	397	381	310	308	302	298	297	284	282	278	273	261
Kenya	1	1	1	1	1	2	2	2	1	1	1	1	1					
Korea_Republic of	206	205	200	202	167	164	161	157	156	156	161	162	163	165	174	175	176	176
Madagascar	2	2	2	2	2	2	2	2	2	2	2	2	2	2				
Malaysia	22	22	40	40	40	40	38	38	37	38	36	7	7	6	6	6	10	10
Maldives									193	222	244	230	261	253	303	316	340	358
Mauritius	3	3	3	3	3	3	3	3	3	3	3	3	1	1	1	7	7	8
Mozambique												1	1	1	1	1	1	1
Oman	6	9	12	13	14	18	18	23	26	26	25	25	24	23	23	23	21	17
Philippines	70	72	72	73	73	73	73	73	73	72	72	72	71	70	69	68	65	64
Portugal (EU)	16	16	22	22	20	20	20	20	17	17	17	17	17	17	21	21	20	20
Senegal	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Seychelles	45	46	48	49	49	47	44	40	37	35	34	33	39	42	43	43	46	50
South Africa	15	15	20	18	21	8	9	9	11	11	7	8	10	11	9	9	12	12
Spain (EU)	141	142	162	166	165	164	163	163	162	163	163	163	186	185	185	185	196	198
Sri Lanka										1	2	2	2	2	1	9	10	10
Tanzania									1	1	3	4	2	5	5	5	4	5
Thailand	14	15	15	13	14	14	14	14	14	14	14	14	9	9	9	9	10	10
United Kingdom (EU)	5	5	5	5	5	4	4	4	4	4	4	4	4	4	4	4	4	4
Vanuatu	48	48	48	48	43	43	44	44	40	39	36	34	30	30	30	30	30	30
Grand Total	2421	2382	2380	2397	2199	2113	2159	2262	2389	2307	2412	2612	2742	2701	2740	2783	2846	2865

**Table 3b.** IOTC authorised vessels (as of 10 October 2014). History of vessel numbers data submitted from 2006 (semester 1) to 2014 (semester 2) for vessels below 24m

CPCs	Period																	
	2006-1	2006-2	2007-1	2007-2	2008-1	2008-2	2009-1	2009-2	2010-1	2010-2	2011-1	2011-2	2012-1	2012-2	2013-1	2013-2	2014-1	2014-2
Australia				99	99	72	70	67	65	61	53	55	61	61	62	62	62	62
Belize	4	4	4	1														
France (EU)	269	261	263	257	249	238	231	231	231	228	228	228	228	228	228	228	285	285
India	24	29	29	45	47	47	26	26	26	26	26	26	26	26	26	26	26	26
Indonesia	32	30	26	26	111	123	162	288	303	217	230	268	267	285	304	344	378	391
Iran	684	684	763	763	809	809	825	825	834	834	834	834	834	834	828	828	816	816
Japan				1	1	1	1	1	1	1	1	1	1	1	3	3	3	3
Madagascar															8	8	8	8
Malaysia	9	9	24	24	24	24	16	16	16	16	6	1	1	1	1	1		
Maldives										126	361	374	370	392	510	565	600	664
Mozambique																		5
Oman	8	15	16	13	11	13	12	14	20	17	17	17	17	17	17	17	16	16
Pakistan											10	10	10	10	10	10	10	10
Seychelles	1	1	1	1		1	2	1	1	1	1	1	1	1	1	1	2	2
South Africa	1		10	10	11	4	2	2	7	6	7	7	2	2	11	11	13	13
Spain (EU)			3	3	3	3	3	3	3	3	3	3					23	23
Sri Lanka										20	3305	3305	3303	3303	3637	3730	2469	2460
Tanzania											4	4	4	4	4	4	4	4
Vanuatu					4	4	4	4	4	4			2	2	2	4	2	2
Total Number of Vessels	1032	1033	1139	1243	1369	1339	1354	1478	1511	1560	5086	5134	5127	5167	5652	5842	4717	4786

**Table 4a.** IOTC authorised vessels (as of 09 January 2015). History of tonnage estimates for vessels with length overall above 24m from 2006 (semester 1) to 2015 (semester 1). The records are split depending on the type of tonnage reported by i.e, GRT above and GT below for vessels greater than 24m or unknown LOA**GT**

CPCs	2006-1	2006-2	2007-1	2007-2	2008-1	2008-2	2009-1	2009-2	2010-1	2010-2	2011-1	2011-2	2012-1	2012-2	2013-1	2013-2	2014-1	2014-2
Belize	439	1,150	2,407	2,657	2,330	1,636	1,999	800	867	4,304	2,894	2,894	1,983	1,983	1,983	925	613	447
China	27,343	28,363	28,363	28,363	28,677	28,677	30,700	30,700	31,321	31,321	31,846	31,846	33,751	38,583	38,045	36,905	42,679	45,267
EU - France	49,451	49,282	48,257	48,257	48,016	46,657	42,477	44,614	44,614	42,238	42,238	40,653	43,353	46,053	46,053	46,053	56,769	54,632
EU - Portugal	6,847	6,790	9,069	9,069	8,071	8,071	8,071	8,071	6,542	6,542	6,542	6,542	6,542	6,542	7,954	7,954	7,499	7,499
EU - Spain	119,562	119,757	123,839	125,429	127,111	126,840	126,000	126,000	125,686	126,106	126,106	126,106	127,527	127,527	128,015	128,038	131,249	132,153
EU - United Kingdom	1,889	1,889	1,889	1,889	1,889	1,396	1,396	1,396	1,396	1,396	1,396	1,396	1,396	1,396	1,396	1,396	1,396	1,396
France (Territories)	349	4,987	4,987	4,987	4,987	4,987	7,651	7,651	9,966	12,632	12,632	12,632	12,632	12,632	12,632	12,632		
Indonesia	94,908	86,547	81,581	79,223	74,420	67,880	70,530	81,160	81,222	73,253	80,576	101,598	107,271	106,491	104,969	107,949	109,067	109,537
Iran	44,373	46,985	49,437	49,437	54,151	57,447	67,785	65,755	64,534	64,534	66,846	66,846	66,846	66,846	66,138	66,138	70,526	70,526
EU - Italy	2,137	4,331	2,137	2,137	2,137	2,137	2,137											2,137
Japan	314,476	314,647	312,158	316,531	255,290	250,447	235,510	228,654	190,329	191,600	184,882	184,038	183,428	177,731	176,644	177,321	174,273	170,182
Korea_Republic of	87,704	87,243	86,037	87,646	73,626	72,295	70,407	69,143	68,796	69,484	71,413	71,837	71,479	73,591	77,198	77,456	79,097	79,097
Madagascar	263	263	263	263	263	263	263	263	263	263	263	263	263	263				
Maldives									7,415	8,747	9,359	8,563	9,441	9,087	11,704	14,094	16,760	17,379
Oman	718	2,009	3,527	3,580	3,710	4,985	5,263	7,395	7,409	7,417	7,039	6,956	6,771	6,322	6,322	6,322	5,980	3,915
Seychelles	49,902	50,178	51,306	51,397	51,558	47,340	42,155	40,873	35,918	35,287	36,190	35,491	37,550	39,299	39,847	37,896	44,665	49,003
South Africa	4,069	4,069	5,441	4,855	5,510	1,601	1,916	1,916	2,311	2,294	1,308	1,763	2,668	3,123	2,626	2,626	2,531	2,531
Sri Lanka										88	828	828	828	828	740	5,948	6,408	6,408
Tanzania									497	497	1,483	2,028	1,038	2,318	2,318	2,318	1,772	2,269
Thailand	19,160	19,335	19,335	13,778	14,248	14,248	14,248	14,248	14,248	14,248	14,248	14,248	6,521	6,521	6,521	6,521	6,868	6,868
Vanuatu	25,936	25,936	25,936	25,936	23,354	23,354	23,572	23,572	20,998	20,315	18,942	18,225	15,972	15,972	15,972	15,972	15,972	15,972
Total	849,525	853,760	855,970	855,433	779,348	760,261	752,080	752,210	714,331	712,566	717,031	734,752	737,258	743,105	747,075	754,463	774,123	777,217

**GRT**

CPCs	2006-1	2006-2	2007-1	2007-2	2008-1	2008-2	2009-1	2009-2	2010-1	2010-2	2011-1	2011-2	2012-1	2012-2	2013-1	2013-2	2014-1	2014-2
Australia	6,064	6,154	5,595	8,340	7,385	7,457	7,457	6,573	6,673	5,138	4,551	4,405	4,784	5,282	5,289	4,791	4,791	4,791
Guinea	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439							
India	37,009	37,009	37,009	47,577	47,577	48,840	19,723	19,723	19,723	9,686	9,686	9,686	9,686	9,686	9,686	9,686	9,686	9,686
Kenya	250	250	250	250	250	670	670	670	250	250	250	250	250					
Malaysia	2,597	2,597	5,512	5,512	5,512	5,512	5,299	5,299	5,208	5,318	4,423	768	768	658	658	658	3,014	3,014
Mauritius	1,658	1,658	1,658	1,658	1,658	1,658	1,658	1,658	1,658	1,658	1,658	1,658	577	577	577	4,855	4,855	4,957
Mozambique												406	406	406	406	406	406	406
Philippines	37,898	39,173	39,173	39,600	39,600	39,600	39,600	39,600	39,600	38,981	38,981	38,981	38,051	37,497	36,969	36,234	34,286	33,853
Senegal	1,251	966	494	494	494	494	494	494	494	494	494	494	494	494	494	494	494	494
Total	88,166	89,246	91,130	104,870	103,915	105,671	76,341	75,456	75,044	62,963	61,481	56,648	55,017	54,601	54,079	57,124	57,532	57,201

**Table 4b.** IOTC authorised vessels (as of 13 April 2006). History of tonnage estimates for vessels with length overall above 24m from 2003 (semester 2) to 2015 (semester 1). The records are split depending on the type of tonnage reported by i.e, GRT above and GT below for vessels below 24m

**GT**

CPCs	2006-1	2006-2	2007-1	2007-2	2008-1	2008-2	2009-1	2009-2	2010-1	2010-2	2011-1	2011-2	2012-1	2012-2	2013-1	2013-2	2014-1	2014-2
Belize	347	347	347	97														
EU - France	1150	1261	2248	2241	2204	2249	2207	2207	2207	2194	2194	2194	2194	2194	2194	2194	2330	2330
EU - Spain			432	432	432	432	432	432	432	432	432	432					2102	2102
Indonesia	3220	2926	2511	2540	8176	9260	12058	19635	20378	14946	16102	18261	18091	19144	20386	21979	23176	23761
Iran	41090	41090	45314	45314	48053	48053	49356	49356	49869	49869	49869	49869	49869	49869	49406	49406	48150	48150
Japan				44	44	44	44	44	44	44	44	44	44	65	179	179	179	179
Madagascar															288	288	288	288
Maldives									1525	4442	4856	4728	4947	6505	6987	7529	8374	
Oman	530	1117	1215	892	696	760	737	847	1134	891	891	891	891	891	891	891	807	807
Pakistan											1130	1130	1130	1130	1130	1130	1130	1130
Seychelles	65	65	65	65		92	157	65	65	65	65	65	65	65	65	65	107	107
South Africa	269		1191	1191	1353	694	410	410	827	742	977	977	668	668	1579	1579	1972	1972
Sri Lanka									644	62355	62355	62307	62307	74692	76803	54381	54087	
Tanzania										384	384	384	384	384	384	384	384	
Vanuatu					373	373	373	373	373	373			192	192	192	378	192	192
Total	46672	46806	53324	52816	61330	61955	65775	73369	75329	71724	138885	141457	140563	141855	157890	162262	142726	143478

**GRT**

CPCs	2006-1	2006-2	2007-1	2007-2	2008-1	2008-2	2009-1	2009-2	2010-1	2010-2	2011-1	2011-2	2012-1	2012-2	2013-1	2013-2	2014-1	2014-2
Australia				5,587	5,602	4,664	4,473	4,514	4,453	4,032	3,499	3,310	3,389	3,433	3,465	3,465	3,465	3,465
India	1,872	2,303	2,303	3,961	4,050	4,050	2,694	2,694	2,694	2,694	2,694	2,694	2,694	2,694	2,694	2,694	2,694	2,694
Malaysia	436	436	1,478	1,478	1,478	1,478	1,078	1,078	1,078	1,078	355	52	52	52	52	52		
Mozambique																		287
Total	2,308	2,739	3,780	11,026	11,130	10,192	8,244	8,286	8,225	7,804	6,548	6,056	6,135	6,179	6,211	6,211	6,159	6,446



## APPENDIX I

### UNSFPA

#### Article 18: DUTIES OF THE FLAG STATE

1. A State whose vessels fish on the high seas shall take such measures as may be necessary to ensure that vessels flying its flag comply with subregional and regional conservation and management measures and that such vessels do not engage in any activity which undermines the effectiveness of such measures.
2. A State shall authorize the use of vessels flying its flag for fishing on the high seas only where it is able to exercise effectively its responsibilities in respect of such vessels under the Convention and this Agreement.
3. Measures to be taken by a State in respect of vessels flying its flag shall include:
  - (a) control of such vessels on the high seas by means of fishing licences, authorizations or permits, in accordance with any applicable procedures agreed at the subregional, regional or global level;
  - (b) establishment of regulations:
    - (i) to apply terms and conditions to the licence, authorization or permit sufficient to fulfil any subregional, regional or global obligations of the flag State;
    - (ii) to prohibit fishing on the high seas by vessels which are not duly licensed or authorized to fish, or fishing on the high seas by vessels otherwise than in accordance with the terms and conditions of a licence, authorization or permit;
    - (iii) to require vessels fishing on the high seas to carry the licence, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person; and
    - (iv) to ensure that vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of other States;
  - (c) establishment of a national record of fishing vessels authorized to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information;
  - (d) requirements for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels;
  - (e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with subregional, regional and global standards for collection of such data;
  - (f) requirements for verifying the catch of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transshipment and monitoring of landed catches and market statistics;
  - (g) monitoring, control and surveillance of such vessels, their fishing operations and related activities by, inter alia:
    - (i) the implementation of national inspection schemes and subregional and regional schemes for cooperation in enforcement pursuant to articles 21 and 22, including requirements for such vessels to permit access by duly authorized inspectors from other States;

(ii) the implementation of national observer programmes and subregional and regional observer programmes in which the flag State is a participant, including requirements for such vessels to permit access by observers from other States to carry out the functions agreed under the programmes; and

(iii) the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been subregionally, regionally or globally agreed among the States concerned;

(h) regulation of transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined; and

(i) regulation of fishing activities to ensure compliance with subregional, regional or global measures, including those aimed at minimizing catches of non-target species.

4. Where there is a subregionally, regionally or globally agreed system of monitoring, control and surveillance in effect, States shall ensure that the measures they impose on vessels flying their flag are compatible with that system.

[end]

## APPENDIX II

### UNCLOS

#### A. Article 94: DUTIES OF THE FLAG STATE

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
2. In particular every State shall:
  - (a) maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and
  - (b) assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.
3. Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, inter alia, to:
  - (a) the construction, equipment and seaworthiness of ships;
  - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;
  - (c) the use of signals, the maintenance of communications and the prevention of collisions.
4. Such measures shall include those necessary to ensure:
  - (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;
  - (b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship;
  - (c) that the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.
5. In taking the measures called for in paragraphs 3 and 4 each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.
6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the flag State. Upon receiving such a report, the flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation.
7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine

environment. The flag State and the other State shall co-operate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

### APPENDIX III

#### AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS

##### *I. Article III - FLAG STATE RESPONSIBILITY*

1. (a) Each Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures.

(b) In the event that a Party has, pursuant to paragraph 2 of Article II, granted an exemption for fishing vessels of less than 24 metres in length entitled to fly its flag from the application of other provisions of this Agreement, such Party shall nevertheless take effective measures in respect of any such fishing vessel that undermines the effectiveness of international conservation and management measures. These measures shall be such as to ensure that the fishing vessel ceases to engage in activities that undermine the effectiveness of the international conservation and management measures.

2. In particular, no Party shall allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been authorized to be so used by the appropriate authority or authorities of that Party. A fishing vessel so authorized shall fish in accordance with the conditions of the authorization.

3. No Party shall authorize any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless the Party is satisfied that it is able, taking into account the links that exist between it and the fishing vessel concerned, to exercise effectively its responsibilities under this Agreement in respect of that fishing vessel.

4. Where a fishing vessel that has been authorized to be used for fishing on the high seas by a Party ceases to be entitled to fly the flag of that Party, the authorization to fish on the high seas shall be deemed to have been cancelled.

5. (a) No Party shall authorize any fishing vessel previously registered in the territory of another Party that has undermined the effectiveness of international conservation and management measures to be used for fishing on the high seas, unless it is satisfied that

(i) any period of suspension by another Party of an authorization for such fishing vessel to be used for fishing on the high seas has expired; and

(ii) no authorization for such fishing vessel to be used for fishing on the high seas has been withdrawn by another Party within the last three years.

(b) The provisions of subparagraph (a) above shall also apply in respect of fishing vessels previously registered in the territory of a State which is not a Party to this Agreement, provided that sufficient information is available to the Party concerned on the circumstances in which the authorization to fish was suspended or withdrawn.

(c) The provisions of subparagraphs (a) and (b) shall not apply where the ownership of the fishing vessel has subsequently changed, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the fishing vessel.

(d) Notwithstanding the provisions of subparagraphs (a) and (b) above, a Party may authorize a fishing vessel, to which those subparagraphs would otherwise apply, to be used for fishing on the high seas, where the Party concerned,



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after having taken into account all relevant facts, including the circumstances in which the fishing authorization has been withdrawn by the other Party or State, has determined that to grant an authorization to use the vessel for fishing on the high seas would not undermine the object and purpose of this Agreement.

6. Each Party shall ensure that all fishing vessels entitled to fly its flag that it has entered in the record maintained under Article IV are marked in such a way that they can be readily identified in accordance with generally accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

7. Each Party shall ensure that each fishing vessel entitled to fly its flag shall provide it with such information on its operations as may be necessary to enable the Party to fulfil its obligations under this Agreement, including in particular information pertaining to the area of its fishing operations and to its catches and landings.

8. Each Party shall take enforcement measures in respect of fishing vessels entitled to fly its flag which act in contravention of the provisions of this Agreement, including, where appropriate, making the contravention of such provisions an offence under national legislation. Sanctions applicable in respect of such contraventions shall be of sufficient gravity as to be effective in securing compliance with the requirements of this Agreement and to deprive offenders of the benefits accruing from their illegal activities. Such sanctions shall, for serious offences, include refusal, suspension or withdrawal of the authorization to fish on the high seas.

**APPENDIX IV**  
**RESOLUTION 14/04**

**CONCERNING THE IOTC RECORD OF VESSELS AUTHORISED TO OPERATE IN THE IOTC AREA OF COMPETENCE**

**The Indian Ocean Tuna Commission (IOTC),**

RECALLING that IOTC has been taking various measures to prevent, deter and eliminate the IUU fisheries conducted by large-scale tuna fishing vessels;

FURTHER RECALLING that IOTC adopted the Resolution 01/06 Concerning the IOTC Bigeye Tuna Statistical Document Programme at its 2001 meeting;

FURTHER RECALLING that IOTC adopted the Resolution 01/02 [superseded by Resolution 13/02, then Resolution 14/04] Relating to Control of Fishing Activities at its 2001 meeting;

NOTING that large-scale fishing vessels are highly mobile and easily change fishing grounds from one ocean to another, and have high potential to operate in the IOTC area of competence without timely registration with the Commission;

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

RECALLING that the IOTC Record of Active Vessels was established by the Commission on 1 July 2003, via Resolution 02/05 Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area of competence [superseded by Resolution 05/02, then Resolution 07/02, then Resolution 13/02, then Resolution 14/04];

RECOGNISING the need to take further measures to effectively eliminate the IUU large scale tuna fishing vessels;

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

1. The Commission shall maintain an IOTC Record of fishing vessels that are:
  - a) 24 metres in length overall or above; or
  - b) in case of vessels less than 24 meters, those operating in waters outside the Economic Exclusive Zone of the Flag State;and that are authorised to fish for tuna and tuna-like species in the IOTC area of competence (hereinafter referred to as 'authorised fishing vessels', or AFVs). For the purpose of this Resolution, AFVs that are not entered in the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.
2. Each Contracting Party and Cooperating Non-Contracting Party (hereinafter referred to as "CPC") shall submit electronically, where possible, to the IOTC Executive Secretary for those vessels referred to 1.a) and for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC area of competence. This list shall include the following information:
  - a) Name of vessel(s), register number(s);
  - b) IMO number (if eligible); To allow the necessary time for CPCs to obtain an IMO number for eligible vessels that do not already have one, paragraph 2.b on IMO number is effective as of 1 January 2016. As of this date, CPCs shall ensure that all their fishing vessels that are registered on the IOTC Record of fishing vessels have IMO numbers issued to them. Paragraph 2.b on IMO number does not apply to vessels which are not eligible to receive IMO numbers.

- c) Previous name(s) (if any);
- d) Previous flag(s) (if any);
- e) Previous details of deletion from other registries (if any);
- f) International radio call sign(s) (if any);
- g) Port of Registration;
- h) Type of vessel(s), length and gross tonnage (GT);
- i) Name and address of owner(s) and operator(s);
- j) Gear(s) used;
- k) Time period(s) authorised for fishing and/or transhipping.

In assessing compliance with the paragraph above, the Commission shall take into account exceptional circumstances in which a vessel owner is not able to obtain an IMO number despite following the appropriate procedures. Flag CPCs shall report any such exceptional situations to the Secretariat.

3. All CPCs which issue authorisations to fish to their flag vessels to fish for species managed by the IOTC shall submit to the IOTC Executive Secretary, by 15 February of 2014, an updated template of the official authorisation to fish outside National Jurisdictions, and update this information whenever this information changes. This information includes:
  - a) name of the Competent Authority;
  - b) name and contact of personnel of the Competent Authority;
  - c) signature of the personnel of the Competent Authority;
  - d) official stamp of the Competent Authority.

The IOTC Executive Secretary shall publish the above information in a secure part on the IOTC website for MCS purpose.

4. The template in paragraph 3 shall be used exclusively for monitoring, control and surveillance purposes and a difference between the template and the authorisation carried onboard the vessel does not constitute an infraction, but will prompt the controlling State to clarify the issue with the identified Competent Authority of the flag State of the vessel in question.
5. Each CPC shall promptly notify, after the establishment of their initial IOTC Record, the IOTC Executive Secretary of any addition to, any deletion from and/or any modification of the IOTC Record at any time such changes occur.
6. The IOTC Executive Secretary shall maintain the IOTC Record, and take any measure to ensure publicity of the Record through electronic means, including placing it on the IOTC website, in a manner consistent with confidentiality requirements noted by CPCs.
7. The flag CPCs of the vessels on the record shall:
  - a) authorise their vessels to operate in the IOTC area of competence only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures;
  - b) take necessary measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures;
  - c) take necessary measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;
  - d) ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those

- vessels; the parties of the IUU incident have officially resolved the matter and sanctions have been completed; or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;
- e) ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence;
  - f) take necessary measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them.
8. CPCs shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive actions and sanctions and, in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission annually. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC Record to take further action to enhance compliance by those vessels with IOTC Conservation and Management Measures.
9. a) CPCs shall take measures, under their applicable legislation, to prohibit the fishing for, the retaining on board, the transshipment and landing of tuna and tuna-like species by the vessels which are not entered into the IOTC Record.
- b) To ensure the effectiveness of the IOTC Conservation and Management Measures pertaining to species covered by Statistical Document Programs:
- i. Flag CPCs shall validate statistical documents only for the vessels on the IOTC Record;
  - ii. CPCs shall require that the species covered by Statistical Document Programs caught by AFVs in the IOTC area of competence, when imported into the territory of a Contracting Party, be accompanied by statistical documents validated for the vessels on the IOTC Record; and
  - iii. CPCs importing species covered by Statistical Document Programs and the flag States of vessels shall cooperate to ensure that statistical documents are not forged or do not contain misinformation.
10. Each CPC shall notify the IOTC Executive Secretary of any factual information showing that there are reasonable grounds for suspecting vessels not on the IOTC Record to be engaged in fishing for and/or transshipment of tuna and tuna-like species in the IOTC area of competence.
11. a) If a vessel mentioned in paragraph 10 is flying the flag of a CPC, the IOTC Executive Secretary shall request that Party to take measures necessary to prevent the vessel from fishing for tuna and tuna-like species in the IOTC area of competence;
- b) If the flag of a vessel mentioned in paragraph 10 cannot be determined or is of a non-Contracting Party without cooperating status, the IOTC Executive Secretary shall compile and circulate such information to all CPCs, without delay.
12. The Commission and the CPCs concerned shall communicate with each other, and make the best effort with FAO and other relevant regional fishery management bodies to develop and implement appropriate measures, where feasible, including the establishment of records of a similar nature in a timely manner so as to avoid adverse effects upon tuna resources in other oceans. Such adverse effects might consist of excessive fishing pressure resulting from a shift of the IUU fishing vessels from the Indian Ocean to other oceans.
13. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall:
- a) Ensure that each of its fishing vessels carry on board documents issued and certified by the competent authority of that Contracting Party or of that Cooperating Non-Contracting Party with IOTC, including, at a minimum, the following:
    - i. License, permit or authorisation to fish and terms and conditions attached to the licence, permit of authorisation;



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- ii. Vessel name;
    - iii. Port in which registered and the number(s) under which registered;
    - iv. International call sign;
    - v. Names and addresses of owner(s) and where relevant, the charterer;
    - vi. Overall length;
    - vii. Engine power, in KW/horsepower, where appropriate.
  - b) Verify above documents on a regular basis and at least every year;
  - c) Ensure that any modification to the documents and to the information referred to in 13.a) is certified by the competent authority of that Contracting Party or of that Cooperating Non-Contracting Party with the IOTC.
14. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that its fishing vessels authorised to fish in the IOTC area of competence are marked in such a way that they can be really identified with generally accepted standards such as the FAO Standard Specification for the Marking and Identification of Fishing vessels.
15.
  - a) Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that each gear used by its fishing vessels authorised to fish in the IOTC area of competence is marked appropriately, e.g., the ends of nets, lines and gear in the sea, shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent;
  - b) Marker buoys and similar objects floating and on the surface, and intended to indicate the location of fixed fishing gear, shall be clearly marked at all time with the letter(s) and/or number(s) of the vessel to which they belong;
  - c) Fish aggregating devices shall be clearly marked at all time with the letter(s) and / or number(s) of the vessel to which they belong.
16. Each Contracting Party and Cooperating Non-Contracting Party with the IOTC shall ensure that all their respective fishing vessels of 24 meters or above and vessels less than 24 meters if fishing outside their EEZ, and are registered on the IOTC Record of fishing vessels and authorised to fish in the IOTC area of competence, keep a bound fishing national logbook with consecutively numbered pages. The original recordings contained in the fishing logbooks shall be kept on board the fishing vessel for a period of at least 12 months.
17. This Resolution supersedes Resolution 13/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area.*