

RESOLUTION 05/03

RELATING TO THE ESTABLISHMENT OF AN IOTC PROGRAMME OF INSPECTION IN PORT

The Indian Ocean Tuna Commission (IOTC),

TAKING NOTE of the results of the Intersessional Meeting on an Integrated Control and Inspection Scheme, held in Yaizu, Japan, from 27 to 29 March 2001;

NOTING that there is a general consensus of the Contracting Parties on the fact that the inspection in port is a central element of a control and inspection programme, and that it can be, in particular, an effective tool to fight against IUU fishing;

TAKING INTO ACCOUNT that Contracting Parties have agreed that the implementation of an integrated control and inspection scheme should follow a phased approach;

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

1. All measures provided for under this Resolution shall be taken in accordance with international law.
2. Measures taken by a Port State in accordance with this Agreement shall take full account of the right and the duty of a Port State to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global Conservation and Management Measures.
3. Each Contracting Party and Cooperating Non-Contracting Party (hereinafter referred to as CPC's) may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals. Inspections shall be carried out so that the vessel suffers the minimum interference and inconvenience and that degradation of the quality of the fish is avoided.
4. Each CPC shall, in accordance with the Resolution 01/03 establishing a Scheme to promote compliance by Non-Contracting Party vessels with Resolutions established by the IOTC, adopt regulations in accordance with international law to prohibit landings and transshipments by Non-Contracting Party vessels where it has been established that the catch of the species covered by the Agreement establishing the IOTC has been taken in a manner which undermines the effectiveness of Conservation and Management Measures adopted by the Commission.
5. In the event that a Port State considers that there has been evidence of a violation by a Contracting Party or a Non-Contracting Party vessel of a Conservation and Management Measure adopted by the Commission, the Port State shall draw this to the attention of the Flag State concerned and, as appropriate, the Commission. The Port State shall provide the Flag State and the Commission with full documentation of the matter, including any record of inspection. In such cases, the Flag State shall transmit to the Commission details of actions it has taken in respect of the matter.
6. Nothing in this recommendation affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.
7. While recognising that inspection in port should be carried out in a non-discriminatory basis, in a first place, priority should be given to inspection of vessels from Non-Contracting Parties.
8. Each CPC shall submit electronically to the IOTC Executive Secretary by 1 July of each year, the list of foreign fishing vessels which have landed in their ports tuna and tuna-like species caught in the IOTC area in the preceding year. This information shall detail the catch composition by weight and species landed.
9. IOTC Resolution 02/01 *Relating to the establishment an IOTC programme of inspection in port* is superseded by this Resolution.