

APPENDIX XI
RESOLUTION 99/04
ON THE STATUS OF COOPERATING NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission (IOTC):

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

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

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

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

Recalling also the resolution of the Third Session of the IOTC on cooperation with non-contracting Parties;

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

1. Any non-Contracting Party that voluntarily ensures that vessels flying its flag fish in a manner which is in conformity with the conservation measures adopted by IOTC be defined as a Non-Contracting Cooperating Party.
2. The Secretary of IOTC contact every year all Non-Contracting Parties known to be fishing for species which fall within the mandate of IOTC, in order to encourage them to become Contracting Parties of IOTC or to accede to the status of Cooperating Party. The Secretary shall attach to these communications copies of all relevant resolutions and recommendations adopted by IOTC.
3. Any non-contracting Party wishing to become a Cooperating Party will make a request to that effect to the Secretary. When submitting this request, and every year thereafter, the candidate Party will confirm to IOTC its firm commitment with respect to the conservation and management measures adopted by the Commission. It will undertake to transmit to IOTC all the data that Contracting Parties are obliged to submit to IOTC, as specified in the recommendations adopted by the Commission. Any request should be received by IOTC at least ninety (90) days before the annual Session of the Commission.
4. At its annual Sessions, the Commission will examine requests for the status of Cooperating Party and decide whether or not to grant a candidate Party the status of Cooperating Party. The Commission must also evaluate every year the activities of Cooperating Parties to determine whether they conform to the criteria required to maintain this status.
5. Non-Contracting Parties which continue to fish for tunas in the area of competence of IOTC and do not become Cooperating Parties will be informed that pursuing their fishing activities in contravention of the management measures of IOTC, including failure to respect the obligation to declare their catches, undermines the effect of these measures.
6. The Commission will, at its future Sessions, analyze the possibility of introducing concrete measures to inhibit the activities of vessels of non-Contracting, non-Cooperating Parties, including preventing landings and transshipments of catches of vessels of non-Contracting Parties fishing in a manner which is not in conformity with the conservation and management measures of IOTC, and measures which could be taken against non-Contracting and non-Cooperating Parties through a specific action plan.