

*NEEDS AND PRINCIPLES*

The monitoring measures should respond to the peculiarities of the different ICCAT areas and fisheries.

These measures should be applied by the Contracting Parties and *mutatis mutandis* by Cooperating non-Contracting Parties, Entities or Fishing Entities.

Effective monitoring measures should embody a number of principles, namely:

- i.* Consistency with the ICCAT Convention and existing relevant international law.
- ii.* Evaluation of the current ICCAT measures and possibly complementing them with new measures.
- iii.* The general obligation to co-operate and a commitment to implement the following measures with transparency, taking into account requirements for confidentiality.
- iv.* Two types of measures should be applied:
  - Measures applicable to all fisheries. Measures concerning vessels would apply only to vessels beyond a certain size.
  - Measures applicable on a case-by-case basis to certain fisheries, taking cost-effectiveness into account.
- v.* Contribution to the improvement of the collection and timely transmission of statistics, for scientific as well as monitoring purposes.
- vi.* Provision of a means to ensure compliance by both Contracting and non-Contracting Parties, and to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing in the ICCAT Convention Area.
- vii.* The special requirements of developing States should be fully recognized and active co-operation should be established to facilitate the implementation of the measures by them.

Under these circumstances, the ICCAT monitoring measures should consist of the following basic components:

**1. Flag State duties**

The following monitoring measures should be taken by the flag States in regard to vessels entitled to fly their flags in the ICCAT Convention area:

- i.* Control of their vessels by:
  - a) adopting measures so that their vessels comply with and do not undermine ICCAT conservation and management measures;
  - b) authorizing their vessels to fish in the ICCAT Convention Area by means of fishing authorizations, licenses, or permits;
  - c) ensuring they do not authorize vessels to fish in the ICCAT Convention Area unless they are able to effectively exercise their responsibilities in respect of such vessels, including monitoring and controlling their fishing activities;

- d) ensuring that their vessels do not conduct unauthorized fishing within areas under the national jurisdiction of other States, through appropriate cooperation with coastal States concerned, and other relevant means available to the flag State;
- e) requiring their vessels fishing on the high seas to carry the license, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person.
- ii. Establishment of a national record of fishing vessels entitled to fly their flags and authorized to fish in the ICCAT Convention Area, which should include vessels of other States authorized under charter agreements, and transmission of this information to ICCAT.
- iii. Regulation of transshipment.
- iv. Measures regarding the operation and control of chartering.
- v. Requirements for recording and timely reporting of vessel position, catch of target and non target species, fishing effort and other relevant fisheries data including an estimate of discards, unless ICCAT stipulates otherwise. These data should be verified for certain fisheries by observer programs, where these programs have been adopted by the Commission.
- vi. Implementation of a vessel monitoring system (VMS).
- vii. Investigation of, follow-up to, and report on actions taken in response to an alleged violation by a vessel.

## **2. Obligations of the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities**

The obligations of the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities should include:

- i. Provision to ICCAT, in the manner and at such regular intervals as may be required by ICCAT, of compliance reports and information concerning its fishing activities, including fishing area and fishing vessels, in order to facilitate the compilation of reliable fishing statistics (catch, effort, size samples, etc.), and the effective implementation of ICCAT's compliance program.
- ii. Compliance with all ICCAT conservation and management measures.

## **3. Compliance and enforcement**

The Contracting Parties, through the Commission, should establish an observation and inspection program to ensure compliance with ICCAT conservation and management measures.

The program may *inter alia* comprise the following elements:

- i. High seas inspection.
- ii. Procedures for an effective investigation of an alleged violation of ICCAT conservation and management measures, and for reporting to the Commission on the actions taken, including procedures for exchanging information.
- iii. Provisions for appropriate action to be taken when inspections reveal serious violations as well as the expedient and transparent follow-up of such actions in order to uphold the Flag State's responsibility within the intended program.
- iv. Port inspections.
- v. Monitoring of landings and catches, including statistical follow-up for management purposes.

*vi.* Specific monitoring programs adopted by ICCAT, including boarding and inspection.

*vii.* Observer programs.

#### **4. A program to promote compliance by vessels of non-Contracting Parties, Entities or Fishing Entities**

Further to existing measures, ICCAT should examine measures consistent with international law to deter activities of such vessels which undermine the effectiveness of ICCAT conservation and management measures.

- Implementation of all the relevant elements of the FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing.
- Prohibition of landings and transshipments of ICCAT species by vessels of non-Contracting Parties, Entities or Fishing Entities, sighted in the ICCAT Convention Area, that do not comply with the relevant ICCAT conservation and management measures.