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## **ON CONSERVATION AND MANAGEMENT MEASURES THAT MAY NO LONGER BE APPLICABLE**

**PREPARED BY: IOTC SECRETARIAT, 22 MARCH 2012**

### **PURPOSE**

To inform the Commission and the Working Group (developing the Compendium of IOTC Resolutions and Recommendations) of current Conservation and Management Measures (CMMs) which although they have not been revoked or superseded, may no longer be in use or applicable to the management of tuna and tuna-like species in the Indian Ocean.

### **BACKGROUND**

At each Session of the Commission, Members consider and adopt Conservation and Management Measures (CMMs) in accordance with paragraph 1 (Resolutions) or paragraph 8 (Recommendations) of Article IX of the IOTC Agreement. Resolutions are binding on Members while Recommendations are non-binding, but are adopted with the aim of furthering the objectives of the IOTC Agreement. At present (March 2012), there are 58 active IOTC CMMs, consisting of 46 Resolutions and 12 Recommendations.

In 2011, the Commission adopted Resolution 11/01 *On the Development of a Compendium of Resolutions and Recommendations*. This Resolution recognises the desirability of improving the coherence and accessibility of its recommendations and resolutions. Noting that the complexity of this work may have many implications, such as those of a legal, procedural or practical nature, the Resolution creates a Working Group that would guide the development of a Compendium of IOTC Resolutions and Recommendations.

In February/March 2012, to assist the Working Group in carrying out the tasks assigned to it, the IOTC Secretariat undertook an administrative review of the current CMMs of the Commission and identified **17** as being potentially obsolete (**9** Resolutions and **8** Recommendations). The 17 CMMs are discussed below in terms of why they are no longer in use or applicable to the management of tuna and tuna-like species in the Indian Ocean.

### **DISCUSSION**

#### **Resolution 98/03 *On Southern Bluefin Tuna***

This resolution called on the Commission to review, at its fourth session, the progress made by CCSBT in overcoming difficulties in determining stock status and projections, and, if necessary, to decide whether a Working Party on SBT or on temperate tunas should be established to advance the effective conservation and optimum utilization of SBT.

The Working Party on Temperate Tunas was subsequently formed, under terms of reference agreed to by the Commission at its 5<sup>th</sup> Session in 2000, with the sole focus being albacore. The Commission agreed that the Working Party would not address issues relating to SBT, as the management of SBT is handled by CCSBT.

**Suggested action:** To consider whether Resolution 98/03 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 98/05 *On cooperation with non-Contracting Parties***

This resolution called for the Chairperson of the IOTC to send a letter to all non-Contracting Parties known to have vessels fishing in the IOTC Area for species covered by the Agreement, to urge them to become Contracting Parties. It also instructed the Secretary to provide to non-Contracting Parties copies of all relevant Resolutions adopted by the IOTC at its Third Session.

Both of these tasks were completed following the 3<sup>rd</sup> Session of the Commission. In addition, at the following Commission meeting in 1999, the Commission adopted Resolution 99/04 *On the Status of Cooperating Non-contracting Parties* which was superseded in 2003 by Resolution 03/02 *On criteria for attaining the status of cooperating non-contracting party*. Resolution 03/02, among other tasks, requires the Secretary annually to carry out the tasks originally outlined in Resolution 98/05.

**Suggested action:** To consider whether Resolution 98/05 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 99/01 *On the Management of Fishing Capacity and on the Reduction of the Catch of Juvenile Bigeye Tuna by Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence***

At its 4<sup>th</sup> Session the Commission requested the Scientific Committee (SC) provide advice on precise areas, periods and conditions for a moratorium on fishing with purse seines on floating objects that would bring about a reduction of the fishing mortality of juvenile bigeye tuna. The Commission also requested the SC present various options, with estimates of their likely effects on the catch rates of the three species of tropical tunas.

At the 3<sup>rd</sup> SC meeting held in 2000, advice was developed and subsequently provided to the Commission as requested. Subsequently, the Commission reviewed the advice and decided that a moratorium could not be put in place at that time. However, in 2010, the Commission adopted Resolution 10/01, which implemented a time area closure for two years, to be reviewed at the 2012 Commission meeting.

**Suggested action:** To consider whether Resolution 99/01 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 99/03 *On the Elaboration of a Control and Inspection Scheme for IOTC***

Resolution 99/03 outlines tasks for the Commission to undertaken in 2000 and 2001, aimed at elaborating a control and inspection scheme containing all the necessary elements to ensure adequate control and enforcement of management measures for both Contracting and non-Contracting Parties.

Subsequently, at its Inter-Sessional Meeting in Yaizu, Japan in 2001, the Commission agreed to the basic outline of a Control and Inspection Scheme. The implementation of the Scheme started at the Sixth Session by the adoption of seven resolutions to address issues relating to control and inspection. These concerned observer programmes, control of fishing activities, a scheme to promote compliance by non-contracting party vessels, limitation of fishing effort by Non-Members of IOTC, a modification of mandatory statistical requirements for IOTC and a recommendation concerning a Bigeye Tuna Statistical Document Programme. The Commission also adopted a resolution concerning support to the IPOA-IUU (Resolution 01/07 *Concerning the Support of the IPOA-IUU Plan*).

**Suggested action:** To consider whether Resolution 99/03 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 00/01 *On Compliance With Mandatory Statistical requirements For IOTC Members And Requesting Cooperation with Non-Contracting Parties***

Resolution 00/01 consists of three components. Firstly, it calls for all Contracting Parties and Cooperating Non-Contracting Parties shall comply with the Resolution 98/01 *Mandatory Statistical Requirements for IOTC Members*, adopted at the 3<sup>rd</sup> Session of IOTC in 1998. It should be noted that Resolution 98/01 has been superseded several times: 01/05, then by 08/01 and finally by 10/02 which is still current, and Resolution 10/02 by definition, is binding on Members.

The second component calls for the Secretary to consider options to encourage the timely collection and provision of fisheries data to improve the compliance of data requirements and report them to the 2001 IOTC Scientific Committee and Commission meetings. This task was completed in 2001 and continues to be repeated annually by the Secretariat.

Finally, the Resolution calls on Contracting and Non-Contracting Parties (CNCs), to cooperate by submitting all required fisheries data before the beginning of the next Working Party. This has also been completed and requests will continue to be made annually to CNCs.

**Suggested action:** To consider whether Resolution 00/01 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 00/02 *On a survey of predation of longline caught fish***

The SC agreed in 2011 that Resolution 00/02 was adopted by the Commission to carry out a specific task: a survey on predation of longline caught fish. The survey was completed in 2001 and reported to the SC and subsequently to the Commission. During the 14<sup>th</sup> Session of the IOTC Scientific Committee (SC) in 2011, the SC recommended that the Commission revoke Resolution 00/02, noting that it considered the tasks outlined in the Resolution to have been completed.

**Suggested action:** To consider whether Resolution 00/02 has been fulfilled and as such, is no longer in use or applicable.

**Recommendation 01/01 *Concerning the national observer programmes for tuna fishing in the Indian Ocean***

Recommendation 01/01 calls upon Contracting Parties, and non-Contracting Parties cooperating with the IOTC to present, as appropriate, before the annual meeting to be held in 2002, the national observer programmes that have been put into effect in order to observe and follow the application and compliance with IOTC measures for the vessels of Contracting Parties, non-Contracting Cooperating Parties, and fishing entities in the area of competence of IOTC. The Commission should note that CPCs have presented available information annually to the Scientific Committee since 2001. Subsequently, the Commission adopted Resolution 09/04 *on a regional observer scheme* in 2009, which was superseded by Resolution 10/04 in 2010 and by Resolution 11/04 in 2011, which remains current.

**Suggested action:** To consider whether Recommendation 01/01 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 01/04 *On limitation of fishing effort of non members of IOTC whose vessels fish bigeye tuna***

Resolution 01/04 consists of four components. Firstly, it requests non-Members of IOTC to reduce their fishing effort in 2002 in relation to 1999 levels. Secondly, non-Members are urged to inform the Commission, before 30 June 2002, of the measures they have taken in order to ensure the implementation of this Resolution, including their 1999 fishing effort in terms of catch and effort data, and the number of vessels. Thirdly, the Commission committed itself to reviewing at its 2002 Session, the measures taken by non-Members to implement the reductions. Finally, it requires the Chairman of the Commission to communicate this Resolution to the non-Members concerned.

These four tasks were all completed in 2002.

**Suggested action:** To consider whether Resolution 01/04 has been fulfilled and as such, is no longer in use or applicable.

**Recommendation 02/06 *On the implementation of the Resolution concerning the IOTC Record of Vessels***

Recommendation 02/06 tasked the IOTC secretariat with undertaking a review of large-scale tuna longline vessels operating in the Indian Ocean and to provide a report to the Commission at its 8<sup>th</sup> Session in 2003. This task was completed with the presentation of the review at the 8<sup>th</sup> Session of the Commission.

The Recommendation also indicated that the Commission would scrutinize the information provided by the Secretariat to examine possible involvement of the remaining IUU large scale tuna longline vessels on the IOTC Record. Subsequently, at its 8<sup>th</sup> Session the Commission adopted Recommendation 03/04 *Concerning Enhancement of Effectiveness of IOTC Measures to Eliminate IUU Activities in the IOTC Area*, which was superseded by Resolution 05/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area*, and again by Resolution 07/02 *Concerning the establishment of an IOTC Record of Vessels Authorised to operate in the IOTC area*.

**Suggested action:** To consider whether Recommendation 02/06 has been fulfilled and as such, is no longer in use or applicable.

**Recommendation 02/07 *Concerning measures to prevent the laundering of catches by IUU large-scale tuna longline fishing vessels***

Recommendation 02/07 indicated that Contracting Parties, and Cooperating non-Contracting Parties should ensure that their duly licensed large-scale tuna longline fishing vessels have a prior authorization of at sea or in port transshipment and obtain the validated Statistical Document, whenever possible, prior to the transshipment of their tuna and tuna-like species subject to the Statistical Document Programme. They should also ensure that transshipments are consistent with the reported catch amount of each vessel in validating the Statistical Document and require the reporting of transshipment. The Recommendation states that CPCs that import tuna and tuna-like species caught by large-scale tuna

longline fishing vessels and subject to the Statistical Document Programme should require transporters (which include container vessels, mother vessels, and the like) that intend to land such species in their ports, to ensure that Statistical Documents are issued, whenever possible before the transshipment. Importing CPCs should obligate the transporters to submit necessary documents, including a copy of the validated Statistical Document and other documents, as required under domestic regulation, such as the receipt of transshipment, to the importing CPCs' authorities immediately after the transshipment.

In 2010, the Commission adopted two resolutions which provide a framework for addressing the matters outlined in Recommendation 02/07 (i.e. Resolutions 10/10 and 10/11). Resolution 10/10 *Concerning Market Related Measures* combats IUU fishing by establishing the possibility of adopting market-related measures in severe cases of non-compliance by CPCs and non-CPCs with conservation and management measures adopted by the Commission. The Resolution notes that market related measures should be taken as a last resort after other means and discussion with the concerned parties are exhausted. Resolution 10/11 *On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing* which provided provisions similar to those of the adopted FAO agreement on Port State Measures which was adopted by the FAO Council in 2009.

**Suggested action:** To consider whether Recommendation 02/07 has been fulfilled and as such, is no longer in use or applicable.

### **Resolution 02/08 *On the conservation of bigeye and yellowfin tuna in the Indian Ocean***

Resolution 02/08 sought technical advice from the Scientific Committee (SC) for the next session of the Commission on three specific areas: 1) potential management measures designed to reduce the fishing mortality on juvenile bigeye and yellowfin tuna. The measures to be investigated should include, but not be restricted to, time and/or area closures on purse seine fishing on floating objects, and other forms of effort reduction or alternative fishing strategies; 2) Other potential management measures aimed at maintaining or reducing the effective fishing effort and catches of yellowfin and bigeye tunas by all gears; and 3) The likely effect of these measures on the future productivity of the stocks of bigeye and yellowfin tunas and their consequences on catches of skipjack tuna. On the basis of the updated scientific advice, the Commission agreed to adopt appropriate measures to address the recommendations of the SC at the 2003 Session of the Commission.

Although no agreement could be reached at the 2003 Session of the Commission, in 2005, the Commission adopted Resolution 05/01 *On conservation and management measures for bigeye tuna*; and in 2010 adopted Resolution 10/01 *For the Conservation and Management of Tropical Tunas Stocks in the IOTC Area of Competence*, which establishes a closure of a defined area for purse-seine and longline vessels in order to reduce the fishing pressure on yellowfin and bigeye tunas as recommended by the SC.

**Suggested action:** To consider whether Resolution 02/08 has been fulfilled and as such, is no longer in use or applicable.

### **Recommendation 03/05 *Concerning trade measures***

Recommendation 03/05 was an attempt to encourage CPCs that import tuna and tuna-like fish products or in whose ports those products are landed, to collect and examine as much import or landing data and associated information as possible and submit the following information to the Commission each year. Among other requests, it also recommended that the compliance Committee identify CPCs who have failed to discharge their obligations under the IOTC Agreement in respect of IOTC conservation and management measures, in particular, by not taking measures or exercising effective control to ensure compliance with IOTC conservation and management measures by the vessels flying their flag; and/or The NCPs who have failed to discharge their obligations under international law to co-operate with IOTC in the conservation and management of tuna and tuna-like species, in particular, by not taking measures or exercising effective control to ensure that their vessels do not engage in any activity that undermines the effectiveness of IOTC conservation and management measures. Finally, it calls on the Commission to decide upon the actions to take non-discriminatory trade restrictive measures, consistent with their international obligations.

In 2010, the Commission adopted Resolution 10/10 *Concerning Market Related Measures*. This resolution is another tool to combat IUU fishing by establishing the possibility of adopting market-related measures in severe cases of non-compliance by CPCs and non-CPCs with conservation and management measures adopted by the Commission. The Resolution notes that market related measures should be taken in last resort after other means and discussion with the concerned parties are exhausted. When Resolution 10/10 was adopted by the Commission, it would have superseded Recommendation 03/05, although it was specifically stated in the Resolution.

**Suggested action:** To consider whether Recommendation 03/05 has been superseded by Resolution 10/10 and as such, is no longer in use or applicable.

**Recommendation 03/06 *Recommendation to commission a report on management options for tuna and tuna-like species***

This Recommendation urged Contracting and Cooperating Non-Contracting Parties to work in the intersessional period before the 9<sup>th</sup> Session of the IOTC to develop Terms of Reference for a Working Group of the Commission that will meet in 2005 to consider conservation and management options that may be applicable to the highly migratory fish stocks of the Indian Ocean.

At its 9<sup>th</sup> Session in 2005, the Commission agreed to the need for a Working Party on Management Options for Tuna and Tuna-like Species and approved its Terms of Reference as detailed in Resolution 05/06 *Concerning the Terms of References for an IOTC Working Party on Management Options*.

**Suggested action:** To consider whether Recommendation 03/06 has been fulfilled and as such, is no longer in use or applicable.

**Resolution 03/07 *Recognizing the contributions of David Ardill***

Resolution 03/07 recognized and commended David Ardill (former Executive Secretary) for his excellent service to our common goals and their aforementioned success; and that the great respect, admiration and gratitude of its members be extended to David Ardill by the Commission.

While the contributions of the former Executive Secretary should remain acknowledged, there is no need for a ‘binding resolution’ on Members to remain in place.

**Suggested action:** To consider whether Resolution 03/07 has been fulfilled and as such, is no longer in use or applicable.

**Recommendation 05/07 *Concerning a management standard for the tuna fishing vessels***

This Recommendation urged Contracting Parties and Cooperating non-Contracting Parties (CPCs) to take measures to meet minimum management standards when they issue fishing licenses to their “authorised fishing vessels”. The management standard included three primary elements: 1) Management in the fishing grounds (monitoring and surveillance, scientific observers, VMS, catch reporting); 2) Management of transshipment (from the fishing grounds to the landing ports); and 3) Management at landing ports (landing and transshipment data, reporting of landings of catches by species and by management area).

The various aspects contained in this Recommendation have been adopted through a number of binding Resolutions, including but not limited to: (Res. 10/02 *Mandatory Statistical Requirements For IOTC Members and Cooperating non-Contracting Parties (CPC's)*; Res. 10/03 *Concerning the recording of catch by fishing vessels in the IOTC area*; Res. 10/11 *On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing*; Res. 11/04 *On a regional observer scheme*; Res. 11/05 *On Establishing a Programme for Transshipment by Large-Scale Fishing Vessels*).

**Suggested action:** To consider whether Recommendation 05/07 has been fulfilled and as such, is no longer in use or applicable.

**Recommendation 05/08 *On sea turtles***

Recommendation 05/08 encourages Contracting Parties and Cooperating non-Contracting Parties to implement the Guidelines, inter alia, the necessary measures for vessels fishing for tuna and tuna-like species in the IOTC Area to mitigate the impact of fishing operations on sea turtles.

In 2009, the Commission adopted Resolution 09/06 *On marine turtles* which was aimed at making the necessary measures mandatory. During the 14<sup>th</sup> Session of the IOTC Scientific Committee (SC) in 2011, the SC recommended that the Commission revoke Recommendation 05/08 on sea turtles, noting that it was effectively superseded by Resolution 09/06 *on marine turtles*, but was not specifically revoked.

**Suggested action:** To consider whether Recommendation 05/08 has been fulfilled and as such, is no longer in use or applicable.

**Recommendation 05/09 *On incidental mortality of seabirds***

Recommendation 05/09 was adopted by the Commission to begin a process of data collection in support of the development of a Resolution on seabird mitigation. In 2008, Resolution 08/03 *On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries*, which was superseded in 2010 by Resolution 10/06 *On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries*.

**Suggested action:** To consider whether Recommendation 05/09 has been fulfilled and as such, is no longer in use or applicable.

## RECOMMENDATION

That the Commission and/or the Working Group (developing the Compendium of Resolutions and Recommendations) consider whether the following Conservation and Management Measures have been fulfilled and as such, are no longer in use or applicable to the management of tuna and tuna-like species in the Indian Ocean.

- 1) Resolution 98/03 *On Southern Bluefin Tuna*
- 2) Resolution 98/05 *On cooperation with non-Contracting Parties*
- 3) Resolution 99/01 *On the Management of Fishing Capacity and on the Reduction of the Catch of Juvenile Bigeye Tuna by Vessels, Including Flag of Convenience Vessels, Fishing for Tropical Tunas in the IOTC Area of Competence*
- 4) Resolution 99/03 *On the Elaboration of a Control and Inspection Scheme for IOTC*
- 5) Resolution 00/01 *On Compliance With Mandatory Statistical requirements For IOTC Members And Requesting Cooperation with Non-Contracting Parties*
- 6) Resolution 00/02 *On a survey of predation of longline caught fish*
- 7) Recommendation 01/01 *Concerning the national observer programmes for tuna fishing in the Indian Ocean*
- 8) Resolution 01/04 *On limitation of fishing effort of non members of IOTC whose vessels fish bigeye tuna*
- 9) Recommendation 02/06 *On the implementation of the Resolution concerning the IOTC Record of Vessels*
- 10) Recommendation 02/07 *Concerning measures to prevent the laundering of catches by IUU large-scale tuna longline fishing vessels*
- 11) Resolution 02/08 *On the conservation of bigeye and yellowfin tuna in the Indian Ocean*
- 12) Recommendation 03/05 *Concerning trade measures*
- 13) Recommendation 03/06 *Recommendation to commission a report on management options for tuna and tuna-like species*
- 14) Resolution 03/07 *Recognizing the contributions of David Ardill*
- 15) Recommendation 05/07 *Concerning a management standard for the tuna fishing vessels*
- 16) Recommendation 05/08 *On sea turtles*
- 17) Recommendation 05/09 *On incidental mortality of seabirds*