

FISHING ALLOCATIONS AND OPPORTUNITIES

PREPARED BY: IOTC SECRETARIAT, 15 JANUARY 2015

REVIEW AREA: *Conservation and management*

GENERAL CRITERION: *Fishing allocations and opportunities*

DETAILED CRITERIA:

1. Extent to which the IOTC agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new Members or participants as reflected in UNFSA Article 11.

SUPPORTING INFORMATION

Extent to which the RFMO agrees on the allocation of allowable catch or levels of fishing effort, including taking into account requests for participation from new members or participants as reflected in UNFSA Article 11 ([Appendix I](#)).

The allocation of allowable catch or levels of fishing effort

Fishing capacity: In general, the Commission employs controls on fishing capacity (e.g. controlling the numbers and tonnages of vessels) as opposed to catch limits etc. However, to-date the Commission has not adopted measures whereby capacity (or catch) has been allocated to Members of the Commission.

Catch limits: The Commission, via Resolution 10/01, which was superseded by Resolution 12/13 and most recently by Resolution 14/02 *For the conservation and management of tropical tunas stocks in the IOTC area of competence*, adopted an action plan to establish a process of allocation, as follows:

1. *CPCs shall implement the following action plan:*
 - a) *Establishment of an allocation system (Quota) or any other relevant measures based on the IOTC Scientific Committee recommendations for the main targeted species under the IOTC competence;*
 - b) *Advise on the best reporting requirement of the artisanal tuna fisheries and implementation of an appropriate data collection system.*

To date, the Commission has held two meetings of the Technical Committee on Allocation Criteria (TCAC), but is yet to agree on a process of allocation. More information may be found at:

http://iotc.org/meetings/search?s=&field_meeting_tid_i18n=112&field_meeting_year_tid=All

Limitation of Membership: There is no mechanism in the IOTC Agreement to reject membership to the IOTC and developing coastal States may continue to expand their fleets, as long as a Fleet Development Plan is provided. The effects of open membership and Fleet Development Plans on current capacity (and the Commission's ability to limit it) are uncertain, though the likely impact of the proposed numbers of vessels is likely to be catastrophic on IOTC stocks.

For example, from Document IOTC–2015–IOTCPR05, the Commission has adopted the following Conservation and Management Measures that limit fishing capacity.

Year	Management measure	Operational component/s	Status
2014	Resolution 14/01 <i>On the removal of obsolete Conservation and Management Measures</i>	Administrative: Removes redundant/obsolete CMMs.	Active
2012	Resolution 12/11 <i>On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties</i>	Limits on the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for swordfish and albacore tuna in the IOTC Area. Limits on the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for tropical tunas in the IOTC Area.	Active

2009	Resolution 09/02 <i>On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties</i>	Limits on the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for swordfish and albacore tuna in the IOTC Area. Limits on the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for tropical tunas in the IOTC Area.	Superseded by Resolution 12/11
2007	Resolution 07/05 <i>Limitation of fishing capacity of IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore</i>	Limits on the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for swordfish and albacore tuna in the IOTC Area.	Superseded by Resolution 09/02
2006	Resolution 06/05 <i>On the limitation of fishing capacity, in terms of number of vessels, of IOTC contracting parties and co-operating non contracting parties</i>	Limits on the number of their vessels, by gear type, of 24 m overall length and over, and under 24 metres if they fish outside their EEZ, fishing for tropical tunas in the IOTC Area.	Superseded by Resolution 09/02
2003	Resolution 03/01 <i>On the limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties</i>	Limits on the number of their fishing vessels larger than 24 meters length overall.	Active
2001	Resolution 01/04 <i>On limitation of fishing effort of non members of IOTC whose vessels fish bigeye tuna</i>	Non-Members of IOTC were requested to reduce their fishing effort in 2002 in relation to 1999 levels.	Superseded by Resolution 14/01

In addition, in 2005 Resolution 05/01 *On conservation and management measures for bigeye tuna* introduced catch restrictions for bigeye tuna; thus:

- *Contracting and Cooperating Non-Contracting parties (CPC's) shall limit their catch of bigeye tuna to their recent levels of catch reported by the Scientific Committee.*
- *The Commission shall request Taiwan Province of China to limit their annual bigeye catch in the IOTC area to 35,000 tonnes.*
- *CPC's, including developing coastal states, in particular small island developing states and territories, with catches under 1000 tonnes who intend to substantially increase these catches will be allowed to submit 'Fleet Development Plans' during the 3 year interim period referred to in paragraph 3 above.*

Facilitating the participation of new members

There is no mechanism in the IOTC Agreement to reject membership of IOTC (subject to the membership criteria given Article IV of the IOTC Agreement). All the major fishing countries are members of IOTC and the development aspirations of new members are relatively minor compared to the current levels of capacity and catch so and these are facilitated under the mechanisms open to developing states (see below). The examples below relate to participatory rights related to introduction of additional capacity. The effects of an increasing membership on the efficacy of capacity limiting measures is uncertain.

Considering the interests and needs of coastal States and coastal fishing communities which are dependent on fishing for the stocks;

In the IOTC Agreement

Recognition of the needs of developing States is demonstrated in the IOTC Agreement

Article XVI of the IOTC Agreement (Coastal States Rights)

This Agreement shall not prejudice the exercise of sovereign rights of a coastal state in accordance with the international law of the sea for the purposes of exploring and exploiting, conserving and managing the living resources, including the highly migratory species, within a zone of up to 200 nautical miles under its jurisdiction.

In IOTC Resolutions

There are numerous examples of the needs of developing States being acknowledged and taken into account by the Commission in the development of its management and conservation measures. For example:

IOTC Resolution 03/01 *On the limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties*

Preamble. TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to entry into the high-seas fisheries in the IOTC area of competence.

Para 3. Other CPCs which have the objective of developing their fleets above those authorizations currently foreseen under administrative processes, will draw up, a fleet development plan in accordance with the provisions of Resolution 02-05. This Plan shall be submitted to the Commission for information and record at the 2004/5 Sessions and should define, *inter alia*, the type, size and origin of the vessels and the programming of their introduction into the fisheries.

Para 4. In relation to the foregoing, the Commission took note of the interests of the developing coastal States, in particular small island developing States and territories within the IOTC Convention Area whose economies depend largely on fisheries.

IOTC Resolution 05/01 *On conservation and management measures for bigeye tuna*

Para 4. CPC's, including developing coastal states, in particular small island developing states and territories, with catches under 1000 tonnes who intend to substantially increase these catches will be allowed to submit 'Fleet Development Plans' during the 3 year interim period referred to in paragraph 3 above.

Resolution 07/05 *Limitation of fishing capacity of IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore*

Para 4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of IOTC Resolution 03/01 *On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties*. In particular the coastal states not targeting swordfish will continue to explore the resources in their EEZs and develop their capacity in accordance with their Fleet Development Plans, which include a reasonable programme for the phasing-in of the increase of their fleet.

Resolution 06/05 *On the limitation of fishing capacity, in terms of number of vessels, of IOTC contracting parties and co-operating non contracting parties*

Para 4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of IOTC Resolution 03/01 *On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties* and paragraph 4 of Resolution 05/01 *On Conservation and Management Measures for Bigeye Tuna*. In the application of the Fleet Development Plans, each CPC should implement a reasonable programme for the phasing-in of the increase of its fleet.

Para 9. The provisions of this Resolution will not prejudice future discussions on quota allocation for tuna and tuna-like species, taking into account, *inter alia*, legitimate aspirations of the Coastal States to develop their fishing capacity.

Currently, the Commission allows CPC's with less than 50 vessels over 24 m to develop their fleets (Resolution 03/01). The effects of the fleet development by these CPC's on the efficacy of capacity limiting measures remains uncertain.

APPENDIX I**UNSEA: MECHANISMS FOR INTERNATIONAL COOPERATION CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS****Article 11****New members or participants**

In determining the nature and extent of participatory rights for new members of a subregional or regional fisheries management organization, or for new participants in a subregional or regional fisheries management arrangement,

States shall take into account, inter alia:

- (a) the status of the straddling fish stocks and highly migratory fish stocks and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;
- (c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
- (d) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;
- (e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
- (f) the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.