
**IOTC RESOLUTION TO PROHIBIT THE USE OF LARGE SCALE DRIFTNETS
ON THE HIGH SEAS IN THE IOTC AREA OF COMPETENCE**

SUBMITTED BY THE EUROPEAN COMMUNITY

Explanatory Memorandum

This proposal addresses the United Nations General Assembly (UNGA) Resolution 46/215 which calls for a global moratorium on large-scale high seas driftnet fishing. There is an indication that a number of vessels continue to engage in large-scale high seas driftnet fishing in the Indian Ocean area (Convention Area). The practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, as recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, and other species under the management of the IOTC. The associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on species of concern and the marine environment.

The proposal, in line with the UNGA Resolution 46/215, prohibits the use of large-scale driftnets on the high seas within the IOTC Convention Area.

The Indian Ocean Tuna Commission (IOTC),

Recalling that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing;

Noting that a number of vessels continue to engage in large-scale high seas driftnet fishing in the Indian Ocean area (Convention Area);

Mindful that any vessel fishing with large-scale driftnets on the high seas in the Convention Area, or configured to conduct large-scale high seas driftnet operations, has the capacity to take species of concern to the IOTC and is likely to undermine the effectiveness of IOTC conservation and management measures;

Noting with concern that recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, sharks, and other species covered by the Convention; and that associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on these species of concern and the marine environment;

Adopts, in accordance with the provisions of Article IX, paragraph 1 of the Agreement establishing the IOTC, the following:

1. The use of large-scale driftnets (1) on the high seas within the Convention Area shall be prohibited.
 2. Each Contracting party and Cooperating Non-Contracting parties (hereinafter referred to as CPCs) shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area.
 3. A CPC-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the Convention Area if it is found operating on the high seas in the Convention Area and is configured (2) to use large-scale driftnets or is in possession of large-scale drift-nets.
 4. Paragraph 3 is not intended to apply to a CPC-flagged vessel that can demonstrate that it is duly authorized to use large-scale driftnets in their EEZs and while on the high seas in the Convention Area all of its large-scale driftnets and related fishing equipment are stowed or secured in such a manner that they are not readily available to be used for fishing.
 5. CPCs shall include in their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the Convention Area.
 6. The IOTC shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used on the high seas in the Convention Area. The first such assessment shall take place in 2012.
 7. Nothing in this measure shall prevent CPCs from applying more stringent measures to regulate the use of large-scale driftnets.
- (1) “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.
- (2) “Configured” to use large-scale drift-nets means having on board gear, either assembled or disassembled, that collectively would allow the vessel to deploy and retrieve large-scale driftnets.