

## **10<sup>th</sup> session of the Compliance Committee and 17<sup>th</sup> Annual Meeting of the IOTC**

*Grand Baie, Mauritius, 2-4 May 2013 and 6-10 May 2013*

### **Do the homework: count your boats, provide data and begin to manage fishing capacity by banning the use of FADs in purse seine fisheries**

#### **1. Introduction**

The members of the IOTC have a serious task ahead of them - to sustainably and equitably manage the world's second largest tuna fishery. However, currently most members are failing to provide even the most basic data to the Commission that are essential to conduct the scientific analyses upon which reliable and precautionary management decisions can be made. Such a situation cannot continue as tuna stocks in the region are close to their limits of exploitation. The status of albacore is the most serious, but as the effects of Somali piracy on fishing in the main tropical tuna area have decreased, there is an increasing danger that stocks, especially bigeye and yellowfin, will suffer once again. Shark species in the region continue to decrease at alarming rates and many have reached such low levels globally as to obtain CITES Appendix II listing earlier this year. The Commission needs to show that it is capable of accepting its responsibilities and tighten shark conservation in the region.

Fleet capacity has long been a largely unknown quantity in the Indian Ocean. It is essential and urgent that the IOTC members obtain reliable and accurate data on their large- and smaller-scale fleets active in the region and begin effective management of the fleets.

In the current absence of comprehensive data on so many fronts, the utmost caution is required in the Commission's work and management decisions. This means setting precautionary fishing limits and taking steps to close the various loopholes that contribute to current gaps in data, such as banning all transshipments at sea. The Commission also needs to take bold steps to begin addressing overcapacity in the region's fishing fleets, starting with assessing existing fishing capacity and banning the use of capacity multipliers or fish aggregation devices in purse seine fisheries, which have a negative impact on the region's bigeye and yellowfin stocks and other marine life.

#### **Key recommendations of Greenpeace to the IOTC include:**

- IOTC members must commit to reaching an agreement to equitably share tuna resources within precautionary fishing limits and to grant preferential access to fleets using low impact fishing gears and practices and providing greater employment, good working conditions and high quality products;
- Improve data collection and reporting including through providing capacity-building support, incentives and penalties;
- Close the most obvious loopholes that lead to data deficiency starting with prohibiting all at-sea transshipments;
- Ban the use of capacity multipliers FADs in purse seine fisheries;
- Increase shark protection in the region by adopting all shark conservation proposals;
- Approve a range of measures to improve overall compliance including catch documentation scheme and inspection schemes.

## **2. Status of main tuna stocks**

It is important to note that stock assessments of tuna and tuna-like species in the region are highly uncertain due to poor catch and fleet activity data and lack of information relating to the biology of each species.

The skipjack stock, the most abundant of the stocks, are considered relatively healthy, and unlikely to have breached MSY-based reference points. However, in 2011 the biomass was estimated to have declined to between 25% and 65% of the unfished biomass (point estimate approximately 45%). In addition, scientists do not fully understand the recent declines of pole-and-line catch and CPUE. With poor catches being reported in the WCPFC this year, and increasing prices for skipjack,<sup>1</sup> the pressure on this stock is only going to increase without proper ecosystem-based management in place.

For both yellowfin and bigeye, fishing rates have dropped due to the impacts of piracy in the region which has allowed the stocks to recover a little. The IOTC now describes these stocks as healthy based on the fact that the point estimates derived from stock models for  $SSB/SSB_{msy} (>1)$  and  $F/F_{msy} (<1)$  are not breached. However, it is clear from the possible ranges and the projections made for 2013, that there is a significant risk that MSY values have been breached. In addition, both stocks are estimated to be below 40% of the unfished adult biomass, which could hardly be considered a healthy level for top predators!

Finally, albacore is in the worst state. The impact of piracy in the western Indian Ocean has resulted in the displacement of a substantial portion of longline fishing effort into the traditional albacore fishing areas in the southern and eastern Indian Ocean. The fishing rate is well above  $F_{msy}$ , and even the IOTC scientists say the rate should be cut by at least 20%, but given the possible range of  $F$  values, this may not be enough. While the stock is not yet described as overfished by IOTC, again the possible range of values significantly overlaps the  $B_{msy}$  level i.e. the stock could be as low as 54% of the size required to produce MSY. The adult stock is estimated to be approximately 29% of 1950 levels.

## **3. Continued Data deficiency**

One only needs to look at the long list of issues to be discussed this year by the Compliance Committee to realise that the IOTC still lacks reliable and accurate data on catches, size and characteristics of fishing fleets, effort, transshipments, by-catch, etc. Responsible management and sustainable exploitation require that such basic and essential data be collected and reported by CPCs in a timely manner and according to required standards if the IOTC is to fulfil its role and functions as provided for by the UN Fish Stocks Agreement<sup>2</sup>. However, the high-level of non-compliance with basic data reporting requirements questions IOTC Members' commitment to sustainably manage tuna fisheries.

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<sup>1</sup> Seaman T (2013). Tuna traders ask for \$2,400/mt for skipjack. Undercurrent News, 12.04.13

[http://www.undercurrentnews.com/2013/04/11/tuna-traders-ask-for-2400mt-for-skipjack/#\\_UWe8xWfiiZQ](http://www.undercurrentnews.com/2013/04/11/tuna-traders-ask-for-2400mt-for-skipjack/#_UWe8xWfiiZQ)

<sup>2</sup> Article 1.1 of Annex I is quite explicit: "The timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks. To this end, data from fisheries for these stocks on the high seas and those in areas under national jurisdiction are required and should be collected and compiled in such a way as to enable statistically meaningful analysis for the purposes of fishery resource conservation and management. These data include catch and fishing effort statistics and other fishery-related information, such as vessel-related and other data for standardizing fishing effort. Data collected should also include information on non-target and associated or dependent species. All data should be verified to ensure accuracy." Article 3 on Basic fishery data and article 4 on Vessel data and information spell out the type of data that States engaged in the exploitation of highly migratory species are required to collect, verify and report.

The Scientific Committee report<sup>3</sup> expresses concern that “*in spite of the efforts by some CPCs and the IOTC Secretariat to improve the quality of data collection, management and reporting in the IOTC area of competence, the quality of the data in the IOTC database appears to be worsening.*”

Of 33 CPCs in 2013, seven did not submit country reports<sup>4</sup>, four of which have never submitted a report<sup>5</sup>. The Compliance Committee report demonstrates that virtually every CPC has compliance problems with respect to data submission. A cursory inspection of the report suggests that at the very least, the following CPCs failed to submit data on the following essential management subjects:

- fleet size and/or activity and/or development plans - Belize, Comoros, Eritrea, France, Guinea, India, Japan, Kenya, Malaysia, Maldives, Mauritius, Mozambique, Oman; Pakistan, Tanzania;
- nominal catch data - Belize, Eritrea, Guinea, India, Indonesia, Madagascar, Malaysia, Sri Lanka, Tanzania;
- transshipments at sea/in port - Belize, EU (port), Japan (port), Malaysia, Mozambique (port), Oman, Philippines, Seychelles (port), Thailand, South Africa (port).

This has to change if the region is to ensure long-term environmental, social and economic sustainability of tuna fisheries. The IOTC must urgently:

- improve data collection and reporting including through providing capacity-building support, incentives and penalties;
- close the most obvious loopholes that lead to data deficiency starting with prohibiting all at-sea transshipments.

#### **4. Measuring fishing capacity**

The IOTC is attempting to establish not only limits to the amount of fishing that would be permitted but also who should be entitled to which share of that amount. Establishing an equitable allocation mechanism would address fundamental rights but that process should not detract from fulfilling essential management obligations such as the submission of accurate data on both catches and fleets.

One of the basic management tools is a reliable and accurate census of the current size and composition of the fleets fishing in the area, both coastal and distant water, including large, medium and small-scale vessels, along with information on whether the vessels are active or not, both on the high seas and in EEZs.

Such a fundamental exercise would provide a clear and objective basis to develop fishing capacity management measures required by various international instruments such as the UN Fish Stocks Agreement<sup>6</sup> and the FAO IPOA<sup>7</sup> for the Management of Fishing Capacity.

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<sup>3</sup> Report of the Fifteenth Session of the IOTC Scientific Committee

[http://www.iotc.org/files/proceedings/2013/s/IOTC-2012-SC15-R\[E\].pdf](http://www.iotc.org/files/proceedings/2013/s/IOTC-2012-SC15-R[E].pdf)

<sup>4</sup> Eritrea, Guinea, Pakistan, Sierra Leone, Tanzania, Vanuatu and Yemen

<sup>5</sup> Eritrea, Guinea, Pakistan, Sierra Leone

<sup>6</sup> UN Fish Stocks Agreement Art 5 (h) General principles (also applicable to coastal States): take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources and Annex I - Standard requirements for the collection and sharing of data – Art. 4 Vessel data and information

<sup>7</sup> FAO IPOA for the Management of Fishing Capacity Part II, paragraph 7 “States and regional fisheries organizations, to achieve world-wide preferably by 2003, but **not later than 2005**, an efficient, equitable and transparent management of fishing capacity” “States and regional fisheries organizations nevertheless need to exercise caution to avoid growth in capacity undermining long-term sustainability objectives.” and paragraph 8 iv “**immediate actions** for major transboundary, straddling, **highly migratory and high seas fisheries requiring urgent measures.**”

It would address not only the quantitative aspect of fishing capacity but also the qualitative aspect in terms of impact on the marine environment as well as provide a socio-economic profile of the fleets deployed by various CPCs in the IOTC Area of Competence.

The IOTC should require CPCs to measure their fleets according to the following characteristics:

- length overall;
- breadth;
- gross tonnage (GT or GRT but ensure consistency);
- engine power;
- gear type;
- gear dimensions (including number of units deployed);
- any other measurable characteristic that affects a vessel's ability to catch fish.

### **5. FADs: increase fishing capacity and by-catch of juvenile tunas**

Resolution 12/08<sup>8</sup> prescribes that, by the end of 2013, CPCs must submit FAD management plans and are expected to “*investigate, and to the extent possible minimize the capture of small bigeye and yellowfin tuna and non-target species*”. The Compliance Committee will analyse the plans in 2014 and the Scientific Committee will analyse the information, when available, and provide scientific advice on additional FAD management options for consideration by the Commission in 2015. Data required are: FAD numbers, characteristics, deployment, environmental impacts, monitoring, vessel-types and support and tender vessels.

The debate around FADs has focussed primarily on the by-catch of certain non-target species, such as turtles and sharks, which has resulted in the development of so-called “eco-FADs”. However, one vital aspect of the non-selectivity of fishing on FADs, the high mortality of juvenile tunas, bigeye tuna in particular, is not being addressed by “eco-FADs”: so far no effective solution has been found to eliminate that negative and serious impact of FAD fishing for this valuable species which is approaching an overfished status. Moreover, FADs act as a capacity multiplier which must be measured and incorporated into capacity evaluation and management.

It has been claimed that the purse seine fleets in the Indian Ocean are unable to catch tuna for local processing without the use of FADs but this claim has not been backed up by any reliable data to date. In the West and Central Pacific Ocean, where seasonal FAD bans have been experimented they have resulted in only a small reduction in landed catches of target species (skipjack and yellowfin) but made a big difference to the catch of bigeye and juvenile tunas<sup>9</sup>. When required by management measures, purse-seine fleets are perfectly capable of catching free school tuna. Interviews with both Spanish and French purse seine captains in the Mozambique channel (April 2013) also confirmed the vessels frequently find and catch free school tuna in the region all year round. It is also claimed that a shift from FAD to free school sets would result in increased pressure on yellowfin and bigeye tuna stocks. That would only be true if no adequate management measures are in place to prevent displacing fishing effort to more vulnerable stocks.

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<sup>8</sup> Resolution 12/08 Procedures on a Fish Aggregating Devices (Fads) Management Plan

<sup>9</sup> See WCPFC Science committee reports such as : SC (2011). Summary Report. Seventh Regular Session of the Science Committee, WCPFC. 9–17 August 2011, Pohnpei, Federated States of Micronesia. Available at <http://www.wcpfc.int/node/3961>

A recent study<sup>10</sup> concludes that “*in the Indian Ocean tuna fisheries, purse seine effort on free schools results in the lowest bycatch levels, while producing over 80% of higher value yellowfin and bigeye tuna. Floating object sets result in nearly five times the amount of bycatch, with skipjack constituting nearly 70% of the target catch, albeit with nearly 28% in numbers of small yellowfin and bigeye tuna.*” That clearly establishes that free school sets are both a possible and more sustainable option.

This has been known for a long time and it is regrettable that solutions are only being sought in response to public and market pressure.

Until effective solutions are found to all of the environmental impacts of FAD fishing by the purse seine fleets targeting tropical tunas in the Indian Ocean, Greenpeace will continue to call on progressive tuna brands retailers to refuse the marketing of tuna caught by purse seine nets using FADs and to call on the IOTC to ban the use of FADs as a precautionary measure.

## **6. Allocation mechanism and property rights**

The IOTC Technical Committee on Allocation Criteria (TCAC) met for the 2<sup>nd</sup> time on 18-20 February 2013 in Muscat (Oman). No progress could be achieved to develop an allocation mechanism. The discussions were primarily focussed on establishing historical records either based on flag States or on coastal States for catches made in EEZs and flag States for catches on the high seas.

Many coastal States are currently at a disadvantage, with historical catch records much lower than those of distant water fishing States, either because they did not have the capacity to catch tuna, or because catches were primarily recorded by flag of distant water fishing States or because there are few, unreliable or no data to account for catches, especially, by smaller-scale fleets.

Various arguments are being advanced by the different interests in order to retain or gain fishing opportunities and rights. It is undeniable that access to and benefit from Indian Ocean tuna resources must be more equitable. IOTC Members have not only rights, but also obligations with respect to fishing activities and the fight over available resources should not be at the expense of long-term environmental sustainability or the livelihoods of dependent communities. In that context, the highly dubious or questionable ideology that "property rights" under various guises are *the* "solution" to the race for fish is of great concern. Property rights have been shown to lead to the privatization of marine resources, the concentration of the right of access in the hands of economically and politically powerful operators and the exclusion of dependent coastal communities.

IOTC members must commit to reaching an agreement to equitably share tuna resources within precautionary fishing limits and to grant preferential access to fleets using low impact fishing gears and practices and providing greater employment, good working conditions and high quality products.

In the absence of such an agreement, the danger remains that fishing fleets, both large and small-scale, may continue to expand well beyond what tuna stocks can sustain. That would be catastrophic for all concerned.

## **7. Compliance: still a major challenge**

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<sup>10</sup> SmartFish Programme Report SF/2013/32

Compliance with IOTC conservation and management measures remains a major challenge and fleets from IOTC CPCs and non-CPCs are involved in IUU fishing activities. Both the IOTC and CPCs need to improve MCS capacity and efficiency. In 2012 and 2013, Greenpeace conducted two at-sea expeditions. Observations highlighted the lack of monitoring and surveillance both in EEZs and on the high seas.<sup>11</sup>

Some IOTC members have large small-scale fleets using a variety of vessels and gears. Ensuring efficient monitoring and control of such fleets requires specific systems and should involve stakeholders at a local level. It also demands a thorough understanding of obligations and requirements. Starting in 2013 the Compliance Section has begun conducting Compliance Support Missions to help IOTC members to fulfill their obligations through the development of action plans with timelines.

Given that the situation appears to remain virtually unchanged from last year, or in some cases even worsened, Greenpeace can only reiterate its recommendations from 2012:

- develop and implement a scheme of incentives and sanctions to encourage compliance by all CPCs and follow-up on identified cases of non-compliance and fishing activities undermining conservation and management measures;
- speed up progress to put in place a transparent and publicly available global record of active tuna vessels in collaboration with all other tuna RFMOs, based on a unique vessel identifier (UVI);
- Ban at-sea transshipment;
- greatly increase the current coverage of the IOTC regional observer programme aiming at 100% observer coverage on board all large-scale vessels, as well as all vessels operating outside the EEZ of their flag State;
- agree on 100% tamper proof VMS coverage, centralized through the IOTC Secretariat with limited exemptions for small-scale vessels fishing in their own waters and ensure data are made available to the scientific committee;
- call on all parties to the IOTC to sign and ratify the FAO Port State Measures Agreement;
- Introduce catch documentation schemes, starting with tropical tunas.

In addition, Greenpeace recommends adopting and implementing an inspection scheme including clear inspection procedures and benchmarks and standardised inspection reporting

## **8. Adopt strict shark conservation measures**

To date, very little progress has been achieved to ensure protection of sharks in the region. Data on species targeted and incidentally caught, especially in gill net and longline fisheries, are lacking as many CPCs fail to report data on sharks.

Therefore, a precautionary approach is warranted and the IOTC must adopt more effective measures to ensure the protection of shark populations. While measures for certain species of sharks have been adopted, they are not sufficient and not effectively enforced. Earlier this year, international concern over the status of sharks populations lead to the listing of several species of sharks and rays on CITES Appendix II.

The region should follow on this example and ban the catching and targeting of endangered shark species of hammerhead, oceanic white tip and silky sharks,

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<sup>11</sup> <http://www.greenpeace.org/international/Global/international/publications/oceans/2013/RW-IOE-2012.pdf>

Greenpeace congratulates the Maldives for establishing a shark sanctuary in its waters but notes that IUU fishing of sharks both in the Maldives EEZ and in the fully protected marine reserve in the Chagos EEZ , especially by Sri Lankan gillnet/longline boats, has been repeatedly reported and documented. In the last year, Greenpeace alone has documented 14 illegal incidents in these two EEZs<sup>12</sup>

Sharks can only be effectively protected if effective measures are adopted and enforced throughout their range and the IOTC should;

- Prohibit the retention of hammerhead, oceanic white tips and silky sharks;
- Prohibit setting on whale sharks in the purse seine fisheries;
- Ban the use of wire leaders in longline fisheries;
- Ban the wasteful and cruel practice of shark finning and require the landing of all sharks caught with their fins naturally attached.

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<sup>12</sup> <http://www.greenpeace.org/international/Global/international/publications/oceans/2013/RW-IOE-2012.pdf>