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## CONSERVATION AND MANAGEMENT MEASURES REQUIRING ACTION BY THE COMMISSION IN 2013

PREPARED BY: IOTC SECRETARIAT, 11 MARCH 2013

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### PURPOSE

To inform the Commission of previous decisions contained in IOTC Conservation and Management Measures, on which the Commission agreed to take action at its 17<sup>th</sup> Session in 2013.

### BACKGROUND

The Commission has considered and adopted a range of Conservation and Management Measures (CMM) in the past that included both timeframes for actions to be taken and potential renewal of the CMMs upon completion of those actions. The sections below highlight CMMs that the Commission had previously agreed shall be reconsidered in 2013.

### DISCUSSION

#### **Resolution 05/05 Concerning the conservation of sharks caught in association with fisheries managed by IOTC** (Appendix A)

This Resolution calls on CPCs to annually report data for catches of sharks, in accordance with IOTC data reporting procedures, including available historical data.

The following two of the paragraphs of the Resolution (paras. 2 and 5) have now been fulfilled by the Scientific Committee and may warrant removal:

*Para. 2. In 2006 the Scientific Committee (in collaboration with the Working Party on Bycatch) provide preliminary advice on the stock status of key shark species and propose a research plan and timeline for a comprehensive assessment of these stocks.*

*Para. 5. The ratio of fin-to-body weight of sharks described in paragraph 4 shall be reviewed by the scientific committee and reported back to the Commission in 2006 for revision, if necessary.*

In addition, paragraph 10 requests:

*Para. 10. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.*

**Suggested action:** To consider removing paragraphs 2 and 5 from the Resolution, as well as considering how best to provide assistance to developing CPCs to collect data on their shark catches.

#### **Resolution 10/05 On the establishment of a meeting participation fund for developing State Members** (Appendix B)

This Resolution provides for a special Meeting Participation Fund (MPF) be established for the purposes of supporting scientists and representatives from IOTC Members and Cooperating non-Contracting Parties (CPCs) who are developing States to attend and/or contribute to the work of the Commission, the Scientific Committee and its Working Parties.

Paragraph 2 of the Resolution states that:

*Para. 2. The MPF shall be financed from an initial allocation of USD200,000 from IOTC's accumulated funds, and subsequently by voluntary contributions from Members and such other sources as the Commission may identify. The Commission will identify, at its 15<sup>th</sup> Session, a procedure for supplying funds to the MPF in the future.*

**Suggested action:** To identify a procedure for supplying funds to the MPF at the S17.

**Resolution 11/04 On a Regional Observer Scheme** (Appendix C)

This Resolution provides for a Regional Observer Scheme to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area of competence.

Paragraph 2 of the Resolution states that:

Para. 2. *In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC area of competence of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above mentioned coverage should be achieved progressively by January 2013.*

**Suggested action:** To determine if para. 2 has been met and/or to consider revision of the paragraph.

**Resolution 12/04 On The Conservation Of Marine Turtles** (Appendix D)

Among a range of other activities, this Resolution calls on the Scientific Committee to:

Para. 11. *The Scientific Committee shall request the Working Party on Ecosystems and Bycatch to:*

- a) *Develop recommendations on appropriate mitigation measures for gillnet, longline and purse seine fisheries in the IOTC area*
- b) *Develop regional standards covering data collection, data exchange and training*
- c) *Develop improved FAD designs to reduce the incidence of entanglement of marine turtles, including the use of biodegradable materials*

Subsequently, the Resolution calls on the Commission to:

Para. 12. *At its annual session in 2013 the Commission shall consider the recommendations of the Scientific Committee, together with socio-economic considerations, with a view to adopting further measures to mitigate interactions with marine turtles in fisheries covered by the IOTC Agreement.*

**Suggested action:** To consider the advice of the Scientific Committee and determine if further measures to mitigate interactions with marine turtles are warranted at this time.

**Resolution 12/07 Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information** (Appendix E)

This Resolution requires that information on all vessels operating under private or government-to-government agreements be provided to the Commission.

Within the Resolution, the section on Government to Government Access Agreements states that:

Para. 4 *For agreements in existence prior to the entry into force of this Resolution, the information specified in paragraph 3 shall be provided, at the latest, 60 days in advance of the 2013 Commission meeting.*

Para 6. *The Secretariat shall report the information specified in this Resolution annually to the Commission at its annual meeting.*

**Suggested action:** To note that two Government-to-Government Access Agreements were received by the Secretariat by the 60 day pre-Commission meeting deadline of 6 March, 2013 as follows and as presented to the 10<sup>th</sup> Session of the Compliance Committee:

- European Union
- Mozambique

**Resolution 12/11 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties** (Appendix F)

This Resolution calls on CPCs to implement a limitation on their fishing capacity targeting tropical tunas, swordfish and albacore stocks, while allowing for the inclusion of vessels under construction during specific reference years, and those proposed by the developing coastal States in their fleet development plans.

This Resolution is applicable during the years 2012 and 2013 (para. 11), and thus, will not be applicable in 2014. The Resolution also states that “*the Commission shall review its implementation at the 2014 IOTC Session.*”

**Suggested action:** To consider extending the applicability of the Resolution for an additional period, while awaiting the review which is scheduled to take place in 2014.

**Resolution 12/12 *To prohibit the use of large-scale driftnets on the high seas in the IOTC area*** (Appendix G)

This Resolution bans the use of large-scale driftnets (more than 2.5 km long) on the high seas within the IOTC Area of competence.

Paragraph 6 of this Resolution states that “*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 IOTC area of competence. The first such assessment shall take place in 2013.*”

**Suggested action:** To consider the effectiveness of the current Resolution and agree if other steps are required to strengthen it.

**Resolution 12/13 *For the Conservation and Management of Tropical Tunas Stocks in the IOTC Area of Competence*** (Appendix H)

This Resolution establishes a closure of a defined area for purse seine vessels from 1<sup>st</sup> November to 1<sup>st</sup> December and for longline vessels from 1<sup>st</sup> February to 1<sup>st</sup> March in order to reduce the fishing pressure on yellowfin and bigeye tunas.

The Scientific Committee is to provide advice on possible modifications of the closure area or time periods; an evaluation of the impact of the catch of juveniles and spawners with recommendation for mitigation of such impact; and advice on possible different management measures.

Paragraph 13 of this Resolution states that “*the Commission shall adopt an allocation quota system or any other relevant measure for the yellowfin and bigeye tunas at its plenary session in 2012.*”

**Suggested action:** To consider updating the Resolution with new timeframes, given some have now passed without action.

## RECOMMENDATION

That the Commission addresses each of the previously agreed requirements detailed above and that it considers the suggested action in each case.

## APPENDICES

**Appendix A:** Resolution 05/05 *Concerning the conservation of sharks caught in association with fisheries managed by IOTC*

**Appendix B:** Resolution 10/05 *On the establishment of a meeting participation fund for developing State Members*

**Appendix C:** Resolution 11/04 *On a Regional Observer Scheme*

**Appendix D:** Resolution 12/04 *On the conservation of marine turtles*

**Appendix E:** Resolution 12/07 *Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC area of competence and access agreement information*

**Appendix F:** Resolution 12/11 *On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties*

**Appendix G:** Resolution 12/12 *To prohibit the use of large-scale driftnets on the high seas in the IOTC area*

**Appendix H:** Resolution 12/13 *For the conservation and management of tropical tunas stocks in the IOTC area of competence*

**RESOLUTION 05/05**  
**CONCERNING THE CONSERVATION OF SHARKS CAUGHT IN ASSOCIATION WITH FISHERIES**  
**MANAGED BY IOTC**

**The Indian Ocean Tuna Commission (IOTC),**

RECALLING that the United Nations Food and Agriculture Organisation (FAO) International Plan of Action of Sharks calls on States, within the framework of their respective competencies and consistent with international law, to cooperate through regional fisheries organisations with a view to ensuring the sustainability of shark stocks as well as to adopt a National Plan of Action for the conservation and management of sharks (defined as elasmobranchs);

CONSIDERING that many sharks are part of pelagic ecosystems in the IOTC area, and that tunas and tuna-like species are captured in fisheries targeting sharks;

RECOGNISING the need to collect data on catch, effort, discards and trade, as well as information on the biological parameters of many species, in order to conserve and manage sharks;

ADOPTS, in accordance with paragraph 1 of Article IX of the IOTC Agreement that:

1. Contracting Parties, Cooperating non-Contracting Parties (CPCs) shall annually report data for catches of sharks, in accordance with IOTC data reporting procedures, including available historical data.
2. In 2006 the Scientific Committee (in collaboration with the Working Party on Bycatch) provide preliminary advice on the stock status of key shark species and propose a research plan and timeline for a comprehensive assessment of these stocks.
3. CPCs shall take the necessary measures to require that their fishermen fully utilise their entire catches of sharks. Full utilisation is defined as retention by the fishing vessel of all parts of the shark excepting head, guts and skins, to the point of first landing.
4. CPCs shall require their vessels to not have onboard fins that total more than 5 % of the weight of sharks onboard, up to the first point of landing. CPCs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5 % ratio through certification, monitoring by an observer, or other appropriate measures.
5. The ratio of fin-to-body weight of sharks described in paragraph 4 shall be reviewed by the scientific committee and reported back to the Commission in 2006 for revision, if necessary.
6. Fishing vessels are prohibited from retaining on board, transshipping or landing any fins harvested in contravention of this Resolution.
7. In fisheries that are not directed at sharks, CPCs shall encourage the release of live sharks, especially juveniles and pregnant sharks, to the extent possible, that are caught incidentally and are not used for food and/or subsistence.
8. CPCs shall, where possible, undertake research to identify ways to make fishing gears more selective (such as the implications of avoiding the use of wire traces).
9. CPCs shall, where possible, conduct research to identify shark nursery areas.
10. The Commission shall consider appropriate assistance to developing CPCs for the collection of data on their shark catches.
11. This resolution applies only to sharks caught in association with fisheries managed by the IOTC.



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12. This provision to apply without prejudice to many artisanal fisheries which traditionally do not discard carcasses.



### RESOLUTION 10/05

## ON THE ESTABLISHMENT OF A MEETING PARTICIPATION FUND FOR DEVELOPING IOTC MEMBERS AND NON-CONTRACTING COOPERATING PARTIES (CPCs)

### The Indian Ocean Tuna Commission (IOTC),

RECOGNISING that Article 25 paragraph 3 of the Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) describes, *inter alia*, forms of cooperation with developing states and the need for assistance relating to collection, reporting, verification, exchange and analysis of fisheries data and related information; and stock assessment and scientific research;

RECALLING that the IOTC Scientific Committee has noted with concern the lack of participants from developing States at its meetings and those of its subsidiary bodies since 2004;

RECALLING ALSO that these concerns have been acknowledged by the Commission since its Seventh Session, and by the IOTC Performance Review Panel in 2009, who reiterated these concerns and recommended that a special fund be established to support the participation of scientists from developing States;

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

1. A special Meeting Participation Fund (MPF) be established for the purposes of supporting scientists and representatives from IOTC Members and Cooperating non-Contracting Parties (CPCs) who are developing States to attend and/or contribute to the work of the Commission, the Scientific Committee and its Working Parties.
2. The MPF shall be financed from an initial allocation of USD200,000 from IOTC's accumulated funds, and subsequently by voluntary contributions from Members and such other sources as the Commission may identify. The Commission will identify, at its 15<sup>th</sup> Session, a procedure for supplying funds to the MPF in the future.
3. The Fund will be administered by the Secretary, in accordance with the same financial controls as regular budget appropriations.
4. The Secretary shall establish a process for notifying CPCs annually of the level of available funds in the MPF, and provide a timeline and describe the format for the submission of applications for assistance.
5. The Secretary shall submit an annual report to the Commission on the status of the Fund, including a financial statement of contributions to and disbursements from the Fund;
6. The Fund would be utilized, as a first priority, to support the participation of scientists from developing CPCs in scientific meetings of the IOTC, including Working Parties. Those eligible scientists may submit an application for assistance from the Fund. Applicants will be selected by a panel including the Chair of the scientific body concerned, the Secretariat and the Chair of the Scientific Committee, in accordance with the process established in 4 above. Priority will be given to those applicants that will contribute a scientific document on a subject of interest to the meeting they wish to attend. The decision by the Panel shall also take into account the size of the fund and the need for cost-effectiveness. Consideration of applications shall also include an assessment of whether any alternative sources of assistance are available.
7. The remainder of the Fund will be used to finance the participation of one representative per developing CPC to a non-scientific meeting of the Commission, including regular Sessions, if the CPC intends to present reports relevant to the meeting in question, and provided that the CPC is not eligible for support under the fund established under part VII of the UNFSA.



8. The Fund will be allocated in such a way that no more than 25% of the expenditures of the Fund in one year is used to fund attendance to non-scientific meetings.
9. Applicants should note that alternative avenues of funding are available to developing State Members who wish to send scientists to IOTC scientific meetings. For example, a fund has been established under Part VII of UNFSA to assist developing States that are signatories of the UNFSA to implement its provisions, including participation in the work of Regional Fisheries Management Organisations. For those eligible Members of IOTC, this could provide for an alternative source of funding to participate in meetings of the Commission and subsidiary bodies or to fund attendance at IOTC meetings as training and capacity building required to fulfil the obligations under the UNFSA.



## RESOLUTION 11/04 ON A REGIONAL OBSERVER SCHEME

### The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the need to increase the scientific information, in particular to provide the IOTC Scientific Committee working material in order to improve the management of the tuna and tuna-like species fished in the Indian Ocean;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all IOTC Members and Co-operating Non-contracting Parties (hereinafter CPCs) to fully comply with the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (NCPs) to abide by these measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for tuna and tuna-like species;

CONSIDERING the provisions set forth in Resolution 10/04 *On A Regional Observer Scheme*, adopted by the Commission;

CONSIDERING the deliberations of the 12<sup>th</sup> Session of the IOTC Scientific Committee held in Victoria, Seychelles from 30 November to 4 December 2009

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

### Objective

1. The objective of the IOTC observer scheme shall be to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area of competence.

### Observer Scheme

2. In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC area of competence of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above mentioned coverage should be achieved progressively by January 2013.
3. When purse seiners are carrying an observer<sup>1</sup> as stated in paragraph 1, this observer shall also monitor the catches at unloading to identify the composition of bigeye catches. The requirement for the observer to monitor catches at unloading is not applicable to CPCs already having a sampling scheme, with at least the coverage set out in paragraph 2.
4. The number of the artisanal fishing vessels landings shall also be monitored at the landing place by field samplers<sup>2</sup>. The indicative level of the coverage of the artisanal fishing vessels should progressively increase

<sup>1</sup> Observer: a person who collects information on board fishing vessels. Observer programmes can be used for quantifying species composition of target species, bycatch, by-products and dead discards, collecting tag returns, etc.

<sup>2</sup> Field sampler: a person who collects information on land during the unloading of fishing vessels. Field sampling programmes can be used for quantifying catch, retained bycatch, collecting tag returns, etc.



- towards 5% of the total levels of vessel activity (i.e. total number of vessel trips or total number of vessels active).
5. CPCs shall:
    - a) Have the primary responsibility to obtain qualified observers. Each CPC may choose to use either deployed national or non-national of the flag State of the vessel on which they are deployed;
    - b) Endeavour that the minimum level of coverage is met and that the observed vessels are a representative sample of the gear types active in their fleet;
    - c) Take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
    - d) Endeavour to ensure that the observers alternate vessels between their assignments. Observers are not to perform duties, other than those described in paragraphs 10 and 11 below;
    - e) Ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment at the same level as the officers, where possible. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.
  6. The cost of the observer scheme in paragraph 2 and 3 shall be met by each CPC.
  7. The sampling scheme referred in paragraph 4 will be covered by the Commission's accumulated funds and voluntary contribution on a provisional basis. The Commission will consider an alternative for the financing of this scheme.
  8. If the coverage referred in paragraphs 2 and 3 is not met by a CPC, any other CPC may, subject to the consent of the CPC who has not met its coverage, place an observer to fulfil the tasks defined in the paragraphs 1 and 2 until that CPC provides a replacement or the target coverage level is met.
  9. CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.
  10. Observers shall:
    - a) Record and report fishing activities, verify positions of the vessel;
    - b) Observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;
    - c) Record the gear type, mesh size and attachments employed by the master;
    - d) Collect information to enable the cross-checking of entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and
    - e) Carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee.
  11. The observer shall, within 30 days of completion of each trip, provide a report to the CPCs of the vessel. The CPCs shall send within 150 days at the latest each report, as far as continuous flow of report from observer placed on the longline fleet is ensured, which is recommended to be provided with 1°x1° format to the Executive Secretary, who shall make the report available to the Scientific Committee upon request. In a case where the vessel is fishing in the EEZ of a coastal State, the report shall equally be submitted to that coastal State.
  12. The confidentiality rules set out in the resolution 98/02 Data confidentiality policy and procedures for fine-



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scale data shall apply.

13. Field samplers shall monitor catches at the landing place with a view to estimating catch-at-size by type of boat, gear and species, or carry out such scientific work as requested by the IOTC Scientific Committee.
14. The funds available from the IOTC balance of funds may be used to support the implementation of this programme in developing States, notably the training of observers and field samplers.
15. The elements of the Observer Scheme, notably those regarding its coverage, are subject to review and revision, as appropriate, for application in 2012 and subsequent years. Basing on the experience of other Tuna RFMOs, the Scientific Committee will elaborate an observer working manual, a template to be used for reporting (including minimum data fields) and a training program.
16. This Resolution supersedes Resolution 10/04 *On A Regional Observer Scheme*.



## RESOLUTION 12/04 ON THE CONSERVATION OF MARINE TURTLES

### The Indian Ocean Tuna Commission (IOTC),

RECALLING Recommendation 05/08 *On Sea Turtles* and Resolution 09/06 *On Marine Turtles*;

FURTHER RECALLING that marine turtles, including all species in the family Cheloniidae and *Dermochelys coriacea* (leatherback turtles) are listed in Appendix I of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) and that all species of marine turtles are listed on Appendix I or II of *Convention on the Conservation of Migratory Species of Wild Animals*;

AWARE that the populations of the six species of marine turtles under the *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia* (IOSEA MoU) are listed as Vulnerable, Endangered or Critically endangered on the International Union for the Conservation of Nature (IUCN) Red List of Threatened Species;

RECOGNISING that the 26<sup>th</sup> FAO-COFI Session in March 2005 adopted the *Guidelines to Reduce Sea Turtle Mortality in Fishing Operations* (hereinafter referred to as “the FAO Guidelines”) and recommended their implementation by regional fisheries bodies and management organizations;

RECOGNISING that some fishing operations carried out in the Indian Ocean can adversely impact marine turtles and the need to implement measures to manage the adverse effects of fishing in the Indian Ocean on marine turtles;

ACKNOWLEDGING the activities undertaken to conserve marine turtles and the habitats on which they depend within the framework of the IOSEA MoU in particular its *Resolution to Promote the Use of Marine Turtle Bycatch Reduction Measures by IOSEA Signatory States* adopted by the Fifth Meeting of the Signatory States;

NOTING the Scientific Committee’s concern that the lack of data from Contracting Parties and cooperating non-Contracting Parties (CPCs) on the interactions and mortality of marine turtles from fisheries under the mandate of the IOTC undermines the ability to estimate levels of turtle bycatch and consequently IOTC’s capacity to respond and manage adverse effects of fishing on marine turtles;

FURTHER NOTING the Scientific Committee’s concern that the expansion of gillnet fishing from traditional fishing grounds into high seas might increase the interaction with marine turtles and lead to increased mortality;

CONVINCED of the need to strengthen Resolution 09/06 *On Marine Turtles* to ensure that the resolution applies equally to all marine turtle species and that CPCs annually report all interactions and mortalities of marine turtles in fisheries under the mandate of the IOTC;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. This Resolution shall apply to all fishing vessels on the IOTC Record of Fishing Vessels.
2. Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) will implement, as appropriate, the FAO Guidelines.
3. CPCs shall collect (including through logbooks and observer programs) and provide to the IOTC Secretariat no later than 30 June of the following year in accordance with Resolution 10/02 (or any subsequent revision), all data on their vessels’ interactions with marine turtles. The data shall include the level of logbook or observer coverage and an estimation of total mortality of marine turtles incidentally caught in their fisheries.
4. CPCs shall report to the Scientific Committee information on successful mitigation measures and other impacts on marine turtles in the IOTC area, such as the deterioration of nesting sites and swallowing of marine debris.



5. CPCs shall report to the Commission in the annual implementation report, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.
6. CPCs shall require fishermen on vessels targeting species covered by the IOTC Agreement to bring aboard, if practicable, any captured marine turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water. CPCs shall ensure that fishermen are aware of and use proper mitigation, identification, handling and de-hooking techniques and keep on board all necessary equipment for the release of marine turtles, in accordance with handling guidelines in the IOTC Marine Turtle Identification Cards.
7. CPCs with gillnet vessels that fish for species covered by the IOTC Agreement shall:
  - a) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks<sup>1</sup> and report such incidents to the appropriate authorities of the CPC
8. CPCs with longline vessels that fish for species covered by the IOTC Agreement shall:
  - a) Ensure that the operators of all longline vessels carry line cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled, and that they do so in accordance with IOTC Guidelines. CPCs shall also ensure that operators of such vessels follow the handling guidelines in the IOTC Marine Turtle Identification Cards
  - b) Where appropriate, encourage the use of whole finfish bait
  - c) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks<sup>2</sup> and report such incidents to the appropriate authorities of the CPC
9. CPCs with purse seine vessels that fish for species covered by the IOTC Agreement shall:
  - a) Ensure that operators of such vessels, while fishing in the IOTC area:
    - i. To the extent practicable, avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle in accordance with the handling guidelines in the IOTC Marine Turtle Identification Cards
    - ii. To the extent practicable, release all marine turtles observed entangled in fish aggregating devices (FADs) or other fishing gear
    - iii. If a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water
    - iv. Carry and employ dip nets, when appropriate, to handle marine turtles
  - b) Encourage such vessels to adopt FAD designs that reduce the incidence of entanglement of marine turtles according to international standards
  - c) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks<sup>3</sup> and report such incidents to the appropriate authorities of the CPC

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<sup>1</sup> This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release.

<sup>2</sup> This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release



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10. All CPCs are requested to:
    - a) Where appropriate undertake research trials of circle hooks, use of whole finfish for bait, alternative FAD designs, alternative handling techniques, gillnet design and fishing practices and other mitigation methods which may improve the mitigation of adverse effects on marine turtles
    - b) Report the results of these trials to the Scientific Committee (SC), at least 30 days in advance of the annual meetings of the SC
  11. The Scientific Committee shall request the Working Party on Ecosystems and Bycatch to:
    - a) Develop recommendations on appropriate mitigation measures for gillnet, longline and purse seine fisheries in the IOTC area
    - b) Develop regional standards covering data collection, data exchange and training
    - c) Develop improved FAD designs to reduce the incidence of entanglement of marine turtles, including the use of biodegradable materials

The recommendations of the Working Party on Ecosystems and Bycatch shall be provided to the Scientific Committee for consideration at its annual session in 2012. In developing its recommendations, the Working Party on Ecosystems and Bycatch shall examine and take into account the information provided by CPCs in accordance with paragraph 10 of this measure, other research available on the effectiveness of various mitigation methods in the IOTC area, mitigation measures and guidelines adopted by other relevant organizations and, in particular, those of the Western and Central Pacific Fisheries Commission. The Working Party on Ecosystems and Bycatch will specifically consider the effects of circle hooks on target species catch rates, marine turtle mortalities and other bycatch species.
  12. At its annual session in 2013 the Commission shall consider the recommendations of the Scientific Committee, together with socio-economic considerations, with a view to adopting further measures to mitigate interactions with marine turtles in fisheries covered by the IOTC Agreement.
  13. In researching new mitigation methods, consideration should be given to ensuring that methods do not cause greater harm than they prevent and do not adversely impact other species (particularly threatened species) and/or the environment.
  14. CPCs are encouraged to collaborate with the IOSEA and take into account the IOSEA MoU including the provisions of the Conservation and Management Plan in the implementation of bycatch mitigation measures for marine turtles.
  15. The IOTC and IOSEA secretariats are encouraged to intensify their collaboration and exchange of information on marine turtle issues in accordance with the protocols agreed by the Commission.
  16. CPCs are encouraged to support developing countries in their implementation of the FAO Guidelines and this Resolution.
  17. The Scientific Committee shall annually review the information reported by CPCs pursuant to this measure and, as necessary, provide recommendations to the Commission on ways to strengthen efforts to reduce marine turtle interactions with IOTC fisheries.
  18. This Resolution supersedes Recommendation 05/08 *On Sea Turtles* and Resolution 09/06 *On Marine Turtles*.

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<sup>3</sup> This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release



## RESOLUTION 12/07

### CONCERNING A RECORD OF LICENSED FOREIGN VESSELS FISHING FOR IOTC SPECIES IN THE IOTC AREA OF COMPETENCE AND ACCESS AGREEMENT INFORMATION

**The Indian Ocean Tuna Commission (IOTC),**

RECOGNISING that coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to their natural resources;

CONCIOUS of the provisions of Article 62 of the United Nations Convention on the Law of the Sea;

NOTING that the information on vessels licensed to fish in the exclusive economic zone (EEZ) of IOTC Members and Cooperating non-Contracting Parties (CPCs), constitutes a means to identify potential unreported fishing activities;

MINDFUL of the recommendation 17 of the Performance Review Panel, as listed in Resolution 09/01 *on the performance review follow-up*, that the obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their EEZs.

AWARE of the data reporting requirements for all CPCs and the importance of complete statistical reporting to the work of the Scientific Community, its Working Parties and the Commission;

MINDFUL of the need to ensure transparency among CPCs, in particular to facilitate joint efforts to combat illegal, unreported, and unregulated fishing;

RECALLING the duties of CPCs concerning IUU fisheries as stated in the Resolution 11/03 *establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*; which requires CPCs to ensure that their vessels do not conduct fishing activities within areas under the national jurisdiction of other States without authorisation and/or infringe the coastal State's laws and resolutions;

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

#### **PRIVATE ACCESS AGREEMENTS:**

1. All CPCs which issue licenses to foreign flag vessels to fish in their EEZ for species managed by the IOTC in the IOTC Area of Competence (hereinafter referred to as "the Area"), shall submit to the Secretary, by 15 February every year, a list of all foreign flag vessels to which such licences have been issued during the previous year.
2. This list shall contain the following information for each vessel:
  - IOTC Number
  - Name and registration number
  - IMO number, if available
  - The flag at the time of issuing the licence
  - International radio call sign (if any)
  - Vessel type, length, and gross tonnage (GT)
  - Name and address of owner, and/or charterer and/or operator



- 
- Main target species
  - Period of licence

#### **GOVERNMENT TO GOVERNMENT ACCESS AGREEMENTS:**

3. In cases where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC-to-CPC agreement, CPCs involved in the referred agreement shall jointly notify the Commission prior to beginning fishing activities of the existence of such agreements and provide to the Commission information concerning these agreements, including:
  - a) The CPCs involved in the agreement
  - b) The time period or periods covered by the agreement
  - c) The number of vessels and gear types authorized and vessel information requested in paragraph 2 above
  - d) The stock or species authorized for harvest, including any applicable catch limits
  - e) The CPC's quota or catch limit to which the catch will be applied, where applicable
  - f) Monitoring, control, and surveillance measures required by the flag CPC and coastal CPC involved
  - g) Data reporting obligations stipulated in the agreement, including those between the parties involved, as well as those regarding information that must be provided to the Commission
  - h) A copy of the written agreement
4. For agreements in existence prior to the entry into force of this Resolution, the information specified in paragraph 3 shall be provided, at the latest, 60 days in advance of the 2013 Commission meeting.
5. When an access agreement is modified in a manner that changes any of the information specified in paragraph 3, these changes shall be promptly notified to the Commission.
6. The Secretariat shall report the information specified in this Resolution annually to the Commission at its annual meeting.
7. This Resolution shall be consistent with domestic confidentiality requirements of the coastal CPC and the flag CPC concerned.
8. IOTC Resolution 10/07 *Concerning a record of licenced vessels fishing for tunas and swordfish in the IOTC Area* is superseded by this Resolution.



**RESOLUTION 12/11**  
**ON THE IMPLEMENTATION OF A LIMITATION OF FISHING CAPACITY OF CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES**

**The Indian Ocean Tuna Commission (IOTC),**

NOTING that the IOTC Scientific Committee during its Eleventh Session agreed that the total overcapacity is a major concern in all Oceans;

RECALLING the adoption by IOTC in 2003 of the Resolution 03/01 on the limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties; the adoption in 2006 of the Resolutions of the Resolution 06/05 on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating Non Contracting Parties, and the adoption in 2007 of the Resolution 07/05 *on limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties in terms of number of vessels targeting swordfish and Albacore*;

RECOGNISING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) provides, in its Objectives and Principles that "States and Regional Fisheries Organisations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries";

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;

RECOGNISING the need to ensure the proper implementation of the Resolutions 03/01, 06/05 and 07/05, in order to allow the stabilisation of the level of fishing capacity active on the stocks of high commercial value under the IOTC responsibility, and to facilitate the work of the Scientific Committee to be able to provide the Commission with sound scientific advice;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) shall notify to the IOTC Secretariat, by 31 December 2009, the lists of vessels, by gear type, over 24 meters overall length and over, and under 24 meters if the fished outside their EEZs, and corresponding overall capacity in GT, which have actively fished in accordance with the provision of IOTC Resolution 07/04:
  - for tropical tunas during the year 2006<sup>1</sup>
  - for swordfish and albacore during the year 2007

Both lists shall include the vessel at that time considered under administrative process of construction.

2. In notifying their vessels fishing for tropical tunas in the area in 2006, and for swordfish and albacore in 2007, the CPCs shall confirm that they have verified the effective presence and fishing activities of their vessels in the IOTC area in 2006 and in 2007, through their VMS records, catch reports, port calls, or other means. The IOTC Secretariat shall have access to such information upon request.

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<sup>1</sup> Acknowledging that the catch levels and vessels presence in 2006 of certain Members is not representative of their historical presence, and consequently that these Members may increase the number of vessels present during the period of application of the Resolution to a maximum level operating in a season or year since 2000. These Members shall provide the Commission the identified number of vessels and corresponding capacity in GT by 31 December 2009.



3. This provision does not apply to those vessels included in the lists, but considered under administrative process of construction in 2006 and in 2007.
4. Within the period of application of this Resolution, CPCs may change the number of their vessels, by gear type, provided that they can either demonstrate to the Commission, under the advice of the Scientific Committee that the change in the number of vessels, by gear type, does not lead to an increase of fishing effort on the fish stocks involved or where they are directly limiting catches using individual transferable quotas under a comprehensive national management plan which has been provided to the Commission.
5. CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels or on the Record of Vessels of other tuna Regional Fisheries Management Organizations. No vessels on the List of IUU Vessels of any Regional Fisheries Management Organization may be transferred.
6. The other CPCs which had the objective of developing their fleets following the provisions of IOTC Resolution 03/01, through the introduction to the IOTC of a fleet development plan, shall confirm, by 31 December 2009, *inter alia*, the type, size, gear and origin of the vessels included in the Fleet Development Plans and the programming (precise calendar for the forthcoming 10 years) of their introduction into the fisheries). All future fishing efforts shall be in accordance with such development Plans of the concerned CPCs.
7. The CPCs which have introduced a Fleet Development Plan, and have confirmed the information on the vessels included in those plans according to the provision of paragraph 3, shall implement their Plans according to their programming. Regarding CPCs which fail to introduce vessels in accordance with their Fleet Development Plans, the IOTC Compliance Committee and the Commission will give annual consideration to the problems related to the implementation of Fleet Development Plans.
8. The IOTC Compliance Committee shall verify, at any IOTC Plenary Session, the compliance of CPCs with the provisions of this Resolution, including the implementation, according to the notified programming, of the Fleet Development Plans.
9. In relation to the foregoing, the Commission will give due consideration to the interests of the developing coastal States, in particular small islands developing States and territories within the IOTC area of competence.
10. This Resolution is applicable during the years 2012 and 2013. The Commission shall review its implementation at the 2014 IOTC Session.
11. This Resolution supersedes Resolution 09/02 *on the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties*.

## RESOLUTION 12/12

### TO PROHIBIT THE USE OF LARGE-SCALE DRIFTNETS ON THE HIGH SEAS IN THE IOTC 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 (IOTC area of competence);

MINDFUL that any vessel fishing with large-scale driftnets on the high seas in the IOTC area of competence, 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 IOTC Agreement; 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 paragraph 1 of Article IX of the IOTC Agreement, that:

1. The use of large-scale driftnets<sup>1</sup> on the high seas within the IOTC area of competence shall be prohibited.
2. Each Contracting Party and Cooperating Non-Contracting party (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 IOTC area of competence.
3. A CPC-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the IOTC area of competence if it is found operating on the high seas in the IOTC area of competence and is configured<sup>2</sup> to use large-scale driftnets.
4. Paragraph 3 shall not apply to a CPC-flagged vessel duly authorized to use large-scale driftnets in their EEZs. While on the high seas in the IOTC area of competence all of such driftnets and related fishing equipment shall be 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 IOTC area of competence.
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 IOTC area of competence. The first such assessment shall take place in 2013.
7. Nothing in this measure shall prevent CPCs from applying more stringent measures to regulate the use of large-scale driftnets.
8. This Resolution supersedes Resolution 09/05 *to prohibit the use of large-scale driftnets on the high seas in the IOTC area.*

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<sup>1</sup> “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.

<sup>2</sup> “Configured” to use large-scale drift-nets means having on board assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets.

**RESOLUTION 12/13**  
**FOR THE CONSERVATION AND MANAGEMENT OF TROPICAL TUNAS STOCKS IN THE IOTC**  
**AREA OF COMPETENCE**

**The Indian Ocean Tuna Commission (IOTC),**

RECOGNISING that based on past experience in the fishery, the potential production from the resource can be negatively impacted by excessive fishing effort;

TAKING INTO ACCOUNT the available scientific information and advice, in particular the IOTC Scientific Committee conclusions whereby the yellowfin and bigeye tuna stocks might have been over or fully exploited in recent years;

RECOGNISING that during the 12<sup>th</sup> IOTC scientific meeting held in Seychelles from 30 November to 04 December 2009, the Scientific Committee recommended that yellowfin and bigeye tuna catches should not exceed the MSY levels which have been estimated at 300,000 tonnes for yellowfin and at 110,000 tonnes for bigeye tuna;

ACKNOWLEDGING that the implementation of a TAC without a quota allocation would result in an inequitable distribution of the catches and fishing opportunities among the IOTC Members and Cooperating non-Contracting Parties (CPCs) and non-CPCs;

FURTHER RECOGNISING that the tuna artisanal fisheries sector needs strengthening in terms of catch statistics reporting in order to more closely follow the catch situations and notwithstanding improvement in the industrial fishery catch statistics reporting requirements;

NOTING the importance of applying the precautionary approach for the management of the tropical tuna and swordfish stock, in particular yellowfin and bigeye tuna in the Indian Ocean;

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

1. This resolution is applicable in 2011, 2012, 2013 and 2014 to all vessels of 24 meters overall length and over, and under 24 meters if they fish outside their EEZ, fishing within the IOTC area of competence.
2. With the view to decreasing the pressure on the main targeted stocks and in particular on the yellowfin tuna and bigeye tuna in the IOTC area of competence for the years 2011, 2012, 2013 and 2014, the area defined by the following coordinates (Annex1) will be closed for longline vessels in each year from 0000 hours on 1 February to 2400 hours on 1 March, and for purse-seine vessels in each year from 0000 hours on 1 November to 2400 hours on 1 December:  
  
0° - 10° North  
  
40° and 60° East
3. All vessels fishing within the IOTC area of competence in 2011, 2012, 2013 and 2014, regardless of the flag under which they operate or whether they change flag during the year, shall observe the area and period closure.
4. CPCs flag states shall monitor the compliance of their vessels with this Resolution, notably through VMS, and will provide a summary of VMS records related to their fleet operation in the previous year for the consideration of the Compliance Committee.
5. Fishing vessels that do not comply with IOTC Resolution 06/03 "*On establishing a vessel monitoring system programme*" are not allowed to be active in the IOTC area of competence.



6. Landings, transshipments and commercial transactions of all species, and their products, that have been positively identified as originating from fishing activities that contravene this resolution, are prohibited.
7. Each CPC shall no later than 45 days before the date of entry into force of a closure:
  - a) take the necessary legal and administrative measures to implement the closure
  - b) inform all interested parties and their national tuna and tuna-like species industries of the closure
  - c) inform the IOTC Secretary that these steps have been taken
8. In order to have a more extensive knowledge of the exploitation rate of these species and also the assessment of the feasibility of near real time reporting, the IOTC CPCs agree to implement as soon as possible a pilot project within the framework of the port sampling programme under Resolution 11/04, with a view to enhancing the gathering of catch data related to the activities of the artisanal fishery sector and to establishing a catch reporting system.

The pilot project shall be implemented for a 12 months period by the IOTC Secretariat in collaboration with the CPCs concerned.

The pilot project will contribute relevant information to the work of the Scientific Committee in future revision of stock estimates and in the assessment of the reporting requirements in respect of catch quota reporting, particularly in the artisanal fisheries.

The Scientific Committee will examine the results of the pilot project at its 2011 meeting and provide management advice to the Commission.
9. The Scientific Committee will provide at its 2010, 2011 and 2012 plenary Session any appropriate management options based on the Kobe II matrix (Annex 2) for the consideration of the Commission.
10. The Scientific Committee will provide at its 2011, 2012 and 2013 Plenary sessions:
  - a) an evaluation of the closure area, specifying in its advice if a modification is necessary, its basic scientific rationale with an assessment of the impact of such a closure on the tropical tuna stocks, notably yellowfin and bigeye tuna
  - b) an evaluation of the closure time periods, specifying in its advice if a modification is necessary, its basic scientific rationale with an assessment of the impact of such a closure on the tropical tuna stocks, notably yellowfin and bigeye tuna
  - c) an evaluation of the impact on yellowfin and bigeye tuna stocks by catching juveniles and spawners taken by all fisheries. The Scientific Committee shall also recommend measures to mitigate the impacts on juvenile and spawners
  - d) any other advice on possible different management measures based on the Kobe II matrix, on the main targeted species under the IOTC competence
11. CPCs shall implement the following action plan:
  - a) establishment of an allocation system (Quota) or any other relevant measures based on the Scientific Committee recommendations for the main targeted species under the IOTC competence
  - b) advice on the best reporting requirement of the artisanal tuna fisheries and implementation of an appropriate data collection system
  - c) the pilot project as specified in paragraph 8
12. A technical committee meeting shall be held prior to the Commission Plenary session in 2011 to discuss on allocation criteria for the management of the tuna resources of the Indian Ocean and recommend an allocation



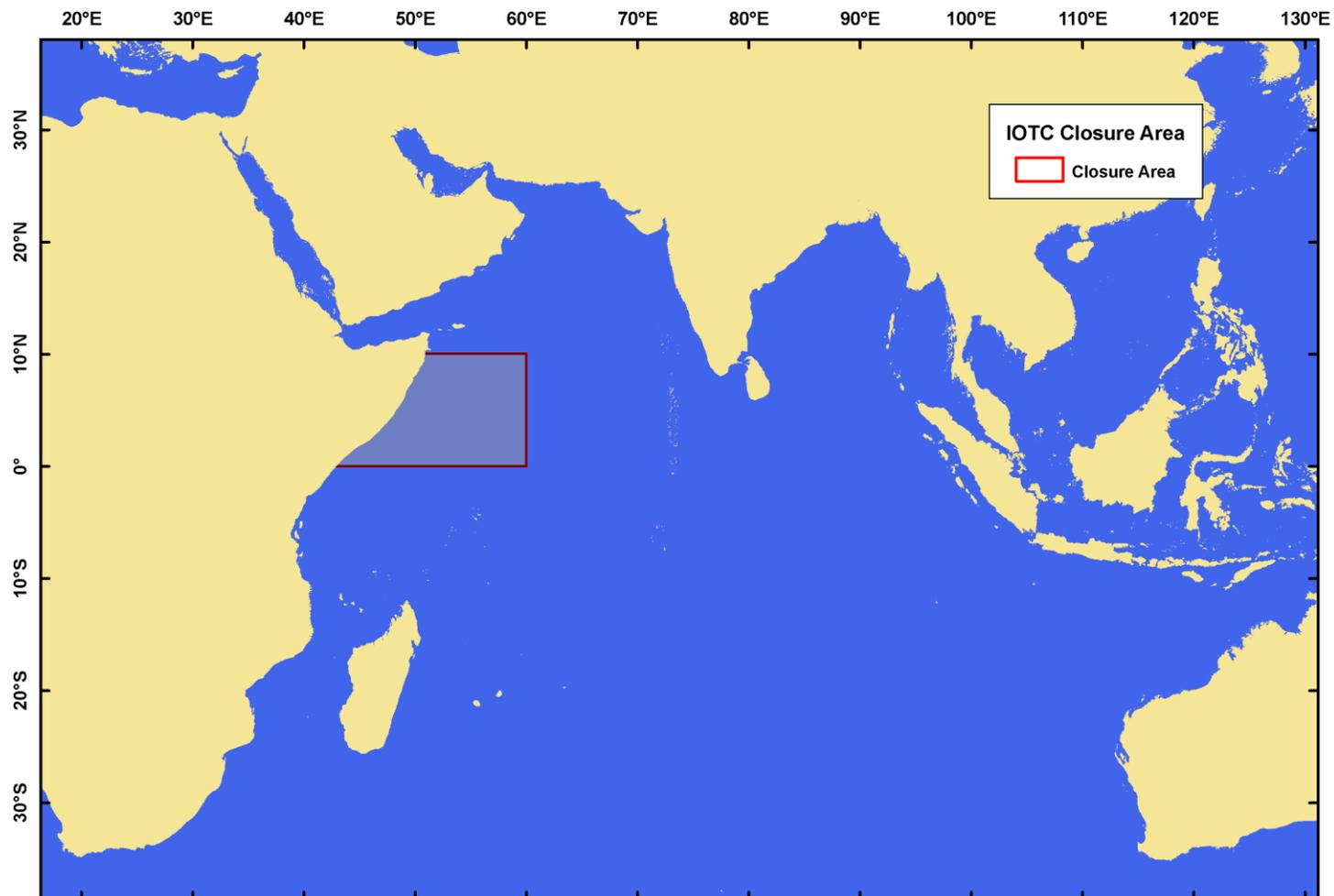
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quota system or any other relevant measures. CPCs are encouraged to submit proposals one month prior to the meeting.

13. The Commission shall adopt an allocation quota system or any other relevant measure for the yellowfin and bigeye tunas at its plenary session in 2012.
14. This Resolution supersedes Resolution 10/01 *for the conservation and management of tropical tunas stocks in the IOTC area of competence.*



Annex 1





Annex 2

**Strategy Matrix for Setting Management Measures**

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Fishing Mortality Target>	In x years				
	In y years				
	In z years				

Management Target	Time Frame	Probability of Meeting Target			Data Rich/ Data Poor
		A%	B%	C%	
<Biomass Target>	In x years				
	In y years				
	In z years				

Management Target		Probability of Maintaining Status Quo			Data Rich/ Data Poor
		A%	B%	C%	
<Status Quo>					