
**ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA
STOCK IN THE IOTC AREA OF COMPETENCE****SUBMITTED BY: SEYCHELLES, 12 APRIL 2017**

Explanatory Memorandum

The proposed amendment to the Resolution takes into account the result of the updated stock assessment produced at the 19th Scientific Committee held in Seychelles which mentioned: “The stock status determination did not change in 2016, but does give a somewhat more optimistic estimate of stock status than the 2015 assessment as a direct result of the use of more reliable information on catch rates of longline fisheries and updated catch up to 2015”.

It was further noted that the estimated probability of the Indian Ocean yellowfin tuna stock to be in the red zone of the Kobe plot has decreased from 94% based on 2015 stock assessment to 67,6% based on the 2016 stock assessment and considering other applicable measures within Resolution 16/01, particularly the 23% reduction in the limit on the number of FADs deployed by tuna purse seiners from 550 to 425 per vessel per year, effective from 1st January 2017, and that the supply vessel limitation could help this progressive improvement of the yellowfin tuna stock status.

A direct consequence of the adoption of Resolution 16/01 is no doubt a major setback for many CPCs especially coastal States, in particular small islands developing States with vulnerable economies that directly depend on tuna stocks for food, employment and as a means of living.

Noting that the Agreement for the Establishment of the IOTC including other international instruments such as 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) call for the recognition of the special needs and requirements of developing states, particularly Small Island developing states in their participation in fisheries within their Exclusive Economic Zones and on the high seas.

Furthermore part of the objectives, functions and responsibility of the IOTC Commission in the Agreement for the Establishment of the Commission is to to keep under review, the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal states and to consider economic factors including the special requirements of those developing States in the IOTC area in establishing conservation and management measures.

Recognizing the interactions that occur between the fisheries for yellowfin, skipjack and bigeye tuna, the implementation of this interim measure as specified would in practical terms, directly or indirectly, be a disproportionate burden of conservation action onto some developing States, especially on the small island developing States with vulnerable economies and high dependency on tuna production.

As such the proposal for amending this Resolution call for a recognition of the above as stated in the IOTC Agreement and of international instruments for taking into consideration the socio-economic aspect of the fisheries and to give due consideration to the needs of the developing States and small



island developing states instead of giving consideration only to biological parameters of fish stocks when devising conservation and management measures and also the latest updated information on the status of the stock.

In order to redress this disproportionate burden on small island developing States with vulnerable economies the proposal seeks to exempt those or for reconsideration of the reference year for particularly affected States from the implementation of Resolution 16/01 provided that same does not become a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island Developing State Members, territories, and States with small and vulnerable economies.

RESOLUTION 17/XX

ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN THE IOTC AREA OF COMPETENCE

Keywords: Yellowfin tuna, Kobe Process, MSY, Precautionary Approach, Time-area-closures

The Indian Ocean Tuna Commission (IOTC),

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing states, particularly Small Island developing states in Article 24, 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);

RECALLING that Article 5, of UNFSA entitles the conservation and management of highly migratory fish stocks are based on best scientific evidence available and with special reference to Resolution 15/10 for a stock where the assessed status places it within the red quadrant, and with an aim to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible.

FURTHER RECALLING that Article 6, of UNFSA, requires the states to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States.

FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 11-15 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

FURTHER CONSIDERING the report by International Council for the Exploration of Sea and FAO Working Group on Fishing Technology and Fish Behaviour (2006), Gillnets are considered to be one of the least catch controllable and least environmentally sustainable gears;

FURTHER CONSIDERING the recommendations of the 18th Scientific Committee held in Bali, Indonesia, 23 – 27 November 2015 that the catches of yellowfin tuna have to be reduced by 20% of the 2014 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2024.

NOTING THAT the new yellowfin tuna stock assessment produced at the 19th Scientific Committee held in Seychelles mentioned: “The stock status determination did not change in 2016, but does give a somewhat more optimistic estimate of stock status than the 2015 assessment as a direct result of the use of more reliable information on catch rates of longline fisheries and updated catch up to 2015” and that “**Maximum Sustainable Yield (MSY):** estimate for the whole Indian Ocean is estimated at 422,000 t with a range between 406,000-444,000 t (Table 1)” and “the 2011-2015 average catches (390,185 t) were below the estimated MSY level.”

FURTHER NOTING that the estimated probability of the Indian Ocean yellowfin tuna stock to be in the red zone of the Kobe plot has decreased from 94% based on 2015 stock assessment to 67,6% based on the 2016 stock assessment and considering other applicable measures within Resolution 16/01, particularly the 23% reduction in the limit on the number of FADs deployed by tuna purse seiners from 550 to 425 per vessel per year, effective from 1st January 2017, and the supply vessel limitation could help this progressive improvement of the yellowfin tuna stock status.

NOTING THAT supply vessels contribute to the increase in effort and capacity of purse seiners and that the number of supply vessels has increased significantly over the years.

FURTHER CONSIDERING the discussions of the Working Party on Tropical Tuna held in Montpellier, France, 23 – 28 October 2015 on the limitations and the uncertainties in the stock assessment models due to the unavailability of standardized yellowfin tuna CPUE data;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the states to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing states, including Small Island Developing States (SIDS) as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

NOTING THAT Article V(2)(b) of the Agreement for the Establishment of the Indian Ocean Tuna Commission give full recognition to the special interests and needs of Members in the region that are developing countries, in relation to the conservation and management and optimum utilization of stocks covered by this Agreement and encouraging development of fisheries based on such stocks.

FURTHER NOTING THAT Article V(2)(d) requires the Commission to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal states. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States especially small island developing states.

RECOGNIZING FURTHER the interactions that occur between the fisheries for yellowfin, skipjack and bigeye tuna.

CONSIDERING article 12 of Resolution 16/01 that allow the Commission to review this Interim Plan before 2019.

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

1. This resolution shall apply to all fishing vessels targeting tuna and tuna like species in the Indian Ocean of 24 meters overall length and over, and those under 24 meters if they fish outside the EEZ of their flag State, within the IOTC area of competence.

2. The CPCs will reduce their catch of yellowfin as follows:

3. Purse seine:

a. CPCs whose Purse seine catches of yellowfin reported for 2014 or 2015 were above 5000 MT to reduce their Purse seine catches of yellowfin by 15 % from the 2014 or 2015 levels.

b. The number of Fish Aggregating Devices (FADs) as defined in Resolution 15/08, paragraph 7, will be no more than 425 active instrumented buoys and 850 acquired annually instrumented buoys per purse seine vessel per year.

c. Supply vessels: The total number of supply vessels by CPC on the IOTC ~~active list~~ list of Authorized Vessels shall not exceed half of the number of Purse seine vessels reported per CPC on the IOTC ~~active list~~ of Authorized Vessels for the same year. Supply vessels are only eligible to support Purse seine vessels of its own CPC.

d. A purse seine vessel may only be supported by only one supply vessel.

Complementary to Resolution 15/08 on "*Procedures on FADs Management Plan including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species*" and to Resolution 15/02 "*Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)*", CPC shall report annually which Purse seiners are served by each Supply vessel. In the light of assessments made available by the Working Group (WG) on FADs and the Scientific Committee, the Commission shall update, if necessary the above limits in point

b) and c).

4. Gillnet: CPCs whose Gillnet catches of yellowfin reported for 2014 or 2015 were above 2000 MT to reduce their Gillnet catches of yellowfin by 10 % from the 2014 or 2015 -levels.

5. Longline: CPCs whose Longline catches of yellowfin reported for 2014 or 2015 were above 5000 MT to reduce their Longline catches of yellowfin by 10 % from the 2014 or 2015 levels

6. CPCs' other gears: CPCs whose catches of yellowfin from other gears reported for 2014 or 2015 were above 5000 MT to reduce their other gear catches of yellowfin by 5 % from the 2014 or 2015 levels.

7. Flag States will determine appropriate methods for achieving these catch reductions, which could include capacity reductions, effort limits, *etc.*, and will report to the IOTC Secretariat in their Implementation Report, the measures they have taken ,

8. CPCs shall monitor the yellowfin tuna catches from their vessels in conformity with Resolution 15/01 "*On the recording of catch and effort data by fishing vessels in the IOTC area of competence*" and Resolution 15/02 "*Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)*" and will provide a summary of most-recent yellowfin catches for the consideration of the IOTC Compliance Committee.

9. Each year, the Compliance Committee shall evaluate the level of compliance with the catch limits deriving from this Resolution and shall make recommendations to the Commission accordingly. The Scientific Committee via its Working Party on Tropical Tunas, shall in 2017~~6~~, conduct a new assessment of the status of the Yellowfin stock using all available data.

10. The Scientific Committee via its Working Party on Tropical Tunas shall in 2018 undertake an evaluation of the effectiveness of the measures detailed in this Resolution, taking into account all sources of fishing mortality and possible alternatives aiming at returning and maintaining biomass levels at the Commission's target level. After consideration of the results of this evaluation, the Commission shall take corrective measures accordingly.

11. The Commission shall, based on the improved artisanal fishery data and the assessment of the state and impact of the artisanal fishery on the yellowfin stocks, take appropriate measures on the management of the artisanal yellowfin tuna fishery, at its Commission meeting in 2018.

12. The measures contained within this Resolution shall come into force from 1st ~~July~~^{January} 2017; it shall be considered as interim measure and will be reviewed by the Commission no later than at its annual Session in 2019.

13. The provisions of paragraphs 3(a) shall not prejudice the legitimate rights and obligations under international law of those small island developing State, territories, and States with small and vulnerable economies in the Area of Competence of the Commission whose current fishing activity for yellowfin tuna is limited, but that have a real interest and dependency in fishing for the species.

14. The provisions of paragraph 13 shall not provide a basis for an increase in fishing effort by fishing vessels owned or operated by interests outside such developing coastal State, particularly Small Island Developing State Members, territories, and States with small and vulnerable economies.

~~15~~3. Nothing in this resolution shall pre-empt or prejudice future allocation

16.- The current Resolution supersedes IOTC Resolution 16/01¹ *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock.*

¹ <http://www.iotc.org/cmm/resolution-1601-interim-plan-rebuilding-indian-ocean-yellowfin-tuna-stock>