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**IOTC–2017–S21–PropP[E]**

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**ON THE PROHIBITION TO USE LARGE-SCALE DRIFTNETS IN THE IOTC AREA****SUBMITTED BY: FRANCE (TERRITORIES), 21 APRIL 2017**

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***Explanatory memorandum***

Large-scale driftnets fishing nets began to be used in the late 1970s and 1980s. These large-scale driftnets resulted in significantly increased amount of incidental mortality of protected species including, in particular, cetaceans, sea turtles and sharks. This led to international concerns about the environment impacts of this fishing method.

The IOTC Scientific Committee has noted in the report of its 19th session of December 2016 that gillnets are regularly being used with lengths between 4 and 7km. These gillnets may drift sometimes into the high seas in contravention of Resolution 12/12 to prohibit the use of large-scale driftnets on the high seas in the IOTC area. The Scientific Committee reiterated its recommendation that the Commission should consider a ban on large-scale driftnets also in IOTC CPC Exclusive Economic Zones (EEZs) and recalled the negative impacts of such large scale drifting gillnets in areas frequented by marine mammals and turtles.

In view of that recommendation of the IOTC Scientific Committee, this proposal intends to replace Resolution 12/12 by extending its scope beyond the high-seas, to IOTC CPC EEZs, according to the following calendar:

- communication by CPCs before 2017, December 31st, of their flagged vessel duly authorised to use large-scale driftnets in their EEZs;
- demand by any concerned CPC to the Scientific Committee to assess during its 2017 session the possibility to establish temporary exemptions to this prohibition attending the selectivity of certain fisheries carried out with large-scale driftnets;
- possible confirmation of the temporary exemptions on the IOTC session in 2018;
- implementation of the prohibition to use large scale driftnets in the IOTC area from 2019, January 1st.

**RESOLUTION 17/XX**

**ON THE PROHIBITION TO USE LARGE-SCALE DRIFTNETS IN THE IOTC AREA**

**Key-words:** large-scale driftnets, gillnets, EEZ, cetaceans, marine mammals

**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 ;

RECALLING that Resolution 12/12 To prohibit the use of large-scale driftnets on the high seas in the IOTC recognizes the negative impact of such fishing gears.

NOTING that a high number of vessels ~~continue to engage~~ are engaged in large-scale high seas driftnet fishing in the ~~Indian Ocean area (IOTC area of competence); continental shelf and offshore waters of several CPC.~~

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;

CONSIDERING that a large number of sharks, sea turtles, cetaceans have been recorded to be caught in the tuna large-scale gillnet fisheries and especially the sharks species *Isurus oxyrinchus*, *Alopias pelagicus* et *Carcharhinus* spp.; the sea turtles (*Lepidochelys olivacea* and *Chelonia mydas* and the dolphins species *Tursiops aduncus*, *Tursiops truncatus* and *Stenella longirostris*.

NOTING WITH CONCERN that ~~recent information indicates~~ in addition to ecologically important species such as cetaceans (whales and dolphins), turtles and elasmobranchs (sharks, mobulid rays and whale sharks), a number of commercially important finfish species are also caught. Among these bycatch species billfishes, Spanish mackerels, queenfishes and dolphinfishes are dominating.

EMPHASISING 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;

TAKING INTO ACCOUNT the available scientific information and advice, in particular the IOTC Scientific Committee conclusions stablish that some billfishes and Spanish mackerels are overexploited.

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



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1. ~~1.~~—The use of large-scale driftnets<sup>1</sup> on the ~~high seas within the~~ IOTC area of competence shall be prohibited by 2019.
2. ~~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— before the 1<sup>st</sup> January 2019.
3. ~~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~~
  4. CPCs must communicate the CPC-flagged vessel duly authorised to use large-scale driftnets in their EEZs—~~While on~~ before the 31<sup>st</sup> of December 2017.
  5. The Scientific Committee will assess during 2017 the high seas impossibility to establish temporary exemptions to this prohibition attending the IOTC area of competence all selectivity of such certain fisheries carried out with large-scale 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.
6. ~~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.
7. ~~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 ~~2013-2020~~.
8. ~~7.~~—Nothing in this measure shall prevent CPCs from applying more stringent measures to regulate the use of large-scale driftnets.
9. ~~8.~~—This Resolution supersedes Resolution ~~09/05/12/12~~ *to prohibit the use of large-scale driftnets on the high seas in the IOTC area*.

<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.