

Draft final glossary of terms and definitions which should be used by Members while drafting proposals for Resolutions for the Commission.

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PURPOSE

To assist participants at the Working Party on The Implementation of Conservation and Management Measures (WPICMM) to review and update the IOTC Terms and Definitions and propose a draft final glossary of Terms and Definitions which should be used by Members while drafting proposals for Resolutions for the Commission.

BACKGROUND

In addition to the background presented in IOTC-2018-WPICMM01-03, which identified inconsistent use of terms, lack of definition of key terms and use of terms that are not “legal terms of art” in IOTC Resolutions, and noting the IOTC proposed definitions of key terms presented at the Compliance Committee 13 in IOTC-2016-CoC13-13 and the IOTC Glossary of Scientific Terms, Acronyms and Abbreviations and Report Terminology in IOTC-2013-WPEB09-INF17, this paper proposes a glossary of Terms and Definitions to be used by Members while drafting proposals for Resolutions for the Commission, taking the referenced documents into account.

The glossary was prepared taking into account: the proposed definitions considered at CoC 13; the review in document IOTC-2018-WPICMM01-04 of the inconsistent use of terms, lack of definition of key terms and use of terms that are not “terms of legal art” in IOTC Resolutions; the IOTC Scientific Glossary; and definitions in IOTC Resolutions, international fisheries instruments or guidelines, the FAO Fisheries Glossary and best practices.

DISCUSSION

The proposed Glossary is in Appendix A, and, incorporates:

- terms considered at CoC 13; many of the definitions and some of the terms were updated or amended, as explained in footnotes.
 - *Authorized vessels, Bycatch, Coastal fisheries, CPCs, Discard(s), Fishing, Fishing aggregating device or FAD, Fishing logbook, Fishing related activities, Fishing vessel, Harvest control rules, IOTC Agreement, IOTC Area of competence, IOTC Record of Authorized Vessels, IUU fishing, Large-scale fishing vessel, Limit reference points, Port, Scientific Observer, Supply vessel, Support vessel, Target reference points, Vessel*
- terms which also appear in the Scientific Glossary, but where definitions were erroneous or difficult to understand, they were amended as explained in footnotes.
 - *Bycatch, Discards, Control rules, Exclusive Economic Zone, Fish aggregating device, Flag state, Limit reference points, High seas, Target reference points.*
- new terms, some of which are re-named from those considered at CoC 13, as explained in footnotes.
 - *Aircraft, Areas beyond national jurisdiction, Conservation and Management Measure, Electronic logbook, Fish, Fisheries or fishery, Fishing, Gear, IOTC, Large-scale longline vessel, Large-scale tuna vessel, Legislation, Master, Mobile transceiver unit, National fishing logbook, Observer, Operator,*

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Owner, Related activities or fishing related activities, Transshipment, Tuna and tuna-like species, Vessel monitoring system.

The Compliance Committee 13 considered that the adoption of a set of key terms along with their definitions should be seen as the first step in the process of strengthening the global coherence of IOTC CMMs. To be effective, it was proposed that the terms and definitions should be supplemented by additional measures, which are not addressed in this paper but could usefully be considered in future. The following proposal build upon these considerations.

The Glossary could be included in the IOTC Compendium of Resolutions and a guide could be developed for its implementation. For example, it could provide that:

- terms used in drafting resolutions must be those in the Glossary, and not variations;
- where there is inconsistency or conflict, the definitions in the Glossary will prevail unless the context of the Resolution indicates otherwise;
- the definitions in the Resolutions should always appear in the first paragraph, and may include the definitions in the Glossary or refer to the Glossary, but this is not to be confused with the key words to be used as research tools;
- the application of the terms must be clear, are they defined for the purposes of the Resolution or do they have global application?

A mechanism and criteria be established to update the glossary and introduce new definitions, and determine whether terms should be (a) defined and if so (b) included in the IOTC Glossary.

The IOTC would have to discuss and determine whether the devising of the IOTC Glossary of Terms and its inclusion in the IOTC Compendium and placing on the IOTC website is a first step that should lead to the formulation of an integrated set of IOTC CMMs. This would certainly contribute to clarify the rules applicable in the Indian Ocean with respect to fishing activities targeting species under the IOTC mandate.

There have been precedents in other RFMOs, in particular the Northwest Atlantic Fisheries Organization (NAFO). NAFO has adopted an integrated set of conservation and enforcement measures that incorporates all NAFO conservation and enforcement measures currently in force. These measures are revised every year by NAFO. Amendments, which were adopted at the latest annual meeting, are listed along with the reference documents in the pages preceding the consolidated version of the Conservation and Enforcement Measures. The first article of this integrated set of measures provides definitions of key terms.

Recommendation

That the WPICMM:

- 1) **NOTE** paper IOTC–2018–WPICMM01–04, which proposes a draft final glossary of terms and definitions which should be used by Members while drafting proposals for Resolutions for the Commission.
- 2) **RECOMMEND** the Glossary and proposed implementation process to the Compliance Committee for its consideration and potential endorsement.
- 3) **NOTE** Appendix A.

APPENDICES

Appendix A: *Draft final Glossary of terms and definitions*

APPENDIX A

GLOSSARY OF KEY TERMS USED IN IOTC RESOLUTIONS

Key terms	Definitions
Aircraft	Any craft capable of self-sustained movement through the atmosphere including helicopters and unmanned or remotely operated airborne devices.
Areas beyond national jurisdiction	In relation to the flag State, maritime areas in which the flag State does not exercise jurisdiction, including the high seas and areas under the jurisdiction of another State.
Authorized vessel ²	Any vessel that is: a) 24 meters in length overall or above; or b) in case of vessels less than 24 meters in length overall, those operating outside areas under the national jurisdiction of the flag State, and is authorized to fish for tuna and tuna-like species or to carry out fishing related activities in the IOTC area of competence.” ³
Bycatch	Part of a catch of a fishing unit taken incidentally in addition to the target species towards which fishing effort is directed. ⁴ A bycatch species includes those species which are (a) retained (b) incidentally taken in a fishery and returned to the sea; or (c) incidentally affected by interacting with fishing equipment in the fishery, but not taken.
Coastal fisheries	Any fishing activity undertaken by a fishing vessel, including small-scale fishing for subsistence or local markets, that is not required to be registered on the IOTC Record of Authorized Vessels, that targets tuna and tuna-like species or catches tuna and tuna-like species as bycatch and operates exclusively in the waters under the jurisdiction of the flag State, including sport fishing. ⁵
Conservation and Management Measure	Any Measure adopted pursuant to Articles V(2)(c) and IX in the IOTC Agreement, and more generally where not applicable to IOTC such measures that are consistent with international law.
CPCs	Contracting Parties and Cooperating non-Contracting Parties of IOTC ⁶
Discards	That portion of the total catch which is thrown away or slipped, which may be comprised of single or multiple species and may be alive or dead. ⁷
Exclusive Economic Zone	An area beyond and adjacent to the territorial sea, subject to the specific legal regime established in the United Nations Convention on the Law of the Sea, which provides that

² This can also be designated as “authorized fishing vessel”, but if so it would exclude related activities.

³ Formatting change made from CoC 13 glossary; “vessel” is used rather than “vessels”.

⁴ This language is taken from the FAO Fisheries Glossary. It recognizes that by-catch may include species under the IOTC mandate, in accordance with Resolution 17/04 (ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna and non-targeted species caught by purse seine vessels in the IOTC Area of Competence) which provides for retention of non-targeted species including species of tuna under the IOTC mandate (albacore, southern bluefin and longtail). The elaboration of bycatch species in the Scientific Glossary was included, except that species listed in Annex B of the Convention were not excluded: “All species, other than the 16 species listed in Annex B of the IOTC Agreement, caught or interacted with by fisheries for tuna and tuna-like species in the IOTC area of competence. A bycatch species includes those non-IOTC species which are (a) retained (byproduct), (b) incidentally taken in a fishery and returned to the sea (discarded); or (c) incidentally affected by interacting with fishing equipment in the fishery, but not taken.”.

⁵ “targeting”, “catching”, etc changed to “targets”, etc to improve specificity.

⁶ “of IOTC” added.

⁷ The original language used “any part of the catch that is returned to the sea, whether dead or alive” is in the Scientific Glossary, but was replaced with language from the FAO International Guidelines on Bycatch and Discards. The language in the Guidelines is consistent but more specific.

Key terms	Definitions
	it is not to extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. ⁸
Fish	All species of living marine resources, whether processed or not. ⁹
Fisheries or fishery	(a) One or more stocks of fish, or parts thereof, which can be treated as a unit for the purposes of conservation and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or (b) any fishing for such stocks.
Fishing	(a) searching for, catching, taking or harvesting of fish, (b) the attempted searching for, catching, taking or harvesting of fish, (c) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish, (d) placing, searching for or recovering a fish aggregating device or associated equipment including radio beacons, (e) an operation at sea in support of or in preparation for an activity within the meaning of this definition, or (f) the use of an aircraft in relation to an activity described in this definition.
Fish aggregating device	Any object or group of objects of any size, whether anchored, drifting or deployed or not, floating, submerged or semi-submerged, that is natural, manufactured or a combination of both and includes <i>inter alia</i> buoys, instrumented buoys, floats, netting, webbing, plastics, metals, bamboo, logs and any objects with electronic devices affixed with which fish may associate or aggregate. ¹⁰
Fishing logbook	A fishing logbook required by the flag State for any purpose relating to fishing or fishing related activities shall be: (a) a permanently bound logbook issued by the flag State of a vessel and required for any purpose relating to fishing or related activities, with irremovable pages, each of which is consecutively numbered and printed with an applicable serial number; ¹¹ and/or (b) an electronic logbook, being computerised record of information and data relating to fishing or related activities in such template as may be required, including under any conservation and management measure. ¹²

⁸ The definition in the Scientific Glossary is not appropriate because it only refers to the theoretical EEZ but not the actual EEZ claimed by countries. It is erroneous in stating that the boundary between two countries are defined by treaty, this is not always the case. “The area that extends from the limit of the territorial sea, which is 12 nautical miles offshore from the territorial sea baseline, to a maximum of 200 nautical miles, measured from the territorial sea baseline. The EEZ is less than 200 nautical miles in extent where it coincides with the EEZ of another country. In this case the boundaries between the two countries are defined by treaty.”

⁹ Resolution 16/11 defines fish as “all species of highly migratory fish stocks covered by the IOTC Agreement”, but this is weak because the Agreement does not specifically refer to highly migratory fish stocks.

¹⁰ The Scientific Glossary defines FADs as: Buoys and platforms used to attract and “hold” pelagic fishes to enhance fishing. Can be as simple as a floating log or bamboo raft, but tuna fishers setting purse seine nets around tuna schools now deploy sophisticated FADs that allow satellite tracking and interrogation of information, such as sea surface temperature.

¹¹ Term and definition for “national fishing logbook” placed here to avoid duplication, original definition deleted.

¹² Amended to consolidate definitions of “electronic logbook”, “logbook” and “national Fishing logbook” which are all fishing logbooks.

Key terms	Definitions
Fishing related activities, or related activities ¹³	Any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, and the provisioning of personnel, fuel, gear and other supplies at sea, as well as the deployment, monitoring and retrieving of drifting Fish Aggregating Devices. ¹⁴
Fishing vessel	Any vessel used, equipped to be used, of a type normally used or intended to be used for fishing. ¹⁵
Flag State	The State in which a vessel is registered, providing it is only registered in one State. ¹⁶
Gear	In relation to fishing, any equipment, implement or other item that can be used in the act of fishing, including any net, rope, line, float, trap, hook, fish aggregating device, winch, boat, or craft or aircraft carried on board a vessel, or aircraft or vehicle used in association with the act of fishing;
Harvest control rule ¹⁷	A rule that describes how harvest is to be controlled by management in relation to the state of indicators of the targeted stock’s status. ¹⁸
High Seas	All parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.
IOTC	The Indian Ocean Tuna Commission established in 1993 at the 105th Session of the Council of the Food and Agriculture Organization of the United Nations under Article XIV of the FAO Constitution.
IOTC Agreement	The 1993 Agreement for the establishment of the Indian Ocean Tuna Commission.
IOTC Area of Competence	The area of competence of the Indian Ocean Tuna Commission as defined in Article II of, and Annex A to, the IOTC Agreement.
IOTC Record of Authorized Vessels	The IOTC record of vessels authorised to operate in the IOTC Area of Competence established under Resolution 15/04 or any subsequent relevant Resolution.
IUU fishing	Any activity defined as illegal, unreported or unregulated (IUU) fishing in Resolution 17/03 or any subsequent relevant Resolution. ¹⁹
Landing	The transfer of fish or fish products from any vessel to land, including at a port or shoreline, excluding transshipment.
Large-scale fishing vessel	Any fishing vessel 24 meters in length overall or above.
Large-scale longline vessel	Any large-scale fishing vessel carrying longline gear.

¹³ Added “or related activities” to include references that don’t refer to “fishing” (e.g. “fishing *and* related activities”)

¹⁴ Instrumented buoys could also be included.

¹⁵ Cut out excess words “for” and included “type normally used”.

¹⁶ Scientific Glossary: State under whose laws a vessel is registered and whose flag it is entitled to fly. New definition is consistent with the Law of the Sea Convention.

¹⁷ Changed to singular to be consistent with the definition.

¹⁸ Changed from “A rule that describes how harvest is intended to be controlled by management in relation to the state of some indicator of stock status” to simplify. The Scientific Glossary defines “Control Rules” as: “Agreed responses that management must make under pre-defined circumstances regarding stock status”, and notes that they are also referred to as “Harvest control rules”. The definition above is consistent with this, but less technical.

¹⁹ Deleted “fishing” – any *fishing* activity, because Resolution 17/03 refers to additional activities, such as related activities. Updated reference from 11/03 to 17/03.

Key terms	Definitions
Large-scale tuna vessel	Any large-scale fishing vessel carrying gear used for fishing for tuna.
Legislation	Includes laws, regulations, orders, notices and any other instrument having the force of law in a country or regional economic integration organization.
Limit reference points	An indicator of the limit beyond which the state of a fishery and / or a resource is not considered desirable. ²⁰
Master	In relation to a vessel, aircraft or vehicle, means the person in command or charge in accordance with any authorization that may be required, or for the time being in charge, or apparently in command or in charge of the vessel, aircraft or vehicle, but does not include a pilot on board a vessel solely for the purpose of navigation.
Mobile transceiver unit	A device approved by the competent authority of the flag State which is installed on board a fishing vessel and is designed to automatically transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing, catch and such other activities as may be required, and allows detection and identification of the fishing vessel at all times. ²¹
IOTC Observer	Observers appointed pursuant to the IOTC Regional Observer Scheme. ²²
Operator	Any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations.
Owner	In relation to a vessel means any natural or legal person registered as the owner of the vessel and any person exercising or discharging or claiming the right or accepting the obligation to perform, exercise or discharge any of the powers or duties of the owner whether on the person's own behalf or on behalf of another, and includes a person who is the owner jointly with one or more other persons and any manager, director, secretary or person in charge of any corporation which is an owner.
Port	Includes offshore terminals and other installations used for any purpose relating to fishing or related activities, including for landing, transshipping, packaging, processing, refuelling or resupplying
Related activities or fishing related activities	In relation to fishing, includes any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.
Support vessel ²³	Includes any vessel used equipped to be used, or intended to be used for fishing related activities involving transporting goods, personnel, equipment or other supplies in support of fishing vessels for supporting fishing vessels in the purse seine fishery using drifting FADs, including deploying, monitoring, modifying and retrieving drifting FADs and motherships.

²⁰ Added “an indicator of”, consistent with FAO usage. The Scientific Glossary definition is more difficult to understand: A benchmark which defines undesirable states of the system that should be avoided or achieved with very low probability.

²¹ This term is not currently used in IOTC Resolutions but, noting the confusion in use of the terms “satellite tracking device”, “satellite monitoring device” and others, and the broad use of MTU in national legislation, is suggested as a “place holder” pending technical decision on the language to be used.

²² All references to observers to be global as “IOTC observers”, observers for vessels/transshipments can be further distinguished.

²³ It is not clear why support vessels are limited to FAD activities in the original CoC Glossary: “any vessel used for supporting fishing vessels in the purse seine fishery using drifting FADs, including deploying, monitoring, modifying and retrieving drifting FADs”. This term should also apply to motherships and others. “Includes...and motherships were added.”

Key terms	Definitions
Target reference points	A benchmark which assesses the performance of management in achieving one or more operational management objectives and indicates the desirable status of a fishery or a resource. ²⁴
Transshipment	The transfer of fish or fish products to or from any vessel, and may include the transfer of fish or fish products from a vessel to any land-based facility such as containers or freezing or storing facilities exclusively for purposes of promptly onloading to another vessel, without being subject to importation into the country where the land-based facility is located.
Tuna and tuna-like species	Unless the context otherwise specifies, this refers to the species defined in Article II and listed in Annex B of the IOTC Agreement.
Vessel	Any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.
Vessel monitoring system	Includes a satellite based reporting system capable of monitoring the position and activities of vessels.

²⁴ Changed from “a state of a fishery and / or a resource which is considered desirable” to explain that this is an indication only and to incorporate the definition in the Scientific Glossary: A benchmark which assesses the performance of management in achieving one or more operational management objectives.