



ON THE IMPLEMENTATION OF THE PRECAUTIONARY APPROACH

PREPARED BY: IOTC SECRETARIAT, 25 NOVEMBER, 2011

PURPOSE

To seek support from the Scientific Committee (SC) for a proposal for the implementation of the precautionary approach in the IOTC context.

BACKGROUND

The precautionary approach to fisheries management has been considered is a basic vehicle towards sustainability since its introduction in the 1995 UN Fish Stocks Agreement. Since then, it has been cited in a number of documents as a best practice including the FAO Code of Conduct for Responsible Fisheries and many other listing of best practices in fisheries management. It also appears prominently in the FAO Guidelines for Eco-labelling, and appears as an important consideration in many certification schemes (e.g. Marine Stewardship Council).

The basic tenet is simple: do not take actions that would have an unacceptably high risk of compromising the health of the resource or its environment in the long term. The implementation of a precautionary approach is, in most cases, made operational through pre-agreed management actions (also called 'harvest control rules') that are launched as soon as stock status indicators reach certain critical values (i.e. 'reference points').

The IOTC Agreement, completed in 1993, preceded most of these development and, therefore, did not benefit from these modern views. The Agreement makes no explicit mention of the precautionary approach in its text, an omission that has been noted by the IOTC Performance Review Panel, who recommended implementation of the UN Fish Stock Agreement guidelines. At a practical level, the lack of implementation of the precautionary approach, means that fisheries under IOTC's mandate will score low on governance issues under most certification schemes.

The current proposal provides a way for incorporating these provisions in the IOTC process, until a more comprehensive revision of the IOTC Agreement is conducted, as recommended by the Performance Review Panel. The provisions also include ecosystem considerations in the form of impacts on non-target species and their environment, or the effects of unanticipated environmental events.

The proposal concentrates in the process of implementation of the precautionary approach, rather than on the specifics application to any particular stock, which could be discussed as a separate proposal. It also provides guidance about the technical work to be done prior to consideration. The formulation of appropriate reference points, those critical values of the stock status that triggered management actions, requires a careful fine-tuning so that they correspond to the levels of acceptable risk. The Commission has already endorsed the launching of such a process (called management strategy evaluation), and the proposal establishes the link between the outcome of this process and the adoption of improved reference points.

As the management strategy evaluation will require an appropriate amount of time to be completed, the proposal opens the possibility of establishing provisional reference points and harvest control rules as an interim measure, to be replaced by the recommendations arising from the strategy evaluation process.

RECOMMENDATION

That the Scientific Committee:

- 1) **NOTE** the role of the Scientific Committee in the proposed management strategy evaluation process
- 2) **COMMENT** on the contents of the draft proposal

APPENDIX

Appendix A: Draft Proposal for a Resolution on implementation of the precautionary approach.

APPENDIX A: Draft Proposal for a Resolution on implementation of the precautionary approach**The Indian Ocean Tuna Commission (IOTC),**

RECALLING that Article 5, paragraph c, 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), establishes the application of the precautionary approach as a general principle for sound fisheries management.

FURTHER RECALLING that Article 6, and Annex II, of UNFSA provide guidelines for the implementation of the precautionary approach, including the adoption of provisional reference points when information for establishing reference points is absent or poor;

NOTING that Article 7.5 of the FAO Code of Conduct for Responsible Fisheries also recommends the implementation of the precautionary approach, *inter alia*, on the basis of stock-based target and limit reference points;

NOTING that recommendations 37 and 38 of the Performance Review Panel, adopted by the Commission as Resolution 09/01, indicate that pending the amendment or replacement of the IOTC Agreement to incorporate modern fisheries management principles, the Commission should implement the precautionary approach as set forth in the UNFSA;

MINDFUL that Paragraph 29.6 of the FAO Guidelines for the Eco-labelling of Fish and Fishery Products from Marine Capture Fisheries, revision 1, 2009, and other eco-certification initiatives highlight the implementation of the precautionary approach as an important criterion to assess the sustainability of a fishery;

RECALLING the time-closure adopted by the Commission towards the conservation of tropical tuna stocks, described in Resolution 10/01;

RECALLING that the IOTC Scientific Committee has initiated a process leading to a management strategy evaluation to improve upon the provision of scientific advice;

AGREES, in accordance with paragraph 1 of Article IX of the IOTC Agreement, to the following:

1. To apply the precautionary approach in accordance with all relevant internationally agreed standards and recommended practices and procedures, in particular with the guidelines set forth in the UNFSA, and to ensure a sustainable utilization of the resources as set forth in Article V of the IOTC Agreement;
2. In applying the precautionary approach, CPCs shall adopt, on the basis of the scientific advice supplied by the Scientific Committee,
 - a. stock-specific reference points (including, but not necessarily limited to, target and limit reference points), relative to fishing mortality and biomass, and
 - b. associated harvest control rules, that is, management actions to be taken if reference points are exceeded;

Reference points and harvest control rules should be determined so that, according to the best available science, the risk of a negative impact on the sustainability of the resource is minimized. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures;

3. In the determination of appropriate reference points and harvest control rules, consideration must be given to major uncertainties, including the uncertainty about the status of the stocks relative to the reference points, uncertainty about biological and environmental events, and the effects of fishing on impact of fishing activities on non-target and associated or dependent species;
4. If an unanticipated event, such as a natural phenomenon has a significant adverse impact on the status of a stock or its associated environment, CPCs shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impacts.

5. Initially and as an interim measure, adopt provisional reference points and harvest control rules, following the advice of the Scientific Committee, until the Committee completes the evaluation of potential management strategies;
6. Instruct the Scientific Committee to continue with the development of a management strategy evaluation, with the objective to provide improved reference points, and associated harvest control rules for the application of appropriate management actions as the status of the stocks exceeds the reference points. The Scientific Committee will assess, through the management strategy evaluation process, the performance of harvest control rules and associated reference points tested in fulfilling the management objectives of the Commission;
7. After completion of the management strategy evaluation, the Scientific Committee should provide the Commission with recommended reference points for all major stocks, and cast future advice on the status of the stocks relative to the adopted reference points, on the basis of the best available scientific evidence;
8. The Scientific Committee will report on the progress of the management strategy evaluation process at the Commission Session in 2014.