
PROHIBITING THE ABANDONMENT OF FISH AGGREGATING DEVICES (FADs) ON THE HIGH SEAS IN THE IOTC AREA OF COMPETENCE

SUBMITTED BY : FRANCE (OT), 05 APRIL 2013

Explanatory memorandum

Regional Observer Programmes which place observers on board tuna fishing purse seiners operating in the Indian Ocean report a significant number of Fish Aggregating Devices (FADs), constructed with fragments of nets, being abandoned at sea without any tracking beacon.

This has several potential adverse effects:

- These devices exert an unwanted fishing pressure through the ropes and nets that are attached to them;
- Their natural degradation increase their potential for capture through entanglement, particularly for silky sharks and juvenile marine turtles, ecologically sensitive species which conservation status range from “near threatened” to “critically endangered”.
- they then constitute large solid waste.

The reality of this ghost fishing in the Indian Ocean has been highlighted by the IOTC Working Party on Ecosystems and Bycatch (WPEB) (*IOTC–2007–WPEB–INF06: Ghost fishing phenomena by drifting FADs in Eastern Indian ocean, I. Chanrachkij and A. Loog-on*).

Incidental catches of silky sharks by abandoned drifting FADs seem to be much higher than incidental catches of sharks resulting from the fishing operations of the purse seiners themselves, as has been demonstrated by studies made under the MADE programme (*IOTC–2012–SC15–INF05, Ghost fishing of silky sharks by drifting FADs: highlighting the extent of the problem, J. Filmalter et al.*).

The IOTC WPEB has underlined the importance of conducting research on the abundance and catches of silky sharks (*Carcharinus falciformis*) and marine turtle species. But ghost fishing actually changes the results of the assessment of the impacts of purse seine fishing on these species.

Furthermore, the WPEB has drawn attention to the clear decrease of the population of silky sharks in the Indian Ocean (*IOTC–2009–WPEB–08 : Opinions count : decline in abundance of silky sharks in the central Indian Ocean reported by Maldivian fishermen, R. Charles Anderson and R. Jauharee*).

France (Territories), thus proposes to prohibit the abandonment at sea, in the IOTC area of competence, of drifting FADs using synthetic materials. Abandoning a FAD means to leave at sea, after any interaction with it, the drifting structure without an active tracking beacon.

RESOLUTION 13/XX

PROHIBITING THE ABANDONMENT OF FISH AGGREGATING DEVICES (FADs) ON THE HIGH SEAS IN THE IOTC AREA OF COMPETENCE

The Indian Ocean Tuna Commission (IOTC),

CONSIDERING IOTC Resolution 12/03 *On The Recording Of Catch And Effort By Fishing Vessels In The IOTC Area Of Competence*, which, amongst others, requires Parties to record the catches of sharks and marine turtles;

FURTHER CONSIDERING Resolution 12/04 *On The Conservation Of Marine Turtles*;

RECOGNIZING Resolution 12/08 *Procedures On A Fish Aggregating Devices (FADs) Management Plan*, notably its Article 2;

NOTING that some vessels abandon Fish Aggregating Devices (FADs) in the IOTC area of competence;

AWARE that abandoned FADs keep their ability to catch species of interest to IOTC, which can undermine the efficiency of Conservation and Management Measures adopted by IOTC;

NOTING WITH CONCERN that “ghost fishing” by lost or abandoned FADs causes serious harm to these species and to the marine environment;

ADOPTS, in accordance with Article 5 of the Agreement on the Implementation of the Provisions of the U.N. Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. It is considered to be abandoning a FAD at sea, if after any interaction with it, the drifting structure is left without an active tracking beacon (Gonio or satellite).
2. The abandonment at sea, in the IOTC area of competence, of drifting FADs including synthetic materials, such as pieces of fishing nets, is strictly prohibited.
3. “Fish Aggregating Device” (or FAD) refers to any drifting or anchored, floating or submerged object, deployed by fishermen to aggregate target tuna species, as provided by Resolution 12/08 (or any subsequent superseding Resolution).
4. Sinking, or trying to sink, a drifting device composed partly or entirely of synthetic material, such as fragments of fishing nets, is strictly prohibited.
5. Abandoning at sea a FAD with an inactive beacon or without a beacon is strictly prohibited.
6. Any interaction with a drifting FAD equipped with a beacon, including synthetic materials and belonging to another vessel shall mandatorily result in:
 - a) keeping the original vessel’s beacon active; or
 - b) replacing the original beacon with a new active beacon belonging to the operating vessel; or
 - c) in case of removal, retrieving the original beacon and all synthetic materials composing this drifting FAD.

7. Any interaction with a drifting FAD not equipped with a beacon and including synthetic materials shall mandatorily result in:
 - a) adding to it an active beacon belonging to the operating vessel; or
 - b) retrieving the original beacon and all synthetic materials composing this drifting FAD
8. CPCs shall take all necessary measures to prohibit their vessels abandoning FADs in the IOTC area of competence.
9. A fishing vessel flying the flag of a CPC shall be deemed having abandoned one or more FADs on the High Seas in the IOTC area of competence if inconsistencies appear in its reporting aimed at informing the FAD Management Plan provided by Resolution 12/08 (or any subsequent superseding Resolution).
10. This measure shall not prevent CPCs from adopting more restrictive measures to regulate the used of FADs.