
**ON THE IMPLEMENTATION OF A BAN ON DISCARDS OF SKIPJACK
TUNA, YELLOW FIN TUNA, BIGEYE TUNA, AND NON TARGETED
SPECIES CAUGHT BY PURSE SEINERS**

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Background

The international community has recognized both ethical concerns and policy regarding discards, related biodiversity and endangered species in several international instruments and statements. This resolution is the first step in an initiative to strengthen the efforts to improve the retention of tuna species, of unwanted incidental by-catches and their subsequent discarding in the IOTC area.

The level of discards in world's tuna purse seine fisheries total 145,000T on a yearly basis. The yearly discard level varies by Ocean, discards rates amount to 6.9% in the IATTC area, 4.1% in the Atlantic area, 5.9% in the SPC area and 5 % in the Indian Ocean (FAO Discard database).

Because, the tuna discards are an irregular and unpredictable feature of the purse seine fishery and its extend is not well know or documented in the Indian Ocean; it is not possible to fully address and solve the problem of non-reporting of by-catch and discards as this type of information is provided on a voluntary basis, and impacts the quality stock assessment of tropical tuna fisheries; irresponsible discards practices, driven by economic interest, do occurs in the Indian Ocean; discarding has a negative effect both on the economy of fishery system and the health of marine ecosystems; discards are a loss to the ecosystem and to the future of the fisheries (reduce catch option in the future); discards of non targeted species is impacting biodiversity and the functioning of the marine ecosystem.

With regards to its mandates, the IOTC has clear moral, economic and environmental imperatives to address bycatch and discard issues. Without reliable discards data and without knowledge about the impact of discards practices on the fishery system and the ecosystem it becomes urgent and important for the IOTC to apply both a precautionary and an ecosystem approach for the management of discards in the tropical tuna fishery in the Indian Ocean.

The Indian Ocean Tuna Commission (IOTC):

RECOGNIZING the need for action to ensure the achievement of IOTC objectives to conserve and manage skipjack, yellow fin and bigeye tuna in the IOTC Area of Competence;

RECOGNIZING that the international community has recognized both ethical concerns and policy regarding discards of species in several international instruments and statements, including United Nations General Assembly resolutions (A/RES/49/118 (1994); A/RES/50/25 (1996); A/RES/51/36 (1996); A/RES/52/29 (1997); A/RES/53/33 (1998); A/RES/55/8 (2000); and A/RES/57/142 (2002)), United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (UNCLOS) relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement); The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995; the Code of Conduct for Responsible Fisheries, the FAO International Plan of Action (IPOA) on sharks; the Convention on Biological Diversity (CBD);

RECALLING that the United Nations Fish Stock Agreement has underlined the importance of ensuring the conservation and optimum utilization of highly migratory species through the action of regional fishery bodies such as the IOTC, and provides that *“States should minimize ... discards, ..., catch of nontarget species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species ...”*;

RECALLING that The Rome Consensus on World Fisheries adopted by the FAO Ministerial Conference on Fisheries, Rome, 14–15 March 1995, provides that “*States should...reduce bycatches, fish discards...* ”;

RECALLING that the FAO Code of Conduct for Responsible Fisheries provides that “*States should take appropriate measures to minimize waste, discards...collect information on discards ...; ... take account of discards (in the precautionary approach) ...; develop technologies that minimize discards ...; use of selective gear to minimize discards*”;

CONCERNED about the morally unacceptable waste and the impact of unsustainable fishing practices upon the oceanic environment, represented by the discarding of tunas and non-target species in the purse-seine fishery for tunas in the Indian Ocean;

CONSIDERING the important volume of tuna and non targeted species discarded in the purse-seine fishery for tunas in the Indian Ocean;

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

Retention of tuna species

1. a) Contracting Parties and Cooperating non-Contracting Parties to require all purse-seine vessels to retain on board and then land all bigeye, skipjack, and yellowfin tuna caught, except fish considered unfit for human consumption.
b) The Working Party on Ecosystems and by-catch to review annually the effect and effectiveness of this measure, and report to the IOTC Commission.
2. Procedures for the implementation of full retention requirements include:
 - 1) No bigeye, skipjack, and/or yellowfin tuna caught by purse-seine vessels may be discarded after the point in the set when the net is fully pursed and more than one half of the net has been retrieved. The tuna shall be retained beyond the point when more than one half of the net has been retrieved, provided it is subsequently released alive. If equipment malfunctions affect the process of pursing and retrieving the net in such a way that this rule cannot be complied with, the crew must make efforts to release the tuna as soon as possible.
 - 2) The following two exceptions to the above rule shall apply:
 - a. Tuna considered unfit for human consumption. For each occasion in which tuna that have been caught are discarded for this reason, the following procedures shall apply:
 - i. The captain of the vessel must jointly decide that the tuna is unfit for human consumption and sign a document to that effect, which shall include an explanation of the basis for their decision.
 - ii. The document shall also contain other relevant information regarding the tuna caught, to be defined in the reporting document that IOTC will develop to the effect.
 - iii. Any tuna that is to be discarded by a vessel with an observer on board must, if possible, be retained on deck long enough to allow the observer to record the quantity and sizes of the fish and take samples, if deemed useful by the observer.
 - b. Tuna caught during the final set of a trip may be discarded if there is insufficient well space remaining to load all the tuna caught in that set.

Retention of non-targeted species

3. a) Contracting Parties and Cooperating non-Contracting Parties to require all purse-seine vessels:
 - I. to promptly release unharmed all non-targeted species alive (including non-commercial tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda and other non-target species),

II. to retain on board and then land all non-targeted species dead (including non-commercial tunas, rainbow runner, dolphinfish, triggerfish, billfish, wahoo, and barracuda and other non-target species) except fish considered unfit for human consumption. A single exception shall be the final set of a trip, when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

b) The Working Party on Ecosystems and By-catch to review annually the effect and effectiveness of this measure, and report to the IOTC Commission.

Implementation

4. Contracting Parties and Cooperating non-Contracting Parties shall ensure that their respective fleets comply fully with the requirements of this resolution.
5. This resolution shall enter into force by 1 July 2010 and will be revised, as appropriate, according to the advice of the IOTC Scientific Committee resulting of the review of the Working Party on Ecosystems and By-catch.