

## SPECIAL REQUIREMENTS OF DEVELOPING STATES

PREPARED BY: IOTC SECRETARIAT, 15 JANUARY 2015

**REVIEW AREA:** *International cooperation*

**GENERAL CRITERION:** *Special requirements of developing States*

**DETAILED CRITERIA:**

- 1) Extent to which the IOTC recognizes the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking into account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5.
- 2) Extent to which RFMO members, individually or through the RFMO provide relevant assistance to developing States, as reflected in UNFSA Article 26.

**SUPPORTING INFORMATION**

1. *Extent to which the RFMO recognises the special needs of developing States and pursues forms of cooperation with developing States, including with respect to fishing allocations or opportunities, taking account UNFSA Articles 24 and 25, and the Code of Conduct of Responsible Fisheries Article 5.*

There are numerous examples of the needs of developing States being acknowledged and taken into account by IOTC in the development of its management and conservation measures. IOTC appears to operate in conformity with the above articles of UNFSA and the Code of Conduct of Responsible Fisheries.

***Recognition of the needs of developing states***

There are numerous examples of the needs of developing States being acknowledged and taken into account by the Commission in the development of its management and conservation measures. For example:

<b>Resolution</b>	<b>Operational component</b>
Resolution 12/11 <i>On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties</i> <b>Active</b>	Para. 9. <i>In relation to the foregoing, the Commission will give due consideration to the interests of the developing coastal States, in particular small islands developing States and territories within the IOTC area of competence.</i>
Resolution 09/02 <i>On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties</i>	Para. 9. <i>In relation to the foregoing, the Commission will give due consideration to the interests of the developing coastal States, in particular small islands developing States and territories within the IOTC Convention Area.</i>

<p>Resolution 06/05 <i>On the limitation of fishing capacity, in terms of number of vessels, of IOTC contracting parties and co-operating non contracting parties</i></p> <p><b>Superseded by Res. 09/02</b></p>	<p><i>Para 4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of IOTC Resolution 03/01 On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties and paragraph 4 of Resolution 05/01 On Conservation and Management Measures for Bigeye Tuna. In the application of the Fleet Development Plans, each CPC should implement a reasonable programme for the phasing-in of the increase of its fleet.</i></p> <p><i>Para 9. The provisions of this Resolution will not prejudice future discussions on quota allocation for tuna and tuna-like species, taking into account, inter alia, legitimate aspirations of the Coastal States to develop their fishing capacity.</i></p>
<p>Resolution 07/05 <i>Limitation of fishing capacity of IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore</i></p> <p><b>Superseded by Res. 09/02</b></p>	<p><i>Para 4. In relation to paragraph 1, the Commission takes note of the interests of the Coastal States, in particular small island Developing States and Territories within the IOTC Area whose economies depend largely on fisheries, and recognises their rights and obligations in accordance with paragraph 3 and 4 of IOTC Resolution 03/01 On the limitation of Fishing Capacity of Contracting Parties and Cooperating Non-Contracting Parties. In particular the coastal states not targeting swordfish will continue to explore the resources in their EEZs and develop their capacity in accordance with their Fleet Development Plans, which include a reasonable programme for the phasing-in of the increase of their fleet.</i></p>
<p>IOTC Resolution 05/01 <i>On conservation and management measures for bigeye tuna</i></p> <p><b>Active</b></p>	<p><i>Para 4. CPC's, including developing coastal states, in particular small island developing states and territories, with catches under 1000 tonnes who intend to substantially increase these catches will be allowed to submit 'Fleet Development Plans' during the 3 year interim period referred to in paragraph 3 above.</i></p>
<p>IOTC Resolution 03/01 <i>On the limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties</i></p> <p><b>Active</b></p>	<p><i>Preamble. TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to entry into the high-seas fisheries in the IOTC area of competence.</i></p> <p><i>Para 3. Other CPCs which have the objective of developing their fleets above those authorizations currently foreseen under administrative processes, will draw up, a fleet development plan in accordance with the provisions of Resolution 02-05. This Plan shall be submitted to the Commission for information and record at the 2004/5 Sessions and should define, inter alia, the type, size and origin of the vessels and the programming of their introduction into the fisheries.</i></p> <p><i>Para 4. In relation to the foregoing, the Commission took note of the interests of the developing coastal States, in particular small island developing States and territories within the IOTC Convention Area whose economies depend largely on fisheries.</i></p>

***Regarding UNSFA Article 24 - Special Recognition of the special requirements of developing States (Full text [Appendix I](#))***

IOTC gives recognition to the special requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks.

Many IOTC members contribute to various UN / FAO / GEF / CSD indicatives that provide assistance to developing States.

**Regarding UNSFA Article 25 - Forms of cooperation with developing States (Full text [Appendix I](#))**

*Paragraph 1. States shall cooperate, either directly or through subregional, regional or global organizations: (a) to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks; (b) to assist developing States, in particular the least-developed among them and small island developing States, to enable them to participate in high seas fisheries for such stocks, including facilitating access to (c) to facilitate the participation of developing States in subregional and regional fisheries management organizations and arrangements.*

See above

*With respect to Para 2 of Article 25 the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services.*

The IOTC Financial Regulations Scheme for Calculation of Contributions to the Administrative Budget of the Commission take into account of the different economic status of members in terms of their world bank classification and OECD development state.

See below for technical assistance and transfer of technology

*With respect to Para 3 of Article improved collection, reporting, verification, exchange and analysis of fisheries data and related information; (b) stock assessment and scientific research.*

Since 2002 the IOTC has collaborated with the Overseas Fishery Cooperation Foundation of Japan in the IOTC-OFCF Project To contribute to the realization of sustainable utilization of tuna resources in the Indian Ocean by improving the accuracy of data collection and statistical analysis of the catch and resources of tuna in the Indian Ocean.

This project was undertaken in both IOTC member and non-member countries, including developing States.

- Fact finding activities were conducted in Indonesia, Thailand, Sri Lanka, India, Iran, Oman, Maldives, Seychelles, Mozambique, Mauritius, Tanzania, Kenya and South Africa.
- Sampling programmes were implemented in Indonesia, Thailand, Sri Lanka, Oman, Maldives and Kenya.
- Training and technical advice on database design and/or database management was provided to technicians from Mauritius, Thailand, Seychelles, Malaysia, Indonesia, Sri Lanka, Maldives, India, Reunion and Iran
- Field support to sampling programmes was provided in Indonesia, Thailand, Sri Lanka, Oman, Maldives and Kenya.

On a case by case basis, the Commission (through the IOTC Secretariat) has provided assistance for scientists from developing countries to attend and contribute to IOTC technical meeting

The IOTC Secretariat supervised the RTTP-IO, the first large scale tuna tagging project conducted in the Indian Ocean. This €14 million project has operated since 2005 and is entirely funded by the DG-Dev of the European Commission. It has involved scientists from a wide range of south west Indian Ocean countries.

The project was complemented by several small-scale projects funded by the DG-Fish European Commission €200,000 and the Government of Japan (\$750,000 for three years). These have been implemented in Maldives, India (Lakshadweep and Andaman islands), Mayotte, Indonesia and South Africa.

Other projects include:

- Tagging work in the eastern Indian Ocean area (China).
- Port sampling of tunas in Indonesia (Australia)
- COI managed Pilot project on Monitoring Control and Surveillance (EU)
- COI managed project on fisheries surveillance (EU)
- Various programmes of further education for fisheries officers from Indian Ocean countries (Australia, France and United Kingdom)
- Fisheries Resources Management Course (held in Japan) has regularly included participants from Indian Ocean countries (Japan).
- OFCF Project on Geographic Information Systems – training and production of fisheries atlas being introduced in Thailand and Indonesia (Japan)
- Compliance support activities under the World Bank Global Partnership for Oceans
- Cooperating with FAO on the ABNJ –GEF project on the management of tuna resources on the Consolidated List of Active Vessels (CLAV), Compliance Support Missions, Port State Measures and on MSE communications)

*With respect to Para 3 of Article 25 (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment*

Various Commission members and the IOTC Secretariat are currently collaborating with the IOC (an intergovernmental organisation comprising Comoros, Madagascar, Mauritius, Seychelles and France (on behalf of La Réunion)). IOC is the lead agency for maritime-related activities for the several eastern and southern African economic integration organisations. IOC manages a programme for the implementation of a Regional Fisheries Strategy for the ESA-IO region (IRFS- Smartfish) which includes assistance in fisheries management and MCS.

2. *Extent to which RFMO members, individually or through the RFMO provide relevant assistance to developing States, as reflected in UNFSA Article 26.*

Various forms of assistance have and continue to be provided to developing coastal States by the IOTC and its Members. The Commission adopted Resolution 10/05 on the establishment of a meeting participation fund for developing for developing IOTC Members and Non-contracting parties. The Commission in 2014 the Resolution was repealed and incorporated into the IOTC Rules of Procedure (2014) as the Resolution was considered to be procedural and administrative in Nature. The Commission in 2014 also agreed that Cooperating Non-Contracting Parties should not benefit from the MPF as they do not contribution financially to the organisation.

***Re UNSFA Article 26 - Special assistance in the implementation of this Agreement (full text [Appendix I](#))***

There is an Assistance Fund established under Part VII 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). This fund has been established to assist developing States that are signatories of the UNFSA to implement its provisions, including participation in the work of Regional Fisheries Management Organisations. For those eligible Members of IOTC, it provides for a source of funding to participate in meetings of the Commission and subsidiary bodies or to fund training and capacity building required to fulfil the obligations under the UNFSA. However, the IOTC Secretariat was recently informed (2014) that the fund is currently empty.

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**APPENDIX I****UNSF****REQUIREMENTS OF DEVELOPING STATES****Article 24****Recognition of the special requirements of developing States**

1. States shall give full recognition to the special requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. To this end, States shall, either directly or through the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Global Environment Facility, the Commission on Sustainable Development and other appropriate international and regional organizations and bodies, provide assistance to developing States.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for straddling fish stocks and highly migratory fish stocks, States shall take into account the special requirements of developing States, in particular: (a) the vulnerability of developing States which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof; (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, particularly small island developing States; and (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States.

**Article 25****Forms of cooperation with developing States**

1. States shall cooperate, either directly or through subregional, regional or global organizations: (a) to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks; (b) to assist developing States, in particular the least-developed among them and small island developing States, to enable them to participate in high seas fisheries for such stocks, including facilitating access to (c) to facilitate the participation of developing States in subregional and regional fisheries management organizations and arrangements.

2. Cooperation with developing States for the purposes set out in this article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services.

3. Such assistance shall, inter alia, be directed specifically towards: (a) improved conservation and management of straddling fish stocks and highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information; (b) stock assessment and scientific research; and (c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

**Article 26****Special assistance in the implementation of this Agreement**

1. States shall cooperate to establish special funds to assist developing States in the implementation of this Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be parties.

2. States and international organizations should assist developing States in establishing new sub-regional or regional fisheries management organizations or arrangements, or in strengthening existing organizations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks.