
**ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN THE
IOTC AREA OF COMPETENCE**

SUBMITTED BY: KENYA, 22 APRIL 2016

Explanatory Memorandum

Based on the latest assessment by the Scientific Committee (SC), the Indian Ocean yellowfin tuna stock is considered overfished and subject to overfishing. In order to recover the stock, consistent with Resolution 15/10, the Commission must adopt a robust rebuilding plan and improve the overall management of the fishery.

According to the SC, the yellowfin assessment results rely heavily on catch-per-unit-effort data, which are marred by poor data recording and provision. Additionally, artisanal fisheries take around half of the recent yellowfin tuna catches in the Indian Ocean. These challenges have an unquantified impact on the current yellowfin tuna assessment, and should be addressed as a matter of priority. In IOTC, compliance with data provision requirements must also be improved across all fleets.

Improvements in monitoring, control, and surveillance (MCS) are equally important throughout the IOTC Area of Competence. While progress is being made via the IOTC Compliance Missions, further implementation of measures will allow members to better monitor fishing activities so that management actions can be evaluated and enforced.

The Government of the Republic of Kenya recognize the challenges unique to this Indian Ocean fishery. For instance, the numbers of drifting fish aggregating devices (dFADs) and support vessels used throughout the Indian Ocean is largely uncontrolled and has greatly increased in recent years. This has been fuelled by the introduction of over 15 large-scale purse seiners since 2011 into the region and has resulted in the increased targeting of juvenile yellowfin tuna as well as other bycatch. The use of gillnets on the high seas is also on the rise, affecting yellowfin of all sizes and vulnerable marine species like sharks, cetaceans, and sea turtles.

A large amount of catch in the Indian Ocean is taken by artisanal fisheries in developing states, which are critical to local food security and livelihoods in coastal communities. In some coastal states, for instance, the average consumption of tuna is over 150kgs per person per year, the fishery supports over 20% of the workforce, and the fishing sector is one of the largest contributors to the GDP. It should also be recognised that Article V of the IOTC Agreement, in accordance with the United Nations Convention on the Law of the Sea, points to the need to evaluate the economic and social aspects of these fisheries in developing coastal states.

To this end, Kenya recommend that the IOTC develop a holistic approach to improving the status of yellowfin tuna. This should include systemic improvements in the overall management scheme, including better data collection and provision, strengthened MCS, and catch reductions that will allow the stock to recover in the years ahead. It is also crucial for the IOTC to address the development aspirations of the IOTC members to ensure that any increase in capacity does not limit the ability to manage the Indian Ocean fish stocks sustainably.

A plan for reducing and limiting yellowfin catches across the range of gears is proposed. This accounts for the vulnerability of developing coastal states, which are dependent on the tuna fisheries for livelihoods and food security. The proposal will minimize adverse impacts to subsistence, small-scale and artisanal fishers and fishworkers, and the associated coastal communities. In order for any of these actions to be effective, proven MCS tools, such as improved VMS measures and increased observer coverage, should also be adopted.

RESOLUTION 16/XX

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Keywords: Yellowfin tuna, Kobe Process, MSY, Precautionary Approach, Time-area-closures

The Indian Ocean Tuna Commission (IOTC),

CONSIDERING the objectives of the Commission to maintain stocks in perpetuity and with high probability, at levels not less than those capable of producing their maximum sustainable yield as qualified by relevant environmental and economic factors including the special requirements of developing States in the IOTC area of competence;

BEING MINDFUL of Article XVI of the IOTC Agreement regarding the rights of Coastal States and of Article 87 and 116 of the UN Convention of the Law of the Sea regarding the right to fish on the high seas;

RECOGNISING the special requirements of the developing states, particularly Small Island developing states in Article 24, 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);

RECALLING that Article 5, of UNFSA entitles the conservation and management of highly migratory fish stocks are based on best scientific evidence available and with special reference to Resolution 15/10 for a stock where the assessed status places it within the red quadrant, and with an aim to end overfishing with a high probability and to rebuild the biomass of the stock in as short time as possible.

FURTHER RECALLING that Article 6, of UNFSA, requires the states to be cautious during the application of precautionary approach when information is uncertain, unreliable or inadequate and this should not be a reason for postponing or failing to take conservation and management measures;

CONSIDERING the recommendations adopted by the KOBE II, held in San Sebastian, Spain, June 23 – July 3 2009; implementing where appropriate a freeze on fishing capacity on a fishery by fishery basis and such a freeze should not constrain the access to, development of, and benefit from sustainable tuna fisheries by developing coastal States.

FURTHER CONSIDERING the recommendations adopted by the KOBE III, held in La Jolla, California, 11- 15 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of over capacity in a way that does not constrain the access to, development of, and benefit from sustainable tuna fisheries, including on the high seas, by developing coastal States, in particular small island developing States, territories, and States with small and vulnerable economies; and Transfer of capacity from developed fishing members to developing coastal fishing members within its area of competence where appropriate.

FURTHER CONSIDERING the report by International Council for the Exploration of Sea and FAO Working Group on Fishing Technology and Fish Behaviour (2006), Gillnets are considered to be one of the least catch controllable and least environmentally sustainable gears;

FURTHER CONSIDERING the recommendations of the 18th Scientific Committee held in Bali, Indonesia, 23 – 27 November 2015 that the catches of yellowfin tuna have to be reduced by 20% of the 2014 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2024.



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FURTHER CONSIDERING the discussions of the Working Party on Tropical Tuna held in Montpellier, France, 23 – 28 October 2015 on the limitations and the uncertainties in the stock assessment models due to the unavailability of standardized yellowfin tuna CPUE data;

FURTHER CONSIDERING the call by the United Nations General Assembly Resolution 70/75 upon the states to increase the reliance on scientific advice in developing, adopting and implementing conservation and management measures and to take into account the special requirements of developing states, including Small Island Developing States (SIDS) as highlighted in the SIDS Accelerated Modalities of Action (SAMOA) Pathway;

ADOPTS, in accordance with the provisions of Article IX, paragraph 1 of the IOTC Agreement, the following:

1. The Resolution shall apply to all fishing vessels targeting tuna and tuna-like species in the Indian Ocean of 24 meters overall length and over, and those under 24 meters if they fish outside the Exclusive Economic Zone (EEZ) of their flag State, within the IOTC area of competence.
2. With the aim of decreasing the fishing pressure on the yellowfin tuna stock in the IOTC area of competence, by reducing catches to 80% of the levels estimated for 2014, the following annual yellowfin tuna adaptive management zone (time-area closure) shall apply to the area defined by the following coordinates:
 - a) Time period: from 0000 hours on 1 January to 2400 hours on 1 March each year;
 - b) Area: The high seas area (i.e. excluding all Exclusive Economic Zones) contained within and bounded by a line commencing at the intersection of the Yemen EEZ and 10° north; then eastward to the intersection of 65° east, then southward to the intersection of 10° south; then westward along the latitude 10° south to the intersection of the Tanzania Exclusive Economic Zone; then generally north-east along the border line of the EEZs of Tanzania, Kenya, Somalia and Yemen to the point of commencement.
3. Purse seine: Yellowfin tuna catches from purse seine fishing vessels >800GT to be reduced by 25 percent of current (2014) levels. Flag states will determine the most appropriate method for achieving these catch reductions, which could include capacity reductions, effort limits, and especially FAD set reductions.
4. Gillnet: Yellowfin tuna catches from gillnet fishing vessels operating on the high seas to be reduced by 10 percent of current (2014) levels.
5. Other non-coastal CPC gears: Yellowfin tuna catches from non-coastal CPCs to be reduced by 10 percent of current (2014) levels.
6. Coastal state CPCs other gears: Yellowfin tuna catches from other gears by coastal states should not increase from current (2014) levels and ensure concerted effort towards improving the quality of data on yellowfin tuna.
7. All vessels fishing within the IOTC area of competence, regardless of the flag under which they operate or whether they change flag during the year, shall observe the area and period closure and the catch levels.
8. CPCs shall monitor the compliance of their flagged vessels with this Resolution, notably through Vessel Monitoring System (VMS), currently mandated via IOTC Resolution 15/03, and provide a summary of VMS records related to their fleet operations to the IOTC Secretariat in accordance with the following reporting schedule:

- a) A provisional summary for the previous year no later than 30 March;
 - b) A final summary be submitted no later than 30 June.
9. CPCs shall monitor the yellowfin tuna catches from their vessels in conformity with Resolution 15/01 *“On the recording of catch and effort data by fishing vessels in the IOTC area of competence”* and Resolution 15/02 *“Mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)”* and will provide a summary of most-recent yellowfin catches for the consideration of the IOTC Compliance Committee.
10. Landings, transshipments and commercial transactions of yellowfin tuna in any form, that have been positively identified as originating from fishing activities that contravene this Resolution, are prohibited.
11. Each CPC shall no later than 45 days before the date of entry into force of the time-area closure:
- a) take the necessary legal and administrative measures to implement the closure and catch restrictions;
 - b) inform all interested parties and their national tuna and tuna-like species industries of the closure and catch restrictions;
 - c) inform the IOTC Executive Secretary that these steps have been taken.
12. The Scientific Committee shall evaluate the effectiveness of this measure and provide advice to the Commission in 2018.
13. The Scientific Committee, via its Working Party on Tropical Tunas, shall in 2018, undertake an evaluation of the effectiveness of the time-area closure detailed in this Resolution, and a range of alternatives, which aim to ensure biomass levels are maintained at the Commission’s target level for this species with 90% confidence. The evaluation shall also examine the broader impacts of the time-area closure on other IOTC species.
14. The measures contained within this Resolution shall be considered as interim measure and will be reviewed by the Commission no later than at its annual Session in 2018.