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Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

IOTC-2021-SS4-PropE[E]

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

SUBMITTED BY: Maldives and European Union: Pending: Kenya and Mozambique, Somalia

Explanatory memorandum

This proposal is the first output from Maldives and the European Union who have worked to merge proposals B and C.

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RESOLUTION ~~19/01~~ 21/xx**ON AN INTERIM PLAN FOR REBUILDING THE INDIAN OCEAN YELLOWFIN TUNA STOCK IN THE IOTC AREA OF COMPETENCE**

Keywords: Yellowfin tuna, Kobe Process, MSY, Precautionary Approach

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 and IOTC Resolution 12/01 “*On the implementation of the precautionary approach*”, 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, 12- 14 July 2011; considering the status of the stocks, each RFMO should consider a scheme for reduction of overcapacity 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 and the 21st session of the Scientific Committee held in Seychelles, 3—7 December 2018, that the catches of~~

~~yellowfin tuna have to be reduced by 20% of the 2017 levels to recover the stocks to levels above the interim target reference points with 50% probability by 2027 as specified in Kobe II Strategy Matrix;~~

CONSIDERING the 23rd IOTC Scientific Committee (7-11 December 2020) confirmed that the yellowfin tuna stock is overfished and subject to overfishing and recommended that, as a precautionary measure to reduce overfishing, catches should be reduced to a level at least below the CMSY estimate (403 000 MT) from the 2018 assessment until new information, based on the 2021 stock assessment and its associated projections, is available;

FURTHER NOTING that F2017 was 20% above the target reference point FMSY which infers the need to implement an overall reduction of catches of 16.7% to meet the reference point FMSY. This indicates a need to reduce catches significantly below the CMSY estimate;

CONSIDERING THAT the most recently estimated spawning biomass was 17% lower than the target BMSY and well above the limit reference point of 0,4 BMSY;

~~FURTHER CONSIDERING the management advice of the 21st 23rd session of the Scientific Committee, that given on the limitations and uncertainties in the stock assessment and the inability to use K2SM derived from the 2018 yellowfin tuna stock assessment, the catches to be reduced to a level at least below the C_{MSY} estimate (403, 000MT) from the 2019 assessment and the need to decrease F₂₀₁₇ to the target reference point;~~

~~FURTHER CONSIDERING the issues raised in the 23rd session of the Scientific Committee regarding the estimated K2SM probabilities derived from the 2018 stock assessment, and that due to critical errors in the projections and estimations for computing the probabilities in the K2SM developed in 2018, the K2SM is not suitable to provide management advice. the K2SM derived from 2016 provides guidance for the Commission on precautionary reduction targets to recover stock by 2025 (to reduce catches by 15% compared to 2015 levels, 346,438t);~~

~~FURTHER CONSIDERING the SC 2020 advice that the Commission should ensure that CPCs take all necessary action to achieve the catch reductions in their fleets as per Resolution 19/01.~~

~~FURTHER CONSIDERING that SC2020 cautioned that Fishing Mortality of 2017 was 20% higher than higher than the target reference point of Fishing Mortality at MSY, and that a reduction in fishing mortality of 20% to achieve the target reference point of FMSY equates to roughly a catch of 341,000 tons.~~

FURTHER CONSIDERING the concern of the 20th Session of the Working Party for Tropical Tuna held in Seychelles, 29 October – 3 November 2018, the change in strategy by increase of usage of FADs by the purse seine vessels to maintain catch level targets has led to a substantial increase of juvenile yellowfin tuna and bigeye tuna;

NOTING THAT supply vessels contribute to the increase in effort and capacity of purse seiners and that the number of supply vessels has increased significantly over the years;

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;

NOTING THAT Article V.2b of the Agreement for the Establishment of the Indian Ocean Tuna Commission give full recognition to the special interests and needs of Members in the region that are developing countries, in relation to the conservation and management and optimum utilization of stocks covered by this Agreement and encouraging development of fisheries based on such stocks;

FURTHER NOTING THAT Article V.2d requires the Commission to keep under review the economic and social aspects of the fisheries based on the stocks covered by this Agreement bearing in mind, in particular, the interests of developing coastal States. This includes ensuring that conservation and management measures adopted by it do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, especially Small Island Developing States;

RECOGNIZING FURTHER the interactions that occur between the fisheries for yellowfin, skipjack and bigeye tuna;

~~CONSIDERING paragraph 12 of Resolution 16/01 [superseded by Resolution 17/01, then by Resolution 18/01] that allows the Commission to review this Interim Plan before 2019;~~

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

Application

1. This 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 EEZ of their flag State,~~ within the IOTC area of competence regardless of the length of the vessel and area of operation.
2. This resolution will be effective from 1st January 2022. 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 ~~2020~~ 2022.
3. Notwithstanding paragraph 2, this Resolution shall be reviewed when a formal Management Procedure for the management of the yellowfin tuna stock is adopted by the Commission and in effect.
4. Nothing in this resolution shall pre-empt or prejudice future allocation of fishing opportunities.

Catch limits

5. **Purse seine:** CPCs whose reported purse seine catches of yellowfin tuna;
 - a. ~~reported~~ for 2014 were above 5000 MT to reduce their purse seine catches of yellowfin by ~~15~~ 25 20% from the 2014 levels.
 - b. for 2014 were below 5000MT but average catch of yellowfin tuna from 2014 to 2019 were above 2000MT, to reduce their purse seine catches of yellowfin tuna by
 - i. ~~20~~ 17% of the average catch for the period 2014 to 2019 for developing and least developed [coastal] CPCs
 - ii. ~~25~~ 20% of the average catch for the period, 2014 to 2019 for other CPCs for developed CPCs
 - c. for the period from 2014 to 2019 were on average below 2000MT to maintain their catches below 2019 yellowfin tuna catch level.
 - d. for Small Island Developing States bound by paragraph a) and b(ii) to reduce their purse seine catches by 16% and 12% respectively.
6. **Gillnet:** CPCs whose reported Gillnet catches of yellowfin tuna;
 - a. ~~reported~~ for 2014 were above [5000] [2000] MT to reduce their Gillnet catches of yellowfin by ~~40~~ [15] [20]% from the 2014 levels.

- b. for 2014 were below [5000] [2000]MT but average catch of yellowfin tuna from 2014 to 2019 were above 2000MT, to reduce their gillnet catches of yellowfin tuna by
 - i. [12][17]% of the average catch for the period, 2014 to 2019 for developing and least developed [coastal] CPCs.
 - ii. [15][20]% of the average catch for the period, 2014 to 2019 for other CPCs for developed CPCs
 - c. for the period from 2014 to 2019 were on average below 2000MT to maintain their catches below 2019 yellowfin tuna catch level.
7. **Longline:** CPCs whose reported Longline catches of yellowfin tuna:
 - a. reported for 2014 were above 5000 MT to reduce their Longline catches of yellowfin by ~~40~~ [15] [20] % from the 2014 levels.
 - b. for 2014 were below 5000 2000MT but average catch of yellowfin tuna from 2014 to 2019 were above 2000MT, to reduce their longline catches of yellowfin tuna by
 - i. [12][17]% of the average catch for the period, 2014 to 2019 for developing and least developed [coastal] CPCs.
 - ii. [15][20]% of the average catch for the period, 2014 to 2019 for other CPCs for developed CPCs
 - c. for the period from 2014 to 2019 were on average below 2000MT to maintain their catches below 2019 yellowfin tuna catch level.
8. **CPCs' other gears:** CPCs whose reported catches of yellowfin tuna:
 - a. reported from other gears reported for 2014 were above 5000 MT to reduce their other gear catches of yellowfin by ~~5~~ 9 10 % from the 2014 levels.
 - b. for 2014 were below 2000MT-5000MT but average catch of yellowfin tuna from 2014 to 2019 were above 2000MT, to reduce their other gear catches of yellowfin tuna by
 - i. 8 6 % of the average catch for the period, 2014 to 2019 for developing and least developed [coastal] CPCs.
 - ii. 10 9% of the average catch for the period, 2014 to 2019 for other CPCs for developed CPCs
 - c. for the period from 2014 to 2019 were on average below 2000MT to maintain their catches below 2019 yellowfin tuna catch level.
9. CPCs overall catch limit for yellowfin tuna is the sum of their catches arising from paragraphs 5, 6, 7, and 8. CPC's may choose to compensate for over-catch of one gear/fleet with a higher reduction from another gear/fleet of that CPC, keeping within its overall catch limit for that particular year.
- 9bis. CPCs intending to reassign catch allowance from one gear/fleet to another, under paragraph 9 shall notify the Secretariat as soon as practicable and not later than 31st December for that particular year.
- 9tera. Notwithstanding paragraphs 5c, 6c, 7c and 8c, if the overall catch limit arising in paragraph 9 is less than 2000MT for any given coastal CPC, such CPCs may catch up to 2000MT of yellowfin tuna.
10. In applying the catch reductions by gears in provisions in paragraph 5, 6, 7 and 8, Small Island Developing States and Least Developed Countries can either choose between catches of yellowfin tuna reported for either 2014, or 2015. ~~For such CPCs Paragraph 12(a) is applicable over the accumulated catch in 2018 and 2019.~~

~~11. Exceptionally for 2019 and 2020, Small Island Developing States CPCs that contributed less than 4% of the total yellowfin catch of the Indian Ocean in 2017, shall reduce their purse seine catch by 7.5% of 2018 levels.~~

~~12. Any CPC to whom para 5–10 do not apply and whose catches exceeded the threshold limits in any subsequent year (from 2017), shall reduce their catches to the levels prescribed for that particular gear as mentioned in paragraphs 5, 6, 7 and 8.~~

11. Flag States will determine appropriate methods for achieving these catch reductions, which could include capacity reductions, effort limits, *etc.*, and will report to the ~~IOTC~~ Secretariat in their Implementation Report every year.

11bis. Any CPC who submits updated catch histories of yellowfin tuna in accordance with IOTC resolution 15/01 and verified by the secretariat and the IOTC Scientific Committee, shall have a right to access yellowfin tuna in accordance with the limits prescribed in the Resolution.

11ter. For CPCs not subject to catch limits under paragraphs 6 to 9, if the annual catches of yellowfin reported for the period between 2018 and 2021 included reach one of the thresholds referred in paragraphs 6 to 9, a catch limit shall be established for those CPC for the following years in accordance with paragraphs 6 to 9.

Over catch of annual limit

12. If over catch of an annual limit for a given ~~fleet of a~~ CPC prescribed in paragraph 9~~listed in paragraph 5 to 10~~ occurs, catch limits for that ~~fleet~~ CPC shall be reduced as follows:

~~a. If the accumulated catch in 2017, 2018 and 2019 exceeds the sum of the catch limit⁺ for 2017, 2018 and 2019 the excess (over catch) shall be deducted from the 2021 catch limit.~~

~~b. for 2020 and following years, 100% of that over catch shall be deducted from following two years limit; unless~~

a. for over-catch of limits set forth in Resolution 19/01, in 2020 and/or 2021, 100% of that over-catch shall be deducted from following two years limit

b. over-catch in 2022 and following years, 100% of that over-catch shall be deducted from the following two years' limit, unless;

c. Over-catch for that ~~fleet~~ CPC has occurred in two or more consecutive years, in which case 125% of the over-catch shall be deducted from the following two years limit.

[[12bis] Those CPCs subject to Resolution 19/01 and which have increased their catches by more than 30% in 2019 with respect to their baseline in Resolution 19/01 shall apply an additional reduction of 5%.]

13. CPCs that are subject to catch reductions due to over-catch shall inform the Commission via the IOTC Compliance Committee, about the corrective actions taken by the CPC to adhere to the prescribed catch levels, ~~any reductions in the following year because of over catch in paragraph 12~~ in their implementation Report.

⁺Catches of Indonesia is based on the national reports submitted to the Scientific Committee

14. The revised limits from paragraph 12 will apply in the following two years and CPCs compliance shall be assessed against the revised limits reported to the IOTC Compliance Committee.
- ~~15. The tropical tuna data submitted by CPCs in accordance 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)” shall be reviewed by the Secretariat and the Scientific Committee for inconsistencies. In such cases, the data used for catch limit calculations shall be based on the estimates derived by the Secretariat and endorsed by the Scientific Committee.]~~

[Supply Vessels

16. CPCs shall gradually reduce supply vessels² by 31st December 2022 as specified below in (a), (b), (c) and (d). Flag States shall submit the status of reducing the use of supply vessel as part of the report of Implementation to the IOTC Compliance Committee.
- a) ~~From 1st of January 2018 to 31st December 2019: 1 supply vessel in support of not less than 2 purse seiners, all of the same flag State³.~~
 - b) ~~From 1st of January 2020 to 31st December 2020: 2 supply vessels in support of not less than 5 purse seiners, all of the same flag State⁴.~~
 - a. Until the 31st December 2021: 2 supply vessels in support of not less than 5 purse seiners of all the same CPC.
 - b. From 1 January 2022 to 31 December 2024: 3 supply vessels in support of not less than 10 purse seiners, all of the same CPC³.
 - c. After 31 December 2024: No supply vessels shall be used by Purse seine vessels in IOTC area of competence.
 - d. No CPC is allowed to register any new or additional supply vessel on the IOTC Record of Authorized Vessels ~~after 31st December 2017.~~
17. A single purse seine vessel shall not be supported by more than one single supply vessel of the same CPC flag State at any point of time.
18. Complementary to Resolution ~~18~~15/08 ~~[superseded by Resolution 17/08, then by Resolution 18/08]~~ and to Resolution 15/02, CPC/flag States shall report annually before the 1st of January for the coming year of operations which Purse seiners are served by each supply vessel. This information will be published on IOTC website so as to be accessible to all CPCs and is mandatory.]
- ~~19. CPCs shall report by 1 March 2019, the number of FADs that were deployed in 2018 and 2019 by purse seine vessels and associated supply vessels per 1°x1° grid~~

[Supply Vessels

² For the purpose of this resolution, the term “supply vessel” includes “support vessel”

³ The subparagraphs (a) and (b) shall not apply to flag States which use only one supply vessel

1. CPCs shall gradually reduce supply vessels by 31 December 2022 as specified below in paragraphs 18, 19, 20 and 21. Flag States shall submit the status of reducing the use of supply vessel as part of the annual Implementation report to the IOTC Compliance Committee.
2. From 1 January 2020 onwards: 2 supply vessels in support of not less than 5 purse seiners, all of the same flag State.
3. No CPC is allowed to register any new or additional supply vessel on the IOTC Record of Authorized Vessels with respect to the list already available at 31 December 2017.
4. A single purse seine vessel shall not be supported by more than one single supply vessel at any point of time.
5. Complementary to Resolution 19/02 *On procedures on a Fishing Aggregating Devices (FADs) Management Plan* and to Resolution 15/02 *On mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs)*, CPC flag States shall report annually before the 1st of January for the coming year of operations which Purse seiners are served by each supply vessel. This information will be published on the IOTC website.]

Gillnet

20. Without prejudice to Article 16 of the IOTC Agreement, CPCs shall encourage phasing out or convert gillnet fishing vessels to other gears, considering the huge ecological impact of these gears and fast track the implementation of Resolution 17/07 “*On the Prohibition to use large-scale driftnets in the IOTC*”, noting that large-scale driftnets are prohibited in the IOTC Area of Competence from 1 January 2022.
21. CPCs shall set their gillnets at 2m depth from the surface in gillnet fisheries by 2023 to mitigate ecological impacts of gillnets.
22. CPCs are encouraged to increase their observer coverage or field sampling in gillnet fishing vessels by 10% using alternative data collection methodologies (electronic or human) verified by the IOTC Scientific Committee by 2023.
23. CPCs shall report the level of implementation of para ~~18~~ 20 - 22 to the Commission via the IOTC Compliance Committee.

Administration

24. The IOTC Secretariat under advice of the Scientific Committee shall prepare and circulate a table of allocated catch limits disaggregated as per the conditions set out in paragraphs 5 – 10 for ~~preceeding~~ following year, in December of the current year.

24bis. For the purposes of the implementation of this resolution, each CPC shall, by [15 February] of the preceding year, notify to the Executive Secretary the list of active flag vessels, which have fished for yellowfin tuna in the IOTC area of competence.

24ter. The Executive Secretary shall report each year these lists of active vessels to the IOTC Compliance Committee and to the IOTC Scientific Committee in the form of aggregated statistics concerning fishing fleets capacity metrics.

25. 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.

~~26. For the purposes of the implementation of this resolution, CPCs shall submit their catches of yellowfin disaggregated for vessel 24 m overall length and over, and those under 24 m meter if they fish outside the EEZ as per resolution 15/02.~~

25bis. CPCs shall report [monthly/every two months] to the Secretariat the provisional amount of tropical tunas (by species) caught by flag purse seiners and large longline vessels (LOA 24m or greater), increasing to [weekly or every two weeks] when 80% of their catch limits have been caught.

[25tera. CPCs shall report to the Secretariat, the vessels not subjected to paragraph 25bis, periodically at least every [4 or 6] months the provisional amounts of tropical tuna (by species) caught by their fleet]

25quater. When a CPC reaches 80% of its catch limit, the Executive Secretary shall inform that CPC, with a copy to all other CPCs. The concerned CPC shall close the fishery for its flag vessels when the total catch of its flag vessels is equivalent to 100% of its catch limit. Such CPC shall notify promptly the Executive Secretary of the date of the closure.

26. Each year, the IOTC Compliance Committee shall evaluate the level of compliance with the reporting obligations and the catch limits deriving from this Resolution and shall make recommendations to the Commission accordingly.

27. The IOTC Scientific Committee via its Working Party on Tropical Tunas shall implement the “Workplan to improve current assessment of yellowfin tuna” and shall advise the Commission the financial and administrative requirements to further strengthen the work undertaken to minimize the issues and complexities regarding yellowfin tuna stock assessment.

27bis. The IOTC Scientific Committee and its Working Parties shall prioritise the work on the yellowfin tuna management procedure and to provide advice to the Technical Committee on Management Procedures and the Commission to enable the Commission to adopt the yellowfin tuna management procedure at the earliest opportunity.

[27 ter. At its 2021 Session, the IOTC Scientific Committee shall advise on coefficient(s), including their variability, expressing the minimum ratio of yellowfin tuna annual catches to the total volume in metric tons of tropical tuna catches by fishery on the basis of the data provided for the time period 2014 – 2020. The IOTC Scientific Committee shall advise on the soundness and relevance of such coefficient(s) to be used as a tool to manage tropical tuna catches, notably as a minimum value when reporting yellowfin tuna catches.]

27 quater. Quarter. At its 2021 Session, the IOTC Scientific Committee shall develop a table and comparative graphs for consideration by the Commission that quantifies the expected impact on MSY, BMSY, SBMSY and relative stock status for yellowfin resulting from reductions of the individual proportional contributions of longline, FAD purse seine, free school purse seine, gillnet, other gear-based fisheries to the total catch.

[27 quinquies. At its 2021 Session, the IOTC Scientific Committee, with the support of the IOTC Secretariat, shall provide an updated analysis of the development of the fishing capacity (N°, engine power, GRT) of the active fishing vessels, including supply/support vessels, by flag and fishing gear over the last 20 years. This fishing capacity overview shall be complemented by an analysis of the modifications of the fishing vessels and gears characteristics, of the fishing practices and of the electronic equipment occurred over

the last 20 years in the region with a view to describe and understand the development and changes of the fishing power by fishing gear/practice;]

28. This Resolution supersedes IOTC Resolution 19/01 *On an interim plan for rebuilding the Indian Ocean yellowfin tuna stock.*

APPENDIX 1

Development classification of IOTC ~~member countries~~ CPCs

Country	Status
Australia	Developed
Bangladesh	Least Developed
China	Developing
Comoros	Least Developed
Eritrea	Least Developed
European Union	Developed
France (OT)	Developed
India	Developing
Indonesia	Developing
Islamic Republic of Iran	Developing
Japan	Developed
Kenya	Developing
Republic of Korea	Developing
Madagascar	Least Developed
Malaysia	Developing
Maldives	Developing
Mauritius	Developing
Mozambique	Least Developed
Sultanate of Oman	Developing
Pakistan	Developing
Philippines	Developing
Seychelles	Developing
Sierra Leone	Least Developed
Somalia	Least Developed
Sri Lanka	Developing
South Africa	Developing
Sudan	Least Developed
Tanzania	Least Developed
Thailand	Developing
United Kingdom of Great Britain and Northern Island	Developed
Yemen	Developing

Source: United Nations World Economic Situation and Prospects 2020 (https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/WESP2020_Annex.pdf)