IPNLF Standardizing FAD definitions between RFMOs

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Context

For many years IPNLF has been advocating for the robust and standardized definitions required to enable the effective management of FADs. During the first meeting of the joint t-RFMO FAD Working Group in 2017, IPNLF submitted a paper emphasizing this while participants underlined the need to develop standardized language and definitions to support consistent interpretation of what conservation and management measures intend to achieve across ocean basins. During negotiations to ensure the sustainability of tuna fisheries using fish aggregating devices (FADs), much time has been dedicated to achieving an unambiguous definition for these devices and other terms relevant to their management across tRFMOs globally. The IOTC will not be able to effectively manage FADs if they cannot be clearly and explicitly defined, so we provide this paper to help streamline such discussions, to explain concerns with some in place FAD definitions globally, and to propose an effective definition for use by the IOTC.

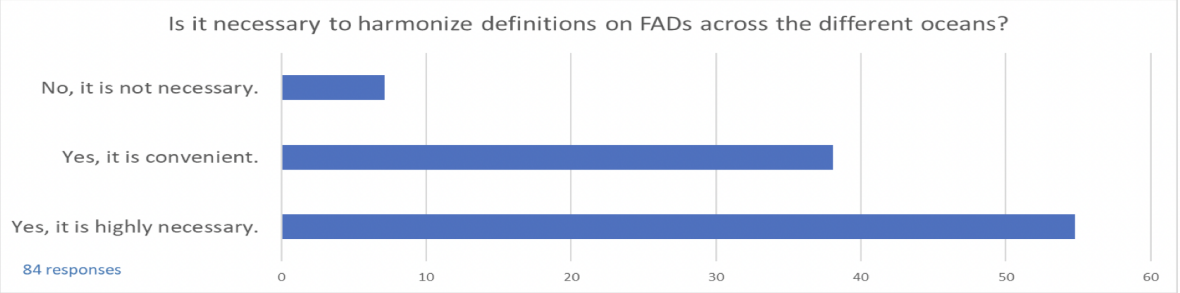
Definitions

The below table provides definitions currently proposed by the tRFMOs and Joint FAD WG

RFMO	Reference	Definition
Joint FAD WG	2019 meeting report	Permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed, and/or tracked and used to aggregate fish for subsequent capture. FADs can be either anchored (aFADs) or drifting (dFADs)
IOTC	19/02	Permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, for the purpose of aggregating target tuna species for consequent capture
WCPFC	2009-02	Any object or group of objects, of any size, that has or has not been deployed, that is living or non-living, including but not limited to buoys, floats, netting, webbing, plastics, bamboo, logs and whale sharks floating on or near the surface of the water that fish may associate with
ICCAT	19/02	Permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked, and used to aggregate fish for subsequent capture. FADs can either be anchored (aFADs) or drifting (dFADs)
IATTC	C-16-01	Anchored, drifting, floating or submerged objects deployed and/or tracked by vessels, including through the use of radio and/or satellite buoys, for the purpose of aggregating tuna species for purse seine operations

Discussion

The below outcome of a poll run by the second Joint tRFMO WG on FADs in 2019 highlights that the majority of experts present felt it highly necessary to harmonize FAD definitions across RFMOs



Seeking agreement on definitions tends to be an important but time consuming component of RFMO negotiations. Therefore, such discussions being repeated across all RFMOs in parallel is inefficient, especially considering that dFADs in particular show relatively similar designs globally. Such negotiations are also fraught with the potential for political or industrial influences to delay or over complicate the process to their benefit, ultimately compromising the resultant texts effectiveness in ensuring sustainable management.

The development of current definitions for FADs has largely been driven by the need to improve the management of the more numerous, more frequently abandoned and more damaging drifting FAD (dFAD) designs used primarily by industrial scale purse seine fisheries. This is clear to differing degrees in the documents within which these definitions have been sourced. From a legal perspective, the action of deploying and using a FAD is more important, and simpler to validate or prove, than the intention of that device's deployment or use. As such, the inclusion of wording relating to the subsequent capture of fish aggregated around a FAD is considered a weakness of definitions from the IOTC, Joint WG and IOTC. The “and/or tracked” components of those same definitions seek to cover FADs that are deployed and tracked, as well as naturally occurring FADs (natural flotsam) that an operational buoy may be attached to as a means of facilitating tracking and future harvesting from. The WCPFC definition avoids requiring deployment and/or tracking to have a structure be considered a FAD within its definition. It is also noteworthy that the WCPFC definition removes the need for parallel definitions of floating objects (FOBs), natural flotsam (LOGs) or any other “living or non-living” items that may benefit tuna fisheries through their attraction of fish. This definition can therefore replace such cumbersome and ambiguous additional definitions that otherwise risk overcomplicating negotiations about FAD management interventions and their ultimate enforcement.

Achieving a robust and unambiguous definition of a FAD can remove the need for some other explanatory terms or definitions. Examples of other definitions that will not be so explicitly required for the purposes of ensuring sustainable FAD fishery management through pairing a robust FAD definition with streamlined management interventions include those for FOBs, LOGs, instrumented buoy, operational buoy, “active” buoy, activation,

deactivation, reactivation, buoy in stock and “FAD Set”. Negotiations to agree on definitions for these items or terms have already consumed much valuable time within RFMO meetings, but it is questionable how much such negotiations have truly served the ultimate intention of improving the sustainability of fisheries using FADs. To this end a FAD should be considered to be actively “fishing”, or ghost fishing if of an entangling design, from the moment it enters the water until it ultimately degrades completely or is removed from the water. As such, any FAD that is deployed or tracked should be assigned to a single vessel that is responsible for that device for its entire lifecycle, and IPNLFs suggests that such allocation of responsibility should be made publicly available on the dFAD Register proposed by Kenya during the 26th meeting of the IOTC. The responsibility should remain whether the FAD is active, deactivated, lost or even abandoned, with a polluter pays mechanism defining consequences of the latter through the also proposed third-party dFAD Monitoring System.

Conclusion

Noting that differing definitions between RFMOs is not enabling the effective management of dFADs on a global scale, IPNLF proposes that the IOTC learns lessons from the application of such definitions elsewhere and supports the below definition for a FAD:

Fish Aggregating Device (FAD) means a permanent, semi-permanent or temporary object, structure or device of any material, man-made or natural, which is deployed and/or tracked and fish may associate with.