



Report for the 6th Special Session of the Indian Ocean Tuna Commission

Mombasa, Kenya
3-5 February 2023

DISTRIBUTION:

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TABLE OF CONTENTS

ACRONYMS	5
HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT.....	6
PARTIES OF THE INDIAN OCEAN TUNA COMMISSION.....	7
EXECUTIVE SUMMARY.....	8
1. Opening of the session	8
2. Letters of credentials.....	8
3. Admission of observers	8
4. Adoption of the agenda and arrangements for the session	8
5. Consideration of management measures	8
7. Adoption of the report of the 6th Special Session of the Commission.....	9
Appendix 1 List of Participants.....	10
Appendix 2 Agenda for the 6th Special Session of the Indian Ocean Tuna Commission.....	15
Appendix 3 List of Documents	16
Appendix 4 Procedure for the secret ballot at SS6	17

ACRONYMS

AFAD	Anchored fish aggregating device
BMSY	Biomass which produces MSY
CMM	Conservation and Management Measure (of the IOTC; Resolutions and Recommendations)
CNCP	Cooperating Non-Contracting Party, of the IOTC
CoC	Compliance Committee of the IOTC
CPs	Contracting Parties
CPCs	Contracting Parties and Cooperating non-Contracting Parties
DFAD	Drifting fish aggregating device
EEZ	Exclusive Economic Zone
FAD	Fish aggregating device
FAO	Food and Agriculture Organization of the United Nations
FMSY	Fishing mortality at MSY
GEF	Global Environment Facility
HCR	Harvest control rule
ICRU	Improved Cost Recovery Uplift
IOC	Indian Ocean Commission
IOTC	Indian Ocean Tuna Commission
IPNLF	International Pole and Line Foundation
ISSF	International Seafood Sustainability Foundation
IUU	Illegal, unreported and unregulated
LRP	Limit reference point
LSTLV	Large-scale tuna longline vessel
MPF	Meeting participation fund, of the IOTC
MSC	Marine Stewardship Council
MSE	Management Strategy Evaluation
NGO	Non-Governmental Organisation
OFCF	Overseas Fishery Cooperation Foundation of Japan
OIG	Office of the Inspector General
OPRT	Organisation for the Promotion of Responsible Tuna Fisheries
OT	Overseas Territories
PEW	PEW Charitable Trust
RFMO	Regional Fisheries Management Organisation
SC	Scientific Committee of the IOTC
SCAF	Standing Committee on Administration and Finance of the IOTC
SIOFA	Southern Indian Ocean Fisheries Agreement
SBMSY	Spawning or ‘adult’ equilibrium biomass at MSY
SWIOFC	Southwest Indian Ocean Fisheries Commission
TCAC	Technical Committee on Allocation Criteria of the IOTC
TCMP	Technical Committee on Management Procedures of the IOTC
TRP	Target referent point
UNCLOS	United Nations Convention on the Law of the Sea
VMS	Vessel Monitoring System
WPEB	Working Party on Ecosystems and Bycatch of the IOTC
WPICMM	Working party on the Implementation of Conservation and Management Measures
WPM	Working Party on Methods of the IOTC
WPTmT	Working Party on Temperate tunas of the IOTC
WPTT	Working Party on Tropical Tunas of the IOTC
WWF	World Wide Fund for Nature (a.k.a World Wildlife Fund)

HOW TO INTERPRET TERMINOLOGY CONTAINED IN THIS REPORT

This report uses the following terms and associated definitions.

Level 1: From a subsidiary body of the Commission to the next level in the structure of the Commission:

RECOMMENDED, RECOMMENDATION: Any conclusion or request for an action to be undertaken, from a subsidiary body of the Commission (Committee or Working Party), which is to be formally provided to the next level in the structure of the Commission for its consideration/endorsement (e.g. from a Working Party to the Scientific Committee; from a Committee to the Commission). The intention is that the higher body will consider the recommended action for endorsement under its own mandate, if the subsidiary body does not already have the required mandate. Ideally this should be task specific and contain a timeframe for completion.

Level 2: From a subsidiary body of the Commission to a CPC, the IOTC Secretariat, or other body (not the Commission) to carry out a specified task:

REQUESTED: This term should only be used by a subsidiary body of the Commission if it does not wish to have the request formally adopted/endorsed by the next level in the structure of the Commission. For example, if a Committee wishes to seek additional input from a CPC on a particular topic, but does not wish to formalise the request beyond the mandate of the Committee, it may request that a set action be undertaken. Ideally this should be task specific and contain a timeframe for the completion.

Level 3: General terms to be used for consistency:

AGREED: Any point of discussion from a meeting which the IOTC body considers to be an agreed course of action covered by its mandate, which has not already been dealt with under Level 1 or level 2 above; a general point of agreement among delegations/participants of a meeting which does not need to be considered/adopted by the next level in the Commission's structure.

NOTED/NOTING: Any point of discussion from a meeting which the IOTC body considers to be important enough to record in a meeting report for future reference.

Any other term: Any other term may be used in addition to the Level 3 terms to highlight to the reader of an IOTC report, the importance of the relevant paragraph. However, other terms used are considered for explanatory/informational purposes only and shall have no higher rating within the reporting terminology hierarchy than Level 3, described above (e.g. **CONSIDERED; URGED; ACKNOWLEDGED**).

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LIBERIA

EXECUTIVE SUMMARY

The Indian Ocean Tuna Commission (IOTC) at its 26th Session (June 2022) agreed to hold a Special Session to 2023 to advance FAD issues.

The 6th Special Session of the IOTC was held in Mombasa, Kenya from 3 to 5 February 2023 and chaired by Ms Jung-re Riley Kim (Rep. of Korea).

The Commission adopted the following two Conservation and Management Measures:

[Resolution 23-01 On management of Anchored Fish Aggregating Devices \(AFADs\)](#) [[download here](#)]

[Resolution 23-02 On Management of Drifting Fish Aggregating Devices \(DFADs\) in the IOTC area of competence](#) [[download here](#)].

1. Opening of the session

1. The 6th Special Session of the IOTC was held in Mombasa Kenya from 3 to 5 February 2023 and chaired by the IOTC Chairperson Ms Jung-re Riley Kim (Rep. of Korea).
2. The meeting was held in a hybrid format that included participants attending in-person and by videoconference.
3. The meeting was opened by H.E. Mr Salim Mvurya, Cabinet Secretary for Mining Blue Economy and Maritime Affairs.

2. Letters of credentials

4. The Commission **NOTED** that 24 Members submitted credentials.
5. The Executive Secretary informed the Commission that 10 of these letters of credentials did not contain all the sections set out in Appendix I of the IOTC Rules of Procedure and he encouraged Members to address this issue going forward.
6. The list of participants is provided in [Appendix 1](#).

3. Admission of observers

7. Pursuant to Article VII of the Agreement establishing the IOTC and Rule XIV of the IOTC Rules of Procedure, the Commission admitted the following 15 observers:

Members and Associate Members of the FAO that are not Members of the Commission:

- —

Intergovernmental organizations having special competence in the field of activity of the Commission:

- —

Non-governmental organizations having special competence in the field of activity of the Commission:

- Australian National Centre for Ocean Resources and Security
- Blue Marine Foundation
- Europêche
- Global Tuna Alliance
- International Pole and Line Foundation
- International Seafood Sustainability Foundation
- Key Traceability
- Marine Affairs Program (Dalhousie)
- Marine Stewardship Council
- SharkProject
- South West Indian Ocean Tuna Forum
- Sustainable Fisheries and Communities Trusts
- Sustainable Indian Ocean Tuna Initiative
- World Wide Fund for Nature (WWF)

Invited consultants and experts:

- Taiwan, Province of China

4. Adoption of the agenda and arrangements for the session

8. The adopted agenda is provided in [Appendix 2](#). The documents presented to the Commission are listed in [Appendix 3](#).

5. Consideration of management measures

9. The Commission **ADOPTED** the following two Conservation and Management Measures:

Resolution 23-01 On management of Anchored Fish Aggregating Devices (AFADs) [[download here](#)]

10. The basis of this resolution was Proposal C_Rev1.

Resolution 23-02 On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence [[download here](#)]

11. The basis of this resolution was Proposal D_Rev3.
12. Indonesia requested secret ballot and this request was seconded by India.
13. Kenya withdrew as the lead proponent on the 3rd February during the opening of the meeting (agenda item 1), subsequently, in accordance with Rule Xi(4) of FAO GROP¹, this proposal was reintroduced by Indonesia.
14. The secret ballot procedure used at SS6 is provided in Appendix 4. Noting Comoros, Mozambique and Somalia were present in the meeting but were more than two years in arrears of their respective contributions, prior to the vote, the Commission in accordance with Article XIII(8) of the IOTC Agreement, invited each of these Members to explain why it should be permitted to vote. Following the interventions, the majority of Members agreed to exceptionally restore voting rights to Comoros, Mozambique and Somalia.
15. The tellers who oversaw the procedure were the Chairperson of the Standing Committee on Administration and Finance and the Chairperson of the Compliance Committee. Following the vote, the Chair informed the Commission that, out of 24 valid votes, 16 votes were in favour of adopting Proposal D- Rev3, 7 votes were against, and 1 vote was to ‘abstain’. On that basis (16 in favour out of the 23 votes cast), and in accordance with Rule XII(3b) of the FAO GROP and Article IX(1) of the IOTC Agreement, the proposal was adopted.

Regarding IOTC–2023–SS6–PropA On management of fish aggregating devices (FADS) in the IOTC area of competence:

16. There was limited support for this proposal as the majority of Members pursued their objectives for the management of FADs as part of Proposals C and D.

Regarding IOTC–2023–SS6–PropB On a precautionary prohibition on the use of drifting fish aggregating devices in the IOTC area of competence:

17. There was limited support for this proposal as the majority of Members pursued their objectives for the management of FADs as part of Proposals C and D.

7. Adoption of the report of the 6th Special Session of the Commission

18. The report of the 6th Special Session of the Indian Ocean Tuna Commission (IOTC–2023–SS6–R) was **ADOPTED** by correspondence on 2 June 2023.

¹ FAO General Rules of Procedure

APPENDIX 1

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APPENDIX 2**AGENDA FOR THE 6TH SPECIAL SESSION OF THE INDIAN OCEAN TUNA COMMISSION****FOCUS OF THE SESSION: TO ADOPT A CONSERVATION AND MANAGEMENT MEASURE ON FADs**

- 1. OPENING OF THE SESSION**
- 2. LETTERS OF CREDENTIALS**
- 3. ADMISSION OF OBSERVERS**
- 4. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**
- 5. CONSIDERATION OF MANAGEMENT MEASURES**
PropA. On management of fish aggregating devices (FADs) in the IOTC area of competence (European Union)
PropB. On a precautionary prohibition on the use of drifting fish aggregating devices (DFADs) in the IOTC area (India)
PropC. On management of anchored fish aggregating devices (AFADs) (Maldives & Kenya)
PropD. On management of drifting fish aggregating devices (DFADs) in the IOTC area of competence (Indonesia et al)
- 6. ADOPTION OF THE REPORT OF THE 6TH SPECIAL SESSION OF THE COMMISSION**

APPENDIX 3
LIST OF DOCUMENTS

Document	Title
IOTC-2021-SS5-01b	Draft agenda for SS6 (v 5Jan).
IOTC-2021-SS5-02	On the challenge to the result of the vote held on PropE_rev2
IOTC-2023-SS6-PropA	On Management of FADs (EU)
IOTC-2023-SS6-PropB_Rev1	Prohibition of DFADs (IND)
IOTC-2023-SS6-PropC_Rev1	On management of anchored FADs (MDV & KEN)
IOTC-2023-SS6-PropD_Rev3	On Management of DFADs (IDN et al)
<i>NGO statements</i>	
IOTC-2023-SS6-INF01	ISSF Position-Statement-January-2023
IOTC-2023-SS6-INF02	SIOTI Position_IOTC SS6
IOTC-2023-SS6-INF03	IPNLF Letter of Support the Effective Management Measure
IOTC-2023-SS6-INF04	Joint statement IPNLF BMF SFACT IOTC Special Session (FADs)
IOTC-2023-SS6-INF05	Sharkproject Observer Statement 6th Session 2023
IOTC-2023-SS6-INF06	WWF Position_6SS_FADs2023

APPENDIX 4

PROCEDURE FOR THE SECRET BALLOT AT SS6

Steps for a vote by secret ballot

1. An Election Officer is appointed (e.g. a member of the Secretariat)
2. Chair to appoint two tellers to supervise proceedings (selected from delegates or representatives)
3. Announce the number of eligible voters present – Chair (considering credentials/presence/arrears)
4. Ballot papers are initialed by the Secretariat
5. Voting Members are called to vote sequentially (alphabetical order) – Exec Secretary
6. One initialed ballot paper is given to each voter and voter signs for the paper
7. Voters mark “in favour”, “against” or abstention on their ballot papers
8. Tellers will tally the votes and certify the results, including
 - (for 2/3 majority votes) confirmation that the total number of “in favour” or “against” votes cast is more than one half of the number of Members (16)
 - advise the Chair how many votes were “in favour” and how many were “against”
 - *the CMM will be adopted if (i) the number of “in favour” or “against” votes cast totals at least 16 and (ii) there is a two-thirds majority of the votes cast “in favour”*
8. The result of the vote will be announced by the Chair i.e. how the votes were split and the outcome

Question:

Are you in favour or against this Commission adopting *Proposal D On Management of Drifting Fish Aggregating Devices (DFADs) in the IOTC area of competence* as a binding IOTC conservation and management measure?

References:

- IOTC Agreement: Article XIII(8)
- IOTC Agreement Rules of Procedure: Rule X
- IOTC Circular 2022-52
- FAO-General Rules of Procedure: rules XII & XLV