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**ON ESTABLISHING A FISHING CLOSURE IN THE INDIAN OCEAN FOR THE CONSERVATION OF TROPICAL  
TUNAS**

SUBMITTED BY: EUROPEAN UNION

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**EXPLANATORY MEMORANDUM**

The European Union is proposing to amend Resolution 23/03 on a voluntary fishery closure for the conservation of tropical tuna with the aim to make the fishery closure compulsory for all vessels beyond 12 meters fishing for bigeye, yellowfin and skipjack tuna.

The proposal takes into account the conclusions of the 26<sup>th</sup> Session of the Scientific Committee indicating a fishery closure as an effective tool to ensure the sustainability of the stock and promotes a solution which avoids major disruption to the fishery activity.

It foresees a specific exemption for the fleet segments targeting other species and for which by-catches of tropical tuna in the IOTC area of competence represent less than an average of 150 tons per year during the period 2019-2023.

**RESOLUTION [24/xx](#)**  
**ON ESTABLISHING A ~~VOLUNTARY~~ FISHING CLOSURE IN THE INDIAN OCEAN FOR THE  
CONSERVATION OF TROPICAL TUNA'S**

**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;

RECOGNIZING the special requirements of the developing States, particularly Small Island developing States in Article 24(b), 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);

RECOGNIZING that, in accordance with the UNFSA, FADs under the competence of IOTC must be managed to ensure the sustainability of fishing operations and to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimise the risk of long-term or irreversible effects of fishing operations;

FURTHER RECOGNIZING the need to ensure that conservation and management measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States, Article 24(c) of 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 IOTC 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 the 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 Jul 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 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;

AWARE that the Commission is committed to adopt conservation and management measures to reduce juvenile Bigeye tuna and Yellowfin tuna mortalities from fishing effort ~~on DFADs and other fishing gears~~;

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

FURTHER CONSIDERING the management advice of the 23rd session of the Scientific Committee (SC23), that given 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 CMSY estimate (403, 000MT) and the need to decrease the fishing mortality from the 2017 level in order to remove overfishing on the stock;

FURTHER CONSIDERING the issues raised at SC23 regarding the estimated K2SM probabilities derived from the 2018 stock assessment, and that due to critical errors in projections and estimations in computing probabilities in the K2SM developed in 2018, the K2SM is not suitable to provide management advice;

FURTHER CONSIDERING the SC23 advice that Commission should ensure that CPCs take all necessary action to achieve the catch reductions in their fleets as per Resolution 19/01 [and 21/01](#).

FURTHER CONSIDERING that SC25 declared that Bigeye was overfished and subject to overfishing, and the skipjack tuna is fished above the maximum limit prescribed by the Harvest Control Rule in place;

FURTHER CONSIDERING that SC26 without reaching a conclusive recommendation noted that the quantitative analysis presented during the 5<sup>th</sup> working group on FAD indicated that the most positive impact on the stocks for the three tuna species would derive from a complete closure for all gears;

FURTHER CONSIDERING that SC26 requested the WPTT to consider conducting further analysis intersessionally to assess the impacts of all gears on stock status in order to come to a comprehensive advice on the closure and that an initial one month closure could provide some important support to this analysis while generating a positive impact on the stock.

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 CPCs and fishing vessels, fishing tuna and tuna-like species within the IOTC area

of competence.

2. This resolution will be effective from 1st January ~~2024~~2025, provided it is not objected by CPCs corresponding to a total of more than 15% of tropical tuna catches. The measures contained within this Resolution shall be considered as interim measures and will be reviewed by the Commission no later than at its annual Session in ~~2025~~2027.

### **Scientific advice on fishing closure**

3. On the basis of the experience gained with the implementation of this resolution, ~~the~~ IOTC Scientific Committee shall provide advice and recommendations no later than 31<sup>st</sup> December ~~2023-2026~~ on the possible continuation of the measure and the most appropriate fishing closures applicable to all fishing gears. These recommendations need to consider the area, closure period and any other details, with the objective of achieving a high probability of reducing fishing mortality of juvenile tropical tuna, in particular bigeye and yellowfin tuna. If the IOTC Scientific Committee concludes that it does not currently possess access to sufficient scientific data to provide recommendations to the Commission, the SC shall provide recommendations relating to the data necessary for science-based recommendations for the information of the Commission.
4. In producing its advice and recommendations, the IOTC Scientific Committee shall take into account, *inter alia*:
  - a) available IOTC fisheries data;
  - b) fishing behaviours/ patterns in the Indian Ocean, both historically and those anticipated as a consequence of the implementation of the closure or any new management measures.

### **Fishing Closure**

~~As a precautionary measure, starting~~ Starting from ~~2024~~2025, all CPCs ~~shall prohibit~~ are encouraged to ensure their flag vessels ~~fishing for to fish for~~ bigeye, yellowfin and skipjack tuna ~~do not fish~~ in the IOTC area of competence for a minimum period of 31 consecutive days, chosen among the following periods:

~~1<sup>st</sup> May – 31<sup>st</sup> May inclusive~~  
~~1<sup>st</sup> December – 31<sup>st</sup> December inclusive~~

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5. Each flag State shall choose the period chosen for each fleet segment and ~~decided in advance, and~~ communicated it to the IOTC Secretariat ~~the closure period chosen for their vessels~~ no later than 31<sup>st</sup> of December ~~2023~~of the year preceding the closure. The IOTC secretariat should circulate the closure period chosen for each flag State to all CPCs.
6. ~~Alternatively, CPCs may implement voluntary catch reductions for yellowfin tuna in addition to the catch reductions imposed through an active Conservation and Management Measure. Those CPCs may also choose to apply voluntary catch reductions for bigeye and skipjack tuna for 2024. Such CPCs shall report to the IOTC Executive Secretary before 31<sup>st</sup> December 2023, the targeted voluntary reduction including the reference year which will be circulated by the IOTC Executive Secretary to all CPCs as soon as possible.~~
6. To prevent a disproportionate burden on artisanal fisheries, this closure period shall not apply to fishing vessels less than 12 meters LoA fishing in their own EEZ, unless otherwise decided by the CPC.
7. For the purpose of implementing paragraph 5, the Working Party on Tropical Tuna shall draw a list of the fleet segments per flag State targeting other species and for which by-catches of tropical tuna in the IOTC area of competence represent less than an average of 150 tons per year during the period 2019-2023. The vessels belonging to those fleet segments shall not apply the closure, unless otherwise decided by the CPC.
8. In order to ensure the correct implementation of the measure, the adoption of a regional VMS shall be a priority. An IOTC pilot project on VMS should be launched no later than 1<sup>st</sup> January 2025.
9. This Resolution supersedes Resolution 23/03 on Establishing a voluntary fishing closure in the Indian Ocean for

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*the conservation of tropical tunas.*