

On Obsolete Conservation and Management Measures (CMMs)

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PURPOSE

The purpose of this paper is to serve as the basis of discussion of the Working Party on the Implementation of Conservation and Management Measures (WPICMM) for the identification of obsolete Conservation and Management Measures (CMMs) and create a mechanism of systematic review of CMMs in future sessions as part of the workplan of the WPICMM. By identifying and removing outdated or redundant regulations, the WPICMM can be the first step for the Commission to simplify the IOTC regulatory framework, improve compliance, and enhance the effectiveness of fisheries management. This paper outlines how the WPICMM can lead this process and aim to make a first recommendations to the Compliance Committee (CoC) for a formal adoption by the Commission.

BACKGROUND

Under Resolution 17/02 *Working Party on the Implementation of Conservation and Management Measures (WPICMM)*, the mandate of the WPICMM include mentions harmonizing and streamlining CMMs and recommending options for amendments. The terms of the WPICMM’s proposed work program explicitly includes the task of “identification and recommendation on outdated CMMs and CMMs that could be merged.” Additionally, the WPICMM previously worked on addressing obsolete measures (IOTC–2019–WPICMM02–05b-Add1) which contributed to the removal of some of these CMMs at the Commission meeting through Resolution 24/10 *On the promotion of the implementation of IOTC Conservation and Management Measures*.

Under Paragraph 4 of this resolution, the CoC is empowered to submit proposals to the IOTC Commission for the repeal or modification of CMMs. The work of the WPICMM can facilitate this.

DISCUSSION

1. Repealing obsolete measures

The primary objective of this paper is to present a set of CMMs that can be considered as obsolete and included on a list of measures to be repealed, in line with the approach of Resolution 24/10. Repealing outdated CMMs would simplify the IOTC’s regulatory framework, making it easier for fishers and stakeholders to identify applicable provisions, thereby improving implementation, compliance and enhancing the effectiveness of fisheries management.

The list of potential obsolete CMMs presented here is intended to serve as a starting point for WPICMM discussions on their appropriateness for repeal. The WPICMM may also consider adding other CMMs to the list. If a consensus is reached on which CMMs should be repealed, the WPICMM can draft the necessary amendments to Resolution 24/10. The WPICMM can then recommend to the CoC to table this draft proposal to the Commission for further review and potential adoption, in accordance with paragraph 4 of Resolution 24/10. This process ensures that technical discussions occur at the WPICMM level, without taking up excessive time during CoC or Commission meetings. It also allows this important work to proceed without placing the burden of drafting, tabling, and defending the proposal solely on any individual CPC.

Table 1 below presents the list of measures proposed for repeal and justification.

<p>Resolution 18/09 On a Scoping Study of Socio-Economic Data and Indicators of IOTC Fisheries</p>	<p>The aim of the scoping study was to determine if a permanent Working Party on the Socio-Economic Aspects of the Fisheries the IOTC Area</p>
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	of the Competence is needed. The WP has now been created.
Resolution 16/03 On the second performance review follow-up	Maintaining the result of the Performance review does not add anything to IOTC regulatory framework. The results of the performance review remain available on the IOTC website.
Resolution 15/09 On a Fish Aggregating Devices (FAD) Working Group	The resolution was not repealed during the adoption of Resolution 23/09 On a Fish Aggregating Devices (FAD) Working Group.
Resolution 14/02 For the conservation and management of tropical tunas stocks in the IOTC area of competence	The TCAC effectively implements the provisions included in this Resolution.

2. Future work of the WPICMM on CMM reviews

If this year’s exercise is successful, the WPICMM could reproduce this approach and integrate the process of making technical edits to the CMMs into its recurring work program. Replicating the approach, the WPICMM could take on task of reviewing existing measures for necessary adjustments and suggest purely technical edits. For example, it could identify, and review outdated or conflicting provisions and inconsistencies across regulations.

To effectively implement these reviews and forward recommendation to the COC, several strategies can be adopted. In the past, reviews have been undertaken by external hired experts. It was the case for the last repeal of obsolete CMMs. This approach can present multiple downsides, the first one being the cost that either the IOTC or a voluntary contribution should bear. Another approach could be to task the IOTC Secretariat to perform an initial assessment of the CMMs and to identify any outdated or conflicting provisions. This approach however could lead to an increase on the Secretariat’s workload.

A more pragmatic approach could be to rely on collaborative inputs from CPCs. In the period running up to the WPICMM, CPCs may identify provisions that could benefit from a review and submit it to the Secretariat. Technical edits recommended by other IOTC working groups, working parties or Scientific Committee could also be addressed through the process. The IOTC Secretariat could gather these suggestions into a paper to be discussed at the WPICMM meeting.

Recommendation

That the WPICMM08:

- 1) RECOMMEND the IOTC Compliance Committee to table the revision of Resolution 24/10, as endorsed by the WPICMM, in order to repeal obsolete CMMs.
- 2) NOTE the necessity to have regular review of obsolete CMMs and/or provisions and AGREE as part of its work plan to adopt a formalized, continuous process for the review, edit and/or repeal of obsolete CMMs to be submitted to the IOTC Compliance Committee.